

Title 14: LAND USE ORDINANCE

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Chapter 14.04 - GENERAL PROVISIONS

Sections:

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

14.04.010 Title.

Explains the name of the title.

This title shall be known as, and shall be entitled the "Sevier County Zoning Ordinance".

14.04.020 Purpose.

Discusses the zones within this chapter that have been made in compliance with the general plan.

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

1. To promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of Sevier County;
2. To encourage and facilitate the orderly growth and development of the county;
3. To secure safety from fire, floods, traffic hazards and other dangers;
4. To secure economy in the cost of fire and police protection and other governmental services;
5. To lessen congestion in the streets and roads and reduce the waste of excessive amounts of roads;
6. To protect the tax base;
7. To foster agriculture and industry, together with related uses;
8. To stabilize and improve property values;
9. To promote beauty along the highways and in the landscape; and
10. To protect both urban and non-urban development.

Chapter 14.08 - ADMINISTRATION

Sections:

14.08.010 Amendments.

14.08.020 Notice to nearby entities of predevelopment activity.

14.08.030 Public hearings required before amending - Notice.

14.08.040 Permits, Licenses - County Official Compliance.

14.08.050 Permits, Licenses - Citizens Compliance.

14.08.010 Amending the Zoning Ordinance.

Outlines the process and timeframe of changing any part of including maps.

This title, including the map, may be amended, but all proposed amendments shall be submitted first to:

1. the planning commission for its recommendations, which recommendations shall be submitted to
2. the board of county commissioners for the consideration of the commission within forty-five (45) days.

For the purpose of establishing and maintaining a sound, stable and desirable development within the county, it is declared to be public policy that amendments shall not be made to this title and map except to promote more fully the objectives and purposes of this title or correct manifest errors. Any person seeking an amendment to this title or map shall submit to the county Zoning Administrator a written petition designating the change desired, the reasons therefor, and wherein the proposed amendment would further serve the interest of the public and promote the objectives and purposes of the title, together with appropriate fee outlined in fee schedule. The county 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 the title, it must be shown that such amendment is:

1. Reasonably necessary,
2. Is in the interest of the public,
3. And 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. The fee required shall not be returnable.

14.08.020 Notice to Nearby Entities of Predevelopment Activity.

Explains the reasons why a public hearing would need to be held as well as noticing entities of the public hearing.

As used in, "predevelopment activity" means a public hearing concerning or consideration by the county planning commission or the board of county commissioners of:

1. A proposed change in zoning designation;
2. A preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or
3. A proposed modification of the county's general plan
4. The planning commission or legislative body, as the case may be, of Sevier county shall provide notice of predevelopment activity occurring in the unincorporated county to the legislative body of:

- a. Each municipality whose boundaries are within 500 feet of the property that is the subject of the predevelopment activity;
- b. The notice required by Subsection 14.08.020 (a) shall be published at least seven days before the pre development activity occurs.
- c. The county planning commission or board of county commissioners meets the notice requirements of Subsection 14.08.020 (a) by mailing to each appropriate legislative body, at least seven days before the pre development activity occurs, a copy of the planning commission or board of county commissioners meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the county and the location of the property that is the subject of the predevelopment activity.
- d. If notice given is not challenged under Section 14.60 within 30 days after the action for which notice is given, the notice is considered adequate and proper.
- e. Challenges under shall follow procedures outlined in Chapter 14.60 Enforcement. (Utah Code Annotated Section 17-27a-701)

14.08.030 Public Hearings Required Before Amending - Notice.

States the need to hold a public hearing with the board of county commissioners before any changes are made to.

Amendments to this title may be adopted only after a public hearing before the board of county commissioners in which parties in interest and citizens shall have an opportunity to be heard. Notice requirements shall adhere to the regulations outlined in Utah State Code Title 17, Chapter 27a, Part 2, as amended.

14.08.040 Permits, Licenses - County Officials Compliance.

Explains the need to have permits and licenses approved by the county and that those applying need to meet the provisions and standards as explained in this title.

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

14.08.050 Permits, Licenses - Citizen Compliance.

Requires those who want to make improvements to their property need to first obtain a building permit issued by the County Building Department.

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

When excavation work is to be done a permit and plan shall be required if it is to affect public utilities not limited to and including roadways and irrigation.

Chapter 14.12 - DEFINITIONS

Sections:

14.12.010 Generally.

14.12.020 Special Provisions for lots divided by district boundaries

14.12.030 Definitions.

14.12.010 Generally.

Explains the layout of the definition section that will be used for defining certain words throughout the title.

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

14.12.020 Special provisions for lots divided by district boundaries.

This section addresses situations where the property lines are different from the zoning map.

Where any lot, existing at the effective date of this Code, is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off street parking and loading, or other regulations apply, the provisions of this section shall apply.

1. **Use regulations.** If more than fifty (50) percent of the lot area is located in one (1) of two (2) or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot, if consistent with the Land Use designation on the Comprehensive Plan.
 2. **Property development regulations.** If more than fifty (50) percent of the lot area is located in one (1) of two (2) or more districts, the property development regulations applicable to the district containing the majority lot area shall apply to the entire lot.
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14.12.030 Definitions.

This section is the definitions used for certain words throughout this title.

Terms in this Code shall have the following definitions:

Abutting Property - Property lying immediately adjacent to and sharing a common property line with other property.

Access - A strip of land which is part of a lot and provides a way to enter or exit a facility or property.

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

Accessory Structure or Use - A detached subordinate structure or a use which is clearly

incidental or subordinate to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

Administrative Land Use Authority – The official, board, commission or other body empowered to render a decision on a particular matter under this title. As used in the subdivision code, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a county, including county staff or a county planning commission for review of Limited Residential Subdivision.

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.

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.

Agriculture - 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 or 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, sewage, and rubbish.

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

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

Agriculture Protection Area -

Air Rights - The right to use space above ground level.

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.

Alteration, Building - Any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.

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.

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

Example:

Cattle/Buffalo/Horse	1 animal unit	(1 Animal 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 Chicken per AU)
Mink and similar forbearing 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.

Architectural Projection - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building (i.e. awnings, canopies), but does not include signs.

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

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.

Asphalt mixing/batching plants/Borrow pits: Asphalt or concrete batching plant for producing asphalt or concrete products used in construction activities on the same or nearby sites.

Auto/Truck Repair, Sales and Service - A Commercial establishment where automobiles are repaired, sold or serviced.

Auto/Truck Repair and Service (home based business) - An auto repair and service business that is located at the primary residence. Not to exceed 2 employees.

Auto-Wrecking Yard - 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 for parts thereof.

Base Flood - The flood having a one (1) percent chance of being equaled or exceeded in any given year.

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.

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.

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.

Billboard - see Sevier County Sign Code.

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.

Block - A parcel of land entirely surrounded by streets, railroad rights-of-way, parks or other public spaces or a combination thereof.

Board of Appeals - An appointed board that hears appeals on variances and exceptions.

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.

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.

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 of one land use on another.

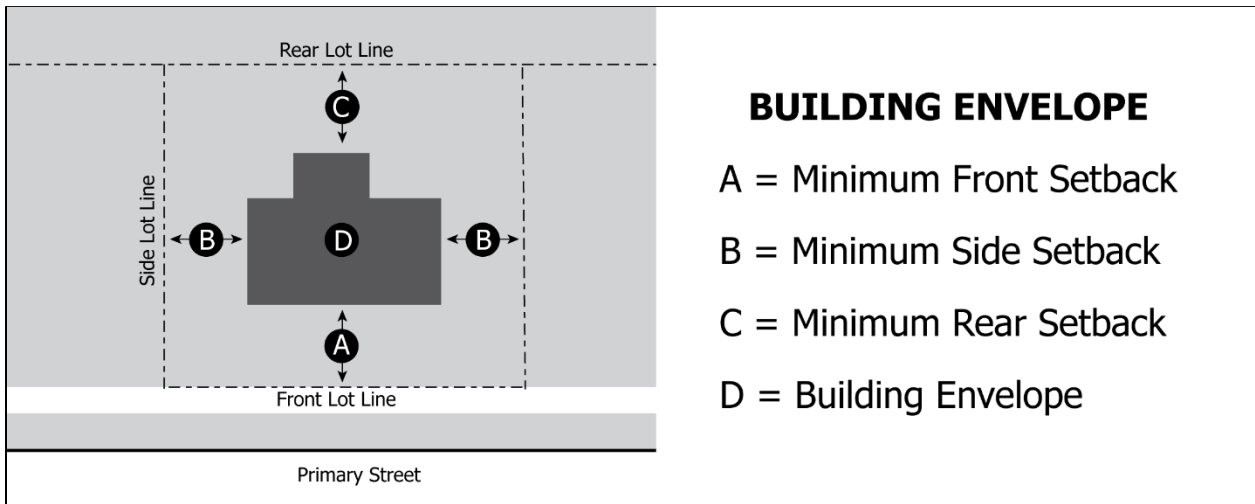
Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Buildable Area (also see Building Envelope) - The portion of a lot remaining after the setbacks have been provided.

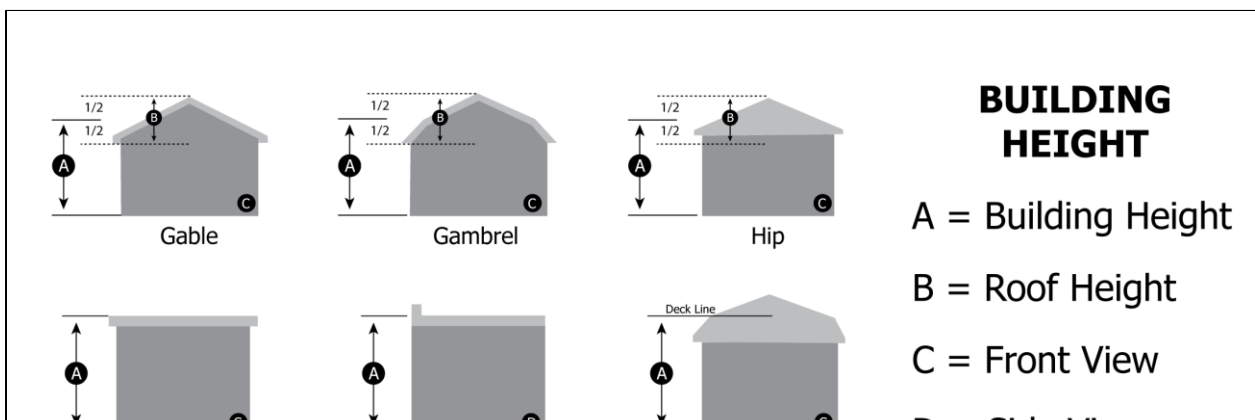
Building Code - The State Construction Code referenced in UCA 15a-1-204(8).

Building Elevation - The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Building Envelope - The space remaining on a site for structures after all building setbacks, height limit, and bulk requirements have been met.



Building, Height - The vertical distance in feet to the peak of the roof from average grade. Where a building is located on sloping terrain, the height is measured from the average ground level.



Building Line - The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental features projecting from the walls of the building or structure.

Building, Main (or Principal Building) - the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.

Build-to Line - A zoning requirement that sets a line that a building facade must be built to. The opposite of a setback. Usually required in order to maintain a relatively uniform street view.

Build-out - Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

Building Official - The official or other person charged with the administration and enforcement of this title and any other building-related codes.

Building Permit - An official document or certificate issued by a governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.

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

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

Campground - A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or paying camping purposes. Campgrounds are not intended to serve as residential areas or facilities.

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

Canopy - A roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy, and providing a protective shield for the area directly below.

Capital Drainage Facilities - The planning of, engineering for, acquisition of land for, or the construction of drainage facilities necessary to meet the level of service for new development.

Capital Facility Costs - All costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity.

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.

Carrying Capacity - (1) The level of land use, human activity, or development for a specific area that

can be accommodated permanently without an irreversible change in the quality of air, water, land, or plant and animal habitats. (2) The upper limits of development beyond which the quality of human life, health, welfare, safety, or community character within an area will be impaired. (3) The maximum level of development allowable under current zoning.

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 Sevier County zones.

Channelization - (1) The straightening and/or deepening of a watercourse for purposes of storm-runoff control or ease of navigation. Channelization often includes lining of stream banks with a retaining material like concrete. (2) At the intersection of roadways, the directional separation of traffic lanes through the use of curbs or raised islands that limit the paths that vehicles may take through the intersection.

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

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

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.

Code Enforcement Officer - Any authorized agent or employees of the County whose duty is to assure code compliance.

Collector Street - See Street, Collector.

Commercial - A land use classification that permits facilities for the buying and selling of commodities and services.

Commercial Dog Kennel: Means a place where five (5) or more dogs over six (6) months of age and or five or more cats over six (6) months of age, irrespective of duration, are boarded, bred, bought, sold, exhibited or trained for compensation, but not including a pet shop, animal shelter veterinary clinic/hospital where boarding is incidental to treatment.

Commercial Feedlot - 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. Swine and mink operations are also not included or allowed for commercial feedlots.

Commercial Vehicle - A vehicle which is not used solely for personal non-business activities. The following factors will be considered when determining commercial status: (1) Outside lettering designating a business of any kind, (2) use of vehicle, (3) size of vehicle. The following types of vehicles shall be considered commercial for the purposes of this section, but shall not be the only types of vehicles considered as commercial: truck cab; semi-trailer; tow truck; stepvan; construction vehicle; bus; trailer or utility trailer; a vehicle outfitted for commercial purposes or a vehicle with three (3) or more axles.

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.

Compatibility - Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.

Composting Facility - A facility that is designed and used for transforming, through biological decomposition, food, yard wastes and other organic material into soil or fertilizer. This use does not include backyard composting bins serving individual families.

Community Character - The image of a community or area as defined by factors such as built environment, natural features and open space elements, type of housing, architectural style, infrastructure,

and the type and quality of public facilities and services.

Commute Shed - The area from which people may commute from their homes to a specific workplace destination, given certain assumptions about maximum travel time or distance.

Complete Application – A land use application under this title, accompanied by required checklist information and associated fees, filled out by an applicant, and where the authorized county officials have reviewed the submitted information and deemed it complete.

Complete Streets - Streets designed to accommodate all modes of travel and enable safe access for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move along and across a complete street.

Concurrency - Installing or operating facilities and services needed to meet the demands of new development simultaneously (or concurrently) with the development.

Condemnation - The exercise by a public agency of the right of eminent domain.

Condition of Approval - A condition imposed as part of, or associated with, the issuance of a valid local government development order.

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

Congregate Living Facility - A residential land use consisting of any building or section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding twenty-four (24) hours, care, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term shall include rehabilitative home care development service housing, senior housing and adult congregate living facilities for the physically impaired, mentally retarded, developmentally disabled persons, or persons sixty (60) years of age or older.

Construction - The placement, assembly, erection, substantial repair, alteration or demolition of a building or structure on land, the placement of concrete, asphalt, similar materials on land, or grading or earthwork of land.

Contiguous - Lands separated only by streets, easements, pipelines, power lines, conduits, rights-of-way under ownership of the land owner of one (1) of the subject parcels, a property owners association or a governmental agency, or a public utility. For density purposes only, contiguous means lots that share a common border. (Lots that touch point-to-point, and lots which are separated by waterways, streets or major easements are not considered contiguous for density calculations.)

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

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

County - Sevier County, Utah.

County Commission - The elected Board of County Commissioners of Sevier County. (CC)

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.

Curb Cut- A ramp opening in a curb where vehicles or wheelchairs may enter or leave the roadway.

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

Day Care Center - A building or structure where six or more children are regularly cared for during the day for compensation for commercial use. Non-commercial is considered home based business.

Defensible Space - (1) In firefighting and prevention, an area of non-combustible surfaces separating

urban and wild land areas. (2) In urban areas, open spaces, entry points, and pathways, configured to provide maximum opportunities to rightful users and/or residents to defend themselves against intruders and criminal activity.

Density - The ratio of the number of dwelling units per acre of land.

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.

Developable Land - Land that is suitable as a location for structures and that can be developed free of significant impact on natural resource areas.

Developer - Any person, including a governmental agency, undertaking any development.

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.

Development Rights - The right to develop land held by the landowner or by a party other than the owner who has obtained the rights to develop.

Disposition, Off-site - The off-premises transportation of excavated material.

Disposition, On-site - The on-premise use of extractive or excavated material.

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

Drainage Basin - A sub-area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.

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

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

Dwelling - A building designed or used exclusively as the living quarters of one or more families, but not including hotels, tourist cabins and boarding houses.

Dwelling, Single-Family - A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

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.

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

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

Eminent Domain - The right of a public entity to acquire private property for public use upon the payment of just compensation.

Empowerment Zones - Areas designated by the U.S. Department of Housing and Urban Development where businesses may be eligible for tax credits and other financial incentives for hiring local residents.

Encroachment - Any obstruction or protrusion into a right of way or adjacent property, whether on the land or above it.

Engineer - A person licensed and registered as a professional engineer in the State of Utah.

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

Farm Labor Dwelling - A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family.

Family - An individual or two or more persons related by blood, marriage or adoption living together in a dwelling unit. Guests in excess of two who pay for meals or room shall be considered as borders. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

Farm Animals - Animals other than household pets that shall be permitted to be kept and maintained for commercial production and sale and/or family food production, education, or education. "Farm Animals" are identified as large (i.e. horses, cattle), medium (i.e. sheep, goats), or small (i.e. rabbits, chickens).

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

Flood - An overflow of water onto lands not normally covered by water. Floods have two essential characteristics: the inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, lake, or other body of water. Terms associated with flooding include: "**Frequent**", which means flooding which occurs more than once every two (2) years on the average; and "**Ten (10) year flood elevation**", which means that flood elevation which has a ten (10) in one hundred (100) probability of being equaled or exceeded in any calendar year.

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.

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.

Floodplain - The land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.

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.

Floor Area Ratio (FAR) - The ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures.

Forest Production Development: Any material developed and derived from forestry for direct consumption or commercial use, such as lumber, paper, or forage for livestock.

Forest Industries: A sector of the economy in which an aggregate of establishments is engaged in the management of an extensive area of woodland, often to produce products and benefits such as timber, wildlife habitat, clean water, biodiversity and recreation.

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

Fuel Modification - A method of modifying fuel load by reducing the amount of non-fire-resistive

vegetation or altering the type of vegetation to reduce the fuel load.

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 or the rebuilding, dismantling or storage of wrecked or junked vehicles.

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

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

Grade - (1) Leveling or smoothing the contours of a property. (2) The rate of rise or descent of a sloping surface, usually expressed in degrees or a percentage calculated by the number of feet of rise per 100 feet of horizontal distance (a 10 percent grade would mean a 10 foot vertical rise over 100 feet of horizontal distance). (3) The lowest point of elevation within the area between the building and a line five feet from the building.

Gravel Pit: All sites where gravel or minerals will be extracted by an open pit method; to all sites where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials are placed in waste dumps.

GreenHouse/Nursery: An enclosed structure enclosed and used for the cultivation or protection of tender plants. If the product of the greenhouse/nursery is sold a business license will be required by the county.

Greenways - Linear open spaces that link parks and neighborhoods within the community, such as paths or trails.

Gross Land Area - The total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.

Ground Floor - A level of building, the floor of which is located not more than two (2) feet below nor more than six (6) feet above the finished grade.

Groundwater Recharge Area - Areas that support the natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding rocks that provide underground storage (aquifers).

Group Home; Group Care Facility - Any facility used to provide non-medical residential care, day treatment, adult day care, or foster family agency services.

Handicapped Spaces - Parking spaces designed, marked and reserved for exclusive use by persons properly registered as handicapped.

Historic Preservation - The preservation of historically significant structures and neighborhoods to facilitate restoration and rehabilitation of the building(s) to a former condition.

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.

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

Hotel/Motel - A facility offering transient lodging accommodations to the general public, which shall provide additional services, including restaurants, meeting rooms, recreational facilities, and may also provide other customary accessory services.

Household - All those persons, related or unrelated, who occupy a single housing unit.

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.

Impervious Surface - Any area of land consisting of or covered by material that prevents absorption of water into the ground.

Improved Land - Land to which basic utilities such as roads, sewers, water lines, and other public infrastructure facilities have been added and/or land upon which buildings or other structures have been erected.

Incompatibility of Land Use - Issues arising from the proximity or direct association of contradictory, incongruous or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation and similar environmental conditions.

Indoor Recreation: A building or structure which contains sports or recreation facilities, including but not limited to indoor swimming pools, ice arenas, curling rinks, courts for racquet sports, exercise centers, martial arts studios, gymnastics facilities, climbing walls, roller rinks, bowling alleys, miniature golf, batting cages, billiard halls and minor retail sales and services customarily associated with and accessory to such facilities.

Infill Development - Development of vacant or underutilized land (usually individual lots or leftover properties) within areas that are already largely developed.

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

Internal Accessory Dwelling Unit – an accessory dwelling unit that is used incidentally to a primary dwelling and is created:

- i) within a primary dwelling;
- (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
- (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

International Building Code (IBC)- The current edition of the International Building Code.

Institutional Uses - (1) Publicly or privately owned and operated activities like hospitals, convalescent hospitals, intermediate care facilities, nursing homes, museums, and schools and colleges; (2) churches and other religious organizations; and (3) other nonprofit welfare, educational, or philanthropic activities that cannot be considered residential, commercial, or industrial uses.

Intensity - The concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.

Junk Yard or Automobile Wrecking Yard - The use of premises for the open storage of old, wrecked, non-operable, dilapidated, automobiles, trucks, tractors, and other such vehicles and parts thereof; scrap building materials, scrap contractor's equipment, tank, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material.

Kennel - A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household pets not necessarily owned by the occupants of the premises.

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.

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 except those areas subject to the zoning authority of the incorporated municipalities within the county.

Land Use Authority – See “Administrative Land Use Authority”. **Landmark** - (1) A building, site, object, structure, or significant tree having historical, architectural, social, or cultural significance and marked for preservation by the local, state, or federal government. (2) A visually prominent or outstanding structure or natural feature that functions as a point of orientation or identification.

Landscaping - Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.

Leapfrog Development - New development separated from existing development by substantial vacant land.

Level of Service (LOS) - An indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service.

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.

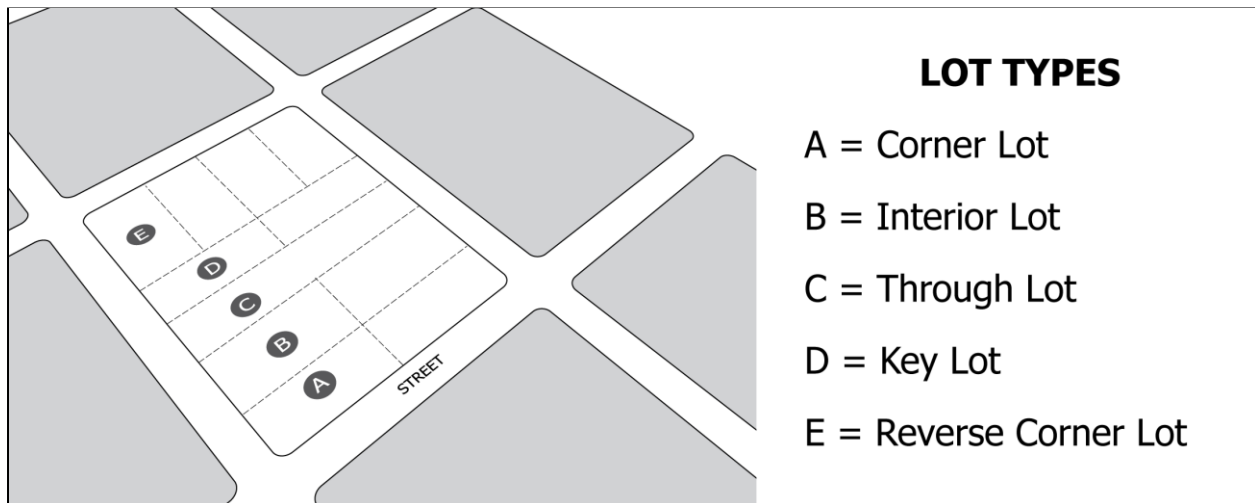
Light Cut Off - A luminaire with elements such as shields, reflectors or refractor panels which direct light and eliminate light spillover and glare.

Limited Residential Subdivision – A subdivisions of land that the applicant indicates on the application is intended to be occupied by two or more single-family, two-family/duplex, or sing-family row house dwellings and is located on land that is zoned to allow such use.

Livestock Raising - breeding, raising and caring for animals that are used for products. Livestock shall also include horses.

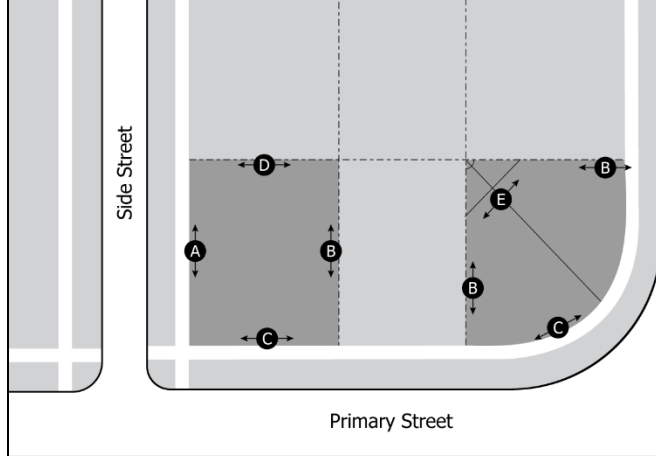
Lodge - A building containing no more than fifteen bedrooms for the temporary occupancy of guests, without cooking facilities in each unit. Accessory facilities may include any or all things customarily associated with lodges.

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



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

LOT LINES

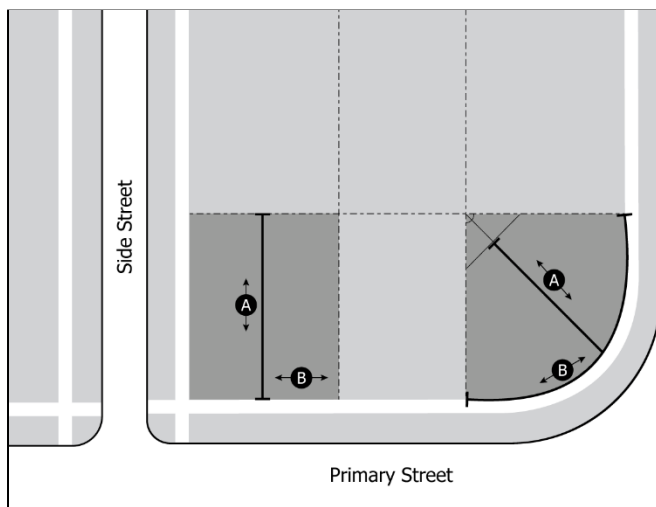


- A = Side Street Lot Line
- B = Common Side Lot Line
- C = Primary Street Lot Line
- D = Rear Lot Line
- E = Rear Lot Line (10' across)

Lot Line Adjustment - The adjustment of a lot line between two or more existing parcels where land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created.

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

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



LOT WIDTH + DEPTH

- A = Lot Depth
- B = Lot Width

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

Luminaire - A complete lighting unit, consisting of a light source and all necessary mechanical, electrical and decorative parts.

Manufactured Home - Residential structures that are constructed entirely in a factory. These are regulated under the federal Manufactured Home Construction and Safety Standards Act of 1974 by the U.S. Department of Housing and Urban Development and meet foundation standards of the IBC.

Map - The zone map of Sevier County, Utah.

Metes and Bounds - A system of describing or identifying land using measures (metes) and direction (bounds) from an identifiable point of reference like a monument or other marker, the corner of intersecting streets, or some other permanent fixture.

Mezzanine - A low-ceilinged story between two (2) main stories of a building. A mezzanine shall be counted as one (1) story if it covers more than one-third (1/3) of the area of the floor next below.

Mineral - A naturally occurring element or combination of elements; metallic, non metallic or mineral fuel that occur in the earth but shall not include soil. Without limitation due to enumeration, the minerals of interest include: 1) Metallic - Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon; 2) Nonmetallic - Stone, sand and gravel, clay talc,

asbestos, graphite and marble; 3) Mineral Fuel - petroleum, natural gas, coal, peat and nuclear fuel source materials.

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

Mining, Drilling, Digging, Quarrying, Etc. - All or part of the process involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases: 1) Exploration - Onsite, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling; 2) Prospecting - Examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means; 3) Operation - Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing topsoil, 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.

Small Subdivision - Contiguous property which is partitioned into four (4) or fewer lots usually qualifies as a minor land division.

Mitigation Measures - Measures that modify a project to reduce or eliminate a significant environmental impact.

Mixed Use - A group of different uses of land within a building for which applications for development permits are sought.

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.

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 converted school buses and vans.

Multifamily - The use of a structure designed for two (2) or more dwelling units which are attached, or the use of a lot for two (2) or more dwelling units excluding mobile homes.

Municipal Services - Services traditionally provided by local agencies, including water and sewer, roads, parks, schools, and police and fire protection.

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.

Net Acreage - The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights-of-way, public open space, and flood ways.

Non-commencement - The failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land.

Nonconforming Lot - A single lot, tract or parcel of land of record that was conforming at the time of its creation, but which fails to meet the requirements for area, width or depth under the current regulations of this Code.

Nonconforming Structure - A structure that was lawfully established before this Code was adopted or amended, that does not conform to the property development regulations of area, height, lot coverage,

yard setbacks, lot location, parking, or other dimensional requirements for the zoning district in which it is located.

Nonconforming Use - A use that was lawfully established before this Code was adopted or amended which does not conform to the use regulations of the zoning district in which it is located.

Notice (of Hearing) - A legal document announcing the opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency.

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.

Off-site Improvements - Improvements constructed outside of the boundaries of the project which are required as a part of a development approval.

Open Space - Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation and/or conservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.

Outbuilding - A detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.

Outdoor Recreational Vehicle Storage - A commercial development which provides fenced, secure, onsite storage of three or more recreational vehicles, boats and all-terrain vehicles. All vehicles shall be currently licensed and ready for highway use.

Overlay - A land use designation on the General Plan Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner.

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

Parcel of Land - A unit of land legally established property lines..

Parking Lot - An off-street, private or public area constructed at grade which is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all vehicle use areas..

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

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

Permitted Use - An authorized use within a zoning district.

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

Planned Unit Development (PUD) - A development in which the regulations of the zone in which the development is situated to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements. Detailed development standards are established during the process of considering proposals and adopted by ordinance upon project approval.

Planning Commission - The county planning commission of Sevier County, Utah. (PC)

Plat - A map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information.

Primary dwelling - means a single-family dwelling that is detached and is occupied as the primary residence on the property.

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.

Prime Farmland - Land that has the best combination of physical and chemical characteristics for the production of crops as determined by the U.S. Department of Agriculture.

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

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

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, law enforcement and fire-rescue facilities, administrative and service facilities, and public utilities.

Public Utility - An entity owning, operating, managing or controlling a system or proposing construction of a system that is providing or proposing to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone, telegraph or other communication service to the public for compensation.

Quasi-public Use - A use operated by a private nonprofit educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools and universities, and similar uses.

Reclamation - Increasing land use capability to be made suitable for development, by changing the land's character or environment through drainage, fill or revegetation.

Recreational Dwelling - Cabins and other permanent structures built for recreational use only and not to be used as a primary dwelling unit. Does not include travel trailers, trailer, recreational vehicles, mobile homes, unless permitted and connected to an approved septic system.

Recreational Vehicle - A vehicle such as a recreational trailer, camper trailer, truck campers, travel trailer, camp car or other vehicle with or without motive power, 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.

Recreational Vehicle Park - A land area under unified control designed and intended to accommodate 10 or more short-term, overnight parking of recreational vehicles and not for permanent residential use. RV parks are permitted in select zoning districts in Sevier County through a conditional use permit. Permitted RV parks in the County shall meet minimum criteria, including but not limited to: RV parks will provide facilities, including Restrooms, showers, and a state approved waste disposal system. Areas in the Agricultural zone must have 1 public hearing at the CC level.

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.

Recycle Center: Any facility which is maintained and operated for the purpose of receiving, collecting and processing source-separated recyclable materials for resale or transfer. For the purposes of this definition, "processing" shall mean the modification of materials by baling, crushing, grinding, chipping or other means to prepare the materials for markets.

Religious Activities - Any daily, weekly, or periodic activity associated with or that occurs at a religious institution.

Religious Institution - A premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.

Residential - Land designated in the city or county general plan and zoning ordinance for buildings

consisting primarily of dwelling units. May be improved, vacant, or unimproved land.

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.

Regional Camps and Resorts: A temporary establishment of living facilities such as tents, cabins or RV spaces in which someone lives or stays for a period of time not to exceed thirty consecutive days. The number of living facilities shall not exceed 10 total.

Rezoning - An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area. **Right-of-way** - A strip of land dedicated or deeded to the perpetual use of the public.

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

Salvage Yard - A solid 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.

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

Screening - Landscaping, berms, fences, walls or any combination thereof used to block or significantly obscure, in a continuous manner, the view from one area to another.

Setback - The required minimum horizontal distance between any structure and the related front, side, or rear property lot line or base building line.

Setback Encroachments - All buildings and structures must be located at or behind the required setbacks except as shown in the illustration below. No building or structure can extend into a required easement or public right-of-way.

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.

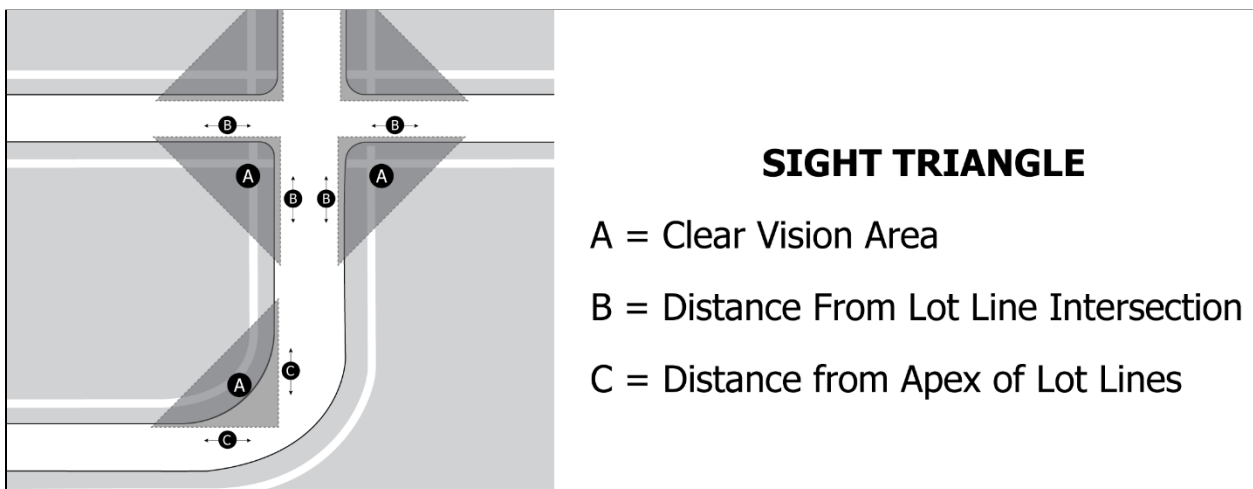
Shopping Center - A multi-entity commercial complex under single ownership or control which leases space to various commercial establishments.

Short Term Rental - A rental of a residential dwelling for periods of time not to exceed 31 consecutive days.

SHORT-TERM VACATION RENTALS (SHORT-TERM RENTAL): A residential unit, or any portion of a residential unit, that the owner of record or the lessee of the residential unit offers for occupancy for fewer than thirty (30) consecutive days.

Sight Distance - The extent of unobstructed vision in a horizontal and vertical plane.

Sight Distance Triangle - An area formed by the curb lines or edges of the roadway and a straight line from the driver's eye on one street to an object on the other street. (Distances for different roadway types are calculated by AASHTO standards).



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.

Site-related Improvements - Road construction or road improvements at or near the development site which are necessary to interface the development's external trips with the major road network system, or which are necessary to interface the development's internal trips with the major road network system where a portion of the major road network system is included within the development.

Single Family Dwelling: A free-standing residential building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Spillover Light - Light that is distributed into areas where the illumination is not needed or intended.

Square Footage - The gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential canopies and screened enclosures which functionally extend the primary use are included. Decorative canopies or canopies designed to protect from weather are not included.

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

Stormwater Detention - Any storm drainage technique that retards or detains runoff, like detention or retention basins, parking lot storage, rooftop storage, porous pavement, or dry wells.

Story, Building - That part of a building between the surface of the floor and the ceiling immediately above. The maximum height shall be fourteen (14) feet measured from the finished floor to the finished ceiling. Attics and raised basements shall not be included in calculations of a building story unless they are used for residential or parking purposes.

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.

Street Right-of-way - Publicly owned land that contains both the street and a strip of land on either side of the street with facilities such as sidewalks, sewers and storm drains.

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

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

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

Subdivision - The division of land, whether improved or unimproved, whether previously platted or not, into two (2) or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or

combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided..

Substandard Housing - Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Substantial Change in Land Use - Either (1) a change in land use or site design that increases the intensity of land use, (2) a change in land use or site design that creates or increases incompatibility of adjacent land uses, or (3) an increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.

Substantial Improvement - any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.

Swine Operation- Any swine operation with a concentrated number of 300 or more swine.

Temporary - A single period or an accumulation of periods not exceeding ninety (90) consecutive days in any 365-day period unless further restricted.

Townhouse - A dwelling unit located on an individual lot and attached by at least one (1) but no more than two (2) party wall(s) along fifty (50) percent of the maximum depth of the unit, to one (1) or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.

Trip - A one-way movement of vehicular travel from an origin (one (1) trip end) to a destination (the other trip end).

Trip Generation - The attraction or production of trips caused by a given type of land development.

Truck, Commercial - Any combination of vehicles defined as a "truck" by Utah State Statute.

Truck Route - A path of circulation required for all vehicles exceeding set weight or axle limits, a truck route follows major arterials through commercial or industrial areas and avoids sensitive areas.

Undevelopable - Specific areas where topographic, geologic, and/or soil conditions indicate a significant danger to future occupants and a liability to the city or county are designated as "undevelopable" by the county.

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

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

Use, Accessory - A permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.

Use, Nonconforming- (see Nonconforming Use)

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

Utility - A government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.

Utility Distribution Facilities: Any electrical distribution lines, natural gas distribution lines, minor gas regulator stations, cable television lines, telegraph and telephone lines, and gathering lines or other minor service facilities. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located, but no buildings are allowed, and the use is limited to the following sizes: (1) gas lines less than twelve inches, and (2) electric lines of less than one hundred fifteen thousand volts.

Utility Station Minor: Any company that owns or operates facilities within the County for the generation, transmission, or distribution of electric energy for sale, for the production, storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural or manufactured gas or geothermal resources for sale for heat, light or power, or for the furnishing of telephone service, sewerage facilities or water.

Valid - A development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.

Variance - Relief from certain provisions of a zoning ordinance granted to a property owner when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a development project more profitable.

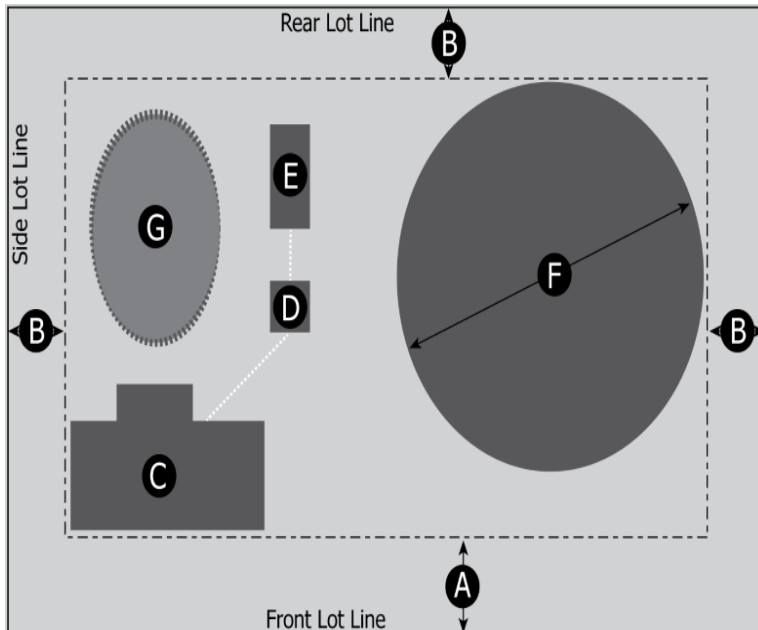
Vehicular Use Area - Either: (1) an area designed or used for off-street parking; or (2) an area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.

Vested Right - A right that has become absolute and fixed and cannot be denied by subsequent conditions or changes in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification.

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

Viewshed - The area within view from a defined observation point.

Water Source Protection Zone: Minimum distance required by Central Utah Public Health Department. (see figure below)



WATER + SEPTIC PROTECTION ZONES

A = 30' Easement

B = 10' Easement

C = Building Envelope

D = Septic Tank

E = Absorption Area (min 100' from well)

F = Well + 200' Diameter Protection Zone

G = Future Leach Replacement Area

Water Supply System or **Water Supply Facility** or **Water System** or **Water Facility** - Any or all works and auxiliaries for collection, treatment, storage and distribution of water from the source or sources of supply to the consumer or processing plants.

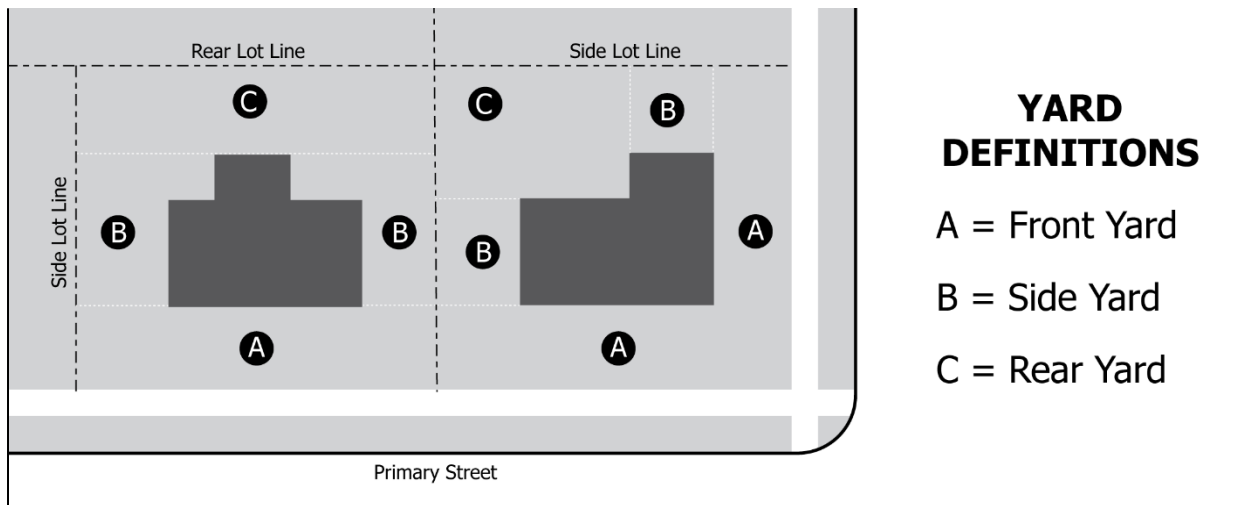
Warehouse: A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

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.

Work - All required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land.

Xeriscaping - Landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings.

Yard - The open space between a lot line and the buildable area within which no structure may be located, except as provided in the zoning ordinance.



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

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

Yard, Side - An open unoccupied space on the same lot with the building situated between the building and the sideline 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 sideline.

Zero Lot Line Home - The use of a lot for one (1) detached dwelling unit with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building.

Zoning Administrator - Designee of the Board of County Commissioners. (ZA)

Zoning Ordinance or Ordinance - the Zoning Ordinance of Sevier County, Utah.

Chapter 14.16 - PLANNING COMMISSION

Sections:

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

14.16.010 Created - Appointment - Terms.

Explains how a planning commission member is appointed, how many are appointed and the length of each term.

There is an appointed volunteer commission of seven members, to be known as the county planning commission. Each of the seven members of the commission shall be a resident of the county. The term of appointed members of the commission shall be five years. A planning commissioner may be reappointed to additional terms by the county council.

14.16.020 Vacancies - Removal.

Explains the process if a member of the Planning Commission is replaced.

If a vacancy occurs, the board of county commissioners shall fill vacancies in accordance with **Section 14.16.010**. For the removal of a member for nonperformance of duty or misconduct, a majority vote by the board of county commissioners shall be required. Vacancies of the Planning Commission for any other reason other than expiration of terms, shall be filled for the remainder of the member's unexpired term. Planning Commission members are expected to attend at least seventy-five (75) percent of the scheduled meeting in a given year or be subject to removal for nonperformance of duty.

14.16.030 Chairman--Rules.

Clarifies the rules primarily of the chairperson, how they are appointed and for how long as well as clarifying procedural rules for the Planning Commission as a whole.

1. The county planning commission shall elect from its members, a chairman, whose term shall be for one year. The planning commission member elected as the chairperson cannot hold the position for more than two consecutive years. The commission may create and fill such other offices as it deems necessary.
2. The chair of the planning commission shall be a voting member.
3. The commission shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times and in accordance with state statute.
4. The county planning commission is directed to make use of the expert advice and information which may be furnished by appropriate federal, state, county and municipal officials, departments and agencies.
5. No meeting of the Planning Commission shall be called to order, or any business be transacted

without a quorum consisting of at least four members of the Planning Commission being present.

6. Four members of the Commission shall constitute a quorum for the transaction of business. Any member 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.
7. All decisions and recommendations of the Planning Commission shall require a majority vote of a quorum.

14.16.040 Powers -- Duties.

Covers the powers and duties given to each member of the Planning Commission. It outlines their job description which is a recommending body to the County Council mainly dealing with land use applications.

The planning commission shall be an advisory body to the county commission pertaining to the Sevier County general plan and land management code unless designated as the land use authority. The planning commission shall have the following powers and duties:

1. Prepare and recommend a general plan and amendments to the general plan to the board of county commissioners as provided in this title;
2. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the board of county commissioners as provided in this title;
3. Administer provisions of this title;
4. Recommend subdivision regulations and amendments to those regulations to the board of county commissioners as provided in this title;
5. Recommend action for subdivision applications as provided in this title;
6. Advise the board of county commissioners on matters as the board of county commissioners directs;
7. Hear or decide any matters that the board of county commissioners designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
8. Exercise any other powers delegated to it by the board of county commissioners; and
9. Exercise any other powers that are necessary to enable it to perform its functions.

14.16.050 Office of Zoning Administrator.

Creates the position of the Zoning Administrator as filled by the County Commissioners. Their responsibility is outlined as responsibility over land use, application and enforcement are adhered to.

The office of the Zoning Administrator was created within Sevier County, Utah. The Board of County Commissioners shall fill the office of Zoning Administrator and shall appoint a Zoning Administrator. 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 the land management code. Add as administrative land use authority.

14.16.060 General Plan - Method of adopting.

Is a brief explanation of how the general plan is adopted or amended and the requirements of that process.

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

Amended by Sevier County Code 98-2-1

14.16.070 General Plan - Method of Amending.

Discusses the need to amend and every ten years revise the current general plan. It highlights the process taken by the county to do so.

3. The county planning commission may recommend amendment(s) to the plan and every ten (10) years consider a complete revision of the current general plan. The planning commission shall then hold a public hearing providing notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan. The amended plan will then be sent to the board of county commissioners who then shall provide notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan.
4. Following the public hearing the board of county commissioners may:
 - a. Adopt the proposed amendments to the general plan; or
 - b. Amend the proposed general plan and adopt or reject the general plan as amended; or c. Reject the proposed general plan.

14.16.080 General Plan - Effect on Public Uses.

Explains the effect the general plan has on land use and the overall development patterns for the county.

No street, park, or public right of way, ground, place, or space, publicly owned building or structure, public utility, whether publicly or privately owned, may be constructed unless it conforms with the general plan or it has been considered by the planning commission; and after receiving the advice of the



Sevier County Municipal Code

planning commission and approval by the board of county commissioners for an amendment(s) to the general plan.

14.16.090 Zoning Ordinance Preparation.

Gives the planning commission the responsibility to prepare and recommend zoning ordinances and maps to submit

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

Amended by Sevier County Code 98-9-3

Chapter 14.20 - BOARD OF ADJUSTMENT

Sections:

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

14.20.010 Created - Regulations - Meetings.

Is necessary to establish that there is a body organized to hear cases from people who feel like there has been a mistake in how their application was heard by the Land Use Authority. It explains how members of the board are appointed and when they have meetings.

1. There is a board of adjustment of three members, to be known as the county board of adjustment. Each of the three members of the board shall be a resident of the county. The members of the board of adjustment shall serve without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the board of adjustment for actual expenses incurred, upon presentation of proper receipts and vouchers. Terms for the members of such a board of adjustment, shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges.
2. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The board of county commissioners may appoint alternate members, and in the event that any regular member is temporarily unable to act owing to absence from the county, illness, interest in a case before the board or any other cause, their place may be taken during such temporary disability by an alternate member designated for the purpose.
3. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record.

14.20.020 Organization - Procedure.

Defines the way that the Board of Adjustment needs to conduct business.

The board of adjustment shall organize and elect a chairman. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public, and the board shall keep minutes of its proceedings showing the vote of each

member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be filed immediately in the office of the board and shall be a public record. In each appeal, the board shall qualify itself as an authority to act upon the matter and shall cite in the record the particular section or subsection of the zoning resolution from which such authority is derived. The board shall not act upon matters not specifically delegated to it.

14.20.030 Appeals - Powers of board.

Defines the power and authority of the Board of Appeals.

1. Appeals to the board of adjustment may be taken within ten (10) days of a decision by the Land Use Authority by:
 - a. An applicant or any other person or entity adversely affected by a decision, administering or interpreting the zoning ordinance may appeal that decision applying to the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.
 - 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 the zoning resolution.
2. Upon appeals the board of adjustment shall have the following powers established by the [Utah State Code 17-27a-707](#):

14.20.040 Variances.

Goes over the process of applying and the process of going through a variance hearing.

1. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.
 2. The board of adjustment may grant a variance only if the application complies with the criteria outlined in State Statute as found in Utah State Code [Title 17-27a-707](#):
 3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 14.20.050 (B), the board of adjustment may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought;
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
 4. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 14.20.050 (B), the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
 5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 6. Variances run with the land, not with the land owner.
 7. The board of adjustment and any other body may not grant variances for different uses.
 8. Act in a quasi-judicial manner;
-

14.20.050 Notice of Hearing.

Defines how the Appeals Board will tell the public about when and how it does its work.

The board of adjustment shall have a set apart monthly meeting when necessary for the hearing of the appeal and shall give public notice to the adjoining property owners by mail at least fourteen (14) days prior to the date of hearing.

14.20.060 Decision.

Describes what the Board of Adjustment does with its decisions.

The concurring vote of the majority of members of the board shall be the decision of the Board of Adjustments regarding any provision that comes before them.

14.20.070 Appeal.

If an applicant doesn't agree with the decision of the appeal process, they can file a complaint with a court because they have exhausted their administrative due process.

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

Chapter 14.24 - ZONING DISTRICTS ESTABLISHED

Sections:

14.24.010-Zoning Established

14.24.020- Zones Designated

14.24.030- Zoning Purposes

14.24.040-Table of Uses

14.24.050- Table of Standards of Development

14.24.060- Map

14.24.065- Annexations

14.24.070-Regulations

14.24.080-Boundaries of Zones

14.24.090 Purpose of the PUD Planned Unit Development Zone.

14.24.100 General requirements.

14.24.110 PUD review process.

14.24.120 Commercial and industrial PUD requirements

14.24.130 Criteria for PUD approval.

14.24.010- Zoning Established.

Explains where the county gets the authority to establish zones within the county, their purpose and the requirement to follow their standards.

In accordance with the requirements of the Utah Code [17-27a-505](#) that zoning within counties by districts, Sevier County, is divided into specific zones which govern the use, intensity, area and other requirements for the use of land as required by this chapter. The map accompanying this Title and incorporated by reference, the Sevier County zoning district map, identifies the location and distribution of each zone within Sevier 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.

14.24.020-Zones Designated

Identifies the zones used by Sevier County for land use purposes.

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

- A-Agricultural Zone
 - RA-Residential-Agricultural Zone
 - GRF-20S-Grazing, Recreation, and Forestry Seasonal Zone
 - GRF-20R-Grazing, Recreation, and Forestry Residential Zone
 - PUD-Planned Unit Development Overlay Zone
 - C-Commercial Zone
 - I-Industrial Zone
-

14.24.030 - Zoning Purposes

Identifies the purpose of each of the zones within the county and what their intended uses are to be.

This will be on a case by case scenario. For uses allowed in each zone see section 14.40.110 Table of Uses. Consistent with the goals and policies of the Sevier County general plan, the zoning districts are formulated to provide and achieve the following purposes:

LAND USE	PURPOSE
<p>RA- Residential-Agricultural zone</p>	<p>The primary use of land is for dwelling purpose, by ensuring the orderly and timely conversion of certain open land areas within the county into residential districts as the need for such land occurs. Any permitted improvements will be required to request annexation from the nearest municipality. If the application is denied by the nearest municipality and not allowed to connect to sewer and water from the municipality standards outlined in figure 1 in 14.24.040 must be met.</p>
<p>A- agricultural zone</p>	<p>The primary use of land is for agricultural and livestock-raising purposes. Agricultural lands should be left fundamentally intact, remain in agricultural production and continue to provide the open space which is vital to the human environment. This zone is characterized by primarily agriculture uses as well as non-agriculture residential uses.</p>
<p>GRF-20S grazing, recreation, and forestry seasonal zone</p>	<p>The primary use of the land for grazing, recreational, forestry and wildlife purposes. This zone covers the open portion of the county which is occupied largely by grazing land, mountains, and canyons. The intent of this zone is for seasonal use of the property knowing that the County cannot provide governmental services out of season.</p>
<p>GRF-20R grazing, recreation, and forestry residential zone</p>	<p>The primary use of the land for grazing, recreational, forestry and wildlife purposes. In general, this zone covers the open portion of the county which is occupied largely by grazing land,</p>

	mountains, and canyons.
C-Commercial zone	Encourage commercial and retail development. It is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Sevier County.
I-Industrial zone	Land which is suited for industrial development where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties.
PUD-Planned Unit Development zone	This zone is to provide for uses not found in other zoning districts within the County consistent with the Sevier County General Plan.

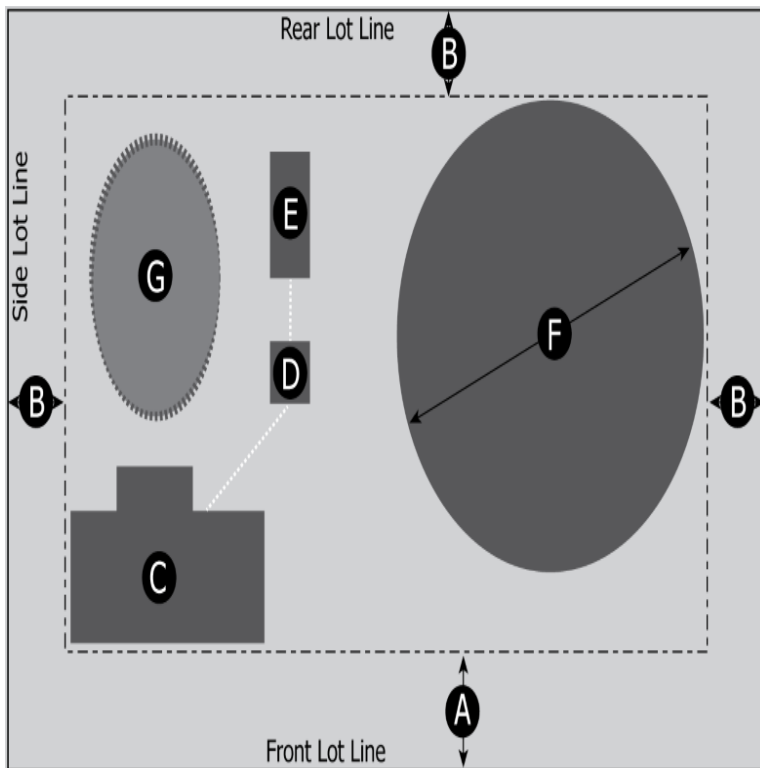
14.24.040 Table of Development Standards

Gives the standards needed to be met in order to develop residential units in each of the zones.

		Zoning Districts				
	A	GRF-20S	GRF-20R	RA	C	I
Density Minimum	(See Figure 1)	1 unit per 20 acres	1 unit per 20 acres	1 unit per ½ Acre (see 14.24.30 point #5 below)	N/A	N/A
Frontage	85'	85'	85'	85'	35'	85'
Front Setback	30'	60'	60'	30'	15'	30'
Side Setback	10'	60'	60'	5'	25'	30'
Rear Setback	10'	60'	60'	5'	25'	30'

Sevier County Municipal Code

Maximum Height	35' or 2 stories	35' or 2 stories	35' or 2 stories	35' or 2 stories	35' or 2 stories	35' or 2 stories
Animal Units (See Definition Chapter)	No Restrictions If in a subdivision: 4 per acre.	No Restrictions	No Restrictions	4 per acre	N/A	N/A
Private Access Two-Way One-Way	25' Width 18' Width	25' Width 18' Width	25' Width 18' Width	25' Width 18' Width	N/A	N/A
Height of Solid Fences or other solid structures within front setback	3' Max height	3' Max height	3' Max height	3' Max height	6' Max height	6' Max height



WATER + SEPTIC PROTECTION ZONES

- A = 30' Easement
- B = 10' Easement
- C = Building Envelope
- D = Septic Tank
- E = Absorption Area (min 100' from well)
- F = Well + 200' Diameter Protection Zone
- G = Future Leach Replacement Area

Figure 1: Requirements for water and septic protection zones within each zone.

1. Water and Septic protection zone requirements (see figure 1) must be met in order to develop a buildable lot in the A-Zone.
2. Central Utah Public Health must be consulted to ensure minimum protection zone standards are met before Sevier County can approve any development.
3. All protection zones shall be within the required setbacks for each zone.
4. Minimum lot sizes in all zones may need to be larger depending on water and sewer requirements, this will be on a case by case scenario.
5. Any permitted improvements in the Residential Agricultural zone will be required to request annexation from the nearest municipality. If the application is denied by the nearest municipality and not allowed to connect to sewer and water from the municipality, standards outlined in *figure 1* in this section must be met.

14.24.050- Map

Establishes the official zoning map to be used for Sevier County.

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

14.24.060- Regulations

Outlines the need to meet the zoning standards in order to develop on their property.

Within each of the zones, the use, location, height and size of buildings and structures, 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. No space needed to meet the width, yard, area, coverage, or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

14.24.065- Annexations

Outlines the need to meet the zoning standards in order to develop on their property.

Annexation Policy: The county policy is to encourage and/or require development near existing municipalities, promoting annexation into areas with available utility services. Sevier County supports annexation to existing cities and towns and advises

incorporation for communities located away from such areas. Plans for annexation should align with established policy, and applicants must adhere to Utah State Code chapter 10-2-403 for annexation requirements and procedures.

Procedure for Annexation: Upon receiving an annexation petition, the applicant shall be directed to the nearest municipality if within 600 feet. The petitioner must have the municipality complete the County’s “Municipal Annexation / Service Request Form” for further development. The municipality reviews the form within sixty days, with an optional thirty-day extension if needed, after which the petitioner can proceed with the county.

Required Coordination: In addition to standard subdivision application information, lands contiguous to a municipality must notify the legislative body of the adjacent municipality(ies). If the municipality indicates willingness to consider annexation, the applicant must present an annexation petition, and the County cannot consider subdivision approval until six months after notification to allow for annexation petition filing. "Contiguous" is defined as having a common property boundary of equal to or greater than fifty feet, properties separated by a right-of-way shall be construed to be contiguous.

14.24.070- Boundaries of zones

Clarifies what happens if there is a dispute or uncertainty related to the boundaries of different zones.

1. Where uncertainty exists with respect to the boundaries of zones the following rules shall apply:
 - a. 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. 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.
 - b. In the absence of any street, land survey, natural stream or watercourse forming the boundaries of any zone, the scale of measurement shown on the map shall be used to determine the zone boundary line.
2. Where uncertainty exists, the board of County Commissioners shall interpret the map.
3. The Residential Agricultural zone will maintain a 600’ foot wide zone around the boundaries of cities and towns. When an annexation occurs within the 600’ foot buffer into a city or town the Residential Agricultural zone will be adjusted to reflect a constant 600’ foot buffer.

14.24.080 Purpose of the PUD Planned Unit Development Zone.

Outlines what a PUD zone is used for within the county.

The Planned Unit Development zone is available for one or more land use developments. This zone is to provide for uses of land within the County consistent with the Sevier County General Plan. A PUD zone should rarely be used except when identified as a needed use within the County and not found within a previously established zone.

14.24.090 General Requirements.

Provides the minimum requirements needed for a PUD zone, including lot size, PUD review process, and approval process.

All development opting for the PUD zone shall be of the minimum acreage required by the existing zone, the entire property does not need to be included in the proposed PUD zone and required to go through the PUD review process outlined in Section 14.24.110. All land uses are conditional upon approval in the PUD review process. Approval or denial of the zone change and the permit for the development shall run concurrently. The zone change is conditional upon approval of the development by grant of a planned unit development permit.

14.24.100 PUD Review Process.

Directs applicants and the county through the process needed for approval It outlines the needed documentation, public hearings and meeting requirements.

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

1. Concept Review.
 - a. Ten (10) copies of all documents required for concept review and proof of fees paid shall be submitted to the Zoning Administrator and obtain approval from the departments deemed necessary by the Zoning Administrator. Documents required for this review shall be:
 - i. Signed documentation of the closest municipality showing the municipalities' rejection of an annexation request or a waiver of such a requirement by the Board of County Commissioners.
 - ii. Sketch plan of the proposed development showing the entire area to be developed and the entire area to be left in open space.
 - iii. Geographic locational references such as but not limited to:
section corners, surveyor markers, etc.
 - iv. Name and address of subdivider, designer, engineer, and surveyor.
 - v. Statement of existing underlying zoning.
 - vi. 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.
 - vii. The plan shall show general lot, street, park, and open space layouts.
 - viii. Location and source of required utilities including but not limited to:
power, water, and wastewater disposal as required by Section 14.52.020.
 - ix. A thorough statement documenting and identifying the specific policies and policy recommendations in the General Plan (Sevier County General Plan) that the

proposed plan encompasses and to what degree the proposed plan will accomplish those specific policies and policy recommendations.

x. Any other criteria the Development Review Committee deems necessary to

fulfill the objectives of the General Plan and this title.

xi. Approval shall be based on criteria outlined in Section 14.24.120.

xii. If denied concept review approval, the applicant must reapply within 6 months of the date of denial without additional fees or PUD application fee must be repaid.

2. Preliminary Review.

a. Once the concept plan is reviewed, the applicant shall then submit ten (10) copies of the preliminary review documents to the Zoning Administrator at least twenty-one (21) days prior to placement on the agenda of the next scheduled county planning commission. A public hearing shall then be scheduled and noticed at the time and place of such hearing, and shall be posted at least three (3) public places, published online, 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:

b. Engineered drawings including scaled dimensions of lot(s), street(s), park(s), storm water drainage, required utility easement(s), and open space layouts.

c. Approved location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by Section 14.52.020.

d. Designation of major drainage ways and flood prone areas including but not limited to 100 year floodplain mapping.

e. Statement of maintenance proposals for common facilities.

f. Statement of approved access on all designated right of ways.

g. Time schedule for development.

h. Location and type of use designated for all areas in the PUD.

i. Proposed plan for ownership and maintenance of open areas.

j. A certified letter of notification sent by the applicant to all adjoining property owners stating what is proposed.

k. 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.

l. Any additional information required as a result of planning commission concept review.

m. Approval shall be based on criteria outlined in Section 14.24.120 and compliance with requested changes in the concept review.

n. 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.

o. If denied preliminary approval the applicant shall have sixty (60) days from the 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 by the development review committee.

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-one (21) days prior to the next planning commission meeting.

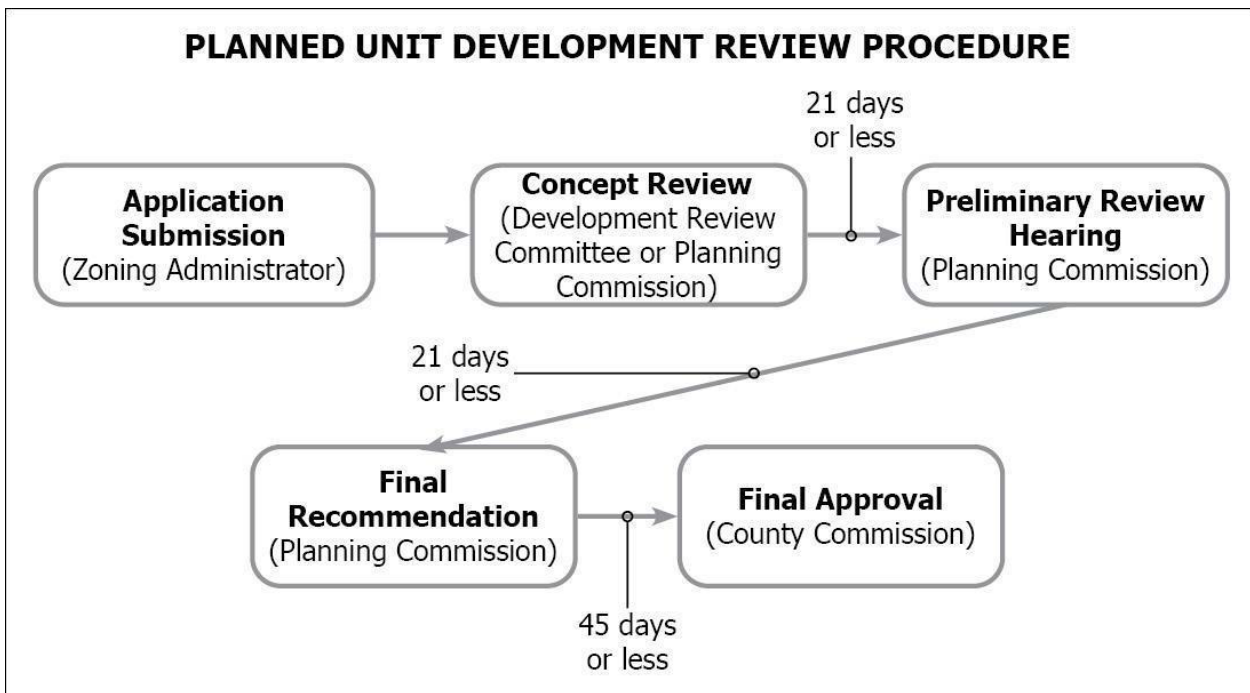
b. If the county planning commission recommends final approval, all documents shall be forwarded to the Board of County Commissioners for consideration.

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 as soon as practicable. If half of the road and utility improvements have not been made at the expiration of two years after final approval of the Board of County Commissioners. The Board of County Commissioners may vacate the PUD development plan. Decisions of the Board of County Commissioners are final.



14.24.110 Criteria for PUD Approval.

Describes the requirements that must be identified during the application process for a PUD zone.

Meeting the standards for roads, signs building design, financial impacts, and other requirements as mandatory from the planning commission or county council.

1. All required documents submitted properly.

2. Appropriate design of all buildings, land uses, street lighting, and outdoor equipment in conjunction with surrounding areas and the underlying zone.
3. Proposed signs in the development pursuant to Sevier County Sign Code (Section 12.04).
 4. All Streets shall conform to standards set in the Sevier County Subdivision Ordinance (Section 13) and Sevier County Code.
5. All on-street and off-street parking shall conform with the parking standards required for each land use as found in 14.52.040.
6. Fiscal impact identifying costs of development versus revenue generated for all county services including but not limited to:
 - 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.
7. Exceptions from density standards/percent built area/open space of the underlying districts are wanted 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
10. No on-site improvements may be made prior to final approval.
 11. 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 contained within the PUD. Such an 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.
12. Demand for and type of uses at the site.
13. Effect upon, and from, surrounding land use.

Amended by Ordinance 2001-12-1

Chapter 14.28 - NONCONFORMING USES

Sections:

- 14.28.010 Nonconforming uses.**
- 14.28.020 Repairs.**
- 14.28.030 Discontinuance.**
- 14.28.040 Reclassification.**
- 14.28.050 Nonconforming lots of record.**

14.28.010 Nonconforming Uses.

Explains what a nonconforming use is and how they function within the county.

In view of the fact that new and additional buildings, structures and uses of land must conform to the provisions of this title, no nonconforming use of buildings, structures or land shall be extended or enlarged, except by special permit by the board of adjustment as set forth in **Section 14.20.040** of this title. The nonconforming use of buildings, structures and land may be continued to the same extent and character as that which existed on the effective date of the resolution codified in this title.

14.28.020 Repairs.

Explains that repairs can be made to nonconforming uses.

Repairs may also be made to a nonconforming building or a building housing a nonconforming use.

14.28.030 Discontinuance.

States that once a nonconforming land or use is changed to a conforming use or abandoned for a year it no longer qualifies as a nonconforming use.

If a nonconforming use of land or use of a building is changed to a conforming use or is abandoned for a period of one year, any further use of said building or land or construction, alteration or repairs to building shall be in conformity with the provisions of this title.

14.28.040 Reclassification.

Defines what qualifies as a nonconforming use.

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

14.28.050 Nonconforming Lots of Record.

Describes standards that require a lot to meet the dimension standards of the zone in which it is associated with.

In any zone any lot of records at the effective date in this title or amendment of this title, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Any yard dimensions and requirements except those mentioned previously must conform to the regulations for the zone in which the lot is located. Variance of area, width and yard requirements shall be obtained only through action of the board of adjustment as found in section 14.20.

Chapter 14.32 - TEMPORARY USES

Sections:

14.32.010 Purpose.

14.32.020 Application.

14.32.030 Considerations.

14.32.040 Conditions.

14.32.050 Resubmittals – Appeals.

14.32.060 Termination.

14.32.070 Expiration – Extensions.

14.32.010 Purpose.

Is meant to provide direction on temporary uses within the county.

The purpose of this is to provide standards and a permitting process for temporary uses not lasting 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.

14.32.020 Application.

Goes over what is included in the application for a temporary use.

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
 3. Location of the use in relation to other buildings, and the location of streets to be used for access.
 4. Sufficient information to determine that adequate provisions for trash disposal and sanitary facilities shall be provided.
 5. Additional information may be required in order to ensure surrounding land uses are not negatively impacted by the temporary use.
-

14.32.030 Considerations.

Outlines what is to be considered by the appropriate County department before approving or denying an application.

The applicant shall demonstrate that the considerations listed below have been addressed. If an application is denied, the denial shall specify which of these

considerations, if any, were not addressed to the satisfaction of the Zoning Administrator and Building Inspection Department.:

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
 - i. limited to the effects of noise, lighting and glare, odor, and traffic.
 2. Refuse and service areas: Location of refuse and service areas.
 3. Utilities: Location and availability of utilities, if any are deemed necessary.
 4. Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.
 5. Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relation to other properties.
 6. Signage
7. Any other review factors which the Zoning Administrator considers to be appropriate to the property in question.

14.32.040 Conditions.

Gives the zoning administrator authority to apply additional conditions if necessary to mitigate potential negative impacts of a temporary use.

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

14.32.050 Resubmittals-Appeals.

Explains how a denied application can be resubmitted after substantial changes in the circumstances or application has been made. An appeal can be made to the county commissioners.

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

14.32.060 Termination.

Lays out how an application is terminated due to expiration or other reasons.

-
1. A use permit shall become null and void in the following cases:
 - a. The use for which the permit was approved is terminated.
 - b. The time granted for the use in the approved permit has expired.
 - c. The Building Inspections Department or other county agent as assigned finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.
 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.

14.32.070 Expiration - Extensions.

Clarifies when a temporary permit expires.

Temporary use permits shall expire one year from the date of approval or when the use for which the permit was issued has terminated, whichever is sooner, unless otherwise stated in the conditions of the permit. At the end of such time the permittee must reapply for a new temporary use permit.

Chapter 14.40 - CONDITIONAL USES

Sections:

14.40.010 Purpose.

14.40.020 Required permit.

14.40.030 Application – Required documents.

14.40.040 Application Review process.

14.40.050 Approval criteria.

14.40.060 Modification – Revocation.

14.40.065 Violation – Penalties.

14.40.070 Building permit.

14.40.080 Appeal.

14.40.090 Expiration – Extensions.

14.40.100 Recording of Conditional Use Permits

14.40.010 Purpose.

Explains the approval process and designates who approves certain land uses.

Uses designated in the land use matrix found in 14.40.110 are conditional uses that require special consideration by the land use authority designated. The purpose of this chapter is to allow the applicable level of land use authority to evaluate the appropriateness of the use on a case by case situation. The conditional use permit process allows the Zoning Administrator ZA, the Planning Commission PC, or County Commission CC, to approve, conditionally approve, or deny requests for a conditional use permit. All permits shall begin at Zoning Administrator, and progress to the level listed in the land use matrix found in 14.24.040 before the permit is issued.

14.40.020 Required Permit.

Outlines the requirement to obtain a conditional use permit and pay the necessary fees.

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

14.40.030 Application - Required documents.

Explains the required documents needed to submit along with the conditional use permit approval process.

1. The conditional use permit application, shall include as applicable:
 - a. location,
 - b. proof of land ownership,
 - c. a site plan,

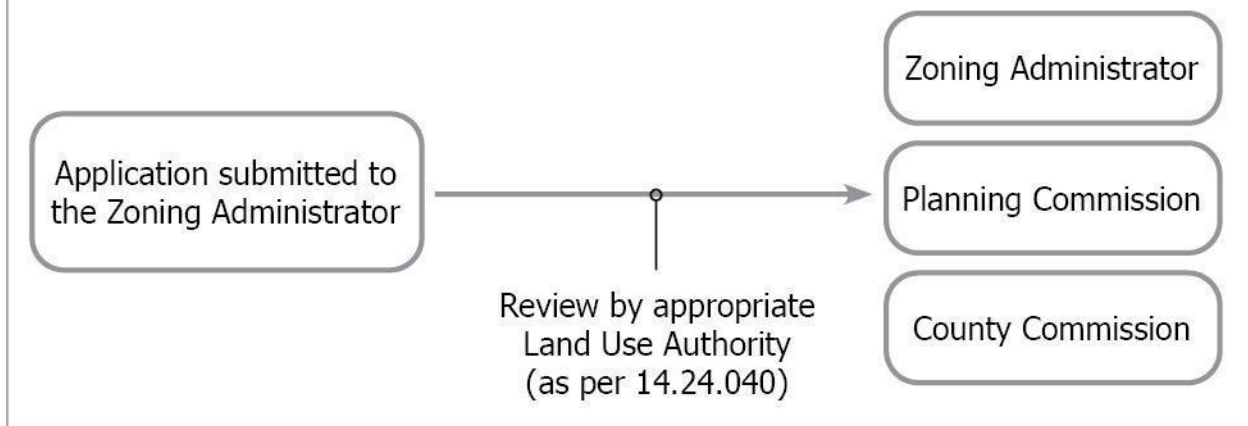
- d. a vicinity plan,
 - e. and a written narrative including but not limited to:
 - i. Type of use proposed;
 - ii. Days and times of operation;
 - iii. Square footage of the building(s) proposed;
 - iv. Square footage used by the conditional use;
 - v. Expected hardship on surrounding uses;
 - vi. Number of users or employees;
 - vii. 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 also pay the appropriate fee outlined in the fee schedule before the County may review the application.

14.40.040 Application - Review Process.

Clarifies the review process at the different levels and the steps needed for completion.

1. Submit 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 general plan, ordinances, resolutions, and policies.
 3. If the application complies then the zoning administrator may approve the conditional use permit or when required forward all documents to the planning commission for their review based on the criteria outlined in Section 14.40.050. The planning commission may then:
 - a. Approve,
 - b. Approve with conditions,
 - c. Denial of an application shall only be considered if there are no conditions that can be imposed to mitigate the reasonably anticipated detrimental effects, or
 - d. When applicable, forward the application with recommendations to the County Commission for review.

CONDITIONAL USE APPLICATION REVIEW PROCEDURE



14.40.050 Standards of Review

Provides the standards that the applicant will be based on conditions.

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

1. The safety of

people and

property

a. Size

and

location of

the use

i. Prevent or minimize flood water damage where necessary

ii. Relocation, covering, or fencing of irrigation ditches, and drainage channels.

iii. Location, dimensions of truck loading and unloading facilities.

iv. Hazardous conditions to the public health or safety.

2. Traffic considerations including;

i. Capacity of existing streets

ii. location and off street parking

iii. internal traffic circulation

3. Health and Sanitation

a. Emergency vehicle access

b. screening of trash pick-up or waste storage areas.

4. Environmental Concerns

- a. Utility capacity
- b. Usable and permanent open space considerations
- c. Signage and lighting
- d. Noise, vibration, pollution, odors, stream, or other factors that might affect people and property offsite.
- e. Potential discharge into the air, ground water, surface and subsurface water, or soil.

5. The General Plan and Permitted Zoning Conditions

- a. Fencing, screening, and landscaping to separate from adjoining uses.
 - b. Design, architectural detail, building mass, bulk, orientation, to conform to the surrounding area.
 - c. Removal of structures, debris, or plant materials incompatible with characteristics of the underlying zone.
6. Issuance of a conditional use permit for an electricity generating plant, whose primary fuel source is coal, shall require approval of a majority of registered voters within the county voting at a regularly scheduled election.

14.40.050 Modification - Revocation.

Explains the requirements for a public hearing if the land use authority decides one is necessary for the conditional use permit process.

The land use authority may hold a public meeting regarding modification or revocation of the conditional use permit. the conditional use permit may be modified or revoked if any of the conditions set forth apply:

1. The use is determined to no longer comply with the criteria set in Section 14.40.040 or other provisions in this title;
2. The permit was obtained by an inaccurate representation or in a fraudulent manner;
3. Any of the conditions set in the permit are not being complied with;
4. The conditional use has ceased or is no longer necessary;
5. The conditional use permit was issued after application for an initiative petition had been filed with the county clerk and before the vote required.

14.40.060 Violation - Penalties.

Outlines the penalty for not complying with conditions or continuing the operation after the permit has been revoked.

Any person or entity that continues the use after the permit has been revoked shall comply with 14.60 Enforcement.

14.40.070 Building Permit.

States the applicant is responsible after the approval of the permit to take it to the building inspector for further approval.

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

14.40.080 Appeal.

Explains the process if the applicant wishes to appeal the decision made regarding the conditional use permit.

The decision of the land use authority may be appealed to the Board of Adjustments by filing such appeal with the County Clerk within fifteen (15) days after the date of the decision. The Board of Adjustments may uphold or reverse the decision of the land use authority.

14.40.090 Expiration - Extensions.

Gives the land use authority permission to set an expiration date or the date of renewal for a conditional use permit.

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

14.40.100 Recording of Conditional Use Permits.

Explains the process of recording the permit with the recorder if it is of a permanent nature.

If the conditional use is of a permanent nature, the permit shall be recorded with the property deed in the office of the Sevier County Recorder, and all associated fees

shall be paid by the applicant.

14.40.110-Table Of Uses

Lists the uses allowed in each zone and what level of approval is needed in each of the separate zones.

Uses designated in the land use matrix, as Zoning Administrator (ZA), Planning Commission (PC), and County Commissioners (CC) are conditional uses that require special consideration by the land use authority. The purpose of this chapter is to allow the most appropriate level of land use authority to evaluate the reasonable conditions to mitigate potential negative effects of the proposed use on a case by case situation. The conditional use permit process allows the Zoning Administrator (ZA), the Planning Commission (PC), or County Commission, (CC) to approve, conditionally approve, or deny requests for a conditional use permit. All permits shall begin with the Zoning Administrator (ZA), and progress to the level listed below before the permit is issued. If a use is Permitted (P) within a certain zone no approval is

needed from the County to carry out that use excluding potential building inspection or health department approvals etc. Uses which are not specifically permitted within a zone are prohibited (N).

Table of Uses							
Uses	Zone Districts						
	RA	A	GRF-20S	GRF-20R	C	I	IA
Accessory Dwelling & Structures	ZA	ZA	ZA	ZA	ZA	ZAWhere are these codes defined?	ZA
Adult Oriented Businesses	N	N	N	N	N	CC	N
Agriculture Processing	N	ZA	N	ZA	N	P	ZA
Ag packaging & warehouse	N	P	ZA	ZA	N	P	ZA
Airports/Airstrips/Heliport	CC	CC	CC	P	N	P	ZA
Animal Hospitals	N	PC	PC	CC	P	PC	PC
Athletic Club	N	N	N	N	P	PC	N
Auction Yards	N	N	N	PC	CC	P	N
Auto/Motorcycle/BMX/Race Tracks.	N	N	PC	N	PC	P	PC
Auto Salvage/Wrecking Yards and Allied Operations	N	N	N	N	PC	ZA	N
Auto/Truck Repair,Sales, and Services	N	N	N	N	P	P	N
Auto/Truck Repair and Services (Home Based)	N	PC	N	PC	P	P	N
Barns & Other Ag related structures	P	P	P	P	P	P	P

Bed & Breakfast	PC	PC	PC	PC	N	N	PC
Billboards	N	PC	N	CC	P	P	N
Bowling Alley	N	N	N	N	PC	PC	N
Broadcast Studios	N	ZA	P	P	P	P	P
Car Wash	N	N	N	N	P	P	N
Carpenter and Cabinet shop	N	PC	PC	PC	PC	P	PC
Cemeteries	N	N	PC	PC	N	PC	PC
Crematoriums	N	N	N	N	CC	CC	N
Churches	P	P	P	P	P	P	P
Clinics, medical or dental	N	N	N	N	P	P	N
Coal Yards	N	PC	PC	PC	P	P	PC
Commercial Feedlot (Not including mink or swine operations)	N	PC	PC	PC	N	PC	PC
Construction Equipment Yard	N	ZA	ZA	ZA	P	P	ZA
Corrals	N	P	P	P	P	P	P
Dairies	N	PC	PC	PC	N	PC	PC
Commercial Dog Kennels	N	ZA	ZA	ZA	P	P	ZA
Day Care Center (Non-Commercial)	P	P	N	P	N	N	N
Domestic livestock (within AU limits)	P	P	P	P	P	P	P
Department Store	N	N	CC	CC	P	P	CC
Drilling Oil/Shaft Mining	N	ZA	ZA	ZA	PC	PC	ZA
Drug Store	N	N	N	N	P	P	N
Dry Cleaners	N	N	N	N	P	P	N
Educational Institution	CC	CC	CC	CC	CC	N	CC

Fabrication/Welding	ZA	ZA	ZA	ZA	P	P	ZA
Farm Labor Dwellings	ZA	ZA	ZA	ZA	ZA	ZA	ZA
Farming & Ranching	P	P	P	P	P	P	P
Forest Production Dev.	N	P	P	P	P	P	P
Forest Industries	N	P	P	P	P	P	P
Fruit & Vegetable Stands	ZA	P	P	P	P	P	P
Funeral Homes & Chapels	PC	PC	N	PC	CC	N	N
Golf Courses/Country Clubs/Riding Clubs	P	P	P	P	P	P	P
Gravel Pits, Rock Crushers, Clay Pits & Rock Quarries Asphalt mixing/batching Plants/Borrow pits	N	N	N	N	N	P	ZA
Asphalt mixing/batching Plants (Temporary)	N	PC	PC	PC	N	P	PC
Greenhouse & Nursery	ZA	ZA	P	P	PC	P	P
Grocery Store	N	N	N	N	P	CC	N
Hardware store	N	N	N	N	P	P	N
Home Occupations	P	P	P	P	PC	PC	P
Hospitals	PC	PC	N	N	P	N	N
Hotel/Motel	N	N	N	N	P	PC	N
Indoor Recreation	N	N	N	N	P	P	N
Manufactured homes detached which satisfy the Department standards which are placed upon a permanent foundation of reinforced concrete in accordance with IBC International Building Code standards	P	P	P	P	P	P	P

Mining/Mineral Extraction	N	CC	CC	CC	CC	CC	CC
Mink/Swine Operations, 300 or more animals	N	N	N	N	N	N	CC
Mixed Uses	N	N	N	N	P	CC	N
Outdoor Recreational Vehicle Storage (less than 15)	N	PC	N	PC	P	P	N
Outdoor Recreational Vehicle Storage (more than 15)	N	N	N	N	P	P	N
Post Office	N	N	N	N	P	P	N
Professional Office	N	N	N	N	P	P	N
Radio/Television/Cellular Towers	ZA	ZA	ZA	ZA	ZA	ZA	ZA
Railroad/Terminal	N	CC	CC	CC	CC	CC	CC
Raising & Keeping of Limited Animals (those not defined in AU's)	P	P	P	P	P	P	P
Recreational Vehicle Park	N	CC	CC	CC	CC	CC	CC
Recycle Centers	N	N	N	N	PC	P	N
Regionals Camps/Resorts	N	PC	PC	PC	PC	PC	PC
Restaurants	N	N	N	N	P	PC	N
Schools	P	P	N	P	P	N	N
Short Term Rental	ZA	ZA	ZA	ZA	ZA	ZA	ZA
Solar Power Plant	N	N	N	N	N	CC	N
Outdoor Shooting Ranges/Archery	N	PC	PC	PC	N	N	PC
Single Family Dwelling	P	P	P	P	P	P	P
Storage Units	N	N	N	N	PC	P	N
Slaughterhouses	N	PC	PC	PC	PC	P	PC

Sporting Good Stores	N	N	N	N	P	PC	N
Theater	N	N	N	N	P	PC	N
Trucking Operation, Parking, Storage or Maintenance	N	ZA	ZA	ZA	P	P	ZA
Trucking Operation, parking, storage, owner/operator, limit to 1 truck	P	P	P	P	P	P	P
Truck wash	N	N	N	N	P	P	N
Utility Distribution Facilities (Major) water, Sewer, Electric	N	CC	CC	CC	CC	CC	CC
Utility Station (Minor)	P	P	P	P	P	P	P
Warehouse	N	N	N	N	PC	P	N

Amended by Sevier County Code Ordinance No.99-10-1

Chapter 14.44 - RECREATIONAL DWELLINGS

Sections:

14.44.010 Purpose.

14.44.020 Recreational Vehicles.

14.44.030 Permanent recreational dwellings.

14.44.040 Violations.

14.44.010 Purpose.

Explains the zones this chapter applies and allows for recreational dwellings with standards.

The purpose of this chapter is to allow for recreational use of recreational property in the GRF-20S Grazing, Recreation, and Forestry Zones. Recreational property shall be for recreational camping, travel, or seasonal use only and not for use as primary dwellings.

14.44.020 Recreational Vehicles.

Gives the standards recreational vehicles must meet to be permitted in certain zones.

Recreational vehicles as defined in Chapter 4 are permitted in the GRF-20S Grazing, Recreation, and Forestry Zone under the following conditions:

1. No more than two (2) recreational vehicles may be permanently placed on a parcel of land.
2. Temporary recreational vehicles and must be currently licensed and ready for highway use. If stored on the property, they must be winterized (holding tanks emptied into the stated approved system).
3. The recreational vehicles(s) that are to be left permanently on the property must be connected to a state approved septic system and be protected from damage due to the weather. These vehicles will be taxed as real property if left on property year round.
4. All recreational vehicles must have:
 - a. Self contained sewage disposal and temporary water systems; or
 - b. Be connected to water and sewage disposal systems as required by Subsection 14.52.020 (B) and (C);
5. Recreational dwellings or recreational vehicles which have fallen into disrepair, collapsed or are otherwise uninhabitable shall be removed from the property within sixty days of notice by county officials. Failure to remove recreational dwellings or vehicles deemed a nuisance after notice shall be a violation of this code

and prosecutable as a Class B Misdemeanor;

6. Trash, refuse, and waste generated must be contained and disposed off property at all times.

14.44.030 Permanent Recreational Dwellings.

Sets out standards needed for recreational dwellings that are considered permanent.

Permanent recreational dwellings defined as “Cabins not and other permanent structures built for recreational use only and **not** to be used as a primary dwelling unit. Does not include travel trailers, trailer, recreational vehicles, mobile homes, unless permitted and connected to an approved septic system” are permitted in the GRF-20S Grazing, Recreation, and Forestry Zones under the following conditions:

1. All permanent recreational dwelling units must comply with all zoning requirements of this title as well as comply with the following:
 - a. The permanent recreational dwelling must have:
 - i. Temporary water or be connected to water; and
 - ii. Sewage disposal system as required by Subsection 14.52.020 (B) and (C);
 - b. Trash, refuse, waste generated must be contained and disposed of properly at all times.
2. Habitation of the permanent recreational dwelling shall **not** exceed nine (9) consecutive months in any calendar year;

14.44.040 Violations.

Explains what happens when this is violated.

Any violations of this chapter and the conditions set by this chapter are subject to Chapter 14.60 of this title.

Chapter 14.46 – Agricultural Protection Area

Sections:

14.46.010 Definitions

14.46.020 Proposal for creation of Agricultural Protection Area

14.46.030 Area Requirements

14.46.040 Notice and public hearing requirements for Planning Commission, Advisory Board and County Commission

14.46.050 Review of Proposal

14.46.060 Public Hearing

14.46.070 Evaluation Criteria

14.46.080 Adding land to an Agricultural Protection Area

14.46.090 Removing land from an Agricultural Protection Area

14.46.100 Review of Agricultural Protection Areas

14.46.110 Protection of land in Agricultural Protection Area

14.46.010 Definitions

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

- 1) "Advisory Board" means the Sevier County Agriculture Protection Area Advisory Board.
- 2) "Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.
 - a) "Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.
- 3) "Agriculture protection area" means a geographic area within the unincorporated part of Sevier County created under the authority of Utah Code Chapter 41, Title 17, and of this Chapter, that is granted the specific legal protection contained in Utah Code Chapter 41, Title 17.
- 4) "Applicable legislative body" means:
 - a) the Sevier County legislative body if the land included in or proposed to be included in an agriculture protection area is within the unincorporated part of Sevier County; or
 - b) the legislative body of the city or town if the land included in or proposed to be included in an agriculture protection area is within the boundaries of a city or town.
- 5) "Contiguous" means touching along a common side or so close in proximity as to be separated only by the width of a road, canal, railroad track, easement, or similar right-of-way.
- 6) "Crops, livestock, and livestock products" includes:
 - a) Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 - b) Forages and sod crops;
 - c) Grains and feed crops;
 - d) Livestock as defined in Utah Code 59-2-102(19)(d);

- e) Trees and fruits; or
- f) Vegetables, nursery, floral and ornamental stock; or
- g) 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.
- 7) "Planning Commission" means the Sevier County Planning Commission, a Township Planning Commission, or a planning commission of a city or town.
- 8) "Political subdivision" means a county, city, town, school district, local district, or special service district.
- 9) "Proposal sponsors" means the owners of land in agricultural production who are sponsoring the proposal for creating an agriculture protection area.
- 10) "Regulation" means a law, ordinance, or regulation.
- 11) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- 12) "Unincorporated" means not within a city or town.
- 13) "Zoning Designation" means local laws, ordinances or regulations that govern how real property can and cannot be used in a certain zoning designation.
- 14) "Zoning Designation" means the designation of zoning for land, as indicated on the zoning map.

14.46.020 Proposal for creation of Agricultural Protection Area

- 1) A proposal to create an agriculture protection area or an amendment to an existing agriculture protection area within the unincorporated part of the County may be filed by completing the standard forms created by the County Planning and Zoning Department and by filing said forms in the office of the County Planning and Zoning Department. The written petition shall:
 - (a) Contain a legal description, including acreage, of the land proposed to be considered as an agriculture protection area.
 - (b) The names of the owners of record of the land proposed to be included within the agriculture protection area;
 - (c) for each parcel of land, or any portion thereof:
 - (i) the tax parcel number or account number identifying each parcel; and
 - (ii) the number of acres of each parcel.
 - (d) Addressed, stamped envelopes for each owner of land within 1,000 feet of the land proposed to be included in an agriculture protection area;
 - (e) Contain a notarized declaration signed by the property owner(s);
 - (f) Contain a description of the agricultural pursuits on the property;
 - (g) Contain any proposed limits on the types of agriculture production to be allowed within the agriculture protection area;
 - (h) Contain a site plan showing structures, uses and acreages of agricultural production on the property;
 - (i) Contain any other information reasonably requested by the Sevier County zoning administrator.
- 2) To be accepted for processing by the County Planning and Zoning Department, a

proposal under subsection (a)(1.) shall be signed by a majority number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed agriculture protection area.

- (a) For the purpose of subsection (b), the owners of real property shall be determined by the records of the County Recorder.
- 3) The Sevier County Planning and Zoning Department shall accept and process such forms only if they are properly completed and accompanied by the filing fee. The filing fee is set forth in the adopted Sevier County Fee Schedule.
- 4) An agriculture protection area may include within its boundaries land used for a roadway, dwelling site, park, or other nonagricultural use, if that land constitutes less than ten percent (10%) of the total acreage within the agriculture protection area.
- 5) Any property or parcel proposed to be included in an Agriculture Protection Area must be in the A zone.
- 6) Parcels that include property that is not eligible under this subsection may still be eligible for inclusion in an agriculture protection area, though the agriculture protection area will not include those parts that are not eligible.

14.46.030 Area Requirements

- 1) In accordance with Utah Code 17-41-301 the minimum number of contiguous acres that must be included in an agriculture protection area within the unincorporated part of the County is hereby established as five (5) acres. Creation of an agriculture protection area shall not impair the ability of land within the area to obtain the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act. The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act, shall be determined exclusively by the provisions of that act, notwithstanding the land's location within an agriculture protection area.

14.46.040 Notice and public hearing requirements for Planning Commission, Advisory Board and County Commission

- 1) The Sevier County Planning and Zoning Department shall provide notice of the proposal for an agriculture protection area within the unincorporated part of the County by:
 - a) Posting notice on the Utah Public Notice Website created in Utah Code 63A-16-601;
 - b) Mailing written notice to each owner of land within 1,000 feet of the land; proposed for inclusion within an agriculture protection area; and
 - c) Posting notice at three public places within or near the proposed agriculture protection area. The County legislative body hereby authorizes the Sevier County Planning and Zoning Department to designate the location of these three public places within or near the proposed agriculture protection area.
- 2) The notice shall contain:
 - a) a statement that a proposal for the creation of an agriculture protection area has been filed with the County;

- b) a statement that the proposal will be open to public inspection in the office of the County Planning and Zoning Department;
 - c) a statement that any person or entity affected by establishment of the area may, within 15 days of the date on the notice, file with the County Planning and Zoning Department written objections to the proposal or a written request to modify the proposal to exclude land from or add land to the proposed agriculture protection area;
 - d) a statement that the County will submit the proposal to the Planning Commission and Advisory Board for review and recommendations and the proposed dates; and
 - e) a statement that the County legislative body will hold a public hearing on a
 - f) specified date to discuss and hear public comment on:
 - i) the proposal to create the agriculture protection area;
 - ii) the recommendations of the Advisory Board and Planning Commission; and
 - iii) any requests for modification of the proposal and any objections to the proposal.
- 3) Any person wishing to modify the proposal for the creation of the agriculture protection area shall, within 15 days after the date of the notice, file a written request for modification of the proposal, which identifies specifically the land that should be added to or removed from the agriculture protection area.
 - 4) A person wishing to object to the proposal for the creation of the agriculture protection area shall, within 15 days after the date of the notice, file a written objection to the creation of the agriculture protection area with the Sevier County Planning and Zoning Department.

14.46.050 Review of Proposal

- 1) After 15 days from the date of the notice, the Sevier County Planning and Zoning Department shall refer the proposal and any objections and proposed modifications to the proposal to the Planning Commission and Advisory Board for their review, comments, and recommendations.
- 2) Within 45 days after receipt of the proposal, the Planning Commission shall submit a report of action to the County legislative body that:
 - a) analyzes and evaluates the effect of the creation of the proposed area on the county's planning policies and objectives.
 - b) analyzes and evaluates the proposal by applying the criteria contained in section 14.46.08;
 - c) recommends any modifications to the land to be included in the proposed agricultural protection area;
 - d) analyzes and evaluates any objections to the proposal; and
 - e) includes a recommendation to the County legislative body either to accept, accept and modify, or reject the proposal.
- 3) Within 45 days after receipt of the proposal, the Advisory Board shall submit a report of action to the County legislative body that:
 - a) analyzes and evaluates the effect of the creation of the proposed area on the county's planning policies and objectives;
 - b) recommends any modifications to the land to be included in the proposed

- agriculture protection area;
 - c) analyzes and evaluates the proposal by applying the criteria contained in section 14.46.08;
 - d) analyzes and evaluates any objections to the proposal; and
 - e) includes a recommendation to the County legislative body either to accept, accept and modify, or reject the proposal.
- 4) The County legislative body shall consider a failure of the Planning Commission or Advisory Board to submit a written report within the 45 days under subsections (b) and (c) as a recommendation of that body to approve the proposal as submitted.

14.46.060 Public Hearing

- 1) After receipt of the written reports from the Advisory Board and Planning Commission, or after the 45 days has expired, whichever is earlier, the County clerk, in coordination with the Sevier County Planning and Zoning Department, shall:
 - a) schedule a public hearing;
 - b) provide notice of the public hearing by:
 - i) posting notice on the Utah Public Notice Website created in Utah Code 63A-16-601; and
 - ii) posting mailing written notice to each owner of land within 1,000 feet of the land proposed for inclusion within an agriculture protection area, industrial protection area, or critical infrastructure materials protection area; and
 - iii) posting notice at three public places within or near the proposed agriculture protection area; and
 - c) ensure that the notice includes:
 - i) the time, date, and place of the public hearing on the proposal;
 - ii) a description of the proposed agriculture protection area;
 - iii) any proposed modifications to the proposed agriculture protection area;
 - iv) a summary of the recommendations of the Advisory Board and Planning Commission;
 - v) and a statement that interested persons may appear at the public hearing and speak in favor of or against the proposal, any proposed modifications to the proposal, or the recommendations of the Advisory Board and Planning Commission.
 - d) Nothing herein shall preclude the ability of the Planning and Zoning Department to include all public hearings being placed on the same notice for convenience in advertising.
- 2) The County legislative body shall:
 - a) convene the public hearing at the time, date, and place specified in the notice; and
 - b) take verbal or written testimony from interested persons.
- 3) Within 120 days of the submission of the proposal, the County legislative body shall approve, modify and approve, or reject the proposal. Failure to approve the proposal within 120 days shall be deemed a denial by the county legislative body, unless the county legislative body continues the proposal to a date certain.
- 4) The creation of an agriculture protection area is effective at the County legislative body's approval of a proposal or modified proposal.

- 5) In order to give constructive notice of the existence of the agriculture protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area, within ten days of the creation of an agriculture protection area, the County Planning and Zoning Department shall file an executed document containing a legal description of the agriculture protection area with:
 - a) the County Recorder; and
 - b) the Planning Commission.
- 6) Within ten days of the recording of the agriculture protection area, the County legislative body shall:
 - a) send written notification to the Commissioner of Agriculture and Food that the agriculture protection area has been created, and include in said notification the following:
 - i) the number of landowners owning land within the agriculture protection area;
 - ii) the total acreage of the area;
 - iii) the date of approval of the area; and
 - iv) the date of recording.
- 7) Failure by the County to record the notice required under subsection (e) does not invalidate the creation of an agriculture protection area.
- 8) Land in an agriculture protection area shall be designated on the county zoning map.
- 9) The County legislative body may consider the cost of recording notice under subsection (e) and the cost of sending notification under subsection (f) in establishing a fee.

14.46.070 Evaluation Criteria

- 1) In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, the Advisory Board, Planning Commission, and County legislative body shall apply the following criteria:
 - a) whether or not the land is currently being used for agriculture production;
 - b) whether or not the land is zoned for agriculture use;
 - c) what the General Plan land use recommendation is for the land;
 - d) compatibility of uses of neighboring properties for agricultural production;
 - e) whether or not the land is viable for agricultural production;
 - f) the extent and nature of existing or proposed farm improvements;
 - g) anticipated trends in agricultural and technological conditions; and
 - h) Any other criteria to be considered under this Chapter, or related to the criteria of this Chapter.

14.46.080 Adding land to an Agricultural Protection Area

- 1) Any owner may add land to an existing agriculture protection area within the unincorporated part of the County by:
 - a) filing a proposal with the County Planning and Zoning Department; and
 - b) obtaining the approval of the County legislative body for the addition of the land to the area.

- 2) The County legislative body and other applicable persons shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.

14.46.090 Removing land from an Agricultural Protection Area

- 1) Any owner may remove land from an agriculture protection area within the unincorporated part of the County by filing a petition for removal of the land from the agriculture protection area with the County Planning and Zoning Department. The written petition shall be on a form provided by the Sevier County Planning and Zoning Department, which shall:
 - a) Contain a legal description of the land proposed to be removed from the agriculture protection area;
 - b) Contain a notarized declaration signed by the property owner(s);
 - c) Contain any other information reasonably requested by the Planning and Zoning Department.
- 2) The County legislative body hereby designates the Sevier County Planning and Zoning Department as the department who processes applications to remove land from an existing Agriculture Protection Area. The Planning and Zoning Department shall:
 - a) grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the minimum number of acres for the establishment of an Agricultural Protection Area; and
 - b) in order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised boundaries of the agriculture protection area with the County Recorder and the Planning Commission.
- 3) The remaining land in the agriculture protection area is still an agriculture protection area.
- 4) When a municipality annexes any land that is part of an agriculture protection area, the County legislative body shall, within 30 days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area according to the procedures and requirements of section 14.46.11. The Planning and Zoning Department, in coordination with the county clerk, shall facilitate the County legislative body conducting their review by noticing any required public meetings, and preparing necessary staff reports to evaluate the feasibility.
 - a) If appropriate, the County Planning and Zoning Department shall remove the annexed land from the agriculture protection area.
 - b) Appeals of actions of the Planning and Zoning Department applying this subsection shall be made to the Board of Adjustment.

14.46.100 Review of Agricultural Protection Areas

- 1) For the purposes of this section, the term "calendar year" means the period from

- January I to December 31 inclusive.
- 2) The County legislative body shall perform an initial review of any agriculture protection area created under the authority of this Chapter in the 20th calendar year after it is created to determine whether the agriculture protection area should be continued, modified, or terminated.
 - 3) If the County Planning and Zoning Department receives five (5) written complaints from different aggrieved persons within three (3) calendar years immediately preceding the 20th calendar year after an agriculture protection area or any portion thereof is created or reauthorized, or alternatively the County legislative body determines that after the initial review that the agriculture protection area should be modified or terminated, or within 30 days of land in an agriculture protection area being annexed, then the County Planning and Zoning Department shall, for that agriculture protection area:
 - a) request the Planning Commission and Advisory Board to submit recommendations about whether the agriculture protection area should be continued, modified, or terminated;
 - b) schedule the County legislative body to, at least 120 days before the end of the 20th calendar year, or within 120 days of the applicable annexation, hold a public hearing to discuss whether the agriculture protection area should be continued, modified, or terminated;
 - c) give notice of the hearing using the same procedure required by section 14.46.04; and
 - d) after the public hearing, the County legislative body shall continue, modify, or terminate the agriculture protection area.
 - e) If the County legislative body modifies or terminates the agriculture protection area, the Sevier County Planning and Zoning Department shall file an executed document containing the legal description of the agriculture protection area with the County Recorder.
 - 4) If the County legislative body determines after that initial review that the agricultural protection area should be continued or otherwise fails to affirmatively continue, modify, or terminate the agriculture protection area in the 20th calendar year, within 120 days of an applicable annexation, then the agriculture protection area is considered to be reauthorized for another 20 years. The time required for action is continued provided the county legislative body continues the matter to a date certain, and the legislative body takes action on the matter in the subsequent meeting.

14.46.110 Protection of land in Agricultural Protection Area

- 1) Land in an agriculture protection area shall be protected as provided in Utah Code 17-41 Part 4 (2022).
- 2) Local regulations of general applicability, enacted after land is added to an agricultural protection area, shall apply to land in an agriculture protection area, and shall be presumed to bear a direct relationship to public health or safety, and to not unreasonably restrict farm structures or farm practices. If a property owner seeks to be exempt from local regulations of general applicability, the property owner shall bear the burden of proving beyond a reasonable doubt that the regulation does not bear a

- direct relationship to public health or safety, and that it unreasonably restricts farm structures or farm practices, using the statement outlined in subsection (e) below.
- 3) Local regulations, including zoning regulations, that only effect the A zone or land in agriculture protection areas, which are enacted after land is added to an agricultural protection area, are presumed to be applicable to land in agriculture protection areas. If a property owner seeks to be exempt from such local land use regulations, including zoning regulations, the property owner shall bear the burden of proving by a preponderance of the evidence that they are exempt from the regulation under Utah Code 17-41 Part 4 (2022), using the statement outlined in subsection (e) below.
 - 4) Land within an agriculture protection area that is changed from A-1 to another zoning designation shall be presumed to remain subject to the zoning designation in effect when the land was added to an agriculture protection area. The property owner shall follow the statement outlined in subsection (e) below to let the land use authority know of the exemption, and then the land use authority shall bear the burden of proving by the preponderance of the evidence that the land is subject to the new zoning designation at issue. If the A zone is dissolved or called by another name, the land shall be considered part of the zoning designation which is functionally the closest to the A zone, and the property owner may seek exemption from individual local regulations, including zoning regulations, using the procedure outlined in section 14.46.12.
 - 5) If a property owner desires to have a local law, ordinance, or regulation, including a zoning regulation, or zoning designation, not apply to land in the agricultural protection area because its applicability is limited by Utah Code 17-41 Part 4 (2022), the property owner shall submit a statement with any applicable land use application indicating:
 - a) What regulation is not applicable to the land.
 - b) When the regulation was enacted.
 - c) What alternative regulation is applicable, if any.
 - d) When the land was added to an agriculture protection area, and a statement that the land is still in an agriculture protection area.
 - e) How the enactment or application of the land use regulation to the land is prohibited by Utah Code 17-41 Part 4 (2022).
 - f) Any other information reasonably requested by the Planning and Zoning Department or the legislative body.
 - 6) The applicability of the local land use regulations, laws, ordinances, or regulations shall be determined by the land use authority as part of the approval or denial of the associated land use application. Any appeals shall be made using the processes for an appeal of the associated land use decision. Determinations shall be made on an individual land use application basis, and determinations shall not be applicable to other land use applications.
 - 7) Any complaints of violations of the land use and development code for property in an agriculture protection area may be required by the Planning and Zoning Department to demonstrate that the alleged violation would not be afforded protection due to the property's status in an agriculture protection area in order to be considered for an enforcement action. Nevertheless, the Planning and Zoning Department retains sole discretion on whether or not to bring an enforcement action by the Planning and

Zoning Department.

Chapter 14.48 - WILDLAND FIRE PROTECTION REQUIREMENTS

Sections:

14.48.010 Objective

14.48.020 Fuel modification

14.48.030 Required Defensible Space

14.48.040 Spark Arresters

14.48.050 Liquefied Petroleum Gas Installations

14.48.060 Storage of Firewood and Combustible Materials

14.48.010 Objective

Describes the objective of this chapter is to provide minimum safety regulations applied to certain zones.

Provisions are intended to establish minimum regulations consistent with nationally recognized good practice in areas adjacent to structures to create a defensible space for the safeguarding of life and property associated with wildland-urban fire interface in GRF-5, GRF-20R, and GRF-20S zones .

14.48.020 Fuel Modification

Outlines the requirements of a building or structure needing for distances from burnable fuel.

Fuel modification shall be provided within a distance from buildings or structures as specified in 14.48.030. Distances specified in 14.48.030 shall be measured along the grade from the perimeter or projection of the building or structure as shown in Figure 14.48.030.

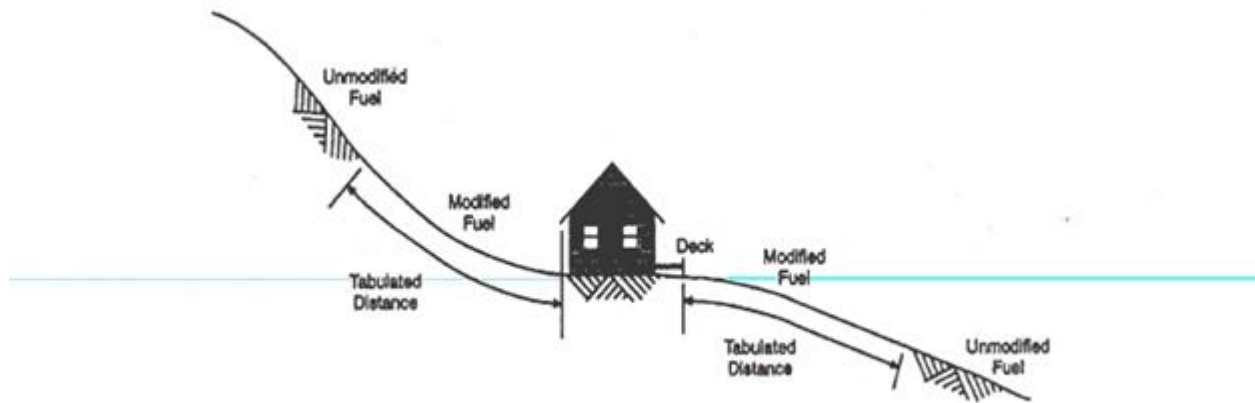
Trees and/or small clumps of trees /brush are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees/brush and structures, overhead electrical facilities or unmodified fuel greater than 10 feet. Deadwood and litter shall be regularly removed from trees.

Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

14.48.030 Required Defensible Space

States the defensible space for a structure.

The required defensible space is at least 30 feet from the structure. **Measurements of Fuel Modification Distance**



Measurements of Fuel Modification Distance

14.48.040 Spark Arresters

Requires spark arrestors to be installed in the appropriate locations on a building or structure.

Chimneys serving fireplaces, barbeques, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrestor. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gage wire having openings not exceeding ½ inch.

14.48.050 Liquefied Petroleum Gas Installations

Explains where certain gases will be stored in compliance with the international fire code.

The storage of LP-gas and the installation and maintenance of pertinent equipment shall be located in accordance with the International Fire Code.

Amended by Sevier County Code Ordinance No.06-3-1

14.48.060 Storage of Firewood and Combustible Material

Spells out where combustible material needs to be located in relation to buildings and structures.

Firewood and combustible material shall be located a minimum of 30 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

Amended by Sevier County Ordinance No.2007-3-1

Amended by Sevier County Code Ordinance No. 99-2-1

Chapter 14.52 - SUPPLEMENTARY PROVISIONS

Sections:

- 14.52.010 Effect of chapter.
- 14.52.020 Required Utilities.
- 14.52.030 Water in Sufficient Quantity.
- 14.52.040 Parking.
- 14.52.050 Commercial truck parking.
- 14.52.060 Mobile Homes.
- 14.52.070 Manufactured Homes.
- 14.52.080 Accessory Dwelling Units.
- 14.52.090 Farm Labor Dwellings.
- 14.52.100 All excavations.

14.52.010 Effect of Chapter

This part explains this chapter.

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

14.52.020 Required Utilities.

States the utilities that are required in certain zones.

The following are required in zones A, RA, GRF-20R, C and I and are **not** required in the GRF-20S zone:

1. Power
 - a. All development for human habitation requires a commercial or alternative source of power.
2. Water
 - a. All development for human habitation requires documentation certifying available culinary water.
 - b. 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 300 feet measured from the property line of existing public culinary water lines shall be required to request for hookup. If approval is granted from any conservation district, special service district, or municipal culinary water systems within 300 feet, all development of lines and all appropriate fees determined by the culinary water system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

3. Wastewater

- a. All development for human habitation requires an approval from the board of health before any permit shall be issued.

- b. Shall obtain approval from the Central Utah Public Health Department represented by a letter.

- c. All development within 300 feet measured from the property line of existing public wastewater lines shall be required to request for hookup. If approval is granted from any wastewater systems within 300 feet, all development of lines and all appropriate fees determined by the wastewater system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

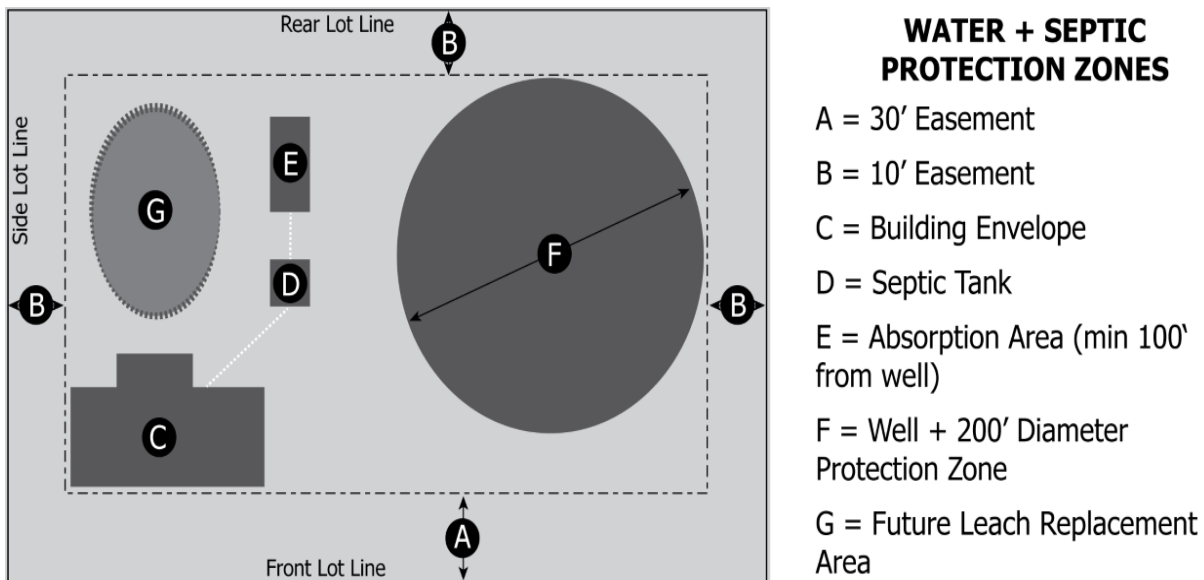


Figure 1: Requirements for water and septic protection zones within each zone.

4. Water and Septic protection zone requirements (see figure 1) must be met in order to develop a buildable lot in the A-Zone.
5. Central Utah Public Health must be consulted to ensure minimum protection zone standards are met.
6. All protection zones shall be within the required setbacks for each zone.

14.52.030 Water in Sufficient Quantity.

Requires dwelling units to have access to culinary water.

Required for each dwelling unit is water in sufficient quantity according to the following requirements; 1. If connected to a public or private water company that provides culinary water, a letter from the water company stating it will provide the necessary culinary water connection for the dwelling unit is required to obtain a building permit.

2. If culinary water is to be provided from a well, one acre foot (.0037cfs) of water is required for each dwelling unit. This water right must be in the name of the building permit applicant and assigned by the State Division of Water Rights to the building lot.

Amended by Sevier County Code Ordinance No. 09-5-1

14.52.040 Parking.

Lays out the need for parking for certain structures.

1. Off-street parking where required shall meet the following criteria:
 - a. A garage, carport or parking area for the off-street parking of at least two cars per dwelling unit.
 - b. Location of off-street parking spaces for all uses shall not be located within the required perimeter setback.
 - c. Screening and landscaping off-street parking areas for 5 or more vehicles and off-street loading areas shall be effectively screened, and shall not be closer than seven (7) feet from a traveled right of way.
 - d. All off-street parking shall be graded and drained so as not to negatively affect surrounding uses.
 - e. Surfacing of parking areas shall be as required for the adjacent street.

USE	PARKING STANDARDS
Churches and Auditoriums	One Space per three seats
Schools	<ul style="list-style-type: none"> • Schools serving ages 15 and below require two spaces per classroom • Schools serving ages 16 and above require ten spaces per classroom. • Auditoriums require one space per three seats.
Hospitals, nursing homes, sanitariums or convalescent homes	One space per every two beds, plus five additional spaces for each 25 beds or fraction thereof over a minimum of 25 beds.
Hotels, Motels, Boarding and rooming houses	One space per unit.
Restaurants	One space per 100 square feet of building.
Offices	One space per 200 square feet of building
Retail sales	One space per 200 square feet of building.
Warehouses and Wholesale	One space per 200 square feet of building office space plus one space per 1,000 square feet of additional gross floor area.
Recreational and Amusement uses	One space for every five (5) people up to the maximum number of people to be accommodated by the facility.
Manufacturing, assembly, packing, preparation, research facilities or similar uses	One space for every 350 feet of gross floor area.
All other land uses	Probable estimates of need determined by the Board of County Commissioners or by their designated representative.

14.52.050 Commercial Truck Parking.

Is intended to set standards for commercial trucking.

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

14.52.060 Mobile Homes.

Gives the requirements for mobile homes.

1. Mobile homes and recreational vehicles intended for long term residence must be

located in

approved mobile home parks or Recreational Vehicle Parks.

2. Temporary location of mobile homes and recreational vehicles will be permitted outside mobile home parks or recreational vehicle parks following the property owner obtaining a temporary use permit as required by Chapter 14.32.
3. Mobile Homes that are built prior to June 15, 1976, a label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home. Mobile homes that do not meet these requirements are not allowed.

Amended by Sevier County Ordinance 97-5-1

14.52.070 Manufactured Homes.

Discusses the standards for manufactured homes.

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

14.52.080 Accessory and Internal Dwelling Units or Structures.

Highlights Accessory Dwelling Units and the standards that must be met to qualify for having one on a property.

Accessory Dwelling Units and Internal Accessory Dwelling Units shall be allowed as a conditional use following procedures outlined in Chapter 14.40 and under the following additional conditions:

1. Only one accessory dwelling unit is allowed per lot or parcel and limited to a single family occupancy at a time;
2. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory, unless the existing structure

is to become an accessory dwelling to a new primary dwelling, and it meets the remaining requirements;

3. All required setbacks are maintained;
4. The accessory dwelling unit shall be within 75 feet of the primary dwelling;
5. Site plan for the accessory unit must be submitted with the application;
 6. The primary or accessory unit must be owner occupied, no roomers or boarders shall be permitted in either the primary unit or the accessory unit without having first obtained a business license from Sevier County and not more than three unrelated persons shall live in the dwelling unit at a time.
7. The accessory dwelling unit may not exceed 1,000 square feet and shall be similar architectural style as the primary dwelling unit;
8. Access to accessory dwelling unit is restricted to the existing driveway;
9. Permitted source of water and permitted wastewater disposal following requirements of Section 14.52.020; If a septic system and/or water are required, the applicant cannot claim the agriculture exemption.
10. Sale of the accessory unit separate from the primary dwelling is prohibited;
11. Accessory dwelling units are required to have separate electrical and gas utility meters as well as addresses compared to the main dwelling on the property.
12. RV campers as defined in section 4.76 are not considered an accessory dwelling unit.
13. If a conditional use permit is approved, it shall be recorded as required in Section 14.40.095.
14. A building permit issued by Sevier County is required for any Accessory Dwelling Units and
The property shall be neatly maintained and shall meet all current codes regarding property maintenance and public health standards.

14.52.090 Farm Labor Dwellings.

Outlines what needs to be met in order for a farm labor dwelling unit to be constructed on a property.

1. All farm labor dwellings shall be allowed if able to meet the following standards:
 - a. 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:
 - b. 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.
 - c. The dwellings are located within the required setback of the applicable zone.
 - d. The arrangement of the dwellings, sanitary facilities, and utilities conforms with all of the requirements of Section 14.52.020, the

14.52.100 Short Term Rentals

Explains the necessary process for obtaining permission for short term rentals to be operated within the unincorporated areas of the County.

The purpose of this section is to establish regulations for the use of privately owned residential dwellings as short-term rentals that ensure basic health and safety to renters and neighbors and minimize the negative secondary effects of such use on surrounding residential neighborhoods and/or governmental services.

1. Short-Term Rental Business License—Required. The owner or their authorized agent is required to obtain a short-term rental business license from the county, pursuant to the provisions of this section and Title 5-7 respectively, before renting any privately owned residential dwelling to any transient for a period less than a monthly basis. A short-term rental business license shall be required to be renewed yearly and due before January 1st, each year in order to remain valid.
2. An application shall contain the following information:
 - a. The location of the short-term rental,
 - b. The number of rooms within the dwelling
 - c. The number of persons the short-term rental will accommodate,
 - d. The name of a property manager,
 - e. The name, address and telephone number of a local responsible party who is available by telephone twenty-four hours per day
 - f. A sales tax collection and accounting number,
 - g. The application shall include a statement by the applicant affirming that the applicant is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges,
 - h. Completed application from the County for a short-term business license, signed by the owner or their authorized agent. All fees associated with short-term business licenses are paid.
3. Short-Term Rental Standards
 - a. Short-term rentals are subject to the following standards:
 - i. One operable fire extinguisher;
 - ii. One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor);
 - iii. An operable carbon monoxide detector on each floor installed per the manufacturer's specifications, when gas appliances are utilized in the structure;
 - iv. A posted map showing property boundaries, parking spaces, emergency exits and

- available to the county.
- g. Trash and Refuse. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the county's authorized waste hauler on scheduled trash collection days.
 - h. License Posted. The operator shall post a copy of the short-term rental business license in a conspicuous place within the short-term rental.
5. Violations/Enforcement
- a. Any violation of this title shall be referred to 14.60 *Enforcement*.
6. Appeals
- a. Any person or entity aggrieved by a decision in the enforcement and/or administration of this section shall have the right to appeal such decision to the Board of adjustments, if a written request for an appeal is filed with the zoning administrator within thirty days (30) of verification that the aggrieved person or entity has been made aware of the decision.

Short Term Rental Application

14.52.110 All Excavations.

Adds the standards needed for different excavations near residential neighborhoods.

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 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 an extent that the pit will not depreciate the surrounding property for its primary use or impair the beauty of the landscape. Upon the completion of the reconditioning, as approved by the board of county commissioners, the bond or other assurance shall be returned to the owner; provided, that in the event the reconditioning has not been completed within one year from the date of abandonment of said pit, the board of county commissioners may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from the sale of said bonds or assurances.

Chapter 14.56 - GROUP HOMES

Sections:

14.56.010 Youth home defined.

14.56.020 Authorization.

14.56.030 Application - Contents.

14.56.040 Application - Fee.

14.56.050 Application - Planning commission review - Recommendation.

14.56.060 Public hearing.

14.56.070 Use permit.

14.56.080 Conditions.

14.56.090 Continuation of use.

14.56.100 Violations - Penalty.

14.56.110 General requirements Residential Facilities for Elderly Persons

14.56.120 Permit process.

14.56.130 Termination of permit.

14.56.140 Definition For Residential Facilities for Persons with a Disability.

14.56.150 General requirements.

14.56.010 Youth Home Defined.

Is meant to give definitions of what qualifies as a youth home regarding the amount of unrelated people living in the same home under the age of eighteen.

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

14.56.020 Authorization.

Outlines who needs to approve an application for a group home.

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

14.56.030 Application - Contents.

Goes through the documentation needed to be completed and turned into the County in order to begin the process with the Planning Commission and County Council meetings for approval.

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 the exterior boundaries thereof; together with a list of the names and addresses of the last known owners or 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 use 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 refuse disposal;
7. A statement from the Sevier County School District indicating the availability of educational instruction and the impact of the 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;
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 ensure 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.

14.56.040 Application - Fee.

States that all fees for this application must be paid before approval is given. If the applicant can prove they are in compliance with Utah state licensing requirements up to two-thirds may be refunded.

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 negated 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 an amount determined by the Board of county Commissioners.

14.56.050 Application - Planning Commission Review - Recommendation.

Discusses the need to have approval from the Planning Commission who may request comment from impacted agencies and forward to the County Council with a recommendation within 60 days.

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

14.56.060 Public Hearing.

Gives the requirements needed for a public hearing before the County Commissioners. It outlines the days in advance, the location and property owners who need a notification of the date and time of the meeting.

1. The board of commissioners shall hold a public hearing within forty-five (45) days of receipt of the recommendation of the planning commission.
2. Notice of the time, place and purpose of such public hearing shall be given as follows: At least fourteen (14) days prior to the date set for the hearing, and not more than forty-five (45) days prior to that date, the county clerk shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by Subsection 14.56.030 (4). The notice shall give the date, time and place of the hearing, the name of the applicant, the requested use, the identification of the property and such other information as may be prescribed by the board of commissioners in any individual case. The clerk shall also cause such notice to be mailed to all governmental entities providing services to the subject property and all

municipalities with boundaries located within five miles of the proposed development and shall publish a notice in a newspaper of general local circulation twice within the above-described notice period.

14.56.070 Use Permit.

Gives the County Commissioners the authority to grant approval if it is in compliance with this title, the general plan, and additional conditions outlined.

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

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.
-

14.56.080 Conditions.

Gives the County Commissioners the ability to impose additional conditions listed below to mitigate additional issues that may arise during the approval process.

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

1. Conformity to plans and drawings submitted with the application;
2. The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
3. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
4. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
5. Limits on time of day for the conduct of specified activities;
6. Guarantees compliance with the terms of the approval.

14.56.090 Continuation of Use.

States a conditional use permit and a business license fee need to be renewed and paid yearly. A written statement from the applicant will state that all the conditions have been met as well as any employee or resident that has committed any criminal activity in the last year and how the punishment has been resolved.

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 has been made to all victims of such occurrences. In the event that a court has not made a determination as to the amount of restitution owed, the board will entertain evidence in that regard and order immediate payment of restitution as the board determines reasonable.

14.56.100 Violations - Penalty.

Gives the County the authority to revoke a conditional use permit if after given a warning and after fifteen days the applicant does not come into compliance with their conditions or County Code.

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 the conditions of a use permit granted on conditions, the use permit shall be suspended unless the permit holder, at a hearing held within fifteen (15) days, satisfies the board of commissioners that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked.

14.56.110 General Requirements RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

Outlines the basic requirements needed to be met in order to qualify for residential facilities for elderly persons.

1. A residential facility for elderly persons may not operate as a business.
2. A residential facility for elderly persons shall:
 - a. 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;
 - b. be consistent with existing zoning of the desired location; and
 - c. be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

3. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

14.56.120 Permit process.

Goes through the process of obtaining a conditional use permit necessary for the opening of a facility.

1. A residential facility for elderly persons shall be allowed as a conditional use following procedures outlined in Chapter 14.40 under the following conditions:
 - a. The facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
 - b. provide for adequate off-street parking;
 - c. the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - d. residential facilities for elderly persons can be dispersed throughout the county;
 - e. no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
 - f. placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
2. Decisions regarding the application for a conditional use permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

14.56.130 Termination of permit.

States that a permit once obtained cannot be transferred as is no longer valid if the original structure is changed for another use. If the purpose of the permit is changed it is terminated.

The use granted and permitted by Chapter 14.56 is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part or if the

structure fails to comply with applicable health, safety, and building codes.

14.56.140 Definitions For Residential Facilities For Persons With A Disability.

Provides basic definitions to be used throughout .

1. For the purposes of "Disability" is defined in Section 17-27a-103(13) (a) (b) of the Utah Code. 2. "Residential facility for persons with a disability" means a residence:
 - a. in which more than one person with a disability resides; and
 - b. is licensed or certified by the Department of Human Services under the current Utah Code or is licensed or certified by the Department of Health.

14.56.150 General requirements.

Outlines the process and standards that need to be met before opening a facility for people with disabilities.

1. Residential facilities for persons with a disability may be dispersed throughout the county. 2. A residential facility for persons with a disability is a permitted use in all zones and only requires that the applicant verify compliance with the building, safety, zoning, and health regulations that are required in obtaining a building permit applicable to similar structures.
3. The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:
 - a. programs or entities licensed or certified by the Department of Human Services as provided in Section 62A-2-109 and Title 62A, Chapter 5, Services to People with Disabilities; and
 - b. programs or entities licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Chapter 14.60 - ENFORCEMENT

Sections:

14.60.010	Permits required.
14.60.020	Powers and duties of an enforcement officer.
14.60.030	Civil enforcement.
14.60.040	Stay order.
14.60.050	Building permits are required.
14.60.060	Permit to comply with title.
14.60.070	Reconsideration/Revocation of approval, permits and licenses.
14.60.080	Violation - Penalty.
14.60.090	Violation - Notice to correct.
14.60.100	Appeal.

14.60.010 Permits required.

Explains the need to have the appropriate permit completed and approved by the Zoning Administrator before any work can be done within the county.

1. Any person, firm or corporation desiring to construct a building in the unincorporated territory of Sevier County shall first apply for a permit to the zoning administrator.
2. All applications for building permits shall be accompanied by a plat showing the size and location of the existing buildings and buildings to be erected. The plat shall also show the zone in which the lot or parcel of land is located.

14.60.020 Powers and duties of an enforcement officer.

Authorizes the Zoning Administrator and County Staff to enforce all provisions found in this title.

1. The zoning administrator and other county staff shall enforce all 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 board of adjustment of any matter on which said board is required to pass, the zoning administrator shall transmit all papers, records, and other pertinent data pertaining to the appeal to said board.
3. The zoning administrator shall also refer matters to the health department, board of county commissioners, and other agencies as required by this title when applicable.

14.60.030 Civil Enforcement.

Discusses the authority given to the County to prevent violations of this title.

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 decrease a violation, and to prevent illegal occupancy of a building, structure or premises.

14.60.040 Stay Order.

Gives the County authority to order a stop work order if a violation is found.

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

14.60.050 Building Permits Required.

Prohibits the County from issuing a permit on a lot in violation with this title.

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

14.60.060 Reconsideration/Revocation of Approval, Permits and Licenses.

Lays out steps taken when a permit or license is revoked and the standards to meet for revocation.

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

The Zoning Administrator shall inform the Planning Commission and Board of County Commissioners when an application, permit, or license has been revoked.

1. **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.

2. **Decision and Notice.** Within ten (10) days of the decision, the approving body 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.
3. **Effect.** A decision to revoke a development permit or license shall become final at the determination of the Zoning Administrator up to five (5) days after the date notice of the decision was given. After the effective date, all activities pursuant to such permit shall be deemed in violation of this title.

14.60.070 Violation – Penalty.

Identifies the penalties for violation of the content found in this title.

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 Sevier County without first obtaining the appropriate permit from the county building inspector shall be guilty of a Class C misdemeanor, and any person, firm or corporation, whether as principal, agent, employee or otherwise, who shall change the use of any building or other structure or the use of any land within the unincorporated territory of Sevier 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.

14.60.080 Violation - Notice to correct.

Requires the zoning administrator to inform the property owner of a violation and give them a certain amount of time to correct the violation.

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

14.60.090 Appeal.

Explains the need to go through the administrative process as outlined in previous sections before taking a complaint to district court.

1. No person may challenge in district court a county's land use decisions made under this title or under the regulation made under authority of this chapter until that person has gone through the administrative remedies as outlined in this chapter 14.60
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.
3. The courts shall:
 - a. presume that land use decisions and regulations are valid; and
 - b. determine only whether or not the decision is arbitrary, capricious, or illegal.

14.64 INTERNAL ACCESSORY DWELLING UNIT

Sevier County recognizes that Internal Accessory Dwelling Units in single -family residential zones can be an important tool in the overall housing plan for Sevier County .

Sections

- 14.64.010 Purpose**
- 14.64.020 Definitions**
- 14.64.030 Allowed Zones**
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14.64.010 Purpose.

The purpose of the Internal Accessory Dwelling Unit.

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- B. Provide for affordable housing opportunities.
- C. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Sevier County.
- D. Provide opportunities for additional income to offset rising housing costs.
- E. Preserve the character of residential zones by providing standards governing development of Internal Accessory Dwelling Units.
- F. Ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a Conditional Use Permit and a Building Permit for an Internal Accessory Dwelling Unit prior to renting the IADU.

14.64.020 Definitions.

“Internal Accessory Dwelling Unit” (IADU) means a unit created;

- A. Within a primary dwelling
- B. Within the footprint of the primary dwelling at the time the IADU is created
- C. For the purpose of offering a long-term rental of 30 consecutive days or longer

“Owner occupancy” means a property where the property owner , as reflected in title records, makes his or her legal residence at the site.

“Primary Dwelling” means a single-family dwelling that is occupied as the primary residence of the owner of record.

14.64.030 Allowed Zones.

- A. IADU incorporated within a single family residence shall be a permitted use on residential lots in residential zones that require 21,780 square foot (½ acre) minimum lot size or greater.
- B. IADU shall not be permitted in Commercial, Industrial or GRF20S zones.
- C. In no case shall an IADU be permitted in a detached dwelling that is accessory to the primary dwelling.

14.64.040. Number of Residence

IADU shall not be occupied by more than four persons.

14.64.050 Setbacks.

Setbacks on all IADUs shall be consistent with setbacks for a single family dwelling in each zone.

14.64.060. Parking Requirements.

In addition to the required parking for the existing home , the property owner must demonstrate that one (1) on site parking space is available for an IADU. In cases where garage conversions are done to create an IADU ,a replacement on site parking space is required for the primary dwelling in a number equal to the parking spaces eliminated by the IADU.

14.64.070 Owner occupancy.

The primary dwelling or the IADU must have owner occupancy. An application for an IADU shall include evidence of owner occupancy. Only one (1) IADU is allowed per lot.

14.64.080 IADU design standards

- A. An approved building permit is required for all IADUs before an IADU is constructed, and all other applicable provisions of this chapter and Sevier County Code must be met before an IADU can be rented.
- B. The design and size of an IADU shall conform to all applicable Building, Plumbing, Electrical, Mechanical and Health codes, including applicable water requirements.
- . Conversions of an existing space to an IADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells if needed, sufficient HVAC and climate control for the IADU, hard wired smoke detectors in each bedroom and hallway and a working Fire Extinguisher located in a central location.
- D. Owner shall provide a separate address marking for emergency services and mailing services.
- E. Single family residences with an IADU shall retain the same appearance as a single family residence.

14.64.090. Affidavit and Notice of Internal Accessory Dwelling Unit

Applicants for IADU shall provide an affidavit stating that the owner of the property will live in either the primary or IADU as their permanent residence. Upon approval of the IADU by the Building and Zoning official a notice of IADU including the affidavit shall be recorded against the

property to provide notice to a future owner of the owner occupancy requirement for the IADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the IADU by the Building and Zoning official.

14.64.100 Variances

The Zoning Administrator may grant variances to the standard of this chapter but may not grant a variance from Building code requirements, owner occupancy provisions, lot square footage requirements, or the number of units allowed per lot.

SEVIER COUNTY, UTAH
ORDINANCE 2022-1-1

WHEREAS, Sevier County seeks to promote the health, safety, and welfare of its residents and business owners; and,

WHEREAS, Sevier County supports the agriculture and food industry; and,

WHEREAS, The Utah State Legislature imposed a mandate on counties to provide for concentrated animal feeding operations and removed local zoning authority and legislative powers traditionally held by local boards and commissions; and,

WHEREAS Sevier County already has an ordinance addressing animal feeding operations that worked for Sevier County and its unique circumstances; and,

WHEREAS, the County is required by the Utah Legislature to adopt an ordinance by February 1, 2022;

NOW THEREFORE, be it ordained by the Sevier County Board of County Commissioners, in the State of Utah, as follows:

SECTION 1: ADOPTION of Ordinance 2022-1-1 attached hereto as Exhibit "A" along with and including all maps and other attached documents, is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith prior to the date of this Ordinance, are hereby repealed, subsumed, and replaced with the exhibit adopted herein.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from January 24, 2022 and after the required approval and publication according to law.

Chapter 14.68 – CONCENTRATED ANIMAL FEEDING OPERATIONS (located in
(I-A) Zones)

An ordinance created to create zoning districts where all animal species are permitted through a conditional use permit.

SEVIER COUNTY, UTAH

ORDINANCE NO. 2022

CONCENTRATED ANIMAL FEEDING OPERATIONS

LOCATED IN INTENSIVE AGRICULTURE (I-A) ZONES

**AN ORDINANCE TO ESTABLISH CERTAIN RULES REGULATIONS FOR
CONCENTRATED ANIMAL FEEDING OPERATIONS WITHIN THE
UNINCORPORATED AREAS OF SEVIER COUNTY, UTAH IN COMPLIANCE WITH
THE LARGE CONCENTRATED ANIMAL FEEDING OPERATIONS ACT.**

WHEREAS, the Utah State Legislature has enacted the Large Concentrated Animal Feeding Operations Act (herein “Large CAFO Act”), codified as UCA 17-27a-11.

WHEREAS, said Large CAFO Act requires the County to, by February 1, 2022, adopt a large concentrated animal feeding operations land use ordinance designating geographic areas within the County where such operations may be approved;

WHEREAS, the County has considered the criteria required by said Large CAFO Act, as follows:

1. Distances measured in feet from 1) residential zones; 2) health care facilities; 3) public areas; 4) education institutions; 5) religious institutions; 6) commercial enterprises; 7) municipal boundaries; and 8) state or county highways or roads;
2. Prevailing winds;
3. Topography;
4. Economic benefits to the County; and
5. Reasonable access to transportation, water and power infrastructure.

WHEREAS, the County has also considered the following additional criteria:

1. Distances measured in feet from existing dwellings.

WHEREAS, the County has also received public comment through public hearings, and received written public comment;

WHEREAS, the County has not considered solely uniform setback distance requirements from the locations described above, but has determined the geographic area by evaluating all the criteria described above; and

WHEREAS, the County, having considered all of the evidence provided regarding these criteria,

and finding it necessary to comply with the Large CAFO Act, and to be in the best interest of the health, general welfare, and safety of the inhabitants of Sevier County;

WHEREAS, the County recognizes that existing Large CAFO and AFO are a vital part of the community. This ordinance shall not restrict them from continued use or expansion. And such expansion must comply with current Best available technology for wastewater and Odor control.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sevier County, Utah that it does hereby adopt Sevier County Ordinance 2022 “Concentrated Animal Feeding Operations”, Per 17-27a-1101,-1104 Utah Code and under section 1104 subsection 4, which law shall govern CAFO’s in the unincorporated Intensive Agriculture zone of Sevier County:

Section 1 DEFINITIONS

1. **“Animal Feeding Operation (AFO)”** means a lot or facility where the following conditions are met:
 - a. animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
 - b. crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
2. **“Commercial Enterprise”** means a building:
 - a. used as a part of a business that manufactures goods, delivers services, or sells goods or services;
 - b. customarily and regularly used by the general public during the entire calendar year; and
 - c. connected to electric or water systems.

A Commercial Enterprise does not include an agriculture operation.
3. **“Comprehensive Nutrient Management Plan (CNMP)”** The objective of a CNMP is to provide AFO owners/operators with a plan to manage manure and organic by-products by combining conservation practices and management activities into a conservation system that, when implemented, will control soil erosion.
4. **“Education Institution”** means a building in which any part is used:
 - a. for more than three hours each weekday during a school year as a public or private:
 - i. elementary school;
 - ii. secondary school; or
 - iii. kindergarten;
 - b. a state institution of higher education as defined in Section 53B-3-102; or
 - c. a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.
5. **“Existing Dwelling”** means a single or multi-family dwelling that was previously

- constructed, or under construction prior to the submission of an application for a CAFO.
6. **“Health Care Facility”** means the same as that term is defined in Section 26-21-2.
 7. **“Large Concentrated Animal Feeding Operation (CAFO)”** means 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. 700 mature dairy cows, whether milked or dry;
 - b. 1,000 veal calves;
 - c. 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;
 - d. 2,500 swine each weighing 55 pounds or more;
 - e. 10,000 swine each weighing less than 55 pounds;
 - f. 500 horses;
 - g. 10,000 sheep or lambs;
 - h. 55,000 turkeys;
 - i. 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
 - j. 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
 - k. 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
 - l. 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
 - m. 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.
 8. **“Manure”** includes manure, bedding, compost, a raw material, or other material commingled with manure or set aside for disposal.
 9. **“Public Area”** means 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 periods of time;
 - b.
 - i. 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
 - ii. 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
 - c. is a cemetery.
 10. **“Religious Institution”** means a building and grounds used at least monthly for religious services or ceremonies.

Section 2 COMPREHENSIVE NUTRIENT MANAGEMENT PLAN

A CNMP is a conservation plan for any AFO or CAFO which:

1. Must include the following:
 - a. The production area including the animal confinement, feed and other raw materials storage areas, animal mortality facilities, and the manure handling containment or storage areas; and
 - b. The land treatment area, including any land under control of the AFO owner or operator, whether it is owned, rented, or leased, and to which manure or processed wastewater is, or might be, applied for crop, hay, pasture production, or other uses.
 - c. An explanation for prevailing winds and topography of the area.
2. Meets Natural Resources Conservation Service (NRCS) FOTG Section III quality criteria for Water Quality (nutrients, organics, and sediments in surface and groundwater) and Soil Erosion (sheet and rill, wind, ephemeral gully, classic gully, and irrigation induced natural resource concerns on the production area and land treatment area);
3. Mitigates, if feasible, any excessive air emissions and/or negative impacts to air quality resource concerns that may result from practices identified in the CNMP or from existing on-farm areas/activities;
4. Complies with Federal, State, tribal and local laws, regulations and permit requirements; and
5. Satisfies the owner/operator's production objectives.

Section 3 CONDITIONAL USE PERMIT REQUIRED

1. Large Concentrated Animal Feeding Operations, as defined by the Large CAFO Act, may be approved as a Conditional Use in the Intensive Agricultural (I-A), Zone Districts within the Unincorporated Areas of Sevier County.
2. Applications for Conditional Use Permits to operate such facilities in the Intensive Agricultural (I-A) Zoning Districts shall proceed using the processes, application fees and administrative remedies established in the Sevier County Title 14 : Land Use Ordinance .

Section 3 THE REGULATION

Unless specifically permitted by the Sevier County Commission, a CAFO or AFO as outlined in subsection B of this section shall not be approved in the unincorporated areas of Sevier County, State of Utah unless said operations comply with the following:

- A. No CAFO shall be constructed within:
 - a. five miles or 26,400 feet of any municipal boundary.
 - b. three miles or 15,840 feet from any:
 - i. Existing Dwelling;
 - ii. Residential, Residential Estates or Forest Recreation area;
 - iii. Health Care Facility;
 - iv. Public Area;

- v. Education Institution;
 - vi. Religious Institution;
 - vii. Commercial Enterprise; and
- c. one mile or 5,280 feet from any State Highway or County Class B Paved Road.
- B. AFO's consisting of dead animals, manure storage or other operations with excessive air emissions and/or negative impacts to air and water quality resource concerns shall be subject to the requirements of subsection A of this Section.
- C. Any CAFO or AFO as outlined in subsection B of this section shall satisfy the requirements of the Sevier County CAFO Application prior to approval of the Sevier County Planning Commission and County Commission. The application shall consist of an overall development plan including:
- a. The distance from Existing Dwellings and municipal boundaries;
 - b. The number and type of animal units;
 - c. A completed CNMP; and
 - d. A mitigation plan addressing negative impacts to adjacent property values, local residents' quality of life and how the CAFO plans to mitigate said impacts.

If a CAFO consists of multiple individuals and/or entities, all individuals and/or entities shall be included in one CAFO Application and subsections A - D. shall include the entire operation.

- D. CAFO and AFO operations must comply with section 3 A,B,C and the following:
- a. **Prevailing Wind Provision.** Upon showing by a conditional use permit applicant, the planning commission, by convincing evidence that there is a historical prevailing wind, may offset the separation distance sphere by as much as fifty percent. However, the offsets shall not decrease the area within the separation distance. The shape and size of the separation area shall remain constant. This provision allows only for the shifting of the separation area sphere to the downwind direction by as much as fifty percent.
 - b. **Public Health, Safety, Welfare and Water/Air Quality.**

CAFO operation owners must take actions to minimize water/air pollution and public health and safety impacts from confinement and waste treatment facilities. To accomplish this goal and as part of the conditional use permit required by all CAFO and AFO operations, the CAFO operation owner shall be required to develop and implement technically sound, economically feasible, and site-specific comprehensive nutrient management plans (CNMPs) in accordance with the latest technical guidance of the natural resources conservation service. Additionally, CAFO operations shall be required to obtain a Utah Pollutant Discharge Elimination System (UPDES) general approval for concentrated animal feeding operations (Permit No. UTG080000), issued by the Utah State Department of Environmental Quality (DEQ). In the event that the Utah Department of Environmental Quality is unable or unwilling to accept a UPDES permit application, Sevier County planning commission shall require as a condition of the conditional use permit, standards equal to that required by UPDES Permit No.

UTG080000 and reviewed by an engineer selected and agreed upon mutually by the applicant and the Sevier County planning commission, and paid for by the applicant. All CAFO operations shall prepare a "Best Management Plan for Odor Control," required by this chapter, as part of the CUP application process. All CAFO operations must use the best wastewater treatment technology, available at the time of permitting, to protect the public health, safety, welfare and water/air quality. Best wastewater treatment technology puts primary emphasis on the prevention of groundwater contamination, control of air contaminants and odors. Sevier County recognizes that the swine industry, government and society are taking steps to develop and implement new technology that will protect the environment and the economy. Sevier County has determined that open-air anaerobic lagoons are not considered adequate wastewater treatment technology for large swine

operations. The intent of this provision is to require superior waste disposal technologies to be described as "Best Available Technology" as accepted by the Utah Department of Environmental Quality.

The Sevier County Planning Commission and County Commission shall approve a CAFO application if said application satisfies all the requirements of this Ordinance.

Section 4 SEVERABILITY

Should any portion of this Ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

Section 5 ENFORCEMENT

Any person who is found guilty of violating any of this Ordinance, either by failing to do those acts required herein or by doing a prohibited act, is guilty of an infraction. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Section 6 APPEALS

Any person with standing aggrieved by any decision of the Planning Commission shall have the right to make such appeals as provided by the Sevier County Zoning Ordinance or State law. Such appeals shall be based on the record. Appeal of Planning Commission decisions shall be to the Board of County Commissioners. Appeals shall be in writing and shall be filed with the Clerk's Office not more than thirty days after the decision by the Planning Commission. The County Commission may affirm, modify or reverse the decision of the Planning Commission. Appeal review by the Board of County Commissioners shall be recorded in an open public meeting. County Commission decisions shall be final.

Section 7 PERMITS AND FEES

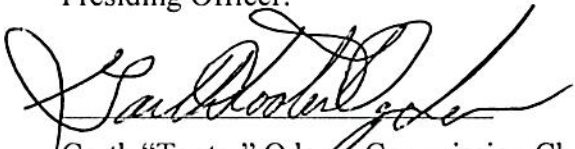
Permits. From the effective date of this Ordinance, the Zoning Administrator shall not grant a permit, nor shall any officer of the County, grant any license or permit for the use of any land or the construction or alteration of any building or structure on a parcel which would be in violation of any provisions of this Ordinance, or the Sevier County Zoning Ordinance until the CAFO Application has been approved as required by this Ordinance. Any license or permit issued in conflict with such provisions shall be null and void.

Fees. At the time of filing, a non-refundable fee shall be submitted, payable to Sevier County, in accordance with the currently adopted fee schedule as adopted by the Sevier County Commission by resolution. Outside of the Any cost or fee resulting from a CAFO application including, but not limited to, inspections, surveys, studies, etc., shall be the responsibility of the CAFO applicant.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS,

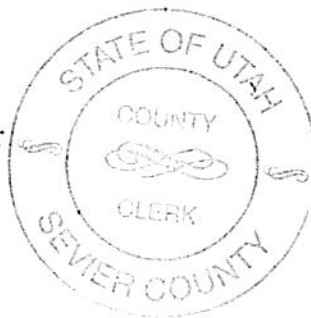
	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Garth Ogden	_____	_____	X	_____
Ralph Brown	X	_____	_____	_____
Scott Johnson	X	_____	_____	_____

Presiding Officer:

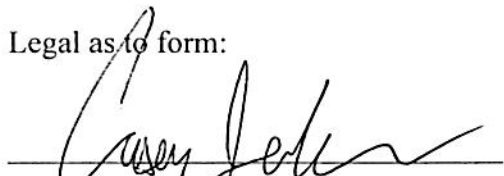


Garth "Tooter" Ogden, Commission Chair

Attest:


Steven C. Wall, County Clerk/Auditor

Legal as to form:


Casey Jewkes, County Attorney