

# Juab County

Land Use Code

July 2, 2007

# DISTRICT REGULATIONS

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## **TITLE 12-1-000 PLANNING AND ZONING**

### **12-1-1 GENERAL PROVISIONS**

#### **12-1-101 SHORT TITLE**

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This Title shall be known as the “Land Use Ordinance of Juab County, Utah” and may be so cited and pleaded.

#### **12-1-102 PURPOSE**

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This ordinance and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Juab County, including among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate open spaces, light and air, classification of land uses, distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering agricultural and other industries, and to promote the development of a more wholesome, serviceable and attractive county resulting from an orderly, planned use of resources.

#### **12-1-103 INTERPRETATION**

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In interpreting and applying the provisions of this section, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

#### **12-1-104 CONFLICT**

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

## 12-1-105 EFFECT ON PREVIOUS ORDINANCES AND MAPS

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The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded, amended and re-codified to read as set forth herein; provided, however, that this Ordinance, including the attached map or maps shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions of previous codes is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

## 12-106 LAND USE APPLICATION ENTITLED TO APPROVAL

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An applicant is entitled to approval of a land use application if the application conforms to the requirements of the Juab County land use maps, zoning maps, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

1. the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
2. in the manner provided by local ordinance and before the application is submitted, the county has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

The county shall process an application without regard to proceedings initiated to amend the counties ordinances if:

1. 180 days have passed since the proceedings were initiated; and
2. The proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

#### 12-1-107 LICENSING

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All departments, officials, and public employees of Juab County which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance; and such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

#### 12-1-108 LEGAL REMEDIES FOR VIOLATION

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Any person, firm, or corporation, whether as principal, agent, or employee, who violates or causes the violation of any of the provisions of this Ordinance shall be guilty of a Class C Misdemeanor and upon conviction thereof shall be punished as provided by law.

#### 12-1-109 SEVERABILITY

Should any article, section, clause, or provisions of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## 12-1-2 DEFINITIONS

### 12-1-201 EXPLANATION

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Unless the context requires otherwise, the words and terms defined in this ordinance shall have the meanings indicated. The particular controls the general. The word “shall” is always mandatory and not directory; the word “may” is permissive. Words used in the present tense include the future unless the context clearly indicates the contrary. Words used in the singular number include the plural, and words used in the plural number include the singular; the word “building” shall include the word “structure” and the word “structure” shall include the word “building”; the words “used” or “occupied” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be leased; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word “lot” included the words plot or parcel. Words not included herein but defined in the current State Building Code adopted by the Division of Occupational and Professional Licensing, under authority of §58-56-4, Utah Code Annotated, shall be construed as defined therein. Any word used herein and not defined herein or in the current State Building Code shall mean the literal definition of the word or the accepted definition in Webster’s Dictionary.

### 12-1-202 DEFINITIONS

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1. Accessory Use or Building. A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.
2. Affected Entity: A county, municipality, independent special district, or school district. Also includes a property owner or property owners association if they have filed a valid request to receive notice. Such request is valid for a period of 1 year and can be refiled.
3. Adequate Water. At least two (2) acre feet of water. Of this amount .5 acre feet must be from an approved culinary water source. The balance may be provided from an irrigation system provided that such water is pledged and dedicated to the building permit by such method as is established by Juab County.

4. Agricultural Industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.
5. Agriculture. The tilling of the soil, raising of crops, horticulture and gardening, including the keeping or raising of domestic animals and fowl.
6. Airport. Any area of land designed and set aside for the landing and taking off of aircraft plus maintenance and auxiliary facilities and buildings for maintenance.
7. Alley. A public thoroughfare less than twenty-six (26) in width, but not less than twelve (12) feet, which is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street, for the purpose of this Ordinance.
8. Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
9. Animal Waste. The excrement and discharge from an animal, or animal carcasses, tissues or any other substance or material capable of transmitting disease or disease carrying agents.
10. Animal Hospital, or Veterinary Offices (Large). An establishment at which small and/or large animals such as horses are treated.
11. Animal Hospital, or Veterinary Offices (Small). An establishment at which more than five dogs, cats, or similar household pets at least three months of age are lodged, treated, or trained.
12. Apartment Hotel, Motel. Any building which contains dwelling units and also satisfies the definition of a hotel or motel, as defined in this .
13. Appeal Authority. The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
14. Architectural Projection. Any building or structural projection which is not

intended for occupancy and which extends beyond the face of an exterior wall of a structure, but not including signs.

15. Auto, Wrecking, Salvage Yard. The use of any lot, portion of lot or tract of land for the storage and keeping of salvage, including scrap metals or other scrap material, or for the dismantling or demolition of obsolete automobiles or equipment, machinery or parts thereof, provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone district.
16. Auto, Truck, Recreational Vehicle, and Equipment Sales and Rental. Sales of both new and used motor vehicles and equipment stored and displayed both indoors and on outside lots, but not to include non-serviceable or junk vehicles or equipment.
17. Automotive Repair Establishment. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment. This definition shall include free-standing car wash, automotive mechanics' garages, automotive paint and body shops, and tire businesses. Not included are automotive salvage yards.
18. Automotive Service Station. An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle and related fuel, oil, or lubricant. Secondary activities may include minor automotive repair, maintenance or automatic car wash.
19. Banking or Financial Service. A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging or safeguarding money, or performing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.
20. Bar, Tavern, Lounge, Club. An establishment intended primarily for the on-premises sale and consumption of alcoholic beverages, open either to the public or operated as a nonprofit private club for members only.
21. Basement. A story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground, as distinguished from a

cellar as defined in this Ordinance. A basement shall be counted as a story for purposes of height measurement and as a half-story for purposes of side-yard determination.

22. Beginning of Construction. The placing of concrete footing for a building or structure.
23. Boarding House. A building where, for compensation, meals are provided for at least five but not more than 15 persons, containing no more than five (5) guest rooms.
24. Building. Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property of any kind.
25. Building Height. The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
26. Building Inspector. See Building Official.
27. Building Official. The official designated by the Legislative Body as the Juab County Building Inspector.
28. Building, Main. A building in which is conducted the principal use of the site on which it is situated.
29. Carport. A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all regulations prescribed for a private garage.
30. Campground. A parcel of land designated and approved by the County for occupancy by persons using tents, trailers, motor homes or campers on a temporary basis regulated by this Ordinance.
31. Cellar. A room or space wholly under the surface of the ground, or having more than 50 percent of its floor to ceiling height under the average level of the adjoining ground.

32. Cemetery, Columbarium, Crematory, Mausoleum. Land or buildings used for the cremation, burial, or interment of the dead but not including facilities for embalming.
33. Chief Executive Officer. The Chairman of the Juab County Board of Commissioners.
34. Child Nursery. An establishment, excluding a public school, for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.
35. Church. A building set apart primarily for the purpose of worship[ in which religious services are held and with which clergy is associated, and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the State of Utah.
36. Cinema Outdoor. An establishment at which motion pictures are projected onto an outdoor screen for viewing by patrons seated in parked motor vehicles.
37. Cinema, Indoor. An enclosed building used primarily for the presentation of motion pictures.
38. Club and Club, Private. Ann nonprofit organization operating as a social club, recreational, fraternal, or athletic association, or kindred association organized for the benefit of it's members.
39. Coal Yard. The storage of coal in quantities in excess of 10 tons, and/or the retail or wholesale sale of coal.
40. Commission. Unless otherwise indicated, the County Commission of Juab County
41. Conditional Use. A land use that because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
42. Condominium. An ownership structure established in accordance with the Utah Condominium Act.
43. Convenience Goods Sales and Services. Stores or shops intended for retail sales of

convenience goods, or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, dry cleaning pick-up, and uses considered similar and compatible.

44. Corral. A space other than a building, less than one (1) acre in area, or less than 100 feet in width, used for the confinement of animals.
45. County Attorney. The Juab County Attorney or a deputy attorney who represents Juab County.
46. Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.
47. Coverage. The percent of the total site area covered by structures or impervious paving other than those excepted in this Ordinance.
48. Cul-de-sac. A minor street having an open end and being terminated at the other end by a vehicle turnaround.
49. Cultural, Civic Services. A building primarily used for the public nonprofit display of art, historic or cultural artifacts or other inanimate exhibits or a building primarily used as a lending library or reading room.
50. Dairy. A commercial establishment for the manufacture, processing, or packaging of dairy products, and their sale.
51. Day Care, Family. The keeping for care and/or instruction, whether or not for compensation, of six children or less within a dwelling, for less than 8 hours per day, not including members of the family residing on the premises.
52. Day Care, Group. An establishment for the care and/or instruction, whether or not for compensation, of seven or more children. Child nurseries and pre-school facilities are included in this definition.
53. Disability: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an

impairment or being regarded as having such an impairment. “Disability” does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

54. District. A portion of the area of Juab County, Utah shown on a Zoning Map (attached to this Zoning Ordinance) and given a zone classification as set forth in this Ordinance.
55. Dry-Cleaning Establishment. An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics, and patron-operated dry-cleaning machines associated with Laundromats.
56. Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses and tourist cabins.
57. Dwelling Group. One or more buildings, not more than two and one-half stories in height, containing dwelling units arranged around two or three sides of a court which opens onto a street.
58. Dwelling Unit. One or more rooms in a structure designed for or occupied by one family for living or sleeping purposes, and a kitchen.
59. Dwelling, Four-Family. A building arranged or designed to be occupied by four families, the structure having only four dwelling units.
60. Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than four families.
61. Dwelling, Single-Family. A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
62. Dwelling, Two-Family. A building arranged or designed to be occupied by two families, the structure having only two dwelling units.
63. Dwelling, Three-Family. A building arranged or designed to be occupied by three families, the structure having only three dwelling units.
64. Engineer. The engineer employed by or officially representing Juab County.

65. Farm Animals. Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or for family food production or recreation.
66. Farm Labor Dwellings. An accessory use of agricultural property for the housing of workers living and working on the property including other properties in the area under the same ownership. Acreage requirements for single family dwellings shall be used as a guide in determining the number of allowed workers to be housed.
67. Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, i. e. an enclosure for a dwelling unit, an area of storage, etc.
68. Forest Industry. An industry which uses forest products, such as sawmill, pulp or paper plant, wood products, plant, and similar uses.
69. Forestry. The raising and harvesting of trees, including retail sales, the storing, processing and selling of firewood, fence posts and Christmas trees.
70. Frontage. The length of a property line of the lot fronting on one side of a street.
71. Fruit and Vegetable Stands, (Temporary). Fruit and vegetable stands of temporary construction for the sale of produce raised on e premises, provided such stands do not exceed 100 square feet, are made of wood frame or light metal material, are set back at least thirty (30) feet from the street right of way line, and are maintained in an orderly manner in accordance with the Board of Health standards.
72. Garage, Commercial. A building other than a private garage used for the temporary parking of automobiles with or without a fee.
73. Garage, Private. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.
74. General Merchandise Sales and Related Services. Stores, department stores, or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers, farm equipment, lumber, heavy machinery, or war surplus goods.

75. Grade.
- a. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
  - b. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
  - c. For buildings having no wall adjoining the streets, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.
76. Health Care Center (Convalescent Center). A publicly or privately-operated facility, other than a hospital, intended for the long-term in-patient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.
77. Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.
78. Home Occupation. An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display other than that provided in Part 19, no stock in trade, no person employed other than members of the family residing on the premises, and no power tools used requiring a motor in excess of one horsepower. (Special regulations, Section 12-1-2312.)
79. Hospital. An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for in-patients, and including as related facilities, laboratories, out-patient departments, training facilities, and staff offices, but not including clinics or health care centers.
80. Hotel. A building designed or occupied as the more or less temporary abiding place of 15 or more individuals who are, for compensation, lodged, with or without meals.
81. Household Pets. Animals or fowls ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a

sufficient number of dogs to constitute a kennel, as defined in this Ordinance.

82. Industrial (or Research) Park. A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood. Refer to Part 12-1-1300 for complete description and regulations.
83. Industry. The manufacturing, compounding, processing, assembling, packaging, or testing, of goods or equipment within an enclosed structure, or an open yard that is capable of being screened from neighboring properties, whose environmental impact is within the industrial performance standards as outlined in this Ordinance.
84. Intensive Livestock Operation. Any location or operation where livestock are kept in such weight or number as to require a pollution discharge elimination system permit as required by the state, or a groundwater discharge permit or for which any federal or state permit is required for the protection of surface water or ground water or for pollution control.
85. Irrigated Land. Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.
86. Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris or other waste or salvage materials; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.
87. Junk Yard. The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental in the district.
88. Kennel. A place or building used for the keeping of three or more dogs or cats, at least three months of age.
89. Land Use Application. An application required by the county's land use ordinance.

90. Land Use Authority. A person, board, commission, agency or other body designated by the Legislative body to act upon a land use application.
91. Land Use Ordinance. A planning, zoning, development, or subdivision ordinance of Juab County, but does not include the General Plan.
92. Land Use Permit: A permit issued by a land use authority
93. Laundromat. An establishment in which patrons wash, dry, or dry-clean clothing and other fabrics in coin-operated self-service machines.
94. Laundry. An establishment at which clothing and other fabrics are washed and pressed. Excluded from this definition are dry-cleaning establishments and Laundromats.
95. Legislative Body. The Juab County Board of Commissioners.
96. Livestock. Cattle, sheep, goats, swine, horses, mules, poultry, or any other domestic animals.
97. Livestock Feed Yard. A commercial operation on a parcel or parcels of land where livestock are kept in places such as, but not limited to corrals, structures, and yards.
98. Local Health Officer. The health officer or department employed by or officially representing Juab County.
99. Local Jurisdiction. The County of Juab.
100. Lodging House. A building where lodging is only provided for compensation to five or more, but not exceeding 15 persons, in contradistinction to hotels open to transients.
101. Lot. A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this Ordinance and having frontage upon a street. More than one dwelling structure may be built on a lot only in the case of dwelling groups, or in cases where the lot is of such size as to provide such required lot area, yards, and frontage for each dwelling structure as are required for the first dwelling structure on the lot.

- 102.Lot Depth. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.
- 103.Lot Line. Property lines bounding the lot.
- 104.Lot Width. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.
- 105.Lumber Sales and Storage. The sale and display of lumber and building supplies, including the outside storage of lumber and related merchandise.
- 106.Manufactured Home. A detached single-family dwelling unit that is transportable in two or more modules and is manufactured or constructed under authority of 42 United States Code, Sec. 5401, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The unit must bear a U. S. Department of Housing and Urban Development (HUD) Data Plate and must not have been altered in violation of above code. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.
- 107.Manufactured Home (non-conforming). A detached single-family dwelling unit that is transportable and is manufactured or constructed under authority of 42 United States Code, Sec. 5401 which does not meet the definition of a manufactured home above, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The unit must bear a U. S. Department of Housing and Urban Development (HUD) Data Plate. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building and which are finished with exterior building material that is typical of permanent residential buildings.

108. Manufactured Home Subdivision. A parcel of land which has been legally subdivided where owners of manufactured homes may purchase lots and attached said mobile home to a permanent foundation. The subdivision is developed with all of the improvements and amenities found in a traditional single-family subdivision as outlined in the Subdivision Sections of this Ordinance.
109. Mental Health Center. A publicly or privately-operated facility, intended for the diagnosis and treatment of mental or emotional disorders.
110. Mobile Home. A detached dwelling unit designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, to a site for occupancy as a complete dwelling unit except for connections to utilities and other minor work and not affixed with a U. S. Department of Housing and Urban Development (HUD) Data Plate. Removal of such wheels or placing such dwelling on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building and which are finished with exterior building material that is typical of permanent residential buildings.
111. Mobile Home Park. A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments may provide all of amenities and improvements typical of future subdivisions.
112. Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site.
113. Mortuary. Funeral Home. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services, and spaces for informal gatherings and related accessory uses.
114. Motel. A building or group of buildings containing individual sleeping units designed and used primarily for the accommodation of transient automobile travelers and with automobile parking or storage immediately accessible.

115. Natural Waterways. Those areas, varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the County Engineer, in which no buildings should be constructed.

116. Nonconforming Building. A building or structure or portion thereof lawfully existing at the time this Ordinance became effective, which was designed, erected, or structurally altered for a use that does not conform to the current use regulations of the district in which it is located, or a building or structure that does not conform to all the current height and area regulations of the district in which it is located.

117. Nonconforming Use. A land use that:

- a. Legally existed before its current land use designation;
- b. Has been maintained continuously since the time the land use ordinance governing the land changed; and
- c. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of land.

118. Official Map. A map drawn by Juab County and recorded in the Juab County Recorder's office that:

- a. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- b. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- c. Has been adopted as a part of the Juab County General Plan

119. Office, Business or Government. A place intended for the conduct of administration or services by a business enterprise or unit of government and in which no goods or merchandise are stored, displayed or sold.

120. Office, Professional. A place intended for the conduct of a recognized learned profession. Such uses include offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices, and similar uses). Other professions so defined would include, but not be limited to, accountants, architects, engineers, lawyers. Definition does not allow for in-patient care facilities.

- 121.Open Space. Space reserved in parks, courts, playgrounds, golf courses, and other similar open areas, and those areas reserved to meet the density requirements.
- 122.Outdoor Recreation. Park or Playground (Public or Private). An area free of buildings except for rest rooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions, and used primarily for recreation activities not involving motor vehicles, or overnight use.
- 123.Parking Area, Private. An open area, other than a street, used for the parking of the automobiles of occupants of a dwelling, hotel. or apartment hotel.
- 124.Parking Lot, Public. An open area, other than a private parking area or street, available for public or quasi-public use.
- 125.Parking Space, Automobile. Space within a building or a private or public parking area, exclusive of driveways, ramps, columns, office and work areas, for the parking of one automobile.
- 126.Personal Services. Establishments primarily involved in providing personal grooming and related services. This definition shall include, but not be limited to, barber shops, beauty parlors, tailors, message services, but not laundries or dry-cleaners.
- 127.Permanent Monument. A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the County for permanent monuments.
- 128.Planning Commission, The Juab County Planning Commission.
- 129.Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- 130.Private Summer Cottages. Cottages designed for summer or recreational use, usually of a rustic design. Such cottages may not be occupied for more than 90 consecutive days nor for more than 180 aggregate days in any calendar year. Juab County incurs no liability for winter maintenance of access to any such cottage.

131.Public Service. Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

132.Public Utility Stations. A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements. In any residential zone Public Utility Stations shall meet the following requirements:

- a. station shall be located on a lot not less than 2,000 square feet in area.
- b. Each station shall be located on a lot which has adequate access from a street, alley, or easement.
- c. Each station shall be provided with a yard on each of the four sides of the building or structures not less than five (5) feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front, side, and rear yards should equal those required for a single family residence in the same district.

133.Reasonable Notice. The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three public places within the jurisdiction and notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction, if one is available, or if actual notice of the hearing or meeting is given.

134.Recreational Camps and Resorts. Camps that are approved by the Planning Commission, provided the development plans have been prepared by an engineer or architect licensed to practice in the State of Utah. The Planning Commission's review and approval of the development plans shall be made with the general purpose in mind of guiding and accomplishing a coordinated, adjusted, and harmonious development in accordance with the objectives and characteristics of this district. In granting approval of a development plan, the Planning Commission shall consider, among other things, vehicular and pedestrian traffic requirements, high and low water runoff and water tables, public utilities, fire hazards, sanitation, water supply, fire prevention, police protection, and other public requirements. The Planning Commission may require that changes be made

in the plans as well as to require other reasonable conditions which will be necessary in order to carry out the purpose of this ordinance and promote the characteristics of this district.

135. Recreational Vehicle. A vehicular unit, other than a mobile or manufactured home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.
136. Recreational Vehicle Park (Travel Trailer Park). Any area or tract of land or separately designated section within a mobile home park where lots are rented to one or more owners or users of recreational vehicles for a temporary time not to exceed thirty (30) consecutive days.
137. Refreshment Stands, Grocery Stores, Cafes, And Gasoline And Oil Dispensing Stations, (Resort). Refreshment stands, grocery stores, cafes, and gasoline and oil dispensing stations when incidental to and operated in connection with resorts etc. Before a refreshment stand, grocery store, cafe, or gasoline filling station shall be permitted it must be shown upon the evidence that the primary function of such commercial use will be to service the patron of that resort etc. and that the most of the volume of business will be derived from guests occupying the cabins etc. and not from passing motorists. Actual development of the resort must precede construction of the commercial uses.
138. Repair Services. Small Appliance or Equipment. An establishment for the repair of household or other small appliances, or equipment, and at which no such appliances or their parts are stored out-of-doors.
139. Restaurant, Fast Food, Drive-In. An establishment distinguished from a traditional sit-down restaurant in that service is provided from a counter or window for consumption either of or on the premises; on-premise consumption normally requires considerably less time than consumption in a traditional restaurant. Service may also be provided to customers in automobiles by use of an outside drive-up window; parking is provided immediately adjacent to the building. This definition includes also specialty food stores, such as ice cream parlors or delicatessens, having counter or window service.

140. Residential Treatment Center. A facility that provides a 24-hour group living environment for more than twelve individuals who reside in the facility, excluding non-residing staff members, and who are unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In a residential treatment center, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

a. In order to qualify as a Residential Treatment Center the facility must:

- (1) Be licensed or certified to operate by the Department of Human Services under Utah Code Annotated, Title 62A, Chapter 2, Licensure of Programs and Facilities or licensed or certified by the Department of Health under Utah Code Annotated, Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (2) Comply with all applicable local, state, and federal regulations, relating to all operational aspects of the program, such as staffing, physical facilities, living space, sleeping space, bathroom facilities, food service, medication, security, and so forth.
- (3) Comply with all local, state, and federal building, safety, fire, water, health, sanitation, and other regulations.
- (4) Provide, in accordance with rules established by the Department of Human Services under Utah Code Annotated, Title 62A, Chapter 2, Licensure of Programs and Facilities:
  - (i) a security plan, including 24-hour security measures, satisfactory to local law enforcement authorities; and
  - (ii) 24-hour supervision for residents.

b. No residential treatment center shall be made available to an individual:

- (1) Whose occupancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others, or

(2) Who has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 802 of Title 21 of the United States Code.

141. Restaurant, Cafe, Confectionery (Traditional Service). An establishment at which food is prepared and served to customers for consumption on the premises.
142. Road. A public thoroughfare which affords principal means of access to abutting property and is more than twenty-six (26) feet wide. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
143. Road County. A road listed on the official county highway map as a Class B or better road.
144. Road, Secondary. A road classified less than a Class B road.
145. Road, State. A road given a state identification number, also including Federal Highways.
146. Road, Private. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more lots.
147. Sanitary Landfill. An area set aside that meets all federal, state, and local laws for the disposal of solid waste.
148. School, Private or Quasi-Public. A school operated by a private or quasi-public organization, or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making, or nonprofit organization. This definition shall not include commercial schools.
149. School, Public. An educational facility operated by a school district or other public agency of the State of Utah.
150. Senior Citizen Center. A building for use, other than a church or school, serving the social, and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups, but shall not

provide overnight lodging.

151. Shopping Center, Neighborhood. A planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.
152. Shopping Center, Regional. A completely planned and designed commercial development providing for the sale of General merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety. The center includes at least one full-line department store as the principal tenant, and often includes two or three major department stores. The center is designed to serve a trading area that draws from beyond the County of Juab.
153. Shopping, Center, Community. A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket. The center is designed to serve a trading area that extends beyond an immediate neighborhood, but serves a smaller area than a Regional Center.
154. Sign. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, support, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag, badge, or ensign government or governmental agency erected for and used to identify said government or governmental agency.
155. Sign Area. The regulated area of a sign excluding the minimum frame and supports. In computing sign area, refer to Section 12-1-2306.
156. Sign, Advertising. See Off-Premise sign.
157. Sign, Animated. Any sign which includes action or motion. For purposes of this Ordinance this term does not refer to flashing or changing.
158. Sign, Flat. A sign erected parallel to and attached to the outside wall of a building and extending not more than eighteen inches from such wall with messages or copy on the face side only.

159. Sign, Floodlighted. A sign made legible in the absence of daylight by devices which reflect or project light upon it.
160. Sign, Free-Standing, (pole sign). A sign supported by a fixed permanent frame or support in the ground.
161. Sign, Ground, (monument sign). As defined by this Ordinance shall be “on premise” or identification signs having a maximum height of four (4) feet, incorporated into some form of landscape design scheme or planter box.
162. Sign, Identification. A sign displayed to indicate the name or nature of buildings or uses located upon the premises on which the sign is located.
163. Sign, Illuminated. A sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as part of the sign proper.
164. Sign, Interior. A sign located within a building so as to be visible only from within the building in which the sign is located.
165. Sign, Maintenance. Sign maintenance shall mean that signs shall be maintained in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign.
166. Sign, Movable. Any sign that is not attached to the ground or building and which can be moved or transported by hand.
167. Sign, Name Plate. A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.
168. Sign, Nonconforming. A sign or sign structure or portion thereof lawfully existing at the time this Ordinance became effective, which does not conform to all height, area, and yard regulations prescribed in the district in which it is located.
169. Sign, Off-Premise. An identification sign which directs attention to a use or services not related to the premises on which the sign is located.
170. Sign, Outdoor Advertising (Billboard). A sign which advertises a business, activity, products, services, or facilities which are not on the premises on which

the sign is located.

171. Sign, Projecting. A sign attached to a building and extending in whole or in part more than eighteen inches beyond any wall of the building.
172. Sign, Property. A temporary sign related to the property on which it is located advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.
173. Sign, Public Necessity. A sign informing the public of any danger or hazard existing on or adjacent to the premises.
174. Sign, Real Estate. A temporary sign related to the property on which it is located and offering such property for sale, rent, or lease.
175. Sign, Roof. A sign erected, constructed, and maintained upon the roof of any building, and/or supported by the roof of a building, and projecting completely or partially above the highest point of the roof of the building.
176. Sign, Service. A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, and location of rest rooms.
177. Sign, Snipe. A sign for which no permit has been issued and which is attached to a utility pole, sign pole, or other outdoor structures.
178. Sign, Temporary. Any sign intended to be displayed out of doors for a short period of time. This would include signs advertising for sale household items or products produced on the premises.
179. Sign, Wall. A sign that is either painted on a wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.
180. Sign, Window. A sign either attached to a window or door or located within a building so as to be visible through a window or door by people outside of the building.
181. Site Plan. A plan containing the information required in Part 12-1-20 herein.

182. Skating Rink. A place, indoors or outdoors, designed and used for roller skating and/or ice skating. Such an establishment may sell food as a secondary activity.
183. Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.
184. Stable, Public. A stable other than a private stable.
185. Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.
186. Story, Half. A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.
187. Street. A public thoroughfare which affords principal means of access to abutting property and is more than twenty-six (26) feet wide. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
188. Street County. See Road, County.
189. Street, Secondary. See Road, Secondary.
190. Street, Private. See Road, Private.
191. Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
192. Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
193. Subdivision.
- a. "Subdivision: means any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other divisions of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

- b. “Subdivision” includes the division or development of land whether by deed, meets and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.
- c. “Subdivision” does not include a bona fide division or partition of agriculture land for agricultural purposes (divisions of parcels of at least 50 acres) or of commercial, manufacturing, or industrial land for commercial, manufacturing or industrial purposes.

194. Surplus, Second Hand Store. An establishment which sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, and other heavy equipment.

195. Theater, Concert Hall. A building used primarily for the presentation of live stage productions or performances.

196. Tourist Court. (See Motel).

197. Townhouse. An attached or semi-attached multiple unit building containing single dwelling units and located on a lot in one ownership and having any yard or court in common with other units.

198. Trailer, Travel. (See Recreational Vehicle.)

199. Transportation Terminal. A building or part of a building which serves as a centralized point of transfer between passenger surface transportation modes, or for the frequent movement of passenger transportation equipment. Not included in this definition are street-side bus stops or taxicab stands.

200. Travel Park. (See Recreational Vehicle Park.)

201. Use. The activities occurring on a lot or parcel of land for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

202. Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

203.Wholesale, Warehouse, Storage. A building in which goods, merchandise or equipment are stored for eventual distribution, or for which storage space is rented.

204.Yard. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this Ordinance.

205.Yard, Front. “Front Yard” shall mean:

- a. For an interior lot: an open, unoccupied space, in the same lot with a building, between the front line of the main building and the street line.
- b. For a corner lot: an open, unoccupied space, on the same lot with the main building, and between the front line of the building, and the front street line, also between the side line of the building adjacent to the street, and the side street line, and extending for the full width and depth of the lot; or the shortest distance across said space from the main building to the street line.

206.Yard, Rear. A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line. On lots that are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.

207.Yard, Side. An open, unoccupied space, except as otherwise provided in this Ordinance, on the same lot with the building and between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

208.Zero Lot Line Development. Single family dwellings arranged on lots with one side wall of the building located on the property line.

209.Zone. See “District”

210. Zoning Map. The map adopted as part of the Juab County Land Use Ordinance, which depicts land use zones, overlays and districts.

## **12-1-3 PLANNING AND ZONING ADMINISTRATION**

### **12-1-301 PLANNING COMMISSION ESTABLISHED**

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There is hereby created a Planning Commission to be composed of Five (5) members. Members of the Planning Commission shall be appointed by the Legislative Body. Up to 3 alternate members may be appointed to the planning Commission. Alternate members may serve in the absence of a regular member of the planning commission. Not more than 2 alternate members may at one time. Members of the Planning Commission shall serve without compensation, except that the legislative body may fix per diem compensation for the members of the Planning Commission based on necessary and reasonable expenses and on meetings actually attended.

### **12-1-302 TERM OF OFFICE**

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The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of five (5) years and until his successor is appointed, provided that the term of the first members shall be such that the term of one member shall expire each year. Terms of members of the Planning Commission shall begin on or before the first Monday in February of each year. The Legislative Body may remove any member of the Planning Commission for cause and after a public hearing, if one is requested by the affected Commissioner. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.

### **12-1-303 ORGANIZATION**

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1. The members of the Planning Commission shall select from their own members a Chairman and such other officers as deemed necessary and may adopt bylaws for their organization and for the transaction of business and the conduct of their proceedings. The Chairman shall be a voting member of the Commission and shall be counted as part of the quorum. The affirmative vote of at least three members shall be necessary for any action or motion to be approved. Reports of official acts

and recommendations of the Planning Commission shall be public and made by the Chairman in writing to the Legislative Body and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to Legislative Body.

2. The Planning Commission shall meet at least monthly and at such other times as the Planning Commission may determine.
3. Three (3) members of the Planning Commission shall constitute a quorum.

## 12-1-304 DUTIES AND POWERS

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The Planning Commission shall have the duty to exercise all powers and functions conferred upon it by the statutes of the State of Utah and the ordinances of Juab County relating to planning and zoning. The Planning Commission is specifically given authority to approve conditional use permits as provided herein. The Planning Commission is also charged with the following:

### GENERAL PLAN

1. General Plan (U.C.A. 17-27a-401) It shall be the function and duty of the Planning Commission, after holding a public hearing in accordance with U.C.A. 17-27a,203, to make, and recommend to the Legislative Body a general plan for the physical development of Juab County. The comprehensive plan shall show the Planning Commission's recommendations for the physical development of the County and shall include but not be limited to the following:
  - a. A transportation and circulation plan.
  - b. An official map.
  - c. The present and future needs of the county.
  - d. a long range plan for future needs of the City including goals and the proposed extent, general distribution, and location of land for housing, business,

industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan.

- e. A moderate income housing plan.
- 2. The Planning Commission may from time to time recommend extension, amendment, or additions to the General Plan or carry any part of subject matter into greater detail.
- 2. After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.
- 3. Any person aggrieved by any decision of the Planning Commission of Juab County or any administrative officer representing the Planning Commission shall have the right to make such appeals as may be provided by provisions of this Title or the laws of the State of Utah provided, however, that decision of the Legislative Body must be appealed directly to the District Court.

## LAND USE ORDINANCE

- 1. Land Use Ordinance. (U.C.A. 17-27a-502) The Planning Commission shall prepare and recommend to the Legislative Body a proposed zoning ordinance, including both the full text of the ordinance and maps, that represent the commission's recommendations for zoning the area within Juab County.

All recommendations made by the Planning Commission for inclusion with the zoning ordinance shall be made in accordance with the General Plan which is designed to promote the health, safety, morals, convenience, and general welfare of the County and its inhabitants and especially to:

- a. encourage and facilitate the orderly growth and development of the County.

- b. secure economy in expenditure.
  - c. foster a wholesome social environment.
  - d. enhance the economic well-being of Juab County and its inhabitants.
  - e. prevent the overcrowding of land.
  - f. stabilize property values.
  - g. facilitate adequate provision for transportation, water, sewerage, schools, parks, and other public requirements.
  - h. Preserve the agricultural base and prime agricultural property of the county.
  - i. encourage the development of an attractive, beautiful, and sustainable county. Such recommendations shall be made with reasonable consideration among other things, to the character of each zoning district within the county and its peculiar suitability for particular uses, with a view to conserving the value of buildings, preserving agriculture, and encouraging the most appropriate use of land throughout the County.
2. Reports. The Planning Commission may make reports and recommendations relating to the plan and development of Juab County to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. The Planning Commission, or its representative, may; in the performance of its functions; enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monuments and marks thereon. In general the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote county planning and land use ordinance.

## 12-1-305 PLANNING AND ZONING ADMINISTRATOR

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The position of Zoning Administrator is hereby created. The Zoning Administrator, hereinafter referred to as the “Administrator,” shall have such powers as are set forth in this section.

1. **Planning Commission Services.** The Administrator shall provide administrative services to the Planning Commission. It shall be the duty of the Administrator to prepare the agenda for all regular meetings of the Commission and assure that it is published, mailed, and displayed, in compliance with Planning Commission procedures. The Administrator shall attend all regular meetings of the Commission and any special meetings as may be required by the Commission.
2. **Zoning Ordinance Interpretation.** The Administrator is authorized to interpret the zoning ordinance and zoning map. Appeals from this interpretation shall be taken by the Legislative Body.
3. **Certificates, Permits, and Reviews.** Application for all certificates, permits, and reviews shall be made at the Office of the Zoning Administrator. Applications shall be made on the respective forms provided and shall be accompanied by the proper fee and required documents. Administration of certificates, permits, and reviews shall proceed as provided below:
  - a. **Zoning Review.** The Administrator shall review all applications for building permits to assure compliance with zoning, regulations. The Administrator may present such applications to the Planning Commission for review and recommendation.
  - b. **Site Plan Review.** The Administrator shall receive all applications for site plan review as provided in Part 12-1-19; he shall assure that submittals are complete and placed upon the Planning Commission agenda for timely review. The Planning Commission shall approve applications for site plan review.

- c. Sign Permit. The Administrator shall receive applications for a sign permit as provided in Part 12-1-21. The Administrator shall review and issue permits for signs on residential uses, although he may request Planning Commission concurrence. Applications for all other signs shall be reviewed and approved by the Planning Commission before a permit is issued by the Administrator.
- d. Industrial Performance Standards. It shall be the responsibility of the Administrator to initiate an investigation of a suspected violation of the industrial performance standards and may request review by the Planning Commission. The Administrator shall assure enforcement of violations as provided by Section 12-1-1502,2(e).
- e. Home Occupation Permit. An application for a home occupation permit shall be presented to the Administrator for review and approval by the Planning Commission. Upon such approval, the Administrator is authorized to issue a permit, as described in Section 12-1-2212.
- f. Zoning Amendments Review. Requests for amendments or changes to the Zoning Ordinance or Zoning Map shall be initiated with the Administrator. The amendment process shall proceed as provided for in Part 12-1-25.
- g. Schedule of Fees. A schedule of the fees required for the issuance of any certificate, permit, or review is available at the office of the Juab County Clerk.

## 12-1-306 BUILDING PERMITS

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No permit shall be issued for any building, construction or repair of any building unless such fully conforms to all zoning regulations or ordinances of this county in effect at the time of application.

## 12-1-4 APPEAL AUTHORITY

### 12-1-401 APPEAL AUTHORITY ESTABLISHED

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In order to provide for fair and just treatment in the administration of the zoning ordinance and to ensure that substantial justice is done, there is hereby created an appeal authority for Juab County. The Juab County Attorney is hereby appointed as the Appeal Authority

### 12-1-404 POWERS OF THE AUTHORITY

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The Appeal Authority shall hear and decide:

1. (a) requests for variances from the terms of the land use ordinances; and
2. (b) appeals from decisions applying the land use ordinances.

The appeal authority shall act in a quasi-judicial manner; and serve as the final arbiter of issues involving the interpretation or application of land use ordinances and: require an adversely affected party to present to an appeal authority every theory of relief that it can raise in district court.

A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by ordinance. A written decision constitutes a final decision.

2. To hear and decide Special Exceptions as authorized and provided by the terms of this Ordinance.
4. Other powers and functions conferred upon it by the statutes of the State of Utah and the ordinances of Juab County.

## 12-1-405 VARIANCES

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The Appeal Authority may grant a variance only if the following conditions are found:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.
6. That, in exercising the above powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Section 12-1-406 (1), the Board of Adjustment may not find a reasonable 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.

In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Section 12-1-406 (1), the Board of Adjustment may not find an unreasonable hardship if the hardship is economic or self imposed.

In determining whether or there are special circumstances attached to the property under Section 12-1-406 (2), the Board of Adjustment may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties in the same district.

The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. The Appeal Authority may not grant use variances.

#### 12-1-406 APPEALS

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The purpose of the appeal procedure is to provide recourse in the event it is alleged that there is error in any order, requirement, certificate, decision, or determination made by an administrative official or advisory body in the administration or enforcement of this Ordinance.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the administrative officer or agency provided, however, that appeals from the Legislative Body shall be taken directly to District Court.

1. Such appeal shall be taken within 30 days from the date of the action appealed from by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof.
2. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. The appellant shall have the Burden of Proof that an error was made by the officer from whom the appeal is taken.
4. Any appellant may be required to verify an appeal before a notary public or other person authorized to administer oaths.
5. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom appeal is taken shall certify that a stay would, in his opinion, cause imminent peril to life and property.
6. A public hearing shall be held by the Board of Adjustment within 45 days from date of application.
7. Notice of the time, place, and purpose of the hearing shall be given by publication of notice of hearing in a newspaper of general circulation in the County not less than 14 days prior to date of hearing, and shall be given to the Planning Commission, the Administrator, the Legislative Body, and the parties in interest. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.
8. The Board of Adjustment shall find whether, in its opinion, error was made.
9. The Board of adjustment may within the terms of this Ordinance affirm, reverse, or modify the action appealed as it seems just and equitable and exercise all rights of any other officer or commission.
10. The County or any person aggrieved by any decision of the Board of Adjustment may petition the District Court for review; provided petition for such relief is presented to the court within 30 days after the filing of such decision in the office of the Board. (U.C.A. 17-27-708).

## 12-1-407 BUILDING PERMITS

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No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on Transportation and Circulation Map. However, by Special Exception, the Board of Adjustment upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the Board of Adjustment upon the evidence finds:

1. That the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or
2. That balancing the interest of the County in preserving the integrity of the map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. In the event that the Board of Adjustment decides to grant a Special Exception, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted,
3. That denying the Special Exception would constitute an unconstitutional prohibition of development of the property.

## 12-1-408 NOTIFICATION TO LEGISLATIVE BODY, ADMINISTRATOR, AND PLANNING COMMISSION

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Before any public hearing or other action on an application for a variance or building permit shall be undertaken, the Appeal Authority shall give the Legislative Body, the Administrator, and Planning Commission, at least 14 days notice of any hearing or action, by written notice to the County Clerk and the Zoning Administrator. The Legislative Body or Planning Commission shall have the opportunity to respond and comment on the application within the 14 days.

## 12-1-5 ESTABLISHMENT OF DISTRICTS AND OFFICIAL MAP

### 12-1-501 ESTABLISHMENT OF DISTRICTS

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For the purposes of this , Juab County is divided into the following zone districts.

AG	Agricultural Protection District
A-1	Agricultural District
C-1	Commercial District
GMRF-1	Grazing, Mining, Recreation & Forestry District
HC	Highway Commercial
H-1	Highway & Roadside District
ID	Industrial District
O-1	Outlying District
RA-1	Residential-Agricultural District
GA	Growth Area District

### 12-1-502 ESTABLISHMENT OF OFFICIAL MAP

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The boundaries of each of the districts are hereby established as described herein or as shown on the map or maps entitled “Zoning Map” or as hereafter amended, which map or maps is attached and all boundaries, notations and other data shown thereon are made by this reference as much a part of this as is fully described and detailed herein. The map or maps shall be filed in the custody of the County Recorder of Juab County, and may be examined by the public subject to any reasonable regulations established by the County Recorder. No changes of any kind shall be made on the Zoning Map or matter shown thereon except in conformity with the procedures set forth in 12-1-25 of this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 12-1-2805 of this Ordinance.

## 12-1-503 ZONING DISTRICT BOUNDARY INTERPRETATION

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Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roads or streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following center lines of streams or canals shall be construed to follow such center lines.
4. Boundaries indicated as parallel to or extensions of features indicated in sub-sections 2 through 4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by sub-sections 1 through 5 above, the Administrator shall interpret the zone district boundaries. Appeals from the decision of the Administrator shall be heard by the Legislative Body.
6. Where a zone district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

7. Wherever such boundary line of such district is indicated as being approximately at the line of any irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such district.
8. Wherever such boundary line of such district is indicated as being approximately at the section of quarter section line such section or quarter section line shall be deemed to be the boundary of such section.
9. Where the application of the above rules does not clarify the zone district boundary location, the Administrator shall interpret the map. Appeals from the decision of the Administrator shall be heard by the Legislative Body.

## **12-1-6 AGRICULTURAL DISTRICT A-1**

### **12-1-601 PURPOSE**

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The A-1 Agricultural District is established to provide areas where the primary use of the land is for agricultural and livestock raising purposes. Only limited residential development is allowed in the A-1 District.

### **12-1-602 USE REGULATIONS**

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In Agricultural District A-1, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

#### **PERMITTED USES**

1. Agriculture including buildings and structures therefore.
2. Animal Hospital, or Veterinary Offices (Large).
3. Barns, corrals, pens, etc. for the keeping of animals provided such barns, corrals, pens, etc. shall be located at least sixty (60) feet from any dwelling or public street, except as provided in supplemental regulations.
4. Fruit and Vegetable Stands, Temporary
5. Fur farms, kennels, bee hives, greenhouses (commercial or private)
6. Golf Courses and country clubs
7. Home Occupations
8. Hospitals
9. Livestock

10. Oil & Gas Wells
11. Public Service
12. Public Utility Station including public airports
13. Radio and television towers and broadcasting studios
14. Railroad tracks, spurs, switches, and facilities
15. Riding Academies
16. Signs, Accessory
17. Signs, Non-accessory when located at least 200 feet from a street intersection
18. Single Family Dwelling and buildings accessory thereto
19. Stadiums, livestock auctions, county fairgrounds, rodeo arenas, hunting lodges, and customary concessions in connection therewith.
20. Water Reservoir and water facilities,
21. Wool Storage and processing

#### CONDITIONAL USES

1. Gravel pits, rock crushers, clay pits, rock quarries, and mines
2. Asphalt or Concrete Batch Plants
3. Farm labor dwellings
4. Residential Treatment Center
5. Sewage Treatment Plants
6. Wholesale, Warehouse, Storage
7. Industry

## 13-603 AREA AND DENSITY REGULATIONS

---

Area and density requirements for lots within this district shall be determined by the acreage designation appended to the district name.

## 12-1-604 FRONTAGE REGULATIONS

---

The minimum width for any residential site shall be 250 feet, at the required front yard setback line. There shall be no requirement for uses other than residential uses.

## 12-1-605 YARD REGULATIONS

---

1. Side Yards. The minimum side yard for any main building shall be ten (10) feet from a side lot line.

Accessory buildings shall have a side yard of not less than one (1) foot if they are located over 100 feet from any street. On corner lots, the side yard which faces on a street shall have a side yard equal to the front yard requirement for the district.

2. Front Yard. The minimum setback for main buildings shall be fifty-five (55) feet from the center of the public road or thirty (30) feet from the property line, whichever distance is greater, except that all buildings situated adjacent to a state or federally designated highway shall be set back at least fifty (50) feet from the right-of-way line. The minimum setback line for accessory buildings shall be at least ten (10) feet in the rear of the main building.
3. Rear Yard. The minimum rear yard for any main building shall be twenty (20) feet, and for an accessory building one (1) foot when located over 100 feet from the nearest street.

## 12-1-606 HEIGHT REGULATIONS

---

No building shall be erected to a height greater than thirty five (35) feet, except that agricultural structures may exceed this limit upon approval of the Planning Commission.

## **12-1-7 GRAZING, MINING, RECREATION, & FORESTRY DISTRICT GMRF-1**

### **12-1-701 PURPOSE**

---

The GMRF-1 Grazing, Mining, Recreation, and Forestry District has been established as a district in which the primary use of the land is for grazing, mining, recreation, forestry, and wildlife purposes. In general, this district covers the open portion of the county which is occupied largely by grazing lands, mountains, and canyons.

This district is characterized by naturalistic land areas containing an occasional ranch, mine, or recreational camp, dude ranch, or other outdoor recreational facility

The objectives of establishing this district are:

1. To preserve, insofar as possible, natural scenic attractions, natural vegetation, and other natural features located within the district.
2. To promote tourism, grazing, mining, and the development of natural resources.
3. To promote sanitation and protect and conserve the water supply and other natural resources.
4. To prohibit substandard, urban type developments
5. To coordinate with programs of public land agencies.

### **12-1-702 USE REGULATION**

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In the Grazing, Mining, Recreation, and Forestry District GMRF-1, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

## PERMITTED USES

1. Agriculture and buildings and structures related thereto.
2. Forest Industries.
3. Grazing and pasturing of animals, and buildings and structures relating to the care and keeping of animals
4. Hydro-electric dams, power plants, transmission lines and sub-stations, water pumping plants, reservoirs, wells and facilities, pipe lines, broadcasting plants, public utility buildings and structures.
5. Private summer cottages and accessory buildings, hunting and fishing cabins, dude ranches, and fisheries; provided that the division of land into a subdivision, as defined by this Ordinance, shall constitute a subdivision and must be approved in accordance with the Subdivision Sections of this ordinance.
6. Production of forest products.
7. Public parks and playgrounds.
8. Recreational Camps and Resorts
9. Refreshment Stands, Grocery Stores, Cafes, and Gasoline and Oil Dispensing Stations (Resort)
10. Signs advertising services, articles or products which are offered for sale on the premises the sign is located.
11. Single Family Dwellings.
12. Tourist cabins and trailer courts when approved by the Board of Health provided the property on which the cabins or trailer court is proposed to be located is bounded on at least one side by a County Road.

## CONDITIONAL USES

1. Gravel pits, clay pits, rock quarries, oil and gas wells, mines, mineral reduction and processing structures and facilities, and all activities related thereto including Hot Asphalt Batch Plants.
2. Residential Treatment Center

## 12-1-703 AREA AND DENSITY REGULATIONS

---

A building site of at least one-half (1/2) acre shall be provided for each dwelling unit included in private summer cottages etc. built in connection with a resort or recreation camp.

## 12-1-704 FRONTAGE REGULATIONS

---

The minimum width of any dwelling site, except for cottages which are part of a resort etc., shall be 250 feet. Cottages which are part of a resort etc. shall have no requirement except as required by the Planning Commission in granting approval of the plans.

## 12-1-705 YARD REGULATIONS

---

1. Side yards. The minimum side yard for main buildings shall be ten (10) feet. Accessory buildings shall have a minimum side yard of one (1) foot.
2. Front yard. The minimum front setback: for all buildings shall be thirty (30) feet from any street right-of-way line, except that on state and federally-designated highways (except limited access highways), the setback for all buildings shall be fifty (50) feet. Gasoline fuel pumps shall have a minimum setback of not less than twenty (20) feet.
3. Rear Yard. The minimum rear yard shall be five (5) feet.

12-1-706 HEIGHT REGULATIONS

---

No building shall be erected to a height greater than thirty-five (35) feet, except that agricultural structures may exceed this limit upon approval of the Planning Commission.

## **12-1-8 HIGHWAY COMMERCIAL**

### **12-1-801 PURPOSE**

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The HC Highway Commercial District is established to encourage highway-oriented commercial development in appropriate areas of Juab County.

### **12-1-802 USE REGULATIONS**

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In Highway Commercial District HC, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

1. Athletic, Tennis, or Racquet Club
2. Auto, truck, R.V., and equipment rental
3. Automotive repair
4. Automotive service, including self service
5. Bar, lounge, club
6. Billboards
7. Cinema, indoor or outdoor
8. Civic club
9. Convenience goods and services
10. General comparison merchandise sales and services
11. Home furnishing sales
12. Hotel, motel
13. Laundromat
14. Liquor store
15. Lumber, sales and storage

- 16. Mobile home park
- 17. Parking lot, public or private
- 18. Personal services
- 19. R.V. Park
- 20. Restaurant, traditional or drive-in
- 21. Shopping center
- 22. Water wells and facilities
- 23. Wholesale, warehouse, storage

#### 12-1-803 AREA AND DENSITY REGULATIONS

---

None, except as may be recommended by the Planning Commission at Site Plan Review.

#### 12-1-804 FRONTAGE REGULATIONS

---

The minimum width of any site shall be 100'. Frontage development for the C-1 District shall conform to regulations contained in Section 12-1-1601, 4 (a).

#### 12-1-805 YARD REGULATIONS

---

1. Side yard. Each main building shall require a minimum side yard of ten (10) feet; accessory buildings shall require a minimum side yard of one (1) foot.
2. Front yard. All buildings shall be set back at least thirty (30) feet from the front property line or fifty five (55) feet from the centerline of any public street, whichever distance is greater.
3. Rear yard. Each main building shall require a minimum rear yard of ten (10) feet, accessory buildings shall require a minimum rear yard of one (1) foot.

12-1-806 HEIGHT REGULATIONS

---

No building shall be erected to a height greater than thirty-five (35) feet, except that agricultural structures may exceed this limit upon approval of the Planning Commission.

## 12-1-9 INDUSTRIAL DISTRICT ID

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### 12-1-901 PURPOSE

---

The ID Industrial District is established to provide for areas in Juab County in which light and medium industrial uses may be developed; and where incidental service facilities and public facilities to serve the industrial area may be located and to protect residential and commercial land uses from noise and other disturbances. This district shall also include research and development activities.

### 12-1-902 USE REGULATIONS

---

In the ID district, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

1. Agricultural industry or business
2. Auto wrecking and salvage
3. Auto, truck, R.V., and equipment sales and rental
4. Automotive repair
5. Automotive service, including self service
6. Billboards
7. Convenience goods sales and services
8. Industrial or research park
9. Industry
10. Junk yard
11. Laundry
12. Public service

13. Public utility station

14. Wholesale, warehouse, storage

The following uses are specifically not allowed within the ID Industrial District.

1. Dwellings
2. Beer dispensing establishments
3. Motel / hotel
4. Trailer court
5. Uses which are offensive due to the emission of smoke, odor, glare, noise, dust or other undesirable emissions as determined by the Planning Commission.

#### 12-1-903 AREA AND DENSITY REGULATIONS

---

1. Lot size. 20,000 foot minimum lot size.
2. Frontage. The minimum width of any lot shall be 100 feet at the required front setback or as required in Section 12-1-1602, 4.

#### 12-1-904 FRONTAGE REGULATIONS

---

The minimum width of any site shall be 100'.

#### 12-1-905 YARD REGULATIONS

---

1. Side yard. The minimum side yard shall be ten (10) feet, both sides; except no minimum on sides abutting another industrial use.

2. Front yard. The minimum front yard set back shall be thirty (30) feet unless determined otherwise by the Planning Commission.
3. Rear yard. The minimum rear yard shall be twenty (20) feet except that the Planning Commission may approve a 100 foot rear yard if off-street parking is provided on an adjoining lot or another approved location.

#### 12-1-906 HEIGHT REGULATIONS

---

No building shall be erected to a height greater than 6 stories or seventy-five (75) feet. Plans for all structures that are intended to be higher than thirty-five (35) feet shall be reviewed by the Planning Commission. The Planning Commission shall deliver its recommendation to the Legislative Body for approval or disapproval.

#### 12-1-907 LANDSCAPING

---

The site shall be landscaped to assure visual buffering from any abutting uses and public streets, and such landscaping shall be appropriately maintained. The landscaping design shall be reviewed and approved by the Planning Commission at Site Plan Review.

#### 12-1-908 BUILDING DESIGN

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Architectural design and exterior finish that is compatible with neighboring uses will be encouraged.

#### 12-1-909 OFF- STREET PARKING

---

Parking facilities will comply with requirements of this Ordinance. Parking lots shall, if possible, be located at the rear of the main building, or where they will be least visible from abutting uses.

## 12-1- 910 OUTSIDE STORAGE

---

Outside storage shall be completely screened by landscaping or opaque fencing, from view from any public street or abutting properties.

## 12-1-911 INDUSTRIAL PARK AND PERFORMANCE STANDARDS

---

Standards contained in Section 12-1-102 shall apply and be strictly enforced.

## **12-1-10 OUTLYING DISTRICT 0-1**

### **12-1-1001 PURPOSE**

---

The 0-1 Outlying District has been established as a district consisting of land which is considered to be of such remote location or is otherwise situated so that as to require minimal zoning regulations at this time.

### **12-1-1002 USE REGULATIONS**

---

In the Outlying 0-1 District, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

1. Residential dwellings including
2. Schools, churches, parks playgrounds, fraternal and civic buildings
3. Agriculture
4. Barns, corrals, pens, etc., and the keeping of animals in such numbers as considered reasonable
5. The pasturing of animals in unlimited numbers
6. Public utilities, water and drainage facilities
7. Machinery sheds for the storage of farm machinery, farm produce sheds, buildings, cellars, and silos
8. Kennels, bee hives, and greenhouses
9. Oil and gas wells
10. Mineral development and processing

11. Light commercial including gas stations, fruit and vegetable stands, retail stores, etc.

12. Mobile home parks

#### Conditional Uses

1. Residential Treatment Center

### 12-1-1003 AREA AND DENSITY REGULATIONS

---

1. The minimum lot area for single-family dwellings shall be two acres.

### 12-1-1004 FRONTAGE REGULATIONS

---

The minimum width of any lot for a dwelling shall be 100 feet measured parallel to and at a distance of thirty (30) feet back from the front lot line and shall front on a county road or a state road. There shall be no requirements for other uses.

### 12-1-1005 YARD REGULATIONS

---

1. Side yards. All buildings shall be set back at least ten (10) feet from a side lot line, except that no side setback shall be required for accessory buildings and barns, coops, and sheds which are located over 100 feet from the nearest dwelling or street. On corner lots, the required setback from the side property line which abuts on a street shall be the same as the front setback.
2. Front yard. All buildings shall be setback at least fifty-five (55) feet from the center of any public road, or thirty (30) feet from the right-of-way lines, whichever is the greatest distance, except that all buildings situated adjacent to state or federally designated highways shall be setback at least fifty (50) feet from the right-of-way line.
3. Rear yard. All buildings shall be set back from the rear property line at least

ten (10) feet, except that no rear setbacks shall be required for accessory buildings, barns, coops, and sheds which are located over 100 feet from the nearest dwelling or street.

#### 12-1-1006 HEIGHT LIMITATION

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No requirement.

#### 12-1-1007 MISC. REGULATIONS

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Any construction shall conform to the Uniform Building Code and shall require the issuance of a building permit if the cost of construction will exceed \$500.00. Any construction other than residential with a valuation in excess of \$100,000, as determined by the building inspector, shall require site plan review by the Planning Commission.

## 12-1-11 RESIDENTIAL AGRICULTURE RA-1

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### 12-1-1102 PURPOSE

---

The RA-1 Residential Agricultural District has been established as a district where the primary use of the land is for farming with limited dwellings. This district is characterized by farms and dwellings located on large lots.

### 12-1-1102 USE REGULATIONS

---

In Residential-Agricultural RA-1, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

#### PERMITTED USES

1. Agriculture
2. Barns, corrals, pens, etc. for the keeping of animals provided such barns, corrals, pens, etc. shall be located at least sixty (60) feet from any dwelling or public street, except as provided in supplemental regulations.
3. Fruit and vegetable stands made of temporary construction for the sale of produce raised on the premises, provided such stands do not exceed one hundred (100) square feet, and are made of wood frame or light metal material.
4. Home Occupations
5. Kennels, bee hives, greenhouses
6. Livestock
7. Machinery sheds for the storage of farm machinery, farm produce sheds, buildings, cellars, and silos.

8. Oil and Gas Wells
9. Public Service
10. Public Utilities Station, including water and drainage facilities
11. Schools, churches, parks, playgrounds, fraternal and civic buildings
12. Single Family Dwellings
13. The pasturing of animals in unlimited numbers

#### CONDITIONAL USES

1. Residential Subdivisions
2. Residential Treatment Center

#### 12-1-1103 AREA AND DENSITY REGULATIONS

---

The minimum lot area for single-family dwellings shall be 20 acres. The entire 20 acres required shall be contiguous.

#### 12-1-1104 FRONTAGE REGULATIONS

---

The minimum width for any residential lot shall be 500 feet, at the required front yard setback line, provided that all driveways shall be constructed and used so that ingress and egress shall be by forward motion only. Further, driveway access shall not be permitted within 400 feet of another access. There shall be no requirement for uses other than residential uses.

#### 12-1-1105 YARD REGULATIONS

---

1. Side yards. All buildings shall be set back at least ten (10) feet from a side lot line, except that no side setback shall be required for accessory buildings and for barns, coops, and sheds which are located over 100 feet from the nearest

dwelling or street. On corner lots, the required setback from the side property line which abuts on a street shall be the same as the front setback.

2. Front Yard. All buildings shall be set back at least 250 feet from the center of any public road, or 200 feet from the right-of-way line, whichever is the greater distance, except that all buildings situated adjacent to state or federally designated highways shall be set back at least fifty (50) feet from the right-of-way line.
3. Rear yard. All buildings shall be set back from the rear property line at least ten (10) feet, except that no rear setback shall be required for accessory buildings, barns, coops, and sheds, which are located over 100 feet from the nearest dwelling or street.

#### 12-1-1106 HEIGHT REGULATIONS

---

No building shall be erected to a height greater than thirty-five (35) feet, except that agricultural structures may exceed this limit upon approval of the Planning Commission.

## 12-1-12 GROWTH AREA DISTRICT GA

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### 12-1-1201 PURPOSE

---

The GA Growth Area District has been established as a district where the primary use of the land is for farming with limited dwellings. This district is characterized by farms and dwellings located on large lots.

### 12-1-1202 USE REGULATIONS

---

In GA Growth Area District, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

#### PERMITTED USES

1. Agriculture
2. Barns, corrals, pens, etc. for the keeping of animals provided such barns, corrals, pens, etc. shall be located at least sixty (60) feet from any dwelling or public street, except as provided in supplemental regulations.
3. Fruit and vegetable stands made of temporary construction for the sale of produce raised on the premises, provided such stands do not exceed one hundred (100) square feet, and are made of wood frame or light metal material.
4. Home Occupations
5. Kennels, bee hives, greenhouses
6. Livestock
7. Machinery sheds for the storage of farm machinery, farm produce sheds, buildings, cellars, and silos.

8. Oil and Gas Wells
9. Public Service
10. Public Utilities Station, including water and drainage facilities
11. Residential Subdivisions
12. Schools, churches, parks playgrounds, fraternal and civic buildings
13. Single Family Dwellings
14. The pasturing of animals in unlimited numbers

#### 12-1-1203 AREA AND DENSITY REGULATIONS

---

The minimum lot area for single-family dwellings shall be 50 acres.

#### 12-1-1204 FRONTAGE REGULATIONS

---

The minimum width for any residential site, other than a subdivision lot, shall be 500 feet, at the required front yard setback line. There shall be no requirement for uses other than residential uses.

#### 12-1-1205 YARD REGULATIONS

---

1. Side yards. All buildings shall be set back at least ten (10) feet from a side lot line, except that no side setback shall be required for accessory buildings and for barns, coops, and sheds which are located over 100 feet from the nearest dwelling or street. On corner lots, the required setback from the side property line which abuts on a street shall be the same as the front setback.
2. Front Yard. All buildings shall be set back at least 250 feet from the center of any public road, or 200 feet from the right-of-way line, whichever is the greater distance, except that all buildings situated adjacent to state or federally

designated highways shall be set back at least fifty (50) feet from the right-of-way line.

3. Rear yard. All buildings shall be set back from the rear property line at least ten (10) feet, except that no rear setback shall be required for accessory buildings, barns, coops, and sheds, which are located over 100 feet from the nearest dwelling or street.

#### 12-1-1206 HEIGHT REGULATIONS

---

No building shall be erected to a height greater than thirty-five (35) feet, except that agricultural structures may exceed this limit upon approval of the Planning Commission.

#### 12-1-1207 SUBDIVISIONS

---

Subdivisions shall be allowed in accordance with the Specific District Regulations of the Subdivision Sections of this Ordinance.

## 12-1-13 ACREAGE REQUIREMENTS

### 12-1-1301 PURPOSE

---

The purpose of this section is to establish acreage requirements pertaining to all lots, located outside of an approved subdivision and within the A-1 or GMRF Districts, for dwellings for human habitation.

### 12-1-1302 INTRODUCTION

---

Acreage requirements for all lots outside of an approved subdivision and within the A-1 or GMRF Districts shall be determined by the District Suffix identified on the Zoning Map, duly adopted and made a part of this ordinance.

### 12-1-1303 DESCRIPTION

---

The following District suffixes and acreage requirements are established for residential uses within the county, outside of approved subdivisions, and within the A-1 or GMRF Districts.

- 50 Fifty acres
- 160 One hundred sixty acres.

### 12-1-1304 ACREAGE LOCATION

---

All of the acreage required for and dedicated to a residential building permit shall be located within the same zoning district as the residence, except that a contiguous parcel crossing a district boundary may be used in either district. If any property is pledged within a 160 acre requirement area a total of 160 acres must be pledged. Further, all of the property located closest to the site shall be pledged to the building permit until the required acreage requirements are met.

## 12-1-14 INDUSTRIAL PARKS

### 12-1-1401 PURPOSE

---

The purpose of an industrial park is to provide for a park-like healthful operating environment for industry, or the protection of industry from the encroachment of uses adverse to the operation and expansion of such industry, and to protect industries within the district from the adverse effect of other incompatible industries. These regulations are intended also to reduce the impact of industries to surrounding non-industrial land uses; to lessen traffic congestion; to protect the health and safety of the residents of workers in the area and within the city in general.

### 12-1-1402 DEVELOPMENT REQUIREMENTS

---

1. The minimum land area required for development of an industrial park within the provisions of this Part is 20 acres.
2. The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
3. An industrial park may be subdivided into individual lots. Lot size shall be approved by the Planning Commission at Site Plan Review.
4. Individual lots within the park shall have a minimum frontage of seventy (70) feet on a public or approved private street within the industrial park site. The Planning Commission may approve a lesser frontage for lots on a cul-de-sac or other unusual condition. No lot shall face directly onto an arterial or collector street that may abut the industrial park site.

Building coverage for individual lots may be established by restrictive covenants.

6. No main or accessory building shall be located within fifty (50) feet of the

boundary of a residential zone.

7. No lot shall face directly onto an abutting arterial or collector street or highway.
8. Each lot shall be landscaped in accordance with a site plan as presented for site plan review (see Part 12-1-20) and as approved by the Planning Commission. See also Section 12-1-1601 for landscaping standards.
9. Landscaping may include, but not be limited to, planting of grass, shrubs, or trees, decorative plazas, foundations. Landscaping shall be used to the extent possible to screen visually all buildings and parking areas from the abutting land uses.
10. Preservation, maintenance, and ownership of landscaping within the development shall be accomplished by:
  - a. Agreement between the property owner and the County, if the park is to remain in single ownership, or
  - b. Ownership and maintenance being the responsibility of a Property Owner's Association established with articles of association and bylaws which are satisfactory to Juab County, or
  - c. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Title 57, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities within condominium portions of a development.
11. Landscaping, fencing, and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be presented to the Planning Commission for approval together with other required plans for development.
12. The size location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting shall be described in the application

13. A grading and drainage plan, including primary on site drainage water containment such as a sump, shall be submitted to the Planning Commission with the application
14. It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of the persons residing in the vicinity, or injurious to property or improvements in the vicinity.

#### 12-1-1403 PERMITTED USES

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The permitted uses in an approved industrial park shall be as follows Industry, light; Industry medium; Public Service; Public Utility station; Laundry; Wholesale, warehouse, storage; and low impact agricultural industry or business as approved by the Planning Commission which would exclude animal feed yards, fur farms, and commercial poultry or egg production

#### 12-1-1404 GENERAL SITE PLAN

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Application shall be accompanied by a general site plan showing where pertinent.

1. The use or uses dimensions, sketch elevations, and locations of proposed structure or lots
2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses, if any
3. Architectural drawings and sketches demonstrating the general design and character of the proposed uses and the physical relationship of the uses
4. Such other pertinent information including residential density, coverage and open space characteristics shall be included as may be necessary to make determination that the contemplated arrangements of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

## 12-1-1405 REVIEW BY PLANNING COMMISSION

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In order that it may approve an industrial park, the Planning Commission shall have authority to require that the following conditions be met by the applicant:

1. Financial Ability of Applicants

That the proponents of the industrial park have demonstrated to the satisfaction of the Planning Commission their financial ability to comply with regulations imposed on the proposed project pursuant to this Ordinance.

2. Time Limit

That the proponents will start construction of the park within one year of the approval of the project and any necessary zone district change, and that said construction shall be completed within 4 years from the date construction begins.

3. Conformity to General Plan

That the proposed industrial park conforms to the Juab County General Plan in terms of general location, use of land, and in standards of development.

4. Environment

That the proposed development will be in harmony with or complementary to the character of the zone district and have no adverse impact on adjacent or surrounding development.

## 12-1-1406 SCOPE OF PLANNING COMMISSION ACTION

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In carrying out the intent of this, the Planning Commission shall consider the following principles:

1. It is the intent of this Part that site and building plans for an industrial park shall be prepared by a designer or a team of designers having professional competence in urban planning. The Commission may require the applicant to engage such a qualified designer or design team.
2. It is not the intent of this Title that the control of the design of an industrial park by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Title that the control exercised be the minimum necessary to achieve the purpose of this Ordinance.
3. The Planning Commission in carrying out this Title, shall also observe such of the principles stated under Site Plan Review Title 12-1-20, of this Ordinance as are appropriate to the review of an industrial park.
4. The Planning Commission may recommend approval or disapproval to the Legislative Body an application for an industrial park. In recommending approval of an application, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 12-1-1602.

#### 12-1-1407 CONSTRUCTION LIMITATIONS

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1. Upon approval of an industrial park, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and in conformity with any conditions attached by the Commission to its approval.
2. Amendments to approved plans and specifications for an industrial park shall be obtained only by following the procedure herein outlined for first approval of an industrial park.
3. If the industrial park is to be subsequently divided either as (1) a subdivision into phase development parcels, or (2) separately-owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in accordance with the Subdivision Ordinance.

4. No permit shall be issued for any proposed building, structure, or use within the project unless such building, structure, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

#### 12-1-1408 OFF STREET PARKING

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In addition to any appropriate requirements of 12-1-1700, the following additional regulations shall apply to industrial parks.

1. Off-street parking shall also include space for visitors of at least one space for each ten employees. The Planning Commission may recommend authorization of fewer visitor parking spaces if it finds that a fewer number will be sufficient.

No parking lot, loading or maneuvering shall be located within 100 feet of the boundary of a residential zone.

2. Consult Title 12-1-19 for off-street loading requirements.

## 12-1-15 CONDITIONAL USES

### 12-1-1501 PURPOSE

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The purpose and intent of a conditional use is to allow the compatible integration of specified uses which are related to the permitted uses of the district, but which may be suitable and desirable only by compliance with specified conditions. Uses other than permitted uses shall not be allowed unless after appropriate administrative review, a use is determined to be compatible, suitable, desirable and related to permitted uses of the district and appropriate conditions are imposed.

### 12-1-1502 REQUIREMENT

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A Conditional Use Permit shall be required for all uses listed as conditional uses in each District or elsewhere in this Ordinance. A Conditional Use Permit may be revoked upon failure to comply with conditions of the original approval.

(a) Application. Application for a Conditional Use Permit shall be made by the property owner or be accompanied by a notarized letter from the owner giving the applicant the right to apply for said permit to the Administrator.

(b) Conditional Use Permits Approval. The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of site plan review ( 12-1-1800) for those conditional uses which require such a review, and sufficient information to demonstrate that the general and specific requirements of this Ordinance will be met by the construction and operation of the proposed building, structure, or use. The Planning Commission may deny a permit; may grant a permit as applied for; or may grant a permit subject to such requirements and conditions with respect to location, construction, maintenance, operation, and duration of the proposed use as it may deem necessary for the protection of adjacent properties and the public interest. The granting of a Conditional Use Permit shall not exempt the applicant from the applicable requirements outlined in this or other ordinances of Juab County or any more restrictive provisions of covenants, agreements or other ordinances or laws.

(c) Fee. The application for any Conditional Use Permit shall be accompanied by the appropriate fee established by resolution of the Legislative Body. An application form is available at the office of the Juab County Clerk.

(d) Public Hearing. A public hearing shall be held prior to the issuance of any Condition Use Permit. Adequate notice of the hearing shall be given as provided in this Ordinance.

#### 12-1-1503 DETERMINATION

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A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

#### 12-1-1504 BUILDING PERMIT

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Following the issuance of Conditional Use Permit by the Planning Commission and site plan review, if required, the Administrator may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with said permit.

#### 12-1-1505 TIME LIMIT

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Unless the uses and conditions prescribed in a Conditional Use Permit are implemented within a maximum period of one year of its issuance, the Conditional Use Permit shall

expire. The Planning Commission may grant a “one time” maximum extension of up to six months under exceptional circumstances.

## 12-1-1506 GUIDELINES FOR CONDITIONS

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Applicants for conditional use permits shall meet all specific requirements made in this Ordinance. In addition, the Planning Commission may establish conditions as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, and neighborhood needs, performance, and administration. More specifically the Planning Commission may require:

1. Conditions Relating to Safety for Persons and Property
  - a. Building elevations and grading plans which will prevent or minimize flood water damage, where properly may be subject to flooding; for example, down-sloping driveways.

- b. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potentially unattractive nuisances existing on or adjacent to the property.
- c. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety.
- d. Appropriate design, construction and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations and/or restrictions to use and/or location of use due to site conditions, including but not limited to flood plains or landslide areas that may exist.
- e. Additional restrictions on the arrangements and dimensions of truck loading and unloading facilities.
- f. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

## 2. Conditions Relating to Health and Sanitation

- a. A guarantee of sufficient water to serve the intended land use and a water delivery system to be installed which meets standards adopted by the County.
- b. A wastewater disposal system approved by the appropriate health department.

## 3. Conditions Relating to Environmental Concerns

- a. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise.
- b. The planting of ground cover or other surfacing to prevent dust and erosion.

- c. Restructuring and revegetation of the land when the use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

#### 4. Conditions Relating to Residential Treatment Centers

- a. A conditional use permit granted by Juab County to a residential treatment center is nontransferable and shall be revoked if:
  - 1. The facility is devoted to a use other than a residential treatment center, or
  - 2. Any license or certification issued by the Utah Department of Health or the Department of Human Services to the residential treatment center is terminated or revoked, or
  - 3. The residential treatment center fails to comply with the requirements set forth in this section and/or the conditions set forth in the conditional use permit granted to such facility by Juab County.
- b. Prior to occupancy of any residential treatment center, the person or entity operating the facility shall:
  - 1. Provide to Juab County a copy of the licenses or certifications as issued by the Utah Department of Human Services under Title 62A, Chapter 2, (Licensure of Programs and Facilities) Utah Code Annotated 1953, as amended; or is licensed under Title 26, Chapter 21, (Health Care Facility Licensing and Inspection Act) Utah Code Annotated 1953, as amended, or their successor statutes, as a residential facility for persons with a disability.
  - 2. Each Residential Treatment Center will at all times maintain a current business license as required by Juab County.
  - 3. Each Residential Treatment Center will at all times maintain all licenses required by the State of Utah to operate the facility.
  - 4. Each Residential Treatment Center will at all times abide by and be in compliance with the Human Services regulations of the State of Utah as outlined in the Utah Code Rules which include but are not limited to: R501-1, R501-2, R501-14, R501-19, and R277-413.
  - 5. Each Residential Treatment Center will at all times maintain a policy of liability insurance for the protection of the general public from damages, claims and losses suffered by the general public as a

result of negligent acts of a Residential Treatment Center, its employees, students, and/or patrons. The amount of said insurance policy shall be established by the county based upon the size and potential impact of such facility.

6. Each Residential Treatment Center will defend, indemnify and hold Juab County harmless from all liability and damages of every kind arising out of the Residential Treatment Center's use, occupancy, and/or operation of its business on or in connection with the property for which the Conditional Use Permit applies; including but not limited to all liability and damages for personal injuries, death, and/or property damages sustained by any person or entity occurring on or in connection with the Residential Treatment Center's business as well as all other liability of every kind or description that relates in any way to the Residential Treatment Center's operation of its business and/or use of its property.
7. Each Residential Treatment Center will not at any given time impose any financial burden or obligation upon Juab or Tintic School District or any other school district having jurisdiction in Juab County for the education of any of the Residential Treatment Center's students, clients, customers, or other said subscribers of the Residential Treatment Center's services. Each Residential Treatment Center will bear all financial responsibilities to educate all such persons. In connection therewith, Each Residential Treatment Center must agree to indemnify Juab County and all taxpayers residing within Juab County for all such costs and expenses.
8. Each Residential Treatment Center will at any given time never exceed a maximum resident occupancy, as detailed in their permit application, without prior written authorization from Juab County.
9. Each Residential Treatment Center will at all times maintain a direct line of communication with and between Juab County.
10. All management and employees of a Residential Treatment Center as per the Utah Code Rule R501-14 must have completed a Criminal Background Screening before employment is granted.
11. Each Residential Treatment Center will maintain a zero-tolerance drug policy for all employees and will require a drug screening for all new hires. In addition, a Residential Treatment Center must conduct random drug tests of current employees.
12. Each Residential Treatment Center will attend a minimum of one

scheduled annual meeting with the Juab County Commission so both parties can review the overall relations for the past year.

13. Certify in a sworn statement that no person will reside or remain in the center who:
  - i. has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 802 of Title 21 of the United States Code, or
  - ii. whose occupancy would constitute a direct threat to the health or safety of other individuals, or result in substantial physical damage to the property of others.
14. Provide to Juab County written approval by local law enforcement of the center's 24-hour security plan.
15. Provide to Juab County copies of certificates of compliance and approval from all applicable local, state, and federal authorities verifying that the facility meets all applicable local, state, and federal building, zoning, safety, fire, water, health, sanitation and other regulations.

## 12-1-1507 CONDITIONAL USE APPEALS

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1. All appeals from decisions of the Planning Commission regarding conditional use permits shall be heard by the Legislative Body and shall be made within 30 days of the issuance of the Conditional Use Permit. Said appeals shall be filed with the Juab County Clerk.
2. Except as provided in subsection (3), review decisions of the Planning Commission shall be confined to the administrative record developed by the Commission.
  - a. An alleged procedural irregularity has occurred that does not appear in the records.
  - b. The proposed use would (i) influence patterns of growth adverse to the integrity of the general plan as implemented by the zoning ordinance; (ii) have a

long- detrimental impact on County resources available for capital improvements or urban services; or (iii)) undermine the health, safety or welfare of the surrounding areas.

3. The Legislative Body may hold a public hearing or permit an evidentiary review outside the Planning Commission record to determine whether hearings may be held by the Legislative Body itself, or by any commission member, hearing examiner, or agent appointed by the Legislative Body.
4. The Legislative Body may overrule any approval or disapproval by the Planning Commission, or any conditions imposed. It may approve or deny the conditional use, impose additional conditions thereon, or remand the appeal to the Planning Commission for further consideration
5. Any decision by the Legislative Body approving or denying the conditional use permit shall be final and subject to the conditions imposed by the Legislative Body. This Ordinance shall not be construed to vest a right to any conditional use except upon complete and continued compliance with the conditions finally approved.

## 12-1-16 COMMERCIAL AND INDUSTRIAL PERFORMANCE STANDARDS

### 12-1-1601 COMMERCIAL PERFORMANCE STANDARDS

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#### 1. Purpose

This shall apply to all commercial development within Juab County and shall establish performance and development standards to encourage and facilitate the orderly growth and development of Juab County. These standards are intended to provide good building and area design, to insure compliance with the district regulations and other provisions of this Code relating to public health, safety, and general welfare. The standards set forth within this Title shall be interpreted to be the minimum standard within the designated district unless stated otherwise. These standards do not apply to industrial parks.

#### 2. Lot Size and Frontage

- a. Lot Size. Size as determined by District Descriptions. All off-street parking and yard requirements shall be accommodated.
- b. Frontage on Arterial or Collector Streets. Uses with at least 100 feet of frontage on an existing, dedicated, arterial or collector street, are allowed one access onto said street as designated in the Transportation and Circulation Map of Juab County. Uses with less than one hundred (100) feet of frontage shall not be permitted direct access onto said street. Such uses shall be required to share a common driveway in order to assure 100 feet of distance between driveways.
- c. Frontage on Minor or Local Streets. Uses with at least sixty (60) feet of frontage on an existing dedicated public street, are allowed one access onto said street as designated on the Transportation and Circulation Map. Uses with less than sixty (60) feet of frontage shall not be permitted direct access onto said street. Such uses shall be required to share a common drive in order

to assure seventy (70) feet between driveways.

### 3. Building Location

- a. No building, with the exception of any portion that contains a driveup window or counter, shall be closer than five (5) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, district entryway, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings onto such appurtenances.
- b. The public street right-of-way shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases.
- c. Front Yard. The front setback is determined for the district and is established in s 12-1-6 thru 12-1-1200.
- d. Side Yard. Side setback is determined for the district and is established in s 12-1-6 thru 12-1-12.
- e. Rear Yard. Rear setback is determined for the district and is established in s 12-1-6 thru 12-1-.
- f. Building Height. The maximum height for any commercial building shall be fifty (50) feet measured from the natural grade level. Plans for all structures that are intended to be higher than thirty-five (35) feet shall be reviewed by the Planning Commission. The Planning Commission shall deliver its recommendation to the Legislative Body for approval or disapproval.

### 4. Landscaping

A landscaping design for the site shall be reviewed and approved by the Planning Commission at Site Plan Review. A permanent sprinkling system shall be installed in all required landscaping.

- a. Front Yard. At least half of the front yard (at least a three foot wide strip) shall be landscaped. The landscaping shall occur at the front property line. This standard shall apply to both frontages of a corner lot.
- b. Side and Rear Yards. There shall be a minimum of three (3) feet of landscaping between parking areas and side or rear property lines and a minimum of three (3) feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot. Other side and rear setback areas that are open to view from public rights-of-way or from residential property shall also have a minimum of three (3) feet of landscaping.

Irrespective of other requirements, developments abutting residential uses shall have a minimum of ten (10) feet of perimeter landscaping and shall have large trees and shrubs planted to form a buffer between uses. Buffer areas may be approved with interval landscaping when not open to view from public rights-of-way and where it can be shown that the buffer areas will conform to the intent of this Ordinance.

- c. Other Landscaping
  - (1) Landscaping planters and/or raised sidewalks shall be installed along buildings and any paved areas.
  - (2) All landscaped areas abutting any paved area shall be curbed.
  - (3) At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than 3 1/2 feet above street level within the area required for minimum sight distances as specified in the Geometric Design Guide (AASHTO) for local roads and streets.
- d. Trees shall be required in front yards according to the street planning guide for arterial and collector streets.
- e. Landscaping in parking areas may be required for channelization and shall be

considered as a portion of the overall percentage requirements of landscaping of any particular site development.

- f. Other non-parking areas: All unpaved areas not utilized for parking, access, or storage, shall be landscaped utilizing ground cover, shrub and tree materials, and/or dry landscape materials.

Undeveloped areas proposed for future expansion shall be maintained free of weeds and trash.

## 5. Screening at District Boundaries.

An opaque screen shall be installed and maintained along lot lines that coincide with all district boundaries, other than streets, where the premises abut residential uses. Except as otherwise provided, it shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types:

- a. Walls: Construction materials shall only include ceramic tile, stone, brick, concrete panels, concrete blocks, or other such materials as the Planning Commission may approve. Concrete panels and posts must be reinforced with rebar and wire as determined by the Engineering Department.
- b. Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
- c. Solid Fences: A solid fence shall consist of wood and metal or other such materials forming an opaque screen and which conforms to structural requirements of the Uniform Building Code.
- d. Open Fences: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen, as approved by the Administrator.
- e. No signs or sign supports shall be permitted on any required screening.

- f. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this district.
- g. Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, the Planning Commission may review and approve other methods of screening such as open construction, screen height, placement of screen or other types of screening.

## 6. Trash Containment

Storage areas containing garbage or rubbish containers (dumpsters) shall be screened with landscaping or opaque fencing. Each wall or fence shall be at least equal in height to the containers or dumpsters to be screened and shall be sufficient to screen such facilities from a public street or neighboring lot. No outdoor storage shall be located within thirty (30) feet of any residential use and no storage shall be permitted between a required front yard from the street to the building line.

## 7. Lighting.

Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property, provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking and loading areas, on any property, and preventing any bright, direct illumination upon adjacent property or any public right-of-way. No unshielded white lights, reflectors, spotlights, strobe lights, flashing lights, or search lights, shall be so located that they are shining towards or are directly visible from frequently traveled public rights-of-way.

## 8. Signs.

Signs are permitted in this district subject to the provisions of the sign regulations, which are outlined in 12-1-22.

9. Parking Lots and Loading.

- a. General. There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-size automobiles in accordance with the requirements herein.
- b. Parking Space Size. A parking lot shall provide a logical balance of spaces to accommodate vehicles of various sizes.
- c. Parking Areas, Development and Maintenance. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:
  - (1) Curb and Gutter. The perimeter of the paved surface shall be finished with concrete (or other approved material) curb and gutter.
  - (2) Landscaping. The planting of trees, lawn and shrubs or other material as approved is required within appropriate areas, especially along street frontage, and along boundaries that abut residential lots, as provided for in Section 12-1-1601,4.

When an area in a commercial, industrial, or multi-family residential zone is required to be landscaped by the terms of the specified ordinances, the requirement shall be met by the installation and maintenance or improvements as set forth below:

(a) Lawn, shrubs or a combination of shrubs, trees, vines, or other growing ground cover shall cover the entire area to be landscaped, except that water surfaces and dry landscaping may be allowed provided that such area shall not comprise more than ten (10) percent of the area required to be landscaped.

(b) A permanent sprinkling system shall be installed.

(c) The area of the street between the curb line and the property line (parkstrip) shall be landscaped and maintained and shall be kept free from all hard surfacing except for approved driveways, bike trails, equestrian trails, and walk areas.

(d) All landscaping established as required by and in conformance to this section shall be maintained in a manner as to assure the continued growth of living materials placed therein and the removal of weeds, debris and other matter not consistent with the provisions of this .

- (3) Surfacing. Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing, shall have appropriate bumper guards where needed as determined by the Administrator, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
- (4) Lighting. Lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining residential premises.

d. Loading Areas.

For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use to or from which delivery of materials or merchandise are regularly made by motor vehicles, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one for each additional 20,000 square feet or major fraction thereof. Each loading area shall be not

less than fourteen (14) feet in width, twenty-five (25) feet in length, and fifteen (15) feet in height.

The loading area shall not occur forward of the building setback line on any street frontage and shall be completely screened from view from a public street or neighboring lot.

## 10. Driveways and Curb Openings

- a. One-way driveways shall be not less than twelve (12) feet or more than thirty-two (32) feet in width except that no two complementary one-way driveways may total more than forty (40) feet in width. Two-way driveways shall be not less than twenty-five (25) feet or more than thirty-two (32) feet in width except as noted in paragraph (e) of this section. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening.
- b. Driveways shall be located a minimum of five (5) feet from the side property line, measured from the nearest end transition point. This does not apply to side property lines abutting public rights-of-way.
- c. Driveways shall have a minimum end transition (curb radius) of ten (10) feet and a maximum of thirty (30) feet. There shall be at least twenty-two (22) feet of full height curb between the end transition point (point of curvature of the curb lines) of any two driveways, except as noted in Paragraphs (d) and (f).
- d. Where the common driveway is of the split, one-way directional type, there shall be at least five (5) feet between the end transition points of the two driveways.
- e. Wherever a common driveway is constructed serving two or more properties, the common curb opening shall have a maximum width of thirty-six (36) feet.
- f. Special Requirements for Service Stations. The maximum and suggested width of an accessway through the perimeter landscaped strip to a service station shall be forty (40) feet for two-way vehicular movement and fifteen (15)

feet for one-way vehicular movement. No more than one two-way accessway shall be permitted for any street frontage up to 100 lineal feet, nor more than two one-way accessways shall be permitted for any street frontage. For frontages of more than 100 lineal feet, two 2-way accesses, each a maximum and required width of twenty-four (24) feet, are permissible, but shall not be built on the same frontage as any other driveway. These standards are to be applicable to any one ownership. In no case shall the end transition point of an accessway be closer than twenty-five (25) feet to the corner property line.

- g. Where the adjacent public right-of-way road width is less than eighty (80) feet, no curb opening for a driveway shall be wider than thirty (30) feet, except as noted in paragraph (e) of this section.
- h. Where the adjacent public right-of-way road width is eighty (80) feet or more, no curb opening for a driveway shall be wider than thirty-six (36) feet, except as noted in paragraph (e) of this section.
- i. The total width of all curb openings shall not exceed forty percent of the frontage. For corner lots, the total width of curb openings shall not exceed thirty percent of the combined frontages.
- j. No point of curvature for any driveway curb opening shall be permitted within the following distances of the points of curvature for intersection curb turns:
  - (1) 40 feet if the intersection is signalized,
  - (2) 40 feet if the intersecting street's right-of-way is greater than 80 feet; and
  - (3) 30 feet if the intersecting street's right-of-way is 60 feet or less.
- k. Where the construction of more than one curb opening is required a concrete safety curb between curb openings, along and inside the property line, shall be provided when the property located between two driveways is used for the purpose of movement, storage, or parking of vehicles.
- l. No curb opening will be approved which contemplates vehicle encroachment

on any portion of the street right-of-way for loading, standing, or unloading.

- m. Curb openings must serve only those off-street parking spaces of loading zones that conform to Juab County standards.
- n. Curb opening shall be entirely within the extension of the side property lines extended perpendicular to the street center line.
- o. Curb openings and driveways shall be paved and shall provide adequate drainage.
- p. Curbs for driveway approaches shall be of the radius type and be provided with wheel chair ramps.
- q. Any unused or abandoned curb openings or portion thereof shall be restored to the original curb section at the expense of the abutting property owner. Upon refusal or neglect of the owner or agent to restore the curb and gutter to their original section, the County shall proceed to do such work and all expenditures so incurred shall be charged against the owner or agent.
- r. Improvements in the public right-of-way shall be designed and constructed in conformance with the applicable specifications. The minimum design vehicle shall be the single unit truck.

No object shall be so situated as to interfere with the required sight-distance of intersections as set forth in the AASHTO specification.

- 12. Outside storage shall be completely screened by landscaping or opaque fencing, from view from any public street or abutting properties.
- 13. A grading and drainage plan, including primary on site drainage water containment such as a sump, shall be submitted to the Commission with the application

12-1-1602 INDUSTRIAL PERFORMANCE STANDARDS (applies to all industrial uses)

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## 1. Purpose

The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect Juab County from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

## 2. General

No land or building devoted to uses authorized by this Title shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or water; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as “dangerous or objectionable elements.”

### a. State Agency Notification

The Juab County Zoning Administrator shall confirm that the Environmental Health Services Section of the State Board of Health is informed of all applicants for uses authorized by this .

### b. Performance Standards Review

In addition to meeting other application requirements, applicants seeking approval for a light or medium industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Planning Commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable

performance standards specified in Section 3 of this . Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.

c. Ruling by Planning Commission

Within 20 days after the Commission has received the aforesaid application or report, if a report was required, or within such period as agreed to by the applicant, the Commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the Commission may require a modification of the proposed plans, construction specifications, device or operation, and shall so inform the Building Inspector.

d. Continued Compliance

Any use so authorized shall not relieve the applicant of the responsibility of meeting such standards when the plant is in operation; and, in case of a failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards shall be the sole responsibility of the applicant. These standards shall be established as conditions for approval of the proposed development.

e. Continued Enforcement

The Administrator shall investigate any purported violation of performance standards; and, if necessary for such investigation, may request that the Planning Commission employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation has existed or does exist, it shall order the Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the plant will be shut down. Should the violation of performance standards threaten the public health, convenience, or welfare, the Planning Commission may order the offending plant to cease operation until proper steps are taken

to correct the conditions which caused the violation. The services of any qualified experts, employed by the Planning Commission to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise it shall be paid by the County.

f. Locations Where Determinations Are To Be Made for Enforcement of Performance Standards

The determination of the existence of dangerous and objectionable elements shall be made at any point; provided, however, that the measurements having to do with noise, vibration, odors, or glare, shall be taken at the lot line of the establishment or use.

3. Dangerous and Objectionable Elements

a. Noise

Maximum Permissible Levels. The maximum permissible noise level that may be emitted by any industrial use from a stationary, permanent source of sound shall be 85 dBA as measured at the boundary of the property, not to exceed and Ldn of 55 dBA (measured as the energy average (Leq) of the daytime facility sound level, plus the nighttime facility sound level plus 10 dBA), nor more than 70 dBC measured at the nearest occupied residence.

1) Exceptions: These provisions shall not apply to the following uses and activities:

- a) Noises of safety signals, warning devices, and emergency pressure relief valves.
- b) Noises resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency.
- c) Noises resulting from emergency work.
- d) Loudspeakers or other sound amplification device operated by a peace officer or member of the fire department in the performance of official duties.
- e) Any other noise resulting from activities of a temporary duration

permitted by law.

- f) Any aircraft or railroad equipment operated in conformity with, or pursuant to, state statute, federal law or federal regulations, and traffic-control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.
- g) Noise from an exterior alarm system of any building or vehicle provided such alarm shall terminate its operation within five (5) minutes of its activation.
- h) Sound from any bell or chime from any building clock, school or church, or sound from unamplified music or song emanating from any church or school.
- i) Noise from construction equipment provided all motorized equipment used in such activity is equipped with functioning mufflers.
- j) Noise from domestic power tools, when operated between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- k) Noise from snow blowers, snow throwers, and snowplows when operated with a muffler for the purpose of snow removal.
- l) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- m) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday.

b. Vibration

No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.

c. Odors

No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

d. Glare

No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this Ordinance.

e. Fire and Explosion Hazards

All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.

f. Air Pollution

No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

g. Liquid or Solid Wastes

No discharge at any point into a public sewer, private sewage system, or stream, or into the ground shall be allowed contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code of Solid Waste Disposal Regulations.

## **12-1-17 MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS**

No Mobile Home Park may be constructed or operated, except in compliance with the standards contained in this Title and all other applicable provisions of this Ordinance. Mobile Home Parks shall not be allowed in any District, unless such use is specifically listed as an allowed or conditional use in that District.

### **12-1-1701 PURPOSE**

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1. To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain districts within the county.
2. To permit development of facilities for recreational vehicles in appropriate districts within the county.
3. To assure that mobile home development and recreational vehicle accommodations in the county will be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks and recreation vehicle parks are located, and to protect other use values contiguous to or near mobile home park and recreational vehicle park uses.

### **12-1-1702 INCLUSION**

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Campers, trailers and motor homes are considered recreational vehicles for the purposes of this Ordinance.

### **12-1-1703 PROVISIONS APPLYING TO MOBILE HOME PARKS**

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1. Location and Use

- a. Areas for mobile home parks shall generally be located adjacent to or in close proximity to an arterial or collector street, and near adequate shopping facilities.
- b. A portion of a mobile home park in a generally commercial area may be used as a recreational vehicle park, providing all applicable requirements of this Ordinance for that district are met.

#### 12-1-1704 APPROVAL

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Mobile home parks may not be constructed unless first approved by the Planning Commission after review of plans for said mobile home park which satisfies the Commission that the proposed development will:

1. Be in keeping with the general character of the zone district within which the proposed development will be located.
2. Be located on a parcel of land containing not less than 2 acres.
3. Have at least 10 spaces completed and ready for occupancy before first occupancy is permitted.
4. Meet all standards and requirements of this Ordinance and all other requirements of applicable ordinances of Juab County.
5. Have the written approval of the State Board of Health.

#### 12-1-1705 APPLICATION

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1. An overall plan for development of a mobile home park shall be submitted to the Planning Commission for Site Plan Review ( 12-1-20). The plan shall be drawn to a scale no smaller than one inch to 30 feet. At least six copies of the plan shall be submitted. The plan shall show the following in addition to that required for site plan review:

- a. The topography of the site represented by contours, shown at not greater intervals than two (2) feet when required by the Planning Commission;
- b. The proposed street and mobile home space layout;
- c. Proposed reservations for parks, playgrounds, and open spaces;
- d. Tabulations showing percent of area to be devoted to parks, playgrounds, and open space, percent to mobile homes, and total area to be developed;
- e. Proposed location of parking space;
- f. Generalized landscaping and utility plan, including location of water, electricity, gas lines, and fire hydrants;
- g. Any other data that the Planning Commission may require.

## 12-1-1706 STANDARDS AND REQUIREMENTS

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1. Approval of a mobile home park shall be subject to the following conditions and regulations, and any additional conditions imposed by the Planning Commission or Legislative Body.
  - a. The area shall be in one ownership, or if in several ownerships, the application for approval of the development shall be filed jointly by all the owners of the property included in the plan.
  - b. The plans for a mobile home park shall be prepared by such qualified persons and with such additional plans as the Planning Commission may require.
  - c. The number of mobile homes shall be limited to 8 units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one acre multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads,

or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and visitors thereto.

- d. Not less than 8 percent of the gross land area shall be set aside for the joint use of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of the area required for parks and playgrounds.
- e. No mobile home or add-on shall be located closer than fifteen (15) feet from the nearest portion of any other mobile home or add-on. All mobile homes and add-ons shall be set back at least ten (10) feet from road curbs or walks. If the tongue of the mobile home remains attached, it shall be set back a minimum of six (6) feet from the road curbs or walks.
- f. All areas not covered by mobile homes, hard-surfacing, or building, shall be landscaped, approved by the County, and such landscaping shall be permanently maintained.
- g. All off-street parking spaces and driveways shall be hard-surfaced before the adjacent mobile home spaces may be occupied.
- h. Within 45 days of occupancy, each mobile home shall be skirted, or shields may be used providing they are fireproof and well painted or otherwise preserved.
- i. A strip of land at least five (5) feet wide surrounding the entire park shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development.
- j. All storage and solid waste receptacles outside the confines of any mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings within the development. The service buildings shall be constructed to standard commercial practice and kept in good repair as approved by the Building Inspector.

- k. No mobile home space shall be rented for a period of less than 30 days, and occupancy shall be written lease.
- l. The roadways shall be of adequate width to accommodate anticipated traffic, but not less than the following unless modified by an approved Special Exception.
- m. For one-way traffic: 15 feet in width plus extra width as necessary for maneuvering mobile homes.
- n. For two-way traffic: 30 feet in width.
- o. Each mobile home park must have 2 accesses to public streets as a minimum.
- p. There shall be standard street lighting on all dedicated streets.
- q. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
- r. In addition to meeting the above requirements and conforming to the other laws of the County, all mobile home parks shall also conform to the Uniform Fire Code and to requirements adopted by the Utah State Board of Health.

#### 12-1-1707 PREMISES

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The premises on which any mobile home is located, used, or occupied shall be maintained in a clean, orderly, and sanitary condition. The accumulation of any rubbish, waste, weeds, or other unsightly material thereon shall constitute a nuisance and a violation of this Ordinance, for which the Legislative Body may direct removal of the mobile home from the premises.

## 12-1-1708 UTILITIES

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Every mobile home park shall provide utility service to every mobile home stand or lot as required by Juab County Ordinances and as required by the Planning Commission.

## 12-1-1709 GUARANTEES

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For mobile home parks, adequate and reasonable guarantees must be provided as determined by the Planning Commission for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, letter credit, escrow, cash deposit, or in other form to be determined by the Planning Commission, which form must be approved by the Legislative Body and County Attorney.

1. In any case when a mobile home park is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be a resident of the county, and shall be authorized to receive, process, and represent fully the interest of the owners with respect to management and maintenance of the park.
2. Prerequisite to the operation of any mobile home park in the county shall be the obtaining of an annual business license.

## 12-1-1710 COMPLIANCE WITH OTHER COUNTY REGULATIONS

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Any mobile home located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations, and building, plumbing, fire prevention, and all other codes and requirements applicable to a structure or building erected within the zone in which said is located.

## 12-1-1711 PROVISIONS APPLYING TO RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

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### 1. Location and Use

- a. No recreational vehicle as herein defined shall be located, placed, used, or occupied for residential purposes in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein.
- b. Recreational vehicle parks shall generally be located: (1) adjacent to or in close proximity to a major traffic artery or highway; (2) near adequate shopping facilities.
- c. No individual space in a recreational vehicle park shall be used by one individual vehicle for more than 30 consecutive days, nor shall such space be rented or leased to any one individual for a period longer than 30 days.
- d. Recreational vehicles may be stored, but not used for living quarters, anywhere within the County in accordance with the following provisions:
  - (1) One such facility may be placed, kept, or maintained wholly within a structure lawfully existing on the premises; or
  - (2) One such facility not over thirty-two (32) feet in length may be placed on a lot provided that it shall not be located in any front or side yard and provided further that no part of any such facility shall be kept closer than five (5) feet to any residence, and provided that no recreational vehicle, trailer, or camper so stored shall be used for residential purposes.
  - (3) Notwithstanding any provisions contained herein, such facility may be located anywhere on the lot, except in a clear vision zone of a corner lot for a temporary period not to exceed 24 hours for loading and unloading.

- e. Recreational vehicles may be stored, displayed, sold and serviced but not for living quarters in a sales lot.
- f. Recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:
  - (1) The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
  - (2) The recreational vehicle use area shall have direct access to a collector or arterial street shown on the Master Street Plan of the county.
  - (3) Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.
  - (4) The Planning Commission recommends approval.

## 12-1-1712 STANDARDS AND REQUIREMENTS

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The development of a recreational vehicle park shall conform to the following standards and requirements:

1. The area shall be in one ownership.
2. The site shall abut upon a collector or arterial street shown on the Master Street Plan of Juab County.
3. All entrances and exits from the recreational vehicle park shall be by forward motion only.
4. No exit or entrance from a recreational vehicle park shall be through a residentially developed area.
5. No entrance or exit of a recreational vehicle park shall be located closer than

thirty (30) to an intersection of two or more streets.

6. All vehicle spaces or pads shall be set back at least twenty (20) feet from any public street.
7. All one-way roadways shall be at least twelve (12) feet in width and all two-way roads at least twenty (20) feet in width, and all roadways shall be hard-surfaced.
8. All areas within the park which are not hard-surfaced, including the 20 foot setback space, shall be landscaped and maintained with lawns, trees, and shrubs designed to provide privacy and noise containment, and shall be equipped with adequate sprinkling devices as determined by the Building Inspector.
9. In a recreational vehicle park, the number of vehicle spaces shall be limited to 20 units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual vehicle spaces, roads, or parking shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the development and visitors thereto.
10. Each vehicle space shall be at least twenty (20) in width and at least thirty (30) feet in length, for spaces planned to have the recreational vehicle and towing vehicle park side-by-side; and at least fifteen (15) feet in width and at least forty-five (45) feet in length for spaces planned as drive-through spaces in which the towing vehicle parks in front of the recreational vehicle. Drive-through spaces are recommended whenever the size and shape of the property permits this design.
11. All storage and solid waste receptacles must be housed in a closed structure compatible in design and construction to the character of the parks.
12. The service buildings shall be constructed and maintained to standard commercial practice as approved by the Building Inspector.
13. Off-street and off-roadway parking spaces shall be provided for visitors at the rate of one such space for each 2 recreational vehicle spaces in the recreational vehicle

park; such spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet and may be grouped in appropriate locations.

14. Storm drainage facilities shall be so constructed as to protect those who will reside in the park as well as adjacent property owners by insuring rapid drainage and preventing accumulation of pools of water.
15. Every recreational vehicle park shall provide utility service as may be required by Juab County Ordinances and as required by the Planning Commission.
16. Public rest rooms, and a dump station shall be provided.

#### 12-1-1713 GUARANTEES

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For recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the Planning Commission for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations.

#### 12-1-1714 LICENSE

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No recreational vehicle park shall be operated in the County of Juab until an annual business license has been obtained.

## **12-1-18 OPEN EXTRACTION OF EARTH PRODUCTS**

### **12-1-1801 EXPOSED SLOPES**

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No cut or fill shall result in a final slope that exceeds the critical angle or repose (e.g. 33 degrees for gravel deposits). Where grading work will produce temporary cuts and fills that exceed the angle of repose, a cash or surety bond in the amount set by the Zoning Administrator to cover the cost of reclamation, but not less than \$5,000.00 per acre, shall be posted by the property owner to guarantee reclamation and compliance with these provisions and the nuisance provisions of Title 12 of the Juab County Code. A violation of either provision shall be sufficient grounds for forfeiture of the entire bond to Juab County. If the bond is over \$5000.00 per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the Legislative Body may determine that cost and set the bond amount, upon appeal by the owner. The bond shall be accompanied by an agreement that states the terms for rehabilitating the land and refunding of the bond.

### **12-1-1802 INTENT**

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The intent and purpose of this section is to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage.

### **12-1-1803 SCOPE**

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The provisions of this section shall apply to all sites where sand, gravel, clay, topsoil, rocks, or minerals will be extracted by an open pit method; to sites where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials are placed in waste dumps.

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

## 12-1-1804 CONDITIONS

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The Zoning Administrator shall issue a permit for an open pit, a stockpile, or a waste dump only when all of the following are met:

1. The site lies in a zone where such use is a permitted use.
2. The applicant has presented an accurate site plan that shows the topography, utilities, roads and structures on the site at both the pre-permit stage and the stage after completing the excavation and rehabilitation of the pit.
3. There shall be no limit as to the area or portion of a lot that may be disturbed and involved in the extraction process as long as the entire disturbed area has been included in the rehabilitation bond; also there shall be no limit to the time period used to complete the extraction of material.

Exception: upon finding such is necessary to protect the property values of neighboring property interests or to preserve desirable aesthetics, the county commission may require as part of the bond agreement that the extent of the disturbed area at the site of extraction shall be no larger than seven (7) acres at any one time and/or may require that the extraction process shall cease and the site rehabilitated (whether or not all materials have been obtained) within a specific time period, not to be less than 5 years. When limited to 7-acre units, the pit, or portions of it, shall be closed, rehabilitated, and approved by the Zoning Administrator as meeting the standards of this ordinance before further areas are disturbed.

4. The standards for rehabilitating (Reclaiming) the site shall be:
  - a. The side walls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled.

- b. Mounds of fill shall not remain after rehabilitation of an extraction operation, even if utility poles must be relocated at the operators expense; mounds may only be permitted in conjunction with a mine waste dump.
  - c. No depression which lacks a surface outlet, nor pond or intermittent lake on the floor of the pit, shall exist on the rehabilitated site.
  - d. No slope shall be steeper than the critical angle of repose (e.g. 33 degrees for gravel deposits).
  - e. All areas shall be covered with a three-inch or thicker layer of topsoil and reseeded with a hardy plant material having a sufficient concentration to screen at least 25% of the exposed surface from view.
5. When the pit (or mound) and rehabilitation bond are proposed to cover less than the entire area of the lot, the operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Juab County. The county commission may request an annual on-site investigation and report of the County Surveyor to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.
6. Surface mining shall proceed in an orderly manner from the outer boundaries and lower slopes of the property inward and upward so the property can be rehabilitated in the older areas of the pit while new areas are being opened up.
7. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator and contained on-site by paving main roads in the pit, wetting extraction areas and loaded trucks, placing berms or landscape screening for protection from the prevailing winds and other suitable measures.
8. All cuts and fills shall be set back from the property boundary or boundary of the approved extraction site a distance of at least five (5) feet.
9. The applicant shall present an off-site plan of any local public streets which loaded trucks will use in gaining access to state highways and arterial streets. The pit operator shall be liable for any severe damage his operation causes to such local

roads.

10. The pit and/or extraction operation shall not constitute a nuisance.

12-1-1805 BOND

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1. A cash or surety bond in the amount set by the Zoning Administrator, but not less than \$5000.00 per acre, shall be posted by the applicant to guarantee compliance with these regulations. A violation of either provisions shall be sufficient grounds for forfeiture of the entire bond to Juab County. If the bond is over \$5000.00 per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the county commission may determine the cost and set the bond amount, upon appeal by the owner.
2. The maximum bond and bond agreement period shall be seven years, after which time the bond amount shall be reevaluated based on inflation, the current costs of rehabilitation, and the amount of rehabilitation or excavation that has occurred during the elapsed time.
3. Any bond shall be accompanied by an agreement between Juab County and the applicant (plus the property owner if the latter is not also the applicant) wherein the county agrees to return the bond at the completion of work if the standards of this section have been met, and the applicant and property owner agree that the bond shall be forfeited in the event of noncompliance and to permit the county to enter upon the land to close operation sand rehabilitate the excavated or filled areas. Any ambiguity or deficiency in the working of the bond agreement shall be interpreted to include the terms of this section.
4. It shall be a violation to not complete the rehabilitation within one year of cessation of operations and grounds for forfeiture of the bond. The “trigger” for such forfeiture shall be any two (2) year period of time in which no material is extracted, or any one (1) year period when there is no current business license in effect.
5. Notwithstanding the forfeiture of the bond, the applicant shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued

thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

12-1-1806 PERMITS

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

## 12-1-19 OFF-STREET PARKING AND LOADING

### 12-1-1901 PURPOSE

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To reduce street congestion and traffic hazards within the county by incorporating adequate, attractively designed facilities for off-street parking and loading as an integral part of every use of land in the County.

### 12-1-1902 OFF-STREET PARKING

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1. General. There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity or converted to a new use, minimum off-street parking space with adequate provision for ingress and egress by standard-size automobiles in accordance with the requirements herein.
2. Size. For the purpose of this , one parking space shall be assumed to be 180 square feet, exclusive of adequate interior driveways.
3. Access. Adequate ingress and egress to all uses shall be provided as follows:
  - a. Access to commercial or industrial lots shall be by either:
    - (1) A maximum of one driveway for each 100 feet of frontage on a public street, such driveway to be not over 35 feet in width, or less than 16 feet (for one-way traffic), or
    - (2) A maximum of one driveway for each 200 feet of frontage on a public street, such driveway to be not over 45 feet in width.
  - b. Access driveways shall not be closer to each other than twelve (12) feet.

- c. No off-street parking lot shall be constructed in a manner that would allow vehicles to back out into a public street.
- d. In a commercial zone, no driveway shall be closer to an intersection of two streets than forty (40) feet, measured from the corner point of the property line. In a residential zone, the minimum distance shall be forty (40) feet.
- e. Height, location, structural specifications, maximum and minimum curbs radii permitted and maximum roadway approach angles to the center line of the street are subject to County standards.

#### 12-1-1903 FLOOR AREA DEFINED

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Floor area in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing, or packaging of merchandise.

#### 12-1-1904 ALTERNATIVES TO ON-SITE PARKING

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For any new use, structure, or building other than a dwelling, required off-street parking which due to the size or location cannot be provided on the premises may be provided on other property not more than 200 feet distant from the nearest point of the parcel.

#### 12-1-1905 PARKING AREAS, DEVELOPMENT AND MAINTENANCE

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Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:

1. Landscaping. The side of any off-street parking area for more than 5 vehicles shall be adequately landscaped. Such landscaping shall be maintained in good condition. Landscaping along the street frontage, if any, shall be preferred to fencing.
2. Surfacing. Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing, shall have appropriate bumper guards where needed as determined by the Zoning Administrator, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
3. Lighting. Lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.

#### 12-1-1906 OFF-STREET LOADING

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1. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise are regularly made by motor vehicle, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one for each additional 20,000 square feet or major fraction thereof.
2. Each loading space shall be not less than fourteen (14) feet in width, twenty-five (25) feet in length, and fifteen (15) feet in height.
3. Such space may occupy any required yard or court except that if it shall be located closer than fifty (50) feet to any lot in any residential district, it shall be enclosed by a brick or stone wall or landscaping not less than six (6) feet in height.

#### 12-1-1907 OTHER ACCESS AND PARKING-RELATED PROVISIONS

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1. Drive-In Business. Driveways, parking areas, and off-street storage lanes for automobiles awaiting entrance to drive-in theaters, banks, restaurants, etc., shall be provided.
2. Garages for storage of automobiles and commercial parking lots shall be permitted in commercial districts.

## 12-1-1908 NUMBER OF PARKING SPACES REQUIRED

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1. Except as may be provided elsewhere in this Ordinance, there shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure, or use is changed from one use to another which requires more off-street parking spaces as specified in Section 12-1-1908,2, there shall be provided such additional off-street parking for the new use as is required by this .
2. Parking Lot Characteristics. On each parcel of land developed for nonresidential uses, lots shall be constructed as follows:
  - a. Surfacing. Each lot shall have an all-weather surfacing material and be maintained in good condition and kept clear and in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
  - b. Grading. Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice.
  - c. Lighting. Lot shall be properly illuminated with standards arranged so as to reflect light away from any adjoining residential buildings.

d. Size of Spaces. The standard parking space measures nine (9) feet wide by twenty (20) feet long, but sizes may vary to provide for vehicles that are larger or smaller than standard size.

3. Specific Requirements For Each Land Use. Required off-street parking shall be provided for each use as listed below. Requirements calculated on floor area shall be based upon Section 12-1-1903. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning Commission.

Parking shall be provided as follows, with spaces based upon one or a combination of uses listed:

Use Parking Requirement

(a) Residential

Single-unit Dwelling	Two Parking Spaces
Two-unit Dwelling	Two Parking Spaces per Unit
Three-unit Dwelling	Two Parking Spaces per Unit
Four-unit Dwelling	Two Parking Spaces per Unit
Multi-unit Dwelling	Minimum of 8 spaces, with 1.5 spaces for each additional unit over 5.
Apartment House	Minimum of 8 spaces with 1.5 spaces for each additional unit over 5.
(b) Golf courses, tennis courts and similar recreation areas.	Determined by specific review by Planning Commission.
(c) Hotel, motel and lodge	One space per each 1.5 rental units, plus one space per 200 square feet of meeting area.
(d) Intensive retail commercial shops selling directly to the public.	3.0 spaces for each 1,000 square feet of floor area.

- |     |                                                                                             |                                                                                                                                |
|-----|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (e) | Less intensive commercial businesses, such as furniture, appliance, and lumber sales.       | 1.5 spaces for each 1,000 square feet of floor area.                                                                           |
| (f) | Offices and personal services, including medical and dental clinics.                        | 2 spaces for each 1,000 square feet of floor area plus one space for each employee per shift.                                  |
| (g) | Restaurants, bars.<br>Fast Food or Drive-In.                                                | One space for every 4 seats.<br>20 spaces for each 1,000 square feet of sales and enclosed eating space.                       |
| (h) | Churches, auditoriums, assembly halls, theaters.                                            | One space for every 5 seats.                                                                                                   |
| (i) | Bowling alleys, skating rinks, and similar recreational uses.                               | 2 spaces for every 1,000 square feet of floor area.                                                                            |
| (j) | Industrial and wholesale establishments. Planned Commercial Development (Industrial Park).  | 2 spaces for each 1,000 square feet of gross floor area. This shall not apply to buildings to be used exclusively for storage. |
| (k) | Mortuary                                                                                    | One space for every 300 square feet of floor area.                                                                             |
| (l) | Hospitals, schools, civic buildings.                                                        | Determined by specific review by the Planning Commission.                                                                      |
| (m) | Planned Commercial Development (Shopping centers, complexes, or rentable commercial space.) | At least 5.5 spaces per 1,000 square feet of floor area.                                                                       |

## TABLE OF PARKING LOT DIMENSIONS

(Letters refer to the diagram below.)

<u>Parking Angle</u>		45°	60°	90°
Offset	A	18'	11'	1'6"
Car Space	B	12'	10'	9'0"
Stall Depth	C	16'	18'	18'6"
Stall Depth	D	18'	19'	20'
Overhang	E	2'	2'3"	2'9"
Driveway	F	13'	17'6"	25'
Turnaround	G	17'	14'	14'
Extra	H	6'	3'	0'

## **12-1-20 SITE PLAN REVIEW**

### **12-1-2001 PURPOSE**

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A design review procedure is established in order to satisfy the recommendations of the Juab County General Plan relating to the visual quality of the county; such procedure is intended to assure that the general appearance of buildings and structures and the improvement of land shall contribute to an orderly and harmonious appearance and to safe, functionally efficient development, and, therefore, to the stability of property values and the general welfare of the community.

It is not the purpose of this Part that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense be incurred; rather, it is the intent of this Part that any control exercised be the minimum necessary to achieve the objectives as stated above.

### **12-1-2002 APPLICATION AND REVIEW PROCESS**

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1. Requirement. Site plan review is required for all new development and main buildings except single family detached housing. As required by this Ordinance, architectural drawings and/or site development plans shall be presented to the Zoning Administrator, drawn to a standard scale, which shall show any or all of the following: the building lot and dimensions, building locations, landscaping, existing trees and shrubbery, off-street parking facilities, vehicular and pedestrian circulation, location and width of abutting streets, existing and proposed grades, surface drainage, and a north arrow; in addition, the presentation may also be required to include scale drawings of major exterior elevations and all signs, and an indication of exterior building material and proposed exterior color scheme.
2. Review and Approval by Planning Commission. The Planning Commission shall determine if the proposed architectural and site development plans submitted are consistent with this Part and with the purpose and objectives of this Ordinance.

## 12-1-2003 CONSIDERATIONS IN REVIEW OF APPLICATION

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The Planning Commission and the Zoning Administrator shall consider the following matters, and others when applicable, in their review of applications, and may refer the plans to one or more expert consultants if the Commission deems it necessary.

1. Considerations relating to traffic safety and traffic congestion: a. The effect of the site development plan on traffic conditions on abutting streets. b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways. c. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion, and compliance with the provisions of Title 12-1-19, Off-Street Parking. d. The location, arrangement, and dimensions of truck loading and unloading facilities. e. The circulation patterns within the boundaries of the development. f. The surfacing and lighting of off-street parking facilities.
2. Considerations relating to signs: Compliance with the provisions of Title 12-1-22, Signs, for signs that are integral with the architectural design of the buildings.
3. Considerations relating to landscaping: a. The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development. or to conceal storage areas, utility installations, or other unsightly development. b. The planting of ground cover or other surfacing to prevent dust and erosion. c. The unnecessary destruction of existing healthy trees.
4. Considerations relating to buildings and site layout: a. Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to the character of the neighborhood. b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.
5. Considerations relating to drainage:

The effect of the site development plan on the adequacy of the storm and surface

water drainage.

#### 12-1-2004 CONDITIONS

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The Planning Commission, or the Zoning Administrator, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of this Part as the Commission or Administrator deem reasonable and necessary under the circumstances to carry out the intent of this.

#### 12-1-2005 FINDINGS AND DECISIONS

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Upon a finding by the Planning Commission or Zoning Administrator that the application meets the intent of this , the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied. The commission may grant final approval, or a preliminary approval with suggestions for improvement. Such approval shall be transmitted to applicant within 30 days of its presentation to the Commission. A preliminary approval is valid for a period of one year. The applicant or his representative must be in attendance at the Planning Commission meeting at which his proposal is to be presented.

#### 12-1-2006 NOTIFICATION OF APPROVAL OR DENIAL

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Upon the granting of design approval, the secretary of the Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereto, or the fact of denial and the reasons therefore.

## 12-1-2007 LEGISLATIVE BODY APPROVAL

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Within two weeks of presentation of its response, the Planning Commission shall transmit its response to the Legislative Body for its review and approval.

## **12-1-21 PLANNED UNIT DEVELOPMENT (PUD)**

### **12-1-2101 INTRODUCTION**

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Compliance with the regulations of this Part in no sense excuses the developer from the applicable requirements of the Subdivision Sections of this Ordinance, except as modifications thereof may be specifically authorized in the approval of the application for the planned unit development.

### **12-1-2102 PURPOSE**

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The purpose of the planned unit development is to allow diversification in the relationship of residential uses and structures to their sites and to permit a more flexible development of such sites. The application of planned unit concepts is intended to encourage good neighborhood and housing design, thus insuring substantial compliance with the intent of the zone district regulations and other provisions of this ordinance related to the public health, safety, and general welfare and at the same time securing the advantages of large-scale site planning for residential development.

### **12-1-2103 DEVELOPMENT REQUIREMENTS**

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1. The minimum land area required for development of a PUD is 125 acres.
2. The minimum number of units for a PUD shall be 50.
3. Minimum lot size for a PUD, outside of the GA District, shall be 2 1/2 acres. PUD developed within the GA District shall comply with the lot size requirement of the adjoining municipality.
4. The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.

5. The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
6. Where feasible, buildings and uses of lowest height and intensity shall be arranged around the boundaries of the development.
7. Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site development plan.
8. Every effort shall be made, by creative site planning, to preserve all existing trees or substantial shrubs on a development site.
9. Every PUD shall provide open space of at least 30 percent of the gross area of the development site. No streets, driveways, or parking area may be included as part of the required open space.
10. Preservation, maintenance, and ownership of common open space within the development shall be accomplished by:
  - a. Dedication of the land as a public park or parkway system, or
  - b. Granting to Juab County a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a home owner's association established with articles of association and by-laws which are satisfactory to Juab County, or
  - c. Creation of a separate corporation for home owners by which common areas shall be owned and maintained, or
  - d. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities within condominium portions of a development.
11. Landscaping, fencing, and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be presented to the planning commission for approval together with other required

plans for development.

12. The size, location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting shall be described in the application.
13. A grading and drainage plan shall be submitted to the planning commission with the application.
14. A planting plan, showing proposed tree and shrubbery plantings, shall be prepared for the entire site to be developed.
15. The proposed use of the particular location shall be shown as necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
16. It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property or improvements in the vicinity of the planned unit development.

#### 12-1-2104 PERMITTED USES

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Subject to the review and approval of the planning commission, uses permitted in a planned unit development shall be those uses which are permitted in the zone district in which the planned unit development is located; provided that for the purposes of this Part single-family, attached dwellings such as townhouses or zero-lot-line lots shall be considered single-family dwellings and may be permitted in a planned unit development. Planned unit developments shall only be allowed in districts which specifically list them as an allowed use.

#### 12-1-2105 GENERAL SITE PLAN

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Applications shall be accompanied by a general site plan showing where pertinent:

1. The use or uses, dimensions, sketch elevations, and locations of proposed structures.

2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.
3. Architectural drawings and sketches demonstrating the general design and character of the proposed uses and the physical relationship of the uses.
4. Such other pertinent information including residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.

## 12-1-2106 REVIEW BY PLANNING COMMISSION

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In order that it may recommend approval of a planned unit development, the planning commission shall have authority to require that the following conditions be met by the applicant:

1. Financial Ability of Applicants

That the proponents of the planned unit development have demonstrated to the satisfaction of the planning commission their financial ability to comply with regulations imposed on the proposed project pursuant to this ordinance.

2. Time Limit

That the proponents intend to start construction within one year of the approval of the project, and any necessary zoning district change, and intend to complete said construction within 4 years from the date construction begins.

3. Conformity to General Plan

That the proposed planned unit development conforms to the Juab County General Plan in terms of general location, use of land, and standards of development.

4. Residential Environment

That the proposed development will:

- a. Constitute a residential environment of sustained desirability and stability;
- b. Be in harmony with or complementary to the character of the zoning district; and:
  - (1) Not create traffic congestion;
  - (2) Provide for proper entrance and exits and for internal traffic circulation and parking;
  - (3) Be in harmony with the character of the zone district; and
  - (4) Have no adverse effect on adjacent or surrounding neighborhoods. The proposed developer shall be required to demonstrate that the project will be compatible with surrounding properties and uses.

## 12-1-2107 SCOPE OF PLANNING COMMISSION ACTION

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In carrying out the intent of this , the planning commission shall consider the following principles:

1. It is the intent of this Part that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning. The commission may require the applicant to engage such a qualified designer or design team.
2. It is not the intent of this Part that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Part that the control exercised be the minimum necessary to achieve the purpose of this ordinance.
3. The planning commission, in carrying out this Title, shall also observe such of the principles stated under Site Plan Review, 12-1-20, of this ordinance as are appropriate to the review of a planned unit development.
4. The planning commission may recommend to the legislative body the approval or disapproval of an application for a planned unit development. In recommending approving an application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 12-1-2102.
5. Final approval for any PUD shall be granted by the Legislative Body.

## 12-1-2108 CONSTRUCTION LIMITATIONS

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1. Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the commission to its approval.

2. Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedure herein outlined for first approval of a planned unit development.
3. If the planned unit development is to be subsequently divided either as a subdivision into (1) phase development parcels, or (2) separately-owned and operated units, such division boundaries shall be indicated on the development plan and preliminary approval concurrently obtained in accordance with the Subdivision Sections of this ordinance.
4. No permit shall be issued for any proposed building, structure, or use within the project unless such building, structure, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

## 12-1-22 SIGN REGULATIONS

### 12-1-2201 PURPOSE

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The sign regulations are intended to provide standards for the installation of signs in a manner that will promote the general welfare of the community. This shall be accomplished by encouraging good, harmonious design, and by establishing appropriate size and location requirements. Such regulations shall allow businesses to identify themselves and the goods or services they offer; safeguard and enhance property values; protect the public health, safety, and welfare of the citizens of Juab County.

### 12-1-2202 PERMIT REQUIRED

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It shall be unlawful for any person whether acting as owner, occupant, or contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the Juab County contrary to any provisions of this Title without first obtaining a permit. No such permit shall be issued until the proposal and application have been reviewed and approved by the Planning Commission or Administrator, as provided in Section 12-1-305,3,c.

### 12-1-2203 ENFORCEMENT

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1. The Administrator shall be vested with the duty of enforcing these sign regulations. In performance of such duty the administrator shall be empowered and directed to issue permits for the construction, alteration, or repair of signs.
2. The Administrator shall ascertain that all signs, constructions, reconstructions or modifications or existing signs are built or constructed in conformance with the Zoning Ordinance, Building Codes, and the specific requirements of this Title.
3. The Administrator shall issue a notice of violation to the person having charge or control or benefit of any sign found to be unsafe or in violation of this Title.

4. If an unsafe or illegal sign is not repaired, modified, or removed within ten working days after issuing said notice, the Administrator shall at once abate and remove said sign. The owner, or person having charge or benefit of any such sign shall pay to Juab County, within 30 calendar days after written notice is mailed to such person, the costs incurred in such removal.

#### 12-1-2204 PLANNING COMMISSION REVIEW

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At the time new buildings or developments are presented for site plan review, proposals for all signs to be installed on any buildings or premises shall be reviewed and will require Planning Commission approval. Signs to be added to existing buildings or uses, or signs that are to be enlarged, changed, or substantially modified, shall also be reviewed and approved by the Planning Commission.

#### 12-1-2205 REQUIRED DRAWINGS AND INFORMATION

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All applications for approval shall be accompanied by drawings drawn to scale and dimensioned, and which illustrate the following:

1. A site plan with dimensioned property lines showing existing and proposed buildings, and parking areas.
2. On the site plan, the location of all existing or proposed signs on buildings or premises.
3. Full color elevations of all signs, showing the dimensions and square foot area, the dimensions of the wall upon which the sign is to be erected, and the size of any existing signs on the same wall, if any.
4. Height and size of all free-standing signs.
5. Type of sign illumination, if any.

6. Details of sign construction and attachment.

## 12-1-2206 MEASUREMENT OF SIGNS

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In determination of the square footage and height of signs, the method of measurement shall be as follows:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy:

Sign area shall be measured as that area contained within the outside dimensions of the background panel or surface.

2. Sign copy mounted as individual letters and/or graphics against a wall or fascia of building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy:

Sign area shall be measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.

3. Sign copy mounted or painted on an illuminated sign or illuminated architectural element of a building:

The entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.

4. Number of sign faces: One--Area of the single face only.

Two--If the interior angle between the two sign faces is 45 degrees or less, the area will be the area of one face only; if the angle between the two sign faces is greater than 45 degrees, the sign area will be the sum of the areas of the two faces.

Three or more--The sign area shall be the sum of the areas of the three or more faces.

Spherical, free-form, sculptural, other non-planar signs--Sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.

5. Sign area shall include the areas of all permitted signs, except non-residential district directional signs assisting in the flow of traffic, street addresses, or signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two square (2) feet in area.
6. For a sign having more than one component - e.g. a service station identification/price sign combination on a monument base - mounted on the same surface; the sign area shall be the area of the smallest rectangle that will encompass the several components of the sign.
7. Height of free-standing signs shall be the distance from the top of the sign structure to the top or curb or crown of roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
8. Height of wall or signs shall be the distance from the top of the sign structure to the top of curb or crown of road where no curb exists.

## 12-1-2207 PROHIBITED SIGNS

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Signs not specifically authorized are prohibited, including but not limited to the following:

1. Political signs in public rights-of-way or public property.
2. Signs announcing the proposed development of property prior to site plan approval or after issuance of certificate of occupancy.
3. Movable signs.

4. Signs mounted, attached, or painted on trailers, boats, or motor vehicles when parked for extended periods of time on or near the premises.
5. Roof signs, or signs that project above the highest point of the roof line or parapet of the building.
6. Outdoor Advertising Signs (Billboard).
7. Any sign with intermittent or flashing illumination, animated, or moving signs.
8. Signs that emit sound.

#### 12-1-2208 CLEAR VIEW OF INTERSECTING STREETS

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In all zone districts which require a front yard, no sign shall be placed on any corner lot within a triangular area formed by the street property lines on a line connecting them at points forty (40) feet from the intersection of the street lines.

#### 12-1-2209 CHANGE OF BUSINESS NAME

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Whenever the name of a business changes, the signs on the premises shall be modified to bring them into conformance with these regulations, even though the intended change is a change of sign copy only. This regulation shall not apply to directory signs designed with interchangeable letters or panels.

#### 12-1-2210 RESIDENTIAL DISTRICTS - RESIDENTIAL USES

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The following signs shall be permitted in residential districts for residential uses, according to the following regulations:

1. Identification Signs. A sign not exceeding one square foot in area, giving the name only of the land or building in which displayed, or of the owner or lessee thereof.

2. Temporary Signs (See Section 12-1-2213).
3. Permanent Subdivision Identification Signs for recorded subdivisions in accordance with the following:
  - a. Maximum area of such sign to be twenty-four (24) square feet with a maximum height of five (5) feet.
  - b. Such signs to be monument type. i.e., individually mounted letters on a free-standing wall.
  - c. Final location of such signs to be approved by the Planning Commission.
  - d. Such signs shall be located in a landscaped area of at least two (2) square feet per each one (1) square foot of sign area.
4. Directional or Public Necessity Signs: Not to exceed one (1) square foot in area; such signs shall not exceed two (2) feet in height.
5. Home Occupation Signs: One unlighted, wall-mounted sign not to exceed four (4) square feet.
6. Identification Signs for Apartments and Condominium Complexes as follows:
  - a. A free-standing sign, not exceeding 24 square feet in area. Such sign shall not exceed 10 feet in width or 5 feet in height. Such sign must be located at least 5 feet from any property line.
  - b. A wall sign, not exceeding 6 square feet in area. Height of such sign shall not exceed 10 feet.
7. Mobile Home and Trailer Parks Identification Signs:
  - a. All signs permitted in Section 12-1-2210.

- b. One identification sign for each entrance to the park. Each sign shall not exceed 24 square feet in area, 5 feet in height, nor 10 feet in width, and such sign shall be located at least 5 feet from any property line.

## 12-1-2211 RESIDENTIAL DISTRICTS - NON-RESIDENTIAL USES

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The following signs shall be permitted in residential districts for non-residential uses according to the following regulations:

1. All signs permitted in Section 12-1-2210.
2. Civic organizations and governmental buildings may be identified on group display structures in accordance with the following standards:
  - a. Such structures shall be on arterial streets and in commercial or industrial districts and within 1 mile of the city limits.
  - b. Structures shall not be over 5 feet in height or an area in excess of 40 square feet.
  - c. The signs shall not be illuminated.
  - d. Each civic organization sign shall be limited to a maximum area of 2 square feet.
  - e. Exact location and design of the sign structure shall require approval of the Planning Commission.

Churches shall not be included in the above.

3. Identification signs displaying only the name of the building or tenant business with a total maximum sign area not exceeding 24 square feet. Such signs may be wall-mounted with a maximum height of 10 feet, and/or such signs may be free-standing according to the following:

- a. One free-standing identification sign shall be permitted with a maximum height of 25 feet. A second such free-standing sign shall be permitted for a lot whose front property line measures greater than 80 lineal feet. Where two free-standing signs are permitted they shall be located at least 60 feet apart.
  - b. Free-standing identification signs shall be located at least 5 feet from any property line.
  - c. A landscaped area shall be provided, on site at the street frontage at the base of the free-standing sign, with said landscaped area to have a minimum area of 4 square feet for each one square foot of sign area.
4. In addition to the above, each tenant may be allowed 3 square feet of non-illuminated sign area, identifying his business to be located on the wall adjacent to the entry of the tenant's business.
  5. In addition to the above, a directory with a maximum area of 5 square feet and a maximum height of 5 feet may be permitted behind the required front yard setback.

12-1-2212 COMMERCIAL AND INDUSTRIAL DISTRICTS

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Signs will be allowed in Commercial and Industrial Districts as follows (includes nonresidential):

1. All signs permitted in Section 12-1-2211.
2. Civic organization identification signs same as provided in Section 12-1-2211, 2.
3. Business signs shall be in accordance with the following regulations:
  - a. The total aggregate area of one face of all signs on the premises pertaining to any one business shall not exceed 50 square feet. However, if the portion of the building adjacent to the street-property line measures more than 50 feet, then the aggregate area of one face of all such signs on the premises may be

increased in area at the rate of one square foot of sign area for each foot of building frontage in excess of 50 lineal feet; but the total aggregate area of one face of all such signs on the premises shall not exceed 100 square feet for each business. For corner buildings, only the main entrance frontage shall be so measured.

- b. Free-standing identification signs shall be counted as a portion of the total aggregate sign area of the premises and shall be restricted to the following:
  - (1) One free-standing identification sign for each street upon which the lot has frontage.
  - (2) Maximum height shall be 35 feet.
  - (3) Such signs shall have a maximum area of 24 square feet.
  - (4) Such signs shall not be closer than 30 feet to any residential district.
  - (5) A landscaped area shall be provided on site at the street frontage at the base of the free-standing sign, with said landscaped area to have a minimum area of 4 square feet for each square foot of sign area, and such sign shall be located at least 5 feet from any property line.
4. Price signs, for service stations only in accordance with the following:
  - a. Maximum area shall not exceed 12 square feet each and shall be counted in the total aggregate sign area of the premises as permitted above.
  - b. Maximum height shall not exceed 35 feet.
  - c. One free-standing price sign per each street frontage on which the service station has frontage, and such sign shall be located at least 5 feet from any property line.
  - d. A landscaped area shall be provided on site at the street frontage, at the base of the free-standing sign, with said landscaped area of 4 square feet for each

square foot of sign area.

- e. The maximum sign area for free-standing signs per street frontage shall not exceed 24 square feet including all identification and price signs.
5. Menu boards, for drive-in or drive-through restaurants, shall be in accordance with the following:
    - a. One free-standing or wall-mounted menu board per business and shall be located not less than 45 feet from the street line.
    - b. Maximum area shall not exceed 12 square feet and shall be counted in the total aggregate sign area of the premises.
    - c. Maximum sign height shall not exceed 5 feet for free-standing menu signs.
    - d. A landscaped area shall be provided, at the base of the free-standing sign with said landscaped area of 4 square feet for each square foot of sign area.
  6. Signs for building complexes or centers shall be in accordance with the regulations listed below. For purposes of this , a building complex or center shall mean any number of businesses greater than one, which buildings share the same site, using common points of ingress and egress to and from the site.
    - a. The total aggregate area of one face of all signs on the premises pertaining to any one business shall not exceed 40 square feet. However, if the portion of the building adjacent to the street-property line measures more than 40 feet, then the total aggregate area of one face of all such signs on the premises may be increased in area at the rate of one square foot of sign area for each foot of building frontage in excess of 40 lineal feet; but the total aggregate area of one face of all such signs on the premises shall not exceed 80 square feet for each business. For corner buildings, only the main entrance frontage shall be so measured.
    - b. One free-standing identification sign per street frontage for the entire site is permitted in accordance with the following:

- (1) Such signs shall identify the center only, and shall not be counted in the total aggregate sign area for individual business identification.
- (2) Maximum area of 24 square feet per sign, and maximum height of 5 feet.
- (3) A free-standing sign identifying an individual business rather than the center shall be obtained only by the approval of the Planning Commission.

Such sign shall be limited to 24 square feet and shall be counted as a portion of the total aggregate sign area allowed for the business, and such sign shall be located at least 5 feet from any property line.

- (4) A landscaped area shall be provided, on site at the base of the free-standing sign, with said landscaped area of 4 square feet for each square foot of sign area.
- c. All wall signs for individual businesses shall be uniform in terms of colors, shapes, and maximum vertical dimension with all other such signs in the center. A proposal for signing for the entire center shall be submitted prior to the issuance of any sign permit.

## 12-1-2213 TEMPORARY SIGNS

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The following signs shall be permitted in all zone districts according to the following regulations:

1. Sale, Lease, or Rent Signs: non-illuminated and not exceeding 6 square feet in aggregate area and 5 feet in maximum height pertaining only to the land or building upon which displayed.
2. Subdivision Advertising Signs: To be located on the site or within three quarters of a mile radius of the recorded subdivision and in accordance with the following schedule:

- a. One sign per arterial street or major entry.
  - b. Maximum sum of all such signs to total 160 square feet.
  - c. Maximum height above grade level shall be 18 feet for all such signs.
  - d. Such signs may be illuminated only by non-flashing lights and so shielded that only the face of the sign is illuminated.
  - e. Such signs may be maintained for a period of 2 years, or until all the lots in the subdivision are sold, whichever occurs first.
  - f. Such signs shall not be located within 100 feet of any existing residential structure.
  - g. All off-site subdivision signs shall be subject to approval by the Planning Commission.
3. Banners, Pennants, and Displays: Shall be permitted for a maximum of 30 consecutive days beginning with the first day of business operation.

## 12-1-23 SUPPLEMENTAL REGULATIONS

### 12-1-2101 EFFECT OF THIS

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The general regulatory provisions set forth in this Part qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

### 12-1-2102 ADDITIONAL REGULATIONS

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Prior to the issuance of a building permit for any residential uses, except as excluded in this Ordinance, the applicant must provide proof of adequate water as defined in this Ordinance. A covenant, agreement, deed, or other binding instrument permanently attaching the water rights to the building site or sites shall be required.

Frontage on a Road, County, as defined by this Ordinance shall be required for any residential use. This definition includes any state or federally designated road.

No building permit for residential uses, except as provided in this Ordinance, shall be issued prior to the applicant obtaining an approved waste water permit.

Each building permit application for residential uses, except as excluded in this Ordinance, shall provide a Property Pledge, approved by the County, detailing exactly the parcels of property dedicated to the building permit. The applicants name must be on the title of any property pledged toward said building permit. Prior to the issuance of a building permit the Property Pledge shall be recorded in the Office of the Juab County Recorder with evidence provided to the Administrator.

### 12-1-2103 OPEN SKY

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Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, stairways, and ornamental features.

## 12-1-2104 SEPARATION REQUIRED

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The intent of this provision is to provide a minimum distance between existing lawful uses and incompatible uses on adjacent property owned by others.

A minimum of 500' shall separate existing residential uses from new corrals, pens, coops, etc. on adjacent properties, unless adjacent properties are in the same ownership as the existing residential use. New residential development shall not be allowed within 500' of existing corrals, pens, coops, etc. on adjacent properties, unless adjacent properties are in the same ownership as the existing residential use.

## 12-1-2105 LOT STANDARDS

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Except for cluster subdivisions, and as otherwise provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the zone district in which such lot is located and shall have frontage upon a dedicated Class B or better road before a building permit may be issued.

## 12-1-2106 ROAD WIDTH

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Minimum width for any county road shall be 60 feet. Any new roads shall require at least 66 feet of right-of-way. No building permit shall be issued on any County Road that would interfere with this 60 foot right-of-way provision.

## 12-1-2107 EVERY DWELLING ON A LOT

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Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the zone district in which the dwelling structure is located, except that group dwelling complexes under single ownership and management which are permitted by this Ordinance and have approval from the Planning Commission, may occupy one lot for each such multi-structure complex.

## 12-1-2108 MOBILE OR MANUFACTURED HOME DURING CONSTRUCTION

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A mobile home or manufactured home may be placed at the site of a new home during construction, for a period not to exceed one (1) year, if approved in writing by the Juab County Commissioners and after the placement of a bond or cash deposit of sufficient size as to allow Juab County to have such trailer or manufactured home removed if necessary. The amount of the required bond or deposit will be set by the Juab County Commission.

## 12-1-2109 FIRE ESCAPES AND STAIRWAYS

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Open or latticed enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues are permitted.

## 12-1-2110 FENCES, GRADING, LANDSCAPING

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1. Fences. A fence, lattice-work, screen or wall, not more than six (6) feet in height or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six feet in height, may be located in any required side or rear yard. On corner lots a solid type fence, hedge, thick growth of shrubs or trees shall not be allowed over three feet high closer than thirty (30) feet from property lines at an intersection, except that trees may be allowed that are trimmed to a height of at least ten (10) feet above the sidewalk or finished grade and are maintained at that height.
2. Front Yard Fences. For residential districts, in any required front yard, or the required side yard on the street side of corner lots, an open type fence not exceeding four (4) feet in height maintained to permit clear, unobstructed visibility may be allowed. Provided, further, that this provision shall not be interpreted as to prohibit the erection of any open mesh type fence enclosing elementary or secondary school sites.

3. Obstruction of View. Any grading, planting, or construction in residential districts that interferes with the viability of those using the streets, sidewalks, alleys, driveways, etc., is prohibited.
4. A solid-type fence is one that in the opinion of the Administrator is closed sufficiently to block view of traffic.
5. Exceptions. Certain other fences, such as tennis court backstops, patio enclosures, etc., in the front, side, or rear yard may be approved by the Administrator if in his opinion they do not create a hazard or violation of other ordinances.

## 12-1-2111 AREA REGULATIONS

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Every main or residential building shall be located and maintained on a lot as defined by this Ordinance and all parts of said building shall be connected in a substantial manner. There shall not be more than one such building on a lot in residential districts, except as otherwise provided by this Ordinance.

1. No lot or parcel of land held under separate ownership at the time this Ordinance became effective shall be separated in ownership or reduced in size below the minimum lot width or lot area required by this Ordinance nor shall any lot or parcel of land held under separate ownership at the time this Ordinance became effective and which has a width or area less than that required by this Ordinance be further reduced in any manner.
2. No building or structure shall be erected, enlarged, or moved onto any lot which abuts a street having only a portion of its required street width dedicated, and where no part of such dedication would normally revert to said lot if the street were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth which is not less than the width or depth of that portion of the lot needed to complete the required street width, plus the width or depth of the yards required on the lot by this Ordinance.
3. The front yard required on a lot of record or held under separate ownership at the time this Ordinance became effective shall be provided and maintained regardless

of any subsequent change of lot lines which creates a new lot fronting on a street other than that on which said lot fronted at the time this Ordinance became effective.

4. No accessory building shall be structurally altered, converted, enlarged, or maintained for the purpose of providing living quarters or dwelling units unless such accessory building and all enlargements thereof are made to conform to all the regulations of this Ordinance for new buildings.
5. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be used for the storage of junk, building material, debris, obsolete vehicles, commercial equipment, or buildings or equipment which are obsolete or in disuse.
6. At each end of a through lot there shall be a front yard of the depth required by this Ordinance for the zone in which each street frontage is located; provided, however, that one of such front yard may serve as a required rear yard.
7. No required yard or other required open space around an existing building shall be separated in ownership from the portion of the lot upon which the building is located.

## 12-1-2112 SWIMMING POOLS AND RECREATIONAL FACILITIES

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1. Private swimming pools. Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five (5) feet from property lines and any semi-private swimming not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least six (6) feet. Any opening shall have a gate and any opening larger than 36 inches shall be equipped with self closing and self latching devices.

Private swimming pools will be permitted where they can meet the necessary set back requirements. However, there must be no direct connection for drainage to public sewer systems without specific written approval from system operators.

## 12-1-2113 HOME OCCUPATIONS

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1. Requirements. In Districts where allowed, an individual may be granted a business license after application for and issuance of a home occupation permit. A home occupation shall be clearly incidental and secondary to the residential use of the building and not change the character thereof.

Home occupations applications shall be reviewed by the Administrator and classified as an impact home occupation or no impact home occupation. To qualify as a no impact home occupation the applicant must demonstrate that there will no business activity carried on in the home except bookkeeping, scheduling, etc. Any application that does not demonstrate to the Planning Commission's satisfaction that they are no impact occupations shall be classified as impact occupations. A home occupation permit shall not be approved by the Planning Commission unless it can be shown that:

- a. It shall be conducted entirely indoors and within the home.
- b. It shall involve the use of no more than one room in the dwelling or the equivalent of 20 percent of the ground floor area, whichever is greater.
- c. It shall generate no vehicular or pedestrian traffic, or parking, in excess of that normally associated with a residential use.
- d. The use shall not create a nuisance by reasons of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes.
- e. It shall not employ persons other than those who reside therein.
- f. There shall be no stock-in-trade, and any identification sign shall comply with appropriate regulations of the Juab County Sign Ordinance.

2. A public hearing shall not be required for a no-impact home occupation.
3. Home occupations will be limited to one per dwelling unit.
4. Public Hearing. Before any impact home occupation permit is issued by the Planning Commission a public hearing shall be held. Reasonable Notice of such hearing shall be given, all property owners within 500 feet of the area under consideration shall be notified by mail of the time and place of the hearing. After the required hearing and review of the home occupation application, the Planning Commission may approve or disapprove said permit. If approved, the Planning Commission shall authorize the Administrator to issue a home occupation permit.
5. An impact home occupation permit shall not be issued nor shall a public hearing be held prior to the applicant paying the appropriate fee in an amount determined by resolution of the Legislative Body.
6. Appeals of Decision. Any person shall have the right to appeal the decision of the Planning Commission to the Legislative Body. Such appeal shall be filed within 30 days from the date of the decision of the Planning Commission. Upon receipt of such appeal, the Legislative Body shall respond within 45 days. Failure by the Legislative Body to respond shall be deemed to be a denial of the appeal.
7. Time Limit. Unless the uses approved in a home occupation permit are implemented within a maximum period of one year of its issuance, the permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances. If an application for a home occupation is not approved, the applicant shall not reapply for 12 months.
8. Temporary Uses. A home occupation permit for uses which are of a temporary nature may only be issued for the intended duration of the temporary use or for one year, whichever period of time is shorter. The Planning Commission may grant extensions of 6 months each under exceptional circumstances.

## 12-1-2114 RECREATIONAL SUBDIVISIONS

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Recreational Subdivisions shall only be allowed in a district which has an (R) Overlay as shown on the official zoning map.

## 12-1-2115 ZERO LOT LINE DEVELOPMENT

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Zero lot line development may only be permitted in residential districts where it is specifically listed as an allowed use and shall be guided by the following:

1. Subdivisions. A new subdivision may include zero lot line lots. Subdivision developments of more than 10 lots shall be limited to 50 percent of its total lots for zero lot line. Lot sizes for each zero lot line lot shall be one-half of the minimum size for a two-family dwelling as specified for the zone district in which the subdivision is to be developed. Yard regulations shall comply with Section 12-1-2314,3.
2. Individual Lots and Duplex Conversions. Platted lots may be developed for zero lot line use, and two-family structures existing at the time of passage of this ordinance may be converted to separate ownership for zero lot line (twin home) use. New construction on existing lots shall comply with lot development requirements, sub-section 3. For the conversion of existing duplex buildings to twin home use, minimum lot size requirements shall not apply. However, all appropriate building code requirements for condominium construction shall be strictly enforced.
3. Development Regulations.
  - a. Minimum Lot Size The minimum lot size for each zero lot line lot shall be one-half the minimum size allowed for a two-family dwelling in the zone district.
  - b. Yard Regulations
    - (l) Front Yards. Same as the zone district, except that in new construction, front yard set-backs may vary from zone district regulations in order to

avoid monotony, but no set-backs shall be less than twenty (20) feet.

- (2) Side Yard. The side yard shall be at least 20 percent of the lot frontage, or ten (10) feet, whichever is greater. On corner lots, the zero side yard shall never occur on the street side.
- (3) Rear Yard. Same as the zone district, or twenty (20) feet if none is specified.
- (4) Lot Coverage. No more than 50 percent of the lot may be occupied by the building.
- (5) Lot Frontage. 40 foot minimum.

c. Other Regulations

- (1) Openings on the Zero Yard Side. On detached buildings, no windows, doors, or other openings shall be allowed on the zero yard side.
- (2) Parking. A minimum of two off-street parking spaces shall be provided on each platted lot.
- (3) Lots Bordering Standard Lots. Where a zero lot line borders a standard (non-zero lot line) lot, the zero yard side shall be opposite the abutting lot line.

12-1-2115 ADDITIONAL HOUSING STANDARDS

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1. All applications for a building permit, except permits for re-roofing, siding, demolition, and remodeling when there is no change in structure size, must be accompanied by a plot plan drawn on a plat map available at the office of the Juab County Recorder.
2. The width of each dwelling shall not be less than twenty feet (20) feet at the

narrowest point of its first floor exclusive of any garages, bay windows, room additions, or other similar appendages. Manufactured, modular, or mobile homes must be multiple sections, with each section having a minimum width of 10'. A basement shall not be considered as a first floor. The width shall be considered the lesser of the two primary dimensions.

3. Each dwelling shall have an engineered or code-approved, site-built, concrete or masonry permanent foundation waterproofed below ground level and sealed above ground level according to UBC. Manufactured homes must be permanently attached to the foundation according to manufacturer's installation instructions or an approved engineered foundation design. Each foundation shall have a minimum height of one (1) foot above the top back of the curb, if any, plus 2%.
4. Each dwelling unit must be taxed as real property. If it is a manufactured home, affidavits as required by Utah Code Annotated Section (56-2-602) must be filed under that section and a copy thereof submitted to the county prior to receiving a Certificate of Occupancy and within 14 days of closing.
5. Each dwelling unit shall have exterior siding material of sufficient quality, durability, and resistance to the elements to satisfy the purpose of this section. Exterior siding material shall consist of brick, stucco, glass, metal lap, vinyl lap, or stone. Wood or hardwood must be pre-approved by the city building inspector. Any other siding materials must be approved by the building inspector.
6. The roof of all dwelling units shall have a minimum pitch of 2'6":12' (except built-up gravel see below). All units shall have eave overhangs of at least (6") excluding rain gutters, measured from the vertical side of the dwelling. The roof surface shall consist of wood shakes, asphalt, composition, wood shingles, tile, fiberglass, concrete, or built-up gravel. Built-up gravel roofs shall have a minimum pitch of 2':12'. All units shall have a minimum roof load of 30 lb. per sq. ft.
7. Each dwelling unit that is a manufactured home must be installed by a housing set-up contractor licensed by the Utah Division of Occupational and

Professional Licensing. Each unit must be installed according to the accompanying manufacturer set-up instructions. Hose bibs on manufactured homes must be of an approved, frost-proof, anti-siphon type.

## 12-1-2116 SECOND KITCHENS

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The purpose of this section is to establish criteria for allowing a second kitchen in single family residences within Juab County; and distinguishes such allowances from that which would result in creation of a second dwelling unit or accessory apartment.

Second kitchens may be allowed within Juab County in accordance with the following regulations.

1. The home shall have only one front entrance.
2. The home shall have only one address.
3. An interior access shall be maintained to all parts of the home. This requirement is to assure that an accessory unit or apartment is not created. For example, there shall be no keyed and dead bolt locks, or other manner of limiting or restricting access from the second kitchen to the remainder of the home.
4. The home shall have no more than one electrical meter.
5. A second kitchen may exist only as part of the primary structure and may not be installed in an accessory or “out” building.
6. Upon request made by Juab County staff, the home owner shall allow within reasonable hours an inspection of the home which has a second kitchen, in order to determine compliance with this policy.
7. Property owner must sign a written document prescribed by Juab County which declares that the home will not be converted into two or more units without specific approval by authorized staff of both the Juab County Building Inspection and Zoning Divisions. Signature(s) on such a document shall be notarized and recorded with the Juab County Recorder’s Office prior to issuance of a building permit and will remain as a part of the official records concerning the subject property.

8. Once a second kitchen is approved, both present and future owners of the property must limit use of the single family residence to a family only, thus waiving the right to also have roomers or boarders.
9. Construction of any such kitchen would then be required to meet Uniform Building Code standards.

## **12-1-24 VESTED RIGHTS**

### **12-1-2201 PURPOSE**

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The purpose of this Part is allow a procedure for recognizing vested development rights under Utah law, as amendments are made to this Ordinance from to time to provide certainty and predictability in the development approval process for affected landowners, to protect the planning process as the Juab County General Plan is updated and implemented, and to effectuate the public policy favoring the settlement of disputes.

### **12-1-2202 PROCEDURE TO CLAIM VESTED RIGHTS**

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In order for any person to claim a vested right under this Part the following shall apply:

1. Applicant shall file a claim with the Administrator outlining all reasons for claiming a vested right.
2. Such claim must be filed within 180 days of the effective date of the change or amendment or the alleged vested right shall be deemed abandoned. A landowner who fails to file within the time frame provided by the ordinance is presumed to have waived or abandon any vested right.
3. Prior to processing any request for a vested right claim an appropriate fee as established by the Legislative Body must be paid.

### **12-1-2203 PROCESSING VESTED RIGHTS CLAIMS**

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Upon receipt of a claim for vested rights the Planning Commission shall, within 30 days, invite the applicant to a hearing before the Planning Commission to determine if a vested right exists. Within 14 days of the hearing, the Planning Commission shall deliver to the Legislative Body a written finding concerning said claim. The Legislative Body shall make a determination upon the claim within 30 days. The Legislative Body may, but is not required to, hold an additional hearing on the application. In order to approve any vested right application the Legislative Body shall also be required to make a

written finding concerning the application. The finding shall be filed with the County Clerk with a copy to the Administrator, County Recorder, and the Planning Commission. Upon receipt of a copy of the finding, the Administrator shall issue a Certificate of Vested Right. Any appeal from the decision of the Legislative Body shall be to the District Court. Such appeal must be filed within 30 days from the date of the decision.

A vested right for one (1) residential building permit may be claimed by a property owner who:

1. Had acquired sufficient acreage with the express intent of constructing home under ordinances in effect just prior to adoption of this Ordinance.
2. Met all other requirements to obtain a residential building permit under said previous ordinance.

Any vested right claimed under this provision shall be processed and verified under guidelines adopted by the Legislative Body.

## 12-1-25 NONCONFORMING USES

### 12-1-2301 PURPOSE

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Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension. For purposes of this section the addition of a solar energy device to a building is not a structural alteration.

To control and gradually eliminate those uses of land or buildings, which although legal at the time of their establishment, do not now conform to the use regulations of the zone district within which they are situated. Such uses shall be deemed non-conforming uses. Likewise it is intended to control and gradually eliminate buildings which, although legal at the time of their erection, do not now conform to the height, bulk, and location regulations of the zone district within which they are situated. Such buildings shall be deemed to be nonconforming buildings.

### 12-1-2302 CONTINUING EXISTING USES AND AFFIDAVIT

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(U.C.A. 17-27-407) Except as hereinafter specified, any use, building, or structure, lawfully existing at the time of the enactment or subsequent amendment of this Ordinance, may be continued even though such use, building, or structure does not conform with the provisions of this Ordinance or the zone district in which it is located. Except as otherwise provided by law, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

Affidavit. Following effective date of this Ordinance or any amendment thereto, by which a use, structure, or sign becomes nonconforming, the owner of land use, structure, or sign, may register such nonconforming use, structure, or sign, by filing with the Zoning Administrator an affidavit setting forth the time that said use, structure, or sign came into existence, the size of the structure, or sign, and the size and extent of the

nonconforming use existing on the effective date of this Ordinance, or applicable amendment. The Zoning Administrator shall preserve the affidavit and on the basis of the affidavit issue a Certificate of Occupancy.

#### 12-1-2303 CONSTRUCTION APPROVED PRIOR TO ORDINANCE

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A building, structure, or part thereof which does not conform to the regulations for the zone district in which it is situated, but for which a valid (non-expired) building permit existed, may be completed in accordance with such plans providing work is prosecuted continuously without delay. Such building shall be deemed to be nonconforming and shall be subject to the regulations set forth herein.

#### 12-1-2304 NONCONFORMING USES, SUBSTITUTION, EXTENSION, DISCONTINUANCE, ETC.

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A nonconforming use shall not be enlarged, extended, moved within the premises, or changed unless the use is changed to a use permitted in the district in which it is located, and a nonconforming building shall not be reconstructed or structurally altered unless such alteration shall result in removing those conditions of the building which render it nonconforming, except as follows:

1. Substitution or Extension.
  - a. When authorized by the Appeal Authority in accordance with this Ordinance, a nonconforming use which is determined to be of a more desirable nature may be substituted for another nonconforming use.
  - b. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
  - c. When authorized by the Board of Adjustment in accordance with this Ordinance, a building devoted to a nonconforming use may be completed upon the lot occupied by such building provided that such completion is necessary and incidental to the existing use of such building.

- d. Repairs and structural alterations may be made to a nonconforming building or use provided that the floor area of such building is not increased. Alterations may also be made to assure compliance with health and safety codes.
- e. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.
- f. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of nature or the public enemy, to the extent of not more than 3 times its assessed value at the time, may be destroyed and the occupancy or use of such building structure or part thereof which existed at the time of such partial destruction may be continued or resumed provided that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds 3 times the assessed value of such nonconforming building or structure, no repairs or reconstruction shall be made, except in the case of residences or accessory farm buildings, unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone district in which it is located, as determined by the Zoning Administrator.
- g. An application for substitution or extension of a nonconforming use may be made to the Planning Commission by the property owner or certified agent. The Planning Commission shall give consideration to the nature and condition of adjacent uses and structures and their inter-action with the nonconforming use or structure. The Planning Commission may deny the substitution or extension; may grant the substitution or extension as is; or may grant a permit subject to such requirements and conditions with respect to location construction, maintenance, operation and duration of the proposed use as it may deem necessary for the protection of adjacent properties. A public hearing may be held when deemed to be necessary or in the public interest by the Planning Commission or the Legislative Body.

## 12-1-2305 CESSATION OF USE DEFINED

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A use shall be deemed to have ceased when it has been discontinued either temporarily or permanently for a period of one year or more, which shall be determined to be an intent to abandon said use.

1. Cessation of Use of Building.

- a. Except for residential or accessory farm structures, a nonconforming building or structure shall not be put to a nonconforming use again when such use has ceased for one year or more.

2. Cessation of Use of Nonconforming Land.

- a. A nonconforming use of land not involving any building or structure (except minor structures such as fences, signs, and buildings less than 400 feet in area) shall not be resumed when such use has ceased for one year or more.

## **12-1-26 ORDINANCE AND MAP AMENDMENT**

### **12-1-2601 POWER OF THE PLANNING COMMISSION AND LEGISLATIVE BODY**

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The Planning Commission or Legislative Body may initiate proposals for change or modification of any Part or regulation of this Ordinance as necessity may arise.

### **12-1-2602 PETITION FOR CHANGE**

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Any person desiring to initiate a change in this Ordinance or the Zoning Map shall submit a petition to the Administrator explaining the request and the reasons therefore. The petition shall be accompanied by an amendment petition fee in an amount determined by resolution of the Legislative Body.

### **12-1-2603 PLANNING COMMISSION REVIEW**

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The Planning Commission shall review the petition and certify its recommendations to the Legislative Body within 45 days of receipt of the petition. The Planning Commission shall recommend adoption of proposed amendments only where it finds that the proposed amendment is in accord with the Juab County General Plan, or that changed conditions make the proposed amendment necessary to fulfill the purposes of this Ordinance.

### **12-1-2604 PUBLIC HEARING**

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Before any amendment or change shall be passed by the Legislative Body, a public hearing shall be held as provided by law. Notice of such hearing shall be published in at least one newspaper of general circulation within the county at least 10 days prior to such hearing. After the required hearing on the proposed amendment, the Legislative Body may adopt or reject such amendment.

## 12-1-2605 COMMISSION ACTION

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Concurrence by the Legislative Body in an unfavorable recommendation shall constitute a denial of the application, and no public hearing shall be held, unless one is specifically requested by the applicant. If the Legislative Body determines the proposed amendment to be desirable despite the Planning Commission's recommendation, a public hearing shall be held. Re-submission of an application for the same amendment shall not be allowed for a period of 12 months.

## NEPHI MUNICIPAL AIRPORT

### 12-1-27 AIRPORT PROTECTION

#### 12-1-2701 PURPOSE

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This section has been enacted to provide for safe operation of the existing Nephi Municipal Airport and those persons and aircraft that use this airport.

#### 12-1-2702 AIRPORT DEFINITIONS

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1. Airport. The Nephi Municipal Airport
2. Airport Approach, Transitional, Horizontal, and Conical Zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces and are defined in this chapter.
3. Airport Elevation. The elevation in feet above mean sea level of the highest point of the landing areas of the airport.
4. Airport Hazard. Any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off, or maneuvering at or in the vicinity of the airport, or is otherwise hazardous to such landing, taking off, or maneuvering of aircraft.
5. Airport Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length. For the purpose of this ordinance, the runway length shall be 7200 feet.
6. Airport Primary Surface. A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point in the primary surface is the same as the elevation of the nearest point on the runway centerline.

7. Airport Utility Runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
8. Airport Non-Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA-planned document or military service's military airport planning document.
9. Airport Precision Instrument Runway. Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan; or a military service's approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

## 12-1-2703 HEIGHT LIMITING ZONES

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In order to carry out the provisions of this ordinance, there are hereby created and established certain height limiting zones, which include all the land lying within the utility and non-precision instrument approach zones, transition zones, horizontal zones, and conical zones. Such zones are shown on the Municipal Airport Zoning Map, which is attached to this ordinance and made a part hereof to the same extent as if said map and the information thereon were fully described and set forth herein. The various height limiting zones are hereby established and defined as follows:

1. Runway Non-Precision Instrument Approach Zone. An approach zone is established at the end of Runway 16 based on a 6300 foot runway, for landing and take-offs. The Non-Precision Approach Zone shall have a width of 1000 feet at a distance of 200 feet beyond the end of the runway, widening hereafter uniformly to a width of 3500 feet at a distance of 10,200 feet beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The Approach Zone shall rise 1 foot in height for each 34 feet in horizontal distance beginning at a point 200 feet from

and at the centerline elevation of the runway and extending to a distance of 10,200 feet from the end of the runway.

2. Runway Precision Instrument Approach Zone. An approach zone is established at the end of Runway 34 for landing and take-offs based on a 7200 foot runway. The Precision Approach Zone shall have a width of 1000 feet at a distance of 200 feet beyond the end of the runway, widening hereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The Approach Zone shall rise 1 foot in height for each 50 feet horizontal distance for the first 10,000 feet, beginning at a point 200 feet from and at the centerline elevation of the runway, then shall rise 1 foot in height for each 40 feet horizontal distance for an additional 40,000 feet, extending to a total distance of 50,200 feet from the end of the runway.
3. Transition Zone. Transition zones are hereby established adjacent to each runway and approach zone as indicated on the airport zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the airport zoning map. Transition zones extend outward from a line on either side of the centerline of the runway, for the length of such runway plus 200 feet on the end, and are parallel to and level with such runway centerlines. Part The transition zone along such runway slopes upward and outward 7 feet horizontally for each 1 foot vertically to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to approach zones for the entire length of the approach zone up to the point of intersection with the horizontal zone. These transition zones have variable widths, as shown on the airport zoning map. Such transitions flare symmetrically with either side of the runway approach zone from the base of such zone and slope upward and outward at the rate of 7 feet horizontally for each 1 foot vertically to the points where they intersect the surfaces of the horizontal and conical zones.
4. Horizontal Zone. A horizontal zone is hereby established as the area within arcs of radius from points at the end of the runway at the centerline extension and having a radius of 10,000 feet at 150 feet above the airport elevation. The horizontal zone does not include the utility and non-precision instrument approach zone and the transition zone.
5. Conical Zone. A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward for a distance of 4,000 feet. The conical zone does not include the utility and non-precision instrument approach zone and transition zone. The conical

zone shall rise 20 feet in height for each 1 foot in horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.

## 12-1-2704 HEIGHT LIMITATIONS

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Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any height limiting zone created by this ordinance to a height in excess of the height limit herein established for each of the zones in question as follows:

1. Runway Non-Precision Approach Zone. 1 foot in height for each 34 feet horizontal distance beginning at a point 200 feet from the end of the runway and at the centerline elevation, extending a distance of 10,000 feet.
2. Runway Precision Instrument Approach Zone. 1 foot in height for each 50 feet horizontal distance beginning at a point 200 feet from the end of the runway and at the centerline elevation, extending a distance of 10,000 feet, then 1 foot in height for each 40 feet horizontal distance, extending for an additional 40,000 feet.
3. Transition Zone. Slope 7 feet outward for each 1 foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each 1 foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
4. Horizontal Zone. 150 feet above the airport elevation.
5. Conical Zone. 20 feet in height for each 1 foot of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.
6. Accepted Height Limitation. Nothing in this ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height consistent with the terms of this chapter.

7. Most Restrictive Limitation Prevails. Where a zone is covered by more than one height limitation, the more restrictive limitations shall prevail.

## 12-1-2705 USE REGULATIONS.

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1. Notwithstanding any other provisions of this ordinance, no use shall be made of land within any height limiting zone established by this ordinance in such a manner as to do any of the following:
  - a. Create electrical interference with radio communication between the airport and aircraft;
  - b. Make it difficult for pilots to distinguish between airport lights and other lights;
  - c. Result in glare in the eyes of pilots using the airport;
  - d. Impair visibility in the vicinity of the airport; or
  - e. Otherwise endanger the landing, taking off, or maneuvering of aircraft.
  
2. Notwithstanding any other provisions of this ordinance, no places of public assembly, including, but without limitation, apartment, barracks, churches, hospital, hotels, mobile home parks, multiple-family dwellings, recreational vehicle parks, schools and theaters, shall be erected or otherwise located within any of the areas established as a runway protection zone on the airport layout plan.

## 12-1-2706 NONCONFORMING USES

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1. Regulations not Retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this ordinance or otherwise interfere with the continuation of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted.
  
2. Marking and Lighting. Notwithstanding the provision of A above, the owner of any nonconforming structure or tree, is hereby required to permit the installation, operation and maintenance thereon of such markers or lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards.

## 12-1-2707 PERMITS

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1. Future Uses. Except as specifically provided in paragraph 1, 2, 3, and 4 hereunder, no material change shall be made in the use of the land and no structures or trees shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit thereof shall have been applied for and granted by the planning commission. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
2. In the territory lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour, or topography features, such tree or structure would extend above the height limits prescribed for such zone.
3. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
4. In the territories within the limits of the transition zone beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height limit prescribed for such transition area except when such tree or structure would extend above the height limits prescribed for such zones.
5. Nothing contained in any of the foregoing exceptions will be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limits established by this ordinance as set forth in 12-1-2704.
6. Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applicants for such a permit shall be granted.

7. Nonconforming Uses Abandoned or Destroyed. Whenever the Building Inspector determines that a nonconforming structure or tree has been abandoned or more than 50% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the application or otherwise deviate from the ordinance.
8. Special Permit. Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed in this ordinance, may apply to the Legislative Body for a Special Permit from such regulations. Such Special Permit shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty, unnecessary hardship, or a taking, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance. Upon acceptance by the Legislative Body of any application for a Special Permit, Juab County will provide written notice to Nephi City, as the Airport Sponsor, of said application prior to any hearing or action on the application.
9. Hazard Marking and Lighting. Any regular or special permit granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, as a condition, require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of any airport hazard.

#### 12-1-2708 CONFLICTING REGULATIONS

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Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance or any other regulations applicable to the same zone, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

## **12-1-28 ENFORCEMENT AND PENALTIES**

### **12-1-2801 CONFORMANCE TO ORDINANCE PROVISIONS**

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All department officials and public employees of Juab County who are vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance, and any such permit, certificate, or license issued in conflict with the provisions of this Ordinance, intentionally or otherwise, shall be null and Void.

### **12-1-2802 ENFORCEMENT**

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The Zoning Administrator, as defined in Section 12-1-306 of this Ordinance, is hereby designated and authorized as the officer charged with the administration and enforcement of this Ordinance. He shall enforce all the provisions of this ordinance, entering actions in the Court when necessary, and his failure to do so shall not legalize any violation of such provisions.

### **12-1-2803 INSPECTIONS**

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1. The Administrator is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, and repair and to inspect land uses to determine compliance with the provisions of the Land Use Ordinance; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification, or repair of any building or structure.
2. The Administrator or any employee of Juab County who is authorized to represent the County shall have the right to enter any building for the purpose of determining the use thereof or to enter the premise for the purpose of determining compliance with the provisions of this Ordinance; provided that such right of entry

shall be exercised only at a reasonable hour and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

#### 12-1-2804 NUISANCE AND ABATEMENT

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Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Ordinance, and any use of any land, building, or premise established, conducted, or maintained contrary to the provisions of this Ordinance, shall be, and the same hereby is declared to be unlawful and a public nuisance, and the County Attorney shall, upon request of the Legislative Body, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

#### 12-1-2805 PENALTIES

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(U.C.A. 76-3-301) Any person, firm or corporation, whether as principal agent, employed or otherwise, violating or causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$750, or by imprisonment in the county jail of Juab County for a term not exceeding 90 days, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

# **SUBDIVISION REQUIREMENTS**

## **TITLE OF CHAPTERS**

<b>CHAPTER 12-2-100 General Provisions .....</b>	<b>1</b>
<b>CHAPTER 12-2-200 Definitions.....</b>	<b>2</b>
<b>CHAPTER 12-2-300 Scope And Applicability .....</b>	<b>4</b>
<b>CHAPTER 12-2-400 Incentive Subdivision Regulations.....</b>	<b>6</b>
<b>CHAPTER 12-2-500 Specific District Regulations .....</b>	<b>7</b>
<b>CHAPTER 12-2-600 Subdivision Approval Procedures .....</b>	<b>11</b>
<b>CHAPTER 12-2-700 Development Sequence .....</b>	<b>19</b>
<b>CHAPTER 12-2-800 Subdivision Standards .....</b>	<b>22</b>
<b>CHAPTER 12-2-900 Acts To Be Done In Subdividing .....</b>	<b>27</b>
<b>CHAPTER 12-2-1000 Pubic Hearing Required .....</b>	<b>30</b>
<b>CHAPTER 12-2-1100 Diligence; Changes To Subdivision Plan; Voidability Of Approval .....</b>	<b>30</b>
<b>CHAPTER 12-2-1200 Guarantee Of Improvements .....</b>	<b>32</b>

## **GENERAL PROVISIONS**

### **12-2-101 SHORT NAME**

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This title shall be known as the “Subdivision Sections of the Juab County Utah Land Use Ordinance” and may be so cited and pleaded.

### **12-2-102 PURPOSE**

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This ordinance and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the county and to promote the goals outlined in the Juab County General Plan. Including among other things; providing adequate open spaces, classification of land uses, adequate landscaping, distribution of land development and utilization, and protection of the tax base; securing economy in governmental expenditures; and promoting the development of a more wholesome, serviceable, and attractive county resulting from an orderly, planned use of resources.

A major goal of this ordinance is to protect the rights of existing agricultural, mining, and other uses and to minimize conflicts resulting from subdividing land in areas historically and predominately used for these purposes.

### **12-2-103 INTERPRETATION**

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In interpreting and applying the provisions of this section, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

### **12-2-104 CONFLICT**

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

### **12-2-105 SEVERABILITY**

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Should any article, section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

## DEFINITIONS

### 12-2-201 DEFINITIONS

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

1. County: Juab County.
2. Developer: Any person, including a corporation or a person(s) representing a corporation, who undertakes to develop land for building purposes, including Subdivider.
6. Easements: That portion of a parcel or parcels of land reserved or granted for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on the surface, or above said parcel or parcels.
7. Final Plat: A final map or plat of the land division prepared by a licensed engineer or land surveyor for filing with the Juab County Recorder and in compliance with all the requirements set forth in this ordinance and the Juab County Zoning Ordinance. This plan must have been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified and must show all other data required by state law pertaining to subdivisions.
8. Intervening Property: Property located between the existing service facility and the property under development.
9. Legislative Body. The Juab County Commission.
10. Off -site Facilities: Facilities designed or located so as to serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.
11. On-site Facilities: Facilities installed within or on the perimeter of the subdivision.
12. Preliminary Plat: A drawing prepared by a licensed engineer or land surveyor, to scale, representing a proposal to subdivide a tract, lot, or parcel of land and meeting the vicinity plat requirements of this ordinance, including acreage.
13. Subdivider: See developer.

14. Subdivision. "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. "Subdivision" does not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes.
15. Vicinity Plat: A map or chart showing proposed lots and streets within a potential subdivision including the relationship to existing land and streets in the surrounding area.

## SCOPE AND APPLICABILITY

### 12-2-301 GENERAL APPLICABILITY

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1. No person shall subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part within Juab County, except in compliance with this ordinance.
2. A final subdivision plat shall comply with the provisions of this ordinance and state law and shall be approved by Juab County before it may be filed or recorded in the Juab County Recorder's office and before lots may be sold.
3. All lots, plots, or tracts of land located within a subdivision shall be subject to this ordinance, regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the land.

### 12-2-302 EXCEPTIONS

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The following subdivisions, as defined by this ordinance, **may** be exempted from any or all of the provisions of this ordinance.

1. The division, re-subdivision, or proposed division of a parcel into two and only two parcels may be exempted from the provisions of this ordinance if it can be demonstrated that such division, re-subdivision, or proposed division is the only such division that can result in the creation of a residential building lot.
2. A subdivision of property solely owned by a political subdivision of the State of Utah, or school district shall be exempted from the provisions of this ordinance provided that the purpose of such subdivision is in keeping with the normal activities of that entity.
3. A subdivision with a building lot size in excess of 1/2 acre **may** be exempted from the curb and gutter requirements of this ordinance. Subdivisions within the GA District shall use the implemented development regulations of the adjoining municipality and shall follow requirements for curb and gutter and requirements for surfacing.

### 12-2-303 LOT OWNERS ASSOCIATION

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Each subdivision within Juab County shall be required to have a lot owners association with responsibility for the central water system, common improvements, etc. Bylaws of each required

association must be reviewed by the planning commission to ensure compliance with the provisions of this ordinance. The lot owners association must be legally organized and the restrictive covenants, outlining the operation etc. of the lot owners association, shall be filed with the county recorder prior to the time the final plat is recorded.

#### 12-2-304 SUBDIVISIONS OF OVER 49 LOTS

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Subdivisions of over 49 lots, outside of the GA District, shall be required to develop as a Planned Unit Development (PUD) to minimize the cost to the county for continued maintenance of required improvements and infrastructure. PUD development shall comply with the requirements contained in this ordinance for regular subdivisions and requirements contained in the Juab County Zoning Ordinance.

#### 12-2-305 INTENT TO INCORPORATE

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Each subdivider of ten (10) or more lots, as defined by this ordinance, shall be required to sign an Intent to Incorporate Agreement with Juab County. The substance of this agreement shall be that when population of the subdivision or PUD reaches the minimum, as determined by state law, the subdivider agrees to use their best efforts to encourage incorporation of the subdivision. The Intent to Incorporate Agreement shall be included in the restrictive covenants of the subdivision. The subdivider shall notify each subsequent owner of property within the subdivision of this Intent to Incorporate Agreement.

## INCENTIVE SUBDIVISION REGULATIONS

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### 12-2-401 CLUSTER INCENTIVE SUBDIVISION

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(1) There is hereby created the cluster incentive subdivision (CIS). The CIS is created to promote more efficient utilization of property and services within certain areas of Juab County and to insure that residential developments are located within close proximity to county infrastructure and services.

(2) Parcels of land eligible for development as a CIS subdivision shall satisfy the following requirements:

- (a) A minimum of ten acres of property shall be set aside for each building lot of the subdivision. Such ten acres need not be contiguous to the dwelling nor actually used in the development of the subdivision but shall be located within the same zoning district as the subdivision and dedicated to the subdivision. A dedication in substantially the following form and with substantially the following content shall be filed with the Juab County Recorder.

This parcel was used in connection with the development of an incentive subdivision. An increase in density for the development of \_\_\_\_\_ Subdivision, residential lots numbered \_\_\_\_\_ to \_\_\_\_\_, was allowed in exchange for the clustering of lots as shown on the plat. Additional development of this preserved area shall not be permitted unless otherwise approved by the Juab County Commission. This dedication shall be released by the Juab County Commission in the event this subdivision is included in a municipal incorporation or is annexed to any municipality.

The required dedication is intended to insure that this property will not be used for further subdivision or used toward securing any additional residential building permit or permits.

- (b) The subdivision shall contain a minimum of five (5) and a maximum of 49 building lots.
- (c) The subdivision shall abut an existing class B or better road.
- (d) All building lots shall be designed contiguously to allow for more efficient delivery of services and provide protection of open spaces.
- (e) The lots shall be clustered, with individual lots not to exceed five acres, to allow for more efficient delivery of services and provide protection of open space.

## **12-2-501 RECREATIONAL SUBDIVISIONS**

Recreational Subdivisions shall be governed by the following rules:

1. Recreational Subdivisions shall comply with all provisions of this ordinance concerning submittal requirements, approval processes, Wildland Urban Interface requirements, etc.
- 2.
3. The only buildings allowed in a recreation subdivision are Private Summer Cottages and approved accessory buildings.
4. By application to and specific approval from the Land Use Authority one (1) managers quarters may be allowed without the 90 day consecutive stay requirement but shall comply with the 180 cumulative day rule.
5. Lots in a Recreational Subdivision shall contain at least three (3) acres.
6. Where recreational subdivisions access roads are gated, keys and/or access codes will be provided to all county emergency services agencies
7. All Recreational subdivisions shall, at a minimum, provide one (1) central point where water is available for use within the subdivision. At least 1 acre foot of water shall be available for every 6 lots within the subdivision.
8. Recreational Subdivisions shall abut an existing county road.

## **SPECIFIC DISTRICT REGULATIONS**

### **12-2-502 REQUIREMENTS ESTABLISHED**

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Except as provided by the recreational subdivision, incentive subdivision, or PUD sections of this ordinance all subdivisions within Juab County shall comply with the acreage requirements established in the Juab County Land Use Code.

### **12-2-503 AP DISTRICT**

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Incentive Subdivisions, including PUD's, as defined by this ordinance shall not be allowed within the AP District. Any subdivision shall comply with the acreage requirements for single family housing as determined by the Juab County Land Use Code.

### **12-2-504 GMRF DISTRICT**

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PUD's shall be allowed within the GMRF District. All subdivisions, other than PUD's and recreational subdivisions, shall comply with the acreage requirements for single family housing as determined by the Juab County Land Use Code.

### **12-2-505 A1 DISTRICT**

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PUD's shall be allowed within the A1 District. Other subdivisions shall comply with the acreage requirements for single family housing as determined by the Juab County Zoning Ordinance.

## 12-2-506 RA1 DISTRICT

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Cluster incentive subdivisions and PUD's shall be allowed within the RA1 District. The RA1 District parallels certain major Juab County Roads. As long as subdivision lots abut this major road and all lots within the subdivision are contiguous to the lots that front on said road, the subdivision may extend perpendicular to the road beyond the established boundary of the RA1 District for a maximum of ten (10) lots. Other subdivisions shall comply with the acreage requirements for single family housing as determined by the Juab Land Use Ordinance.

Cluster Incentive Subdivisions that parallel said major county roads shall not be approved unless it can be demonstrated to the satisfaction of the County that the proposed design is the only way to feasibly develop the subdivision and that such development is reasonable and necessary.

- (a) For any subdivision developed per the above regulation a private frontage road shall be established parallel to the major road to insure that ingress and egress onto the county road shall be by forward motion only. This frontage road shall have a minimum of 33' of right-of-way, a minimum of 13 inches of gravel base, shall be hard surfaced, and no access onto the major road shall be allowed closer than 500 feet to any other access on the road.

## 12-2-507 GA DISTRICT

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The purpose of subdivisions with the GA District is to further the goal of the Juab County General Plan to strongly encourage that most residential growth be limited to those areas within or proximate to established municipalities. This area is also created to allow flexibility in the use of land, densities, and site layout and to promote more efficient utilization of property. Development within the GA District is intended to:

1. Encourage most residential development to take place within municipalities.
2. Ensure that development that occurs within the GA District, outside of municipal boundaries, is compatible with the adjoining municipality and is consistent with Juab County regulations.
3. Encourage municipalities to annex area proposed for development within the GA district.

Prior to allowing any subdivision development within the GA district, the proposed developer must petition the adjoining municipality pursuant to U.C.A. 10-2 Part 4 to have the development annexed into

the adjoining municipality. If the municipality fails to accept or reject the petition, as outlined in U.C.A. Section 10-2-405, within 120 days of proper filing, or if the municipality rejects the petition other than for lack of compliance with state statute, or fails to complete annexation within a reasonable time if the petition is accepted it shall be determined that the proposed development is not annexed. This shall be documented in writing.

If the proposed development is not annexed, as determined above, Juab County will process the subdivision application. The county will use all reasonable diligence to ensure that development is consistent and compatible with growth of the municipality into the area of the development. Such development must comply with the provisions of this ordinance. Implemented development regulations of the adjoining municipality concerning lot size, road width, infrastructure, etc. will be used as a guideline for development.

## **SUBDIVISION APPROVAL PROCEDURES**

### **12-2-601 APPROVAL STEPS**

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Before any subdivision, not exempted by Section 12-2-302 of this ordinance, may be approved the following steps are necessary in order for a subdivision to be approved in the County. This list is not intended to outline all of the requirements for approval, only to outline the steps necessary to pursue final approval. Details about some of these steps are found in the sections that follow.

1. The subdivider, or his agent, contacts the zoning administrator for information concerning applicable county subdivision requirements and compatibility with the general plan and to discuss the proposed plan of development prior to preparing any plats, plans, or charts. The developer also receives a copy of the subdivider agreement.
2. The subdivider obtains and reads a copy of the Juab County Subdivision Ordinance.
3. The subdivider submits the subdivider agreement and six 6 copies of the vicinity plat, containing all the information required by Section 12-2-603 (1) of this ordinance, to the zoning administrator.
4. The development review committee reviews the documents and makes recommendations. Twelve (12) working days are allowed for completion of committee review for each submittal or resubmittal.
5. Upon completion of the committee review and receipt of a signed subdivider agreement, the zoning administrator places the item on the planning commission agenda and notifies the subdivider.
6. The subdivider meets with the planning commission to review the vicinity plat. The subdivider or agent must attend and present the plat.
7. After approval of the vicinity plat, the subdivider pays the preliminary plat fee at the office of the Juab County Clerk.
8. The subdivider submits the following to the zoning administrator:
  - a. Six 6 copies of the preliminary plat prepared by a registered engineer or land surveyor and supporting documents as specified in Section 12-2-603 (2) of this ordinance, including an electronic copy of the plat in a projection specified by the County.

- b. A preliminary title report.
  - c. A copy of the preliminary plat fee receipt.
9. The subdivider submits copies of the preliminary plat, proposed restrictive covenants, copies of the lot owners' association bylaws, and any applicable utility load information to agencies and service providers as needed. If a state highway is involved, the subdivider provides evidence of approval of access, curbs, gutters, and sidewalks by the Utah Department of Transportation to the zoning administrator.
  10. The planning commission meets and reviews the preliminary plat and takes action. The subdivider or agent must attend and present the plat. The planning commission then forwards the preliminary plat to the legislative body, with its recommendations and conditions thereon.
  11. The legislative body will meet and review the preliminary plat.
  12. If approval is given, the subdivider is notified and informed of any conditions.
  13. The subdivider pays the final plat fee.
  14. The subdivider submits the following to the zoning administrator:
    - a. Six (6) copies of the tentative final plat prepared by a registered engineer or land surveyor in accordance Section 12-2-603 (3) of this ordinance.
    - b. Written application for approval.
    - c. Cross sections and profiles of the streets and all construction drawings related to all of the physical improvements to be constructed within the subdivision. All drawings and materials must be signed and stamped by a registered professional engineer.
    - d. A completed storm drainage study, with schematic solutions and the associated calculations to demonstrate primary on-site drainage containment and an overflow plan.
    - e. Copy of final plat fee receipt.
    - f. Detailed cost estimates, prepared by the project engineer, for the improvements.
    - g. An electronic copy of the plat in a projection specified by the County.

15. The subdivider submits a copy of the tentative final plat and an irrigation system drawing to any irrigation providers involved and obtains a letter of approval.
16. The development review committee reviews the documents and identifies requirements and makes recommendations. Twelve (12) working days are allowed for completion of development review for each submittal or resubmittal.
17. The county calculates the surety if required and notifies the subdivider.
18. Upon completion of committee review, the zoning administrator places the item on the planning commission agenda and notifies the subdivider.
19. The subdivider presents a copy of the final plat to the Zoning Administrator by the Monday prior to the planning Commission meeting.
20. The planning commission meets and reviews the final plat and takes action. The subdivider or agent must attend and present the plat. Once the plat is approved by the planning commission it will remain in the custody of the county.
21. If approval is given, the final plat is forwarded to the legislative body.
22. Approval of the plat is placed on the county commission agenda, and the subdivider is notified.
23. The county commission meets and considers the final plat. The subdivider or agent must meet with the commission and discuss the plat.
24. If approval is given, the subdivider submits the following to the county for review by the county attorney.
25. a. Guarantee of improvements.
26. b. Agreements.
27. The county attorney reviews the plat and the documents submitted to insure adequacy.
28. The subdivider then pays the following fees:
  - a. Development fees.
  - b. Recording fees.

c. Inspection fees.

29. The subdivider and contractors and other representatives meet with county representatives in a preconstruction conference, and then when authorized the subdivider constructs and installs all improvements, meets the approved inspection plan, and has as-built drawings prepared. If the construction and installation of the improvements are guaranteed as in Chapter 12-2-1000 hereof, this step follows recording of the final plat.
30. The warranty described in Chapter 12-2-1000 is guaranteed by the subdivider.
31. When the above requirements are met, the final plat will be signed by the legislative body.

## 12-2-602 SUBDIVIDER AGREEMENT

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Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with Juab County which shall be in substantially the following form:

### AGREEMENT

This Agreement is made by and between \_\_\_\_\_, hereafter called “Subdivider” and Juab County, a municipal corporation of the State of Utah.

Subdivider hereby acknowledges receipt of a copy of the Juab County Subdivision Ordinance, specifications, and standard drawings. Subdivider hereby acknowledges that he or she has read the subdivision ordinance (or that an agent of subdivider has), and that he or she understands the provisions of the subdivision ordinance, the specifications, and standard drawings and that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation or partnership has the authority to execute the agreement for the corporation or partnership.

## 12-2-603 SUBMITTAL REQUIREMENTS

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Juab County will not approve any proposed subdivision until the following has been done and said subdivision officially passed on by an engineer for and in behalf of Juab County and approved by the Juab County Planning Commission.

1. A vicinity plat shall be presented to the planning commission by submitting at least six (6) copies to the zoning administrator at least 12 working days prior to a regularly scheduled planning commission meeting. Prior to the zoning administrator submitting a vicinity plat to the planning commission, the plat must be reviewed by the development review committee consisting of county road supervisor, the county administrative assistant, the county attorney or designee, the county recorder, the zoning administrator, a representative of Central Utah Health Department, and others as designated by the legislative body. Application for such review shall be made to the zoning administrator.
2. After approval of a vicinity plat, a preliminary plat may be presented to the planning commission by submitting at least six (6) copies to the zoning administrator at least 12 working days preceding a

regularly scheduled planning commission meeting. The preliminary plat shall be drawn to a scale not smaller than 100 feet to the inch and shall be on standard 22" x 34" paper. The plat and attached documentation shall show:

- a. The proposed name of the subdivision (there shall be no duplication of subdivision names within Juab County).
- b. The subdivision location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the larger area. The preliminary plat shall show all property owned or optioned by the subdivider pertaining to the proposed subdivision at hand. This information may be required as a separate drawing.
- c. Sufficient information to locate accurately the property shown on the plat, including a clearly defined basis of bearing for the survey as well as the date of the survey. The nearest section corner tie must be shown.
- d. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the names of the owners of the land immediately adjoining the land to be subdivided shall be shown on the preliminary plat.
- e. The boundary lines of the tract to be subdivided, including total acreage proposed for subdivision.
- f. The location, widths, and other dimensions of all existing or platted streets and other important features such as easements, railroad lines, water courses (including irrigation canals and ditches), exceptional topography, bridges, and buildings within or immediately adjacent to the tract to be subdivided.
- g. Existing power lines, sanitary sewer, storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto.
- h. The flood hazard boundaries, if applicable.
- i. The locations, widths, and other dimensions of proposed public streets, private streets, utility easements, parks, other open spaces, and lots, with proper labeling of spaces dedicated to the public, or designated as private streets.

- j. Buffer zones where non-compatible uses adjoin a proposed subdivision.
  - k. North point, scale, and date.
  - l. The proposed layout, dimension, and number of each lot.
  - m. Proposed construction and permanent fencing along appropriate subdivision boundaries as determined by the planning commission. The fencing shall be as indicated in the subdivision standards.
  - n. A review copy of proposed protective covenants and information concerning the lot owners association.
  - o. A statement of the existing zoning and conformance with the general plan.
  - p. A preliminary storm drainage study, with schematic solutions and the associated calculations to demonstrate primary on-site drainage containment and an overflow plan.
  - q. Plans or written statements regarding the proposed storm water drainage facilities and other proposed special improvements such as sidewalks, planting, and parks, and any grading of individual lots.
  - r. A statement from the county fire marshal certifying that the proposal conforms to the pertinent regulations of the adopted fire codes and other fire protection requirements.
  - s. A statement from applicable Local and State Health Departments officials certifying that the proposal conforms to applicable regulations.
3. A final plat must be prepared by a licensed engineer or a licensed land surveyor on a sheet of approved tracing linen or Mylar with water-proof, black, permanent ink and presented to the planning commission a minimum of two (2) weeks after Legislative approval is received for the preliminary plat. Any roads shown on the final plat that are not being dedicated must be clearly marked. The planning commission shall not act on any final plat prior to final review by the development review committee. The final plat shall include:
- a. Any easements or property to be dedicated to county for roads and other public uses.
  - b. Appropriate signature block, including owner's dedication with proper acknowledgment, legislative approval, and planning commission approval.

- c. Surveyor's certificate.
  - d. Addresses and dimensions for each lot within the subdivision.
  - e. Acreage of each lot within the subdivision.
  - f. Other items required by state law
- 4 The following shall not be included on the final plat but must be submitted with the final plat:
- a. All information required on vicinity and preliminary plat including final approval for applicable regulations from Local and State Health Departments.
  - b. Proposed utility layout including hydrant locations and street lighting locations.
  - c. All construction types & specifications.
  - d. Drainage plan.
  - e. Proposed restrictive covenants.
  - f. Details of the lot owners association
  - g. Geo-referenced electronic copies of the plans and plat, in ArcView®, AutoCAD®, or DXF file format, shall also be submitted. It shall be submitted in a projection specified by the County.
- 5 Upon approval of the final plat by the planning commission, the final plat shall be presented to legislative body for its approval. Once a plat receives final approval by the planning commission the plat shall remain in the custody of the County until final recording in the office of the Juab County Recorder. Timing of the recording of the plat shall be at the discretion of the legislative body.

## DEVELOPMENT SEQUENCE

### 12-2-701 DEVELOPMENT SEQUENCE

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1. No building permit shall be issued until the following improvements are installed, approved, accepted by the county. As-built drawing shall be provided as hard copies and shall also be submitted electronically in ArcView®, AutoCAD®, or DXF file format. The electronic file shall be submitted in a projection specified by the County.
  - a. Culinary water
  - b. Electric service
  - c. Road base
  - d. Natural gas (if available)
  
2. No building permit shall be issued until the following improvements are installed and approved and as-built drawings submitted to and approved by the county or are guaranteed as provided for in Chapter 12-2-1000 of this ordinance. As-built drawing shall be provided as hard copies and shall also be submitted electronically in ArcView®, AutoCAD®, or DXF file format, shall also be submitted. It shall be submitted in a projection specified by the County.
  - a. Curb, gutter, and sidewalk (where required)
  - b. Asphalt or other approved pavement (where required)
  - c. Drainage improvements (where required)
  
3. The subdivider shall provide temporary garbage disposal facilities within a subdivision when homes are occupied and required asphalt surface improvements have not been placed and approved by the county. A minimum pickup of 10 cubic feet of garbage per occupied home per week shall be provided, starting at the time the first home is occupied and continuing until the required asphalt or concrete surface improvements are completed. The garbage pickup facilities shall be located within the bounds of the subject subdivision, but not on an existing improved street.
  
4. The subdivider shall keep the streets within a subdivision in a well-graded condition during the time when homes are occupied but the asphalt surfacing improvements are not complete. The subdivider shall be given 48 hours (covering two weekdays) to improve the street condition after being notified by the county that the street condition is unacceptable. If the problem has not been corrected to the satisfaction of the county at the end of 48 hours, the county shall have the right to have a separate contractor perform the work, with payment for such work and administrative costs coming from the guarantee of improvements

## 12-2-702 ENFORCEMENT AND RESPONSIBILITY

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The county building inspector or any administrative official of Juab County shall not issue any permit for the proposed erection, construction, reconstruction, alteration, or use until proof of full compliance with all the provisions of this ordinance has been provided. No county officer shall issue any permit or license for the use of any building, structure, or land when such land is part of a subdivision, as defined herein, until such subdivision has been approved and recorded in the county recorder's office. Any license or permit issued in conflict with the provisions of this ordinance shall be null and void.

## 12-2-703 DEDICATION OF STREETS AND PUBLIC IMPROVEMENTS

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The subdivider shall be deemed to have dedicated the public streets, easements, and other public improvements, as shown on the plat, to Juab County at the time the final plat is approved by Juab County. This dedication constitutes an offer by the subdivider which shall be irrevocable until the final plat is recorded or one (1) year, whichever comes first. Notwithstanding the foregoing, the subdivider shall be responsible to construct and install the public improvements required by this ordinance, and to maintain and guarantee these improvements for a period of two years after completion and acceptance by the county. The subdivider shall also certify and guarantee that the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

## 12-2-704 AS-BUILT DRAWINGS

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The subdivider shall provide as-built drawings, in both hard copy and an electronic copy in a format specified by the County of all completed and accepted subdivision improvements before building permits are issued. The electronic copy shall be submitted in a projection specified by the County. As-built drawings shall be submitted, for all improvements not constructed and accepted at the time building permits are issued, before those improvements are accepted. These as-built drawings shall show, but not be limited to, the following:

1. Location of water wells, lines, and laterals referenced to property corners.
2. Location of sanitary sewer or septic tank facilities including any laterals referenced to property corners.
3. Location of gas lines referenced to property corners when natural gas is available within the subdivision.
4. Storm drains, ground drains, drainage ditches, clean-out boxes, and other fixtures where required.
5. Location of electric system facilities referenced to property corners.
6. Other items as directed by the County.

## **SUBDIVISION STANDARDS**

### **12-2-801 RELATION TO ADJOINING STREET SYSTEM**

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The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Half streets along the boundary of land proposed for subdivision or within any part of a subdivision will not be permitted.

### **12-2-802 STREETS**

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1. All streets shall be constructed in accordance with Juab County Standard Drawings.
2. Street Names - New street names should not duplicate those already existing. A Street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to, and approved by, the Planning Commission.
3. Street Dedication - All streets shall be dedicated for public use. The dedication of half-streets in any subdivision is prohibited, except where permitted by the County Surveyor.
4. Relations to Adjoining Street System - The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided), at the same or greater width (but in no case less than the required minimum width), unless variations are deemed necessary by the Planning Commission. The street arrangement must be such as to cause no unnecessary hardship to owners or adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.
5. Major Streets - Arterial, collector, and significant local streets shall conform to the width designated in the Juab County General Plan. However, upon approval of the development review committee the planning commission may impose other street width requirements.
6. Local Streets - Local streets shall have a minimum right-of-way width of sixty-six feet (66') with up to ninety nine (99') of right-of-way width required for streets that will have greater use as determined by the planning commission.

7. Cul-de-sac Streets - Cul-de-sacs shall not be longer than five hundred feet (500') from the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than 120 feet in diameter. Turning Area - Where a street longer than one lot is designed to remain only temporarily as a dead-end street, an adequate turning area shall be provided as follows:
  - a. Where the street dead-ends into a subsequent phase of the same subdivision, a temporary, graveled, 120-foot diameter turnaround and a permanent easement of right-of-way on the subsequent phase property shall be provided. However, if the subsequent subdivision phase is not recorded at the time of roadway paving in the preceding phase, an 100-foot diameter asphalt-surfaced turnaround shall be placed at the subsequent phase property.
  - b. Where the street dead-ends against property which is not part of a subsequent subdivision phase, either a bubble inside the subdivision as shown in the standard drawing or an asphalted 120-foot diameter turnaround, along with a permanent easement of right-of-way from the adjacent property owner, shall be placed.
8. Intersections - The intersection of more than two streets at one point shall not be allowed. Streets shall intersect at a ninety degree (90°) angle. Street intersections shall be rounded with a minimum radius of twenty-five feet (25') measured at the back of curbs.
9. Standard Street Sections - All proposed streets, whether public or private, shall conform to the county street standards as adopted by the county.
10. Street Grades - Street grades shall not exceed the following percentages: on arterial streets eight percent (8%); on local and collector streets ten percent (10%). Street grades near intersections shall be designed for adequate stopping and starting by adjusting grade on both sides of the intersection. Grades on all streets shall be a minimum of 0.5% unless specifically authorized by the county engineer. The cross slope of the street cross section is defined on the standard drawings. Any difference in curb elevations must approved by the county engineer, however, in no case shall the difference exceed one foot (1').
11. Alleys - Alleys shall have a minimum width of 26 feet (26'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.
12. Bridges - Design and construction of new bridges, whether essential for the overall circulation plan of the county or required only to serve a subdivision, shall be approved in advance by the county.

13. Protection Strips - Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one foot (1') in width between the street and adjacent property. Protection strips will be allowed only at the discretion of the legislative body, after recommendation of the planning commission, and in accordance with all county ordinances. An agreement with the county, approved by the county attorney, shall be made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the county for street purposes upon payment by the present owners of the contiguous property to the subdivider of a consideration named in the agreement. Such consideration is to be equal to the cost, at the time of the agreement, of the street improvements properly chargeable to the contiguous property, plus the value of the land from the right-of-way line to the centerline of the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of subdivision of such contiguous property. All charges to be associated with the protection strip, as well as the interest rate, shall be recorded as part of the aforementioned agreement. All property owned by the subdivider shall be included on both the preliminary and final plat.

#### 12-2-803 BLOCKS

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1. The maximum length of blocks shall be 1320 feet, and the minimum length of blocks shall be 400 feet. In blocks over eight hundred (800) feet in length, the subdivider may be required to dedicate a walkway through the block at approximately the center of the block. Such walkway shall not be less than ten (10) feet in width.
2. The width of blocks shall be sufficient to allow at least two tiers of lots, or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.
3. Blocks intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

#### 12-2-804 LOTS

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1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future utilities, rights-of-way, and other requirements. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage, which would be unusable for normal purposes.

2. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning ordinance for the zone in which the subdivision is located.
3. Each lot shall abut on a street dedicated by the subdivision plat, or an existing publicly dedicated street, or on a street which has become public by right of use, and is more than fifty (50) feet wide, except when approved by the Planning Commission as a planned unit development. Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable.
4. Buildings constructed on corner lots shall comply with the minimum setback for both streets, as provided in the zoning ordinance.
5. Side lines of lots shall be at approximately right angles to the street line, or radial to the street line.
6. Remnants of lots less than the minimum size required by the zoning ordinance after the subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels. In no event shall the subdivision of land create a lot which does not conform to the zoning ordinance requirements.
7. Where the land included in a subdivision includes two or more parcels in separate ownership, and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer shall be certified to the planning commission by the Juab County Recorder.
8. Corner Lots - Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
9. Lots deemed by the commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, but such land within the plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

#### 12-2-805 WATER WELLS

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All wells in subdivisions of more than five (5) lots shall comply with regulations of the Utah State Department of Health regarding grouting and witnessing to allow the well to be classified as being a protected aquifer well.

## 12-2-806 EASEMENTS

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Easements for culinary water, sewer, natural gas, power, irrigation water, storm water drainage, and other utilities shall be provided by the subdivider and designated on the plat as required to accommodate the utility systems in the subdivision. Where natural drainage channels, interceptor systems, or flood hazard zones cross the subdivision, the subdivider must obtain the necessary permits to modify such drainage facilities, and designate the channels, systems, or flood hazard zones, and any associated restrictions, on the plat.

## 12-2-806 PARKS AND OTHER PUBLIC PLACES

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In reviewing and approving subdivisions the planning commission shall give consideration to suitable sites for parks, playgrounds, and other areas for similar public use.

## **ACTS TO BE DONE IN SUBDIVIDING**

This section applies to all property owners located in any subdivision. Its provisions shall apply to all transferees, assignees, or purchasers. The owner of any property within Juab County boundaries proposing to subdivide the same for residential or business purposes shall first conform to the following:

### **12-2-901 IMPROVEMENTS MADE PRIOR TO RECORDING FINAL PLAT**

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The improvements required by this ordinance shall be constructed, installed, and maintained by the subdivider until accepted by Juab County prior to recording the final plat in the office of the Juab County Recorder, unless the construction, installation, and maintenance is guaranteed in a manner as provided in Chapter 12-2-1000. Improvements shall not be installed or constructed until their location and specifications have been approved by the county.

### **12-2-902 IMPROVEMENTS REQUIRED**

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The improvements shall include all required street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the development nearest existing improvements. The foregoing requirement includes improving any existing county road or roads, if necessary, to access the subdivision. Layout must provide for further extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All buried conduit shall be installed to the boundary lines of the development. The owner of any land located in or platted as a subdivision shall install the following improvements in compliance with the specifications contained in the specifications and standard drawings:

1. Sewage collection - The subdivider shall provide a plan, approved by the Central Utah Health Department, for the handling of sewage.
2. Drainage - The subdivider shall provide adequate surface drainage for the area being subdivided, including primary on-site drainage with an accompanying overflow plan.
3. Culinary Water - The subdivider shall provide proof of adequate water for the subdivision and an approved plan for distribution, utilizing a central water system, of said water within the subdivision.
4. Fire Hydrants - Fire hydrants shall be installed as required. A fire hydrant shall also be placed at the end of every cul-de-sac in which a water line dead-ends.

5. Street Grading and Surfacing - All streets dedicated to the public use shall be graded and surfaced, from curb to curb (when curb is required), in accordance with the standards and specifications of Juab County.
  - a. In subdivisions that abut existing oiled streets, the developer shall surface the area from the existing oiled surface to the subdivision as required by the planning commission.
  - c. In subdivisions that abut existing streets that are not presently surfaced, the developer shall surface the traveled portion of the existing street and surface to the subdivision as required by the planning commission.
6. Curbs and Gutters - When required by this ordinance concrete curbs and gutters shall be installed by the subdivider on the development side of all existing streets upon which the subdivision fronts. Concrete curbs and gutters shall be installed by the subdivider on both sides of all streets dedicated to the public use as part of the proposed subdivision, in accordance with the specifications of Juab County. Curb and gutter shall be thirty inches (30") wide in standard high-back style, or standard roll curb if recommended by the planning commission and approved by the legislative body, and shall be placed on six inches (6") of compacted untreated base course as foundation materials.
7. Sidewalks - When required by this ordinance sidewalks shall be installed by the subdivider on the development side of all existing streets upon which the subdivision fronts. Sidewalks shall be installed by the subdivider on both sides of all streets dedicated to the public use as part of the proposed subdivision. Sidewalks shall be installed according to the specifications of Juab County. Sidewalks shall be four feet (4') wide with four inches (4") of compacted untreated base course material as foundation materials. Depth of sidewalks shall be four inches (4"), except at driveways, which shall be six inches (6").
8. Monuments - Permanent survey monuments shall be accurately set and established at the intersections of centerlines of streets within the subdivision and intersections with centerlines of existing streets and the beginning and ends of curves on centerlines or points of intersections or tangents. All permanent survey monuments shall remain in place. If it is necessary for a monument to be resented during construction, it shall be done at the subdivider's expense. Monuments shall be of a type specified in county standards, and all subdivision plats shall be tied to a section corner or monument of record. All lot corners shall be marked in accordance with state survey standards and as required by subsection 12.
9. Electric Power System -
  - (a) The subdivider shall be responsible for paying the cost of electric system extensions and

street lights to service the subdivision.

10. Street Signs - The subdivider shall pay the cost of traffic control, street identification, and other street signs, installed by the county, in accordance with county standards. The cost will be charged to the subdivider and shall be paid before the plat is recorded. The bond for improvements in the subdivision will not be released until after payment of the costs incurred to install the necessary street signs has been made.

11. Gas - (If available)

- (a) The subdivider shall pay the cost of gas system extensions to service the subdivision.
- (b) The subdivider shall be responsible to facilitate the extension of gas distribution lines by:
  - (i) Planning the installation of utilities to each lot or site to be served to preclude conflict between other utilities and the gas distribution lines.
  - (ii) Scheduling and coordinating the actual installation of improvements to allow adequate time for construction of gas distribution lines.
  - (iii) Notifying Juab County upon completion of adequate site preparation to allow installation of gas distribution lines.
- (c) The subdivider shall prepare the site for gas distribution line installation before notifying Juab County. Site preparation shall include but not be limited to:
  - (i) Installation of curb and gutter indicating permanent grade.
  - (ii) Markers installed on curb indicating property lines.
  - (iii) The area extending from property side of sidewalk away from the street for ten (10) feet leveled to final grade.
  - (iv) Utilities installed less than four feet (4') below final grade not extending beyond the property line more than twelve inches (12").
- (d) The subdivider shall provide the trenching and excavations for installation of underground facilities unless waived by the county.
- (e) The subdivider shall back-fill, compact, test, and guarantee the back fill of excavations for underground facilities installed.

12. Staking of Lots - Survey stakes shall be placed at both front and back lot corners to completely identify the lot boundaries on the ground. Back lot corners shall be marked with a metal pipe or rod driven into the ground, and front lot corners shall be identified with permanent plugs in the sidewalk or back of the curb or with a metal pipe or rod driven into the ground if sidewalks or curbs have not been provided. All lot corners must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to insure

that all lot corners are in place prior to the final inspection of the house. The county is not responsible to replace survey stakes or markers.

13. Grading of Lots - All lots will be left free from construction materials and debris and shall create no traffic hazards or other nuisances.

#### 12-2-903 ALL ACTS SUBJECT TO APPROVAL OF COUNTY

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All of the foregoing requirements shall be performed and done at the expense of the owner or developer and shall be subject to the approval of the legislative body.

The standards of construction of all utilities, streets, sidewalks, and other use of the streets are to conform to the standards adopted by Juab County. Said requirements may be further detailed by resolution of the legislative body.

#### **PUBLIC HEARING REQUIRED**

Except for an exempt subdivision under this ordinance, for a proposed subdivision or an amendment to a subdivision, the Land Use Authority shall hold a public hearing and shall provide notice of the date, time, and place of a public hearing. Such notice shall be:

- a. mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; or
- b. posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

The county shall mail notice to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.

Each county shall provide notice as required by Section 17-27a-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

#### **DILIGENCE; CHANGES TO SUBDIVISION PLAN; VOIDABILITY OF APPROVAL**

#### 12-2-1101 EFFECT OF APPROVALS

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Each subdivision project shall be actively and diligently pursued to its completion.

Preliminary approval for a subdivision does not give a subdivider a vested right to complete the subdivision.

A subdivision approval (preliminary or final) granted by the Legislative Body may be declared void by the legislative body if the subdivider makes substantial changes to the subdivision plan after the approval was granted.

A subdivision approval (preliminary or final) granted by the Legislative Body is valid for eighteen (18) months from the date of Legislative Body approval. If a subdivider has not made diligent, reasonable, ample, and continuing progress towards completion of the subdivision requirements by the end of the eighteen months, the subdivision approval shall be deemed null and void. The subdivider shall be deemed to have waived any and all vested rights the subdivider may have or claim to have in the subdivision approval.

Subdivider actions that are merely preparatory in nature, such as purchasing or owning land, obtaining architectural and/or engineering drawings, and obtaining building permits without any further action are insufficient to demonstrate diligent, reasonable, ample, and continuing progress towards completion of the project.

#### 12-2-1102 EXTENSION OF APPROVAL

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Where the subdivider has demonstrated diligent, reasonable, ample, and continuous progress towards completion of the project and has made substantial changes in position or incurred extensive expenses in reliance on the subdivision approval, the Legislative Body shall grant a one-time extension provided that the subdivider has met the following requirements.

The subdivider must request the one-time extension prior to the expiration of the original approval (eighteen months from the date the Legislative Body signed the approval).

The subdivider shall submit the application for subdivision approval extension to the Planning Commission.

The application shall set forth the following:

Evidence that the subdivider has demonstrated diligent, reasonable, ample and continuing progress towards completion of the subdivision and has made substantial changes in position or has incurred extensive expenses in reliance on the subdivision approval.

Evidence that something beyond the subdivider's control has kept him from completing the subdivision in the required eighteen (18) months.

The Planning Commission shall consider the application for extension and make a recommendation for approval or disapproval to the Legislative Body.

In considering whether to recommend approval or disapproval the Planning Commission shall consider the evidence presented and evaluate the reasonableness of the subdivider's efforts to complete the project and the reason(s) he has been unable to do so.

Upon receipt of the recommendation from the Planning Commission, the Legislative Body shall

consider the recommendation at a regular Legislative Body meeting and make a decision for approval or disapproval.

If the Legislative Body approves the extension, said extension shall be for no longer than eighteen (18) months from the date the extension approval is granted.

If the Legislative Body disapproves the extension, the Legislative Body shall notify the subdivider as to the reasons for disapproval. Notification shall be in person if the subdivider is in attendance at the meeting or in writing if the subdivider fails to attend.

If an extension is disapproved, the subdivider shall be required to resubmit an application for subdivision and go through the entire subdivision approval process as per the Subdivision provisions of this Ordinance before conducting any activities on the proposed subdivision site, such as selling lots, beginning construction of buildings, etc.

## **GUARANTEE OF IMPROVEMENTS**

In lieu of the actual completion and acceptance by the legislative body of the improvements required by this ordinance and before approval of the final plat by the legislative body the developer shall guarantee, by written agreement and by one or more of the following methods, the installation and construction of the required improvements within two years from the date of approval of the final plat. In addition the developer shall guarantee by one or more of the following methods that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of two years from the date of final approval of the improvements.

### **12-2-1201 BOND**

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The developer shall furnish and file with the county clerk a bond with corporate surety in an amount equal to 125% of the cost of the improvements not previously installed and accepted plus 15% of the cost of previously installed improvements as estimated by the county engineer to assure the installation and construction of such improvements within a period of two years immediately following the approval of the subdivision plat by the legislative body and that the improvements shall be maintained in a state of good repair free from defects of material or workmanship for a period of two years following the date of final approval for the improvements, which bond shall be approved by the legislative body and county attorney.

Upon completion of the improvements for which a surety or cash bond has been filed, the developer shall call for inspection by the county engineer, such inspection to be made within five days from the date of request. If inspection shows county standards and specifications have been met in completion of such improvements, the portion of the bond corresponding to the completion of the improvements shall be released within seven days from the time of inspection. The portion of the bond corresponding to the

warranty improvements will be released following inspection and verification of the condition of the improvements after 24 months following final approval.

The developer shall deposit with a county insurance company, bank, or savings and loan institution in an escrow account an amount of money equal to at least 125% of the costs of the improvements required by this ordinance not previously accepted by the county and 15% of the cost of the improvements already installed and approved. The costs of the improvements shall be determined by the county engineer. The escrow agreement shall be subject to approval by the county attorney and shall be signed by the developer, the county, and the escrow holder, and shall contain substantially the following language:

AGREEMENT

The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of Juab County, the sum of \$\_\_\_\_\_ which represents at least 125% of the estimated costs of the improvements not constructed or installed by the developer of the subdivision and accepted by the county plus 15% of the cost of the improvements already installed and approved.

The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials and construction and installation or repair of the improvements required by the county's subdivision ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the developer and by an authorized officer of the county except in the case of repair of defects, when the process below will be followed.

The developer shall not withdraw from the escrow account any amount in excess of 110% of the estimated cost of the improvements but shall pay from other sources any costs for such improvements which exceed 110% of the costs estimated by the engineer. A sum equal to 15% of the estimated costs of improvements shall remain with the escrow holder for a period of two years following acceptance of the improvements of the county. If after two years from approval of the final plat by the county, all or any part of the required improvements are not installed, constructed and accepted by the county, and if for a period of 2 years following acceptance of the improvements by the county the improvements are not maintained according to the standards required in the county's subdivision ordinance, the county shall notify in writing the developer and the escrow holder of the defects and shall make demands on the developer that the defects be corrected. If the defects are not corrected within 30 days, the county may correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall, on receiving reasonable proof from the county of the defect and

that the county has incurred the costs of correcting the defect, pay to the county from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of the payment to the county.

If, after two years after the legislative body has accepted the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, the county shall certify such fact to the escrow holder and the escrow holder, shall release to the developer any money still held in the escrow account, and the escrow holder shall be discharged of its obligation to the county.

The escrow agreement may contain such additional provisions as the parties deem necessary.

#### 12-2-1203 DEPOSIT WITH COUNTY

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The developer shall deposit with the county a sum equal to 125% of the costs of the required improvements not installed, constructed, and accepted by the county and 15% of the cost of the improvements previously constructed and accepted. The developer shall have the right to draw against the account with the county all sums to 110% of the cost of the improvements not installed which shall be paid to the order of persons installing, constructing, or maintaining the improvements. The county shall hold the additional 15% to guarantee that the improvements are maintained in a state of good repair free from defects of material or workmanship for a period of two years following approval of the improvements. The county may, after making written demand on the developer in the manner required in Section 802 above, install, construct, or repair the improvements and pay such costs from the developer's account. The county shall refund any sums remaining in the developer's account after the legislative body accepts the improvements and the two year warranty period expires.

12-2-1204 IRREVOCABLE LETTER OF CREDIT

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The developer shall file with Juab County an irrevocable letter of credit from a duly-chartered state or national bank or savings and loan institution which shall contain provisions similar to those required in the escrow agreement. The form of the irrevocable letter of credit must be approved by Juab County.

12-2-1205 FEES

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Subdivision approval within Juab County shall be subject to the following fees established by the legislative body.

1. Preliminary Plat Application Fee. At the time of filing the preliminary plat, the subdivider shall deposit with the county a non-refundable fee made payable to Juab County. The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the county for the expense of checking and reviewing such preliminary subdivision plats.
2. Final Plat Application Fee. At the time of filing the final plat, the subdivider shall deposit with the county a non-refundable fee made payable to Juab County. The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the county for the expense of checking and reviewing such final subdivision plats. The subdivider shall also pay to the county an amount equal to the normal fee for recording a subdivision in Juab County as established by the Juab County Recorder.
3. Inspection Fee. Prior to recording the final plat, the subdivider shall deposit with the county a construction inspection fee. The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the county for the expense of review and inspection of the subdivision improvements.

## 12-2-1206 ADDITIONAL PROVISIONS

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In interface areas, a fuel break having a minimum width of at least 100 feet shall be maintained around developments. The fuel break shall be accomplished by thinning the native vegetation, removing the dead plant material, and replacing the highly flammable vegetation with irrigated fire resistant plants. The subdivision lot owners association shall maintain fire hydrants, fuel breaks, and all other fire-fighting facilities in functional condition.

## 12-2-1207 LEGAL REMEDIES FOR VIOLATION

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Any person, firm, or corporation, whether as principal, agent, or employee, who violates or causes the violation of any of the provisions of this ordinance shall be guilty of a Class C Misdemeanor and conviction thereof shall be punishable by a fine of not more than \$750, or by imprisonment in the county jail of Juab County for a term not exceeding 90 days, or by both such fine and imprisonment (U.C.A. 76-3-301).

**EFFECTIVE DATE.** This ordinance shall take effect 30 days after publication.