

WAYNE COUNTY, UTAH
ZONING ORDINANCE

A LAND USE ORDINANCE OF WAYNE COUNTY

As Adopted by the
Wayne County Board of County Commissioners
Effective January 1, 2011

Prepared by:

PLANNING AND DEVELOPMENT SERVICES, LLC
Salt Lake City, Utah
801-277-4435

TABLE OF CONTENTS

CHAPTER 1
TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE 1
SECTION 101—SHORT TITLE: 1
SECTION 102—AUTHORITY: 1
SECTION 103—DECLARATION: 1
SECTION 104—PURPOSE:..... 1
SECTION 105—PROVISION OF ADMINISTRATIVE GUIDELINES, STANDARDS, AND OTHER MATERIALS –
COMPLIANCE REQUIRED: 1
SECTION 106—APPLICABILITY: 2
SECTION 107—CONFLICT:..... 2
SECTION 108—PERMITS AND LICENSES TO CONFORM TO THIS ORDINANCE: 2
SECTION 109—EFFECTIVE DATE:..... 3
SECTION 110—OMISSIONS NOT A WAIVER:..... 3
SECTION 111—REPEALER AND EFFECT:..... 3

CHAPTER 2
LAND USE AUTHORITIES 4
SECTION 201—LAND USE AUTHORITIES:..... 4
SECTION 202—WAYNE COUNTY BOARD OF COUNTY COMMISSIONERS: 4
SECTION 203—WAYNE COUNTY PLANNING COMMISSION: 5
SECTION 204—WAYNE COUNTY TECHNICAL REVIEW COMMITTEE:..... 8
SECTION 205—WAYNE COUNTY ZONING ADMINISTRATOR: 9
SECTION 206—WAYNE COUNTY TREASURER/RECORDER:..... 10
SECTION 207—SUPPORT: 10
SECTION 208—MEETINGS AND PUBLIC HEARINGS: 10
SECTION 209—EXACTIONS: 10
SECTION 210—ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN – REMOVAL WITHOUT
PROVIDING COMPENSATION – LIMIT ON ALLOWING NONCONFORMING BILLBOARDS TO
BE REBUILT: 10
SECTION 211—ACQUIRING PROPERTY: 10

CHAPTER 3
LAND USE APPLICATIONS—DECISION MAKING STANDARDS..... 11
SECTION 301—VARIOUS APPLICATIONS PROVIDED:..... 11
SECTION 302—DECISION MAKING STANDARDS:..... 11

CHAPTER 4
LAND USE APPLICATIONS – PROCEDURES..... 13
SECTION 401—PURPOSE: 13
SECTION 402—APPLICATION FORMS: 13
SECTION 403—LAND USE APPLICATION PROCEDURES: 13
SECTION 404—DETERMINATION OF COMPLETENESS OF LAND USE APPLICATIONS: 13
SECTION 405—SCOPE OF LAND USE APPLICATION APPROVALS: 13
SECTION 406—LAND USE AUTHORITIES TO COMPLY WITH ALL LAND USE ORDINANCES AND
RESOLUTIONS:..... 14
SECTION 407—LAND USE PERMITS REQUIRED TO COMPLY WITH LAND USE AUTHORITY DECISION: . 14

SECTION 408—WHEN AN APPLICANT IS ENTITLED TO APPROVAL OF AN APPLICATION – EXCEPTIONS – COUNTY MAY NOT IMPOSE UNEXPRESSED REQUIREMENTS – COUNTY REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE: 14

SECTION 409—VESTING OF ZONING RIGHTS: 15

SECTION 410—PROCEDURAL IRREGULARITIES: 15

CHAPTER 5

APPLICATIONS TO AMEND THE WAYNE COUNTY GENERAL PLAN 17

SECTION 501—PURPOSE: 17

SECTION 502—BOCC THE LAND USE AUTHORITY FOR GENERAL PLAN AMENDMENT APPLICATIONS: 17

SECTION 503— PROCEDURES AND REVIEW STANDARDS FOR GENERAL PLAN AMENDMENT APPLICATIONS: 17

SECTION 504—FINDINGS REQUIRED FOR APPROVAL OF A GENERAL PLAN AMENDMENT APPLICATION: 18

SECTION 505—EFFECT OF APPROVAL OF A GENERAL PLAN AMENDMENT APPLICATION: 18

CHAPTER 6

APPLICATIONS TO AMEND WAYNE COUNTY LAND USE ORDINANCES 19

SECTION 601—PURPOSE: 19

SECTION 602—BOCC THE LAND USE AUTHORITY FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS: 19

SECTION 603—PROCEDURES AND REVIEW STANDARDS FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS: 19

SECTION 604—FINDINGS REQUIRED FOR APPROVAL OF A LAND USE ORDINANCE AMENDMENT APPLICATION: 20

SECTION 605—EFFECT OF APPROVAL OF A LAND USE ORDINANCE AMENDMENT APPLICATION: 20

SECTION 606—APPEALS: 20

SECTION 607—TEMPORARY LAND USE REGULATIONS: 20

SECTION 608—EFFECT OF A PENDING A LAND USE ORDINANCE, OFFICIAL MAP AMENDMENT, OR TEMPORARY LAND USE REGULATION: 20

CHAPTER 7

PERMITTED USE APPLICATIONS 23

SECTION 701—PURPOSE: 23

SECTION 702—ZONING ADMINISTRATOR AND COMMISSION THE LAND USE AUTHORITIES FOR PERMITTED USE AND PERMITTED SIGN APPLICATIONS: 23

SECTION 703— PROCEDURES AND REVIEW STANDARDS FOR PERMITTED P-1USE, PERMITTED P-1 SIGN, PERMITTED P-2 USE, AND PERMITTED P-2 SIGN APPLICATIONS: 23

SECTION 704—FINDINGS REQUIRED FOR APPROVAL OF PERMITTED P-1 USE, P-1 SIGN, P-2 USE, AND P-2 SIGN APPLICATIONS: 24

SECTION 705—DECISION FOR A PERMITTED USE APPLICATION: 24

SECTION 706—EFFECT OF APPROVAL: 25

SECTION 707—APPEALS: 25

CHAPTER 8

CONDITIONAL USE APPLICATIONS 26

SECTION 801—PURPOSE: 26

SECTION 802—BOCC THE LAND USE AUTHORITY FOR CONDITIONAL USE AND CONDITIONAL SIGN APPLICATIONS: 26

SECTION 803— PROCEDURES AND REVIEW STANDARDS FOR CONDITIONAL USE AND CONDITIONAL SIGN APPLICATIONS: 26

SECTION 804—FINDINGS REQUIRED FOR APPROVAL OF CONDITIONAL USE AND CONDITIONAL SIGN APPLICATIONS: 27

SECTION 805—REASONABLE CONDITIONS AUTHORIZED FOR APPROVAL FOR A CONDITIONAL USE OR CONDITIONAL SIGN: 27

SECTION 806—DECISION FOR A CONDITIONAL USE APPLICATION OR CONDITIONAL SIGN APPLICATION: 28

SECTION 807—EFFECT OF APPROVAL: 28

SECTION 808—APPEALS: 29

CHAPTER 9
RESERVED..... 30

CHAPTER 10
VARIANCE APPLICATIONS 31

SECTION 1001—PURPOSE: 31

SECTION 1002—COMMISSION THE APPEALS AUTHORITY FOR VARIANCE APPLICATIONS: 31

SECTION 1003—PROCEDURES AND REVIEW STANDARDS FOR VARIANCE APPLICATIONS: 31

SECTION 1004—FINDINGS REQUIRED FOR APPROVAL OF VARIANCE APPLICATIONS: 32

SECTION 1005—DECISION FOR A VARIANCE APPLICATION: 32

SECTION 1006—VARIANCE REQUIREMENTS: 32

SECTION 1007—USE VARIANCE PROHIBITED: 32

SECTION 1008—EFFECT OF APPROVAL: 32

SECTION 1009—APPEALS: 32

CHAPTER 11
NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER NONCONFORMITIES 33

SECTION 1101 – PURPOSE: 33

SECTION 1102—COMMISSION THE LAND USE AUTHORITY FOR DETERMINATIONS OF LEGAL NONCONFORMING USE, LEGAL NONCOMPLYING STRUCTURE, OR OTHER LEGAL NONCONFORMITY APPLICATIONS: 33

SECTION 1103— PROCEDURES AND REVIEW STANDARDS FOR DETERMINATIONS OF LEGAL NONCONFORMING USE, LEGAL NONCOMPLYING STRUCTURE, OR OTHER LEGAL NONCONFORMITY APPLICATIONS: 33

SECTION 1104—FINDINGS REQUIRED FOR APPROVAL OF DETERMINATION OF LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATION: 33

SECTION 1105—DECISION FOR A DETERMINATION OF A LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATION: 34

SECTION 1106—EFFECT OF APPROVAL: 34

SECTION 1107—REQUIREMENTS FOR NONCONFORMING USES: 34

SECTION 1108—REQUIREMENTS FOR NONCOMPLYING STRUCTURES: 35

SECTION 1109—TERMINATION OF A NONCONFORMING USE DUE TO ABANDONMENT: 36

SECTION 1110—NONCOMPLYING LOTS: 37

SECTION 1111—NONCOMPLYING SIGNS: 37
 SECTION 1112—APPEAL:..... 37

CHAPTER 12
NOTICE REQUIREMENTS..... 38
 SECTION 1201—PURPOSE:..... 38
 SECTION 1202—REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER
 GENERAL PLAN ADOPTION AND GENERAL PLAN AMENDMENT APPLICATIONS: 38
 SECTION 1203—REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER A
 LAND USE ORDINANCE, LAND USE ORDINANCE AMENDMENT APPLICATIONS, OFFICIAL
 MAP, AND OFFICIAL MAP AMENDMENT APPLICATION: 39
 SECTION 1204—REQUIRED NOTICE FOR OTHER PUBLIC HEARINGS: 40
 SECTION 1205—COURTESY NOTICE FOR PUBLIC HEARINGS: 40
 SECTION 1206—REQUIRED NOTICE FOR OTHER PUBLIC MEETINGS: 40
 SECTION 1207—REQUIRED APPLICANT NOTICE – WAIVER OF REQUIREMENTS: 40

CHAPTER 13
APPEAL AUTHORITIES AND PROCEDURES 42
 SECTION 1301—PURPOSE:..... 42
 SECTION 1302—APPEAL AUTHORITIES:..... 42
 SECTION 1303—DISTRICT COURT:..... 42
 SECTION 1304—BOARD OF COUNTY COMMISSIONERS: 42
 SECTION 1305—COMMISSION..... 42
 SECTION 1306—MAXIMUM TIME ALLOWED TO FILE APPEAL:..... 42
 SECTION 1307—REQUIREMENTS FOR AN APPEAL OF A LAND USE AUTHORITY DECISION: 43
 SECTION 1308—CONDITION PRECEDENT TO JUDICIAL REVIEW – APPEAL AUTHORITY DUTIES: 43
 SECTION 1309—APPLICATION REQUIRED:..... 43
 SECTION 1310—MEETINGS, RECORDS, AND ACTION OF AN APPEAL AUTHORITY: 43
 SECTION 1311—DUE PROCESS..... 44
 SECTION 1312—BURDEN OF PROOF. 44
 SECTION 1313—STANDARD OF REVIEW FOR APPEALS..... 44
 SECTION 1314—FINAL DECISION..... 45
 SECTION 1315—DISTRICT COURT REVIEW:..... 45

CHAPTER 14
RESERVED..... 48

CHAPTER 15
ESTABLISHMENT OF ZONING DISTRICTS 49
 SECTION 1501—ZONING BY DISTRICTS 49
 SECTION 1502—ZONING DISTRICTS PURPOSES: 49

CHAPTER 16
GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL PROPERTY AND LAND USES
..... 53
 SECTION 1601—PURPOSE:..... 53
 SECTION 1602—CONSISTENCY AND CONFORMITY TO THE GENERAL PLAN REQUIRED: 53
 SECTION 1603—PUBLIC USES TO CONFORM TO GENERAL PLAN:..... 53

SECTION 1604—EFFECT OF OFFICIAL MAPS: 53
 SECTION 1605—ALLOWED MINIMUM USE OF LEGAL LOTS: 54
 SECTION 1606—ILLEGAL LOTS, USES, BUILDINGS AND STRUCTURES: 54
 SECTION 1607—ALLOWED USES: 54
 SECTION 1608—PROHIBITED USES: 54
 SECTION 1609—USE APPROVAL AND BUILDING PERMIT REQUIRED PRIOR TO ANY CONSTRUCTION: 54
 SECTION 1610—APPLICATIONS REQUIRED: 54
 SECTION 1611—ALL BUILDINGS TAXED AS REAL PROPERTY: 54
 SECTION 1612—PAYMENT OF TAXES AND CHARGES REQUIRED: 55
 SECTION 1613—USES ON LAND PURCHASED, LEASED, OR OTHERWISE ACQUIRED FROM FEDERAL OR
 STATE GOVERNMENT: 55
 SECTION 1614—ALL USES, BUILDINGS, AND STRUCTURES TO COMPLY WITH ZONING DISTRICT
 REQUIREMENTS: 55
 SECTION 1615—SUBDIVISION AND SALE OF PROPERTY: 55
 SECTION 1616—MINIMUM LOT FRONTAGE REQUIRED: 55
 SECTION 1617—MINIMUM BUILDABLE AREA: 55
 SECTION 1618—LOT STANDARDS – CREATION OF NONCOMPLYING-LOTS PROHIBITED: 56
 SECTION 1619—ALL BUILDINGS OR STRUCTURES TO BE ON A SINGLE LOT: 56
 SECTION 1620—LOTS IN TWO (2) OR MORE ZONING DISTRICTS: 56
 SECTION 1621—REQUIRED YARD AREAS FOR ONE BUILDING ONLY: 56
 SECTION 1622—REQUIRED YARDS TO BE UNOBSTRUCTED—EXCEPTIONS: 56
 SECTION 1623—EFFECT OF OFFICIAL STREETS MAP: 56
 SECTION 1624—CLEAR VIEW AREA REQUIREMENTS: 57
 SECTION 1625—MAXIMUM AND MINIMUM HEIGHT OF ALL BUILDINGS: 57
 SECTION 1626—EXCEPTIONS TO MAXIMUM HEIGHT LIMITATIONS: 57
 SECTION 1627—ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS: 57
 SECTION 1628—ADEQUATE PUBLIC FACILITIES REQUIREMENTS: 58
 SECTION 1629—CULINARY WATER, SANITARY SEWER AND FIRE PROTECTION REQUIREMENTS: 58
 SECTION 1630—REQUIRED ROADS, STREETS, FIRE PROTECTION AND OTHER FACILITIES: 58
 SECTION 1631—GUARANTEE OF INSTALLATION OF IMPROVEMENTS: 59
 SECTION 1632—CERTIFICATE OF OCCUPANCY REQUIRED: 59
 SECTION 1633—BUSINESS LICENSE REQUIRED – CONTINUING OBLIGATIONS: 60
 SECTION 1634—LOT AND SETBACK REQUIREMENTS FOR PRIMARY BUILDINGS: 60
 SECTION 1635—OFF-STREET PARKING REQUIREMENTS: 60
 SECTION 1636—CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS:.. 60
 SECTION 1637—REQUIRED PROPERTY MAINTENANCE: 60
 SECTION 1638—NOXIOUS WEEDS: 60

CHAPTER 17
SUPPLEMENTARY DEVELOPMENT STANDARDS APPLICABLE TO CERTAIN PROPERTY AND
LAND USES..... 62
 SECTION 1701—PURPOSE: 62
 SECTION 1702—HOME OCCUPATIONS: 62
 SECTION 1703—CHILD CARE: 63
 SECTION 1704—MANUFACTURED HOMES: 63
 SECTION 1705—CHURCH: 63
 SECTION 1706—ACCESSORY BUILDINGS AND ACCESSORY USES: 64

SECTION 1707—LIMITATIONS ON THE SIZE AND LOCATION OF ACCESSORY BUILDINGS IN RESIDENTIAL ZONES: 64

SECTION 1708—SMALLER DETACHED ACCESSORY BUILDINGS – EXEMPTION FROM BUILDING PERMIT REQUIREMENTS: 65

SECTION 1709—ACCESSORY DWELLING UNIT FOR AN OWNER OR EMPLOYEE: 65

SECTION 1710—FENCES AND WALLS: 66

SECTION 1711—SWIMMING POOLS: 66

SECTION 1712—BED AND BREAKFAST INN: 67

SECTION 1713—RESIDENTIAL FACILITIES FOR ELDERLY PERSONS: 66

SECTION 1714—RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY: 68

SECTION 1715—RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY THAT ARE SUBSTANCE ABUSE FACILITIES AND ARE LOCATED WITHIN FIVE HUNDRED (500) FEET OF A SCHOOL: 69

SECTION 1716—WIRELESS TELECOMMUNICATIONS FACILITIES: 69

SECTION 1717—AMATEUR RADIO ANTENNAS: 74

SECTION 1718—SALE, DISTRIBUTION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ALCOHOLIC PRODUCTS: 74

SECTION 1719—SEXUALLY ORIENTED BUSINESS: 74

SECTION 1720—WIND ENERGY SYSTEMS (COMMERCIAL/INDUSTRIAL): 75

SECTION 1721—WIND ENERGY SYSTEMS (RESIDENTIAL): 78

CHAPTER 18

OFF-STREET PARKING AND LOADING STANDARDS..... 81

SECTION 1801—PURPOSE: 81

SECTION 1802—GENERAL PROVISIONS: 81

SECTION 1803—SIZE OF OFF-STREET PARKING AND LOADING SPACES: 81

SECTION 1804—ACCESS REQUIREMENTS: 82

SECTION 1805—LOCATION OF REQUIRED OFF-STREET PARKING: 82

SECTION 1806—MAINTENANCE OF PARKING SPACES AND AREAS: 82

SECTION 1807—NUMBER OF REQUIRED OFF-STREET PARKING SPACES: 82

SECTION 1808—DISABLED PERSONS PARKING: 87

SECTION 1809—REDUCTION OF OFF-STREET PARKING REQUIREMENTS: 87

SECTION 1810—OFF-STREET LOADING REQUIREMENTS: **ERROR! BOOKMARK NOT DEFINED.**

SECTION 1811—LOCATION OF LOADING SPACES: 87

SECTION 1812—SIZE OF LOADING SPACES: 88

CHAPTER 19

SIGN STANDARDS..... 89

SECTION 1901—PURPOSE: 89

SECTION 1902—GENERAL PROVISIONS: 89

SECTION 1903—BUILDING PERMIT REQUIRED: 90

SECTION 1904—STANDARDS OF CONSTRUCTION: 90

SECTION 1905—REQUIRED MAINTENANCE FOR ALL SIGNS: 90

SECTION 1906—VALID BUSINESS LICENSE REQUIRED: 90

SECTION 1907—ENFORCEMENT: 90

SECTION 1908—TYPE OF SIGN APPLICATION REQUIRED: 91

SECTION 1909—LAND USE AUTHORITIES FOR SIGN APPLICATIONS: 91

SECTION 1910—MINIMUM REQUIREMENTS FOR APPROVAL AND FINDINGS AND STANDARDS FOR APPROVAL OF SIGN APPLICATIONS, OTHER PROVISIONS: 91

SECTION 1911—ALLOWED SIGNS: 91

SECTION 1912—SIGN LIGHTING REQUIREMENTS: 91

SECTION 1913—EXEMPT SIGNS: 92

SECTION 1914—PROHIBITED SIGNS: 92

SECTION 1915—NONCOMPLYING SIGNS: 93

SECTION 1916—UNUSED AND ABANDONED SIGNS: 93

CHAPTER 20

RESERVED..... 106

CHAPTER 21

ENFORCEMENT 107

SECTION 2101—PURPOSE: 107

SECTION 2102—VIOLATIONS AND BUILDING PERMITS: 107

SECTION 2103—TYPES OF VIOLATIONS: 107

SECTION 2104—CONTINUING VIOLATION: 108

SECTION 2105—LEGAL NONCONFORMITY AN AFFIRMATIVE DEFENSE: 108

SECTION 2106—REVOCATION OF LAND USE APPLICATION APPROVALS: 108

SECTION 2107—PROCEDURES FOR REVOCATION OR MODIFICATION OF A LAND USE APPLICATION APPROVAL: 108

SECTION 2108—STOP WORK: 109

SECTION 2109—PENALTIES FOR VIOLATIONS: 109

SECTION 2110—CIVIL PENALTIES: 109

SECTION 2111—APPEAL: 109

CHAPTER 22

CONSTITUTIONAL TAKINGS 110

SECTION 2201—PURPOSE: 110

SECTION 2202—GUIDELINES ADVISORY: 110

SECTION 2203—REVIEW OF TAKINGS APPLICATION REQUIRED: 110

SECTION 2204—RESULTS OF REVIEW: 110

APPENDIX A

TABLE OF USES 112

APPENDIX B

STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES 162

APPENDIX B-1

STANDARDS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES 164

CHAPTER 1

TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE

Section 101—Short Title:

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

Section 102—Authority:

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

Section 103—Declaration:

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

Section 104—Purpose:

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

Section 105—Provision of Administrative Guidelines, Standards, and Other Materials – Compliance Required:

- 1) The BOCC may provide a Land Use Ordinances Administrative Manual (hereinafter “Administrative Manual”) to provide administrative guidelines, standards, forms, or other documents to assist the County Staff, County residents, and Applicant(s) in providing and

processing applications and interpreting and administering the County's Land Use Ordinances, including this Ordinance.

- 2) When provided by the BOCC the Land Use Applications required by this Ordinance shall be reviewed and approved or denied by the Land Authority, as applicable, in compliance with all requirements and standards of this Ordinance and all guidelines, standards, forms, or other documents, as applicable.

Section 106—Applicability:

- 1) Applications accepted by the County as complete for any approval required by the provisions of this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance and all other Ordinances and Resolutions of the County, as applicable and in effect at the time the application is determined to be "complete," by the Wayne County Treasurer/Recorder (hereinafter "Treasurer/Recorder") as required by this Ordinance and Resolutions, as applicable.
- 2) No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any use, activity, purpose, or in any manner other than as allowed by this Ordinance.
- 3) The provisions of this Ordinance shall apply to all unincorporated lands located within the boundaries of Wayne County, unless exempted by the provisions of this Ordinance, or other lawful exemption.
- 4) The provisions of this Ordinance shall be held to be the minimum requirements necessary to protect the health, safety, and welfare of the citizens of Wayne County, and achieve the purposes of this Ordinance.

Section 107—Conflict:

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

Section 108—Permits and Licenses to Conform to this Ordinance:

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

Section 109—Effective Date:

This Ordinance shall take effect on January 1, 2011 following its adoption by the BOCC.

Section 110—Omissions not a Waiver:

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

Section 111—Repealer and Effect:

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

CHAPTER 2
LAND USE AUTHORITIES

Section 201—Land Use Authorities:

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

Section 202—Wayne County Board of County Commissioners:

- 1) The BOCC is both a Land Use Authority and Appeals Authority, as defined by the Act, and shall have the following powers and duties under this Ordinance:
 - a) To adopt, and to initiate amendments to the Wayne County General Plan, and all elements of the General Plan.
 - b) To adopt, and to initiate amendments to the County’s Land Use Ordinances, including this Ordinance.
 - c) To adopt and to initiate amendments to the County’s Land Use Resolutions, including the Administrative Manual.
 - d) To approve, approve with conditions, or deny all Conditional Use Applications.
 - e) To approve, approve with requirements, or deny all Preliminary Subdivision (Major) Applications and all Final Subdivision (Major) Applications.
 - f) To render a decision, or appoint a hearing officer to render a recommendation to the BOCC prior to a BOCC decision, if an Applicant asserts a deprivation of, or has been subject to a taking of property without just compensation, or asserts some other constitutional invalidity, as provided by Chapter 22.
 - g) To establish a Fee Schedule by Resolution for all approvals, permits and licenses required by this Ordinance.
 - h) To appoint a Zoning Administrator for the efficient and consistent administration of this Ordinance and to carry out the other duties and responsibilities as provided by this Ordinance.

- i) To approve all bylaws, policies, and procedures for the conduct of all duties and meetings, for the consideration of applications, and for any other purposes for the efficient functioning of the County’s Land Use Authorities.
 - j) To take such other action(s) not expressly delegated to any other Land Use Authority.
- 2) **Effective Date of Decisions, Exceptions, Meeting Minutes.** All decisions of the BOCC, made under this Ordinance, shall take effect on the date of the BOCC meeting when the decision is made, unless a different date is designated by the BOCC at the time the decision is made. The minutes of all meetings of the BOCC shall be filed in the office of the Wayne County Clerk (hereinafter “County Clerk”). All such records shall be the official record of the BOCC and shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act (hereinafter “GRAMA”).

Section 203—Wayne County Planning Commission:

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

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

- g) To hear, review, and recommend approval, approval with revisions, or denial of all Preliminary Subdivision (Major) Applications and all Final Subdivision (Major) Applications and to transmit such recommendation to the BOCC.
 - h) To approve, approve with revisions, or deny all Permitted P-2 Use Applications.
 - i) Hear and decide Applications for a Variance from the terms of this Ordinance, with a finding of an unreasonable hardship as required by the Act, and as provided by Chapter 10.
 - j) Hear and decide Applications for a Determination of a Nonconforming Use, Noncomplying Structure, or other Nonconformity, as provided by Chapter 11.
 - k) To act as an Appeal Authority, as provided by Chapter 13.
 - l) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, provided that such bylaws, policies, and procedures are approved by the BOCC before taking effect.
 - m) Advise the BOCC on all other matters as the BOCC may direct.
- 2) **Membership: Appointment, Removal, Terms, and Vacancies.**
- a) The Commission shall consist of five (5) members, and may include two (2) additional alternate members as may be deemed necessary by the BOCC.
 - b) The members of the Commission shall be residents of Wayne County.
 - c) The BOCC shall appoint members of the Commission.
 - d) The BOCC may remove any member of the Commission, with or without cause.
 - e) Members of the Commission shall serve with compensation, and the BOCC shall provide for reimbursement to Commission members for approved actual expenses incurred, upon presentation of proper receipts.
 - f) Members of the Commission shall serve a term of four (4) years. Terms shall begin on January 1st of each calendar year. Member's terms are to be staggered so that not more than two (2) member's terms shall expire each year on December 31st. A Commission member shall not be automatically reappointed.
 - g) At an annual organizational meeting to be held the first regular meeting in the new calendar year, and at other times as required, the members of the Commission shall, by

- motion and majority vote of the Commission, appoint one (1) of their members as chair and one (1) of their members as vice-chair. The chair and vice-chair shall serve a term of one (1) year. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
- h) The chair, or in the chair's absence, the vice-chair shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.
 - i) Commission vacancies occurring for any reason shall be filled by the BOCC. Vacancies of the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the member's unexpired term.
- 3) **Recording Secretary.** The County Treasurer/Recorder, or designee, shall act as the Recording Secretary of the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the office of the County Clerk. All such records shall be available for public review and access in accordance with GRAMA. The Recording Secretary shall be compensated as approved by the BOCC.
- 4) **Quorum and Necessary Vote.** No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All decisions and recommendations of the Commission shall require the concurring vote of a minimum of three (3) members of the Commission. The Commission may transmit reports of its decisions and recommendations to the BOCC. Any member of the Commission may also make a concurring or dissenting report or recommendation to the BOCC.
- 5) **Effective Date of Decisions.** All decisions of the Commission shall become effective on the date of the meeting when the decision is made, unless a different date is designated by the Commission at the time the decision is made.
- 6) **Meetings, Hearings, and Procedure.**
- a) The Commission shall establish a regular meeting schedule.
 - b) Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.
 - c) When a matter is postponed due to lack of a quorum, the matter shall be rescheduled. The Recording Secretary shall notify all members of the Commission, and all interested parties, of the date when the rescheduled matter will be heard by the Commission.

Section 204—Wayne County Technical Review Committee:

A Technical Review Committee (hereinafter “TRC”) may be established and created by the BOCC.

- 1) **Purpose.** The purpose of the TRC is to assure that any proposed use, activity, building, or structure is consistent with the General Plan and complies with all requirements of the County’s Land Use Ordinances, including this Ordinance, all other applicable ordinances and requirements, and the Administrative Manual.
- 2) **Membership.** The TRC shall consist of persons representing various County Departments, and other persons, as may be designated by the BOCC, responsible for reviewing and coordinating Applications for any approval, permit, or license.
- 3) **Powers and Duties.** The TRC shall act under the direction of the BOCC and shall have the following duties and responsibilities:
 - a) Before a Land Use Authority considers any Permitted P-2 Use or Conditional Use Application, the TRC may review the Application to determine compliance of the Application with the General Plan and all applicable Ordinances, including this Ordinance, and the Administrative Manual.
 - b) The TRC may provide a report to the Land Use Authority identifying compliance of any Permitted P-2 Use or Conditional Use Application with the General Plan and all applicable Ordinances, including this Ordinance, and the Administrative Manual, prior to a review and decision by a Land Use Authority.
 - c) The TRC may provide a report to the Land Use Authority, identifying compliance of any Preliminary Subdivision (Major) or (Minor) Applications and any Final Subdivision (Major) or (Minor) Applications.
 - d) The TRC may provide a report to a Land Use Authority for any General Plan matter, including all elements thereof, and all amendments thereto.
 - e) The TRC may provide a report to a Land Use Authority for any Land Use Ordinance matter, including this Ordinance, all provisions and requirements thereof, and all amendments thereto.
 - f) The TRC may provide a report to a Land Use Authority for any Official Map matter, including all provisions and requirements thereof.
 - g) The TRC may provide a report to the Commission for any Variance Application.

- h) The TRC may provide a report to a Land Use Authority for an Application for any approval, permit, or license.
 - i) The TRC may present findings for consideration by a Land Use Authority in the review and decision of any Application for any approval, permit, or license.
- 4) **Conduct of Meetings.** The TRC may establish procedures for the conduct of TRC meetings, the scheduling of meetings, field trips, and any other TRC matters, such procedures being approved by the BOCC before taking effect.

Section 205—Wayne County Zoning Administrator:

The BOCC may appoint a person to carry out the administrative responsibilities of this Ordinance. The person so designated is referred to herein as the “Zoning Administrator.” The Zoning Administrator is a Land Use Authority, as defined by the Act.

- 1) **Powers and Duties.** It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of the Land Use Ordinances are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
- a) To make necessary interpretations of this Ordinance, as provided by the Administrative Manual.
 - b) To approve, approve with revisions, or deny all Permitted P-1 Use Applications.
 - c) To perform and carry out all other duties, as identified herein or by the County’s other Land Use Ordinances and Administrative Manual.

Section 206—Treasurer/Recorder:

- 1) **Powers and Duties.** The Treasurer/Recorder shall have the following powers and duties:
- a) To determine completeness of all Land Use Applications, as required by Chapter 15, Administrative Manual.
 - b) To act as the Recording Secretary for all Land Use Authorities, as identified herein.
 - c) To perform and carry out all other duties, as identified by this Ordinance and the Administrative Manual.

Section 207—Support:

The officers and staff of the County shall provide support and assistance to the BOCC, Commission, TRC, Treasurer/Recorder and Zoning Administrator, as required to effectively implement the General Plan and Land Use Ordinances.

Section 208—Meetings and Public Hearings:

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

Section 209—Exactions:

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

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

Section 210—Acquisition of a Billboard by Eminent Domain – Removal without providing Compensation – Limit on allowing Nonconforming Billboards to be Rebuilt:

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

Section 211—Acquiring Property:

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

CHAPTER 3
LAND USE APPLICATIONS—DECISION MAKING STANDARDS

Section 301—Various Applications Provided:

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

Section 302—Decision Making Standards:

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

1) Legislative Proceedings.

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

- a) General Plan adoption.
- b) General Plan Amendment Application.
- c) Land Use Ordinance adoption.
- d) Land Use Ordinance Amendment Application.
- e) Zoning Districts Map Amendment Application (Rezoning).
- f) Official Map Amendment Application.
- g) Temporary Land Use Regulations.

2) Legislative Proceedings - Decision Standards.

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

- a) In rendering a decision for a legislative matter, involving a legislative proceeding, the BOCC may consider the following to promote the public health, safety, the public interest of the County and its residents:

- i) Reports, information and testimony presented at the public hearing(s) or public meeting(s) when the legislative matter was considered; and
- ii) The personal knowledge of BOCC members regarding the various conditions and activities bearing on the issue.
- iii) The BOCC shall identify the basis, and any findings of fact for the decision, in the public record of the meeting when the legislative matter is decided.

3) **Administrative Proceedings.**

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

- a) Permitted P-1 Use Application.
- b) Permitted P-1 Sign Application.
- c) Permitted P-2 Use Application.
- d) Conditional Use Application.
- e) Conditional Sign Application.
- f) All Subdivision Applications, including all Preliminary and Final Subdivision Applications.
- g) Applications for a Determination of Nonconforming Use(s), Noncomplying Structure(s), and other Nonconformities.
- h) Variance Application.
- i) Building Permit Application.
- j) Determination of Application Completeness.
- k) All other applications for any necessary approval, permit, or license required by the provisions of this Ordinance, and not identified to be a legislative matter, subject to legislative proceedings, as identified by this Chapter.

4) **Administrative Proceedings - Decision Standards.**

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

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

CHAPTER 4
LAND USE APPLICATIONS – PROCEDURES

Section 401—Purpose:

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

Section 402—Application Forms:

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

Section 403—Land Use Application Procedures:

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

Section 404—Determination of Completeness of Land Use Applications:

All Land Use Applications required by this Ordinance shall be determined to be complete, by the Treasurer/Recorder, as required by the Administrative Manual and prior to consideration by a Land Use Authority.

Section 405—Scope of Land Use Application Approvals:

- 1) The rights conferred by a Land Use Application approval by the Land Use Authority shall be limited to those rights granted in the applicable provisions of this Ordinance and subject to any requirements or conditions.
- 2) A Land Use Application approval shall be considered void and invalid one hundred and eighty (180) calendar days after approval by the Land Use Authority, unless the Applicant has proceeded with reasonable diligence to establish the approved use or activity, or construction has commenced.
- 3) A Land Use Application approval shall be invalid and null and void if a use is not conducted, or a building or structure is established in violation of any requirements of all Land Use Ordinances, requirements or conditions of approval.

Section 406—Land Use Authorities to Comply with all Land Use Ordinances and Resolutions:

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

Section 407—Land Use Permits Required to comply with Land Use Authority Decision:

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

Section 408—When an Applicant is Entitled to Approval of an Application – Exceptions – County May Not Impose Unexpressed Requirements – County Required to Comply with the Requirements of this Ordinance:

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

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

Section 409—Vesting of Zoning Rights:

On the date of a determination of a complete application by the Treasurer/Recorder, an Application for any Land Use Application, as may be required by this Ordinance, shall vest pursuant to the terms of this Ordinance in effect, unless such vesting is affected by a pending amendment to this Ordinance, or a temporary zoning regulation.

Section 410—Procedural Irregularities:

- 1) Validity of Action. No action, inaction or recommendation shall be set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) unless:
 - a) A procedure required by State or Federal law; was not followed and
 - b) In an examination of the circumstances, including the record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:

- i) Had the error not occurred the decision made pursuant to the procedure would have been different, and
 - ii) Because of the error, the complainant suffered an injury for which relief must be given.
- 2) Presumption of Validity. The court shall presume that action, inaction or recommendation taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial or that an injury occurred. The complainant shall have the burden of proof to show that an error is prejudicial or that an injury occurred.

CHAPTER 5

APPLICATIONS TO AMEND THE WAYNE COUNTY GENERAL PLAN

Section 501—Purpose:

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

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

Section 502—BOCC the Land Use Authority for General Plan Amendment Applications:

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

Section 503— Procedures and Review Standards for General Plan Amendment Applications:

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

Section 504—Findings Required for Approval of a General Plan Amendment Application:

The Commission in making a recommendation, and the BOCC in deciding a General Plan Amendment Application, shall find that all the procedural requirements and review standards of Section 503 have been met.

Section 505—Effect of Approval of a General Plan Amendment Application:

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

Section 506—Appeals:

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

CHAPTER 6

APPLICATIONS TO AMEND WAYNE COUNTY LAND USE ORDINANCES

Section 601—Purpose:

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

All Wayne County Land Use Ordinances, including this Ordinance, with the accompanying Zoning Districts Map, is considered the County’s land use laws for the purposes of land use decision-making.

Section 602—BOCC the Land Use Authority for Land Use Ordinance Amendment Applications:

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

Section 603—Procedures and Review Standards for Land Use Ordinance Amendment Applications:

- 1) The procedures for the review of a Land Use Ordinance Amendment Application are identified by Chapter 10 and Chapter 15, Administrative Manual.
- 2) In considering a Land Use Ordinance Amendment Application, the Commission in formulating a recommendation, and the BOCC in deciding a Land Use Ordinance Amendment Application shall consider the following factors, among others:
 - a) The effect of the proposed amendment on the overall well-being of the County.
 - b) The effect of the proposed amendment on the public health, welfare, and safety.
 - c) The effect of the proposed amendment on the interests of the County, and its residents.
 - d) The ability of the County, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
 - e) Compatibility of the proposed uses with nearby and adjoining properties.
 - f) The suitability of the properties for the uses and activities proposed.

- g) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the County’s Land Use Ordinances, and any other Ordinances required to implement the amendment.

Section 604—Findings Required for Approval of a Land Use Ordinance Amendment Application:

The Commission in making a recommendation, and the BOCC in deciding a Land Use Amendment Application, shall find that all the procedural requirements and review standards of Section 603 have been met.

Section 605—Effect of Approval of a Land Use Ordinance Amendment Application:

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

Section 606—Appeals:

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

Section 607—Temporary Land Use Regulations:

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

Section 608—Effect of a Pending a Land Use Ordinance, Official Map Amendment, or Temporary Land Use Regulation:

- 1) An Applicant is entitled to action on a Land Use Application by the Land Use Authority, as applicable, if the application conforms to the requirements all Land Use Ordinances, in effect on the date the Treasurer/Recorder determines the application complete and all fees have been paid unless:
 - a) The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the application; or

- b) In the manner provided by this Chapter, and before the Land Use Application is filed, the County has formally initiated proceedings to amend a Land Use Ordinance, including this Ordinance, or Official Map, in a manner that would prohibit or otherwise effect the approval of the application, as submitted; or
 - c) The BOCC, as provided by Section 607, has adopted a temporary land use regulation affecting the application.
- 2) An application for any Land Use Application approval affected by a pending Land Use Ordinance Amendment, Official Map Amendment, or Temporary Land Use Regulation shall be subject to the following:
- a) The application shall not be acted upon until one hundred eighty (180) days from the date when the pending Land Use Ordinance Amendment, Official Map Amendment, or Temporary Land Use Regulation was first noticed on a Commission or BOCC agenda, unless:
 - i) The Applicant voluntarily agrees to amend the Land Use Application to conform to the requirements of the pending amendment or temporary land use regulation; or
 - ii) One hundred eighty (180) calendar days have passed since the amendment proceedings were initiated or the adoption of the temporary land use regulation; or
 - iii) A decision concerning the proposed amendment is made sooner than one hundred eighty (180) calendar days since the amendment proceedings were initiated.
- 3) Upon a decision on a Land Use Ordinance Amendment or Official Map Amendment Application by the BOCC, all decisions for any approval, permit or license filed during the period the Land Use Ordinance Amendment or Official Map Amendment is pending, or thereafter, shall conform to the requirements of the Land Use Ordinance or Official Map, as amended.
- 4) A Land Use Authority shall process an application without regard to proceedings initiated to amend a Land Use Ordinance or Official Map if:
- a) One hundred eighty (180) calendar days have passed since the proceedings were initiated; and
 - b) The proceedings have not resulted in an enactment that would prohibit action on the application, as submitted; or
 - c) One hundred eighty (180) calendar days have passed since the adoption of the temporary land use regulation.

- 5) An application shall be deemed “filed” when the application is determined complete by the Treasurer/Recorder.

- 6) When a proposed Land Use Ordinance Amendment or Official Map Amendment Application is pending, an application for any Land Use Application approval, permit, or license, as required by the Land Use Ordinances of the County, which may be affected by the proposed amendment, shall not be entitled to rely on the existing Land Use Ordinances or Official Map, which may be amended.

CHAPTER 7 PERMITTED USE APPLICATIONS

Section 701—Purpose:

This Chapter and the Administrative Manual identifies and provides the standards and procedures for the review of all Permitted Use and Permitted Sign Applications and required to determine compliance with this Ordinance.

Section 702—Zoning Administrator and Commission the Land Use Authorities for Permitted Use and Permitted Sign Applications:

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

Section 703— Procedures and Review Standards for Permitted P-1Use, Permitted P-1 Sign, Permitted P-2 Use, and Permitted P-2 Sign Applications:

- 1) The procedures for the review of a Permitted P-1 Use Application, and a Permitted P-1 Sign Application, are identified by Chapter 4 and Chapter 15, Administrative Manual.
- 2) The procedures for the review of a Permitted P-2 Use Application, and a Permitted P-2 Sign Application, are identified by Chapter 4 and Chapter 15, Administrative Manual.
- 3) The Zoning Administrator for Permitted P-1 Use Applications and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use Applications and Permitted P-2 Sign Applications, shall review the Application and shall determine:
 - a) The proposed use is a Permitted P-1 Use or a Permitted P-2 Use within the Zoning District as identified in Appendix A, Table of Uses.

- b) The proposed sign is a Permitted P-1 Sign or a Permitted P-2 Sign within the Zoning District, as identified by Chapter 19.
- c) The proposed use or sign complies with all requirements of the Zoning District, including the minimum area, setbacks, height, and all other requirements as applicable.
- d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- e) The property on which the Permitted Use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use and site plan or sign complies with all site plan and building requirements, as provided and required by this Ordinance and this Chapter.
- g) The proposed use and site plan complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

Section 704—Findings Required for Approval of Permitted P-1 Use, P-1 Sign, P-2 Use, and P-2 Sign Applications:

In deciding a Permitted Use or Permitted Sign Application the Zoning Administrator for Permitted P-1 Use and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use and Permitted P-2 Sign Applications shall find that the procedural requirements and review standards of Section 703 have been met.

Section 705—Decision for a Permitted Use Application:

- 1) If the Permitted Use or Sign Application complies with all the requirements of this Ordinance, the Building Codes, and all other applicable Land Use Ordinances, as adopted, the Zoning Administrator for Permitted P-1 Use or Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use or Permitted P-2 Sign Applications shall approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Ordinance. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.
- 2) If the Permitted Use or Sign Application does not comply with the requirements of this Ordinance, the Building Codes, or any other applicable Land Use Ordinance, as adopted, the Zoning Administrator for Permitted P-1 Use or Permitted P-1 Sign Applications and the Commission for Permitted P-2 Use or Permitted P-2 Sign Applications shall not approve the Application, and no building permit shall be issued. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.

Section 706—Effect of Approval:

- 1) Approval of a Permitted P-1 Use or Permitted P-1 Sign Application by the Zoning Administrator or Commission shall authorize the establishment of the approved use or sign, subject to any revisions and requirements determined necessary to comply with all Land Use Ordinances of the County. Only when the Permitted P-1 Use or Permitted P-1 Sign Application has been approved by the Zoning Administrator, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Permitted P-1 Use Application or a Permitted P-1 Sign Application shall not be deemed an approval of any other Land Use Application, permit, or license.
- 2) Approval of a Permitted P-2 Use or Permitted P-2 Sign Application by the Commission shall authorize the establishment of the approved use or sign, subject to any revisions and requirements determined necessary to comply with all Land Use Ordinances of the County. Only when the Permitted P-2 Use or Permitted P-2 Application has been approved by the Commission, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Permitted P-2 Use Application or a Permitted P-2 Sign Application shall not be deemed an approval of any other Land Use Application, permit, or license.

Section 707—Appeals:

- 1) Any person aggrieved by a decision of the Zoning Administrator or Commission for any Permitted P-1 Use Application or Permitted P-1 Sign Application may appeal the decision to the Appeal Authority, as identified by Chapter 13.
- 2) Any person aggrieved by a decision of the Commission for any Permitted P-2 Use Application or Permitted P-2 Sign Application may appeal the decision to the Appeal Authority, as identified by Chapter 13.

CHAPTER 8 CONDITIONAL USE APPLICATIONS

Section 801—Purpose:

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

Section 802—BOCC the Land Use Authority for Conditional Use and Conditional Sign Applications:

The BOCC, following the receipt of a Commission recommendation, is authorized as the Land Use Authority responsible to review and approve, approve with revisions and conditions, or deny all Conditional Use Applications and Conditional Sign Applications.

Section 803— Procedures and Review Standards for Conditional Use and Conditional Sign Applications:

- 1) The procedures for the review of a Conditional Use Application are identified by Chapter 5 and Chapter 15, Administrative Manual.
- 2) The procedures for the review of a Conditional Sign Application are identified by Chapter 5 and Chapter 15, Administrative Manual.
- 3) In considering a Conditional Use Application, or a Conditional Sign Application. the Commission in formulating a recommendation, and the BOCC in deciding a Conditional Use or Sign Application shall review the Application and shall determine:
 - a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.
 - b) The proposed sign is a Conditional Use within the Zoning District as identified in Chapter 19.
 - c) The proposed use or sign complies with all requirements of the Zoning District, including the minimum area, setbacks, height, and all other requirements as applicable.
 - d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

- e) The property on which the Conditional Use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use and site plan or sign complies with all site plan and building requirements, as provided and required by this Ordinance and this Chapter.
- g) The proposed use and site plan complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

Section 804—Findings Required for Approval of Conditional Use and Conditional Sign Applications:

The Commission in making a recommendation, and the BOCC in deciding a Conditional Use or Conditional Application, shall find that the procedural requirements and review standards of Section 803 have been met.

Section 805—Reasonable Conditions Authorized for Approval for a Conditional Use or Conditional Sign:

The BOCC may impose, and the Commission may recommend, such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the approval of a Conditional Use Application or Conditional Sign Application deemed necessary by the BOCC to mitigate possible detrimental effects of the proposed use or sign, to secure the purposes of this Ordinance, and to protect adjacent properties and the public interest. Reasonable conditions may include;

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

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

Section 806—Decision for a Conditional Use Application or Conditional Sign Application:

- 1) If the Conditional Use or Conditional Sign Application complies with all the requirements of this Ordinance, the Building Codes, as adopted, and all other applicable Land Use Ordinances, as adopted, the BOCC shall approve the Application, with or without revisions, requirements, and conditions determined necessary for compliance to the requirements of this Ordinance. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.
- 2) If the Conditional Use or Conditional Sign Application does not comply with the requirements of this Ordinance, Building Codes, and all other applicable Land Use Ordinances, as adopted, the BOCC shall not approve the Conditional Use Application, and no building permit shall be issued. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.

Section 807—Effect of Approval:

Approval of a Conditional Use or Conditional Sign Application by the BOCC shall authorize the establishment of the approved use or sign, subject to any revisions, requirements, and conditions determined necessary to comply with all Land Use Ordinances of the County. Only when the Conditional Use or Conditional Sign Application has been approved by the BOCC, and a

Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Conditional Use or Conditional Sign Application shall not be deemed an approval of any other Land Use Application, permit, or license.

Section 808—Appeals:

Any person aggrieved by a decision of the BOCC for any Conditional Use or Conditional Sign Application may appeal the decision to the Appeal Authority, as identified by Chapter 13.

**CHAPTER 9
RESERVED**

CHAPTER 10
VARIANCE APPLICATIONS

Section 1001—Purpose:

This Chapter and the Administrative Manual provides the standards and procedures for the review of all Variance Applications and required to determine compliance with this Ordinance.

Section 1002—Commission the Appeals Authority for Variance Applications:

The Commission is authorized as the Appeals Authority responsible to review and approve, approve with revisions, or deny all Variance Applications.

Section 1003—Procedures and Review Standards for Variance Applications:

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

- g) The approval of the Variance Application will not have the effect of nullifying in any way the intent and purpose of this Ordinance, or the County’s other Land Use Ordinances.

Section 1004—Findings Required for Approval of Variance Applications:

In deciding a Variance Application, the Commission shall find that all the procedural requirements and review standards of Section 1003 have been met.

Section 1005—Decision for a Variance Application:

- 1) If the Variance Application complies with all the requirements of Section 1003 the Commission shall approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Ordinance. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.
- 2) If the Variance Application does not comply with all the requirements of Section 1003 the Commission shall not approve the Application. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.

Section 1006—Variance Requirements:

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

Section 1007—Use Variance Prohibited:

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

Section 1008—Effect of Approval:

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

Section 1009—Appeals:

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

CHAPTER 11
NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER
NONCONFORMITIES

Section 1101 – Purpose:

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

Section 1102—Commission the Land Use Authority for Determinations of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Applications:

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

Section 1103— Procedures and Review Standards for Determinations of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Applications:

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

Section 1104—Findings Required for Approval of Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application:

In deciding a of Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application the Commission shall find that all the procedural requirements and review standards of Section 1103 have been met and the following

- 1) Documentation and other materials have been presented, and provided from a credible source(s), to clearly establish that the use, structure, lot, sign, or other nonconformity legally

existed prior to the date of adoption and effective date of the first Land Use Ordinances, including the Zoning Ordinance and Subdivision Ordinance?

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

Section 1105—Decision for a Determination of a Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application:

- 1) If it is determined that the Nonconforming Use, Noncomplying Structure, or other Nonconformity Application complies with all the requirements of Section 1103 and Section 1104, the Commission shall approve the Application. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.
- 2) If it is determined that the Nonconforming Use, Noncomplying Structure, or other Nonconformity Application does not comply with all the requirements of Section 1103 and Section 1104, the Commission shall deny the Application. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.

Section 1106—Effect of Approval:

- 1) A finding by the Commission of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) A finding by the Commission of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
- 3) A finding by the Commission of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of a Land Use Application for any necessary approval, permit, or license, as may be required by the County's Land Use Ordinances.

Section 1107—Requirements for Nonconforming Uses:

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

- 1) A nonconforming use may be continued by the present or future property owner.

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

Section 1108—Requirements for Noncomplying Structures:

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

- 1) A noncomplying structure may be continued by the present or future property owner.
- 2) The County may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed, in whole or in part, due to fire or other calamity unless the structure has been abandoned.

- 3) Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) A noncomplying structure shall terminate if:
 - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
 - b) The property owner has voluntarily demolished a majority of the noncomplying structure.

Section 1109—Termination of a Nonconforming Use due to Abandonment:

- 1) Any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
- 2) Abandonment may be presumed to have occurred if:
 - a) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the County regarding an extension of the nonconforming use.
 - b) The use has been discontinued for a minimum period of one (1) year; or
 - c) The primary building associated with the nonconforming use remains vacant for a minimum period of one (1) year.
- 3) The property owner may rebut the presumption of abandonment under this Section and shall have the burden of establishing that any claimed abandonment under this Section has not in fact occurred. The Commission shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.
- 4) The County may terminate the nonconforming use status of a school district or charter school when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a minimum period of one (1) year.

Section 1110—Noncomplying Lots:

- 1) A lot of record, or any parcel of record, legally existing on the effective date of this Ordinance and Subdivision Ordinance shall:
 - a) Be eligible for a Building Permit authorizing the construction of one (1) single family dwelling, even though such lot or parcel may not conform to the requirements of the Zoning District in which it is located, provided:
 - i) That such lot or parcel of land is located in a Zoning District that allows single family dwellings, and
 - ii) The proposed construction can qualify for the issuance of a Building Permit, as required by the building codes, as adopted.

Section 1111—Noncomplying Signs:

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

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

Section 1112—Appeal:

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

CHAPTER 12
NOTICE REQUIREMENTS

Section 1201—Purpose:

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

Section 1202—Required Notice of Public Hearings and Public Meetings to consider General Plan Adoption and General Plan Amendment Applications:

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

- b) Notice of the date, time, and place of each public meeting shall be provided at least twenty four (24) hours before the public meeting to each Applicant for a General Plan Amendment Application, as required by this Ordinance and the Act.

Section 1203—Required Notice of Public Hearings and Public Meetings to consider a Land Use Ordinance, Land Use Ordinance Amendment Applications, Official Map, and Official Map Amendment Application:

1) **Public Hearings.** The Treasurer/Recorder for public hearings by the Commission and the County Clerk for public hearings by the BOCC to consider a Land Use Ordinance, Land Use Ordinance Amendment Application, Official Map, or Official Map Amendment Application shall provide notice as follows:

- a) Notice of the date, time, and place of the public hearing at least ten (10) calendar days before the hearing which notice shall be:
 - i) Published in a newspaper of general circulation in the County.
 - ii) Mailed to each “affected entity” as defined by this Ordinance and the Act.
 - iii) Posted in at least three (3) public locations within the County; or on the County’s official website.

b) Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) calendar days before the public hearing to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by this Ordinance and the Act.

2) **Public Meetings.** The Treasurer/Recorder for public meetings by the Commission and the County Clerk for public hearings by the BOCC to consider a Land Use Ordinance, Land Use Ordinance Amendment Application, Official Map, or Official Map Amendment Application shall provide notice as follows:

- a) Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - i) Posted in at least three (3) public locations within the County, or on the County’s official website.
- b) Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by this Ordinance and the Act.

Section 1204—Required Notice for other Public Hearings:

When required by the provisions of this Ordinance, the Treasurer/Recorder and/or the County Clerk shall provide notice of the public hearing as follows:

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

Section 1205—Courtesy Notice for Public Hearings:

For public hearings required by this Ordinance, the Treasurer/Recorder and/or the County Clerk may provide actual notice provided by regular United States mail and postmarked at least ten (10) calendar days prior to the public hearing to all owners of property located within three hundred (300) feet of the property that is the subject of the public hearing.

Section 1206—Required Notice for other Public Meetings:

When required by the provisions of this Ordinance, the Treasurer/Recorder and/or the County Clerk shall provide notice of the public meeting as follows:

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

Section 1207—Required Applicant Notice – Waiver of Requirements:

For each Land Use Application, the Treasurer/Recorder and/or the County Clerk shall:

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

Section 1208—Notice Challenge:

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

CHAPTER 13
APPEAL AUTHORITIES AND PROCEDURES

Section 1301—Purpose:

Any person, including the Applicant for any Land Use Application approval, license, or permit required by this Ordinance and any decision-making body or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may appeal the decision to the Appeal Authority, as identified by this Chapter.

Section 1302—Appeal Authorities:

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

Section 1303—District Court:

- 1) Any person aggrieved by a decision of the BOCC may file a petition with District Court.
- 2) Any person aggrieved by a decision of the Commission may file a petition with District Court.

Section 1304—Board of County Commissioners:

- 1) Any person aggrieved by a decision of the Commission, as a Land Use Authority, may file an Appeal Application with the BOCC, as the Appeal Authority.
- 2) Any person aggrieved by a decision of the Zoning Administrator or Treasurer/Recorder, as required by this Ordinance, as a Land Use Authority, may file an Appeal Application with the BOCC, as the Appeal Authority.

Section 1305—Commission

- 1) Any person aggrieved by a decision of the Zoning Administrator or Treasurer/Recorder, as required by this Ordinance, may file an Appeal Application with the Commission.

Section 1306—Maximum Time Allowed to File Appeal:

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

Section 1307—Requirements for an Appeal of a Land Use Authority Decision:

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

Section 1308—Condition Precedent to Judicial Review – Appeal Authority Duties:

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

Section 1309—Application Required:

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

Section 1310—Meetings, Records, and Action of an Appeal Authority:

Each Appeal Authority shall:

- 1) Notify each of its members of any meeting or hearing;
- 2) Provide each of its members with the same information and access to County resources as any other member;

- 3) Convene only if a quorum of its members is present; and
- 4) Act only upon the vote of a majority of its convened members.
- 5) The Zoning Administrator, Treasurer/Recorder, County Clerk and County Attorney shall transmit to the Appeal Authority all materials constituting the full record of the decision of the Land Use Authority.
- 6) Following a written decision by the Appeal Authority, the Treasurer/Recorder and/or the County Clerk shall provide the Applicant with a copy of the written decision.
- 7) A record of the decisions of the Appeal Authority shall be maintained in the office of the County Clerk, which shall constitute the record of the appeal.

Section 1311—Due Process.

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

Section 1312—Burden of Proof.

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

Section 1313—Standard of Review for Appeals.

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

Section 1314—Final Decision.

A decision of each Appeal Authority shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the County in the matter.

Section 1315—District Court Review:

1) Required Time for Filing.

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

2) Tolling of Time.

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

3) Standards Governing Court Review.

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

- ii) Determine only whether or not the final decision is arbitrary, capricious, or illegal.
 - b) A decision, ordinance, or regulation involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.
 - c) A decision of a Land Use Authority or an Appeal Authority involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
 - d) A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
 - e) The time requirements for the filing of a petition with District Court, as provided by this Section apply from the date on which the Land Use Authority takes final action on a Land Use Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Ordinance, as applicable, or for any person who had actual notice of the pending decision.
 - f) If the County has complied with the notice requirements, as provided by this Ordinance, a challenge to the enactment of this Ordinance or the enactment of the Wayne County General Plan may not be filed with the District Court more than thirty (30) calendar days after the enactment.
 - g) A petition is barred unless it is filed within thirty (30) calendar days after the Appeal Authority's decision is final.
- 4) **Record on Review.**
- a) The Land Use Authority or Appeal Authority, as the case may be, shall transmit to District Court the record of its proceedings, including all minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
 - b) If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Section.
 - c) If there is a record, the District Court's review is limited to the record provided by the Land Use Authority or Appeal Authority, as the case may be.
 - d) The District Court may not accept or consider any evidence outside the record of the Land Use Authority or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use Authority or Appeal Authority, respectively, and the court determines that it was improperly excluded.

- e) If there is no record, the Court may call witnesses and take evidence.
- f) The filing of an Appeal does not stay the decision of the Land Use Authority or Appeal Authority, as the case may be.

5) Staying of Decision.

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

**CHAPTER 14
RESERVED**

CHAPTER 15
ESTABLISHMENT OF ZONING DISTRICTS

Section 1501—Zoning by Districts

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

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

- 1) Agricultural (A) District.
- 2) Residential Agriculture (RA) District.
- 3) Business – Commercial (BC) District.
- 4) Resort and Recreation (RR) District.
- 5) Industrial (I) District.
- 6) Special Purpose (SP) District.

Section 1502—Zoning Districts Purposes:

The Wayne County Zoning Districts are provided and achieve the following purposes:

- 1) The Agricultural District (A) is provided to recognize and preserve lands suited for farming and the production of food and fiber and to maintain and protect these areas from the encroachment of incompatible uses.
- 2) The purposes of the Residential Agriculture District (RA) are to provide single-family housing choices to meet the needs of Wayne County residents and to provide safe and convenient places to live. This district is intended to allow for the establishment of residential uses free from any activity or use that may weaken the residential integrity of these areas. Generally the Residential Agriculture District (RA) will be located where adequate public services and facilities are available to meet the needs of residents.

- 3) The purpose of the Business – Commercial (BC) District is to provide areas for the location of various types of commercial activities required to serve the residents and visitors of the County. The development standards provided for this District are intended to minimize any adverse effect of commercial uses on adjoining areas by achieving the compatible integration of land uses and preserving the aesthetic qualities of the area, while providing safe, convenient, and efficient commercial uses.
- 4) The Resort and Recreation (RR) District is provided to allow the establishment of uses that will enhance the economic well-being of the County and provide opportunities for tourism and visitor activities, recreation, and employment. The RR District is intended to provide destination amenities and activities for visitors including active and passive recreational pursuits which may include on-site and off-site activities, overnight lodging, equipment rentals, entertainment and other conveniences for visitors and necessary to support tourism activities and opportunities.
- 5) The Industrial District (I) provides suitable areas to accommodate the needs of the County for a variety of industrial uses including manufacturing, warehousing, and associated accessory uses. The Industrial District (I) allows appropriate industrial uses to strengthen the employment base and economic diversity of the County.
- 6) The Special Purpose (SP) District is provided to allow the establishment of uses that will enhance the economic well-being of the County and provide opportunities for employment but which may create use incompatibilities if such uses were allowed within the other Districts provided by the County.

Table 1
WAYNE COUNTY ZONING ORDINANCE
A LAND USE ORDINANCE OF WAYNE COUNTY
PLANNING COMMISSION RECOMMENDED ZONING DESIGNATIONS

Unless identified otherwise by this Table all properties located within the unincorporated areas of Wayne County Utah are located within the Residential – Agriculture (RA) Zone. Planning Commission recommendations from Existing Zone to Recommended Zones are generally based on achieving maximum compliance and consistency with existing uses and Zoning District provisions.

1	2	3	4	5	6
PARCEL NUMBER	OWNER	ACRES	EXISTING USE	EXISTING ZONE	RECOMMENDED ZONE
01-0070-0530	Municipal Building Authority	36.34	Wayne County Community Center	PF	RA
01-0039-0224	Leavitt Land & Investment Inc.	145.50	Approximately 10 acres Commercials – Aspen Ranch.	PF	RA
02-0026-0820	Teasdale Special Service District	6.23	Town Park	PF	RA
02-0044-00892	Bagley, Gary W.	38.61	B & B, with Recreational Facilities.	BCI	RR
02-0044-0886	Reed, Eldon W. & Erika Trustee	18.49	B & B	BCI	RR
02-0044-0875	Reed, Eldon W. & Erika Trustee	1.00	B & B	BCI	RR
02-0080-0978	Roderick, Chad and Roma	1.76	B & B	BCI	RR
02-0029-0814	Osborn, Lucy M Trustee	4.59	Apartment and Horse Barn	BCI	BC
02-0018-0689	Alexus XI LLC	118.46	12 Acres Lodge, B & B,	BCI	RR
02-0074-0982	Boulder Mountain Inn LLC	1.56	Cabins	BCI	BC
02-0074-0983	Velvet Ridge LLC	6.00	Cabins	BCI	BC

1	2	3	4	5	6
PARCEL NUMBER	OWNER	ACRES	EXISTING USE	EXISTING ZONE	RECOMMENDED ZONE
02-0074-0979	Briggs, Graydon J	11.93	Cabins	BCI	BC
02-0039-0880	Miken Properties LLC	5.62	Motel & Restaurant	BCI	BC
03-0117-0013	S & S Management & Consulting	2.82	Motel	BCI	BC
02-0037-0851	Ayaan Group LLC	3.16	Motel	BCI	BC
01-0070-0519	Taft, Milton & Geraldine	5.00	Gas Station, Car wash, Laundromat	BCI	BC
01-0039-0879	Taft, Milton Lee III	2.66	Gas Station, Subway, and Rental Office	BCI	BC
02-0037-0856	Ayaan Group LLC	4.06	Gas Station/Convenience Store	BCI	BC
01-0091-0582	Ingrahan, David J &	75.02	Approximately 1.0 Acres for Upholstery Shop	BCI	I (1.0 Acre)
01-0055-0412	Chappell, Bruce M. & Dana	3.98	Retail Store, Cabins	BCI	BC
02-0052-0905	Morrill, Vance W. & Elaine	1.79	Retail	BCI	BC
02-0026-0778	Allen, Scott L & Michelle	0.66	Machine Shop	BCI	RA
01-0047-0326	Grundy, Doug & Garaldean	2.00	Cement Plant & RV Dump Station	BCI	I
01-0032-0177	Brown Brothers Construction	15.49	Industrial	BCI	I
01-0008-0043	Brown Brothers Construction	40.00	Industrial	BCI	I
01-0069-0570	Wayne County Health Center	0.15	Parking Lot	BCI	RA

CHAPTER 16
GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL PROPERTY AND
LAND USES

Section 1601—Purpose:

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

Section 1602—Consistency and Conformity to the General Plan Required:

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

Section 1603—Public Uses to Conform to General Plan:

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

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

Section 1604—Effect of Official Maps:

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

Section 1605—Allowed Minimum Use of Legal Lots:

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

Section 1606—Illegal Lots, Uses, Buildings and Structures:

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

Section 1607—Allowed Uses:

All uses allowed by this Ordinance in the unincorporated area of Wayne County, either as a Permitted Use or Conditional Use, are identified in Appendix A, Table of Uses.

Section 1608—Prohibited Uses:

Any use not specifically provided for in Appendix A, Table of Uses is a Prohibited Use in the unincorporated area of Wayne County.

Section 1609—Use Approval and Building Permit Required Prior to Any Construction:

No use shall be established and no construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be commenced until the approval of a Land Use Application and building permit, as required.

Section 1610—Applications Required:

All requests to establish a use, or construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be initiated by the submission of necessary Land Use Application(s), as required by the County's Land Use Ordinances, including this Ordinance, the Administrative Manual, and Building Code, as adopted.

Section 1611—All Buildings Taxed as Real Property:

All buildings shall be taxed as real property. For a mobile home an affidavit shall be filed with the State Tax Commission, pursuant to the requirements of the Utah Code Annotated, as amended.

Section 1612—Payment of Taxes and Charges Required:

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

Section 1613—Uses on Land Purchased, Leased, or otherwise Acquired from Federal or State Government:

Land purchased, leased, or otherwise acquired from any Federal, State or Local agency shall comply with all provisions and requirements of this Ordinance and the Administrative Manual.

Section 1614—All Uses, Buildings, and Structures to Comply with Zoning District Requirements:

Every use established, and all buildings or structures erected, reconstructed, altered, enlarged or moved shall be used, established, or constructed only as allowed by the requirements of this Ordinance, and the County’s other Land Use Ordinances, and Administrative Manual.

Section 1615—Subdivision and Sale of Property:

No person shall subdivide any lands, located wholly or partially within the unincorporated area of Wayne County for any purpose, unless approval for such subdivision has been received from the applicable Land Use Authority, as required by the Wayne County Subdivision Ordinance, and Administrative Manual.

Section 1616—Minimum Lot Frontage Required:

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

- 1) Lot frontage shall be measured by the straight line distance between the two (2) side lot lines at the point equal to the required Front Yard setback for the District in which the lot is located.

Section 1617—Minimum Buildable Area:

Every lot or parcel created after the effective date of this Ordinance shall have a minimum buildable area sufficient to establish a building or structure thereon that meets the minimum standards of the Zoning District in which the lot or parcel is located. Buildable areas shall be required to be identified on all subdivision plats and plans for the purposes of ensuring that a

buildable lot or parcel is provided. Any area located within an easement may not be included within any minimum buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the County Attorney.

Section 1618—Lot Standards – Creation of Noncomplying-Lots Prohibited:

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

Section 1619—All Buildings or Structures to be on a Single Lot:

All buildings or structures shall be located and maintained on a lot, as defined, such lot meeting all requirements of this Ordinance and the County's other Land Use Ordinances.

Section 1620—Lots in Two (2) or More Zoning Districts:

Where a lot is located in two (2) or more Zoning Districts, the more restrictive Zoning District provisions shall apply.

Section 1621—Required Yard Areas for One Building Only:

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

Section 1622—Required Yards to be Unobstructed—Exceptions:

All required yard or setback areas shall be open to the sky and unobstructed and all buildings or parts thereof shall comply with the minimum setback requirements of the Zoning District, except for permitted and approved accessory buildings, for the projection of sills and other ornamental features. Unenclosed steps and unwallled stoops, and porches less than eighteen inches (18") above grade may project up to three feet (3') into a required minimum setback.

Section 1623—Effect of Official Streets Map:

Wherever a required front yard or side yard abuts on a road or street, the required front yard and side yard setback shall be measured from the mapped road or street line provided by the Official Map, as adopted.

Section 1624—Clear View Area Requirements:

- 1) **Street Intersections/Corner Lot.** In all required front yard setback areas, no obstruction to view in excess of three (3) feet in height, or four (4) feet in height for a non view-obstructing fence, shall be placed on any corner lot within a triangular area formed by the street or road right-of way lines and a line connecting them at points twenty (20) feet from the intersection of the street or road right-of-way lines (see Figure).
- 2) **Major Roads.** The clear view area on major roads shall be the triangular area shall be formed by the property lines and a line connecting them at points twenty (20) feet from the intersection of the property lines (see Figure).
- 3) **Driveways.** The clear view area for a driveway shall be the triangle formed by the driveway lines and the road or street right-of-way line and a line connecting them at points fifteen (15) feet from the intersection of the driveway line and road or street right-of-way line.
- 4) **Modification of Clear View Area.** A modification of the clear view areas may be made by the Land Use Authority, as applicable. The Land Use Authority is authorized to increase or decrease the required clear view area if it is determined that there is a valid public safety reason to increase or decrease the required clear-view area.

Section 1625—Maximum and Minimum Height of All Buildings:

The maximum and minimum height of all primary building shall be as identified in Appendix B, Table of Development Standards, for the Zoning District in which the primary building is located.

Section 1626—Exceptions to Maximum Height Limitations:

The requirement for maximum building height shall not apply to:

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

Section 1627—Additional Height Allowed for Public Buildings:

For the following buildings a building height greater than the maximum building height, required by the Zoning District in which the building is located may be allowed, provided the building is

set back from required setback lines a distance of one (1) foot for each additional foot of building height above the maximum height allowed in the Zoning District.

- 1) Public buildings.
- 2) Flag Poles
- 3) Churches.

Section 1628—Adequate Public Facilities Requirements:

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

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

Section 1629—Culinary Water, Sanitary Sewer and Fire Protection Requirements:

- 1) All uses and primary buildings requiring culinary water and sanitary sewer services shall comply with the requirements of the Culinary Water Authority and Sanitary Sewer Authority, as applicable.
- 2) All uses and primary buildings shall comply with the requirements of the Fire Authority, as applicable.

Section 1630—Required Roads, Streets, Fire Protection and other Facilities:

- 1) The installation of necessary roads and streets, roads and street widening and improvement(s), fire protection facilities, and other improvements and facilities required by the Land Use Ordinances of the County shall be required as a condition of any required Land Use Application approval.

- 2) Private driveways may be permitted with the following requirements:
 - a) A minimum of twenty (20) feet right-of-way.
 - b) A private drive shall provide access for a maximum of four (4) lots.
 - c) A driveway for a commercial zoned property shall be a minimum of sixty (60) feet right-of-way and meet County road standards.
- 3) The BOCC may provide that the installation of necessary roads and streets, road and street widening and improvement, fire protection facilities, trails, and other improvements be delayed until a specified date, or provided as part of any area-wide improvement plan(s). Any action by the BOCC to delay the installation of any required improvements shall only be with a finding of special circumstances, with the Applicant for a Land Use Application approval providing a written agreement, acceptable to the County Attorney, agreeing to provide the required improvements on the date identified, or participating in any improvement plan(s), at a time determined. The timing of any improvement plan(s) shall be at the sole discretion of the BOCC.

Section 1631—Guarantee of Installation of Improvements:

A Land Use Authority, as applicable, with responsibility to approve of any required Land Use Application shall guarantee the installation of any required facilities and services by one of the methods specified as follows:

- 1) The Applicant(s) may furnish and file with the County Clerk a bond with corporate surety in an amount equal to the cost of the improvements as estimated by the County Engineer, which bond shall be approved by the County Attorney and shall be filed with the County Clerk.
- 2) The Applicant(s) may deposit in escrow with an escrow holder approved by the BOCC an amount of money equal to the cost of the improvements as estimated by the County Engineer, which escrow agreement shall be approved by the County Attorney and shall be filed with the County Clerk.

Section 1632—Certificate of Occupancy Required:

- 1) Unless exempted by the Building Code(s), as adopted, no building or structure shall be occupied, or used, until a Certificate of Occupancy has been issued by the Building Official.
- 2) It is unlawful to occupy or use a building or structure until a Certificate of Occupancy has been issued for such building or structure.
- 3) Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and the Building Code(s), as adopted.
- 4) The occupancy or use of any building or structure for which a Certificate of Occupancy has not been issued is declared to be a public nuisance and may be cited and abated as such.

Section 1633—Business License Required – Continuing Obligations:

All activities requiring a business license, as required by the Business License requirements of the County, including all home occupations, shall be operated in compliance with all requirements of the Land Use Application, as approved, and all business license requirements. Issuance of a business license shall be conditioned upon continued compliance with all requirements and/or conditions of Land Use Application approval. All activities requiring a business license shall comply with all business licensing requirements, including annual license renewal.

Section 1634—Lot and Setback Requirements for Primary Buildings:

Appendix B, Table of Development Standards, identifies the minimum lot size, building location requirements, and other requirements for buildings and structures in each Zoning District provided by this Ordinance.

Section 1635—Off-Street Parking Requirements:

All uses shall provide the minimum off-street parking requirements identified by Chapter 18.

Section 1636—Construction Subject to Geologic, Flood, or Other Natural Hazards:

To protect the public health, welfare and safety from geologic, flood, or other natural hazards all Land Use Applications may be required to provide a geotechnical report for any land area or parcel that has the potential for any soils, earthquake, flood, or other natural hazards. If required, the geotechnical report shall:

- 1) Be prepared at the Applicant’s expense by a registered or licensed geologist, soils engineer, or civil engineer.
- 2) Identify the suitability of the subject property to accommodate the proposed development, identifying all development constraints, limitations, conditions, and mitigation actions, applying best management practices.

Section 1637—Required Property Maintenance:

No junk or rubbish determined to be a public health and safety risk shall be permitted on any lot, parcel, right-of-way, or easement, or as part of any building or use.

Section 1638—Noxious Weeds:

All property owners shall comply with the requirements of the “Utah Noxious Weeds Act,” UCA.

CHAPTER 17

SUPPLEMENTARY DEVELOPMENT STANDARDS APPLICABLE TO CERTAIN
PROPERTY AND LAND USES

Section 1701—Purpose:

The purpose of supplementary development standards is to further the purposes of this Ordinance and to address the use, location, construction, and operation of particular uses and activities. Compliance with all supplementary development standards, as applicable, as well as all other requirements of this Ordinance, and all other Federal, State, and Local requirements is required for the approval of all Land Use Applications.

Section 1702—Home Occupations:

All applications to establish a home occupation shall comply with the following requirements:

- 1) The home occupation is clearly incidental to the use of the dwelling unit for residential purposes and does not change the character of the structure.
- 2) Entrance to the home occupation from outside shall be the main entrance or the same entrance used by the residents of the dwelling unit, except when required to be otherwise by the Fire Authority, Board of Health, or other public agency with authority.
- 3) The physical appearance, traffic, and other activities in connection with the home occupation are not contrary or in conflict with the purposes of the Zoning District in which the dwelling unit is located.
- 4) No more than twenty-five percent (25%) of the ground floor area of the dwelling unit is used for the home occupation.
- 5) All activities associated with the home occupation shall be conducted entirely within the dwelling unit and conducted by the residents of the dwelling only and does not involve the use of any accessory buildings or outside areas for the storage of goods or materials or the conduct of the home occupation.
- 6) The home occupation contains no facilities for the display of goods or merchandise. Any sale of goods or services shall be an incidental part of the home occupation.
- 7) No commercial vehicles are used except one (1) delivery vehicle which does not exceed three-fourth ($\frac{3}{4}$) ton rated capacity.
- 8) The home occupation shall maintain a valid Wayne County business license, as applicable.

Section 1703—Child Care:

- 1) All Child Care facilities, including a “Child Care – Facility,” “Child Care – Hourly,” “Child Care – Licensed Family,” and “Child Care – Residential Certificate” shall comply with all licensure requirements of the State of Utah Department of Child and Family Services.
- 2) All Child Care facilities, including a “Child Care – Facility,” “Child Care – Hourly,” “Child Care – Licensed Family,” and “Child Care – Residential Certificate” shall be inspected and provide a “Fire Clearance” issued by the Fire Authority.
- 3) All Child Care facilities, including a “Child Care – Facility,” “Child Care – Hourly,” “Child Care – Licensed Family,” and “Child Care – Residential Certificate” shall maintain a valid business license as required by the business licensing requirements of the County, as applicable.

Section 1704—Manufactured Homes:

As required by the Act, and for the purposes of this Section, a manufactured home is the same as defined in Section 58-56-3, UCA, except that the manufactured home 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 applicable building code. All associated accessory buildings and structures shall be built in compliance with the applicable building code.

- 1) A manufactured home may not be excluded from any Zoning District in which a single-family residence would be permitted, provided the manufactured home complies with all Land Use Ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within the Zoning District.
- 2) The County may not:
 - a) Adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or
 - b) Reject a development plan because the development is expected to contain manufactured homes.

Section 1705—Church:

The establishment of any “church” shall comply with all requirements of the "Utah Religious Land Use Act”.

Section 1706—Accessory Buildings and Accessory Uses:

- 1) All accessory buildings or accessory uses shall only be permitted concurrently with, or following, the establishment of a primary building or primary use.
- 2) Accessory buildings may be attached to, or detached from, the primary building, as provided by Appendix B-1 Standards for Detached Accessory Buildings and Structures, except all accessory building(s) housing of animals or fowl shall be located, as provided by Appendix B-1, Standards for Detached Accessory Buildings and Structures.
- 3) An accessory building that is attached to a primary building shall meet all development standards for the location of the primary building.
- 4) A detached accessory building shall meet all requirements for the location of a detached accessory building, as provided by Appendix B-1.
- 5) The location of all accessory buildings, located on corner lots, shall meet the required side yard setback, applicable in the Zoning District.
- 6) No mobile home, travel trailer, or similar recreational vehicle shall be used as an accessory building.
- 7) All accessory buildings shall comply with the requirements of the Building Codes, as adopted, and as applicable.
- 8) No accessory building shall be used as a dwelling unit for human occupancy, unless such accessory building has been approved as an Accessory Dwelling Unit for an Owner or Employee, as provided by Section 1709.
- 9) No separate utility connections or meters shall be allowed for any accessory buildings.
- 10) Accessory buildings shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.
- 11) No portion of any accessory building shall be allowed to extend over any property line.
- 12) No storm water runoff from an accessory building shall be allowed to run onto adjacent property.

Section 1707—Limitations on the Size and Location of Accessory Buildings in Residential Zones:

Appendix B-1, Minimum Standards for Detached Accessory Buildings and Structures, identifies the development standards for all detached accessory buildings.

Section 1708—Smaller Detached Accessory Buildings – Exemption from Building Permit Requirements:

Detached accessory buildings with a maximum height of ten (10) feet and a maximum size of one-hundred twenty (120) square feet shall not require a building permit, provided all setback requirements for the Zoning District in which the accessory building is located are met, no portion of the accessory building extends over any property line, and no storm water runoff from the accessory building is allowed to run onto adjacent property.

Section 1709—Accessory Dwelling Unit for an Owner or Employee:

- 1) An Accessory Dwelling Unit for an Owner or Employee shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.
- 2) The lot proposed for an Accessory Dwelling Unit for an Owner or Employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.
- 3) An Accessory Dwelling Unit for an Owner or Employee shall meet the required setbacks for attached or detached accessory buildings and uses as required by the Zoning District in which they are located.
- 4) An Accessory Dwelling Unit for an Owner or Employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an Accessory Dwelling Unit for an Owner or Employee.
- 5) An Accessory Dwelling Unit for an Owner or Employee shall provide a minimum of two (2) off-street parking spaces, located as determined necessary and appropriate for approval of the Accessory Dwelling Unit for an Owner or Employee.
- 6) The construction of an Accessory Dwelling Unit for an Owner or Employee shall meet all requirements of the adopted Building Code, as applicable.
- 7) Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an Accessory Dwelling Unit for an Owner or Employee.
- 8) The Land Use Application approval for an Accessory Dwelling Unit for an Owner or Employee shall be received before a Building Permit is issued.
- 9) As a condition of approval required to establish an Accessory Dwelling Unit for an Owner or Employee, the property owner shall record against the deed of the subject

property, a deed restriction, in a form approved by the County, running in favor of the County, which shall prohibit the rental, lease or sale of the Accessory Dwelling Unit for an Owner or Employee separately from the rental, lease, or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the Zoning Administrator prior to the issuance of the Certificate of Occupancy for the Accessory Dwelling Unit for an Owner or Employee.

Section 1710—Fences and Walls:

- 1) Except for a fence associated with an Agricultural Use, as defined herein, and before commencing construction, plans for all fences and walls shall first be submitted to and approved by the Zoning Administrator.
- 2) Height.
 - a) Unless required for Land Use Application approval no fence, wall, hedge, or similar structure shall be erected on any required rear or side yard to a height in excess of six (6) feet, except fences located on the front property line or on the side property line within the front yard shall not be higher than thirty-six (36) inches; provided that where the fence fabric is constructed of, and remain non-sight obscuring, the maximum height may be increased to not greater than forty-eight (48) inches.
 - b) On corner lots the side yard area adjacent to a road or street may be enclosed by a fence not exceeding a maximum height of six (6) feet, provided that any such fence will not result in the establishment of a hazardous condition and will comply with the “Clear View” requirements of Section 1624.
 - c) All fences and walls higher than six (6) feet, measured from finished grade, shall obtain a Building Permit, approved by the Wayne County Building Official.
 - d) A fence or wall located along a property line with a grade difference, the fence or wall may be erected to the maximum fence height permitted by the highest grade at the property line. No ground shall be bermed to exceed the maximum allowed height for fences or walls.
- 3) Quality of Construction.
 - a) All fences and walls shall be constructed in a workman-like manner according to industry standards.

Section 1711—Swimming Pools:

- 1) All swimming pools more than twenty-four (24) inches deep, shall be surrounded by a safety fence.

- 2) The safety fence shall be no less than four feet six inches (4'6") high for pools situated on property used for a dwelling.
- 3) Gates shall be self-closing, self-latching.
- 4) Outdoor jacuzzi tubs, or other similar small pools, may be protected by a solid locking cover in lieu of a fence.
- 5) Access to indoor pools shall be restricted by the surrounding structure in a manner that is at least as secure as provided for outdoor pools, as provided by this Section.

Section 1712—Bed and Breakfast Inn:

A Bed and Breakfast Inn shall be conducted only in a single-family dwelling and only by the owner of the dwelling that complies with the following requirements:

- 1) The single-family dwelling proposed as a Bed & Breakfast Inn shall meet all applicable requirements of this Ordinance, other Land Use Ordinances, adopted Building Code, and Health Code, as applicable.
- 2) The Fire Authority shall inspect the premises and be satisfied that the dwelling and premises comply with the applicable Fire Code, as adopted.
- 3) A gravel or hard-surfaced off street parking area of one (1) parking space for each guest room, in addition to the parking requirements for the single-family dwelling shall be provided.
- 4) No accessory structure, motor home, travel trailer, boat, or similar recreational vehicle or facility shall be used as guest rooms.

Section 1713—Residential Facilities for Elderly Persons:

The approval of a Residential Facility for Elderly Persons 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 requirements of this Section.

- 1) No Residential Facility for Elderly Persons shall be established unless:
 - a) It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, and as applicable to similar structures in the Zoning District in which the Residential Facility for Elderly Persons is proposed.

- b) The Residential Facility for Elderly Persons proposes no fundamental change in the character of the neighborhood.
- 2) No Residential Facility for Elderly Persons shall be approved that would allow more than six (6) occupants.
- 3) The Land Use Authority in reviewing an application to establish a Residential Facility for Elderly Persons, may to the extent necessary, modify the requirements of this Section, if such modification is determined necessary to make a reasonable accommodation for persons residing in such facilities equal opportunity in the use and enjoyment of the facility.

Section 1714—Residential Facilities for Persons with a Disability:

The approval of a Residential Facility for Persons with a Disability is nontransferable and terminates if the structure is devoted to a use other than a Residential Facility for Persons with a Disability, or if the structure fails to comply with the requirements of this Section.

- 1) No Residential Facility for Persons with a Disability shall be established unless:
 - a) It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, as applicable to similar structures in the Zoning District in which the Residential Facility for Persons with a Disability is proposed.
 - b) The Residential Facility for Persons with a Disability proposes no fundamental change in the character of the neighborhood.
- 2) Maximum Number of Occupants (Consumers and Staff).

Any building proposed to be used as a Residence for Persons with a Disability, the existing building, or building plans, shall be reviewed by the Building Official, considering the Categorical Standards for physical facilities, as established by the State of Utah Department of Human Services. Following this review the Building Official shall determine and establish the maximum number of persons allowed to reside within the Residence for Persons with a Disability.

- 3) State of Utah Department of Human Services License.

At the time of Application to establish a Residence for Persons with a Disability, or within forty-five (45) calendar days following approval, the owner or provider shall provide to the Treasurer/Recorder evidence that the Residence is licensed by the State of Utah Department of Human Services for the type of Residence being considered by the County. The Land Use Authority shall condition any approval on the presentation of evidence that the Residence is

licensed by the State of Utah Department of Human Services, as required by this Section. Failure to provide such evidence shall be grounds for the County to invalidate any existing or pending approval.

- 4) Continued Compliance with the Licensure Requirements of the Department of Human Services.

The responsibility to license programs, or owners or providers that operate a Residence for Persons with a Disability, as well as require and monitor the provision of adequate services to consumers residing therein shall rest with the State of Utah Department of Human Services.

- 5) Approval to Operate a Residence for Persons with a Disability Non-transferable.

An approval to operate a Residence for Persons with a Disability, as authorized by this Section, is nontransferable and shall only be valid to the owner or provider identified on the application authorizing the operation of the Residence, and as identified as the owner or provider as licensed by the State of Utah Department of Human Services. An approval to operate a Residence for Persons with a Disability terminates if the building is devoted to another use or if the building fails to comply with any of the standards established herein.

- 6) Reasonable Accommodations.

The Land Use Authority, in reviewing an application to establish and operate a Residence for Persons with a Disability, may to the extent necessary, modify the requirements of this Section, if such modification is determined necessary to make a reasonable accommodation for persons residing in such facilities equal opportunity in the use and enjoyment of the facility.

Section 1715—Residential Facilities for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School:

In addition to the requirements for a Residence for Persons with a Disability, as provided by Section 1714, the following requirements shall apply to all Residences for Persons with a Disability that are substance abuse facilities and proposed within five hundred (500) feet of a school:

- 1) In accordance with the rules established by the Department of Human Services under Title 62A *et. seq.* Licensure of Programs and Facilities, U.C.A. shall provide;
 - a) A security plan satisfactory to the Wayne County Sherriff.
 - b) Twenty-four (24) hour supervision for residents; and
 - c) Other twenty-four (24) hour security measures.

Section 1716—Wireless Telecommunications Site/Facility:

This Section provides standards for wireless telecommunication facilities to promote compatibility with adjoining uses to the extent permitted by the Telecommunications Act of 1996, as amended.

- 1) Scope. The requirements of this Section shall apply to all wireless telecommunications facilities proposed to be located on any private or public lands, including State and Federal Lands, such as “cellular” or “PCS” (Personal Communications System) communications and paging systems. This Section shall not apply to radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R Part 97.
- 2) Facility Types. The following types of wireless telecommunication facilities shall be governed by this Section:
 - a) Stealth Design Antennas.
 - b) Roof – Mounted Antennas.
 - c) Wall – Mounted antennas.
 - d) Monopoles – monopoles with antennas and antenna support.
- 3) Prohibited Facility Types. Unless a facility is a wireless telecommunication facility identified by (2) above, all other types of facilities are determined to be prohibited facilities within the County, including the following facilities:
 - a) Lattice Tower. A lattice tower unless otherwise required by to comply applicable State or Federal law.
 - b) All other types of wireless telecommunication facilities unless otherwise required to comply with State or Federal law.
- 4) Other Laws. The requirements of this Section shall not be construed to prohibit or limit other applicable provisions of this Ordinance or other laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
- 5) Existing Facility Plan Required. When a carrier applies for an approval under this Section, the carrier shall submit a plan showing by location and type of the carrier’s existing and planned facilities within the County.

- 6) Screening. Any associated mechanical or electrical equipment shall be screened with a decorative screening fence, and/or landscaping.
- 7) Location. The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
- 8) Compliance Required. The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
- 9) Permits Required. At the time of Application to establish a Wireless Telecommunications Site/Facility, or within forty-five (45) calendar days following approval, the owner or provider shall provide to the County Clerk evidence that the Site/Facility is licensed by the Federal and/or State agencies, as required. The Land Use Authority shall condition any approval on the presentation of evidence that the Site/Facility is licensed as required by this Section. Failure to provide such evidence shall be grounds for the County to invalidate any existing or pending approval. Copies of required permits from Federal and State agencies establishing compliance with applicable Federal or State regulations shall be filed with the County Clerk as apart of a Land Use Application required to authorize the proposed facility.
- 10) Stealth Design Antennas. The following provisions shall apply to all stealth-design antennas. The intent of this Section is to allow creativity in designing a proposed facility so that it will have limited visual impact.
 - a) Stealth designs may include, but are not limited to, the use of one (1) or more of the following:
 - i) Screening, structure, and/or antenna design which blend with the architecture of the existing structure upon which the antenna will be mounted.
 - ii) Screening, structure, antenna and/or location design which blend with and/or take advantage of existing vegetation and/or features of a site; and
 - iii) Color schemes that make the antenna less noticeable.
 - b) All Stealth Design Antennas shall comply with all other Sections, as applicable, including screening and location requirements. Any associated mechanical or electrical equipment shall be screened from view, from public rights-of-way, on-site parking areas and adjacent properties, with a decorative screening fence, and/or landscaping.
 - c) The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.

- d) The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
- e) Copies of required permits from Federal and State agencies establishing compliance with applicable Federal and State regulations shall be maintained on file with the County Clerk.

11) Roof-Mounted Antennas. The following provisions shall apply to roof-mounted antennas.

- a) Roof-mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section.
- b) The maximum height of any roof-mounted antenna shall comply with the maximum building height allowed in the Zoning District in which the roof-mounted antenna is located.
- c) The maximum number of roof-mounted antennas shall be one (1) roof-mounted antenna per building or structure.

12) Wall-Mounted Antennas. Wall-Mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section. The following provisions may apply to flush- and non-flush mounted wall antennas.

- a) Wall-mounted antennas shall not:
 - i) Extend above the maximum building height allowed in the Zoning District in which the wall-mounted antenna is located.
 - ii) Extend more than one (1) foot horizontally from the wall surface.
- b) Wall-mounted antennas, equipment, and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.
- c) The maximum number of wall-mounted antennas shall be one (1) wall-mounted antenna per building or structure.
- d) All wall-mounted antennas shall be approved stealth-design antennas as set forth in this Section.

13) Monopoles and Antenna Support Structures. Monopoles with antennas support structures shall only be allowed if determined to be a stealth design, as set forth in this Section. The following provisions shall apply to monopoles and antenna support structures.

- a) The maximum height of any monopole, including antennas and antenna support structures, shall be forty (40) feet, measured from the natural grade at the base of the monopole to the highest point of the pole, antennas, or support structures.
 - b) The location of a monopole, and its associated equipment and facilities, shall be as follows:
 - c) All accessory equipment not located within an accessory building shall be screened with a decorative screening fence, and/or landscaping.
 - d) A monopole, and associated equipment and facilities, shall be a stealth design, as provided by this Section. The Land Use Authority shall have the authority and responsibility to determine whether a proposed monopole and its associated accessory equipment and facilities will have limited visual impact.
 - e) A monopole, and its associated equipment and facilities, shall comply with the minimum yard setback requirements of the Zoning District in which it is located.
 - f) All communication and power lines to or between any accessory building, accessory equipment, and antenna structures, shall be located underground.
- 14) Alternative Locations. In considering applications to locate wireless telecommunications facilities, the Land Use Authority shall consider whether the location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, athletic field lights, parking lot lights, etc., is possible without significantly affecting antenna transmission or reception.
- 15) Non-Maintained and Abandoned Facilities—Letter Agreement. Prior to approval of an application for a wireless telecommunication facility, the Applicant shall provide the Land Use Authority a letter agreeing to the requirements of this Section. The letter agreement shall State that if technology renders the facility obsolete, the facility is not maintained, the facility is abandoned, or the facility is vacated, the carrier will provide the County Clerk with a copy of a "Notice to Abandon" to be filed with the Federal Communications Commission and will remove the facility.
- 16) If the Zoning Administrator determines that a facility is not maintained, is abandoned, or is vacated, the Zoning Administrator shall send the owner a Notice of Non-Maintenance or Abandonment by certified mail. If a facility subject to the notice has not been repaired, put into use, or removed within thirty (30) calendar days of receipt of the notice, the Zoning Administrator shall send the owner a certified Notice to Remove, which shall give the owner thirty (30) calendar days from the receipt of the notice to remove the facility. In the event a facility is not removed as required, the County may undertake legal proceedings to enforce removal as set forth in this Section, or other applicable Ordinances of the County.

Section 1717—Amateur Radio Antennas:

As required by the Act, the County may not enact or enforce an Ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

If the County adopts an Ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the Ordinance shall:

- 1) Reasonably accommodate amateur radio communications; and
- 2) Represent the minimal practicable regulation to accomplish the County's purpose.

Section 1718—Sale, Distribution, and Consumption of Alcoholic Beverages and Alcoholic Products:

All applications for a Beer License, as provided by Utah law, shall comply with the procedures and requirements of the Wayne County Alcoholic Beverage Ordinance, as may be adopted.

Section 1719—Sexually Oriented Business:

A sexually oriented business may be authorized as a Conditional Use, in the Zoning Districts identified by Appendix A, the Table of Uses, subject to the following conditions:

- 1) No sexually oriented business shall be located less than one thousand (1,000) feet of:
 - a) A building which is used primarily for religious worship and related religious activities.
 - b) A public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - c) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the County.
 - d) An entertainment business which is oriented primarily towards children or family entertainment.

- e) Any private club or tavern; or
 - f) The property line of a lot devoted to a residential use.
- 2) For the purpose of this Section, measurements shall be made in a straight line, without regard to the intervening structures or objects from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in this Section. Presence of a City, County, or other political subdivision boundary shall not be considered for purposes of calculating and applying the distance requirements of this Section.
- 3) For the purpose of this Section, the distance between any two (2) sexually oriented businesses shall not be less than one-thousand (1,000) feet, measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- 4) Signs for sexually oriented businesses shall be limited as follows:
- a) No more than one (1) exterior wall sign or awning sign shall be allowed.
 - b) No sign shall be allowed to exceed eighteen (18) square feet.
 - c) No animation shall be permitted on, or around any sign, or on the exterior walls or roof of such premises.
 - d) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
 - e) Painted wall advertising shall not be allowed.
- 5) Other than the signs specifically allowed by this Section, sexually oriented businesses shall not attach, construct, or allow to be attached or constructed, any temporary signs, banner, light, or other device designed to draw attention to the business location.

Section 1720—Wind Energy Systems (Commercial/Industrial):

This Section provides the minimum standards for the placement, construction and modification of Wind Energy Systems (Commercial/Industrial), as defined herein, in accordance with Utah State statutes and local electrical utility regulations, while promoting the safe, effective and efficient use of such systems.

- 1) Location. A Wind Energy System (Commercial/Industrial) may be authorized as provided by Appendix A, Table of Uses.

- 2) All Wind Energy Systems (Commercial/Industrial) shall be set back from the nearest property line and public road right-of-way as approved by the Land Use Authority, as applicable.
- 3) All Wind Energy Systems (Commercial/Industrial) shall be located so as to avoid creating any negative impacts or nuisance to any adjoining use or property, as evidenced by data, information, materials, and studies provided by the Applicant, and accepted and approved by the Land Use Authority.
- 4) Minimum Parcel Size. No Wind Energy System (Commercial/Industrial) shall be established on any parcel less than twenty (20) acres.
- 5) Maximum Height. The total height of a Wind Energy System (Commercial/Industrial) shall be as approved by the Land Use Authority, as applicable.
- 6) Design Standards. A Wind Energy System (Commercial/Industrial) shall demonstrate that any structures, location and siting will not result in shadow flicker, noise, or ice throw on an adjacent property or structure, including a finding that the Wind Energy System (Commercial/Industrial) can be approved complying with all requirements of this Section. In addition, the Land Use Authority shall consider the following when considering a Land Use Application for a Wind Energy System (Commercial/Industrial);
 - a) Avian Impacts.
 - b) Visual Impacts, appearance and View Sheds.
 - c) Wildlife Habitat Areas and Migration Patterns.
 - d) Decommissioning, Reclamation and Abandonment Plans.
 - e) Lighting and Federal Aviation Administration (FAA) height restrictions.
 - f) Fencing and Security.
 - g) Noise Impacts.
 - h) Shadow Flicker and Strobe Effects.
 - i) Telecommunications Interference.
 - j) Other Issues and Impacts, as applicable.
- 7) Safety and Access.

- a) No tower shall have any climbing apparatus within fifteen (15) feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked at all times.
 - b) Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.
- 8) Noise. No Wind Energy System (Commercial/Industrial) shall exceed sixty decibels (60 dBA) as measured at the property line or fifty decibels (50 dBA) measured at the nearest dwelling.
- 9) Visual Appearance.
- a) Wind Energy System (Commercial/Industrial) shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
 - b) No Wind Energy System (Commercial/Industrial) shall be lighted unless required by the Federal Aviation Administration (FAA).
 - c) No advertising signs of any kind shall be permitted on any Wind Energy System (Commercial/Industrial).
 - d) Appropriate screening and landscaping shall be provided to screen all accessory structures from roads and adjacent dwellings and public buildings.
- 10) Electrical Connections. All electrical connections and distribution lines shall comply with all Building Codes and public utility requirements, as applicable.
- 11) Communications Signal Interference. All efforts shall be made to site Wind Energy System (Commercial/Industrial) to reduce the potential for blocking or reflecting television and other communication signals. No Wind Energy System (Commercial/Industrial) shall cause permanent and material interference with television or other communication signals.
- 12) Over-speed Controls. All Wind Energy System (Commercial/Industrial) shall be equipped with both manual and automatic over-speed controls.
- 13) Fire Protection. All Wind Energy System (Commercial/Industrial) shall have a defensible space for fire protection in accordance with the Wayne County Wildland-Urban Interface Code.
- 14) Land Use Application. All Land Use Applications to establish a Wind Energy System (Commercial/Industrial) shall, in addition to the Conditional Use Application materials required herein, provide the following information;

- a) Elevations of the proposed site to scale showing the height, design and configuration of the Wind Energy System (Commercial/Industrial) and distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
- b) Engineering drawings of the proposed Wind Energy System (Commercial/Industrial) identifying;
 - i) Tower design, including its weight-bearing capacity.
 - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
 - iii) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Commercial/Industrial) including the name and address of the manufacturer and model.
 - iv) Emergency and normal shutdown procedures.
 - v) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.

Section 1721—Wind Energy Systems (Residential):

This Section provides the minimum standards for the placement, construction and modification of Wind Energy Systems (Residential), as defined herein, in accordance with Utah State statutes and local electrical utility regulations, while promoting the safe, effective and efficient use of such systems.

- 1) Location. A Wind Energy System (Residential) may be authorized as provided by Appendix A, Table of Uses.
- 2) All Wind Energy Systems (Residential) shall be set back from the nearest property line, public road right-of-way, communication and electrical line not less than 1.5 times its total height.
- 3) No Wind Energy System (Residential) shall be established on any parcel or lot less than two (2) acres in size.
- 4) All Wind Energy Systems (Residential) shall be located so as to avoid creating any negative impacts or nuisance to any adjoining use or property, as evidenced by data, information, materials, and studies provided by the Applicant, and accepted and approved by the Land Use Authority.

- 5) Height. For parcels and lots of two (2) acres but less than five (5) acres, the total height shall not exceed seventy (70) feet. For properties of five (5) acres but less than twenty (20) acres, the total height shall not exceed one-hundred (100) feet. For properties of twenty (20) acres or larger, the total height shall not exceed one-hundred twenty (120) feet.
- 6) Design Standards. A Wind Energy System (Residential) shall demonstrate that any structures, location and siting will not result in shadow flicker, noise, or ice throw on an adjacent property or structure, including a finding that the Wind Energy System (Residential) can be approved complying with all requirements of this Section. In addition, the Land Use Authority shall consider the following when considering a Land Use Application for a Wind Energy System (Residential):
 - a) Monopole or Freestanding Design. All Wind Energy Systems (Residential) shall be of a monopole or freestanding design without guy wires.
 - b) Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be thirty (30) feet above natural or finished grade and thirty (30) feet above any structure or obstacle within 100 feet of the tower.
- 7) Safety and Access.
 - a) No tower shall have any climbing apparatus within fifteen (15) feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked at all times.
 - b) Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.
- 8) Noise. No Wind Energy System (Residential) shall exceed sixty decibels (60 dBA) measured at the property line or fifty decibels (50 dBA) measured at the nearest dwelling.
- 9) Visual Appearance.
 - a) Wind Energy System (Residential) shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
 - b) No Wind Energy System (Residential) shall be lighted unless required by the Federal Aviation Administration (FAA).
 - c) No advertising signs of any kind shall be permitted.
 - d) Appropriate fencing and landscaping shall be provided to screen all accessory structures from roads and adjacent dwellings and public buildings.

- e) All electrical connections and distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- 10) No Wind Energy System (Residential) shall cause permanent and material interference with television or other communication signals.
- 11) All Wind Energy System (Residential) shall be equipped with both manual and automatic over-speed controls.
- 12) Fire Protection. All Wind Energy System (Residential) shall have a defensible space for fire protection in accordance with the Wayne County Wildland-Urban Interface Code.
- 13) Land Use Application. All Land Use Applications to establish a Wind Energy System (Residential) shall, in addition to the Conditional Use Application materials required by Chapter 8 herein, provide the following information;
- a) Elevations of the proposed site to scale showing the height, design and configuration of the Wind Energy System (Residential) and distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
 - b) Engineering drawings of the proposed Wind Energy System (Residential) identifying;
 - i) Tower design, including its weight-bearing capacity.
 - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
 - iii) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Residential) including the name and address of the manufacturer and model.
 - iv) Emergency and normal shutdown procedures.
 - v) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
 - vi) Evidence that the electrical service provider has been notified of the intent to install an interconnected electricity generator, unless the system will not be connected to the electricity grid.

CHAPTER 18
OFF-STREET PARKING AND LOADING STANDARDS

Section 1801—Purpose:

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

Section 1802—General Provisions:

- 1) Off-street parking spaces shall be provided, meeting the requirements of this Chapter, for all new buildings, all additions, or enlargements to an existing building, the establishment of any new use, or the expansion of any existing use.
- 2) If an existing, legally established use or building is expanded by more than thirty percent (30%) of the existing site or gross floor area, all off-street parking spaces and areas shall comply with the requirements of this Chapter, as applicable.
- 3) Required off-street parking spaces shall not be used for the repair of motor vehicles, or the display or sale of goods and services of any kind, unless authorized by a Land Use Application approval.
- 4) Oil separators and other pollution control devices may be required as part of Land Use Application approval, as may be required by a Land Use Authority, as applicable.
- 5) No sidewalk, trail, or required landscape area shall be used for the off-street parking of any vehicle(s), or as a loading area.
- 6) Off-street parking is prohibited in all access ways, fire lanes or similar areas not designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required by the Land Use Authority or Fire Authority.
- 7) No off-street parking area shall be used for the overnight occupancy of any vehicle including motor homes, campers, or trailers, unless authorized by a Land Use Application approval

Section 1803—Size of Off-Street Parking and Loading Spaces:

- 1) The minimum dimension of all off-street parking spaces, other than parallel spaces, shall be ten (10) feet wide by eighteen (18) feet long. The minimum dimension of all parallel off-street parking spaces shall be nine (9) feet wide by twenty-five (25) feet long.

- 2) All required loading spaces shall have a minimum dimension as required by the Land Use Authority, depending on their location and the nature of the use.

Section 1804—Access Requirements:

- 1) All ingress and egress locations from an adjacent road or street to any off-street parking areas, including curb cuts, drive approaches, or other accesses, shall be approved by the County or the Utah Department of Transportation, as applicable.
- 2) The location and dimension of all driveways shall be as approved by the Land Use Authority with use approval, as applicable.

Section 1805—Location of Required Off-Street Parking:

All required off-street parking spaces shall be located on the same lot as the use or building it serves.

Section 1806—Maintenance of Parking Spaces and Areas:

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

- 1) Surfacing. All off-street parking areas shall be surfaced with a surface adequate in relation to its location and use. All parking areas shall be surfaced to provide a dustless surface. A storm water drainage system may be required to be provided, as determined necessary by the Land Use Authority.
- 2) Traffic control signs and/or striping shall be provided, as required by the Land Use Authority, or the County Road Department, and necessary to minimize any vehicular and pedestrian conflicts.

Section 1807—Number of Required Off-Street Parking Spaces:

The number of required off-street parking spaces shall be provided as required by the Table 18-1, Minimum Off-Street Parking Requirements, and complying with the following:

- 1) Fractional Amount. In calculating the total number of required off- street parking spaces, fractional amounts shall be rounded to the nearest whole number.
- 2) Unspecified Uses. The Land Use Authority, based on the requirements for similar uses, shall determine the off-street parking requirements for any use not specifically listed. in Table 18-1, but identified as an allowed use in the Tables of Uses.

Table 18-1
 MINIMUM OFF-STREET PARKING REQUIREMENTS

USE	MINIMUM OFF-STREET PARKING STANDARD
Accessory Building/Structure Accessory Outside Storage Accessory Use Agricultural Building Agricultural Use Barn, Corral, Stable, Coop, or Pen Beer and Liquor License(s) Cemetery Child Care – Licensed Family Child Care – Residential Certificate Earth Station Electric Substation Electric Transmission Line (Major) Electric Transmission Line (Minor) Exotic Animals & Poultry Home Occupation (Major) Home Occupation (Minor) Kennel (Class A) Kennel (Class B) Kennel (Hobby) Oil and Gas Drilling/Production/Transmission Wind Energy System (Commercial) Wind Energy System (Residential) Wireless Telecommunications Site/Facility	No Requirement

USE	MINIMUM OFF-STREET PARKING STANDARD
Accessory Dwelling Unit for a Relative or Employee Dwelling Unit, Condominium Dwelling Unit, Four-Family (4-Plex) Dwelling Unit, Manufactured Home Dwelling Unit, Mobile Home (Existing) Dwelling Unit, Multiple-Family Dwelling Unit, Single-Family Dwelling Unit, Three-Family Dwelling Unit, Two-Family (Duplex) Temporary Construction Office Temporary Dwelling Unit	Two (2) spaces per dwelling unit.
Accessory Agricultural Sales Agricultural Products Processing and Storage Airport/Heliport Animal Control Facility Commercial Plant Nursery Composting Facility Correctional Facility Educational Facility Kennel (Commercial) Livestock Auction Facility Open/Outdoor Storage Personal Care Service Public Use Public Utility (Major) Public Utility (Minor) Seasonal Use Self Storage (Mini Storage) Facility Special Event Swimming Pool Tennis Court/Sports Court	As approved by the Land Use Authority with Land Use Application approval, dependent on the type, size, location, accessory uses, and nature of the use or facility.
Bank, Credit Union or other Financial Institution Child Care – Hourly Construction and Contractor’s Sales and Services Personal Instruction Service Personal Service Facility Professional Office Retail Store/Facility Vehicle and Equipment Service and Repair	One (1) parking space for each four hundred (400) square feet of gross floor area.

USE	MINIMUM OFF-STREET PARKING STANDARD
Bed and Breakfast Inn	One (1) parking space for each guest room in addition to the requirements of the owner’s dwelling unit.
Campground	One (1) parking space for each campsite or RV space.
Car Wash	Two (2) stacking spaces per each wash bay, excluding any spaces located in the wash bay.
Church Commercial Recreation (Indoor) Commercial Recreation (Outdoor) Reception Center	One (1) parking space for each three (3) persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Land Use Authority.
Child Care – Facility Commercial Day Care/Preschool Center	One (1) parking space for each staff member plus one (1) space for each ten (10) students.
Commercial Kennel	One (1) space for eight hundred (800) square feet of gross floor area.
Commercial Plant Nursery Veterinary Clinic Wholesale and Warehousing	One (1) space for each person employed during regular working hours plus one (1) space for each one thousand two hundred (1,200) square feet of gross plant display area.
Convenience Store Sexually Oriented Business or Activity	One (1) space for each three hundred (300) square feet of gross floor area plus two (2) spaces per each gasoline pump provided.
Drive through/Drive up Facility	One (1) space located at the facility plus a minimum of sixty (60) feet of stacking area to accommodate the stacking of three (3) vehicles in the drive through/drive up lane.
Emergency Care Facility Medical and Dental Clinic	One (1) space for each two hundred (200) square feet of gross floor area.

USE	MINIMUM OFF-STREET PARKING STANDARD
Hospital	One (1) parking space for each patient bed.
Guest Ranch Hotel Motel Resort	One (1) space for each sleeping unit plus one (1) space for each employee on the night shift.
Liquor Store (State Owned)	One (1) space for each three hundred (300) square feet of gross floor area.
Asphalt Batch Plant Concrete Batch Plant Distribution Center Forestry/Forest Practice Industrial/Manufacturing Activity (General) Industrial/Manufacturing Activity (Light) Landfill Meat or Poultry Processing Facility Mining (Subsurface) Mining (Surface) Recycling Processing Facility Salvage Yard Saw Mill	One (1) space for each employee on the regular shift, plus one (1) space for each vehicle used in association with the use.
Mortuary, Funeral Home	One (1) parking space for each four (4) fixed seats in the assembly area, plus one (1) for each funeral vehicle.
Nursing Home (Convalescent Care) Facility	One (1) parking space for each two (2) patient beds.
Recycling Collection Center	Two (2) spaces for each collection bin/area.
Residential Facility for Elderly Persons Residential Facility for Persons with a Disability Residential Facilities for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School	Two (2) spaces plus one (1) for each two (2) employees during regular hours.

USE	MINIMUM OFF-STREET PARKING STANDARD
Restaurant	One (1) space for each four (4) seats or one (1) space for each one hundred (100) square feet of gross floor area, whichever is less.

Section 1808—Disabled Persons Parking:

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

Section 1809—Reduction of Off-Street Parking Requirements:

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

Section 1810—Off-Street Loading Requirements:

Every building or use receiving or distributing materials or merchandise by truck shall provide and maintain on the same lot as the building or use the number of required off-street loading spaces as required by the Table 18-2, Minimum Off-Street Loading Requirements. No loading space(s) shall be considered as meeting any off-street parking requirements of this Chapter.

**Table 18-2
 MINIMUM OFF-STREET LOADING REQUIREMENTS**

TOTAL GROSS FLOOR AREA OF BUILDING	MINIMUM NUMBER OF LOADING SPACES REQUIRED
Less than 30,000 square feet	1
30,000 square feet and Greater	2

Section 1811—Location of Loading Spaces:

No off-street loading space shall be permitted in any front yard. All loading spaces shall be screened from view from any road or street. The location of all loading areas shall not interfere with off-street parking area circulation patterns.

Section 1812—Size of Loading Spaces:

All required off-street loading spaces shall have a minimum dimension as approved by the Land Use Authority.

CHAPTER 19
SIGN STANDARDS

Section 1901—Purpose:

This Chapter is provided to achieve the purposes of the General Plan, this Ordinance, and all other Land Use Ordinances, and to achieve the following additional purposes:

- 1) To provide for the necessary identification of businesses, sites and buildings.
- 2) To provide a convenient method of public communication without unnecessary clutter or obtrusiveness.
- 3) To avoid confusion of allowed signs with required traffic signs and other regulatory and public safety signs.
- 4) To minimize any adverse effects of signs and associated lighting on adjacent properties.

Section 1902—General Provisions:

- 1) No sign shall be erected, moved, reconstructed, enlarged, or structurally altered except in compliance with the requirements of this Chapter.
- 2) This Chapter shall apply to all signs, but does not apply to any signs located within the interior of any buildings or structures, or hand-held placards and other similar devices traditionally used for public protest and the non-commercial exercise of free speech.
- 3) No sign shall be erected, moved, reconstructed, enlarged, or structurally altered unless a valid Land Use Application has been approved by the Land Use Authority, as applicable, and a valid Building Permit has been issued by the Building Official, as applicable.
- 4) No part of any sign shall be permitted within three (3) feet any road or street right-of way or utility easement and all signs must maintain necessary clearances from underground or overhead power transmission lines, as required by the electrical power provider.
- 5) No sign, or part thereof, shall be permitted in a manner that any portion of its surface or support(s) will interfere with the free use of fire protection appliances; including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.
- 6) No sign shall be permitted to be located in any clear view area, and no sign shall be permitted that creates any traffic hazard. (See Section 1624).

Section 1903—Building Permit Required:

- 1) In compliance with the Building Code, as adopted, and as applicable, no sign shall be erected, moved, reconstructed, enlarged, or structurally altered unless a valid Building Permit application has been approved by the Building Official, as applicable.
- 2) The requirement for a Building Permit shall apply to all new signs and existing signs that are proposed to be erected, moved, reconstructed, enlarged, or structurally altered, unless allowed as a Limited Sign.
- 3) The Building Official, or designee, shall inspect, or re-inspect, any sign for which a Building Permit has been issued and for which an inspection is required. Such inspections shall ensure that all signs are in conformance with this Ordinance and Building Code, as adopted.
- 4) The expiration date for all Building Permits required for signs shall be as provided by the Building Code, as adopted.

Section 1904—Standards of Construction:

- 1) All signs shall comply with the Building Code, as adopted, and as applicable.
- 2) No sign involving any electrical components, wiring or connections shall be erected or installed, except by a licensed and bonded electrical contractor or sign contractor.
- 3) All Land Use Applications for any sign shall demonstrate conformance with the applicable provisions of the Building Code, as adopted and as applicable.

Section 1905—Required Maintenance for all Signs:

All signs shall be structurally sound and maintained in good repair and condition.

Section 1906—Valid Business License Required:

All businesses and services advertised on any sign located within the County shall maintain all necessary approvals, licenses and permits, including a valid business license, as applicable.

Section 1907—Enforcement:

Any sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or be a Land Use Ordinance or Building Code violation shall be remedied and corrected upon notice by the Zoning Administrator, or Building Official. Any sign not remedied or corrected within thirty (30) calendar days written notice by the Zoning Administrator or Building Official shall be subject to removal by the County, or other remedies that may be available to the County under the law.

Section 1908—Type of Sign Application Required:

The type of Land Use Application required to erect, reconstruct, enlarge, or structurally alter a sign associated with a proposed or existing use or activity, shall be a Permitted P-1 or P-2 Sign Application or a Conditional Sign Application, depending upon the nature of associated use.

Section 1909—Land Use Authorities for Sign Applications:

- 1) Consistent with Chapter 7, the Zoning Administrator is authorized as the Land Use Authority for Permitted P-1 Sign Applications.
- 2) Consistent with Chapter 7, the Commission is authorized as the Land Use Authority for Permitted P-2 Sign Applications.
- 3) Consistent with Chapter 8, the BOCC is authorized as the Land Use Authority for Conditional Sign Applications.

Section 1910—Minimum Requirements for Approval and Findings and Standards for Approval of Sign Applications, other Provisions:

- 1) The minimum requirements for approval and findings and standards for approval of a Permitted P-1 Sign Application shall be as provided by Chapter 7 herein and Chapter 4, Administrative Manual.
- 2) The minimum requirements for approval and findings and standards for approval of a Permitted P-2 Sign Application shall be as provided by Chapter 7 herein and Chapter 4, Administrative Manual.
- 3) The minimum requirements for approval and findings and standards for approval of a Conditional Sign Application shall be as provided by Chapter 8 herein and Chapter 5, Administrative Manual.

Section 1911—Allowed Signs:

The types of signs allowed within the County are identified in Table 19-1, Allowed Signs.

Section 1912—Sign Lighting Requirements:

In addition to the sign requirements provided in Table 19-1, Allowed Signs, the following sign lighting requirements are provided to achieve the purposes of this Chapter and this Ordinance.

- 1) Externally illuminated signs are permitted as follows:

- a. All externally lit signs shall be illuminated with steady, fully shielded light sources aimed directly onto the sign. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from any location.
 - b. The intensity of sign lighting shall not exceed that necessary to illuminate a sign from the closest adjacent public right-of-way.
 - c. No fixture used to illuminate signs shall be directed toward any adjacent properties.
 - d. All light sources shall be fully shielded or hooded.
- 2) Internally illuminated signs are permitted as follows:
- a. Individual back-lit letters that are silhouetted against an illuminated wall.
 - b. Individual letters with translucent faces, containing lighting elements inside each letter.
 - c. Metal-faced box signs with cutout letters and soft-glow fluorescent tubes.
 - d. The intensity of sign lighting shall not exceed that necessary to illuminate a sign from the closest adjacent public right-of-way.
- 3) Lighting Times. A sign shall only be illuminated during the hours of operation of the use, business or activity being identified or advertised.
- 4) Changeable Copy Signs and Electronic Message Centers may be installed as a part of an allowed sign but shall not exceed fifty percent (50%) of the Sign Face Area.

Section 1913—Exempt Signs:

The signs identified in Table 19-5, Exempt Signs, are exempt from the requirements of this Chapter and this Ordinance, provided such signs are not determined to be a prohibited sign, as provided by Section 1914.

Section 1914—Prohibited Signs:

All signs allowed within the County are identified in Table 19-1, Allowed Signs, or Table 19-5, Exempt Signs. All other signs are hereby declared to be prohibited signs within the County including, but not limited to, the following signs:

- 1) All off-premise signs designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located, including all billboards.

- 2) Signs on any County owned property, except for signs maintained by the County.
- 3) All signs erected, moved, reconstructed, enlarged, or structurally altered without receiving the necessary Sign Application approval.
- 4) Signs placed on private property without the approval of the owner.
- 5) Flashing signs or lights that contain intermittent, pulsating, or flashing light sources.
- 6) Any text or shape that obstructs the view of motor vehicle operators, bicyclists and pedestrians entering a public roadway from any parking area, driveway, alley or other thoroughfare.
- 7) All signs that obstruct free ingress to or egress from required door, window, fire escape or other required exit.
- 8) Signs attached to any fences, utility poles, trees, shrubs, rocks or other natural objects, unless specifically included in the design, unless specifically provided for by law.
- 9) All signs constituting a hazard to public health, welfare, or safety.
- 10) All roof-mounted signs.
- 11) All signs painted on or attached to vehicles that are parked on the public right-of-way or on private premises for the purpose of advertising.
- 12) All signs providing a lighting source that is exposed or directly visible from any public right-of-way or adjacent property.
- 13) Any sign, statement, symbol or picture of an obscene nature.

Section 1915—Noncomplying Signs:

All signs permitted within the County shall comply with Table 19-1, Allowed Signs, or Table 19-5, Exempt Signs unless such signs are determined to be a legal noncomplying structure. All legal noncomplying sign may continue, subject to the requirements of Chapter 11.

Section 1916—Unused and Abandoned Signs:

A sign shall be considered unused or abandoned and shall be removed after the use, activity, product, business, or service, which it advertised, has ceased or has vacated the building, structure, lot or parcel for a period not less than one (1) calendar year. All unused or abandoned signs shall be removed by the property owner, upon written notice by the

Zoning Administrator or other County Staff, and shall be subject to removal by the County, if not removed by the property owner within thirty (30) calendar days of notice by the Zoning Administrator, or other County Staff, or other remedies that may be available to the County.

Table 19-1
 ALLOWED SIGNS

SIGN REQUIREMENT	SIGN TYPE				
	FREE STANDING – PYLON	FREE STANDING – MONUMENT	WALL	CANOPY	LIMITED
Zoning Districts Allowed	May be approved by the Land Use Authority, as applicable, in the Business Commercial (BC), Industrial (I), and the Special Purpose (SP) District.				
Number of Signs Allowed	One (1) free-standing pylon or One (1) free-standing monument sign for each lot or parcel.	One (1) free-standing monument or One (1) free-standing pylon sign for each lot or parcel.	One (1) wall sign for each building wall that faces directly toward a public road or street with a maximum of two (2) wall signs for each building or structure. No wall sign shall be permitted on any building façade that does not face directly toward a public road or street.	One (1) canopy sign for each canopy side that faces directly toward a public road or street with a maximum of two (2) canopy signs for each canopy. No canopy sign shall be permitted that does not face directly toward a public road or street.	As approved by the Zoning Administrator.
Maximum Sign Area	As provided by Table 19-2.	As provided by Table 19-3.	As provided by Table 19-4.	Forty percent (40%) of the total area of the canopy.	Forty-eight (48) square feet.
Maximum Height	Twenty-five (25) feet above natural or finished grade,	Eight (8) feet above natural or finished grade,	No higher than the eave line or top of the parapet wall of	No higher than the canopy.	Six (6) feet.

SIGN REQUIREMENT	SIGN TYPE				
	FREE STANDING – PYLON	FREE STANDING – MONUMENT	WALL	CANOPY	LIMITED
	whichever is higher.	whichever is higher.	the building or structure.		
Minimum Sign Clearance	A minimum clearance of nine (9) feet above grade or as approved by the Land Use Authority, as applicable.	No Requirement	No wall sign shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted.	The minimum clearance of the canopy but no less than thirteen (13) feet above grade or as approved by the Land Use Authority.	As approved by the Zoning Administrator
Sign Location	As approved by the Land Use Authority, as applicable.		Must meet the requirements of the building or structure with which it is associated.	Must meet the requirements of the canopy with which it is associated.	As approved by the Zoning Administrator. All signs must maintain Clear View requirements.
Maximum Projection	No part within three (3) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from underground or overhead power transmission lines, as required by the electrical power provider. All signs must maintain Clear View requirements.		No part of over the property line or into any road or street right-of-way or utility easement. No wall sign shall project more than twelve (12) inches from the wall surface.	No part within three (3) feet of any road or street right-of way, property line, or utility easement and must maintain necessary clearances from underground or overhead power	No part over the property line or into any road or street right-of-way or utility easement and must maintain necessary clearances from underground or overhead power transmission lines,

SIGN REQUIREMENT	SIGN TYPE				
	FREE STANDING – PYLON	FREE STANDING – MONUMENT	WALL	CANOPY	LIMITED
				transmission lines, as required by the electrical power provider. All Canopy signs shall be attached or painted flat against a Canopy made of rigid materials.	as required by the electrical power provider.
Minimum Setback Requirements	May be located in the required yard setback area, provided no portion of the sign is closer than three (3) feet to any property line, road, or street right-of-way.		Must meet the requirements of the building or structure with which it is associated.		As approved by the Zoning Administrator.
Design	Designed to be an integral site and/or building design element. All signs shall be compatible in design, style, color, and materials with the existing or proposed buildings or structures to which the sign is associated.				As approved by the Zoning Administrator.
Fire Suppression Access	No sign or sign structure shall be permitted in a manner that any portion of its surface or supports will interfere with free use of all fire appliances; including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.				
Clear View Area	No sign shall be permitted to be located in any clear view area and no sign shall be permitted that creates any traffic or pedestrian hazard.				
Building Permit Required	A valid Building Permit approval may be necessary, as required by the adopted Building Code. All signs for which a Building Permit is required, including necessary footings, structural permits, or electrical permits, shall comply with the requirements of the Building Code, as adopted, and shall be				

SIGN REQUIREMENT	SIGN TYPE				
	FREE STANDING – PYLON	FREE STANDING – MONUMENT	WALL	CANOPY	LIMITED
	subject to inspection.				
Sign Validity	A sign is authorized and valid only for the approved location.				
Valid Business License Required	All businesses and services advertised shall maintain necessary licenses and permits, as may be required by State of Utah and the County’s business licensing requirements, as applicable.				
Sign Maintenance	All signs shall be structurally sound and maintained in good repair.				
Enforcement	Any sign determined to be a hazard to the public health, welfare, or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or Building Code violation shall be remedied upon notice by the Zoning Administrator, or Building Official. Any sign not remedied within thirty (30) days notice by the Zoning Administrator, or Building Official, shall be subject to removal by the County, or other remedies that may be available to the County.				
Off-premise Signs Prohibited	All signs shall only be permitted at the location of the activity, business, or service connected with the message of the sign.				

Notes:

Maximum Sign Height. The height from the highest point of the structure to the lowest point of the finished or natural grade, immediately adjacent to the structure. No ground shall be bermed, or other earthwork provided, that would have the effect to exceed the maximum allowed sign structure height.

Maximum Sign Area, The area of the sign calculated by multiplying the highest point of the sign by the longest length of the sign and including all text, insignia, logo, or other advertising or identification materials.

Table 19-2
 MAXIMUM ALLOWED SIZE OF FREE-STANDING PYLON SIGNS

LOT FRONTAGE (FEET)	MAXIMUM PYLON SIGN AREA (SQUARE FEET)
< 70	0
70 – 79	45
80 – 89	50
90 – 99	55
100 – 109	60
110 – 119	65
120 – 129	70
130 – 139	75
140 – 149	80
150 – 159	85
160 – 169	90
150 – 159	95
160 – 169	100
170 – 179	105
180 – 189	110
190 – 199	115
200 – 209	120
210 – 219	125
220 – 229	130
240 – 249	140
≥ 250	145

Table 19-3
MAXIMUM ALLOWED SIZE OF FREE-STANDING MONUMENT SIGNS

LOT FRONTAGE (FEET)	MAXIMUM MONUMENT SIGN AREA (SQUARE FEET)
< 50	0
50 – 59	75
60 – 69	80
70 – 79	85
80 – 89	90
90 – 99	95
100 – 109	100
110 – 119	105
120 – 129	110
130 – 139	115
140 – 149	120
≥ 150	125

Table 19-4
 MAXIMUM ALLOWED SIZE OF WALL SIGNS

WALL AREA (SQUARE FEET)	MAXIMUM WALL SIGN AREA (SQUARE FEET)	WALL AREA (SQUARE FEET)	MAXIMUM WALL SIGN AREA (SQUARE FEET)
< 100	0	1,600 – 1,699	130
100 – 199	10	1,700 – 1,799	135
200 – 299	20	1,800 – 1,899	140
300 – 399	20	1,900 – 1,999	145
400 – 499	40	2,000 – 2,099	150
500 – 599	50	2,100 – 2,199	155
600 – 699	60	2,200 – 2,299	160
700 – 799	70	2,300 – 2,399	165
800 – 899	80	2,400 – 2,499	170
900 – 999	90	2,500 – 2,599	175
1,000 – 1,099	95	2,600 – 2,699	180
1,100 – 1,199	100	2,700 – 2,799	185
1,200 – 1,299	110	2,800 – 2,899	190
1,300 – 1,399	115	2,900 – 2,999	196
1,400 – 1,499	120	≥ 3,000	200
1,500 – 1,599	125		

Table 19-5
 EXEMPT SIGNS

SIGN TYPE	SIGN REQUIREMENT
Community Events Posters and Announcements	Posters and flyers announcing or promoting community events provided such posters or flyers do not advertise products or services not associated with the community event.
Directional Signs	Directional signs such as “Enter” and “Exit” provided: 1) There shall be no more than two (2) directional signs per driveway entrance to a lot or parcel. 2) No directional sign shall be greater than four (4) square feet in area and have a height greater than three (3) feet above grade.
Flags	Any flag of any nation, state, county, city, civic, religious organization, or educational institution.
Historic Plaques	Plaques erected for the purposes of identifying an historic site, building, or structure.
Holiday Promotion Signs	A commercial business located within the County may advertise a special service, product or sale during the following holiday periods but limited as follows; 1) Only one (1) sign, not to exceed forty (40) square feet, such sign being secured to a building. 2) The sign shall be removed the first business day after the end of the holiday period. 3) Holiday periods when a Holiday Promotion Sign is allowed: a) Presidents Day and Valentines Day – Five (5) business days including the holiday. b) Easter – Five (5) business days including the holiday. c) Memorial Day – Five (5) business days including the holiday. d) Independence Day – Five (5) business days including the holiday. e) Pioneer Day – Five (5) business days including the holiday. f) Labor Day – Five (5) business days including the holiday. g) Thanksgiving – Seven (7) days including the holiday. h) Hanukkah, Christmas, New Year's Day – a maximum of thirty-five (35) days beginning no sooner than December 1 st .
Public Notice	Signs posted by a property owner and designed to advise the public of “No Trespassing”, “No Fishing”,

SIGN TYPE	SIGN REQUIREMENT
Signs	and/or “No Hunting” is permitted by the owner.
Hours of Operation	One (1) unlighted “Hours of Operation” sign allowed per entrance not larger than one (1) square feet in area.
Official Notices	Official government notices and notices posted by government officers or employees in the performance of their duties.
Political Signs	<p>Political signs used to identify and for the support of candidates for national, state, county, city, school board, service district, or other public office provided such signs meet the following requirements:</p> <ol style="list-style-type: none"> 1) Are stationary and unlighted. 2) Are not erected earlier than sixty (60) days prior to the specified voting day. 3) Are removed within seven (7) days after the specified voting day. 4) Is not located within any clear view area. 5) Signs placed on private property are permitted only with the permission of the property owner.
Public Necessity Signs	Signs required for safety or instructional purposes, installed, and maintained by Wayne County, or other Federal or State agency.
Real Estate Signs	<p>A real estate sign advertising real property for sale, lease or rent within the County provided such signs meet the following requirements:</p> <ol style="list-style-type: none"> 1) A maximum of one (1) real estate sign per street frontage. 2) Is placed on the property that is for sale, lease, or rent, or adjacent thereto. 3) Such signs are stationary and unlighted. 4) Signs must be professionally prepared, neat in appearance, and well maintained. 5) Are removed within thirty (30) days from the date of sale, lease, or rental. 6) Shall not exceed eight (8) square feet in area and four (4) feet in height. 7) Is not located within any clear view area or placed where it creates a safety hazard. 8) Signs placed on private property are permitted only with the permission of the property owner.

SIGN TYPE	SIGN REQUIREMENT
Religious Symbols	Any religious symbol attached to a place of religious worship.
Residential Nameplates, Home Occupation Signs, Street Address or Combination	One (1) nameplate sign showing the name of the occupant of a dwelling, the address of the dwelling or the name and nature of the home occupation conducted within the dwelling. . The sign shall not exceed two (2) square feet in area.
Restaurant Menu Boxes	Restaurant menu boxes of up to eight (8) square feet for displaying menus. A freestanding, or wall sign permit approval shall be obtained for restaurant menu boxes larger than eight (8) square feet, and included in the total allowed freestanding or wall signs.
Seasonal Decorations	Decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any national, Local or religious celebration provided that such decorations or displays are maintained in an attractive condition and do not constitute a fire hazard.
Signs Authorized by Law	Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, including traffic control signs.
Site Development and Subdivision Identification Signs	<p>A sign used to identify a site development or subdivision that may include multiple lots and/or multiple buildings, and typically located at the entrance of such project and provided such signs meet the following requirements:</p> <ol style="list-style-type: none"> 1) Not more than one (1) sign for each entrance to the project, indicating only the name, symbol, logo, or other graphic identification of the project. 2) Such signs are stationary and unlighted. 3) Signs must be professionally prepared, neat in appearance, and well maintained. 4) Are removed when the project is completed or all lots or units are sold. 5) Shall not exceed thirty two (32) feet in area and eight (8) in height. 9) Is not located within any clear view area or placed where it creates a safety hazard. 6) Signs placed on private property are permitted only with the permission of the property owner. 7) The Land Use Authority shall approve identification signs, including their size and location, at the

SIGN TYPE	SIGN REQUIREMENT
	time of Land Use Application approval.
Site and Building Features	Pieces of art, monuments, statuary, sculpture, water features, fountains, and other similar features, not containing any corporate advertising, logo, insignia, or other symbol, and used to identify or distinguish a site or building.
Street Address Numbers	Street address numbers no higher than twelve (12) inches.
Time and Date Signs	Electronic message signs that change copy electronically identifying the “time, date, and temperature” only provided no electronic message sign shall exceed forty percent (40%) of the maximum sign face area.
Vehicle Signs	Signs displayed on motor vehicles or trailers being operated in the normal course of business, such signs indicating the name of the owner or business if the primary purpose of such vehicles is not for the display of signs.
Warning Signs	Temporary or permanent signs erected by a government agency, utility companies, or construction company to warn of danger, or hazardous conditions.
Window Signs	A sign affixed or attached to a window and visible from outside of the building. All window signs shall be no larger than the window with which the sign is associated. No window sign shall project beyond the exterior surface of the window. All window sign lighting sources shall be fully shielded and no lighting source shall be exposed or visible from any road, street, or adjacent property. No window sign shall be allowed in any residential zone.

**CHAPTER 20
RESERVED**

**CHAPTER 21
ENFORCEMENT**

Section 2101—Purpose:

This Chapter establishes procedures, remedies, and penalties for violations of the County’s Land Use Ordinances, including this Ordinance, and to provide for enforcement.

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

Section 2102—Violations and Building Permits:

- 1) The County may enforce this Ordinance, or other County Land Use Ordinances, by withholding building permits.
- 2) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the County without the necessary Land Use Application approval, license or permit, and the issuance of a valid building permit, as applicable.
- 3) The County shall not issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform and comply with all Land Use Ordinances, including this Ordinance, and the Building Codes, as adopted.

Section 2103—Types of Violations:

- 1) It shall be unlawful for any person to violate any provision of this Ordinance, cause the violation of any provision of this Ordinance, or fail or refuse to do some act required under this Ordinance, including:
 - a) To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements without required Land Use Application approvals.
 - b) To engage in any development, use, construction, remodeling, or other activity that is contrary to the terms and conditions of any Land Use Application approval.

- c) To violate, by act or omission, any lawful requirement or condition imposed by the Land Use Authority, as applicable, upon a required Land Use Application approval.
- d) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Ordinance, the Building Codes, or other County Land Use Ordinances, as applicable.
- e) To reduce or diminish any lot or parcel area so that minimum area, setbacks or open spaces shall be smaller than prescribed by this Ordinance, or other County Land Use Ordinances, or required for Land Use Application approval or Subdivision Application approval.
- f) To increase the density or intensity of use of any land or structure without the necessary Land Use Application approval.
- g) To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance, or other County Land Use Ordinances.

Section 2104—Continuing Violation:

Each day a violation of this Ordinance occurs, it shall constitute a separate offense.

Section 2105—Legal Nonconformity an Affirmative Defense:

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

Section 2106—Revocation of Land Use Application Approvals:

- 1) A Land Use Authority may revoke a Land Use Application approval if it is determined that the application was based on inaccurate, misleading, or incomplete information provided by the Applicant.
- 2) A Land Use Application approved may be revoked by the Land Use Authority if any of the requirements, terms or conditions of approval are not met, or if the permit is used to violate any law or Ordinance.

Section 2107—Procedures for Revocation or Modification of a Land Use Application Approval:

The Zoning Administrator, Treasurer/Recorder or County Clerk shall notify the Applicant by certified mail of any Land Use Application approval violation. If no attempt to correct the violation is made within ten (10) calendar days after notification, the Land Use Application may be revoked by the Land Use Authority and considered null and void. A Land Use Application

approval may be revoked by the Land Use Authority, if the Land Use Authority finds that one or more of the following exist:

- 1) The Land Use Application approval was obtained in a fraudulent manner.
- 2) One or more of the requirements, terms or conditions of the Land Use Application approval has not been met.

A Land Use Authority may modify the requirements, terms, or conditions of a Land Use Application approval if the Land Use Authority finds that the use is creating a nuisance.

Section 2108—Stop Work:

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

Section 2109—Penalties for Violations:

A violation of any of the provisions of this Ordinance is punishable as a Class C misdemeanor upon conviction either:

- 1) As a Class C misdemeanor; or
- 2) By imposing the appropriate civil penalty.

Section 2110—Civil Penalties:

The BOCC hereby establishes civil penalties for violations of any of the provisions of this Ordinance as follows:

- 1) Twenty-five dollars (\$25.00) per day for the first violation.
- 2) Fifty dollars (\$50.00) per day for the second and further violations.
- 3) Each day a violation occurs shall be considered a separate violation.

Section 2111—Appeal:

Any person aggrieved by an enforcement decision of a Land Use Authority may appeal the decision to the Appeal Authority, as identified by Chapter 13.

CHAPTER 22 CONSTITUTIONAL TAKINGS

Section 2201—Purpose:

- 1) The policies of the County, favor the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending such issues. At the same time, the legitimate role of the County in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property, consistent with the Constitution. Consistent with these policies, this Chapter establishes a procedure for the review of actions that may involve the issue of constitutional takings, as well as providing guidelines for such considerations. This chapter is intended and shall be construed to objectively and fairly review claims that a specific County action should require payment of just compensation, while preserving the ability of the County to lawfully regulate real property and fulfill its obligations, duties and functions.
- 2) This Chapter, and Chapter 13 and Chapter 15, Administrative Manual, identifies and provides the standards and procedures for the review of all Constitutional Takings Review Applications.

Section 2202—Guidelines Advisory:

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

Section 2203—Review of Takings Application Required:

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the County shall request a review of a final decision by filing a Constitutional Takings Review Application, containing all the information required.

Section 2204—Results of Review:

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

APPENDIX A

TABLE OF USES, USE DEFINITIONS, AND DEVELOPMENT STANDARDS

Appendix A—Table of Uses:

Appendix A, identifies the uses allowed by the County within each Zoning District and provides a definition for each use. The Appendix A, Table of Uses identifies uses allowed as a Permitted Use (identified as “P-1” or “P-2”), and uses allowed as a Conditional Use (identified as “C”). Uses identified as an “X” in Appendix A, Table of Uses are determined to be a Prohibited Use in the Zoning District. Any use not included in Appendix A, Table of Uses are determined and declared to be Prohibited Uses within Wayne County.

Appendix B—Tables of Development Standards:

Appendix B identifies the development standards required for all primary buildings and structures established within Wayne County.

Appendix B-1 identifies the development standards required for all detached accessory buildings and structures established within Wayne County.

Appendix A
 TABLE OF USES

The Wayne County Table of Uses identifies the uses allowed within each Zoning District and provides a definition for each use allowed within the County. The Table of Uses identifies uses allowed as a P-1 = Permitted Use; P-2 = Permitted Use; C = Conditional Use; X = Use Prohibited in the Zoning District (Zone). A Use that is not identified in the Table of Uses is determined to be a Prohibited Use within Wayne County.

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Accessory Building/Structure. A building or other customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.	P-1	P-1	P-1	P-1	P-1	P-1
Accessory Dwelling Unit for a Relative or Employee. An attached, or detached dwelling unit for the occupancy by the owner, or a relative or employee of the owner, and incidental and clearly subordinate to the existing primary building located	C	C	C	C	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
on the same lot as the primary building and connected to the same utilities and utility meters as the primary building and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.						
Accessory Use. A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.	P-1	P-1	P-1	P-1	P-1	P-1
Accessory Agricultural Sales. The retail or wholesale sale of agricultural or horticultural products which are grown on site not having been purchased from another location for the	C	C	C	C	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
purpose of resale. This use shall be required to be conducted from a permanent structure, or portion of a permanent structure.						
Accessory Outside Storage. The outside placement of items which is clearly incidental and subordinate incidental to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.	P-2	P-2	P-2	P-2	P-2	P-2
Agricultural Building. A structure used in conjunction with an allowed agriculture use, as defined herein, and not for human occupancy, and complying with the requirements of §58-56-4, Utah	P-1	P-1	P-1	P-1	P-1	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of §58-56-4(1), Utah Code Annotated, 1953, as amended and be clearly associated with and necessary to support an agricultural use.						
Agricultural Products Processing and Storage. The processing and storage of agricultural products brought to the site, including but not limited to the processing, cleaning, sorting, grading, packaging, or milling of products which are intended for direct human or animal consumption or use. This use does not include the commercial slaughtering or the processing and packaging of meat and poultry. See Meat or Poultry Processing Facility.	C	C	X	X	C	X
Agricultural Use. An area of five	P-1	P-1	P-1	P-1	P-1	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
(5) contiguous acres, or more, which is used for the production, keeping, or maintenance for sale of plants and domestic animals typically found in central Utah, but excluding the keeping of exotic or prohibited plants or animals, Agriculture excludes Commercial Plant Nursery, as defined herein, and Concentrated Animal Feeding Operation, as defined by the Utah Code Annotated, 1953, as amended, and similar activities.						
Airport/Heliport. Areas used for the landing and take-off of both fixed wing aircraft and helicopters and buildings or other facilities, including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and which may be designed or used by both public carriers or private aircraft.	X	X	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Animal Control Facility. A public or publicly licensed facility to temporarily detain and/or dispose of stray dogs, cats and other animals.	X	X	X	X	C	C
Asphalt Batch Plant. A facility where asphaltic materials are manufactured and including accessory asphalt materials storage and equipment.	X	X	X	X	C	C
Bank, Credit Union, or other Financial Institution. A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money.	X	X	C	X	X	X
Barn, Corral, Stable, Coop, or Pen. A structure or fenced area, and its associated buildings and structures, for the shelter, feeding, housing, or confinement of domestic animals, as defined herein.	P-1	P-1	P-1	P-1	P-1	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Bed & Breakfast Inn. An owner-occupied dwelling located on a legal lot and offering transient lodging accommodations where meals may be provided. A Bed and Breakfast may have up to seven (7) guest rooms. A Bed & Breakfast Inn shall meet all applicable requirements of the Building Codes, Health Codes, and Land Use Ordinances, as adopted, and must be located so as to be served by adequate existing public services.</p>	C	C	P-2	P-2	X	X
<p>Beer and Liquor License(s). All licensees authorized to sell beer and liquor and/or consume beer and liquor on- or off the premises shall comply with all requirements of the Utah Alcoholic Beverage Control Act, as amended, for type of Beer and Liquor License, as applicable, and be conducted in compliance with all requirements for the issuance of</p>	X	X	C	C	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
such license						
Campground. An area of land upon which two (2) or more sites are established and maintained for occupancy by a tent or recreational vehicle for a limited period not to exceed ninety (90) calendar days.	C	X	C	P-2	X	X
Car Wash. A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.	X	X	C	X	P-2	X
Cemetery. A place designated for the burial or keeping of human remains, including crematories and mausoleums.	C	C	C	X	C	X
Child Care – Home Day Care. The care of children who are family and non-family members	P-1	P-1	P-1	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit for more than five (5) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. Of the allowed eight (8) children, only two (2) may be under age two (2). Home Day Care may use the entire residential living area and additionally may use yard space for play purposes. This use is required to comply with all business licensing requirements of the County.</p>						
<p>Child Care – Hourly. A facility that provides child care in a place other than the owner’s</p>	X	X	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
residence for five (5) or more children for less than twenty four (24) hours a day, but not on a regular schedule; and receiving direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Hourly also includes Child Preschool providing instruction for five (5) or more children for less than twenty four (24) hours a day.						
Child Care – Facility. A facility that provides child care in a place other than the owner’s residence for five (5) or more children for less than twenty four (24) hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect	X	X	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Facility also includes Child Preschool providing instruction for five (5) or more children for less than twenty four (24) hours a day.						
Child Care – Licensed Family. (1) A person who provides child care in a residence for nine (9) to sixteen (16) children, unrelated to the licensee for less than twenty four (24) hours a day, with a regularly scheduled, on-going enrollment, for direct or in-direct compensation. A “Child Care – Licensed Family” must be licensed as a family group child care program, as required by the laws and rules of	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>the State of Utah. A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. (2) A person who provides child care in a residence for less than nine (9) unrelated children for less than twenty four (24) hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation may be licensed as a family child care program, as required by the laws and rules of the State of Utah. A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Licensed Family also includes Child Preschool providing instruction in a</p>						

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
residence for nine (9) to sixteen (16) children unrelated to the licensee for less than twenty four (24) hours a day.						
<p>Child Care – Residential Certificate. The care of children in the residence of the provider for five (5) to eight (8) children and having a regularly scheduled, ongoing enrollment, for direct or indirect compensation and licensed as required by the laws and rules of the State of Utah. A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care – Residential Certificate also includes Child Preschool providing instruction in a residence for five (5) to eight (8) children unrelated to the licensee for less than 24 hours a</p>	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
day.						
<p>Church. A facility primarily used for people to gather for worship, religious training, or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar leader of the church and their family shall be permitted as an Accessory Use.</p>	C	C	P-2	C	P-2	X
<p>Commercial Plant Nursery. A use wholly or partially contained and conducted within one (1) or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold either retail or wholesale.</p>	C	C	C	X	C	C
<p>Commercial Recreation (Indoor). A building which is fully enclosed and which offers commercial indoor sports activities including but not limited to tennis, bowling, horse riding or similar activities but does not including video game</p>	X	X	C	P-2	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
arcades. This use may include associated eating and drinking areas, retail sales areas and staff offices.						
Commercial Recreation (Outdoor). An area or facility that offers entertainment or recreation in an unenclosed outside area and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices, and maintenance facilities. This use may include a golf course, miniature golf facility, riding arena, and rodeo arena. This use also includes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other impacts to adjoining properties and uses.	X	X	X	P-2	C	C
Composting Facility. A facility where organic materials are converted into a humus-like	X	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to agricultural operations are exempted from this use classification.						
Concentrated Animal Feeding Operation. A lot or facility, as defined by the Administrative Rules of the State of Utah, and subject to the Utah Pollutant Discharge Elimination System (UPDES).	X	X	X	X	X	C
Concrete Batch Plant. A facility where sand, gravel, cement, water, and other materials are turned into concrete and may be either a drum mix plant or a batch plant, and including batchers and mixers and accessory materials storage and equipment.	X	X	X	X	C	C
Construction and Contractor's	X	X	C	X	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Sales and Services. An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores.</p>						
<p>Convenience Store. A retail establishment selling consumer products including prepackaged food, drink, and household items. A convenience store may also provide retail sales of gasoline and other petroleum products.</p>	X	X	C	C	C	X
<p>Correctional Facility. A public or private facility providing</p>	X	X	X	X	X	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
confinement, housing, and care for individuals legally confined for violations of the law.						
Distribution Center. A facility where the storage and distribution of goods and materials occurs which may include the parking and storage of distribution vehicles, and accessory activities.	X	X	C	X	C	X
Drive through/Drive up Facility. A facility where goods and services are provided to customers within a vehicle.	X	C	C	C	P-2	X
Dwelling, Condominium. An individually owned dwelling unit, meeting the definition of a condominium, as provided by Section 57-8-1, Utah Code Annotated, 1953, as amended, and complying with all requirements of the “Condominium Ownership Act,” Section 57-8-1 Utah Code Annotated, 1953, as amended.	X	C	X	C	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Must meet all density and development requirements and standards of the applicable Zone.						
<p>Dwelling, Manufactured Home. A transportable factory built dwelling unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which: (1) In the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet; (2) Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; (3) Includes plumbing, heating, air-conditioning, and electrical systems; and (4) Is identified by the manufacturer’s data plate</p>	P-2	P-2	P-2	P-1	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
bearing the date the unit was manufactured and a United States Department of Housing and Urban Development (HUD) label attached to the exterior of the home certifying the home was manufactured to HUD standards.						
Dwelling, Mobile Home (Existing): A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) and established in the County prior to the effective date of this Ordinance.	P-1	P-1	P-1	X	X	X
Dwelling, Multiple-Family. A building containing five (5) or more dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	C	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Dwelling, Single-Family. A building containing one (1) dwelling unit, the unit designed to be occupied by one (1) family.	P-1	P-1	P-1	P-1	X	X
Dwelling, Two-Family (Duplex). A building containing two (2) dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	X	X	X
Dwelling, Three-Family. A building containing three (3) dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	X	X	X
Dwelling, Four-Family (4-plex). A building containing four (4) dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	X	X	X
Earth Station. A communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.	X	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Educational Facility. Public schools, including charter schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational activities that offer a curriculum similar to a public school, college, or university for technical or vocational training, kindergarten, elementary, secondary or higher education.</p>	C	C	C	X	C	X
<p>Electric Substation. An assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity in amounts of 140,000 volts, or more.</p>	X	C	C	X	C	C
<p>Electric Transmission Line (Major). A series of structures and appurtenant facilities</p>	C	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transit electric energy in voltages of 140,000 volts or more.						
Electric Transmission Line (Minor). A series of structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transit electric energy in voltages of less than 140,000 volts.	P-2	P-2	P-2	P-2	P-2	P-2
Emergency Care Facility. A health care facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.	X	X	P-2	X	X	X
Exotic Animals and Poultry. Any potentially dangerous animal or bird not typically	X	X	X	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
having its natural habitat located in central Utah and not customarily confined or cultivated by humans for domestic or commercial purposes.						
<p>Forestry/Forest Practice. As provided by Section 65A-8a-102, Utah Code Annotated, 1953, as amended, means activities directly related to: (1) the harvesting of trees; (2) new road construction associated with harvesting or accessing trees; (3) site preparation for regeneration of a timber stand; (4) reforestation; or (5) the management of logging slash, such activities being conducted and managed under the authority of the United States Forest Service or the State of Utah Department of Natural Resources, Division of Forestry, Fire, and State Lands. Forestry/Forest Practice does not</p>	P-2	P-2	P-2	P-2	P-2	P-2

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
include: (1) the operation of a nursery or Christmas tree farm; (2) the harvest of Christmas trees; (3) the harvest of trees for the noncommercial, personal use by the owner of forested land from which the trees are harvested; or (4) a harvesting operation encompassing fewer than ten (10) contiguous acres of forested land.						
Guest Ranch. A facility, including either a single building or resort cabins, which serves as a destination for visitors and generally has accessory recreational facilities for the use of guests. A Guest Ranch shall maintain the existing agricultural or farming operations.	C	C	C	P-2	X	X
Home Occupation (Major). A use or activity conducted within a dwelling, accessory building, or accessory garage and carried out	C	C	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>and conducted without changing the nature of the zoning district or creating any nuisance to any adjoining properties. Home Occupation (Major) shall be conducted by the persons residing in the dwelling and a maximum of one (1) employee who is not be a family member. Activities or storage associated with the Home Occupation (Major) may occur outside of the dwelling.</p>						
<p>Home Occupation (Minor). A use or activity conducted entirely within a dwelling and conducted by the person(s) residing in the dwelling. No outside help or assistance shall be allowed and the Home Occupation (Minor) shall not involve the use of any accessory building, garage, or yard space, outside of the dwelling for any activity or storage associated with the Home Occupation</p>	P-2	P-2	P-2	P-2	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
(Minor).						
Hospital. A facility, and associated accessory activities, for the diagnosis, treatment or care of human ailments.	X	X	C	X	X	X
Hotel. A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms and which furnishes services customarily provided by hotels which may include a restaurant, recreational facilities, reception area(s) and convention facilities.	X	X	C	P-2	X	X
Industrial/Manufacturing Activity (General). A manufacturing operation or processing and assembly of goods including personal hygiene products and cosmetics, drugs and pharmaceuticals, tools, equipment and products and which are not likely to be obnoxious or offensive by reason	X	X	X	X	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. This use does not include Agricultural Products Processing and Storage. See Agricultural Products Processing and Storage.						
Industrial/Manufacturing Activity (Light). Places for the conduct of light manufacturing and assembly activities which are compatible with existing and other uses allowed in the Zoning District and which will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste, and where all equipment, machinery, and other ancillary equipment is located within a building or	X	X	X	X	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
structure and where any outside storage areas are screened from view from all adjoining properties, roads and streets.						
Kennel (Class A). The keeping of four (4) to nine (9) dogs.	P-2	P-2	P-2	X	X	X
Kennel (Class B). The keeping of more than nine (9) dogs.	C	C	X	X	X	X
Kennel (Hobby). The keeping of up to three (3) dogs.	P-1	P-1	P-1	P-1	X	X
Kennel (Commercial). Any premises or establishment where ten (10) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.	C	X	X	X	C	X
Landfill. A area of land where solid waste is disposed of using sanitary land filling techniques, including but not limited to an engineered method of disposing of solid waste on land in a	C	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
manner that does not create a nuisance or health hazard.						
Liquor Store (State Owned). An establishment owned and operated by the State of Utah and primarily engaged in the sale of alcoholic beverages.	X	X	C	X	X	X
Livestock Auction Facility. A structure, or structures, with associated pens, yards, corrals and loading and unloading facilities used for the sale of livestock.	C	X	X	X	C	C
Meat or Poultry Processing Facility. A facility for the commercial processing of meat and poultry for human consumption, including but not limited to the slaughtering, butchering, cutting, dressing and packaging of meat and poultry products.	X	X	X	X	C	X
Medical and Dental Clinic. An organization of doctors, dentists,	X	X	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
or other health care professionals providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.						
Mining (Subsurface). The extraction of naturally occurring mineral deposits by underground methods, including the milling and processing of such deposits.	X	X	X	X	C	C
Mining (Surface). The extraction of naturally occurring mineral deposits by mining directly from the ground surface, including such processes as open pit mining, strip mining, gravel pits, quarrying and dredging and associated processing including crushing and washing.	X	X	X	X	C	C
Mortuary (Funeral Home). A facility where bodies are prepared for burial or cremation, which may include areas for	X	C	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
embalming, performing autopsies, and the storage for associated vehicles and supplies. This use may also provide a chapel or other area for the conduct of funeral services.						
Motel. A building containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space for the vehicle of the guest. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.	X	X	C	P-2	X	X
Nursing Home (Convalescent Care) Facility. A facility which provides twenty four (24) hour residential care to persons who are not related by blood, marriage or adoption to the owner, operator or manager of the facility. A Nursing Home (Convalescent Care) Facility	X	C	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
provides some level of skilled nursing or medical service to the residents.						
Oil and Gas Drilling/Production/Transmission. Any operation utilizing equipment which advances a bore hole into the earth's substrata for the purpose of discovery, development, and/or production of oil or gas, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, pipelines and all other associated facilities and equipment.	X	X	X	X	C	C
Open/Outdoor Storage. The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage	X	X	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.						
Personal Care Service. An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, tanning and nail salons, and weight loss centers.	X	P-2	P-2	P-2	X	X
Personal Instruction Service. An establishment primarily engaged in the provision of information, instruction, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction.	X	P-2	P-2	C	X	X
Personal Service Facility. An establishment providing	X	X	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
personal services, including dry cleaners, shoe and boot repair, photographic studio, copy shop and travel agency.						
Professional Office. A facility used by the professions including physicians, dentists, lawyers, architects, accountants, engineers, and others, who through training are qualified to perform the services provided and where no storage of equipment or the sale of merchandise occurs.	X	P-2	P-2	X	X	X
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 but not limited to, parks, recreational facilities, administrative and service offices and facilities, and public utilities, and found by the	C	C	C	C	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Commission to conform to the General Plan, or has been considered by the Commission and the Board of County Commissioners has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses do not include “Major Facility of a Public Utility” or an “Airport,” “Heliport” “Correctional Facility,” or Liquor Store (State Owned) as defined herein.						
Public Utility (Major). Any regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives, and their appurtenant facilities, or similar public or quasi-public use or activity, and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the	C	C	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
proposed location and/or Public Utility (Major) as an amendment to the General Plan.						
Public Utility (Minor). A water, sewer, gas, telephone, cable television, electric transmission, or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground or located above the surface of the ground.	P-2	P-2	P-2	P-2	P-2	P-2
Reception Center. A facility used for the holding of events including weddings, wedding receptions, and group gatherings.	X	X	P-2	P-2	X	X
Recycling Processing Facility. A facility where recyclable materials are collected, stored and processed. Processing includes baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.	X	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Recycling Collection Center. A facility used for the acceptance and temporary storage of recyclable materials to be transferred to a Recycling Processing Facility.</p>	C	C	C	X	C	C
<p>Residential Facility for Elderly Persons. A single-family dwelling that does not operate as a business and is owned by one of the residents, or an immediate family member of one of the residents, or the title is placed in trust for a resident, and that meets the requirements of the Utah Code Annotated, as amended, meeting all applicable Building Codes, as adopted, Land Use Ordinance requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. Adequate off-street parking shall be provided and the facility must be capable of use as a residential</p>	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.						
Residence for Persons with a Disability. A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.						

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Residential Facilities for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School. A residence located within 500 feet of a school and in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability. Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended).</p>	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Resort. A facility which serves as a destination for guests and generally provides recreational or personal development facilities and may include both on-site and off-site activities and services including food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort.. Guest residency is limited to no longer than sixty (60) calendar days.</p>	C	C	C	C	X	X
<p>Restaurant. A business where a variety of food and drink is prepared and served for consumption either on or off the premises.</p>	X	X	P-2	P-2	X	X
<p>Retail Store/Facility. An establishment providing retail sales of merchandise including a grocery, hardware, department store, furniture, pharmacy, or other retail sales activities.</p>	X	X	P-2	X	X	X
<p>Salvage Yard. The use of any lot,</p>	X	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
portion of a lot, or land for the commercial storage, keeping or abandonment of junk, including scrap metals or other scrap material, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery and where the parts of vehicles and machinery may be sold (wholesale or retail).						
Saw Mill. A facility for the milling, planning, storage, and sale of timber and forest products.	X	X	X	X	C	C
Self Storage (Mini Storage) Facility. A facility for the storage of personal items in individual units which are leased to persons exclusively for storage of their household goods or personal property. All units must be contained within a permanent structure.	X	X	C	X	P-2	X
Sexually Oriented Business or Activity. A use or facility	X	X	X	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
providing adult and/or sexually oriented activities and entertainment, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.						
Special Event. An activity established for a maximum period of twenty one (21) calendar days, such event being discontinued after the expiration of twenty one (21) calendar days.	P-1	P-1	P-1	P-1	P-1	X
Swimming Pool. An artificial body of water having a depth in excess of twenty four (24) inches and a water surface area greater than fifty (50) square feet, designed, constructed and used for swimming, dipping or immersion purposes by men,	P-2	P-2	P-2	P-1	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
women or children.						
<p>Temporary Construction Office. A structure used for a maximum period not to exceed twelve (12) months as a construction office associated with construction for an approved use as allowed and permitted by this Ordinance and the Building Codes, as applicable.</p>	P-2	P-2	P-2	P-2	P-2	P-2
<p>Temporary Dwelling Unit. A structure used as a dwelling unit for a maximum period not to exceed one hundred eighty (180) calendar days, for use by the owner, during the construction or remodeling of the permanent dwelling unit as allowed and permitted by this Ordinance and the Building Codes, as applicable.</p>	P-2	P-2	P-2	P-2	P-2	X
<p>Seasonal Use. A use offering goods, services, or conducting an activity for a limited duration of time, but in no case existing</p>	P-1	P-1	P-1	P-1	P-1	P-1

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
longer than one hundred twenty (120) calendar days. Such uses include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, Christmas tree lots, corn mazes, holiday boutiques, and similar activities.						
Tennis Court/Sports Court. An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball.	P-2	P-2	P-2	P-1	X	X
Vehicle and Equipment Service and Repair. An establishment primarily engaged in the repair and maintenance of motor vehicles and/or light and heavy equipment, including auto body repairs, installation of accessories and transmission and engine rebuilding services farm equipment repair, paint, and body shops, tune-ups, brake repairs generator and starter	X	X	C	X	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
repairs, tire repairs and installation, front-end alignments, and lubrication services.						
Veterinary Clinic. A facility for the diagnosis, treatment, hospitalization, and care of domesticated animals and pets. Such facility may include animal holding and boarding facilities.	P-2	C	C	X	P-2	X
Wholesale and Warehousing. An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, moving and storage firms, and warehousing and storage facilities.	X	X	C	X	C	X
Wind Energy System (Commercial). A wind energy conversion system consisting of	C	C	C	C	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
one (1) or more wind turbine(s) and tower(s) and associated control and/or conversion electronics and providing wind generated electrical power to be used primarily for off-site consumption and having a rated capacity that does not exceed the Utah state statutes for commercial turbines.						
Wind Energy System (Industrial). A wind energy conversion system consisting of more than one (1) turbine and tower and associated control and/or conversion electronics and providing wind generated electrical power to be used primarily for off-site consumption and having a rated capacity that does not exceed the Utah State statutes for industrial turbines.	X	X	X	X	C	C
Wind Energy System (Residential). A wind energy	C	C	C	C	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
conversion system consisting of wind turbines and towers and associated control and/or conversion electronics which have a rated capacity that does not exceed the Utah State statutes for residential turbines and providing wind generated electrical power to be used for on-site consumption. A system is considered a Wind Energy System (Residential) only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.						
Wireless Telecommunications Site/Facility. A facility used for the transmission or reception of electromagnetic or electro-optic	C	C	C	C	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.</p>						

Appendix B
STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES

DEVELOPMENT STANDARD	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Approved Site Plan	Required. Approved by Land Use Authority.					
Lot Standards	All buildings and structures shall be constructed in compliance with all requirements of this Ordinance and the Building Code, as adopted and as applicable. All buildings and structures shall be located on and permanently attached to a site-built permanent foundation that meets the Building Code, as adopted. All buildings and structures shall be located on a legally created lot or parcel and be able to receive required services and accommodate necessary setback requirements.					
Minimum Lot Size	One (1) acre	One (1) acre	One (1) acre	One (1) acre	One (1) acre	One (1) acre
Minimum Lot Frontage	80 feet	80 feet	80 feet	80 feet	80 feet	80 feet
Minimum Lot Depth	80 feet	80 feet	80 feet	80 feet	80 feet	80 feet
Minimum Lot Width	80 feet	80 feet	80 feet	80 feet	80 feet	80 feet
Maximum Lot Coverage	60% includes all structures.	60% includes all structures.	80% includes all structures.	60% includes all structures.	80% includes all structures.	80% includes all structures.
Culinary Water and Sanitary Sewage Systems	Approval of Feasibility from Culinary Water Authority and Sanitary Sewer Authority.					
Fire Protection	As recommended by Fire Authority.					
Clear View Areas	As required by Section 1624 and by the Land Use Authority for Site Plan Approval.					

DEVELOPMENT STANDARD	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Minimum Building Height	One (1) Story	One (1) Story	One (1) Story	One (1) Story	One (1) Story	One (1) Story
Maximum Building Height, measured to the highest point of the roofline.	35 feet	35 feet	35 feet	35 feet	45 feet	45 feet
Minimum Front Yard	24 feet	24 feet	20 feet	20 Feet	20 feet	20 feet
Minimum Side Yard	12 feet	12 feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Side Yard – Corner Lots	24 feet	24 feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Rear Yard	24 feet	24 feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.

Appendix B-1
STANDARDS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES

DEVELOPMENT STANDARD	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Location	No Accessory Building/Structure shall be located in any required Front Yard area. An Accessory Building/Structure located twelve (12) feet or less from the Primary Building shall be considered an attached structure and shall comply with all setback standards required for the Primary Structure, as provided by Appendix B. An Accessory Building/Structure located a distance greater than twelve (12) feet from a Primary Building shall be considered as detached and shall comply with the requirements of this Table.					
Small Accessory Buildings	See Section 1708					
Minimum Side Yard – Detached Accessory Buildings	12 feet	12 feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Side Yard – Detached Accessory Buildings housing animals or fowl	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum Side Yard – Corner Lots – Detached Accessory Buildings	24 feet	24 feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Side	50 feet	50 feet	As required by	As required by	As required by	As required by

DEVELOPMENT STANDARD	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Yard – Corner Lots – Detached Accessory Buildings housing animals or fowl			the Land Use Authority for Site Plan approval.	the Land Use Authority for Site Plan approval.	the Land Use Authority for Site Plan approval.	the Land Use Authority for Site Plan approval.
Minimum Rear Yard – Detached Accessory Buildings	12 feet	12 feet	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.	As required by the Land Use Authority for Site Plan approval.
Minimum Rear Yard – Detached Accessory Buildings housing animals or fowl	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum Distance to a Residence on an adjoining property for Accessory Buildings housing animals or fowl	100 feet	100 feet	100 feet	100 feet	100 feet	100 feet
Maximum Detached Accessory Building Height, measured to the highest point of	30 feet					

DEVELOPMENT STANDARD	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
the roofline.						
Clear View	Must meet all requirements of Section 1624					