



# Land Use Ordinance

Adopted By  
The Sanpete County Board Of County Commissioners  
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## **Additional Attachments and Appendices**

**Attachment I:** Sanpete County Conditional Use Permit Application

**Attachment XXI:** Utah Wildland-Urban Interface Code

## **PREFACE**

This document is a codicil to the Sanpete County General Plan and is based upon provisions established by Utah Code Annotated, Title 17, Chapter 27a, Part 5.

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

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



## Chapter 14.04 - GENERAL PROVISIONS

### Sections:

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

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### 14.04.010 Title; Authority

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

The Sanpete County Board of County Commissioners adopts the title pursuant to the County Land Use Development and Management Act, §17-27a, of Utah State Code (as amended) for the purposes set forth therein.

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### 14.04.020 Purpose

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The zones, boundaries and regulations which apply within each of the zones have been made in accordance with the County's General Plan designed:

1. To promote the health, safety, welfare, and prosperity of Sanpete County from fire, floods, traffic hazards and other dangers;
2. To improve the morals, peace, good order, comfort, convenience, and aesthetics of the present and future inhabitants and businesses of Sanpete County;
3. To protect the tax base;
4. To secure economy in governmental expenditures such as the cost of fire and police protection and other governmental services;
5. To foster agriculture and other industries, together with related uses;
6. To protect both urban and non-urban development;
7. To protect and ensure access to sunlight for solar energy devices;
8. To provide fundamental fairness in land use regulation;
9. To encourage and facilitate the orderly growth and development within the County;
10. To stabilize and improve property values whenever possible; and
11. To promote beauty along the highways and in the landscape of Sanpete County.

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### 14.04.030 Declaration

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In establishing the zones, the boundaries, and the regulations applying within each of the zones, due and careful consideration was given, among other things, to the suitability of land for particular uses and to the character of the zone with a view to conserving the most appropriate use of land throughout the County. The location and boundaries of cities, towns, reservations and other areas not subject to zoning regulation

by the Board of County Commissioners of Sanpete County, together with the regulations, applying within each city or town, were also considered in the preparation of this ordinance.

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#### **14.04.040 Interpretation And Intent**

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

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#### **14.04.050 Conflict**

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This title shall not nullify the more specific provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive when a conflict occurs between general provisions. In the event of a conflict between this code and Utah State Code (as amended), Utah State Code shall prevail.

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#### **14.04.060 Severability**

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

## Chapter 14.08 - ADMINISTRATION

**Sections:**

- 14.08.005**     **Designation Of Land Use Authority**
- 14.08.010**     **General Application Requirements**
- 14.08.020**     **Amendments To Title; Zoning Map**
- 14.08.025**     **Public Hearing Required Before Amending Title Or Zoning Map; Notice Requirements**
- 14.08.030**     **Notice Challenge**
- 14.08.035**     **Applicant Notice; Waiver Of Requirements**
- 14.08.040**     **Permits, Licenses - County Official Compliance**
- 14.08.050**     **Permits, Licenses - Citizens Compliance**
- 14.08.060**     **Temporary Regulations**
- 14.08.070**     **Effect And Duration Of Temporary Regulations**

### 14.08.005   **Designation Of Land Use Authority**

The following chart designates the Land Use Authority for zoning approvals within Sanpete County.

<b>Type Of Land Use Application</b>	<b>Reviewing Body</b>	<b>Recommending Body</b>	<b>Land Use Authority</b>	<b>Appeal Authority</b>
General Plan Amendment	County Staff	Planning Commission	Board Of County Commissioners	District Court
Temporary Regulations	N/A	N/A	Board Of County Commissioners	District Court
Zoning Text Amendment	County Staff	Planning Commission	Board Of County Commissioners	District Court
Zoning Map Change (Rezone)	County Staff	Planning Commission	Board Of County Commissioners	District Court
Zoning Map Interpretations	County Staff	Zoning Administrator	Planning Commission	Board Of County Commissioners
Temporary Uses	County Staff	County Staff	Zoning Administrator	Board Of Appeals
Permitted Uses	County Staff	County Staff	Zoning Administrator	Board of Appeals
Conditional Use Permits	County Staff	County Staff	Zoning Administrator	Board Of County Commissioners/ District Court
Site Plan Review	County Staff	County Staff	Zoning Administrator/Planning	Planning Commission/Board

			Commission	Of Appeals
Development Agreements	County Staff	Planning Commission	Board Of County Commissioners	District Court
Nonconforming Uses / Noncomplying Structures	County Staff	Zoning Administrator	Planning Commission	Board Of County Commissioners
Routine / Uncontested Matters	N/A	N/A	Zoning Administrator	Board Of Adjustments
Variance / Appeals	N/A	N/A	Board Of Adjustments	District Court

**Note:**

Pursuant to §17-27a-308 of Utah State Code (as amended) the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the Board of County Commissioners.

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## 14.08.010 General Application Requirements

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The Land Use Authority shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title.

1. **Application Forms.** Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title.
2. **County Initiated Applications.** The Zoning Administrator, Planning Commission, or Board of County Commissioners may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the County.
3. **Accurate Information.** All applications, accompanying documents, plans, reports, studies and information provided to the County by an application in accordance with the requirements of this title shall be accurate and complete.
4. **Determination Of Complete Application.** After receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the County will take no further action on the request until the submission of a complete application.
5. **Fees.** The applicant shall pay the County fees as outlined in the County’s fee schedule as adopted and amended from time to time by the Board of County Commissioners upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs

incurred by the County to review applications and their accompanying documents including plans and specifications, act upon application, and conduct subsequent inspections to ensure compliance with County regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in subsection 6 of this section. Applications initiated by the County shall not require fees.

6. **Remedy Of Deficiencies.** If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof, the County may deem an application withdrawn and shall return it to the applicant upon request. The County shall refund application fees to the applicant, less any fee established to cover the cost of determining completeness of the application.
7. **Substantial Action Required.** If any applicant has not taken substantial action to obtain approval within six (6) months after filing an application, the application shall expire and any vested rights accrued thereunder shall terminate.
8. **Validity.** 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.
9. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written request and for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided the Zoning Administrator receives such as request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

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## 14.08.020 Amendments To Title; Zoning Map

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This title, including the zoning map of Sanpete County, may be amended, but all proposed amendments shall be submitted first to the

1. Planning Commission for its recommendations, which recommendations shall be submitted to the;
2. Board of County Commissioners for their consideration within forty-five (45) days.

For the purpose of establishing and maintaining sound, stable, and desirable development within the County, it is declared to be public policy that amendments shall not be made to this title and zoning map except to promote more fully the objectives and purposes of this title or correct manifest errors. Any person seeking an amendment to this title or zoning map shall submit to the Zoning Administrator a written petition designating the change desired, the reasons therefore, and description of how the proposed amendment would further serve the interest of the public and promote the objectives and purposes of the title, together with appropriate fee outlined in the County's currently adopted fee schedule. The fee provided in this section shall not be returnable.

The Zoning Administrator shall, in turn, transmit the petition to the Planning Commission. Upon the receipt of the petition, the Planning Commission shall call a public hearing before submitting recommendations to the Board of County Commissioners. Before recommending an amendment to this title or the zoning map, it must be shown that such amendment is:

1. Reasonably necessary;
2. Is in the interest of the public; and
3. Is in harmony with the objectives and purposes of this title.

Failure on the part of the Planning Commission to make recommendations within forty-five (45) days shall

be deemed to constitute approval of such proposed amendment unless a longer period is granted by the Board of County Commissioners.

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### **14.08.025 Public Hearing Required Before Amending Title Or Zoning Map; Notice Requirements**

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Before any ordinance shall be passed by the Board of County Commissioners making any change in the zoning ordinance or to the zoning map, a public hearing shall be held by the Planning Commission, reasonable notice of which shall be given to the public at least ten (10) days prior to said hearing. The requirements of the reasonable notice are met if notice of the public hearing is posted in at least three (3) public places within the County or posted on the Sanpete County website. Additionally, the notice shall be posted on the Utah Public Notice Website at least ten (10) calendar days before the public hearing. Notices shall meet the requirements of §17-27a-205 of Utah State Code (as amended).

Reasonable notice shall also be provided by the County for each public meeting pertaining to the adoption or modification to the zoning ordinance or zoning map. Notice of a public meeting shall be provided at least twenty-four (24) before the meeting and shall be posted in at least three (3) public places within the County or posted on the Sanpete County website.

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### **14.08.030 Notice Challenge**

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If notice given under authority of this title is not challenged under §17-27a-801 of Utah State Code (as amended) within thirty (30) days after the meeting or action for which notice is given, the notice is considered adequate and proper.

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### **14.08.035 Applicant Notice; Waiver Of Requirements**

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For each land use application, the County shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application.
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting.
3. Notify the applicant of any final action on a pending land use application.

If the County fails to comply with the requirements of this section, an applicant may waive the failure so that the land use application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

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### **14.08.040 Permits, Licenses - County Official Compliance**

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All departments, officials and employees of Sanpete County which are vested with the duty or authority to issue permits and licenses shall conform to the provisions of this title and shall issue no permit or license

for use, building, or purpose where the same would be in conflict with the provisions of this title. Any such permit, or license, if issued in conflict with the provisions of this title, shall be null and void.

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### **14.08.050 Permits, Licenses - Citizen Compliance**

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A building permit shall be required for any and all improvements to real property, including but not limited to construction, reconstruction, repair, remodeling, alteration or addition to existing improvements. All building permit applications submitted to the County Building Department shall be reviewed in accordance with the most current construction codes adopted by the State Construction and Fire Codes Act, Title §15A of Utah State Code (as amended) in effect and subsequent amendments thereto, including the Wildland Urban Interface (WUI) requirements outlined in this title. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this title. A building permit application may be approved only if the contents of that application meet the above referenced standards.

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### **14.08.060 Temporary Regulations**

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The Sanpete County Board of County Commissioners may, with or without a recommendation of the Planning Commission and without a public hearing, establish temporary zoning regulations for any part or all of the area within Sanpete County if the Commissioners first makes a finding of compelling, countervailing public interest, the area is unregulated, or the area is the subject of an environmental impact statement or a major investment study as outlined in §17-27a-504 of Utah State Code (as amended).

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### **14.08.070 Effect And Duration Of Temporary Regulations**

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Temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure, or subdivision approval. Temporary land use regulations may not impose an impact fee or other financial requirement on building or development. The Sanpete County Board of County Commissioners shall establish a period of limited effect for said temporary action(s) not to exceed a period of one hundred and eighty (180) days.

## Chapter 14.12 - DEFINITIONS

### Sections:

14.12.010	Generally
14.12.020	Definitions

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### 14.12.010 Generally

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For the purpose of this title, certain words and terms are hereby defined.

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### 14.12.020 Definitions

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Those County land use definitions specified at U.C.A. 17-27a-103, and adopted by reference in the Sanpete County General Plan, are adopted by reference and shall apply to like terms and phrases used in this title. Those definitions specified in the Utah Building Inspector and Factory Built Housing Licensing Act (U.C.A. 58-56-3 ) are also adopted by reference.

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

Words not included herein but defined elsewhere in Utah State Code (as amended) shall be construed as defined herein. Any word not defined herein shall mean the literal definition of the word or the accepted definition in the latest edition of Webster’s Dictionary.

As used in this title:

1. **Access** - A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.
2. **Accessory Dwelling Unit** - A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one (1) lot.
3. **Accessory Dwelling Unit, Detached** - An accessory dwelling unit that is not connected to or contained within the primary dwelling.
4. **Accessory Dwelling Unit, Internal** - An accessory dwelling unit created: within a primary dwelling; within the footprint or building area of the primary dwelling at the time the internal accessory dwelling unit is created; and for the purposes of offering a long-term rental of thirty (30) consecutive days or longer.
5. **Accessory Structure or Use** - A detached subordinate structure or a use which is clearly incidental or subordinate to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.
6. **Adult Day Care Facility** - The care and support to three (3) or more functionally impaired adults through a comprehensive program that provides a variety of social, recreational, and related support services in a licensed health care setting.



7. **Adult Entertainment** - An establishment that: a) provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas; b) features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or c) a book or video store having the substantial or significant portion of its trade in books, magazines, periodicals or other materials which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas; or d) a theater used exclusively or primarily for presenting material distinguished or characterized by specified sexual activities or specified anatomical areas for observation by persons 18 years of age or older on the premises.
8. **Adversely Affected Party** - A person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision; or will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
9. **Affected Entity** - A county, municipality, local district, special service district as outlined in §17D-1 of Utah State Code (as amended), school district, inter-local cooperation entity as outlined in §11-13 of Utah State Code (as amended), specified property owner, property owner's association, public utility, or the Utah Department of Transportation (UDOT) if:
  - a. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - b. the entity has filed with the County a copy of the entity's general or long-range plan; or
  - c. the entity has filed with the County a request for notice during the same calendar year and before the County provides notice to an affected entity in compliance with a requirement imposed under §17-27a of Utah State Code (as amended).
10. **Affected Owner** - The owner of real property that is: a single project; the subject of a land use approval that sponsors of a referendum timely challenged in accordance with §20A-7-601 of Utah State Code (as amended); and determined to be legally referable under §20A-7-602 of Utah State Code (as amended).
11. **Affordable Housing** - A dwelling unit for which a household spends no more than thirty (30) percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principal and interest, property taxes, insurance, and, where applicable, homeowner's association fees.
12. **Agriculture** - Any use of land for the growing and harvesting of crops for sale for profit, or used which are directly ancillary to the growing and harvesting of crops, which is the exclusive or primary use of the lot, plot, parcel, or tract of land; including processing crops to the generally recognizable minimum level of marketability; or the open range grazing of livestock; or irrigated pasture for grazing of livestock. It shall not include livestock raising activities other than what has been previously defined as agriculture; nor shall it include retailing of goods on the premises, any agricultural industry or business, such as fruit packing, plants, fur farms, animal hospitals or similar uses. Also, excluded from agriculture are mechanized industrial animal farms, commercially operated greenhouses, commercial milk farms and commercial dog kennels, and commercial feeding of garbage to swine or other animals or operating for the disposal of garbage, sewerage, and rubbish.
13. **Agricultural Packing and Warehousing** - A facility used for the storing, sorting, cleaning, sacking, or transshipment of agricultural products. It does not include processing functions. Sorting and cleaning mean handling to the generally minimum level of marketability.
14. **Agricultural Processing** - Cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use.
15. **Agriculture Production** - The processing or retail marketing of any crops, livestock, and livestock products.
16. **Agricultural Protection Area** - a geographic area created under the authority of the state that is granted the specific legal protections contained in §17-41 of Utah State Code (as amended).

17. **Airports, Heliports, and Landing Fields** - Any area of land which is used or intended for use for the landing and taking off of aircraft; and appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right of way, together with all airport buildings and facilities located thereon.
18. **Alteration, Building** - Any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.
19. **Animal Feeding Operation** - A lot or facility where the following conditions are met:
- animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in an twelve (12) month period; and
  - crops, vegetation, forage growth, or post-harvest residues are non-sustained in the normal growing season over any portion of the lot or facility.
20. **Animal Unit** - A term used to establish an equivalent density for various species of livestock. The following animals shall have the following animal unit equivalents:

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

21. **Alternative Power** - Another source or means of supplying energy such as solar, wind, etc. that can be considered an equivalent substitute for conventional commercial power. This does not include a gas generator in a soundproof building or solar panels that are attached directly to a Single Family Dwelling home or cabin.
22. **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.
23. **Area** - The aggregate of the maximum horizontal cross-section within given boundaries.
24. **Artificial Light Source** - Any exterior source of light emanating from a man-made device, including but not limited to, incandescent, mercury vapor, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.
25. **Assisted Living Facility** - A residential facility, licensed by the state of Utah, with a home like

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

- a. Specified services of intermediate nursing care;
  - b. Administration of medication; and
  - c. Support services promoting resident's independence and self-sufficiency. Such a facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.
26. **Auto Salvage/Wrecking Yard And Allied Operations** - The use of premises for the open storage of old, wrecked, non-operable, dilapidated, automobiles, trucks, tractors, and other such vehicles and parts thereof. Any place where motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for the dismantling or storing of such motor vehicles or the parts thereof.
  27. **Base Flood** - The flood having a one (1) percent chance of being equaled or exceeded in any given year.
  28. **Barns and Other Ag Related Structures** - A building with no utilities that is used for the storage of farm products or feed and usually for the housing of farm animals or farm equipment.
  29. **Basement** - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story
  30. **Bed and Breakfast/Vacation Rental** - A residence built expressly for, or converted to, rooms for rent to paying guests on a short term (daily, weekly basis). The residential appearance of the structure is maintained. A bed and breakfast/vacation rental does not include hotel, motel, lodge, or boarding house. Maximum number of bedrooms is five (5).
  31. **Billboard** - a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. See the Sanpete County Sign Code.
  32. **Blight** - A condition of a site, structure, or area that may cause nearby buildings and/or areas to decline in attractiveness and/or utility. "Blight" is the term used to determine eligibility of proposed redevelopment project areas.
  33. **Bed and Breakfast** - A residence built expressly for, or converted to, rent rooms to paying guests and to provide breakfast to paying guests on a short term (daily, weekly basis). The residential appearance of the structure is maintained. Definition does not include hotel, motel or boarding house.
  34. **Boarder** - A person living in a rented room in a boarding house. The boarding house operator or member of their immediate family who resides on the premises with the operator, shall not be considered to be a boarder.
  35. **Boarding House** - A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.
  36. **Bond** - A certificate of debt issued by an entity, guaranteeing payment of the original investment, plus interest, by a specified future date. Funds raised through the sale of bonds can be used for various public purposes.
  37. **Brownfield** - An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental

contamination.

38. **Buffer** - An area of land including landscaping, berms, walls, fences and building setbacks which is located between land used of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.
39. **Building** - Any structure used or intended for supporting or sheltering any use or occupancy.
40. **Buildable Area** - The portion of a lot remaining after the setbacks have been provided.
41. **Building Code** - The State Construction Code referenced in UCA 15a-1-204(8) and the Wildland Urban Interface Code adopted by Sanpete County.
42. **Building Design Element** - An exterior color; type of style of exterior cladding material; style, dimensions, or materials of a roof structure, roof pitch, or porch; exterior nonstructural architectural ornamentation; location, design, placement, or architectural styling of a window or door; location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door; number or type of rooms; interior layout of a room; minimum square footage over one thousand (1,000) square feet, not including a garage; rear yard landscaping requirements; minimum building dimensions; or a requirement to install front yard fencing.
43. **Building, Height Of** - The vertical distance in feet to the peak from average grade.
44. **Building Official** - The official or other person charged with the administration and enforcement of this title or his duly authorized deputy.
45. **Building, Public** - For purposes of this chapter only, a public building is a building owned and operated, or owned and intended to be operated by the county, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is non-transferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:
  - a. Properties owned by the State of Utah or the United States Government which are outside of the jurisdiction of the county zoning authority as provided under title 17, chapter 27a, section 304, §17-27A-304 Utah Code Annotated, 1953, as amended; and
  - b. The ownership or use of a building that is immune from the County's zoning authority under the supremacy clause of the United States constitution.
46. **Building or Structure, Nonconforming** - A building, structure or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which existed prior to the effective date of the resolution codified in this title.
47. **Campground** - A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or paying camping purposes.
48. **Camping Trailer** - A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.
49. **Cannabis Production Establishment** - Shall mean the same as the term defined in §4-41a-102 of Utah State Code (as amended).
50. **Carport** - A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all regulations described in this title for a private garage.
51. **Cemetery/ Crematoriums** - A burial place or grounds owned, operated and maintained by a municipality with endowment care feasibility and disallowed for private persons or entities in all Sanpete County zones.
52. **Clear Site Triangle** - That area of a property where the driveway or ingress point intersects an abutting street or street corner.
53. **Clinic** - An establishment where patients are not lodged overnight but admitted for out-patient services.
54. **Club** - Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose.
55. **Clustering** - The grouping of structures, courts, cul-de-sacs, or short streets more closely than in

conventional residential plans in order to preserve agriculture, natural site amenities, and open space.

56. **Charter School** - An operating charter school; a charter school applicant that a charter school authorizer approves in accordance with §53G-5-3 of Utah State Code (as amended); or an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. Charter school does not include a therapeutic school.
57. **Commercial Feed Lot** - Any tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals for the sale of such animals or the sale of products derived from such animals. Does not include dairies.
58. **Commercial Recreation, Indoor And Outdoor** - a use providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, indoor tennis, bowling, and skating, baseball batting cages, paintball, riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.
59. **Common Open Space** - The land area in planned unit development (PUD) reserved and set aside for agricultural or recreational use, landscaping, open green areas, parking, and driveway areas for the common use and enjoyment of the residents of the PUD.
60. **Concentrated Animal Feeding Operation, Large** - An animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
  - a. seven hundred (700) mature dairy cows, whether milked or dry;
  - b. one thousand (1,000) veal calves;
  - c. one thousand (1,000) cattle other than mature dairy cows or veal calves, with “cattle” including heifers, steers, bulls, and cow calf pairs;
  - d. two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more;
  - e. ten thousand (10,000) swine each weighing less than fifty-five (55) pounds;
  - f. five hundred (500) horses;
  - g. ten thousand (10,000) sheep or lambs;
  - h. fifty-five thousand (55,000) turkeys;
  - i. thirty thousand (30,000) laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
  - j. one hundred twenty-five thousand (125,000) chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
  - k. eighty-two thousand (82,000) laying hens, if the animal feeding operation uses other than a liquid manure handling system;
  - l. thirty thousand (30,000) ducks, if the animal feeding operation uses other than a liquid manure handling system; or
  - m. five thousand (5,000) ducks, if the animal feeding operation uses a liquid manure handling system.
61. **Conditional Use** - A land use that, because of the unique characteristics or potential impact of the land use 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.
62. **Constitutional Taking** - A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the Fifth or Fourteenth Amendment of the Constitution of the United States; or Utah Constitution, Article I, Section 22.
63. **Construction** - The act of breaking ground and erecting a building or structure as defined elsewhere in this section.
64. **Corral** - A space, other than a building, used for the confinement of animals.
65. **Cottage Industry** - A small, individual owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

66. **County Commission** - The Elected Board of County Commissioners of Sanpete County.
67. **County Utility Easement** - An easement that a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the county or the county's affiliated governmental entity owners or creators; and either no person uses or occupies or the county or the county's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; a person uses or occupies with or without an authorized franchise or other agreement with the county.
68. **Covenant** - A private legal restriction that places a burden on a parcel of land in favor of another parcel. The restriction is recorded in the deed. Covenants are most commonly used in the establishment of a subdivision to restrict the use of all individual lots in the development to a certain type of use (like single-family units), but may also be used to guarantee views and solar access.
69. **Critical Infrastructure Materials** - Sand, gravel, or rock aggregate.
70. **Critical Infrastructure Materials Operations** - The extraction, excavation, processing, or reprocessing of critical infrastructure materials.
71. **Critical Infrastructure Materials Operator** - A natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that: owns, controls, or manages a critical infrastructure materials operations; and has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
72. **Critical Infrastructure Materials Operations, Vested** - Critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the County that existed or was conducted or otherwise engaged in before: a political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations; and January 1, 2019.
73. **Crops, Livestock, And Livestock Products** - Includes land devoted to the raising of useful plants and animals with a reasonable expectation of profit including: forages and sod crops; rains and feed crops; livestock as defined in §59-2-102 of Utah State Code (as amended); trees and fruits; or vegetables, nursery, floral, and ornamental stock; or land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.
74. **Culinary Water Authority** - The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
75. **Curb Cut** - A ramp opening in a curb where vehicles or wheelchairs may enter or leave the roadway.
76. **Dairy** - An area of land on which cows are kept for the purpose of manufacturing, processing or producing dairy products in commercial quantities, as well as the related buildings and equipment.
77. **Day Care Center** - A building or structure where six or more children are regularly cared for during the day for compensation.
78. **Density** - Acres per one primary dwelling unit.
79. **Design Review** - The comprehensive evaluation of a development and its impact on neighboring properties and the area as a whole, from the standpoint of site and landscape design, traffic, drainage, public safety, and signs, in accordance with a set of adopted criteria and standards. "Design Review" refers to a system set up outside of the zoning ordinance, whereby projects are reviewed against certain standards and criteria by the Planning Commission.
80. **Developer** - Any person, including a governmental agency, undertaking any development.
81. **Development** - Any man-made change to improved or unimproved real estate including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions, or substantial alterations to buildings, structures or accessory structures; roads, bridges, placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavating or

drilling operations, and the deposition or extraction of earthen materials.

82. **Development Activity** - Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; any change in use of a building or structure that creates additional demand and need for public facilities; or any change in the use of land that creates additional demand and need for public facilities.
83. **Development Agreement** - A written agreement or amendment to a written agreement between the County and one (1) or more parties that regulates or controls the use or development of a specific area of land. A development agreement does not include an improvement completion assurance.
84. **Disability** - A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
  - a. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in section 102 of the controlled substances act, 21 USC 802, or as defined under §58-37 title 58, chapter 37, Utah Code Annotated, 1953, as amended;
  - b. A physical or mental impairment includes the following:
    - i. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
    - ii. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
    - iii. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
85. **Distribution Center** - A facility where the storage and distribution of goods and materials occurs inside a fully enclosed building and which may include the parking and storage of distribution vehicles, and accessory activities.
86. **Domestic Livestock** - Those fowl, cattle, dairy animals, swine, sheep, goats, and other animals such as horses which are kept or raised for use or for pleasure as part of the overall agricultural operation and which are not part of a commercial feedlot.
87. **Domestic Staff** - Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
88. **Drainage System** - One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
89. **Dry Cleaner** - An establishment which has as its sole purpose the cleaning of fabrics with substantially non-aqueous organic solvents. Laundry establishments with self-service, coin-operated dry cleaning machines shall not be classified as a dry cleaner.
90. **Dwelling** - A building designed or used exclusively as the living quarters of one or more families, but not including hotels, tourist cabins and boarding houses.
91. **Dwelling, Primary** - A single-family dwelling that is detached and is occupied as the primary residence of the owner of record.
92. **Dwelling, Single-Family** - A building with a heated area of at least five hundred seventy-six (576) square feet, and measuring at least twenty-four (24) feet by twenty-four (24) feet, arranged or designed to be occupied by one family, the structure having only one dwelling unit.
93. **Dwelling Unit** - A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

94. **Easement** - Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.
95. **Educational Facility** - A school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade twelve (12), including kindergarten and a program for children with disabilities; a structure or facility located on the same property as a building described and use in support of the use of that building; and a building to provide office and related space to a school district's administrative personnel. Educational facility does not include land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is not located on the same property as a building described and used in support of the purposes of a building described; or a therapeutic school.
96. **Educational Institution** - An educational facility or a private educational institution having a curriculum similar to that ordinarily given in an educational facility.
97. **Elderly Person** - A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
98. **Eminent Domain** - The right of a public entity to acquire private property for public use upon the payment of just compensation.
99. **Encroachment** - Any obstruction or protrusion into a right of way or adjacent property, whether on the land or above it.
100. **Engineer** - A person licensed and registered as a professional engineer in the State of Utah.
101. **Emergency Care Facility** - A facility or licensed healthcare provider providing emergency medical or dental or similar examination, diagnosis, treatment and care on an outpatient basis only.
102. **Equipment Sales And Rental** - An establishment licensed to engage in the retail or wholesale sale or rental, from the premises, of equipment and vehicles. Typical uses include vehicle rental, tool rental, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental.
103. **Essential Services** - Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
104. **Farm Labor Dwelling** - 1000 sq. ft. maximum living space located on the same parcel as the main dwelling. Only allowed in the A Zone (Agricultural) with a conditional use permit, (verifying a legitimate farming operation). Farm labor dwellings are not allowed on subdivision lots and parcel must meet zoning requirements.
105. **Family** - One or more persons related by blood, marriage, adoption, or guardianship or a group of not more than twenty (20) unrelated persons living together as a single housekeeping unit, together with an incidental domestic or support staff who may or may not reside on the premises. Family does not exclude the care of foster children. Guests in excess of two who pay for meals or room shall be considered as boarders.
106. **Fence** - A tangible barrier or obstruction of any material, with the purpose of intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls.
107. **Fire Authority** - The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
108. **Flood** - An overflow of water onto lands not normally covered by water. Floods have two essential characteristics: the inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, lake, or other body of water.
109. **Flood Insurance Rate Map (FIRM)** - "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.



110. **Flood Insurance Study** - The official report provided by the Federal Emergency Management Agency that includes flood profiles, as well as the Flood Hazard Boundary Map and the water surface elevation of the base flood.
111. **Floodplain** - Land that is within the 100-year flood plain designated by the Federal Emergency Management Agency (FEMA); or has not been studied or designated by FEMA but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by FEMA.
112. **Floor Area** - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.
113. **Frontage (Lot Width)** - The Width of the lot or parcel of land measured at the front setback line.
114. **Financial Institution** - A state or federally chartered bank, credit union, mortgage lender or savings and loan association financial services.
115. **Garage** - A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.
116. **Garage, Private** - An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall, trellis or solid fence.
117. **General Plan** - A document that the County adopts which sets forth the general guidelines for proposed future development of the unincorporated land within Sanpete County.
118. **Geologic Hazard** - A surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life, of substantial loss or damage to real property.
119. **Grade** - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
120. **Home Occupation** - A business, profession, occupation or trade conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of this code.
121. **Hospital** - An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.
122. **Hotel** - A building in which a lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. Minimum number of bedrooms is six (6).
123. **Housing Unit** - A house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as a separate living quarters, or, if vacant, is intended for occupancy as a separate living quarters

124. **Impact Fee** - A payment of money imposed under §11-36a of Utah State Code (as amended).
125. **Improvement Completion Assurance** - A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the County to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recoding a subdivision plat or development of a commercial, industrial, mixed use, or multifamily project.
126. **Improvement Warranty** - An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement: complies with the County's written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
127. **Improvement Warranty Period** - A period: no later than one (1) year after the County's acceptance of required landscaping; or no later than one (1) year after the County's acceptance of required infrastructure, unless the County: determines for good cause that a one (1) year period would be inadequate to protect the public health, safety, and welfare; and has substantial evidence, on record of prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the County has not otherwise required the applicant to mitigate the suspect soil.
128. **Industrial Hemp Producer Licensee** - Shall mean the same as the term "licensee" as defined in §4-41-102 of Utah State Code (as amended).
129. **Industrial Protection Area** - A geographic area created under the authority of §17-41 of Utah State Code (as amended) that is granted the specific legal protections contained therein.
130. **Infrastructure** - Construction or development improvements such as, but not limited to, streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, and water, sewer and gas systems or parts thereof.
131. **Infrastructure Improvement** - Permanent infrastructure that is essential for the public health and safety or that: is required for human consumption; and an applicant must install: in accordance with published installation and inspection specifications for public improvements; and as a condition of: recording a subdivision plat; obtaining a building permit; or developing a commercial, industrial, mixed use, condominium, or multifamily project.
132. **Internal Lot Restriction** - A platted note, platted demarcation, or platted designation that runs with the land; and creates a restriction that is enclosed within the perimeter of a lot described on the plat; or designates a development condition that is enclosed within the perimeter of a lot described on the plat.
133. **International Building Code (IBC)** - The current edition of the International Building Code.
134. **Junk Yard** - Scrap building materials, scrap contractor's equipment, tank, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material.
135. **Kennel** - A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household pets.
136. **Laboratory** - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not including facilities for manufacture of products for sale.
137. **Landscaping** - The placement of living plants such as ground cover, shrubs and trees on developed lots. May include non-living materials such as gravel.
138. **Land Use** - Any activity which is subject to the Regulation of this County which is conducted on, below and/or in the space above the surface of the earth to a height of 500 feet within the boundaries of the county excepting those areas subject to the zoning authority of the incorporated municipalities within the county.
139. **Land Use Applicant** - A property owner, or the property owner's designee, who submits

- a land use application regarding the property owner's land.
140. **Land Use Application** - An application that is required by the County; and submitted by a land use applicant to obtain a land use decision. A land use application does not mean an application to enact, amend, or repeal a land use regulation.
141. **Land Use Authority** - A person, board, commission, agency, or body, including the Sanpete County Board of County Commissioners, designated by the Sanpete County Board of County Commissioners to act upon a land use application or; if the Sanpete County Board of County Commissioners has not designated a person, board, commission, agency, or body, the Sanpete County Board of County Commissioners.
142. **Land Use Decision** - An administrative decision of a land use authority or appeal authority regarding: a land use permit; a land use application; or the enforcement of a land use regulation, land use permit, or development agreement.
143. **Land Use Permit** - A permit issued by the land use authority.
144. **Land Use Regulation** - A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. Land use regulation includes the adoption or amendment of a zoning map or the text of the zoning code. Land use regulation does not include a land use decision of the Sanpete County Board of County Commissioners acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact a land use applicant's use of land.
145. **Land Use Ordinance** - The Land Use Ordinance, or Title 14 of Sanpete County, Utah.
146. **Lawn or Turf** - Non-agricultural land planted in closely mowed, managed grasses.
147. **Legal Description** - A metes and bounds description of a parcel of land filed in accordance with the requirements of the State of Utah and the county.
148. **Legislative Body** - The Sanpete County Board of County Commissioners.
149. **Lodge** - A building containing six (6) or more bedrooms for the temporary occupancy of guests, without cooking facilities in each unit. Accessory facilities may include any or all things customarily associated with lodges.
150. **Lot** - A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the County Recorder.
151. **Lot, Area Of** - The contiguous, not separated by public roadway, of a lot between its front, rear, and side lot lines. Lot area must meet the minimum lot area requirements.
152. **Lot Line Adjustment** - A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with §17-27a-608 of Utah State Code (as amended): whether or not the lots are located in the same subdivision; and with the consent of the owners of record. Lot line adjustment does not mean a new boundary line that: creates an additional lot; or constitutes a subdivision. Lot line adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).
153. **Lot, Through (Double-Frontage Lots)** - A lot having a frontage on two parallel or approximately parallel streets. The lots for purposes of this title shall have two street frontages and two front yards.
154. **Lot Width** - The distance across a lot or parcel of property measured along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which constitutes the front lot line.
155. **Lot, Width (Frontage)** - The width of the lot or parcel of land measured at the front setback line.
156. **Low Impact Development** - Shall mean the same as the term defined in §19-5-108.5 of Utah State Code (as amended).
157. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

158. **Major Transit Investment Corridor** - A public transit service that uses or occupies: a public transit rail right-of-way; dedicated road right-of-way for the use of public transit, such as bus rapid transit; or fixed-route bus corridors subject to an inter-local agreement or contract between a municipality or county and a public transit district as defined in §17B-2a-802 of Utah State Code (as amended) or an eligible political subdivision as defined in §59-12-2219 of Utah State Code (as amended).
159. **Man-made Water Impoundments** - For agricultural purposes, if such are under ten (10) acre-feet in capacity and do not extend over two (2) feet above natural grade. Man-made water impoundments for recreational purposes are not permitted. Man-made water impoundments include lakes, ponds, dams, other uncovered water impoundments, covered water tanks, and covered reservoirs.
160. **Man-made Water Impoundments (Improved Capacity)** - For agricultural purposes, if such are over ten (10) acre-feet in capacity or extend over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of Chapter 14.90 of the Sanpete County Land Use Ordinance. Man-made water impoundments for recreational purposes are not permitted. Man-made water impoundments include lakes, ponds, dams, other uncovered water impoundments, covered water tanks, and covered reservoirs.
161. **Manufactured Home, Permanent** - A single-family dwelling with a heated area of at least five hundred seventy-six (576) square feet, and measuring at least twenty-four (24) feet by twenty-four (24) feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) And the Housing and Urban Development Zone Code II or the Uniform Building Code (UBC), as amended to the date of the unit's construction.
162. **Manufactured Home, Temporary** - A single family dwelling with a heated area, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et.seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code (UBC), as amended to the date of the unit's construction.
163. **Manufacturing, Heavy** - The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.
164. **Manufacturing, Light** - The processing or fabrication of materials or products where the process involved will not produce light, noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties or compromise the quality of living and where activities and equipment are conducted within a building or structure.
165. **Manure** - Includes manure, bedding, compost, a raw material, or other material commingled with manure or set aside for disposal.
166. **Map** - The zone map of Sanpete County, Utah.
167. **Medical And Dental Offices, Clinics, And Laboratories** - An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations or an establishment that conducts basic medical or dental research and analysis.
168. **Medical Cannabis Pharmacy** - Shall mean the same as the term defined in §26-61a-102 of Utah State Code (as amended).
169. **Mineral** - A naturally occurring element or combination of elements; metallic, nonmetallic or mineral fuel that occur in the earth, but shall not include soil. Without limitation due to enumeration, the minerals of interest include: 1) Metallic - Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon; 2) Nonmetallic - Stone, sand and gravel, clay talc, asbestos, graphite and marble; 3) Mineral Fuel -

petroleum, natural gas, coal, peat and nuclear fuel source materials.

170. **Mineral Extraction** - The excavation or recovery of metallic, nonmetallic, or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of top soil when such activities are undertaken or proposed to be undertaken as a distinct land use.
171. **Mining, Drilling, Digging, Quarrying, Etc.** - All or part of the process involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases: 1) Exploration - Onsite, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling; 2) Prospecting - Examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means; 3) Operation - Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing of top soil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials; 4) Reclamation - Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.
172. **Mine Operator** - A natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that as of January 1, 2019: owns, controls, or manages a mining use under a large mine permit issued by the division or the board as defined in §17-41 of Utah State Code (as amended); and has produced commercial quantities of a mineral deposit from the mining use.
173. **Mining Protection Area** - Lands where a vested mining use occurs, including ease surface or subsurface land or mineral estate that a mine operator with a vested mining use owns or controls.
174. **Mining Use** - The full range of activities, from prospecting and exploration to reclamation and closure, associated with the exploitation of a mineral deposit; and the use of the surface and subsurface and groundwater and surface water of an area in connection with the activities described that have been, are being, or will be conducted; and includes, whether conducted on-site or off-site: any sampling, staking, surveying, exploration, or development activity; any drilling, blasting, excavating, or tunneling; the removal, transport, treatment, deposition, and reclamation of overburden, development rock, tailings, and other waste material; any removal, transportation, extraction, beneficiation, or processing of ore; any smelting, refining, autoclaving, or other primary or secondary processing operation; the recovery of any mineral left in residue from a previous extraction or processing operation; a mining activity that is identified in a work plan or permitting document; the use, operation, maintenance, repair, replacement, or alteration, of a building, structure, facility, equipment, machine, tool, or other material or property that results from or is used in a surface or subsurface mining operation or activity; any accessory, incidental, or ancillary activity or use, both active and passive, including a utility, private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation, mining waste, conveyor, power line, track age, storage, reserve, passive use area, buffer zone, and power production facility; the construction of a storage, factory, processing, or maintenance facility; and an activity described in §40-8-4(17)(a) of Utah State Code (as amended).
175. **Mobile Home** - Any structure manufactured or assembled prior to June 15, 1976, and/or originally designed to be capable of transportation by any motor vehicle upon public highways which does not require substantial onsite fabrication; which is intended for occupancy as a year round residence.
176. **Moderate Income Housing** - Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in the County in which the housing is located.

177. **Motel** - Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit. Minimum number of bedrooms is six (6).
178. **Motor Home** - A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes. Including school buses, converted, and vans.
179. **Mulch** - Materials such as rock, bark, wood chips, or other materials left loose and applied to the soil.
180. **Natural Waterways** - Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the chief building official and in which areas no buildings shall be constructed.
181. **Non-Chartered Financial Services** - A business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and payday loan businesses that make loans upon assignments of wages received.
182. **Noncomplying Structure** - A structure that: legally existed before the structure's current land use designation; and because of one (1) or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
183. **Nonconforming Use** - A use of land that: legally existed before the current land use designation; has been maintained continuously since the time the land use ordinance regulation governing the land changed; and because of one (1) or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of land.
184. **Non-residential Treatment Facility** - A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.
185. **Nursery** - a use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail or wholesale customers.
186. **Nursing Home** - An intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
187. **Official Map** - A map drawn by the County's authorities and recorded in the office of the County Recorder that: shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; 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 has been adopted as an element of the County's General Plan.
188. **Offices** - A building, room or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.
189. **Overhead Spray Irrigation** - Above ground irrigation heads that spray water through a nozzle.
190. **Owner** - Any person, association, partnership, or corporation which has dominion over, ultimate control of, or title to real property.
191. **Parcel** - Any real property that is not a lot.
192. **Parcel Boundary Adjustment** - A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in

accordance with §17-27a-523 of Utah State Code (as amended), if no additional parcel is created and: none of the property identified in the agreement is a lot; or the adjustment is to the boundaries of a single person's parcels. A parcel boundary adjustment does not mean an adjustment of a parcel boundary line that: creates an additional parcel or constitutes a subdivision. A parcel boundary adjustment does not include a boundary line agreement made by the Utah Department of Transportation (UDOT).

193. **Parking Lot** - An open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation or an accommodation for clients or customers.
194. **Parking Space, Off-Street** - An area not in a street or alley, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a driveway which affords ingress and egress for a vehicle.
195. **Pavement** - Means the bituminous or concrete surface of a roadway. Pavement does not include a curb or gutter.
196. **Pavilion** - Includes a gazebo, canopy, awning, cover, pergola, sunshade, roof, or shelter.
197. **Permanent Foundation** - A continuous perimeter stem wall constructed of reinforced concrete or masonry set on approved footings and as required by the International Building Code.
198. **Person** - An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
199. **Personal Services** - Uses such as beauty shops, barber shops, dry cleaners, mailing services, self-service laundromats and similar uses which provide service to the public individually.
200. **Planned Unit Development (PUD)** - A development in which the regulations of the zone in which the development is situated to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.
201. **Planning Commission** - The Planning Commission of Sanpete County, Utah.
202. **Plat** - An instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepared in accordance with §17-27a-603 of 57-8-13 of Utah State Code (as amended).
203. **Potential Geologic Hazard Area** - An area that: is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.
204. **Primary Use** - A land use listed in the Land Use Matrix which occupies the greater portion of a lot or parcel, or is the more intense use of two uses on a lot or parcel.
205. **Private Club** - any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members.
206. **Private Drive** - A non-dedicated thoroughfare or road used exclusively for private access to and from private land or developments.
207. **Process** - A series of acts of changes proceeding one to the next; a method of manufacturing or conditioning; or to submit something to a treatment or preparation.
208. **Professional, Administrative, And Business Offices** - A type of business use where a building, room, or other space and where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use.
209. **Protective Housing Facility** - A facility either:
  - a. Operated, licensed, or contracted by a governmental entity, or
  - b. Operated by a charitable non-profit organization, where for no compensation, temporary, protective housing is provided to:
    - i. Abused or neglected children awaiting placement of foster care;

- ii. Pregnant or parenting teens;
  - iii. Victims of sexual abuse; or
  - iv. Victims of domestic abuse.
- 210. **Public Area** - Land that:
  - a. is owned by the federal government, the state, or a political subdivision with facilities that attract the public to congregate and remain in the area for significant period of time;
  - b. is part of a public park, preserve, or recreation area that is owned or managed by the federal government, the state, a political subdivision, or a nongovernmental entity; and
  - c. has a cultural, archaeological, scientific, or historic significance or contains a rare or valuable ecological system, including a site recognized as a National Historic Landmark or Site; or
  - d. is a cemetery.
- 211. **Public Agency** - The federal government; the State of Utah; a county, municipality, school district, local district, special service district, or other political subdivision of the State; or a charter school.
- 212. **Public Hearing** - A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- 213. **Public Meeting** - A meeting that is required to be open to the public under §52-4 of Utah State Code.
- 214. **Public Street** - A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.
- 215. **Public Use** - A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.
- 216. **Reasonable Accommodation** - A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:
  - a. Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
  - b. Necessary: The applicant must show that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
  - c. Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.
- 217. **Record Of Survey Map** - A map of a survey of land prepared in accordance with §10-9a-603, 17-23-17, 17-27a-603, or 57-8-13 of Utah State Code (as amended).
- 218. **Recreational dwelling, Permanent** - Cabins and other permanent structures built for recreational use only and not to be used as a primary dwelling unit (less than 180 days, per year), must have a minimum dimension of 20' x 20'. Does not include tents, travel trailers, trailer, recreational vehicles, or other uses defined by temporary recreational dwellings.
- 219. **Recreational dwelling, Temporary** - Temporary living quarters for recreational, camping, travel, or seasonal use, including trailers, travel trailers, recreational vehicles, etc.
- 220. **Recreational Vehicle** - A vehicle built to the approval and confirmation of the Recreational Vehicle Industry Standard (RVIA) and the manufacture certifying compliance with (ANSI A119.2) standards for Recreational Vehicle and further described as such, a recreational trailer, camper trailer, truck camper, travel trailer, camp car, motorhome or other vehicle with or without motive power, maximum 350 sq. ft. designed and/or constructed to travel on the public



thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation for camping purposes. Not allowed to be set up as a permanent residence, no skirting or removal of tires and tow hitch from vehicle and must have a current UDOT license.

221. **Recreational Park Trailer** - Also known as a “park model recreational vehicle.” A vehicle built to the approval and confirmation of the Recreational Park Trailer Industry Association (RPTIA) and the manufacturer certifying compliance with (ANSI A119.5) standards for Recreational Park Trailers. Recreational Park Trailers with a maximum of 400 sq. ft are only allowed by a conditional use permit in an approved RV Park / Campground. Not to exceed 1 per acre and must have a Utah State approved septic system and permits in accordance with this code.
222. **Recreation, Commercial** - Recreation facilities operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, etc., and support facilities customarily associated with the development.
223. **Reception Center** - A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.
224. **Record Of Impairment** - Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
225. **Recycle Center** - a facility where recyclable and organic materials are collected, stored and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.
226. **Regarded As Having An Impairment** - A person is regarded as having an impairment when:
  - a. The person has a physical or mental impairment that does not substantially limit one or more major life activities, but is treated by another person as having such a limitation;
  - b. The person has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or
  - c. The person has none of the impairments defined in this section, but is treated by another person as having such an impairment.
227. **Rehabilitation/Treatment Facility** - A facility licensed or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
228. **Related** - Related by blood, marriage or adoption within the definition of “family” means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
229. **Religious Institution** - A building and grounds used at least monthly for religious services or ceremonies.
230. **Residential Facility For Persons With A Disability** - A residence in which more than one (1) person with a disability resides; and which is licensed or certified by the Department of Human Services under §62A-2 of Utah State Code (as amended); or which is licensed and certified by the Department of Health under §26-21 of Utah State Code (as amended).
231. **Residential Facility For Elderly Persons** - A dwelling unit that is occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:
  - a. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs or preparation and maintenance of the facility;
  - b. A facility where persons being treated for alcoholism or drug abuse are placed; a facility

where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined in §26-21 of Utah State Code (as amended); or a facility which is a residential facility for persons with a disability.

232. **Residential Facility for Troubled Youth** - A residential facility that is occupied on a 24 hour basis by no more than twenty (20) qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the State Department of Human Services.
233. **Residential Street** - A public or private roadway that: currently serves or is projected to serve an area designed primarily for single-family residential use; requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and has or is projected to have, on average, traffic of no more than one thousand (1,000) trips per day, based on findings contained in a traffic impact study; the County's General Plan; an adopted phasing plan; or a written plan or report on current or projected traffic usage.
234. **Residents, Residential Facility** - Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.
235. **Retail** - The sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily needs. May include sale in large size packages used as pricing incentives
236. **Retirement Home** - A residential facility designated, occupied, and intended for residents fifty (50) years or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.
237. **Roadway Design And Construction Manual** - The most recent version of the Sanpete County Roadway Design and Construction Manual, originally adopted by the Sanpete County Board of County Commissioners on April 18, 2023, or its successor.
238. **Salvageable Material** - Inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement or spare parts can be extracted.
239. **Salvage Yard** - A solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normally found adjacent to industrial and commercial establishments.
240. **Sanitary Landfills** - Locations where trash, garbage, organic materials are buried and maintained in accordance with local, state, and federal regulations.
241. **Sanitary Sewer Authority** - The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
242. **Seasonal** - A dwelling that is constructed un-insulated.
243. **Setback** - The shortest distance between the property line and the building or part thereof.
244. **Service Station** - Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.
245. **Schools, Private** - See educational facility and educational institution.
246. **Schools, Public** - See educational facility and educational institution.
247. **Shopping Center** - A multi-entity commercial complex under single ownership or control which leases space to various commercial establishments.
248. **Sign** - A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the

nature of an announcement, direction, or advertisement.

249. **Site Plan** - A document or map that may be required by the County during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.
250. **Sensitive Lands** - Lands containing environmentally and geologically sensitive elements which, if disturbed or encroached upon by urban or suburban land development (such as utilities, dwellings, streets, industrial, commercial or certain types of agriculture) could be damaged beyond repair ability, could cause damage or complete destruction to already existing public or private property, could cause loss of life or bodily harm, or could affect the purity, consistency or volume of the water supply. Such sensitive lands could also include, but not be limited to: earthquake faults, potential landslide areas, steep unstable terrain, areas of potential rock fall, subsurface waters and flooding.
251. **Shelter For The Homeless** - Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
252. **Sheltered Workshop** - An on-site supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.
253. **Shipping Container** - Also known as and referred to as "container", or "portable storage container". Fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including but not limited to: clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise. For the purpose of this title, shall be regulated and referred to as an "Accessory Structure Or Use".
254. **Sleeping Unit** - A small, and/or movable sleeping structure not to exceed 200 square feet only allowed and used in an RV Park Campground. Not to exceed 3 per acre must have a conditional use permit and building permit to install in the RV Park Campground. No utilities except lighting. If permanently installed a power pedestal is required and hard wired to the unit, and if movable a maximum 50 ft. RV power cord and connections.
255. **Stable** - A building in which domestic animals, such as horses, ponies, and cattle, are sheltered and fed, having stalls or compartments.
256. **State** - Includes any department, division, or agency of the State of Utah.
257. **Street** - A public thoroughfare, or right-of-way, dedicated, deeded or condemned for public use and which affords the principal means of access to abutting property. The word street includes road, avenue, or land, but does not include alley.
258. **Structure** - All construction, including residences, commercial buildings, free standing walls, antennas, signs, towers, bridges, culverts, or similar uses which may require a building permit issued by the county.
259. **Structural Alterations** - Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
260. **Sub divider** - Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any subdivision or part thereof as defined herein.
261. **Subdivision** - Any land that is divided, resub divided, or proposed to be divided into two (2) or more lots 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:
- a. the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
  - b. except as provided, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
  - c. Subdivision does not include:

- i. a bona fide division or partition of agricultural land for agricultural purposes;
  - ii. a boundary line agreement recorded with the office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §17-27a-523 of Utah State Code (as amended) if no new lot is created;
  - iii. a recorded document, executed by the owner of record:
    - 1. revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels; or
    - 2. joining a lot to a parcel;
  - iv. a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one (1) or ore of the resulting separate parcels:
    - v. an electrical transmission line or a substation;
    - vi. a natural gas pipeline or a regulation station; or
    - vii. an unmanned telecommunication, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
  - viii. a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §17-27a-523 and 17-27a-608 of Utah State Code (as amended) if:
    - ix. no new dwelling lot or housing unit will result from the adjustment; and
    - x. the adjustment will not violate any applicable land use ordinance;
    - xi. a bona fide of land by deed or other instrument if the deed or other instrument states in writing that the division:
      - 1. is in anticipation of future land use approvals on the parcel or parcels;
      - 2. does not confer any land use approvals; and
      - 3. has not been approved by the land use authority;
    - xii. a parcel boundary adjustment;
    - xiii. a lot line adjustment;
    - xiv. a road, street, or highway dedication plat; and
    - xv. Any other division of land authorized by law.
262. **Subdivision Amendment** - An amendment to a recorded subdivision in accordance with §17-27a-608 of Utah State Code (as amended) that: vacates all or a portion of the subdivision; alters the outside boundary of the subdivision; changes the number of lots within the subdivision; alters a public-right-of-way, a public easement, or public infrastructure within the subdivision; or alters a common area or other common amenity within the subdivision.
263. **Suspect Soil** - Soil that has a high susceptibility for volumetric change, typically clay rich, having more than a three percent (3%) swell potential; bedrock units with high shrink or swell susceptibility; or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
264. **Tent** - A portable lodge of canvas or strong cloth stretched and supported by poles.
265. **Therapeutic School** - A residential group living facility:
266. for four (4) or more individuals who are not related to the owner of the facility, or the primary service provider of the facility;
- a. that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and
  - b. that offers room and board; and an academic education integrated with specialized structure and supervision or service or treatment related to a disability, an emotional development, a behavior development, a familiar development, or a social development.
267. **Trade Or Vocational School** - A post-high school education or vocational training facility.
268. **Trailer, Travel** - A vehicle designed for or used for human habitation. See “Recreational Vehicle”.

269. **Transitional Housing Facility** - A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.
270. **Travel Trailer** - A portable vehicle less than 10 feet wide by 50 feet long designed and used for temporary living and housekeeping purposes.
271. **Troubled Youth** - Any individual, male or female, between the ages of ten (10) and eighteen (18) years of age who by virtue of their arrest, detention or supervision by the Utah State Department of Human Service for offenses other than aggravated assault, arson, or sex offenses generally and who do not suffer from psychiatric problems which would render them a danger to themselves or others, qualify for placement in homes for troubled youth as determined by the Utah State Department of Human Services.
272. **Truck, Commercial** - Any combination of vehicles over 26,000 lbs. GVWR (Gross Vehicle Weight Rating).
273. **Unincorporated** - The area outside of the incorporated area of a municipality.
274. **Unnecessary Hardship** - That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
275. **Use** - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.
276. **Use, Permitted** - Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.
277. **Variance** - An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
278. **Vegetative Coverage** - The ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity. Vegetative coverage does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
279. **Veterinary Clinic** - A location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.
280. **Water Wise Landscaping** - Any or all of the following:
- a. installation of plant materials suited to the microclimate and soil conditions that can:
    - i. remain health with minimal irrigation once established; or
    - ii. be maintained without the use of overhead spray irrigation;
  - b. use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
  - c. the use of other landscape design features that:
    - i. minimize the need of the landscape for supplemental water from irrigation; or
    - ii. reduce the landscape area dedicated to lawn or turf.
281. **Wholesale** - The sale of goods to a person or company who may sell products to the ultimate consumer. Includes sale of products in bulk for further repackaging.
282. **Yard** - Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.
283. **Yard, Front** - An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.
284. **Yard, Rear** - An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

285.       **Yard, Side** - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
286.       **Zoning Administrator** - Designee of the Board of County Commissioners.
287.       **Zoning Map** - A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

## Chapter 14.16 - PLANNING COMMISSION

### Sections:

14.16.010	Created - Appointment - Terms
14.16.020	Vacancies; Alternates - Removal
14.16.030	Chair - Rules
14.16.040	Powers - Duties
14.16.050	Office Of Zoning Administrator Created
14.16.060	General Plan - Preparation; Required Notice
14.16.070	General Plan - Process Of Adopting Or Amending
14.16.080	General Plan - Effect On Public Uses

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### 14.16.010 Created - Appointment - Terms

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There is hereby created an appointed commission of seven (7) members, to be known as the Sanpete County Planning Commission. Each of the seven (7) members of the Planning Commission shall be a resident of the County. The term of appointed members shall be three (3) years or until their respective successors have been appointed; provided, that the terms of the members appointed shall be such that the terms of two (2) members shall expire each year. An appointed member may be reappointed to additional terms by the Sanpete Board of County Commissioners. The members of the Planning Commission shall serve as such with limited compensation set forth by the Board of County Commissioners, including reimbursement for actual expenses incurred upon presentation of proper receipts and vouchers.

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### 14.16.020 Vacancies; Alternates - Removal

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If a vacancy occurs the Board of County Commissioners shall fill the vacancy(ies) in accordance with Section 14.16.010. Vacancies on the Planning Commission for any reason other than expiration of terms, shall be filled for the remainder of the member's unexpired term.

The Sanpete County Board of County Commissioners may appoint alternate members in the event regular member(s) are temporarily unable to serve due to absence from the County, illness, interest in a case before the Planning Commission, or any other cause.

Planning Commission members are expected to attend at least seventy-five percent (75%) of the scheduled meetings in a given year or shall be subject to removal for nonperformance of duties. For the removal of a member for nonperformance of duties or other misconducts, a majority vote by the Board of County Commissioners shall be required.

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### 14.16.030 Chair - Rules

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1. The Board of County Commissioners shall adopt such rules and regulations governing the procedure of the Planning Commission as it may consider necessary or advisable.

2. The Planning Commission is directed by the Sanpete County Board of Commissioners to make use of the expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies.
3. The Planning Commission shall elect from its members, a chair, whose term shall be for one (1) year.
4. The chair of the Planning Commission shall be a voting member.
5. The Planning Commission shall keep a record of its proceedings, which records shall be open to inspection by the public at all reasonable times.
6. No meeting of the Planning Commission shall be called to order, nor any business transacted without a quorum.
7. Four (4) members of the Planning Commission shall constitute a quorum for the transaction of business. Any member of the Planning Commission disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from vote, however, shall count towards consideration of a quorum.
8. All decisions and recommendations of the Planning Commission shall require a majority vote of the quorum.

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

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The Planning Commission shall be an advisory body unless otherwise designated in this code as a land use authority. The Planning Commission shall have the following powers and duties:

1. To administer provisions of this title;
2. To advise the Board of County Commissioners on matters the Board directs;
3. To prepare and recommend to the Sanpete County Board of County Commissioners a general plan and amendments thereto as provided in this title;
4. To review and recommend approval, disapproval, or approval with modification to the Sanpete County Board of County Commissioners on proposed land use regulations and zoning map enactments or amendments as provided in this title;
5. To review and recommend approval, disapproval, or approval with modification to the Sanpete County Board of County Commissioners on proposed subdivision regulations and amendments thereto as provided in this title and Title 13 of this code;
6. To review and recommend approval, disapproval, or approval with modification to the Sanpete County Board of County Commissioners on proposed subdivision applications, subdivision plat amendments or vacations as provided in this title and Title 13 of this code;
7. To exercise any other powers delegated to it by the Sanpete County Board of County Commissioners and other powers not listed that are necessary to enable it to perform its functions.

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#### **14.16.050 Office Of Zoning Administrator Created**

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1. There is hereby created the Office of Zoning Administrator, a paid position. The Sanpete County Board of County Commissioners shall fill the office and appoint a Zoning Administrator and such other officers as may be deemed necessary to administer and enforce the provisions of this title.
2. It is the responsibility of the Zoning Administrator to ensure all processes, procedures and other provisions of this title are consistently and equitably applied and to effect the general administration and enforcement of this title and other applicable titles where designated within the County's code.
3. It shall be the responsibility of the Zoning Administrator to hear or decide the approval or denial of, or recommendations to approve, or deny, or approve with modifications conditional use permits



as provided in this title.

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### **14.16.060 General Plan - Preparation; Required Notice**

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The Planning Commission may recommend adoption or amendment(s) to the County's General Plan.

1. The Planning Commission shall provide notice of its intent to make a recommendation to the Sanpete County Board of County Commissioners for a general plan or amendment thereto when the Planning Commission initiates the process of preparing its recommendation.
2. The notice shall be provided to each affected entity pursuant to §17-27a-203 of Utah State Code (as amended) at least ten (10) calendar days in advance.
3. At a minimum the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the Planning Commission's recommendations for the mandatory plan elements outlined in §17-27a-403 of Utah State Code (as amended).

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### **14.16.070 General Plan - Process Of Adopting Or Amending**

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1. The Planning Commission shall hold a public hearing on the proposed general plan or amendments thereto providing notice of the public hearing at least ten (10) days in advance. The required notice shall be published on the Utah Public Notice Website, mailed to each affected entity, and shall be posted in at least three (3) public locations within the County or on the Sanpete County website.
2. The County shall also provide notice for each public meeting on the proposed general plan or amendments thereto. Public meetings shall be noticed at least twenty-four (24) hours in advance and shall be posted on the Utah Public Notice Website and posted in at least three (3) public locations within the county or on the Sanpete County website.
3. After rendering a recommendation, the general plan or amended general plan will then be sent to the Sanpete County Board of Commissioners who shall then hold a public hearing. Notice shall be provided as stated in 14.16.070 (1) and 14.16.070 (2).
4. Following the public hearing the Sanpete County Board of County Commissioners may:
  - a. Adopt the proposed general plan or amendments thereto; or
  - b. Reject the proposed general plan or amendments; or
  - c. Amend the proposed general plan or amendments thereto as deemed appropriate and either adopt or reject the general plan or amendments.
5. If the Sanpete County Board of Commissioners rejects the proposed general plan or amendments thereto, they may provide suggestions to the Planning Commission for their review and recommendation.

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### **14.16.080 General Plan - Effect On Public Uses**

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No street, park, or public right of way, ground, place, or space, no publicly owned building or structure, no public utility, whether publicly or privately owned, may be constructed or authorized unless it conforms with the County's adopted General Plan, or it has been considered by the Planning Commission, and received a positive recommendation of the Planning Commission and approval by the Sanpete County Board of County Commissioners as an amendment(s) to the currently adopted General Plan.



## Chapter 14.20 - BOARD OF ADJUSTMENTS

### Sections:

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

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### 14.20.010 Created - Regulations - Meetings

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1. There is hereby created an appointed board of five (5) members, to be known as the Sanpete County Board of Adjustments. Each of the five (5) members of the Board of Adjustments shall be a resident of the County. Members shall serve on a volunteer basis without compensation upon appointment by the Sanpete County Board of County Commissioners, except that the Sanpete County Board of County Commissioners shall provide reimbursement to members for actual expenses incurred, upon presentation of proper receipts and vouchers. Terms for members shall be of such length and so arranged that the term of at least one (1) member will expire each year. The Sanpete Board of County Commissioners may remove any member for cause upon written charges and a majority vote of the Commission.
2. Vacancies on the Board of Adjustments shall be filled for the unexpired term of the member in the same manner as original appointments. The Sanpete County Board of County Commissioners may appoint alternate members in the event regular member(s) are temporarily unable to serve due to absence from the County, illness, interest in a case before the Board, or any other cause.
3. Meetings of the Board shall be held at the call of the chair, or at the request of the Sanpete County Board of County Commissioners, and at such other times as the Board in its rules of procedures may specify. The chair, or in their absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Adjustments and shall be a public record.

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### 14.20.020 Organization - Procedure

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The Board of Adjustments shall organize and elect a chair and adopt rules in accordance with the provisions of this title. In each appeal heard, the Board shall qualify itself as the authority to act upon the matter and shall cite in the record the particular section or subsection of the County Code from which such authority

is derived. The Board of Adjustments shall not act upon matters not specifically delegated to it.

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### **14.20.030 Appeals - Powers Of Board**

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1. Appeals to the Board of Adjustments may be taken by:
  - a. an applicant or any other person or entity adversely affected by a decision administering or interpreting this title or other County land use ordinance; and
  - b. Any officer, department, board or bureau of the County affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this title or other County land use ordinance.
2. Such appeal shall be made to the Board of Adjustments within forty-five (45) days from the date the decision being appealed was made.
3. Upon receiving an application for appeal, the Board of Adjustment shall have the following powers to hear and decide:
  - a. Allegations by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of this title or other County land use ordinance;
  - b. Variances from the terms of this title or other applicable County land use ordinance; and
4. The Board of Adjustments shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
5. The Board shall not hear and decide any special exceptions, conditional use permits, amendments to this title or any other land use ordinances.

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### **14.20.040 Routine And Uncontested Matters**

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Routine and uncontested matters shall be decided by the County's Zoning Administrator. The Zoning Administrator's decision regarding a routine and uncontested matter may be appealed before the Board of Adjustments by the process outlined in Section 14.20.030.

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### **14.20.050 Variances**

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Any person or entity desiring a waiver or modification of the requirements of this title or any other County land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustments for a variance from the terms of this title or other County land use ordinance. The Board of Adjustment may grant a variance only if:

1. Literal enforcement of this title or other County land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title or other County land use ordinances;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by

- other property(ies) in the same zone;
4. The variance will not substantially affect the County’s General Plan and will not be contrary to the public interest; and
  5. The spirit of this title and other County land use ordinances is observed and substantial justice done.
- In determining whether or not enforcement of this title or other County land use ordinances would cause unreasonable hardship under Subsection 14.20.050 (1), the Board of Adjustments may not find an unreasonable hardship unless the alleged hardship:
1. Is located on or associated with the property for which the variance is sought;
  2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
  3. In determining whether or not enforcement of this title or other County land use ordinance would cause unreasonable hardship , the Board of Adjustments may not find an unreasonable hardship if the hardship is self-imposed or economic.

The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. Variances shall run with the land, not with the land owner. The Board of Adjustments and any other body shall not grant use variances. In granting a variance, the Board may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified.

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### **14.20.070 Notice Of Hearing**

The Board of Adjustments shall fix a reasonable time for the hearing of appeals and shall give public notice thereof to the adjoining property owners by mail at least ten (10) days prior to the date of hearing.

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### **14.20.080 Decision**

The concurring vote of four (4) Board members shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant. In the exercise of its duties and powers as set forth in this title, the Board of Adjustments may reverse or affirm wholly or partly, or may modify the requirements or decisions of the Zoning Administrator and may make such determination or requirement as ought to be made.

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

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### **14.20.090 Authority Limited**

It shall not be the function of the Board of Adjustments to correct what it may consider to be an unwise requirement in this title of other County land use ordinance, or to substitute its judgment in place of that of the Sanpete County Board of County Commissioners as to what is good or poor zoning practices. The Board of Adjustments may grant only those variances mentioned in this title. Nevertheless, it shall be the duty of the Board to recommend review of this title or other County land use ordinances to the Planning

Commission when, in its opinion, such review would yield modification or amendments that more fully promote the objectives and purposes of this title or other County land use ordinances.

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### **14.20.100 Failure To Comply With Conditions A Violation**

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

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### **14.20.110 Appeal**

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Any person aggrieved by any decision of the Board of Adjustments may have and maintain a plenary action for relief from any court of competent jurisdiction; provided, that petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the Office of the Board of Adjustments.

## Chapter 14.24 - ZONING DISTRICTS ESTABLISHED

### Sections

14.24.010 Zones Designated

14.24.020 Regulations

14.24.030 Boundaries Of Zones

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### 14.24.010 Zones Designated

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In accordance with the requirements of §17-27a-505 of Utah State Code (as amended), Sanpete County is hereby divided into specific zones which shall govern the use, intensity, area, and other requirements for the use of land as required by this chapter. Those zones are as follows:

Zone Abbreviation:	Zone Name:
A	Agricultural Zone
RA-1	Residential - Agricultural Zone
RA-2	Residential - Agricultural Zone
BC	Business / Commercial Zone
IN	Industrial Zone
PF	Public Facilities Zone
SL	Sensitive Lands Zone

The Sanpete County zoning district map accompanying this title and incorporated herein by reference, identifies the location and distribution of each zone within the County. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards and requirements of the applicable zoning district.

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

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### 14.24.020 Regulations

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Within each of the zones, the use, location, height and size of buildings and structures, the percentage of the lot which may be occupied, the use of the land, maintenance of premises, and size of lots, yards, courts and other open spaces are regulated as set forth in this title.

All expenses incurred to develop any land within Sanpete County shall be paid by the developer, including

expenses incurred to fully understand, study, examine, or to receive technical information regarding the land proposed for development.

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### **14.24.030 Annexations - Municipal Expansion Area**

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Upon receiving a petition for annexation the Sanpete County Board of County Commissioners shall first send the petitioner to the closest municipality if the proposed area is located within one (1) mile of an incorporated municipality.

It shall be the responsibility of the petitioner to have the appropriate municipality complete the County's "Municipal Annexation / Service Request Form" in order to proceed in the development process with the County. The petitioner shall submit a copy of the form to the Sanpete County Zoning Administrator on the same day it is delivered to the appropriate municipality for its consideration. The municipality shall have sixty (60) days to review and complete the form or submit its comments to the petitioner / County. An extension of thirty (30) days may be granted by the Sanpete County Zoning Administrator when they deem an extension reasonable.

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### **14.24.040 Boundaries Of Zones**

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

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

## **Chapter 14.26 - LAND USE CLASSIFICATION MATRIX**

### **Sections:**

**14.26.010 Land Use Classification Matrix**



## 14.26.010 Land Use Classification Matrix

The following table describes the permitted, conditional, and prohibited land use classifications within each zoning district.

	A	RA-1	RA-2	SL	BC	IZ	PF
	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Agriculture	P	P	P	P	C	C	X
Agriculture Processing, Packaging & Warehousing	P	C	C	X	C	P	X
Airports/ Airstrips/Heliports	X	X	X	X	P	P	P
Alternative Source of Power	C	C	C	C	X	X	X
Animal Hospital/ Veterinary Clinic	C	C	C	X	P	X	X
Agricultural Protection Area (Must comply with UCA 17- 41101 Through 406 Et. Al.)	P	X	X	X	X	X	X
	A	RA-1	RA-2	SL	BC	IZ	PF

	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Asphalt Mixing/ Concrete Batching Plants	X	X	X	X	X	P	X
Auction Yards (Livestock)	P	X	X	X	C	X	X
Auto Salvage/Wrecking Yard and Allied Operations	X	X	X	X	X	P	X
Auto/ Truck Repair	X	X	X	X	P	X	X
Auto/Truck Sales and Service	C	X	X	X	P	X	X
Barns & Other Agricultural Related Structures	P	P	P	C	C	C	X
Bed & Breakfast / Vacation Rental	P	P	P	P	P	X	X
Boat Building/ Storage	X	X	X	X	C	P	X
Broadcast Studios	X	X	X	X	P	X	X
Business Support Services	X	X	X	X	P	X	X
	<b>A</b>	<b>RA-1</b>	<b>RA-2</b>	<b>SL</b>	<b>BC</b>	<b>IZ</b>	<b>PF</b>

	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Car Wash	X	X	X	X	P	X	X
Cemeteries/ Crematoriums (Only allowed for municipalities. See 14.12.020.)	X	X	X	X	X	X	X
Day Care Center	C	C	C	X	P	X	X
Churches	C	C	C	X	C	X	P
Coal Yards	C	X	X	X	X	P	X
Community Building Public or Private	C	C	C	X	P	X	P
Commercial Feedlot	P	X	X	X	X	X	X
Commercial Poultry Raising	P	X	C	C	X	X	X
Commercial Recreation, Indoor and Outdoor	C	X	X	X	P	X	X
Construction Offices & Equipment Yard	C	X	X	X	P	P	X
Construction Sales & Services	X	X	X	X	P	X	X
	<b>A</b>	<b>RA-1</b>	<b>RA-2</b>	<b>SL</b>	<b>BC</b>	<b>IZ</b>	<b>PF</b>

	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Convenience Store /Service Station	C	C	C	X	P	X	X
Corrals	P	P	P	C	C	C	X
Cottage Industry	P	P	P	P	P	X	X
Dairy	P	X	X	X	X	X	X
Dams	C	C	C	C	C	X	C
Distribution Center	X	X	X	X	C	P	X
Domestic Livestock (Within AU Limits)	P	P	P	P	C	C	X
Emergency Care Facility	X	X	X	X	P	X	X
Equipment Sales & Retail- New or Used	X	X	X	X	P	X	X
Fabrication/ Welding	C	X	X	X	C	P	X
Farming & Ranching	P	P	P	P	C	C	X
Financial Institutions	C	C	C	C	P	X	X
Forest Industries	C	C	C	C	X	P	X
Fruit & Vegetable Stands	P	P	P	X	P	X	X
	<b>A</b>	<b>RA-1</b>	<b>RA-2</b>	<b>SL</b>	<b>BC</b>	<b>IZ</b>	<b>PF</b>

	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Funeral Homes	X	C	C	X	P	X	X
Fur Farms	P	X	X	X	X	X	X
Golf Courses/ Country Clubs/ Riding Clubs/ Hunting Clubs	C	C	C	C	C	X	C
Gravel Pits, Rock Crushers, Clay Pits, Borrow Pits & Rock Quarries	C	X	X	X	X	P	X
Gymnasium/ Health & Fitness Club.	X	X	X	X	P	X	X
Home Occupation	C	C	C	C	C	X	X
Hospital	X	C	C	X	P	X	P
Kennels	C	X	X	X	C	X	X
Laundry, Self-Serve or Dry Cleaning	X	X	X	X	P	X	X
Lodges	C	X	X	C	P	X	X
Man-Made Water Impoundments	C	X	C	C	X	X	X
	<b>A</b>	<b>RA-1</b>	<b>RA-2</b>	<b>SL</b>	<b>BC</b>	<b>IZ</b>	<b>PF</b>

	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Manufacturing, Light	C	X	X	X	P	P	X
Manufacturing, Heavy	X	X	X	X	C	P	X
Medical And Dental Offices, Clinics, & Laboratories	X	X	X	X	P	X	X
Movie Theater	X	X	X	X	P	X	X
Mineral Exploration	C	C	C	C	C	C	C
Mining/ Mineral Extraction	C	C	C	C	C	C	C
Motel/Hotel/ Lodge	X	X	X	C	P	X	X
Multi-Family Housing (4 Units Max in One Structure)	X	C	C	X	C	X	X
Nursery	C	C	C	X	P	X	X
Parks / Trails	P	P	P	P	P	P	P
Orphanages, Convents, Residential Elderly Facilities	C	C	C	X	P	X	P
Planned Unit Development	C	C	C	C	C	X	X

	A	RA-1	RA-2	SL	BC	IZ	PF
	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Professional, Administrative, & Business Offices	X	X	X	X	P	X	X
Personal Services	X	X	X	X	P	X	X
Private Club	X	X	X	X	C	X	X
Radio/ Television/ Cellular Towers	C	C	C	C	C	C	C
Raising & Keeping Of Limited Animals (Those Not Defined AU's)	C	C	C	C	C	X	X
Reception Center	X	X	X	X	P	X	X
Recreational Dwellings, Permanent Or Temporary	C	C	C	C	X	X	X
Recycle Centers	X	X	X	X	C	P	X
Regional Camps/ Resorts / Dude Ranch/ Service Ranch	C	C	C	C	X	X	C

	A	RA-1	RA-2	SL	BC	IZ	PF
	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Repair Services For Small Appliances, Bicycles, Watches, Musical Instruments, And Similar Items	X	X	X	X	P	P	X
Restaurant / Fast Foods	X	X	X	X	P	X	X
Retail Sales Of New Merchandise	X	X	X	X	P	X	X
Retail Sales Of Used Merchandise	X	X	X	X	C	X	X
RV Park Campground	C	C	C	C	C	X	X
Schools, Private	C	C	C	C	P	X	C
Schools, Public	P	P	P	P	P	X	P
Signs	C	X	X	X	C	C	X
Single Family Dwelling	P	P	P	P	C	X	X
Shopping Center	X	X	X	X	P	X	X



Stockyards/ Slaughter- houses	C	X	X	X	X	P	X
	<b>A</b>	<b>RA-1</b>	<b>RA-2</b>	<b>SL</b>	<b>BC</b>	<b>IZ</b>	<b>PF</b>
	Agriculture	Residential - Agricultural	Residential - Agricultural	Sensitive Lands	Business / Commercial	Industrial	Public Facilities
	<b>Legend: Permitted = (P); Conditional = (C); Prohibited (X)</b>						
Storage Units	X	X	X	X	P	P	X
Tree Farms	P	X	X	P	C	X	X
Utility Facilities: Water, Sewer, Electric	C	C	C	C	C	P	P
Warehouse / General	X	X	X	X	C	P	X
Woodworking / Cabinet Shop	X	X	X	X	C	P	X
Youth Homes	C	C	C	X	C	X	X

## Chapter 14.28 - AGRICULTURAL ZONE (A)

**Sections:**

- 14.28.010**      **Purpose**
- 14.28.020**      **Table Of Standards - Agricultural Zone (A)**

### 14.28.010 Purpose

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

### 14.28.020 Table Of Standards - Agricultural Zone (A)

Standards	Requirements	Reference
<b>Density</b> (See example below)	5 Acre (1 unit per / 5 acre)	Section 14.76.040
<b>Percent Built Area (PBA)</b>	25%	Section 14.76.050
<b>Minimum Lot Size</b>	1 Acre	
<b>Setbacks</b> Front Side Rear	66' (From center of the road or 30' from the property line; whichever is greater.) 10' 10'	Section 14.76.240 & Section 14.76.250
<b>Frontage</b>	200'	
<b>Maximum Height**</b> (Non-Ag related structures)	Basement covered on 2 sides and 2 stories.	Section 14.12.020
<b>Animal Units</b>	No restrictions.	Section 14.12.020
<b>Height of solid fences or other solid structures within front setback*</b>	3' Maximum height.	Section 14.12.020
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	Section 14.26.010

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

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

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

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

*Example: 40 Acres {Density - (40/5 = 8) 8 building lots} {PBA - (40 X 25% = 10) or 10 Acres} This means you may develop a maximum of 8 building lots on no more than 25% of 40 Acres (10 Acres).*

## **Chapter 14.30 - RESIDENTIAL-AGRICULTURAL ZONE (RA-1)**

**Sections:**

- 14.30.010 Purpose**
- 14.30.020 Table Of Standards - Residential-Agricultural Zone (RA-1)**

### **14.30.010 Purpose**

The objective in establishing the Residential-Agricultural Zone (RA-1) is to ensure the orderly and timely conversion of certain open land areas within the County into residential districts as the need for such land occurs. The RA-1 zone has been established as a district in which the primary use of land is for dwelling purposes.

### **14.30.020 Table Of Standards - Residential-Agricultural Zone (RA-1)**

Standards	Requirements	Reference
<b>Density</b>	1/2 Acre (1 unit per / 1/2 acre)	Section 14.76.040
<b>Percent Built Area (PBA)</b>	100%	Section 14.76.050
<b>Minimum Lot Size</b>	1/2 Acre	
<b>Setbacks</b> Front Side Rear	66' (From center of the road or 30' from the property line, whichever is greater.) 10' 10'	Section 14.76.240 & Section 14.76.250
<b>Frontage</b>	100'	
<b>Maximum Height** (Non-Ag Related structures) Accessory Building</b>	Basement covered on 2 sides and 2 stories. 8' feet	Section 14.12.020
<b>Animal Units*</b>	4 / Acre	Section 14.12.020
<b>Off-street Parking</b>	Two vehicles per lot. (See parking standards.)	Section 14.12.020

<b>Height of solid fences or other solid structures within front setback*</b>	3' Maximum height.	
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	Section 14.26.010

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

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

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

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

## **Chapter 14.40 - RESIDENTIAL-AGRICULTURAL ZONE (RA-2)**

### **Sections:**

**14.40.010 Purpose**

**14.40.020 Table Of Standards - Residential-Agricultural Zone (RA-2)**

### **14.40.010 Purpose**

The objective in establishing the Residential-Agricultural Zone (RA-2) is to ensure the orderly and timely conversion of certain open land areas within the County into residential districts as the need for such land occurs. The RA-2 zone has been established as a district in which the primary use of land is for dwelling purposes.

### **14.40.020 Table Of Standards - Residential-Agricultural Zone (RA-2)**

Standards	Requirements	Reference
<b>Density</b>	1 Acre (1 unit per / 1 acre)	Section 14.76.040
<b>Percent Built Area (PBA)</b>	100%	Section 14.76.050
<b>Minimum Lot Size</b>	1 Acre	
<b>Setbacks</b> Front Side Rear	66' (From center of the road or 30' from the property line, whichever is greater.) 10' 10'	Section 14.76.240 & Section 14.76.250
<b>Frontage</b>	100'	

<b>Maximum Height** (Non-Ag related structures) Accessory building</b>	Basement covered on 2 sides & 2 Stories 8'	Section 14.12.020
<b>Animal Units*</b>	4/Acre	Section 14.12.020
<b>Off-street Parking</b>	Two vehicles per lot (See parking standards)	Section 14.12.020
<b>Height of solid fences or other solid structures within front setback*</b>	3' maximum height	
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	Section 14.26.010

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

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

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

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

## Chapter 14.44 - SENSITIVE LANDS ZONE (SL)

### Sections:

<b>14.44.010</b>	<b>Purpose</b>
<b>14.44.020</b>	<b>Table Of Standards</b>

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### 14.44.010 Purpose

The Sensitive Lands Zone (SL) has been established to protect and to regulate existing or proposed uses within areas of environmentally sensitive lands within Sanpete County. In general this zone covers the open portion of the County which is occupied largely by grazing land, mountains, and canyons. A zoning map amendment may be considered by the County for properties currently zoned SL if it can be demonstrated by the applicant that no such geological hazards exist.

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### 14.44.020 Table Of Standards - Sensitive Lands Zone (SL)

Standards	Requirements	Reference
<b>Density</b> (See example below)	40 Acre (1 unit per / 40 acres)	Section 14.76.040
<b>Percent Built Area (PBA)</b>	25%	Section 14.76.050

<b>Lot Minimum</b>	5 Acre	
<b>Setbacks</b> Front Side Rear	66' (From the center of the road or 30' from the property line; whichever is greater.) 30' 30'	Section 14.76.240 & Section 14.76.250
<b>Frontage</b>	200'	
<b>Maximum Height</b>	None	
<b>Animal Units</b>	No restrictions.	Section 14.12.020
<b>Height of solid fences or other solid structures within front setback*</b>	3' Maximum height.	Section 14.12.020
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	Section 14.26.010

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

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

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

*Example: 50 Acres {Density - (50/40 = 1) 1 building lot} {PBA - (50 X 25% = 12.5) or 12.5 Acres} This means you may develop a maximum of 1 building lot on no more than 25% of 50 Acres (12.5 Acres)*

## **Chapter 14.48 - PUBLIC FACILITIES ZONE (PF)**

### **Sections:**

**14.48.010 Purpose**

**14.48.020 Table Of Standards - Public Facilities Zone (PF)**

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### **14.48.010 Purpose**

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

## 14.48.020 Table Of Standards - Public Facilities Zone (PF)

Standards	Requirements	Reference
Density (See example below)	5 Acre (1 unit per / 5 acres)	Section 14.76.040
Percent Built Area (PBA)	25%	Section 14.76.050
Lot Minimum	1 Acre	
Setbacks Front Side Rear	66' (From center of the road or 30' from the property line; whichever is greater.) 10' 10'	Section 14.76.240 & Section 14.76.250
Frontage	200'	
Maximum Height	None	
Animal Units	As approved by the Planning Commission.	Section 14.12.020
Height of solid fences or other solid structures within front setback*	3' Maximum height	Section 14.12.020
Permitted/Conditional Uses	(See Land Use Matrix)	Section 14.26.010

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

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

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

Example: 50 Acres {Density - (50/20 = 2) 2 building lots} {PBA - (50 X 25% = 12.5) or 12.5 Acres} This means you may develop a maximum of 2 building lots on no more than 25% of 50 Acres (12.5 Acres).

## Chapter 14.50 - BUSINESS /COMMERCIAL ZONE (BC)

### Sections:

14.50.010

Purpose

14.50.020

Table Of Standards - Business / Commercial Zone (BC)

## 14.50.010 Purpose

The Business / Commercial Zone (BC) has been established to provide land within Sanpete County that may be uniquely located to accommodate business, including home based business, mixed use type businesses, and commercial uses. Generally, Sanpete County prefers that such uses are located within established municipalities where infrastructure and required services are available.

## 14.50.020 Table Of Standards - Business / Commercial Zone (BC)

Standards	Requirements	Reference
Density (See example below)	1 Acre (Or as approved by Planning Commission.)	Section 14.76.040
Percent Built Area (PBA)	50%	Section 14.76.050
Lot Minimum	½ Acre	
Setbacks Front Rear Side	75' 30' As per IBC / IFC.	Section 14.76.240 & Section 14.76.250
Frontage	200'	
Maximum Height	As per IBC / IFC.	
Animal Units	Personal food production or as approved by Planning Commission.	Section 14.12.020
Height of solid fences or other solid structures within front setback*	3' Maximum Height	Section 14.12.020
Permitted/Conditional Uses	(See Land Use Matrix)	Section 14.26.010

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

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

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

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



## Chapter 14.51 - INDUSTRIAL ZONE (IN)

**Sections:**

- 14.51.010**      **Purpose**
- 14.51.020**      **Table Of Standards - Industrial Zone (IN)**

### 14.51.010 Purpose

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

### 14.51.020 Table Of Standards - Industrial Zone (IN)

Standards	Requirements
<b>Area</b>	10 Acres minimum and/or meeting the requirements of this section; Special Provisions: The minimum acreage may be reduced to 3 acres when the property is located within a municipal expansion area.
<b>Density *</b>	1 acre minimum lots.
<b>Public Access Frontage and Road Width</b>	No access to the public road from a driveway. Two entrances with a 50' minimum setback, a required 60' wide frontage and/or connecting road through proposed development, with allocated space in the set back to allow for future expansion of the public road. An exception may be allowed to have only a single entrance if the frontage on the public road is less than 1,000 feet. In this case the road must have a loop allowing large trucks and emergency vehicles to enter and leave the development without having to back up to turn around. The road width within a single lot development may be reduced to 30' with a 50' or greater width entrance. The egress in and out from the public road and to and from the business shall be evaluated and designed as per the type of proposed business use by a licensed professional engineer qualified by education, training and experience to practice highway engineering.
<b>State Highway Setbacks</b>	50' from the highway right of way for all structures. Containment fences or walls for materials, solid waste for storage, salvage, junk or unsightly business operations shall be set back far enough to provide a landscape annexation declaration area between the highway right of way and the fence or wall. The sight obscuring fence or wall shall be high enough so that the unsightly view can't be seen from six (6) feet above the roadway along the frontage of the development and a distance of 1000 feet beyond.
<b>Setbacks Front &amp; Rear Side</b>	30' perimeter on all sides, and as per IBC and the IFC separation for all setbacks.
<b>Maximum Height Of Structures</b>	As per IBC and IFC.

<b>Height Of Solid Fences Or Other Solid Structures Within Front Setback</b>	As per all UDOT and Sanpete County safety codes and regulations.
<b>Permitted/ Conditional Uses</b>	(See Land Use Matrix) Section 14.26.010

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

**PERMITTED USES:**

Uses solely permitted in the Industrial Zone are as follows:

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

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

1. Sexually oriented businesses, which are classified as follows:
  - a. Adult Arcades; Adult Bookstores, Adult Novelty Stores, Adult Video Stores; Adult Cabarets; Adult Motels; Adult Motion Picture Theaters; Adult Theaters; Escort Agencies; Semi-nude Model Studios; and all Sexual Encounter Establishments, as such uses are defined subject to the definitions, requirements and provisions, including location requirements and subject to the following location and distance requirements.
2. No sexually oriented business shall operate or be established within 1,000 feet of any of the following:
  - a. churches, synagogues, mosques, temples, or other buildings used primarily for religious worship and activities;
  - b. public or private educational facilities including child day-care facilities, pre-schools, elementary schools, intermediate schools, and high schools, including school grounds and athletic facilities which are used primarily in connection with school-related activities; or
  - c. public recreation areas or facilities including but not limited to parks, playgrounds, picnic areas, athletic fields or courts, libraries, public trail systems, community centers, and other analogous facilities; privately owned amusement parks or recreation facilities.
3. No sexually oriented business shall operate or be established within 1,000 feet of a boundary of a zoning district which allows residential use as a permitted use.
4. No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business.

**Site Plan Review and Approval:**

1. **Scope:** An applicant for a building permit in the IN zone shall submit a site plan to the Zoning Administrator with the contents listed below. The Zoning Administrator shall review the plan and shall approve a building permit only if the standards of this and the other sections of the ordinance are met. Plans must meet the requirements of 14.76: General Minimum Developments Standards and the following;
  - a. **Exception:** The Zoning Administrator may reduce certain requirements of the site plan review for existing industrial facilities and sites that are amending existing approved site plans.
2. **A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show:**
  - a. Building locations and use of all existing and proposed structures on the subject lot or parcel.
  - b. The location of existing and proposed utilities including, but not limited to, culinary water

and fire hydrants; irrigation canals, pipelines and service connections; natural gas pipelines and service connections; electric power lines and service connections; site lighting; telephone, fiber optic, broadband, cable TV and other communication lines; sanitary sewer lines, septic tanks, drain fields and connections, site drainage details including storm drain pipelines, catch basins and detention/retention basins; any other existing or proposed utilities or services.

- c. The boundaries of all recorded easements located on the subject lot or parcel, or required off the lot or parcel to service the lot or parcel. The recording data for the easement shall be shown on the plan and copies of the recorded easement submitted with the site plan.
- d. The location, names and boundaries of all public and private streets and required street improvements, access points, loading areas, yard setbacks, ingress and egress drives, and parking areas. The location and boundaries of easements required to implement the plan.
- e. The location and cross sectional drawing of proposed walls and fences. For sight obscuring walls and fences the plan shall describe the type of fence and give sufficient details to determine the aesthetic look of the wall or fence.
- f. A landscape plan or details of existing or proposed landscaping for the site.
- g. The names, mailing addresses, email addresses, and phone numbers of the owner of the lot or parcel to be built on (subject lot), the developer of the project, and the architect/engineer or other designers.
- h. An identification of any areas where the subject lot has been graded by past cuts of fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site, and such other improvements as may be required relating to the specific use proposed.
- i. An identification of any contaminated and unstable soils, fill material types, fault lines or other natural hazards affecting the subject property. Designation of major drainage ways and flood prone areas including but not limited to 100 year flood plain mapping.
- j. The location and identification of each use of land and each building adjacent to the boundaries of the subject lot or parcel.
- k. The property boundary lines, legal description and dimensions of the subject lot or parcel; the property lines of all adjoining lots or parcels (but only extending for a distance of three hundred feet away from the boundaries of the subject lot or parcel; and an identification on each lot or parcel of the name and address of the property owner. This requirement may be met if the required data is shown on a copy of a Record of Survey Map if such map is on file with the County Surveyor's Office or a subdivision plat has been recorded since the County's land use ordinances have been in effect. If the lot or parcel is not a lot of a recorded subdivision nor has a Record of Survey been filed then a land survey depicting the required data is required and a Record of Survey must be filed with the County Surveyor's Office. An unaltered copy obtained from the County Recorder's Office of the Subdivision Plat or Record of Survey will be included with the site plan set to verify the data required to be derived from it.
- l. Design of phased plan if applicable with time table for completion.
- m. North point and scale. Multiple sheets should be used as required to keep the site plan set uncluttered and easy to read. Text shouldn't be so small that it is hard to read. The use of legends and tables is recommended for organization and clarity.
- n. Both paper and digital (PDF) copies of the site plans shall be submitted. The approved plan with signatures shall be scanned in color and a digital (PDF) file delivered to the Zoning Administrator.

### **3. Pre site inspection and approval:**

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

**4. Limitation:**

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

**5. Supplementary Regulations:**

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

**6. Acquire State & Federal Permits:**

- a. Addressing drainage design, wetlands mitigation, floodwater control and all environmental impacts.

**Special Provisions:**

1. **Sexually Oriented Businesses:** "Sexually oriented businesses", as defined in section 14.76.290 of this code, shall comply with all site, building and lighting requirements set forth in this code. In the case of conflict, the most stringent requirements shall prevail.
2. **Areas of Operation and Storage of Materials and Merchandise:** Areas of operation and all storage of materials and merchandise shall be in an enclosed building or within an enclosure surrounded by a safety fence or wall of not less than six feet (6') in height.
3. **Junk:** Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
4. **Sight Obscuring Fences or Walls:** Sight obscuring fences or walls shall be of a type that is acceptable to the Planning Commission. The purpose of the fence or wall is safety and to keep things out of sight. Landscaping in front of the wall to improve the look should be considered and is recommended. Maintenance of a pleasing look is required.
5. **Solid Waste Storage Facilities:** Solid waste storage facilities shall be located at the rear of the main building or behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
6. **Parking:** Parking shall be as required by applicable requirements of this title or business occupancy use or an addendum thereto.
7. **Lighting:** Lighting shall be as required by this chapter or other applicable requirements of this title or the businesses use.
8. **Utilities:** All developments shall be served by a source of culinary water and quantity as per State Water Rights requirements for the occupancy. Sewer or septic tank as may be approved by the Sanpete County Public Health Department and electrical power from a power company whose area of service covers the proposed business site location and a letter from each such company along with the site plan required in this chapter.
9. **Fire Protection:** Adequate water for fire protection as required by the International Building Code and the International Fire Code for the occupancy type and the Sanpete County Subdivision Ordinance. Where a municipality(ies) are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.
10. **Hours of Operation:** The Planning Commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
11. **When the IN Zone is to be located within a Municipal Expansion Area:** the standards, setbacks and other site plan modifications of this chapter may be modified and implemented according to the municipality's zoning regulations and standards only if the municipality WILL extend required utilities and services to the proposed IN Zone.
  - a. Each municipality wanting to implement this provision shall provide to Sanpete County the

modifications desired to meet the County's ordinances. The Sanpete County Planning Commission shall then consider the modifications. After the Sanpete County Planning Commission and the municipality have come to a mutual understanding to the modifications and the utilities and services to be extended to the IN Zone developments in the Municipal Expansion Area, the Planning Commission may then approve the modifications and recommend to the Sanpete County Commission that the modifications be included in this chapter (Ordinances Amended).

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

a. **IN Zone modifications for each Sanpete County Municipality:**

- i. Centerfield; No modifications approved.
- ii. Ephraim: No modifications approved.
- iii. Fairview: No modifications approved.
- iv. Fayette: No modifications approved.
- v. Fountain Green: No modifications approved.
- vi. Gunnison: No modifications approved.
- vii. Manti: No modifications approved.
- viii. Mayfield: No modifications approved.
- ix. Moroni: No modifications approved.
- x. Mount Pleasant: RA Zones (Buffer Zone)
- xi. Spring City: No modifications approved.
- xii. Sterling: No modifications approved.
- xiii. Wales: No RA Zones (Buffer Zone)

## Chapter 14.52 - Planned Unit Development (PUD) Overlay Zone

### Sections:

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

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### 14.52.010 Purpose

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The Planned Unit Development (PUD) Overlay zone is available to provide for flexible residential, commercial, and industrial uses of land within the County which are consistent with the County's General Plan.

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### 14.52.020 General Requirements

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

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### 14.52.030 PUD Overlay Review Process

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

#### 1. Concept Review.

- a. Three (3) copies of all documents required for concept review shall be submitted to the Zoning Administrator by the second Wednesday of the month prior to placement on the Planning Commission's agenda. Documents required for concept review shall include:
  - i. All proposed PUD applications within Sanpete County which are located within a municipality's annexation declaration area shall be required to submit documentation from the potential annexing municipality stating the municipality's disinterest or rejection of an annexation request. If the applicant is unable to obtain such documentation from a potential annexing municipality the applicant may provide documentation to the Zoning Administrator which demonstrates a reasonable effort was made by the applicant to notify the potential annexing municipality, including the allowance for response within a reasonable time frame.
- b. Sketch plan of the proposed development showing the entire area to be developed including area(s) to be left as open space. The plan shall also include:
  - i. Geographic locational references such as but not limited to: section corners,

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

- d. If denied preliminary approval the applicant shall have sixty (60) days from date of denial to resubmit without paying any further fees. If you do not resubmit within (60) days you will be required to reapply for concept review.
3. **Final Approval - Planning Commission.**
    - a. Following preliminary approval or approval with conditions the applicant must submit all documents required in the preliminary review in final form for consideration twenty eight (28) days prior to the next planning commission meeting.
    - b. If the county planning commission recommends final approval, all documents shall be forwarded to the Board of County Commissioners for consideration.
    - c. If recommendation for final approval is denied the applicant shall have 90 days to resubmit to the county planning commission without paying additional fees.
  4. **Final Approval - Board of County Commissioners.**
    - a. A public hearing following appropriate notice requirements shall be scheduled within forty-five (45) days of receipt of the recommendation by the county planning commission.
    - b. If approval is granted, or granted with conditions the developer must begin construction of the development within two (2) years of the date of approval. If reasonable progress is not being made during that time period. The Board of County Commissioners may vacate the PUD development plan. Decision of the Board of County Commissioners is final.

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#### **14.52.040 Commercial And Industrial PUD Requirements**

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

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

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#### **14.52.050 Criteria For PUD Approval**

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1. All required documents submitted properly.
2. Documentation of denial of the request by applicant for annexation to the municipality which is in the closest proximity to the development, and other municipalities the county planning commission may request prior to county consideration.
3. Design of all buildings, land uses, street lighting, and outdoor equipment.
4. Proposed signs in the development pursuant to Sanpete County Sign Code.
5. All Streets shall conform to standards set in the Sanpete County Subdivision Ordinance and Sanpete County Code.



6. All on-street and off-street parking shall conform with the parking standards required for each land use.
7. Fiscal impact identifying costs of development versus revenue generated for all county services including but not limited:
  - a. police protection;
  - b. fire protection;
  - c. roads;
  - d. schools; and
  - e. other services deemed necessary to fulfill the objectives of the General Plan and this title.
  - f. Exceptions from density standards/percent built area/open space of the underlying districts are warranted by the design.
8. Open space location shall be in areas adjacent or in connection with other areas identified for current use, future use, or developments.
9. Compatibility with the County's General Plan as stated in the statement required in Subsection 14.52.030 (A)(1)(I).
  - a. No on-site improvements may be made prior to final approval.
  - b. Developers shall provide for and establish an organization, or option approved by the planning commission which ensures the ownership and maintenance of open space, parks, utility systems or other common facilities (hereafter "common facilities") contained within the PUD. Such organization shall not dissolve nor shall it dispose of any common facility by sale or otherwise unless to another such organization, without first offering to dedicate the same to the County. If the developer wishes to dedicate all or part of the common facilities consideration must be made in the fiscal impact requirement.
  - c. Demand for and type of uses at the site.
  - d. Effect upon, and from, surrounding land use.

## **Chapter 14.60 - NONCOMPLYING STRUCTURES AND NONCONFORMING USES**

**Sections:**

<b>14.60.010</b>	<b>Noncomplying Structures And Nonconforming Uses</b>
<b>14.60.020</b>	<b>Repairs</b>
<b>14.60.030</b>	<b>Discontinuance</b>
<b>14.60.040</b>	<b>Reclassification</b>
<b>14.60.050</b>	<b>Nonconforming Lots Of Record</b>
<b>14.60.060</b>	<b>Nonconforming Use Defined</b>

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## **14.60.010 Noncomplying Structures And Nonconforming Uses**

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A noncomplying structure is a structure that legally existed before the structure's current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

A nonconforming use is a use of land that legally existed before the current land use designation, has been maintained continuously since the time the land use ordinance regulation governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

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

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## **14.60.020 Repairs**

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This section provides for the restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses and noncomplying structures upon the terms and conditions recommended by the Planning Commission, approved by the Sanpete County Board of County Commissioners, and allowed by §17-27a-510 of Utah State Code (as amended).

The County may prohibit the reconstruction or restoration of a noncomplying structure or terminate a nonconforming use of a structure if:

1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after the day on which written notice is served to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
2. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

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## **14.60.030 Discontinuance**

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The nonconforming use and noncomplying status of any building, structure, or land, whether publicly or privately owned, shall be terminated if said nonconforming use or noncomplying structure is discontinued for a continuous period of more than one (1) year; or whenever the structure or property ceases to be used for the permitted purposes; or if said use is determined to be unsafe or hazardous to the health and general welfare of residents, or the public in general, or to adjoining property owners; or if said structure is proposed to be changed to an alternative use that is not consistent with the Sanpete County General Plan or this title.

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#### **14.60.040 Reclassification**

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

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#### **14.60.050 Nonconforming Lots Of Record**

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

## Chapter 14.64 - TEMPORARY USES

### Sections:

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

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### 14.64.010 Purpose

The purpose of this section is to provide standards and a permitting process for non-permanent uses and activities lasting not more than thirty (30) days in order to protect public safety and general welfare, and to avoid uses which will be detrimental to adjacent properties.

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### 14.64.020 Application

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

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

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### 14.64.030 Considerations

The applicant shall demonstrate that the considerations listed below have been addressed. If an application is denied by the Zoning Administrator or the Building Department, the denial shall specify which of these considerations, if any, were not addressed.

1. Circulation: Location of access points to the property.
2. Effect on Adjacent Property: Effects of the proposed use on nearby property, including but not limited to the effects of noise, glare, odor, and traffic.
3. Refuse and service areas: Location of refuse and service areas.
4. Utilities: Location and availability of utilities, if any are deemed necessary.
5. Screening and Landscaping: Installation of screening and fencing where necessary to protect

- adjacent property.
6. Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
  7. Signage: Locations of proposed signage, including type and quantities, attachment/anchoring details.
  8. Any other review factors which the Zoning Administrator or Building Department considers to be appropriate to the property in question.

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#### **14.64.040 Conditions**

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The Zoning Administrator or Building Department may place conditions on the temporary use as part of the approval to ensure that adequate mitigation measures are associated with the use. The conditions shall become a part of the temporary use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this title. And shall also continue to conform to the designated zone in which the temporary use is located.

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

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

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#### **14.64.050 Termination**

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

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#### **14.64.070 Expiration - Extensions**

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Temporary use permits shall expire one (1) year from the date of approval or when the temporary use for which the permit was issued has terminated, whichever is sooner, unless otherwise stated in the conditions

of the permit.

## Chapter 14.68 - CONDITIONAL USES

### Sections:

14.68.010	Purpose
14.68.020	Required Permit
14.68.030	Application - Required Documents
14.68.040	Application - Review Process
14.68.050	Conditional Use Standards
14.68.060	Modification - Revocation
14.68.070	Building Permit
14.68.080	Appeals
14.68.090	Expiration - Extensions
14.68.100	Change Of Ownership On Property With A Conditional Use Permit

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### 14.68.010 Purpose

Uses designated in the land use matrix as conditional uses require special consideration by Sanpete County. These designated uses may or may not be appropriate on a specific piece of property. The purpose of this chapter is to allow the County's applicable Land Use Authority to evaluate the appropriateness of the conditional use on a case by case situation. The conditional use permit process allows the Zoning Administrator, Planning Commission, and Sanpete County Board of County Commissioners to approve, conditionally approve, or deny requests for a conditional use permit.

All conditional use permit applications shall begin with the Zoning Administrator who shall determine the appropriate Land Use Authority as outlined in this chapter and forward such requests to the designated Land Use Authority for their review and consideration.

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### 14.68.020 Required Permit

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

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### 14.68.030 Application - Required Documents

1. The conditional use permit application, shall include where applicable but not limited to:
  - a. Proof of land ownership;
  - b. Site and vicinity plan;
  - c. Written narrative including:
    - i. Type of use proposed;
    - ii. Days and times of operation;
    - iii. Square footage of the building(s) proposed;
    - iv. Square footage used by the conditional use;
    - v. Expected hardship on surrounding uses;

- vi. Number of users or employees;
  - d. Other information the Land Use Authority deems necessary to fulfill the purpose of this title may be requested prior to approval.
2. The applicant shall pay the appropriate application fee outlined in the County's fee schedule before the land use authority may review the application.

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#### **14.68.040 Application - Review Process**

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1. The applicant shall submit a completed application and all required documents to the Zoning Administrator.
2. The Zoning Administrator shall then review the documents to ensure compliance with the County's General Plan, ordinances, resolutions, and policies.
3. If the application complies, the Zoning Administrator shall forward all documents to the appropriate Land Use Authority for their review based on the criteria outlined in Section 14.68.050.
4. The Land Use Authority may then make one of the following motions:
  - a. Recommendation to differ to the Sanpete County Board of County Commissioners for their review of the requested application;
  - b. Approve;
  - c. Approve with conditions; or
  - d. Deny the application.

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#### **14.68.050 Conditional Use Standards Of Review**

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The Land Use Authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth in this section. Approval, approval with conditions, or denial of the conditional use permit application is based on the following standards:

1. **The safety of people and property.**
  - a. Consideration of existing uses in the area, including similar conditional uses and the public's need for the proposed conditional use;
  - b. Consideration of the impact on the health, safety, and welfare of the area, including surrounding municipalities and the County generally;
  - c. Prevention or the minimization of flood water damage whenever necessary; and
  - d. Relocation, covering, or fencing of irrigation, and drainage channels.
2. **Traffic considerations.**
  - a. Consideration present and future requirements for all utilities, transportation and other services provided by the County;
  - b. Capacity of existing streets;
  - c. Location and off street parking; and
  - d. Internal traffic circulation including the location and dimensions of truck loading and unloading facilities; and
  - e. Emergency vehicle access.
  - f. Sanpete County Road Design Manual
3. **Environmental and health concerns.**
  - a. Consideration of the safeguards or attempts made by the applicant to minimize offensive odors, noise, dust, glare, and pollutants;



- b. Consideration of the location of proposed signage and lighting; and
  - c. Consideration of the proposed conditional use and its potential to discharge into the air, ground water, surface and subsurface water, or soil.
4. **Compatibility with the general plan and permitted zoning conditions.**
- a. Consideration of the proposed conditional use and its compatibility with the County's General Plan, adopted land use ordinances, and conformance to the designated zone in which the use is located;
  - b. Consideration of the existing development or lack of development adjacent to the proposed use;
  - c. Analysis of economic impact to surrounding uses or potential uses;
  - d. Consideration of aesthetic impact to surrounding uses or potential uses and application of applicable fencing, screening, and landscaping to separate or buffer adequately from adjoining uses; and
  - e. The proposed use and its ability to maintain applicable federal, state, or local licensing if required.

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### **14.68.060 Modification - Revocation**

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The designated Land Use Authority may at any time with cause hold a public hearing regarding modification or revocation of the conditional use permit. The public hearing shall be noticed at least ten (10) days in advance of the hearing and may be modified or revoked if any of the following conditions apply:

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

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### **14.68.070 Building Permit**

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

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### **14.68.080 Appeals**

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The decision of the Land Use Authority may be appealed to the Sanpete County Board of County Commissioners by filing such appeal within fifteen (15) days after the date of the decision by the Land Use Authority. The appeal must be filed with the Sanpete County Clerk's Office.

An appeal may be filed by the applicant, a board or officer of the county, or any person adversely affected

by the decision of the Land Use Authority in the administration or interpretation of the land use ordinance. The adversely affected party shall present to the Board every theory of relief it can raise in district court. The Sanpete County Board of County Commissioners may uphold or reverse the decision of the Land Use Authority and impose any additional conditions that it may deem necessary. The decision of the Board shall take immediate effect and is final on the date a written decision is issued or if no written decision is to be made upon the date the decision is announced.

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### **14.68.090 Expiration - Extensions**

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The Land Use Authority may set the expiration or date of renewal if necessary for enforcement on all conditional use permits. If no substantial action on a conditional use permit is taken within a period of one (1) year of the date it was issued, the conditional use permit shall expire. The Land Use Authority may grant further extensions for a period of no longer than six (6) months after proof of extraordinary circumstances has been requested by the applicant.

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### **14.68.100 Change Of Ownership On Property With A Conditional Use Permit**

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If a property with a conditional use permit changes ownership, the County shall be notified of the following changes within thirty (30) days:

1. New owner's names;
2. Change of business name;
3. Change of use on the property; and
4. Copies of any licenses required from the state or county.
5. Failure to report a change of ownership on a property with a conditional use permit may result in the revocation of the permit in accordance with 14.68.060.

## **Chapter 14.72 - FACTORY BUILT HOUSING UNITS AND MODULAR DWELLING UNITS - RECREATION VEHICLE PARKS**

### **Sections:**

- 14.72.010 Standards And Requirements For Factory Built Housing Units And Modular Dwelling Units**
- 14.72.020 Factory Built Housing Units To Be HUD Approved**
- 14.72.030 Mobile Dwelling Parks**
- 14.72.040 Permit Required**
- 14.72.050 Temporary Location And Use**
- 14.72.060 Recreation Vehicle Parks/Campground - Standards And Requirements**

- 14.72.070      **Recreational Vehicles**
- 14.72.080      **License Required**
- 14.72.090      **Enforcement**

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### **14.72.010 Standards And Requirements For Factory Built Housing Units And Modular Dwelling Units**

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1. This chapter establishes standards and requirements which govern the placement and occupancy of factory built housing units, which term shall refer to and include all manufactured and mobile homes within Sanpete County. Modular homes meeting structural standards of the International Building Code (I.B.C.) may be placed upon approved lots within Sanpete County. However, modular or mobile homes located in an approved mobile home park shall meet the requirements of Section 14.72.030.
2. All factory built housing units shall be located on an approved, permanent, foundation and certified as meeting I.B.C. structural standards. All residential units in Sanpete County shall meet the requirements of Chapter 14.76 of this code.

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### **14.72.020 Factory Building Housing Units To Be HUD Approved**

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Only those factory built homes that are HUD (Federal Housing & Urban Development) approved shall be permitted in Sanpete County. No damaged or altered units will be allowed in Sanpete County. Through this provision County officials intend to promote healthful and safe dwellings within Sanpete County.

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### **14.72.030 Mobile Dwelling Parks**

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

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## **14.72.040 Permit Required**

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A building permit shall first be obtained, and compliance with §15A of Utah State Code (as amended) for foundation, electrical, mechanical, and plumbing standards shall be certified before any factory built housing unit may be located on any parcel of land within Sanpete County.

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## **14.72.050 Temporary Location And Use**

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Consistent with Section 14.72.030, a factory built housing unit shall not be placed nor permitted on a parcel of land in Sanpete County on a temporary basis.

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## **14.72.060 Recreation Vehicle Parks / Campground - Standards And Requirements**

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1. A recreational vehicle park (RVP) shall be allowed as a conditional use in all zones in Sanpete County.
  2. The property upon which a RVP is approved shall be owned by one (1) owner or legal entity. No individual lots may be sold.
  3. A RVP shall be located on a minimum of five (5) acres and a maximum of ten (10) acres. The RVP shall contain no more than an average of eighteen (18) recreational vehicles per acre. Only one (1) recreational vehicle shall be placed on each designated space.
  4. A RVP shall comply with:
    - a. All plat plans, and site development requirements of the BC zone, and those outlined in **Chapter 14.76**; and
    - b. The Code of Camp, Trailer Court, Hotel, and Resort Sanitation Regulations of the Utah State Division of Health.
  5. An individual space in an RVP shall not be used by any one (1) vehicle for a period greater than is permitted by the covenants and restrictions of the RVP in which it is located. When the length of stay is not stated in recorded covenants and restrictions, stays shall not exceed sixty (60) consecutive days
  6. RVP or tenant(s) may not violate the health and sanitation regulations specified herein.
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## **14.72.070 Recreational Vehicles**

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Recreational vehicles are permitted in all zones under the following conditions:

1. No more than two (2) recreational vehicles may be permanently placed on a parcel of land. The recreational vehicles may only be used for recreational purposes, and shall not be allowed to be used for full-time living.
2. Recreational vehicles shall be and shall remain currently licensed, operable, and ready for highway use.
3. All recreational vehicles shall have:
  - a. Self-contained sewage disposal and water systems.

4. Recreational vehicles(s) that are to be left permanently, or year-round on a property (i.e. park model units) shall be connected to a state approved septic system and winterized when not in use.
5. Any additions or permanent skirting shall not be permitted.
6. Recreational vehicles which have fallen into disrepair, collapsed, or are otherwise uninhabitable shall be removed from the property within sixty (60) days of notice by County officials. Failure to remove recreational dwellings or vehicles deemed a nuisance after notice shall be in violation of the nuisance ordinance and prosecutable as a Class B Misdemeanor.

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#### **14.72.080 License Required**

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

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#### **14.72.090 Enforcement**

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The Sanpete County Attorney, Board of County Commissioners, Building Official, or Utah Health or Water Officials may institute injunctions, mandamus, or any other appropriate actions, or invoke Utah State Division of Health sanitation and waste disposal standards or Utah Construction Code or HUD structural standards in enforcing the provisions of this code.

Any of the above officials may assist or initiate proceedings, as may be required, in approving, regulating, or abating, any existing, modified, or new factory built housing unit or mobile dwelling park located in an unincorporated area of the County when it is determined to be improperly located or is unfit, unhealthy and not safe for occupancy.

### **Chapter 14.76 - GENERAL MINIMUM DEVELOPMENT STANDARDS**

#### **Sections:**

- 14.76.010 Effect Of Chapter**
- 14.76.020 Subdivision Development Plan**
- 14.76.025 RA Zone Development**
- 14.76.030 Reserved**
- 14.76.040 Unit/Density Calculation**
- 14.76.050 Percent Built Area**
- 14.76.060 Open Space**
- 14.76.070 Required Utilities**
- 14.76.080 Parking**

14.76.090	Commercial Truck Parking
14.76.100	Dwelling Size Requirements
14.76.110	Manufactured Homes
14.76.120	Accessory Dwelling Units
14.76.125	Accessory Buildings
14.76.126	Stand Alone Structure (Storage Only)
14.76.130	Farm Labor Dwellings
14.76.140	Right-Of-Ways
14.76.145	Road And Street Requirement/ Standard
14.76.150	Access To Public Lands
14.76.160	Structures Over Easements
14.76.170	Contiguous Property
14.76.180	Yard Space For One Building Only
14.76.190	Sale Or Lease Of Required Culinary Water
14.76.200	Sale Or Lease Of Required Space
14.76.210	Sale Of Lots Below Minimum Space Requirements
14.76.220	Yards To Be Unobstructed - Exceptions
14.76.230	Clear View Of Intersecting Streets
14.76.240	Dwelling Sites Shall Abut Upon Public Street
14.76.250	Concessions In Public Parks And Playgrounds
14.76.260	Setbacks From State And Federal Highways
14.76.270	Railroad Setbacks
14.76.280	All Excavations
14.76.290	Adult Uses
14.76.300	Modification of Regulations
14.76.310	Prohibited Uses
14.76.320	Fences
14.76.330	Limitations On The Keeping and Maintenance Of Animals And Fowls
14.76.340	Animal Kennels, Boarding, Breeding, Training And Grooming
14.76.350	Review by Utah State Divisions Of Water Rights And Water Quality
14.76.360	Required Fire Protection
14.76.365	Wildland Urban Interface Code (WUI) And Amendments
14.76.370	Disclaimer For Emergency Services

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## **14.76.010 Effect Of Chapter**

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

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## **14.76.020 Subdivision Development Plan**

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The owner or owners of any land desiring to subdivide such land, shall first submit to the Planning Commission a complete development plan in accordance with the subdivision regulations outlined in Title

13 of this code.

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## **14.76.025 RA Zone Development**

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All proposed development plans within the RA zones of Sanpete County shall include a completed Municipal Annexation / Service Request Form as outlined in 14.24.030 before approval of such development, in accordance with all other regulations of this ordinance and the subdivision ordinance is granted.

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## **14.76.040 Unit / Density Calculation**

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

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## **14.76.050 Percent Built Area**

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1. The buildable area shall be determined by the amount of land in the entire site multiplied by the allowable percentage.
2. Lot size shall be determined by the developer and shall not exceed percent built area or be smaller than the minimum lot size.
3. If there are multiple zoning classifications in the site the minimum lot size shall be the minimum allowable by any one of the zones.

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## **14.76.060 Open Space**

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1. A deed restriction must be filed on the property which is to remaining as open space stating that the use of the land will be limited to the uses permitted in Subsection 14.76.060 (2), until such time as any of the following occurs:
  - a. Zoning classification change; or
  - b. Annexation by a municipality; or
  - c. Other jurisdictional transfer.
2. Areas or spaces designated as open space shall not be developed or used except as follows, subject to the regulations of the zoning district in which the development is located:
  - a. Agriculture, forestry, and fisheries;
  - b. Game preserves, wildlife sanctuaries, and the like;
  - c. Non-commercial recreational structures and uses; and
  - d. Accessory buildings that maintain proper setbacks and are used for Agricultural purposes.

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## 14.76.070 Required Utilities

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The following utilities are required in all zones:

1. **Power:**
  - a. All development for human habitation requires a commercial or alternative source of power. An alternative source of power requires an approval of a conditional use permit. (Refer to Appendix B Definitions: Alternative Power.)
2. **Water:**
  - a. All development for human habitation requires documentation certifying the availability of culinary water.
  - b. Developers shall obtain approval on public water systems from the Utah Department of Environmental Quality, Central Utah District represented by a letter.
  - c. All development within three hundred (300) feet measured from the property line of existing public culinary water lines shall be required to request for hookup. If approval is granted from any conservation district, special service district, or municipal culinary water systems within three hundred (300) feet, all development of lines and all appropriate fees determined by the culinary water system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.
3. **Wastewater:**
  - a. All development for human habitation requires approval from the Board of Health before any permit shall be issued.
  - b. Developers shall obtain approval from the Central Utah Public Health Department represented by a letter.
  - c. All development within three hundred (300) feet measured from the property line of existing public wastewater lines shall be required to request for hookup. If approval is granted from any wastewater systems within three hundred (300) feet, all development of lines and all appropriate fees determined by the wastewater system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

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## 14.76.080 Parking

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1. Off-street parking where required by this code shall meet the following criteria:

Use:	Requirements:
Churches; Auditoriums	One (1) parking space for each three (3) seats in the primary meeting room.
Dwelling Unit	A garage, carport, or parking area is required for the off-street parking of at least two (2) vehicles.
Hospitals; Nursing Homes; Sanitariums; Convalescent Homes or Similar	One (1) parking space per every two (2) beds, plus five (5) additional parking spaces for each twenty-five (25) beds or fraction thereof over a minimum of twenty-five (25) beds.



Hotels; Motels; Boarding and Rooming Houses	One (1) parking space per unit.
Manufacturing; Assembly; Packing; Preparation; Research Facilities or Similar	One (1) parking space per three hundred fifty (350) square feet of gross floor area.
Offices	One (1) parking space per two hundred (200) square feet of building.
Recreational; Amusement	One (1) parking space for every five (5) people up to the maximum number of people accommodated by the facility.
Restaurants	One (1) parking space per one hundred (100) square feet of building.
Retail Sales	One (1) parking space per two hundred (200) square feet of building.
Schools: (Ages 15 and below) (Ages 16 and above) Auditoriums	Two (2) parking spaces per classroom. Ten (10) parking spaces per classroom. One (1) parking space for each three (3) seats.
Warehouses; Wholesale	One (1) parking space per two hundred (200) square feet of building office space, plus one (1) parking space per one thousand (1,000) square feet of additional gross floor area.
Other	All other land uses shall require probable estimates of need determined by the Sanpete County Board of County Commissioners or by their designated representative.

2. All off-street parking shall be graded and drained so as not to negatively affect surrounding uses.
3. Surfacing of the parking areas shall be as required for the adjacent street.

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### **14.76.090 Commercial Truck Parking**

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

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### **14.76.100 Minimum Dwelling Size Requirements**

1. Manufactured Home - Permanent - (minimum footprint dimensions: 24' x 24').
2. Manufactured Home - Mobile Dwelling Park - (no minimum, HUD required).
3. Site Constructed Dwelling - (minimum footprint dimensions: 24' x 24').

4. Site Constructed Dwelling - Recreational - (minimum footprint dimensions: 20' x 20').
- \* See Appendix B for definitions.

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### 14.76.110 Manufactured Homes

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

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### 14.76.120 Accessory Dwelling Units

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Accessory Dwelling Units may be approved by the Zoning Administrator as a permitted use in any zone in which such use is listed as a permitted use, provided that all of the following standards and requirements are met:

- A. **Purpose.** The purpose of this section is to establish use and development regulations for ADUs. ADUs provide a portion of the needed supply of more affordable housing units within the county. These regulations are intended to ensure ADUs do not disturb the single family residential character of a neighborhood in the zones in which they are allowed and to protect the private property rights of adjacent property owners.
- B. **Scope.** The requirements of this section shall apply to all ADUs. Such requirements shall not be constructed to prohibit or limit other applicable provisions of this chapter, this code, and other State or federal laws.
- C. **General ADU Standards.**
  - a. An ADU may be constructed on any lot prior to the construction of the principal structure to which it is accessory (minimum footprint dimensions 24' x 24').
  - b. A maximum of one (1) accessory dwelling unit may be permitted on a lot or parcel which qualifies for a swelling unit or a farm caretaker dwelling.
  - c. The design, size, and location of the ADU shall be subordinate to the principal structure on the lot or parcel on which it is located and shall meet all applicable building, fire, and health codes and zoning requirements.
  - d. A permitted septic system which meets the requirements of State Code shall be in place. Documentation from the Central Utah Department of Health stating the current septic system can handle the ADU and principal structure shall be required.
  - e. An approved source of water which meets the requirements of State Code shall be in place. Sanpete County shall require a total of 1 ½ acre foot of water for a detached ADU and principal structure combined.
  - f. The ADU may have a separate utility meter for gas and/or electrical service provided each meter is in the name of the property owner.
  - g. The ADU shall utilize the same street address as the primary dwelling unit for mail and other addressing purposes.
  - h. The ADU shall only be occupied by one (1) family, in addition to the family inhabiting

the primary structure.

- i. The ADU shall be accessed by an independent entrance.
- j. The ADU shall be registered with the County Recorder.

**D. Internal/Attached ADU Standards:**

- a. An internal/attached ADU shall be regulated by the County as provided in §17-27a-526 of Utah State Code (as amended).
- b. A mobile home shall not contain an internal/attached ADU.

**E. Detached ADU Standards:**

- a. A detached ADU is strictly prohibited on lots or parcels which are located within:
  - i. The Sensitive Lands (SL) zoning district; or
  - ii. A Wildland Urban Interface (WUI) zone; or
  - iii. A dry subdivision as outlined in Chapter 13.34 of the Sanpete County Subdivision Ordinance.
- b. A detached ADU may only be allowed on a lot or parcel with a minimum lot area of one (1) acre.
- c. A detached ADU may be located anywhere within a building lot as long as it meets current zoning setbacks.
- d. A detached ADU shall not exceed a total maximum floor area of all habitable stories of one thousand (1,000) square feet. For the purposes of this section, building area means the same as defined in the currently adopted International Building Code (IBC).
- e. A detached ADU shall be site built. No manufactured home, mobile home, or recreational vehicle (including park, model units) may be utilized for such purpose.
- f. A detached ADU may be located within a larger accessory structure.
- g. When calculating the total floor area of a detached ADU, non-habitable spaces such as garages, covered or enclosed porches, or decks shall be excluded.
- h. A detached ADU shall be provided with a minimum of two (2) additional off-street parking spaces.
- i. Landscaping shall be consistent and maintained to minimize impacts to neighboring properties, and retain the residential character of the neighborhood, and provide a visual buffer for the on-site parking in relation to adjacent properties and rights-of-way.
- j. An existing legally permitted permanent structure that does not exceed one thousand (1,000) square feet may be deemed a detached ADU if the minimum footprint dimensions are less than 24' x 24'

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## **14.76.124 Vacation Rentals**

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1. **Purpose.** The purpose of this section is to provide specific guidelines on the construction and use of vacation rentals. The requirements of vacation rentals were created to promote the safe construction and proper practice of vacation rentals in Sanpete County.
2. **Types Of Vacation Rentals.**
  - a. Hotel/Motel/Lodge rentals shall have six (6) or more bedrooms; and
  - b. Bed and Breakfast/Vacation Rentals shall have less than six (6) bedrooms.
3. **Locations Of Vacation Rentals.**

- a. Hotel/Motel/Lodge rentals shall be a permitted use in the BC zone. Hotel/Motel/Lodge rentals shall also be permitted in the SL zone with a conditional use permit.
  - b. Bed and Breakfast/Vacation Rentals shall be permitted in all zones except the PF and IZ zones.
- 4. Development Of Vacation Rentals.** All types of vacation rentals shall:
- a. Meet the requirements of the currently adopted building codes including the Wildland Urban Interface Code if applicable, including the issuance of a building permit, completion of required inspections, and issuance of a certificate of occupancy;
  - b. Require one (1) off-site parking space per unit;
  - c. Apply for and maintain a current business license;
  - d. Comply with all transient room and sales tax laws of the State of Utah; and
  - e. For vacation rentals which serve food, obtain and maintain a valid food handler permit from the State Health Department.

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### **14.76.125 Accessory Buildings**

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Except as otherwise provided, no accessory building or structure shall be constructed on any lot prior to the construction of the principal structure to which it is accessory.

1. A bathhouse or restroom may be allowed to be placed in all zones subject to the following requirements:
  - a. The parcel or lot is legal and conforming.
  - b. If there is an HOA, then HOA/CCRS must specifically allow such placement.
  - c. A conditional use permit is obtained.
  - d. A permitted septic system is in place.
  - e. An approved source of water is in place. Water tanks installed in the approved dry subdivisions and WUI zones may be considered to meet the water requirements.
  - f. A building permit is obtained.
  - g. The building is one hundred and twenty (120) square feet or less.
  - h. No accommodations for sleeping are permitted inside the bathhouse or restroom.
  - i. One bathhouse or restroom per lot.
2. A stand-alone pavilion may be allowed to be placed in all zones subject to the following requirements:
  - a. A building permit must be obtained.
  - b. The pavilion must be open on all sides.
  - c. If there is an HOA, then HOA/CCRS must specifically allow such placement.

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### **14.76.126 Stand Alone Structure (Storage Only)**

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

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## **14.76.127 Recreational Vehicle Covers**

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The purpose of this section is to establish minimum development standards for the placement of recreational vehicle covers within the unincorporated areas of Sanpete County. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect health, safety, and welfare of Sanpete County's residents and visitors.

1. Except as otherwise provided, recreational vehicle covers shall not be allowed as a principal use in any zone.
2. Recreational vehicle covers are allowed to be placed in all zones subject to the following requirements:
  - a. The principal structure, to which the recreational vehicle cover will be an accessory, is complete and has been issued a Certificate of Occupancy.
  - b. A building permit is obtained.
  - c. The sides of the recreational cover shall be open.
  - d. A recreational vehicle cover can be placed in a legal subdivision that is used one hundred eighty (180) days or less per year without a principal structure, if the HOA/CCRS specifically allow such placement and has an agreement with the County to require compliance.
3. Any recreational vehicle cover, recreational vehicle, and accumulated supplies or storage material that a reasonable person would deem as an eyesore, or that which would affect the health, safety, or welfare of any person, or would cause a decrease in neighboring property values, shall be deemed a nuisance.
4. Any recreational vehicle cover, recreational vehicle, and related materials shall only be used for dwelling purposes one hundred eight (180) days or less per year.
5. Recreational vehicle cover as used in this section also includes: carports, metal RV covers, RV shelter, or any structure designed to protect a recreational vehicle from sun, rain, snow, or any other elements.

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## **14.76.130 Farm Labor Dwellings**

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

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**14.76.140 Right-Of-Ways**

Minimum right-of-way widths for public roads shall be determined by The Sanpete County Board of County Commission, but shall in no case be less than the following as identified in the County’s General Plan and the Sanpete County Road Design Manual.

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**14.76.145 Road And Street Requirements / Standard**

All roads and streets shall conform to the standards set forth in the Sanpete County Subdivision Ordinance and the Sanpete County Road Design Manual.

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**14.76.150 Access To Public Lands**

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

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**14.76.160 Structures Over Easements**

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

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**14.76.170 Contiguous Property**

All contiguous property held in common ownership shall, regardless of the use of separate legal descriptions or parcel designations, be considered to be one (1) undivided parcel for zoning and subdivision purposes and no portion of such property shall be sold or developed unless in conformity with the zoning and subdivision statutes and ordinances of the State and County.

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**14.76.180 Yard Space For One Building Only**

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

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**14.76.190 Sale Or Lease Of Required Culinary Water**

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

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**14.76.200 Sale Or Lease Of Required Space**

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

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**14.76.210 Sale Of Lots Below Minimum Space Requirements**

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

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**14.76.220 Yards To Be Unobstructed - Exceptions**

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

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**14.76.230 Clear View Of Intersecting Streets**

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

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**14.76.240 Dwelling Sites Shall Abut Upon Approved Street**

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At least one (1) side of each lot used as a dwelling site shall abut upon an approved street, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which such building site is located, except as may be approved by the Sanpete County Board of Adjustments.

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**14.76.250 Concessions In Public Parks And Playgrounds**

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Concessions, including but not limited to amusement devices, recreational buildings, caretakers' dwellings,

and refreshment stands shall be permitted to be situated on a public park or playground in unincorporated Sanpete County when approved by the Sanpete County Board of County Commissioners, provided it can be shown that the concession is in the interest of the public and is in harmony with the objectives and purposes of this title and the characteristics of the zone in which it is located.

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### **14.76.260 Setbacks From State And Federal Highways**

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

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### **14.76.270 Railroad Setbacks**

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

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### **14.76.280 All Excavations**

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The banks of all gravel, sand, clay and topsoil pits and similar excavations located within five hundred (500) feet from any street or dwelling shall be smoothed and reconditioned so as not to be hazardous or unsightly at the termination of operation or use.

Before a permit for a gravel, sand, clay or topsoil pit or similar excavation shall be issued, a bond or other assurance shall be furnished to the County in the amount set in fee schedule for each acre from which such material is taken as a guarantee that the reconditioning will be done in a manner and to such extent that the pit will not depreciate the surrounding property for its primary use or impair the beauty of the landscape.

Upon the completion of the reconditioning, as approved by the Sanpete County Board of County Commissioners, the bond or other assurance shall be returned to the owner; provided, that in the event the reconditioning has not been completed within one year from the date of abandonment of said pit, the Board may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from the sale of said bonds or assurances.

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### **14.76.290 Adult Uses**

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All adult entertainment must meet the requirements outlined in Chapter 14.51 of this title, and shall be located at least 1,000 feet from the property line of established residences, schools, churches, parks, recreational or instructional facility or business where children congregate, and from any other adult business or use.



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### **14.76.300 Modification Of Regulations**

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1. Whenever a subdivision shall be approved by the Sanpete County Board of County Commissioners, the regulations and restrictions of the zone in which the subdivision is located as applied to the land covered by said subdivision shall be construed to be modified in accordance with the approved plan.
2. The Board shall not approve a subdivision unless:
  - a. The Sanpete County Planning Commission identifies that, existing and future needs and requirements for traffic circulation, health, sanitation, drainage, utilities, water supply, fire prevention and other public requirements shall be met; and
  - b. Requirements of the subdivision regulations for Sanpete County shall be complied with.
3. The Board may require that changes be made in the plans which are reasonable and necessary in order to carry out the purposes of this title and the County's General Plan.

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### **14.76.310 Prohibited Uses**

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Uses which are not specifically permitted within a zone are specifically prohibited in unincorporated Sanpete County.

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### **14.76.320 Fences**

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

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### **14.76.330 Limitations On Animals And Fowls**

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1. The number of domestic animals or poultry shall be limited to the size and capacity of the land upon which said animals or poultry are proposed to be located and to a duration consistent with established animal husbandry or poultry practices. Improper, imprudent, or unreasonable use of land, or activities that constitute misuse, damage, health hazard to the animals, poultry, residents, or adjacent residents, resulting in neglect, nuisance, or complaint, shall be subject to abatement or to prosecution under Chapter 14.90.
2. The keeping of exotic animals or exotic poultry not resident in the State of Utah as of the effective date of this section shall not be permitted in Sanpete County except by the issuance of a conditional use permit. A conditional use permit to house, keep or maintain an exotic animal or exotic poultry shall require the following:
  - a. Examination and health certification of an exotic animal or exotic poultry by a licensed veterinarian;
  - b. Approval of the health certificate by the Central Utah Department of Health;
  - c. Approval of the certificate by the Utah Department of Agriculture and Division of Wildlife

- Services;
- d. Diseased animals, poultry or non-certificated exotic creatures shall not be permitted within Sanpete County.
3. Animals and poultry shall, at all times, be properly cleaned, restrained, and sheltered upon an approved lot or parcel of land in the RA Zone. Commercial raising of poultry will comply with the Land Use Matrix (Appendix A).

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### **14.76.340 Animal Kennels, Boarding, Breeding, Training, And Grooming**

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A limited and reasonable number of dogs, with their offspring, up to 6 months of age, may be permitted for the keeping and herding of animals used in husbandry practices. Any number of dogs above 3 and up to a maximum number of 15, mature dogs, with their offspring up to 6 months, shall require the issuance of a conditional use permit and business license as a commercial occupation.

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### **14.76.350 Review By Utah State Divisions Of Water Rights And Water Quality**

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

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### **14.76.360 Required Fire Protection**

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In order to conform to the intent and purposes of the Sanpete County General Plan, to promote the purposes of the Fire District, to protect the health, safety and general welfare of Sanpete residents, to keep insurance premiums for properties in the County at a minimum and to prevent property and casualty losses, Sanpete County has adopted and shall enforce the International Building Codes described in Chapter 14.78 of this title.

Supervisory or staff personnel in the Sanpete County Building Department shall review all plans for agricultural, commercial, industrial and residential structures in Sanpete County, including as appropriate, structures within incorporated municipalities, to determine compliance with provisions of the Fire District. In keeping with this review of individual plans, the Sanpete County Building Official shall issue recommendations and fire prevention requirements for structures within the County and municipalities. These recommendations and requirements shall include, as appropriate, access, design, preventative building materials and strategies as well as mitigation equipment and measures that owners of structures shall complete and install as a condition, or conditions, to the granting of individual building permits by the Building Official. These conditions and requirements shall apply to all structures whether individually sited or located in subdivisions approved by the Department.

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## 14.76.365 Wildland Urban Interface Code (WUI) And Amendments

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1. For the 2006 Utah Wildland Urban Interface code adoption see Appendix; XXV.
2. **Application Information:**
  - a. WUI is any lot or subdivision in the Wildland Urban Interface Zone.
  - b. All lots and subdivisions in the WUI zone must comply with the 2006 Utah Wildland Urban Interface Code.
  - c. Fees: A fee of \$1000.00 will be charged for new permits issued. \$500.00 of that fee is to be refunded to the property owner with the issuance of an occupancy certification within specified time frame.
3. **Amendments to the 2006 Wildland Urban Interface code:**
  - a. Section 404 Water Supply Section 404.5 Adequate Water Supply (Amended) New subdivisions with 2 or more lots shall have a water supply equal to 2000 gallon per lot. Such supply shall be located within 1000' of the structures and so located at an easily accessible, level site adjacent to the roadway.
  - b. Section 502 Fire Hazard Severity < Deleted >
  - c. Section 503 Ignition Resistant Construction
  - d. Section 503.1 General (Amended) Buildings and structures hereafter constructed, modified or relocated into or within Wildland-Urban interface area shall meet the construction requirements for Class 1 Ignition Resistant Construction per section 504.
4. **Exceptions:**
  - a. Addition to dwelling built prior to January 1, 2008, less than 500 square feet when defensible space requirements are met.
  - b. Properties may be exempted from the requirements after a site evaluation by the County Fire Warden.
  - c. Section 603 Defensible Space
    - i. Section 603.2 Fuel Modification (Amended) No structure shall be placed closer than 30' to property boundaries.
    - ii. Zone I extending 30' beyond exterior wall or appendage, allowable vegetation to include; short grasses, bushes and shrubs, and low combustible trees, such as Aspen, Maple, and Willow separated 10'.
    - iii. Zone II extending 30'-50', trees allowed with 10' separation at crowns, all ladder fuels/ branches trimmed up 6', all dead and down vegetation and woody materials removed.
    - iv. Structures built on descending slopes exceeding 20 degrees, Zones II must be increased at 1 foot per degree.

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## 14.76.370 Disclaimer For Emergency Services

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

## Chapter 14.77 - SPECIAL PROVISIONS

### Sections:

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

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### **14.77.010 Central Utah Public Health Department Review And Approval**

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No structure shall be approved or other use granted, nor shall a building permit be granted unless the applicant first obtains a letter from the Central Utah Public Health Department authorizing the requested use. If determined necessary by the Sanpete County Building Official, the applicant / owner(s) shall complete a soils analysis and report. The report and analysis shall be prepared under direction of a Utah Licensed Professional Engineer and shall document that soils at the proposed site(s) are suitable for the structure(s) being proposed. In applicable instances, documentation of suitable soil conditions shall be a prerequisite to obtaining a building permit.

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### **14.77.020 Geotechnical Analysis And Recommendation(s)**

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

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

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

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

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1. For the purposes of this Section, the definition of a planned unit development in Appendix B of this code shall apply. Any timeshare, cooperative ownership, or planned development may combine multiple uses into a coordinated and integrated plan; provided that any plan shall address Sanpete County land use policies and performance standards. In such developments, conditions, covenants and restrictions (CC&R's) shall be provided to and approved by Sanpete County and shall be recorded, both as a separate document and as part of the final plat approval process.
2. Any of these types of development may be proposed provided that the development addresses the Sanpete County General Plan policies and meets all of the basic conditions specified in Title 13 of this code.

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### **14.77.050 Purchase Or Transfer Of Development Rights**

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

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### **14.77.060 Sign Regulations**

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Commercial signs shall be allowed in Sanpete County with a conditional use and valid building permit. Such sign shall be located within or adjacent to the BC Zone and shall be a maximum of three hundred (300) square feet. The Planning Commission and the Sanpete County Board of Commissioners will consider safety, visual impact in granting or denying signs.

## Chapter 14.78 - UTAH AND INTERNATIONAL CODES TO GOVERN

### Sections:

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

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### 14.78.010 International Building Code

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1. The International Building Code (IBC) including appendices, most recent edition as adopted under §15A of the Utah State Code (as amended), is hereby adopted within this Land Use Ordinance and said Code Standards by reference, are incorporated herein.
2. A copy of the codes most recent edition shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
3. Provisions of the IBC establishes rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area and maintenance of buildings and structures within Sanpete County.
4. The International Building Code provides:
  - a. for the issuance of building permits and collection of fees for the activities specified herein; and
  - b. penalties for violation of the provisions thereof.
5. Any person who violates any provision of this chapter shall be subject to the penalties specified in Chapter 14.90 of this code.

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### 14.78.020 National Electrical Code

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1. The National Electrical Code (NEC) including appendices, most recent edition, is hereby adopted under §15A of the Utah State Code (as amended), and hereby adopted within this Land Use Ordinance and said Code Standards, by reference, are incorporated herein.
2. A copy of the NEC. most recent edition, shall be filed in the Office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
3. Provisions of the NEC. establish the rules and regulations for the erection, repair, and regulations for the erection, repair, and construction of electrical equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
4. The NEC provides:
  - a. for the issuance of permits and the collection of fees; and
  - b. penalties for the violation of the provisions thereof.
5. Any person who violates any provision of this chapter shall be subject to the penalties specified in Chapter 14.90 of this code.

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### **14.78.030 International Mechanical Code**

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1. The International Mechanical Code (IMC) including appendices, most recent edition, is hereby adopted under §15A of Utah State Code (as amended), and hereby adopted within this Land Use Ordinance and said Code Standards, by reference, are incorporated herein.
2. A copy of the IMC, most recent edition, shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
3. Provisions of the IMC establish the rules and regulations for the erection, repair, and construction of mechanical equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
4. The IMC provides:
  - a. for the issuance of permits and the collection of fees; and
  - b. penalties for the violation of the provisions thereof.
5. Any person who violates any provision of this chapter shall be subject to the penalties specified in Chapter 14.90 of this code.

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### **14.78.040 International Plumbing Code**

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1. The International Plumbing Code (IPC) including appendices, most recent edition, is hereby adopted under §15A of Utah State Code (as amended), and hereby adopted within this Land Use Ordinance and said Code Standards, by reference, are incorporated herein.
2. A copy of the IPC, most recent edition, shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
3. Provisions of the IPC establish the rules and regulations for the construction, installation, and repair of plumbing devices, equipment, and facilities used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
4. The IPC provides:
  - a. for the issuance of permits and the collection of fees; and
  - b. penalties for the violation of the provisions.
5. Any person who violates any provision of this chapter shall be subject to the penalties specified in Chapter 14.90 of this code.

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### **14.78.050 International Fire Code**

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Selected provisions of the International Fire Code (IFC) including appendices, most recent edition, and International Fire Code Standards which are applicable to the International Building Code requirements and standards, as determined by §15A Of Utah State Code (as amended), the designated Building Official, or Health Official, for buildings and structures erected or modified in Sanpete County are hereby adopted by reference within this chapter.

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### **14.78.060 Uniform Code For Abatement Of Dangerous Buildings**

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Provisions of the Uniform Code for Abatement of Dangerous Buildings (U.C.A.D.B.) including

appendices, most recent edition, are hereby adopted by reference and shall be enforced in Sanpete County as determined to be applicable by the Sanpete County Building Official.

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### **14.78.070 Uniform Code For Building Conservation (Historic Structures)**

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

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

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

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### **14.78.090 International Residential Code**

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Provisions of the International Residential Code (IRC) including appendices, most recent edition, are hereby adopted under §15A of Utah State Code (as amended) by reference and shall be enforced in Sanpete County. A copy of the IRC shall be available for review by interested persons at the office of the Sanpete County Building Inspection Department.

## **Chapter 14.80 - RESIDENTIAL FACILITY FOR TROUBLED YOUTH**

### **Sections:**

- 14.80.010 Authorization**
- 14.80.020 Application - Contents**
- 14.80.030 Application - Fee**



<b>14.80.040</b>	<b>Application - Planning Commission Review</b>
<b>14.80.050</b>	<b>Public Hearing</b>
<b>14.80.060</b>	<b>Use Permit</b>
<b>14.80.070</b>	<b>Facility Requirements</b>
<b>14.80.080</b>	<b>Continuation Of Use</b>
<b>14.80.090</b>	<b>Violations - Penalty</b>

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## **14.80.010 Authorization**

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A residential facility for troubled youth will be permitted only with the granting of a conditional use permit after application and approval of the Sanpete County Planning Commission. The Planning Commission, prior to action on the application will entertain public comment at a duly noticed public hearing.

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## **14.80.020 Application - Contents**

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

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

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### **14.80.030 Application - Fee**

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

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### **14.80.040 Application - Planning Commission Review**

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

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### **14.80.050 Public Hearing**

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1. The Planning Commission shall hold a public hearing within forty-five (45) days of receipt of the completed application.
2. Notice of the time, place and purpose of such public hearing shall be given as follows: At least ten (10) days prior to the date set for the hearing, and not more than forty-five (45) days prior to that date, the Planning Commission shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by Subsection 14.80.030(4). The notice shall give the date; time and place of the hearing, the name of the applicant, the requested use, identification of the property, and such other information as may be prescribed by the Planning Commission in any individual case. The Planning Commission shall also cause such notice to be mailed to all governmental entities providing services to the subject property and all municipalities with boundaries located within five miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above described notice period.

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### **14.80.060 Conditional Use Permit**

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

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

adversely affect other property in the vicinity or the general welfare of the County.

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## **14.80.070 Facility Requirements**

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1. A residential facility for troubled youth shall:
2. Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the State of Utah or a licensee thereof;
3. Be consistent with existing zoning of the desired location;
4. Be occupied on a 24-hour basis by no more than twenty (20) qualified youth in a family-type arrangement;
5. Conform with applicable standards of the State Department of Human Services and be inspected and licensed by that department.
6. The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings.
7. The facility shall be capable of use as a residential facility for troubled youth without structural landscaping alterations that would change the structure's residential character and the structure shall not be used as a lock-down facility for the incarceration of the youth that it houses.
8. No residential facility for troubled youth shall be established within two miles of another residential facility for troubled youth or a residential facility for persons with a disability as defined in this code.
9. Troubled youth who qualify for placement in the facility shall:
  - a. All be of the same gender within any one facility;
  - b. Be no less than ten years of age and no more than 18 years of age;
  - c. Not be convicted of or charged with any sexual offense, arson or aggravated assault;
  - d. Not be individuals with such severe psychiatric problems that they present a danger to themselves or others; and
  - e. Attend school classes.
10. No home for troubled youth shall house children whose respective ages span more than four (4) years. For instance, if the home houses children ten years of age, the oldest child in the home can be no more than fourteen (14) years of age.
11. The conditional use permit and any other license granted in accordance with the provisions of this code, is not transferable and terminates if the structure is devoted to a use other than residential facility for troubled youth or if the structure fails to comply with the county's building, safety and health codes or the requirements of this code.
12. No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four (4) or more lots, including all subdivision phases.
13. The facility shall be continuously occupied by staff who will serve as house parents to the youth who reside therein. Their duties will be as follows:
  - a. To offer counseling and guidance to the youth under their care;
  - b. To supervise the orderly functioning of the household;
  - c. To provide meals to the youth who occupy the home;
  - d. To assign the duties, chores and other tasks to each of the youth who occupy the home;
  - e. Supervise the preparation of homework and studies each of the youth is required to complete for their education in local schools;
  - f. To immediately report to the appropriate State Agency, any difficulties, problems, breaches, of the peace or violations of law engaged in by any of the youth under their care; and
  - g. To also report the same conduct to the organization that employs them directly.
14. Staff within the home must meet the standards of the Department of Human Services and obtain

- all licenses, permits, or certificates required by the State of Utah before undertaking their duties.
15. In the event that the staff terminate their employment without first training suitable replacements, the facility must replace them with trained staff within thirty (30) days or the home for troubled youth must cease operating.

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### **14.80.080 Continuation Of Use**

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

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### **14.80.090 Violations - Penalty**

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

## **Chapter 14.84 - RESIDENTIAL FACILITIES FOR ELDERLY AND DISABLED PERSONS**

### **Sections:**

- 14.84.010 Residential Facilities For Persons With A Disability**
- 14.84.020 Residential Facilities For Elderly Persons**
- 14.84.030 Design Standards For Protective Housing, Rehabilitation/Treatment Facilities (Both Residential And Non-Residential), Transitional Housing, And Assisted Living Facilities**
- 14.84.040 Non-Residential Treatment Facilities**
- 14.84.050 Limitations**

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## 14.80.010 Residential Facilities For Persons With A Disability

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1. **Applicability:** This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this chapter, and the definition of a disabled person as set forth in this chapter; for the requirements of this section shall govern the same notwithstanding any other provisions of this code.
2. **Purpose:** The purposes of this section are:
  - a. To comply with §17-27a-515 and §17-27a-519 of Utah Code Annotated, 1953, as amended; and
  - b. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Amendments Act as interpreted by the courts having jurisdiction over the County of Sanpete.
3. **Permitted Use:** A residential facility for persons with a disability shall be permitted use in any zoning district where a single-family dwelling is allowed. Each such facility shall conform to the following requirements:
  - a. The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency. The facility shall also comply with the county's land use zoning provisions applicable to single family dwellings for the zone in which it is to be located, except as may be modified by the provisions of this chapter.
  - b. The following site development standards and parking standards shall be applicable;
  - c. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and
  - d. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and
  - e. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.
  - f. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
    - i. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
    - ii. Has or may engage in conduct resulting in substantial physical damage to the property of others;
  - g. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
    - i. Provide a certified copy of such license.
    - ii. Certify, in a sworn affidavit submitted with the application of a business license, compliance with the Americans with Disabilities Act;
    - iii. Certify, in a sworn affidavit submitted with the application of a business license, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than one-hundred and fifty (150) days nor more than one-hundred and ninety (190) days from the date of issuance of the business license and at the time of the application for renewal of the business license.

- h. The use permitted by this section is non-transferable and shall terminate if:
  - i. A facility is devoted to or used as other than a residential facility for persons with a disability; or
  - ii. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked; or
  - iii. The facility fails to comply with the conditions set forth in this section.
- i. In the A, RA-1 and RA-2 zones, no residential facility for persons with a disability shall exceed twenty (20) residents, not including staff, or the family that owns the residence.
- j. In the SL and BC zones, no residential facility for persons with disabilities shall exceed twenty (20) residents, not including staff, or the family that owns the residence.
- k. No residential facilities for persons with disabilities shall be permitted in the PF zone.
- l. Residential facilities for persons with disabilities that are substance abuse facilities and are located within five hundred feet (500') of a school, shall provide, in accordance with rules established by the Department of Human Services under §62A-2 licensure of program and facilities:
  - i. A security plan satisfactory to local law enforcement authorities;
  - ii. Twenty-four (24) hour supervision of residents; and
  - iii. Other twenty-four (24) hour security measures.
- m. No residential facility Reasonable Accommodations: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for persons(s) with a disability.
- n. Any person or entity who wishes to request a reasonable accommodation shall make application to the County Zoning Administrator. Said applications shall specifically articulate, in writing, the following:
  - i. The name, mailing address, and phone number of the applicant;
  - ii. The nature and extent of the disability;
  - iii. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
  - iv. The applicant's proposed reasonable accommodations;
  - v. A statement detailing why a reasonable accommodation is necessary; and
  - vi. The physical address of the property where the applicant intends on living;
- o. When considering whether or not to grant a reasonable accommodation, the County Zoning Administrator shall consider the following factors, among others deemed appropriate and applicable:
  - i. The zoning ordinance applicable to the property;
  - ii. The parking, traffic, and noise impact on the area if reasonable accommodation is granted;
  - iii. Whether or not the accommodation will be an undue burden or expense to the county;
  - iv. The extent to which the accommodation will or will not benefit the applicant;
  - v. The extent to which the accommodation will or will not benefit the community;
  - vi. Whether or not the accommodation fundamentally alters the county-wide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of the area;
  - vii. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life, or ameliorate the effects of the applicant's disability, or the lives or disabilities on whose behalf the entity is applying;
  - viii. Whether or not, without the accommodation, similar housing is available in the County of Sanpete for the applicant or group of applicants;
  - ix. Given the scope of the accommodation requested, what is the impact on the

- x. immediate neighborhood; and
- p. The requirements of applicable federal and state laws and regulations;
- p. Written findings and conclusions of the Zoning Administrator shall be sent to the applicant within thirty (30) days after the decision by the County Zoning Administrator; and
- q. If a request for reasonable accommodation is denied, such decision may be appealed to the Sanpete County Board of County Commissioners.

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## **14.84.020 Residential Facilities For Elderly Persons**

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1. General Requirements:
  - a. A residential facility for elderly persons may not operate as a business.
  - b. A residential facility for elderly persons shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident.
  - c. A residential facility for elderly persons shall be consistent with existing zoning of the desired location.
  - d. A residential facility for elderly persons shall be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
  - e. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.
2. Compliance: "Residential facilities for elderly persons" shall comply with the following requirements:
  - a. The facility shall meet all applicable building codes including the Wildland Urban Interface Code (when applicable), safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter;
  - b. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
    - i. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
    - ii. Has or may engage in conduct resulting in substantial physical damage to the property of others;
    - iii. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located;
    - iv. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
    - v. The use granted and permitted by this section is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes; and
    - vi. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and
    - vii. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

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### **14.84.030 Design Standards For Protective Housing, Rehabilitation / Treatment Facilities (Both Residential And Nonresidential), Transitional Housing, And Assisted Living Facilities**

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1. Any newly constructed, or remodeled facility in a residential zone or immediately abutting a residential zone shall comply with the following design standards:
2. All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a commercial zone abutting a residential zone the setbacks shall be those of the abutting residential zone;
3. All required or accessory parking areas shall be located either in the rear yard area of the lot or behind the main building or garage;
4. In addition to the maximum height restrictions of the individual residential zone, new buildings or additional buildings shall not exceed one-hundred and ten percent (110%) of the average height of the closest dwellings on both sides of the proposed structure;
5. In order for new construction to reflect the design and character of the existing area, the following standards shall be met:
6. The roof design of the proposed structure or remodel shall be a pitched roof of the same slope as the most common roof slope of the homes in the area; and
7. The type of exterior materials shall be of traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied in such a manner as to blend in with the area where the building is located and not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood;
8. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
  - a. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
  - b. Has or may engage in conduct resulting in substantial physical damage to the property of others;
9. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations, subject to the conflicts resolution provisions of this subsection.

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### **14.84.040 Non-Residential Treatment Facilities**

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1. Non-residential treatment facilities shall not be built within the unincorporated area of Sanpete County except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones in this title. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:
  - a. The facility shall comply with all building, safety, zoning and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency.
  - b. The following site development standards and parking standards shall be applicable:
    - i. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and
    - ii. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the



- same zone.
- c. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
    - i. Provide a certified copy of such license.
    - ii. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act.
  - d. The use permitted by this section is non-transferable and shall terminate if:
    - i. The facility is devoted to or used as other than a non-residential facility; or
    - ii. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.
  - e. No non-residential treatment facility shall be established or maintained within one (1) mile measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
    - i. A residential facility for persons with a disability;
    - ii. A residential facility for elderly with more than five (5) elderly persons in a residence; or
    - iii. Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a non-residential treatment facility, and elementary schools.
  - f. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
    - i. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
    - ii. Has or may engage in conduct resulting in substantial physical damage to the property of others.
2. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations.

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### **14.84.050 Limitations**

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Only such uses and facilities specifically authorized in this chapter and in this title shall be allowed. All other uses and facilities are prohibited. A residential facility for persons with disabilities shall not be located within two (2) miles of another such facility as measured from the nearest property line of the existing facility to the nearest property line of the proposed facility.

## Chapter 14.90 - ENFORCEMENT

### Sections:

14.90.010	Permits Required
14.90.020	Powers And Duties Of Enforcing Officer
14.90.030	Civil Enforcement
14.90.040	Stay Order
14.90.050	Building Permits Required
14.90.060	Permit to Comply With Title
14.90.070	Reconsideration/Revocation Of Approvals, Permits And Licenses
14.90.080	Violation - Penalty
14.90.090	Violation - Notice To Correct
14.90.100	Appeals
14.90.110	Certificate Of Occupancy
14.90.115	Closure / Expiration Of A Building Permit
14.90.120	Bonding Or Guarantees For Delayed Performance
14.90.130	Additional Fees
14.90.140	Penalties And Penalty Fee

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### 14.90.010 Permits Required

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

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### 14.90.020 Powers And Duties Of Enforcing Officer

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1. The Zoning Administrator, Code Enforcement Officer and other County Staff, which are authorized with duty thereof shall enforce the provisions of this title, entering actions in the courts when

necessary, and their failure to do so shall not legalize any violation of such provisions.

2. Upon appeal to the Sanpete County Board of Adjustments of any matter on which said Board is required to pass, the Zoning Administrator shall forthwith transmit all papers, records, and other pertinent data pertaining to the appeal to said board. The Zoning Administrator shall also refer matters to the Health Department, Sanpete County Board of County Commissioners, and other agencies as required by this title.

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### **14.90.030 Civil Enforcement**

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

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### **14.90.040 Stay Order**

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

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### **14.90.050 Building Permits Required**

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

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### **14.90.060 Permit To Comply With Title**

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

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### **14.90.070 Reconsideration / Revocation Of Approvals, Permits And Licenses**

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

1. **Duties of the Zoning Administrator.** If the Zoning Administrator determines, based on inspection by County staff, that there are reasonable grounds for revocation of a development permit or license

authorized by this code, the Zoning Administrator shall set a public hearing before the approving body.

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

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### **14.90.080 Violation - Penalty**

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

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### **14.90.090 Violation - Notice To Correct**

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

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### **14.90.100 Appeals**

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1. Until a person has exhausted all administrative remedies no person may challenge in district court a

County's land use decisions made under this title or under the regulation made under authority of this chapter.

2. Any person adversely affected by any decision made in the exercise of the provisions of this title may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.

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### **14.90.110 Certificate Of Occupancy**

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

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### **14.90.115 Closure / Expiration Of A Building Permit**

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

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

1. Without a permit;
2. With an expired permit;
3. Without a certificate of occupancy;
4. Without a final inspection and closure of permit;
5. Or other disregard for the codes the Building Official may cause a Certificate of Notice of Non-Compliance to be filed against the property where the violation is being committed.

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### **14.90.120 Bonding Or Guarantees For Delayed Performance**

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

agreement or guarantee, the County shall, by this code and by the written agreement itself, be authorized to utilize the Letter of Credit or real property specified in the Performance Bond for the purpose of completing or abating the building, structure, land use, or project.

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### **14.90.130 Additional Fees**

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

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### **14.90.140 Penalties And Penalty Fee**

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

## Chapter 14.94 - NUISANCE ABATEMENT

### Sections:

14.94.010	Purpose
14.94.020	Enforcement
14.94.030	Real Property Kept Clean
14.94.040	Nuisances Specified
14.94.050	Notice Of Violation; Appeal
14.94.060	Failure To Comply; Action By County
14.94.070	Summary Abatement
14.94.080	Costs Of Removal To Landowner; Objections
14.94.090	Alternative Methods Of Compelling Payment
14.94.100	Collection
14.94.110	Penalty
14.94.130	Exemptions

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### 14.94.010 Purpose

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The purpose of this chapter is to help Sanpete County maintain the peace and safety of the community. This ordinance provides clarity on the matter of public nuisances in order to help the County enforce the rules outlined in this chapter.

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### 14.94.020 Enforcement

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1. The Zoning Administrator and other authorized county staff, shall enforce the provisions of this title, using the court system when necessary. Any failure to do so shall not legalize any violation of County Ordinances or State Code.
2. Upon the lawful filing of a written complaint indicating reasonable cause, the Sanpete County Board of County Commissioners, the Sanpete County Attorney, or the Sanpete County Zoning Administrator is hereby authorized to:
  - a. Declare property or buildings or the use thereof, in this or any other zone in the County, a public nuisance;
  - b. Seek legal remedies where appropriate.
  - c. Restricting access to or, if deemed necessary, removing any unsanitary or unsafe building, including the use thereof, particularly if the building is dilapidated, or structurally compromised; or
  - d. Restricting or limiting the keeping of any animal(s) or poultry on property within Sanpete County as determined by the Building Official or Health Official to be in violation of this Ordinance. In addition, the Sanpete County Commission may seek other more stringent and lawful penalties for violation(s).
  - e. These requirements and remedies to abate a nuisance shall apply to all zones in Sanpete County.

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## 14.94.030 Real Property Kept Clean

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It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the County to fail to remove from the property any refuse, unsightly or deleterious objects or structures after having been given written notice from the County.

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## 14.94.040 Nuisances Specified

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1. **Nuisances Affecting Public Health:** No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person. The following are nuisances affecting public health and may be abated, as provided in this chapter:
  - a. Private open vaults or privies constructed and maintained within the County, except those temporarily constructed and maintained in connection with construction projects in accordance with health department regulations, and removed no later than seven (7) days after the completion of the construction project.
  - b. Accumulations of debris, rubbish and other refuse which are not removed within a reasonable time and which affect the health of the County.
  - c. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
  - d. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner which will cause harmful material to pollute the water.
  - e. Decayed or unwholesome food offered for human consumption.
  - f. Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.
  - g. Drainage of liquid wastes from private premises.
  - h. Cesspools or septic tanks that are in an unsanitary or unsafe condition or that cause an offensive odor.
  - i. The deposition of an animal carcass, or part thereof, or any excrement or sewage, industrial waste or any putrid, nauseous, decaying, deleterious, offensive, or dangerous substance in a stream, well, spring, brook, ditch, pond, river or other inland waters within the County, or the placing of such substances in such position that high water or natural seepage will carry the same into such waters.
  - j. Unregistered wheeled vehicles being used for storage purposes.
2. **Nuisances Affecting Public Safety:** No person shall create a public safety hazard by:
  - a. Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one-half (1 1/2) cubic feet capacity and a door or lid that locks or fastens automatically when closed and which cannot be easily opened from the inside.
  - b. Being the owner of or otherwise having possession of property on which there is a well, cistern, cesspool, excavation or other holes of a depth of four feet (4) or more and a top width of six inches (6) or more and failing to cover or fence it with a suitable protective construction.
  - c. Maintaining any building, structure or premises which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard to the vicinity where it is located.
  - d. Maintaining any building, structure or premises in an abandoned, partially destroyed or unreasonable state of partial construction. An "unreasonable state of partial construction" is defined as any unfinished, abandoned or damaged building or structure where the



appearance or other conditions cause visual blight, are offensive to the senses, create a harborage for rodents or pests, or detrimentally affect property in the vicinity.

- e. Maintaining any building, structure or premises having dry rot, warping, termite infestation, decay, excessive cracking or peeling as to render the building or structure unsightly or in a state of disrepair.

**3. Noxious Weeds:**

- a. No owners or persons in charge of real property shall allow noxious weeds on their property. Any owner or lessee of property who fails to take timely and reasonable action to control the spread of noxious weeds on that property after receiving written notification to do so from the Sanpete County Board of County Commissioners, or their designee, or the County Weed Control Board, shall be deemed to have committed a public nuisance.
- b. The term “noxious weed,” as used in this subsection, is any plant the Sanpete County Board of County Commissioners determines to be especially injurious to public health, crops, livestock, land, or other property.
- c. The Sanpete County Board of County Commissioners has appointed a County Weed Control Board according to the guidelines spelled out in the Utah Noxious Weeds Act, Section 105.
- d. The County Weed Control Board is responsible, under the general direction of the Sanpete County Board of County Commissioners, for the formulation and implementation of a countywide coordinated noxious weed control program designed to prevent and control noxious weeds within the County.
- e. The County Weed Control Board before May 1 of each year shall post a general notice of the noxious weeds within the county in at least three public places within the county and publish the same notice on:
  - i. at least three (3) occasions in a newspaper or other publication of general circulation within the county; and
  - ii. as required in Section §45-1-101 of Utah State Code (as amended).
- f. The County Weed Control Board shall follow the guidelines set out in the Utah Noxious Weed Act in regards to public notices, abatement, and general weed control.

**4. Scattering Rubbish:**

- a. No person shall deposit, on public or private property, rubbish, trash, debris, grass clippings, tree limbs or refuse, or any substance which would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal or vehicle traveling on a public way.

**5. Trees and Vegetation:**

- a. No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.
- b. No owner or person in charge of property shall allow any fence, structure or vegetation to create a hazard for motorists.

**6. Junk:**

- a. No person shall keep junk outdoors on a road, lot or premises, or in a building, which is not wholly or entirely enclosed, except for doors used for ingress and egress.
- b. The term "junk," as used in this subsection, includes all inoperative or unregistered motor and recreational vehicles, inoperative trailers, motor vehicle parts, wrecked, dismantled or abandoned automobiles and vehicles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, green waste or other waste or discarded material.
- c. This subsection does not apply to junk kept in a licensed junkyard, recycling center or automobile wrecking yard.
- d. A person may only store up to a total of four (4) unregistered motor vehicles or trailers before it is considered junk under this subsection.

- e. Old farm equipment may be exempt if a reasonable person would consider the equipment repairable, historical, or decorative. The Sanpete County Board of County Commissioners shall make the final determination.
7. **Green Waste:**
- a. No person shall store green waste for more than one-hundred-eighty (180) days out of the year on their property unless they are in an agriculture, commercial or industrial zone. Not permitted in any residential subdivisions.
  - b. The term “green waste”, as used in this subsection, includes yard clippings, tree limbs, leaves, garden refuse, kitchen waste, and other compostable waste.

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### **14.94.050 Notice Of Violation; Appeal**

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Upon a determination that a violation of the provisions of this chapter exists, the County shall ascertain the name of the owner or person responsible, and a description of the premises where the violation exists, and shall serve notice, in writing, upon the person responsible, either personally or by mailing notice, postage prepaid, addressed to the owner, occupant or person responsible at the last known address disclosed by the records of the County Assessor, requiring such person responsible to abate the nuisance condition described in this chapter within such time as the County may designate, which shall be no less than ten (10) days from the date of service of such notice. The decision of the County may be appealed to the County Zoning Administrator if the property owner sends a letter within ten (10) days of receiving the notice, detailing an abatement plan and completing within the next thirty (30) days.

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### **14.94.060 Failure To Comply; Action By County**

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If any owner or occupant of property, or other person responsible described in the notice provided for in this chapter, shall fail to abate the described nuisance conditions in accordance with such notice, the County is authorized to issue a citation and/or employ necessary assistance and abate the nuisance. The County shall prepare an itemized statement of all expenses incurred in the abatement of the nuisance conditions and shall mail a copy thereof to the owner demanding payment within thirty (30) days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner, occupant or person responsible.

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### **14.94.070 Summary Abatement**

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The procedure provided by this chapter is not exclusive but is in addition to the procedures provided by other ordinances. A fire official, a law enforcement officer, or any other County Official, may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property. Any summary closure proceeding shall be based on evidence showing that nuisance activities exist or have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of the state for obtaining temporary restraining orders. In the event of summary closure, the County is not required to comply with the notification procedures set forth in this chapter.

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## **14.94.080 Costs Of Removal To Landowner; Objections**

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Upon receipt of the itemized statement of the costs of nuisance abatement, the County Treasurer shall

1. Mail one copy to the owner of the land on which the nuisance was abated, together with a notice that objection in writing to the Sanpete County Board of County Commissioners may be made within thirty (30) days to the whole or any part of the statement so filed. The County Treasurer shall, at the same time, deliver a copy of the statement to the Clerk of the Board of County Commissioners. If objections to any statement are filed with the Board, they shall set a date for a hearing, giving notice thereof, and upon the hearing of the matter, fix and determine the actual cost of nuisance abatement, reporting their findings to the County Treasurer.
2. If no objections to the items of the account are made within thirty (30) days of the date of mailing, the County Treasurer shall enter the amount of such statement on the assessment rolls of the County in the column prepared for that purpose.
3. The County Treasurer shall, within ten (10) days of the date of the action by the Board, upon any objections filed, enter into the prepared column upon the tax rolls, the amount found by the Board to be the cost of nuisance abatement. If current tax notices have been mailed, the taxes so incurred may be carried over on the rolls to the following year.
4. After the entry by the County Treasurer of the costs of nuisance abatement, the amount so entered shall have the force and effect of a valid judgment of the district court and shall be a lien upon the lands from which the nuisance was abated, and shall be collected by the County Treasurer at the time of and in the manner provided for the payment of general taxes.
5. Upon payment, a receipt shall be acknowledged upon the general tax receipt issued by the County Treasurer.

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## **14.94.090 Alternative Methods Of Compelling Payment**

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In the event the owner, occupant or person responsible fails to make payment of the amount set forth in said statement to the County Treasurer within thirty (30) days of the date of mailing, the County may either cause suit to be brought in an appropriate court of law or refer the matter to the County Treasurer as provided in this chapter.

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## **14.94.100 Collection**

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1. Lawsuit: In the event collection of expenses of nuisance abatement are pursued through the court, the County shall sue for and receive judgment for all expenses of nuisance abatement, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.
2. Taxes: In the event that the County elects to refer the expenses of nuisance abatement to the County Treasurer for inclusion in the tax notice of the property owner, he or she shall make, in triplicate, an itemized statement of all expenses incurred in such nuisance abatement and shall deliver three (3) copies of the statement to the County Treasurer, within thirty (30) days after the completion of the nuisance abatement work.

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### **14.94.110 Penalty**

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Any person violating any provision of this chapter is guilty of a class C misdemeanor and, upon conviction thereof, shall be subject to penalty. Each day a violation continues shall be a separate offense and shall be punished as such.

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### **14.94.130 Exemptions**

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Legitimate agricultural operations may be exempt from 14.94.040(1)(f). The Sanpete County Board of County Commissioners shall make the final determination