

Title 14

ZONING ORDINANCE

Table of Contents

| <u>CHAPTERS</u> | <u>PAGE #'s</u> |
|--|------------------------|
| Chapter 14.04 General Provisions | |
| 14.04.010 Title. | 1 |
| 14.04.020 Purpose. | 1 |
| 14.04.030 Declaration. | 1 |
| 14.04.040 Interpretation and intent. | 2 |
| 14.04.050 Conflict. | 2 |
| 14.04.060 Severability. | 2 |
| Chapter 14.08 Administration | |
| 14.08.010 Amendments. | 2 |
| 14.08.020 Notice to nearby entities of predevelopment activity. | 3 |
| 14.08.030 Public hearings required before amending - Notice. | 4 |
| 14.08.040 Permits, Licences - County Official Compliance. | 4 |
| 14.08.050 Permits, Licences - Citizens Compliance. | 4 |
| Chapter 14.12 Definitions | |
| 14.12.010 Generally. | 4 |
| 14.12.020 Definitions. | 4 |
| Chapter 14.16 Planning Commission | |
| 14.16.010 Created - Appointment - Terms. | 5 |
| 14.16.020 Vacancies - Removal. | 5 |
| 14.16.030 Chairman - Rules - Technical advice. | 5 |
| 14.16.040 Powers - Duties. | 6 |
| 14.16.050 Office of zoning administrator created. | 6 |
| 14.16.060 General plan - Method of adopting. | 6 |
| 14.16.070 General plan - Method of amending. | 6 |
| 14.16.080 General plan - Effect on public uses. | 7 |
| 14.16.090 Zoning Ordinance preparation. | 7 |
| Chapter 14.20 Board of Adjustment | |
| 14.20.010 Created - Regulations - Meetings. | 8 |
| 14.20.020 Organization - Procedure. | 8 |
| 14.20.030 Appeals - Powers of board. | 8 |
| 14.20.040 Routine and uncontested matters. | 9 |
| 14.20.050 Variances. | 9 |
| 14.20.060 Appeal form. | 10 |

| | | |
|-----------|--|----|
| 14.20.070 | Notice of hearing. | 10 |
| 14.20.080 | Decision. | 10 |
| 14.20.090 | Authority limited. | 10 |
| 14.20.100 | Failure to comply with conditions a violation. | 10 |
| 14.20.110 | Appeal. | 10 |

Chapter 14.24 Zoning Districts Established

| | | |
|-----------|------------------------------|----|
| 14.24.010 | Zones designated. | 11 |
| 14.24.020 | Map. | 11 |
| 14.24.030 | Regulations. | 11 |
| 14.24.040 | Boundaries of zones. | 11 |

Chapter 14.28 A5-25 Agricultural Zone

| | | |
|-----------|-----------------------------|----|
| 14.28.010 | Purpose. | 12 |
| 14.28.020 | Table of standards. | 12 |

Chapter 14.32 RA5-100 Residential-Agricultural Zone

| | | |
|-----------|-----------------------------|----|
| 14.32.010 | Purpose. | 13 |
| 14.32.020 | Table of standards. | 13 |

Chapter 14.36 RA5-50 Residential-Agricultural Zone

| | | |
|-----------|-----------------------------|----|
| 14.36.010 | Purpose. | 14 |
| 14.36.020 | Table of standards. | 14 |

Chapter 14.38 RA5-25 Residential-Agricultural Zone

| | | |
|-----------|-----------------------------|----|
| 14.38.010 | Purpose. | 15 |
| 14.38.020 | Table of standards. | 15 |

Chapter 14.40 RA Residential-Agricultural Zone

| | | |
|-----------|-----------------------------|----|
| 14.40.010 | Purpose. | 16 |
| 14.40.020 | Table of standards. | 16 |

Chapter 14.44 GRF-20S Grazing, Recreation, and Forestry Seasonal Zone

| | | |
|-----------|-----------------------------|----|
| 14.44.010 | Purpose. | 17 |
| 14.44.020 | Table of standards. | 17 |

Chapter 14.48 GRF-20R Grazing, Recreation, and Forestry Residential Zone

| | | |
|-----------|-----------------------------|----|
| 14.48.010 | Purpose. | 18 |
| 14.48.020 | Table of standards. | 18 |

Chapter 14.50 GRF-5 Grazing, Recreation, and Forestry Zone

| | | |
|-----------|-----------------------------|----|
| 14.50.010 | Purpose. | 19 |
| 14.50.020 | Table of standards. | 19 |

Chapter 14.52 PUD Planned Unit Development Overlay Zone

| | | |
|-----------|--|----|
| 14.52.010 | Purpose. | 20 |
| 14.52.020 | General requirements. | 20 |
| 14.52.030 | PUD review process. | 20 |
| 14.52.040 | Commercial and industrial PUD requirements | 22 |
| 14.52.050 | Criteria for PUD approval. | 23 |

Chapter 14.60 Nonconforming Uses

| | | |
|-----------|---------------------------------------|----|
| 14.60.010 | Nonconforming uses. | 24 |
| 14.60.020 | Repairs. | 24 |
| 14.60.030 | Discontinuance. | 24 |
| 14.60.040 | Reclassification. | 24 |
| 14.60.050 | Nonconforming lots of record. | 24 |

Chapter 14.64 Temporary Uses

| | | |
|-----------|----------------------------------|----|
| 14.64.010 | Purpose. | 25 |
| 14.64.020 | Application. | 25 |
| 14.64.030 | Considerations. | 25 |
| 14.64.040 | Conditions. | 26 |
| 14.64.050 | Resubmittals - Appeals. | 26 |
| 14.64.060 | Termination. | 26 |
| 14.64.070 | Expiration - Extensions. | 26 |

Chapter 14.68 Conditional Uses

| | | |
|-----------|---|----|
| 14.68.010 | Purpose. | 27 |
| 14.68.020 | Required permit. | 27 |
| 14.68.030 | Application - Required documents. | 27 |
| 14.68.040 | Application - Review process. | 28 |
| 14.68.050 | Approval criteria. | 28 |
| 14.68.060 | Modification - Revocation. | 28 |
| 14.68.070 | Building permit. | 29 |
| 14.68.080 | Appeals. | 29 |
| 14.68.090 | Expiration - Extensions. | 29 |

Chapter 14.72 Recreational Dwellings

| | | |
|-----------|---|----|
| 14.72.010 | Purpose. | 29 |
| 14.72.020 | Temporary recreational dwellings. | 29 |
| 14.72.030 | Permanent recreational dwellings. | 30 |
| 14.72.040 | Violations. | 30 |

Chapter 14.73 Wildland Fire Protection Requirements

| | | |
|-----------|--|----|
| 14.73.010 | Objective. | 30 |
| 14.73.020 | Fuel modification. | 31 |
| 14.73.030 | Required Defensible Space. | 31 |
| 14.73.040 | Spark Arresters. | 31 |
| 14.73.050 | Liquefied Petroleum Gas Installations. | 32 |
| 14.73.060 | Storage of Firewood and Combustible Materials. | 32 |

Chapter 14.76 General Minimum Development Standards

| | | |
|-----------|--|----|
| 14.76.010 | Effect of chapter. | 33 |
| 14.76.020 | Subdivision development plan. | 33 |
| 14.76.030 | Cluster development. | 33 |
| 14.76.040 | Unit/Density calculation/Density Bonus. | 34 |
| 14.76.050 | Percent built area. | 34 |
| 14.76.060 | Open space. | 34 |
| 14.76.070 | Required Utilities. | 35 |
| 14.76.075 | Water in Sufficient Quantity | 35 |
| 14.76.080 | Parking. | 35 |
| 14.76.090 | Commercial truck parking. | 36 |
| 14.76.100 | Mobile Homes. | 36 |
| 14.76.110 | Manufactured Homes. | 36 |
| 14.76.120 | Accessory Dwelling Units. | 37 |
| 14.76.130 | Farm Labor Dwellings. | 37 |
| 14.76.140 | Right-of-ways. | 38 |
| 14.76.150 | Access to public lands. | 38 |
| 14.76.160 | Structures over easements. | 38 |
| 14.76.170 | Contiguous property. | 38 |
| 14.76.180 | Yard space for one building only. | 38 |
| 14.76.190 | Sale or lease of required culinary water. | 38 |
| 14.76.200 | Sale or lease of required space. | 38 |
| 14.76.210 | Sale of lots below minimum space requirements. | 39 |
| 14.76.220 | Yards to be unobstructed - Exceptions. | 39 |
| 14.76.230 | Clear view of intersecting streets. | 39 |
| 14.76.240 | Dwelling sites shall abut upon public street. | 39 |
| 14.76.250 | Concessions in public parks and playgrounds. | 39 |
| 14.76.260 | Setbacks from state and federal highways. | 39 |
| 14.76.270 | Railroad setbacks. | 39 |
| 14.76.280 | All excavations. | 40 |
| 14.76.290 | Adult uses. | 40 |
| 14.76.300 | Modification of regulations. | 40 |
| 14.76.310 | Prohibited uses. | 40 |

Chapter 14.80 Youth Homes

| | | |
|-----------|--|----|
| 14.80.010 | Youth home defined. | 41 |
| 14.80.020 | Authorization. | 41 |
| 14.80.030 | Application - Contents. | 41 |
| 14.80.040 | Application - Fee. | 42 |
| 14.80.050 | Application - Planning commission review - Recommendation. | 42 |
| 14.80.060 | Public hearing. | 42 |
| 14.80.070 | Use permit. | 43 |
| 14.80.080 | Conditions. | 43 |
| 14.80.090 | Continuation of use. | 43 |
| 14.80.100 | Violations - Penalty. | 44 |

Chapter 14.84 Residential Facilities for Elderly Persons

14.84.010 General requirements 44
14.84.020 Permit process. 44
14.84.030 Termination of permit. 45

Chapter 14.86 Residential Facilities for Persons with a Disability

14.86.010 Definition. 45
14.86.020 General requirements. 45

Chapter 14.90 Enforcement

14.90.010 Permits required. 46
14.90.020 Powers and duties of enforcing officer. 46
14.90.030 Civil enforcement. 46
14.90.040 Stay order. 47
14.90.050 Building permits required. 47
14.90.060 Permit to comply with title. 47
14.90.070 Reconsideration/Revocation of approvals, permits and licences. 47
14.90.080 Violation - Penalty. 48
14.90.090 Violation - Notice to correct. 48
14.90.100 Appeals. 48

APPENDICES

Appendix A - Land Use Matrix

Appendix B - Definitions

Appendix C - Fee Schedule

Appendix D - Board of Adjustment Appeal Form

Appendix E - Municipal Annexation/Service Request Form

Chapter 14.04

GENERAL PROVISIONS

Sections:

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

14.04.010 Title.

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

14.04.020 Purpose.

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

- A) To promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of Sevier County;
- B) To encourage and facilitate the orderly growth and development of the county;
- C) To secure safety from fire, floods, traffic hazards and other dangers;
- D) To secure economy in the cost of fire and police protection and other governmental services;
- E) To lessen congestion in the streets and roads and reduce the waste of excessive amounts of roads;
- F) To protect the tax base;
- G) To foster agriculture and industry, together with uses related thereto;
- H) To stabilize and improve property values;
- I) To promote beauty along the highways and in the landscape; and
- J) To protect both urban and non-urban development.

14.04.030 Declaration.

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

14.04.040 Interpretation and intent.

- A) It is the intent of the board of county commissioners of Sevier County that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the purpose of this title and the objectives and characteristics of the respective zones.
- B) In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

14.04.050 Conflict.

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

14.04.060 Severability.

The provisions of this title are severable, and if any provision, sentence, clause, section, or any part thereof, is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this title or their application to other persons or circumstances. It is hereby declared to be the intent of the Board of County Commissioners of Sevier County, Utah that this title would have been adopted if such illegal, invalid, or unconstitutional provisions, sentences, clauses, sections, or parts had not been included therein, and if the person or circumstances to which the title or any part thereof had been specifically exempted therefrom.

Chapter 14.08

ADMINISTRATION

Sections:

- 14.08.010 Amendments.**
- 14.08.020 Notice to nearby entities of predevelopment activity.**
- 14.08.030 Public hearings required before amending - Notice.**
- 14.08.040 Permits, Licences - County Official Compliance.**
- 14.08.050 Permits, Licences - Citizens Compliance.**

14.08.010 Amendments.

This title, including the map, may be amended, but all proposed amendments shall be submitted first to the planning commission for its recommendations, which recommendations shall be submitted to the board of county commissioners for the consideration of the commission within forty-five (45) days. For the purpose of establishing and maintaining sound, stable and desirable development within the county, it is declared to be public policy that amendments shall not be made to this title and map except to promote more fully the objectives and purposes of this title or correct manifest errors. Any person seeking an amendment to this

title or map shall submit to the county clerk/auditor a written petition designation the change desired, the reasons therefor, and wherein the proposed amendment would further serve the interest of the public and promote the objectives and purposes of the title, together with appropriate fee outlined in fee schedule **(Appendix C)**. The county clerk/auditor shall, in turn, transmit the petition to the planning commission. Upon the receipt of the petition, the planning commission may call a public hearing before submitting recommendations to the board of county commissioners. Before recommending an amendment to the title, it must be shown that such amendment is reasonably necessary, is in the interest of the public, and is in harmony with the objectives and purposes of this title. Failure on the part of the planning commission to make recommendations within forty-five (45) days shall be deemed to constitute approval of such proposed amendment unless a longer period is granted by the board of county commissioners. The fee provided in this section shall not be returnable.

14.08.020 Notice to nearby entities of predevelopment activity.

- A) As used in this section, "predevelopment activity" means a public hearing concerning or consideration by the county planning commission or the board of county commissioners of:
 - 1) a proposed change in zoning designation;
 - 2) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or
 - 3) a proposed modification of the county's general plan whereby the vehicular capacity of a county road is proposed to be increased.
- B) The planning commission or legislative body, as the case may be, of each county shall provide notice of predevelopment activity occurring in the unincorporated county to the legislative body of:
 - 1) each municipality whose boundaries are within one mile of the property that is the subject of the predevelopment activity; and
 - 2) each county that has unincorporated territory within one mile of the property that is the subject of the predevelopment activity.
- C) The notice required by **Subsection 14.08.020 (B)** shall be provided at least seven days before the predevelopment activity occurs.
- D) The county planning commission or board of county commissioners meets the notice requirements of **Subsection 14.08.020 (B)** by mailing to each appropriate legislative body, at least seven days before the predevelopment activity occurs, a copy of the planning commission or board of county commissioners meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the county and the location of the property that is the subject of the predevelopment activity.
- E) If notice given under this section is not challenged under **Section 14.90.100** within 30 days after the action for which notice is given, the notice is considered adequate and proper.
- F) Challenges under this section shall follow procedures outlined in **Chapter 14.90.**
(Utah Code Annotated Section 17-27-103.5)

14.08.030 Public hearings required before amending - Notice.

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

14.08.040 Permits, Licences - County Officials Compliance.

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

14.08.050 Permits, Licences - Citizen Compliance.

A building permit shall be required for any and all improvements to real property, including but not limited to construction, reconstruction, repair, remodeling, alteration or addition to existing improvements, where such improvements have a value of \$1,000.00 or more, including labor and materials. All Building Permit applications submitted to the County Building Department shall be reviewed in accordance with the most current Uniform Building Code in effect and subsequent amendments thereto. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this zoning ordinance. A building permit application may be approved only if the contents of that application meet the standards of the most current Uniform Building Code in effect, and subsequent amendments thereto, and also, only if the contents of that application meet the standards of this zoning ordinance and related county ordinances.

Chapter 14.12

DEFINITIONS

Sections:

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

14.12.010 Generally.

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

14.12.020 Definitions. (See Appendix B)

Chapter 14.16

PLANNING COMMISSION

Sections:

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

14.16.010 Created - Appointment - Terms.

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

14.16.020 Vacancies - Removal.

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

14.16.030 Chairman--Rules--Technical Advice.

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

14.16.040 Powers -- Duties.

The planning commission shall have the following powers and duties:

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

14.16.050 Office of zoning administrator created.

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

14.16.060 General plan -- Method of adopting.

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

14.16.070 General Plan - Method of Amending.

- A) The county planning commission may recommend amendment(s) to the plan. The planning commission shall then hold a public hearing providing notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan. The amended plan will then be sent to the board of county commissioners who then shall provide notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan.

- B) Following the public hearing the board of county commissioners may:
- 1) Adopt the proposed amendments to the general plan; or
 - 2) Amend the proposed general plan and adopt or reject the general plan as amended; or
 - 3) Reject the proposed general plan.

14.16.080 General Plan - Effect on public uses.

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

14.16.090 Zoning Ordinance preparation.

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

Chapter 14.20

BOARD OF ADJUSTMENT

Sections:

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