

63 **Section 17.00.020 Purpose:**

64 The purpose of this ordinance is to implement the goals and policies of the Duchesne County
65 General Plan. This ordinance contains standards, provisions and requirements intended to
66 protect the health, safety and welfare of the citizens of Duchesne County by ensuring that
67 neighbors, adjacent and neighboring properties are protected from potential negative impacts in
68 the development and use of land and resources. It is the intent of this ordinance to provide a
69 means of ensuring predictability and consistency in the use of land and individual properties, and
70 to guide and direct the development of land. These purposes are met by:

71
72 (1) Providing the means of implementing the various policies and other provisions of
73 the Duchesne County General Plan;

74 (2) Generally directing and guiding land development so more intense development is
75 located in areas of the county having the necessary services and facilities sufficient to
76 meet the demands of the proposed development;

77 (3) Promoting the public health, safety and general welfare by regulating the location
78 and use of buildings, structures and land for residential, commercial and other specified
79 uses;

80 (4) Protecting landowners from potential adverse impacts from adjoining uses; and

81 (5) Directing and managing, through the establishment of use districts, the type,
82 distribution and intensity of activity.

83
84 **Section 17.00.040 Applicability:**

85 No building may be erected and no existing building shall be altered or enlarged nor shall any
86 land, building or premises be used, designed or intended to be used for any purpose or in any
87 manner other than allowed by this ordinance.

88
89 The provisions of this ordinance shall apply to all lands within the unincorporated area of
90 Duchesne County, as indicated on the county's official zoning district map, accompanying and
91 incorporated herein by reference.

92
93 The provisions of this ordinance shall be held to be the minimum requirements necessary to
94 protect the public health, safety and welfare of the citizens of Duchesne County. Additional
95 requirements may be imposed by the Zoning Administrator, Board of Adjustment, Planning
96 Commission or County Commission to more fully ensure the public health, safety and welfare of
97 the residents of the county are protected. The county is authorized to enter upon any land at
98 reasonable times to make examinations and surveys pertinent to the preparation of its general
99 plan and land use ordinances and the enforcement thereof.

100
101 **Section 17.00.050 Building Permits Required:**

102 No construction shall occur except pursuant to a validly issued, un-expired and un-revoked
103 building permit. The permittee shall proceed only in accordance with the approved building
104 permit and any approved conditions. Additionally, no utility company shall hook up service
105 without said building permit being issued.

106
107 For any construction exempt from the requirement for a building permit, as allowed by State law,
108 including agricultural buildings, the Building Official may require the submission of documents
109 that may be necessary to ensure compliance with the provisions of state law and this ordinance.

110
111 **Section 17.00.060 Certificates of Occupancy:**

112 A certificate of occupancy shall be required before any structure or premises, or part thereof,
113 hereafter erected, changed, converted, moved, altered or enlarged wholly or in part, may be used
114 or occupied. No certificate of occupancy shall be issued permitting the use or occupation of any
115 such structure or premises unless:

116 (1) The construction pursuant to such permit as reflected in the approved building have been
117 fully completed and accomplished; and

118 (2) Payments of all applicable fees, charges and other requirements have been made and any
119 conditions for the establishment of the use or structure have been met.

121 **Section 17.00.070 Exemptions:**

122 The following properties, uses and structures shall, to the extent provided by law, be exempt
123 from the provisions of this code:

- 124 (1) Properties owned and operated by the State of Utah or the federal government;
125 (2) Properties owned or held in trust for the Ute Indian Tribe.
126 (3) School Districts to the extent provided by Section 17-27a-305 of the Utah Code.

127

128 Where state or federal law requires that the agency take steps to comply with all applicable local
129 regulations, this exemption shall not be construed to abrogate that requirement.

130

131 **Section 17.00.080 Repeal of Existing Ordinance and Effective Date:**

132 The Duchesne County Ordinance 01-193 also known as Duchesne County Code, Title 17, with
133 all subsequent amendments as codified, with the exception of all maps which are part of that
134 ordinance, is hereby superseded, repealed and amended to read as set forth in this ordinance, as
135 adopted by the Duchesne County Board of County Commissioners through Ordinance No. 05-
136 240. This ordinance shall take effect immediately following its adoption by the Duchesne
137 County Board of County Commissioners.

138 **Chapter 17.04**

139

140 **ADMINISTRATION**

141

142 **Sections:**

143

144 17.04.010 Decision Making and Administrative Bodies

145 17.04.020 Board of County Commissioners

146 17.04.030 Planning Commission

147 17.04.040 Board of Adjustment

148 17.04.050 Zoning Administrator

149 17.04.060 Staff Support

150 17.04.070 Relief From Personal Liability

151 17.04.080 Meetings and Public Hearings

152

153 **Section 17.04.010 Decision Making and Administrative Bodies:**

154 The decision-making bodies and officials identified within this ordinance have responsibilities
155 for implementing and administering the Duchesne County General Plan, and this ordinance.

156 Other county departments, bodies and officials may have specific responsibilities related to the
157 general plan and are identified when appropriate.

158

159 **Section 17.04.020 Board of County Commissioners:**

160 The Duchesne County Board of County Commissioners (“County Commission”) shall have the
161 following powers and duties:

162

- 163 (1) To adopt the Duchesne County General Plan and all elements of the general plan;
164 (2) To initiate amendments to the Duchesne County General Plan, and all elements of the
165 general plan;
166 (3) To approve, deny, or to amend and approve applications for development approval
167 and amendments to the zoning ordinance and map;
168 (4) To render, or to appoint a hearing officer(s) to render a determination pursuant to the
169 provisions of this ordinance, if an applicant asserts a deprivation of, or has been
170 subject to, a taking of property without just compensation or asserts some other
171 invalidity by the passage of this ordinance;
172 (5) To establish a fee schedule by resolution for applications for development approval,
173 zone district amendments and all other approvals, permits and licenses required by
174 this ordinance.
175 (6) To designate and appoint an administrative official to decide routine and uncontested
176 matters which otherwise would be heard by the Board of Adjustment;
177 (7) To act as the appeal authority to hear appeals of final decisions of the Planning
178 Commission for Conditional Use Permits;
179 (8) To take such other action not expressly delegated to the Zoning Administrator,
180 Planning Commission or the Board of Adjustment that may be desirable and
181 necessary to implement the provisions of the Duchesne County General Plan; and
182 (9) Revocation of building permits.

183

184 **Section 17.04.030 Planning Commission.**

185

186 **Section 17.04.031 Creation.**

187

188 There is hereby created and established a Duchesne County Planning Commission per Utah
189 Code Section 17.27a. 301, et. seq.

190

191 **Section 17.04.032 Powers and Duties.**

192 The Planning Commission shall be an advisory body to the County Commission pertaining to the
193 County Land Use Development and Management Act, Title 17, Chapter 27a, of the Utah Code.

194 The Planning Commission shall have the following powers and duties:

195

- 196 (1) Prepare and recommend a general plan and amendments thereto to the County
197 Commission;
- 198 (2) Recommend zoning ordinances and maps, and amendments thereto to the County
199 Commission;
- 200 (3) Recommend subdivision regulations and amendments thereto to the County
201 Commission;
- 202 (4) Recommend approval or denial of final subdivision plat applications to the
203 County Commission;
- 204 (5) Advise the County Commission on matters as the County Commission may
205 direct;
- 206 (6) Decide land use matters as directed by the County Commission including the
207 approval or denial of Conditional Use Permit applications;
- 208 (7) Recommend an appropriate delegation of power to at least one designated land
209 use authority to hear and act on a land use application;
- 210 (8) Recommend an appropriate delegation of power to at least one designated land
211 use authority to hear and act on an appeal from a decision of the land use
212 authority;
- 213 (9) Recommend application processes that:
 - 214 a. May include designation of routine land use matters that, upon application and
215 proper notice, will receive informal streamlined review and action if the
216 application is uncontested; and
 - 217 b. Protect the rights of each:
 - 218 i. Applicant and third party to require formal consideration of any
219 application by a land use authority;
 - 220 ii. Applicant, adversely affected party or county officer or employee
221 to appeal a land use authority's decision to a separate appeal
222 authority; and
 - 223 iii. Participant to be heard in each public hearing on a contested
224 application.
- 225 (10) Exercise all other powers delegated by the County Commission;
- 226 (11) Exercise any other powers that are necessary to enable it to perform its functions.
227

228 **Section 17.04.033 Qualifications for Membership.**

229 Members of the Planning Commission shall be appointed by the County Commission from the
230 qualified electors of the county.

231 **Section 17.04.034 Membership: Appointment, Removal, Terms, and Vacancies.**

- 234 (1) The Planning Commission shall be composed of seven members appointed by the County
235 Commission from among the qualified electors, representing the county as follows: one
236 member each from the following areas: Fruitland, Tabiona, Duchesne, Upper Country,
237 Neola, Roosevelt-Myton, and the county-at-large.
238
- 239 (2) The County Commission, after finding cause, may remove any member of the Planning
240 Commission for violation of this ordinance or any policies or procedures adopted by the
241 Planning Commission following receipt of a written complaint filed against the member.
242 The County Commission shall provide the member with a hearing, if requested.
243
- 244 (3) Members of the Planning Commission may be compensated on a per diem basis, based
245 upon meetings actually attended and reasonable and necessary expenses, as determined
246 by the County Commission.
247
- 248 (4) All members shall serve a term of four years. No member shall serve more than two
249 consecutive terms.
250
- 251 (5) At an annual organizational meeting, the members of the Planning Commission shall
252 elect one of their members as chair and one of their members as vice-chair. In the
253 absence of the chair, the vice-chair shall act as chair and shall have all powers of the

254 chair. The chair shall serve a term of one year. No member shall serve as chair for more
255 than two consecutive years.

256
257 (6) The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings
258 before the Planning Commission and shall take such action as shall be necessary to
259 preserve order and the integrity of all proceedings before the Planning Commission.

260
261 **Section 17.04.035 Recording Secretary.**
262 The County Commission appoints the Office Specialist of the Planning, Zoning & Community
263 Development Department to act as the Recording Secretary to serve the Planning Commission.
264 The Recording Secretary shall keep the minutes of all proceedings of the Planning Commission,
265 which minutes shall be the official record of all proceedings before the Planning Commission,
266 attested to by a majority vote of the members of the Commission. The Recording Secretary shall
267 maintain all records of Planning Commission meetings, hearings and proceedings and handle the
268 correspondence of the Planning Commission.

269
270 **Section 17.04.036 Quorum and Necessary Vote.**
271 No meeting of the Planning Commission may be called to order, nor may any business be
272 transacted without a quorum consisting of at least four members of the Planning Commission
273 being present. The chair shall be included for purposes of establishing a quorum and shall act as
274 a voting member of the Planning Commission. All actions shall require the vote of a majority of
275 the total members of the Planning Commission being present.

276
277 **Section 17.04.037 Meetings, Hearings and Procedure.**
278 (1) The Commission shall establish a regular meeting schedule. This shall be noticed on the
279 county administrative building bulletin board and during December of each year, the
280 subsequent year's scheduled meeting shall be published in the local newspaper.
281 (2) Special meetings may be requested by the County Commission, the chair of the Planning
282 Commission, or the Planning Director.
283 (3) If a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to
284 the next available Planning Commission meeting. The Recording Secretary shall notify
285 interested parties and all members of the Planning Commission of the date of the
286 continued meeting.

287
288 **Section 17.04.040 Board of Adjustment.**

289
290 **Section 17.04.041 Creation.**

291
292 There is hereby created and established an appeal authority known as the Duchesne County
293 Board of Adjustment per Utah Code Section 17-27a-701, et. seq.

294
295 **Section 17.04.042 Powers and Duties.** The Board of Adjustment shall hear and decide:
296 (1) Appeals from final administrative decisions of the Zoning Administrator applying the
297 provisions of this ordinance;
298 (2) Variances from the terms of this ordinance;
299 (3) Interpretations of a zoning district boundary line;
300 (4) Requests for the issuance of a building permit authorizing the reconstruction,
301 remodeling, expansion or enlargement of a nonconforming building, structure or land
302 use.
303 (5) Building permit denials based upon a failure to comply with a zoning or subdivision
304 ordinance requirement providing the applicant presents:
305 (a) Evidence of Tri-County Health Department approval;
306 (b) Evidence that the property is served by a deeded right of way (at least 33 feet
307 wide) from an existing county road or state highway;
308 (c) A record of survey.

309
310 The Board of Adjustment shall **NOT** have power, jurisdiction or authority to consider any of the
311 following:

- 312 (1) Variances to any of the standards governing approval of subdivisions, Conditional
313 Use Permits, supplementary regulations as established herein, Tri-County Health
314 Department, or building permit requirements; or
315 (2) Variances of unreasonable hardship if the hardship is self-imposed or economic.
316

317 **Section 17.04.043 Qualifications for Membership.**

318 Members of the Board of Adjustment shall be appointed by the County Commission from the
319 qualified electors of the county.
320

321 **Section 17.04.044 Membership: Appointment, Removal, Terms, and Vacancies.**

- 322 (1) The Board of Adjustment shall be composed of five members.
323 (2) Members of the Board of Adjustment may be compensated on a per diem basis, based
324 upon meetings actually attended and reasonable and necessary expenses, as determined
325 by the County Commission.
326 (3) All members shall serve a term of five years. No member shall serve more than two
327 consecutive terms.
328 (4) The County Commission, after finding cause, may remove any member of the Board of
329 Adjustment for violation of this ordinance or any policies or procedures adopted by the
330 Board of Adjustment following receipt of a written complaint filed against the member,
331 or other misconduct determined by the Commissioners. The County Commission shall
332 provide the member with a hearing, if requested.
333 (5) At an annual organizational meeting, the members of the Board of Adjustment shall elect
334 one of their members as chair and one of their members as vice-chair. In the absence of
335 the chair, the vice-chair shall act as chair and shall have all powers of the chair. The
336 chair and vice-chair shall serve a term of one year. No member shall serve as chair for
337 more than two consecutive years.
338 (6) The chair, or in the chair's absence the vice-chair of the Board of Adjustment, may
339 administer oaths, shall be in charge of all proceedings before the Board of Adjustment,
340 and shall take such action as shall be necessary to preserve order and the integrity of all
341 proceedings before the Board of Adjustment.
342
343

344 **Section 17.04.045 Recording Secretary.**

345 The County Commission appoints the Office Specialist of the Planning, Zoning & Community
346 Development Department to act as the Recording Secretary to serve the Board of Adjustment.
347 The Recording Secretary shall keep the minutes of all proceedings of the Board of Adjustment,
348 which minutes shall be the official record of all proceedings before the Board of Adjustment,
349 attested to by a majority of the members of the Board of Adjustment voting. The Recording
350 Secretary shall maintain all records of Board of Adjustment meetings, hearings and proceedings
351 and handle the correspondence of the Board of Adjustment.
352

353 **Section 17.04.046 Necessary Vote.**

354 All actions shall require a vote of a majority of the members of the board present at a meeting at
355 which a quorum (three members) is present.
356

357 **Section 17.04.047 Meetings, Hearings and Procedure.**

- 358 (1) Regular meetings of the Board of Adjustment shall be held as required.
359 (2) Special meetings may be requested by the County Commission, the chair of the
360 Board of Adjustment or the Zoning Administrator.
361 (3) If a matter is postponed due to a lack of a quorum, the chair of the Board of
362 Adjustment shall reschedule the matter to the next available meeting. The Recording
363 Secretary shall notify all interested parties and all members of the Board of Adjustment
364 of the date of the meeting.
365

366 **Section 17.04.050 Zoning Administrator:**

367 The County Commission appoints the Director of the Planning, Zoning & Community
368 Development Department, who may further designate a representative, to carry out the
369 responsibilities of the Zoning Administrator. It is the responsibility of the Zoning Administrator

370 to ensure all processes, procedures and other provisions of this ordinance are consistently and
371 equitably applied and to effect the general administration and enforcement of this ordinance.
372

373 **Section 17.04.060 Staff Support:**

374 The staff of the Duchesne County Planning, Zoning & Community Development Department
375 shall perform the planning functions of the county and shall provide recommendations on all
376 amendments to the general plan and all applications for development approval, permits, licenses,
377 and appeals and shall perform all such other functions as may be requested by the County
378 Commission, the Planning Commission and Board of Adjustment, as authorized. In addition, the
379 Duchesne County Surveyor shall serve as an ex-officio or advisory member of the Board of
380 Adjustment. Other county departments and staff shall provide additional support and assistance
381 to the Board of County Commissioners, Planning Commission and Board of Adjustment as
382 required.
383

384 **Section 17.04.070 Relief From Personal Liability:**

385 The Zoning Administrator, any member of the Planning Commission or the Board of
386 Adjustment, the Building Official/Inspector/staff, or planning & zoning staff official(s) of
387 Duchesne County who acts in good faith and without malice in the discharge of their duties
388 within the official capacity provided by Titles 16 and 17 is relieved of all personal liability for
389 any damage that may accrue to persons or property as a result of such acts or alleged failure to
390 act. Further, the official shall not be held liable for any costs in any action, suit, or proceedings
391 that may be instituted by the official in the enforcement of Titles 16 and 17. Defense costs and
392 insurance shall be the responsibility of the county.
393

394 **Section 17.04.080 Meetings and Public Hearings:**

395 All meetings and hearings of the County Commission, Planning Commission and Board of
396 Adjustment shall comply with the provisions of this ordinance and the Utah Code. At least
397 fourteen days notice shall be provided for all public hearings required by this ordinance.

398 **Chapter 17.08**

399
400 **USE DEFINITIONS**

401
402 For the purpose of applying the Table of Uses and rendering other decisions required by this
403 Ordinance, the uses identified in the Table of Uses and other terms appearing in this Ordinance
404 are hereby defined as follows:

405
406 **Accessory Structure:** A subordinate structure detached from, but located on the same lot
407 as the principal use, the use of which is incidental and accessory to that of the principal
408 use.

409
410 **Accessory Dwelling:** A dwelling unit for use as an independent living or dwelling unit
411 located on the same parcel as a permitted principal use which is determined through
412 Conditional Use review to be secondary to the permitted principal use.

413
414 **Affected Entity:** A county, municipality, independent special district under Title 17A,
415 Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local
416 Districts, school district, interlocal cooperation entity established under Title 11, Chapter
417 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of
418 Transportation, if:

- 419 a) The entity's services or facilities are likely to require expansion or significant
420 modification because of an intended use of land;
- 421 b) The entity has filed with the county a copy of the entity's general or long-
422 range plan; or
- 423 c) The entity's boundaries or facilities are within one mile of land that is the
424 subject of a general plan amendment or land use ordinance change.

425
426 **Agricultural Experiment Station/Agricultural Field Station:** An area with associated
427 accessory buildings and structures owned by an agency of Federal or State Government
428 or educational institution for the raising of crops and the raising and keeping of farm
429 animals for the purpose of scientific study and experimentation.

430
431 **Agricultural Products Processing and Storage:** The processing and storage of agricultural
432 products brought to the site, including but not limited to cleaning, sorting, grading,
433 packaging, milling, or storing of products which are intended for direct human or animal
434 consumption or use. This use does not include the commercial slaughtering or the
435 processing and packaging of meat and poultry.

436
437 **Agricultural Retail Sales:** A location for the retail sale of horticultural products which are
438 grown and sold on site. Products can only be sold on a seasonal basis with no permanent
439 structure. Approval of the Utah Department of Transportation or Duchesne County Road
440 Department is required if said agricultural retail sales facility has direct access from a
441 state highway or county road.

442
443 **Airport:** Any area of land, water or both that:

- 444
445 (a) Is used or is made available for landing and takeoff of aircraft;
- 446
447 (b) Provides facilities for the shelter, supply and repair of aircraft and handling of
448 passengers and cargo; and
- 449
450 (c) Meets the minimum requirements established by the Operations Division of
451 the Utah Department of Transportation as to size and design, surface,
452 markings, equipment and operations.

453
454 **Airstrip:** a runway without normal air base or airport facilities

455 Apartment: A multiple dwelling; see Dwelling, Multiple-family.

456
457 Appeal Authority: The person, board, commission, agency or other body designated by
458 ordinance to decide an appeal of a decision of a land use application or a variance.
459

460 Area Of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate
461 Map (FIRM). The base flood depths range from one to three feet (1' - 3'), a clearly
462 defined channel does not exist; the path of flooding is unpredictable and indeterminate;
463 and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates
464 ponding.
465

466 Area Of Special Flood Hazard: The land in the flood plain within a community subject to
467 a one percent (1%) or greater chance of flooding in any given year. Designation on maps
468 always include the letters A or V.
469

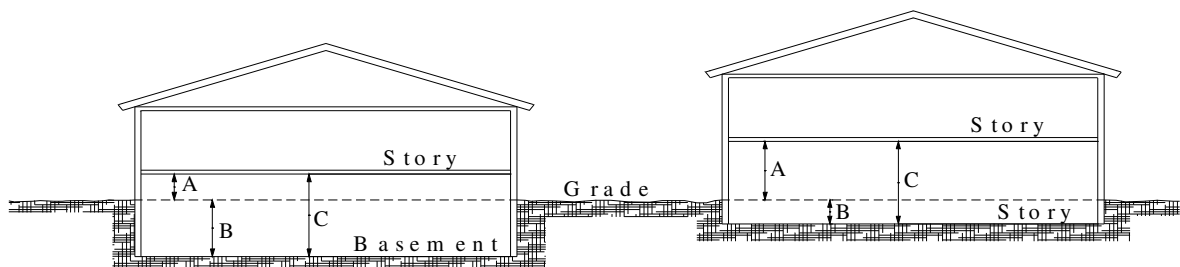
470 Assisted Care Center: A facility that provides less than 24 hour assisted care or
471 supervision for five (5) or more persons, 14 years of age and older, and who are not
472 related by blood, marriage or adoption to the owner or operator, with or without
473 compensation for such care, and with or without stated educational purpose.
474

475 Bakery: An establishment for the production of baked bread, cakes, and similar goods,
476 primarily for sale to the public or to other commercial establishments.
477

478 Bank: A financial institution for the extension of credit, and the custody, loan or
479 exchange of money, which may have drive-through services.
480

481 Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded
482 in any given year. Also referred to as the "100-year flood". Designation on maps always
483 includes the letters A or V.
484

485 Basement: That portion of a building between floor and ceiling, which is partly below
486 and partly above grade, and is located so that the vertical distance "B" is greater than the
487 vertical distance "A". Where the vertical distance "A" is greater than or equal to the
488 vertical distance "B", it is a story.
489



500
501 Bed and Breakfast: An owner occupied dwelling offering transient lodging
502 accommodations where meals may be provided. A Bed and Breakfast may have no more
503 than five (5) guest rooms or serve more than ten (10) guests per night and must be located
504 to be served by adequate existing public services.
505

506 Billboard: A freestanding ground sign, greater than thirty two (32) square feet in size,
507 located on industrial, commercial or residential property and designed or intended to
508 direct attention to a business, product or service that is not sold, offered or existing on the
509 property where the sign is located.
510

511 Boarding House: A residential structure, a portion of which is used to accommodate for
512 compensation no more than three (3) boarders or roomers, not including members of the
513 owners immediate family.
514

515 Building: Any structure used or intended for supporting or sheltering any use or
516 occupancy.

517
518 Building Height: The vertical distance from the "grade" to the highest point of the
519 structure.

520
521 Building Materials or Garden Store: A facility for the sale of home, lawn and garden
522 supplies; lumber; fire wood; fence posts; fencing; and other similar materials. This use
523 may include the outside storage of materials.

524
525 Cabinet Shop, Carpentry, or Furniture Making Facilities: A building for the
526 manufacturing, repairing or refinishing of furniture or wood products for retail or
527 wholesale.

528
529 Campground: A privately owned area of land with accommodations for temporary or
530 transient occupancy upon which are located or may be placed tents and recreational
531 vehicles with customary accessory uses.

532
533 Camping Trailer: Means a vehicle unit mounted on wheels and constructed with
534 collapsible partial side walls which fold when the unit is towed by another vehicle and
535 unfold at the campsite to provide temporary living quarters for recreational, camping or
536 travel use, and has a floor area of less than 220 square feet, excluding built-in equipment
537 such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

538
539 Car Wash: A structure with machine or hand-operated facilities used principally for the
540 cleaning, washing, polishing or waxing of motor vehicles.

541
542 Cemetery: A place designated for the burial or keeping of the remains of the dead,
543 whether human or animal, including crematories and mausoleums.

544
545 Child Day Care Facility/ Pre-School Center: Any facility operated by a person qualified
546 by the State of Utah which provides five (5) or more children under 14 years of age with
547 day care and or pre-school instructions. This definition includes the Residential Child
548 Care Provider category as defined by state law.

549
550 Common Open Space: Territory that is jointly owned and used by a group of people. It is
551 not public because those who do not hold it in common can be excluded. It is not private,
552 because it has to be shared with others.

553
554 Commercial Uses: Uses involving the sale, handling or disposition (other than that
555 included in the term "Industrial Uses") of an article, substance, commodity or service for
556 livelihood or profit, including, but not limited to motels, public garages, office buildings,
557 offices of doctors or other professionals, outdoor advertising signs and/or structures,
558 public stables, recreation and amusement enterprises, places where commodities or
559 services are sold or offered for sale either by direct handling of merchandise or by
560 agreements to furnish them. It is the intention of Duchesne County to provide for retail
561 and wholesale commerce and commercial entertainment in convenient locations to meet
562 the daily need of families. This is designed for application along paved county roads
563 and/or State or federal highways. Further consideration is to provide opportunities for
564 employment closer to residences with corresponding reduction of travel time from home
565 to work.

566
567 Complete Application: A land use application that contains all of the information
568 required by this ordinance, as determined by the Community Development
569 Administrator, and the applicable filing fee.

570
571 Composting Facility: A facility where organic materials are converted into a humus-like
572 material under process of biological decomposition or by mechanical means. Normal

573 backyard composting and composting incidental to farming operations are exempted
574 from this use.

575
576 Concentrated Animal feeding operation: A lot or facility as defined by the Administrative
577 Rules of the State of Utah, R317-8-3.5 (5)(a) and (b) as amended, and subject to the Utah
578 Pollutant Discharge Elimination System (UPDES).

579
580 Conditional Use: A land use that, because of its unique characteristics or potential impact
581 on the county, surrounding neighbors, or adjacent land uses, may not be compatible in
582 some areas or may be compatible only if certain conditions are required that mitigate or
583 eliminate the detrimental impacts.

584
585 Contractor's Shop/ Office: A facility providing for general building repair, service, and
586 maintenance such as, and including installation of plumbing, roofing, signs, electrical, air
587 conditioning and heating.

588
589 Convenience Store: Any retail establishment selling consumer products including
590 prepackaged food and household items, having a gross floor area of less than 5,000
591 square feet.

592
593 County: Duchesne County, Utah and its authorized agents.

594
595 County Commission: The Duchesne County Board of Commissioners or their authorized
596 agents.

597
598 Development: Any division of land through partitioning or subdivision. The carrying
599 out of any construction, the making of any material change in the use or appearance of
600 any structure or land, or a change in the intensity or type of the use, or materials located
601 within the area of special flood hazard.

602
603 Disability: A physical or mental impairment that substantially limits one or more of a
604 person's major life activities, including a person having a record of such impairment or
605 being regarded as having such an impairment. Disability does not include current illegal
606 use of, or addiction to, any federally controlled substance, as defined in Section 102 of
607 the Controlled Substances Act, 21 U.S.C. 802 or amendments thereto.

608
609 Distribution Center: A building used primarily for the inside storage and distribution of
610 goods and materials and the parking and storage of tractor and trailer units.

611
612 Dwelling Unit: One (1) or more rooms in a structure designed for or occupied by one (1)
613 family for living or sleeping purposes and having one (1) but not more than one (1)
614 kitchen or set of fixed cooking facilities and having its own sanitary facilities.

615
616 Dwelling, Two-Family: A building arranged and designed to be occupied by two (2)
617 families, the structure having two dwelling units.

618
619 Dwelling, Three-Family: A building arranged or designed to be occupied by three (3)
620 families, the structure having three (3) dwelling units.

621
622 Dwelling, Four-Family: A building arranged or designed to be occupied by four (4)
623 families, the structure having four (4) dwelling units.

624
625 Dwelling, Multiple Family: A Building arranged or designed to be occupied by more than
626 four (4) families.

627
628 Elderly Person: A person who is sixty years old or older, who desires or needs to live
629 with other elderly persons in a group setting, but who is capable of living independently.

630

631 Emergency Care Facility: A health care facility providing primarily outpatient emergency
632 care for the diagnosis and treatment of individuals.

633
634 Exotic Animals: Any lion, tiger, leopard, cheetah, ocelot, or any other cat not indigenous
635 to Utah, except for domestic cat species (*felis catus*). Any monkey, ape, gorilla or other
636 nonhuman primate. Any wolf or any canine not indigenous to Utah, except the species
637 *canis familiaris* (domestic dog). Any bear, venomous or non-indigenous snake and
638 “killer bees.” The keeping of such animals on lands within the county is prohibited
639 unless associated with a zoo or a facility associated with the entertainment industry.

640
641 Exploration & Production (E&P) Wastes: Means those wastes resulting from the drilling
642 of and production from oil and gas wells as determined by the Environmental Protection
643 Agency (EPA), prior to January 1, 1992, to be exempt from Subtitle C of the Resource
644 Conservation and Recovery Act (RCRA).

645
646 Family: An individual or two (2) or more persons related by blood, marriage or adoption,
647 living together in a dwelling unit, which may also provide meals or lodging for not more
648 than four (4) additional persons living in the same dwelling unit; or a group of not more
649 than five (5) persons who need not be related by blood or marriage living together in a
650 dwelling unit. Family shall include two (2) or more handicapped persons, as defined in
651 the Fair Housing Act of 1988, living as a single housekeeping unit.

652
653 Farm: An area of not less than five (5) contiguous acres which is used for the commercial
654 production of farm crops and their storage, as well as the raising thereon of farm poultry
655 and farm animals for commercial purposes and dairy farms. The term “farm” includes the
656 operating of such an area for one (1) or more if the above uses with the necessary
657 accessory uses for treating or storing the produce, and including accessory farm
658 employee housing. “Farm” includes Animal Feeding Operations but does not include
659 Concentrated Animal Feeding Operations.

660
661 Fish Farm: The hatching and raising of fish for the purpose of harvesting and sale.
662 Including recreational fishing operations.

663
664 Flood Or Flooding: A general and temporary condition of partial or complete inundation
665 of normally dry land areas from:

- 666
667 A. The overflow of inland waters and/or,
668
669 B. The unusual and rapid accumulation of runoff of surface waters from any source.

670
671 Flood Elevation Study: An examination, evaluation, and determination of flood hazards,
672 and if appropriate, corresponding water surface elevations.

673
674 Flood Insurance Rate Map (Firm): The official map on which the Federal Insurance
675 Administration has delineated both the areas of special flood hazards and the risk
676 premium zones applicable to the county.

677
678 Flood Insurance Study: See Flood Elevation Study

679
680 Floodway: The channel of a river or other watercourse and the adjacent land area that
681 must be reserved in order to discharge the base flood without cumulatively increasing the
682 water surface elevation more than one foot (1').

683
684 Floor, Lowest: The lowest floor of the lowest enclosed area (including basement). An
685 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building
686 access or storage in an area other than a basement area, is not considered a building's
687 lowest floor, provided that such enclosure is not built so as to render the structure in
688 violation of the applicable non-elevation design construction.

689

690 General Plan: A document that a county adopts that sets forth general guidelines for
691 proposed future development of the unincorporated land within the county.

692
693 Golf Course: A recreational facility primarily used for the purpose of playing golf, but
694 which may include associated eating and drinking areas, retail sales areas and staff
695 offices.

696
697 Grade: The elevation of the finished surface of the ground, paving or sidewalk adjacent
698 to the center point of a building elevation. For the purpose of determining Building
699 Height, the average of the grades on all sides of a building shall be used in determining
700 the grade.

701
702 Guest Ranch: A facility, including either a single building or resort cabins, which serves
703 as a destination point for visitors and generally has accessory recreational facilities for
704 the use of guests.

705
706 Home Occupation: An accessory use consisting of a vocational activity conducted inside
707 a dwelling unit, conducted by the individuals who reside therein, with up to five FTE of
708 non-resident employment (provided adequate on-site parking is available), provided that
709 the home occupation is clearly subordinate to the use of the parcel for dwelling purposes,
710 does not change the character of the parcel and meets the following standards:

711
712 (A) Does not include the outside storage of goods, materials, or equipment.

713 (B) Has signage limited to a non-illuminated, flush wall mounted
714 identification sign two square feet or less in size.

715 (C) The following occupations are allowed by conditional use permit in the
716 R1/2, R-1 and R-2.5 zones and permitted outright in the other zones: appliance
717 repair, cabinet making, dance instruction to more than two (2) individuals at a
718 time; firearms sales and services, food catering, hair salons, unless limited to two
719 (2) stations, motorized garden tool repair, such as, but not limited to,
720 lawnmowers, chain saws, and leaf blowers, pest control, painting of vehicles,
721 trailers, boats, and like vehicles/vessels, photo developing, real estate or
722 brokerage offices, upholstery and furniture repair, vehicle-related uses such as,
723 but not limited to, the cleaning, dismantling, embellishment, installation,
724 manufacture, repair or service, sale, lease, or rental, and towing of vehicles (the
725 dispatching of vehicles such as limousines, taxicabs, and ambulances is allowed
726 as a home business so long as those vehicles need not regularly come into the
727 vicinity of the subject residence), welding nursing homes, health care, including
728 physicians, psychologists, chiropractors, hypnotics and massage therapists.

729 (D) Complies with all required Federal and State licensing requirements.

730
731 Hospital: An institution for the diagnosis, treatment or other care of human ailments. The
732 term hospital is deemed to include sanitarium, medical clinic, rest home, nursing home
733 and convalescent home.

734
735 Hotel: A building or group of buildings, other than a motel or boarding house, containing
736 individual guest rooms, suites of guest rooms and dwelling units, and which furnishes
737 services customarily provided by hotels which may include reception and convention
738 facilities.

739
740 Indoor Recreation: An entirely enclosed building or facility which offers commercial
741 indoor sport activities including but not limited to tennis, bowling, skating, horse riding
742 or similar activities but not including video game arcades. This use may include
743 associated eating and drinking areas, retail sales areas and staff offices.

744
745 Industrial Uses: Uses involving the manufacture, fabrication, processing, reduction or
746 destruction of any article, substance or commodity, or any other treatment thereof, in
747 such a manner as to change the form, character, or appearance thereof.

748

749 Junk Yard: The use of any lot, parcel, or land for the storage, keeping or abandonment of
750 junk, including scrap metals or other scrap material, or for the dismantling, demolition or
751 abandonment of automobiles or other vehicles or machinery. All junkyards shall be
752 screened by natural objects, planting, fences, or other appropriate means so the junkyard
753 in not visible from the main traveled way.
754

755 Kennel: Any establishment at which four (4) or more dogs and cats are bred or raised for
756 sale, boarded or cared for commercially or on a nonprofit basis (exclusive of a veterinary
757 clinic).
758

759 Landfill: A land disposal site where solid waste is disposed of using sanitary land filling
760 techniques, including but not limited to an engineered method of disposing of solid waste
761 on land in a manner that does not create a nuisance or health hazard.
762

763 Laundry, Self Service: A building within which clothes washing and drying machines,
764 either coin operated or attendant operated, are provided on a rental basis for use by
765 individuals doing their own laundry and dry cleaning.
766

767 Livestock: Horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated
768 fowl and any fur-bearing animal bred and maintained commercially or otherwise, within
769 pens, cages and hutches.
770

771 Livestock Auction Facility: A structure, or structures, with associated pens, yards and
772 corrals and loading and unloading facilities used for the sale of livestock.
773

774 Lot: A unit or parcel of land that is created by a subdivision of land.
775

776 Lot, Corner: A lot at least two adjacent sides of which abuts public roads.
777

778 Lot Depth: The horizontal distance measured between the mid-points of the front and
779 rear lot lines.
780

781 Lot, Flag: A lot that is mostly separated from a road by other lots but that has a long,
782 narrow extension (e.g., flag pole), at least twenty (20) feet in width, that reaches to the
783 street.
784

785 Lot, Interior: A lot or parcel of land other than a corner lot.
786

787 Lot Line, Front: In the case of an interior lot, the lot line separating the lot from the
788 public road; and in the case of a corner lot, it may be either lot line. In the case of a flag
789 lot, it may be either the lot line parallel to the public road providing access or the lot line
790 parallel to the flag pole.
791

792 Lot Line, Rear: A lot line which is opposite and most distant from the front lot line. For
793 a triangular shaped lot the rear lot line shall mean a line having a length of not less than
794 ten feet (10') within the lot, which is parallel to the front lot line, or parallel to the chord
795 of a curved front lot line, and at the maximum distance from the front lot line.
796

797 Lot Line, Side: Any lot boundary line that is not a front lot line or a rear lot line.
798

799 Lot Width: The horizontal distance between the side lot lines measured at right angles to
800 the lot depth line at a distance midway between the front and rear lot lines.
801

802 Major Facility of a Public Utility: Any electric transmission lines (greater than 115,000
803 volts), power plants or substations of electric utilities; major gas regulator stations,
804 transmission and gathering pipelines and storage areas of utilities providing natural gas or
805 petroleum derivatives; and their appurtenant facilities.
806

807 Manufactured Home: A transportable factory built housing unit constructed on or after
808 June 15, 1976, according to the HUD Code, in one or more sections, which, in the
809 traveling mode, is eight body feet or more in width or 40 body feet or more in length, or
810 when erected on site, is 400 or more square feet, and which is built on a permanent

811 chassis and designed to be used as a dwelling with or without a permanent foundation
812 when connected to the required utilities, and includes the plumbing, heating, air
813 conditioning and electrical systems. Manufactured homes constructed on or after June
814 15, 1976 shall be identifiable by the manufacturer's data plate bearing the date the unit
815 was manufactured and a HUD label attached to the exterior of the home certifying the
816 home was manufactured to HUD standards.

817
818 **Manufactured Home Park:** Any place where two (2) or more manufactured dwellings are
819 parked within five hundred feet (500') from one another on a lot, tract or parcel of land
820 under the same ownership, the primary purpose of which is to rent space or keep space
821 for rent to any person for a charge or fee paid or to be paid for the rental or use of
822 facilities or to offer space free in connection with securing the trade or patronage of such
823 person.

824
825 **Meat or Poultry Processing Facility:** A facility for the commercial processing of meat and
826 poultry for human consumption, including but not limited to the slaughtering, butchering,
827 cutting, dressing and packaging of meat and poultry products.

828
829 **Membership Club:** A facility owned or operated by a group of people organized for a
830 common educational, service or recreational purpose. These clubs may be characterized
831 by certain membership qualifications, payment of fees or dues and regular meetings and
832 activities. This may include hunting and gun clubs but does not include private clubs.

833
834 **Mobile Home:** A transportable factory built housing unit built prior to August 22, 1981,
835 in accordance with a state mobile home code which existed prior to the HUD Code. For
836 purposes of the Flood Plain Overlay Zone, the term "mobile home" shall include
837 "manufactured home."

838
839 **Mobile Home Park:** Any place where two (2) or more mobile homes are parked within
840 five hundred feet (500') from one another on a lot, tract or parcel of land under the same
841 ownership, the primary purpose of which is to rent space or keep space for rent to any
842 person for a charge or fee paid or to be paid for the rental or use of facilities or to offer
843 space free in connection with securing the trade or patronage of such person.

844
845 **Motel:** A building or group of buildings containing guest rooms or dwelling units, some
846 or all of which have a separate entrance leading directly from the outside of the building
847 with a garage or parking space located on the lot and designed, used or intended wholly
848 or in part for the accommodations of automobile transients. Motel includes motor courts,
849 motor lodges and tourist courts, but not hotels, mobile home parks or travel trailer parks.

850
851 **Motor Home:** A vehicular unit built on or permanently attached to a self-propelled motor
852 vehicle chassis or on a chassis cab or van which is an integral part of the complete
853 vehicle, and has a floor area of less than two hundred twenty square feet (220'), excluding
854 built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath
855 or toilet rooms.

856
857 **Noncomplying Structure:** Any structure or improvement that was lawfully established
858 and in compliance with all applicable laws at the time this Code or any amendment
859 thereto became effective, but which, due to the application of this Ordinance or any
860 amendment thereto, no longer complies with all the applicable regulations and standards
861 of the zone in which the structure or improvement is located.

862
863 **Nonconforming Use:** Any use of land or property that was lawfully established and in
864 compliance with all applicable Ordinances and laws at the time this Code or any
865 amendment thereto became effective but which, due to application of this Ordinance or
866 any amendment thereto, no longer complies with all of the applicable regulations and
867 standards of the zone in which the use is located.

869 Nursery: A facility including one or more greenhouses where young tender flowers,
870 vegetables, shrubs and trees are grown and sold either wholesale or retail.

871
872 Nursing Home or Convalescent Care Facility: A facility which provides 24-hour
873 residential care to persons who are not related by blood, marriage, or adoption to the
874 owner, operator or manager of the facility, and who do not meet the definition of family
875 under this code. A Nursing Home or Convalescent Care Facility provides some level of
876 skilled nursing or medical service to the residents.

877
878 Official Map: A map drawn by county authorities and recorded in the county recorder's
879 office that:

- 880 a. Shows actual and proposed rights of way, centerline alignments and
881 setbacks for highways and other transportation facilities;
882 b. Provides a basis for restricting development in designated rights of way or
883 between designated setbacks to allow government authorities time to
884 purchase or otherwise reserve the land; and
885 c. Has been adopted as an element of the county's general plan.

886
887 Oil and Gas Drilling Facilities/Production: Any operation utilizing equipment which
888 advances a bore hole onto the earth's substrata for the purpose of discovery,
889 development, and or production of oil or gas, including but not necessarily limited to
890 wells, tanks or tank batteries, natural/propane gas storage and distribution, petroleum
891 refining, access roads for ingress and egress and pipelines.

892
893 Open Range: All land not privately owned, and includes all roads, outside of private
894 enclosures, used by the public, whether the same have been formally dedicated to the
895 public or not.

896
897 Parcel of Land: A contiguous quantity of land as assessed by a tax identification number
898 and of record.

899
900 Park Trailer: A vehicle built on a single chassis, mounted on wheels, designed to provide
901 seasonal or temporary living quarters which may be connected to utilities for operation of
902 installed fixtures and appliances, of such a construction as to permit set-up by persons
903 without special skills using only hand tools which may include lifting, pulling and
904 supporting devices and a gross trailer area not exceeding four hundred square feet (400').

905
906 Place of Religious Assembly: Means a church, synagogue, mosque, temple or other
907 permanent building used as a place of assembly for religious worship or services or other
908 religious activities. One accessory dwelling for the housing of the pastor or similar
909 leader of the church and their family will be considered customary and incidental as a
910 part of this use. Other permitted accessory uses include religion classes, weddings,
911 funerals, child care and meal programs. Private or parochial school education for pre-
912 kindergarten through grade 12 or higher education facilities shall not be considered
913 accessory uses.

914
915 Planned Unit Development (PUD): A flexible approach to zoning with the opportunity to
916 shift density to developable portions of a property or to mix residential and commercial
917 uses.

918
919 Planning Commission: The Duchesne County Planning Commission.

920
921 Power Plant: An electrical energy generating facility with generating capacity of more
922 than 50 megawatts and any appurtenant facilities.

923
924 Private Educational Facility: Buildings and uses for educational or research activities
925 which has a curriculum for technical or vocational training, kindergarten, elementary,

926 secondary or higher education, operated by a private entity, which may include
927 residential facilities for faculty, staff and students.

928
929 Private Club: A social club, recreational, athletic or kindred association which maintains
930 or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

931
932 Produced Water Disposal Facility: A commercial disposal facility consisting of a lined pit
933 or treatment facility whose owner(s) receives compensation from others for the
934 temporary storage, and disposal of produced water, drilling fluids, drill cuttings,
935 completion fluids, and any other exempt exploration and production wastes. Does not
936 include an injection well.

937
938 Public Educational Facilities: Buildings and uses for educational or research activities
939 which are operated by a public entity and have curriculum for technical or vocational
940 training, kindergarten, elementary, secondary or higher education, including facilities for
941 faculty, staff and students.

942
943 Public Hearing: A hearing at which members of the public are provided a reasonable
944 opportunity to comment on the subject of the hearing.

945
946 Public Meeting: A meeting that is required to be open to the public under Title 52,
947 Chapter 4 (Open and Public Meetings) of the Utah Code.

948
949 Public Open Space: Territory that is owned and managed by a public agency for the
950 public's benefit.

951
952 Public Uses: A use operated exclusively by a public body or a quasi-public body, such
953 use having the purpose of serving the public health, safety or general welfare, and
954 including recreational facilities, administrative and service facilities and public utilities,
955 including water and sewer lines and facilities, gas and electricity lines and facilities, cable
956 television lines and facilities and telecommunications facilities, but excluding prisons and
957 animal control facilities.

958
959 Public Water System - Means a system, either publicly or privately owned, providing
960 water for human consumption and other domestic uses which has at least 15 service
961 connections, or regularly services an average of at least 25 individuals daily for at least
962 sixty days out of the year.

963
964 Reception Hall/ Reception Center: A facility for the holding of events including but not
965 limited to weddings, wedding receptions, community meetings and group gatherings.

966
967 Recreational Vehicle: A vehicular unit other than a mobile home, primarily designed as a
968 temporary dwelling for travel, recreational or vacation use, which is either self-propelled
969 or pulled by another vehicle. Recreational vehicle includes a travel trailer, a camping
970 trailer, a motor home, a fifth wheel trailer and a van.

971
972 Recreational Vehicle Park: A plot of land upon which two (2) or more recreational
973 vehicle sites are located, established or maintained for occupancy by recreational vehicles
974 of the general public as temporary living quarters for recreational or vacation purposes.

975
976 Recycling Process Facility: A facility where recyclable and organic materials are
977 collected, stored and processed. Processing includes but is not limited to baling,
978 briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and
979 cleaning. Facilities where the sole purpose is to utilize recyclable materials in
980 manufacturing an end product which does not require further processing shall be
981 considered a General Industrial and not a recycling use. Organic materials are limited to
982 tree limbs, leaves and grass clippings only.

983

984 Recycling Collection Center: A center for the acceptance and temporary storage of
985 recyclable materials to be transferred to a processing facility. Recycling Collection
986 Centers involve no more than 3 collection containers up to 40 cubic yards in total size.
987 Collection Centers located in parking lots may not occupy required parking spaces. A
988 collection center must be arranged so as not to impede traffic flow. The operator of the
989 collection center shall remove products stored at the site at least once a week. The
990 operator of the collection center shall keep the collection center in proper repair and the
991 exterior must have a neat, clean appearance. Automated can recycling machines are
992 limited to two (2) per site.

993
994 Repetitive Loss: Means flood-related damages sustained by a structure on two (2)
995 separate occasions during a ten (10) year period for which the cost of repairs at the time
996 of such flood event, on the average, equals or exceeds twenty-five percent (25%) of the
997 market value of the structure before the damage occurred.

998
999 Residential Facility for Elderly Persons: A Facility as defined by Sec. 17-27a-103; Utah
1000 Code Annotated, as amended.

1001
1002 Residential Facility for Persons with Disabilities: A residence:
1003 (a) In which more than one person with a disability resides; and
1004 (b) (i) Is licensed or certified by the Department of Human Services under
1005 Title 62A, Chapter 2, Licensure of Programs and Facilities; or
1006 (ii) Is licensed or certified by the Department of Health under Title 26,
1007 Chapter 21, Health Care Facility Licensing and Inspection Act.

1008
1009 Residential Treatment Facility: A 24-hour group living environment for four or more
1010 individuals unrelated to the owner or provider that offers room or board and specialized
1011 treatment, rehabilitation or habilitation services for persons with emotional,
1012 psychological, developmental, or behavioral dysfunctions, impairments, or chemical
1013 dependencies.

1014
1015 Resort Lodge: A facility, including either a single building or resort cabins, which serves
1016 as a destination point for visitors, and generally has accessory recreational facilities for
1017 the use of guests. Guest residency is limited to no more than 90 days.

1018
1019 Resource Family Home: Means a home licensed to provide services to a child in the
1020 custody of the state and includes a foster care home and a legal risk home.

1021
1022 Restaurant: A place of business where a variety of food and drink is prepared and served
1023 to the public for consumption on and off the premises.

1024
1025 Retail Store: An establishment for the retail sale of merchandise. A retail store includes
1026 but is not limited to antique or art shops, clothing, department, drug, dry good, florist,
1027 furniture, gift, grocery, hardware, hobby, office supply, paint, pet, shoe, sporting or toy
1028 stores.

1029
1030 Sawmill: A facility for the storage, sales and milling of forest products. Cutting of
1031 firewood is not defined as a sawmill.

1032
1033 Secure Treatment Facility: 24-hour specialized residential treatment or care for persons
1034 who's current functioning is such that they cannot live independently or in a less
1035 restrictive environment. Secure treatment differs from residential treatment to the extent
1036 that it requires intensive supervision, locked doors, and other security measures which are
1037 imposed on residents with neither their consent nor control.

1038
1039 Setback: The line which defines the width or depth of a required yard. Such setback line
1040 is parallel with the property line. No portion of the building shall project into such yard
1041 except as provided for in this Ordinance.

1042 Sexually Oriented Business: A nude or semi-nude entertainment business, adult theater,
1043 adult cabaret, adult motion picture theater, adult escort services, outcall services, adult
1044 bookstore or adult video store.

1045
1046 Specified Public Utility: An electrical corporation, gas corporation or telephone
1047 corporation as those terms are defined in Section 54-2-1 of the Utah Code.

1048
1049 Start Of Construction: Includes substantial improvement, and means the date the
1050 Building Permit was issued, provided the actual start of construction, repair,
1051 reconstruction, rehabilitation, addition placement, or other improvement was within one
1052 hundred eighty (180) days of the permit date. The actual start means either the first
1053 placement of permanent construction of a structure on a site, such as the pouring of slab
1054 or footings, the installation of piles, the construction of columns, or any work beyond the
1055 stage of excavation; or the placement of a manufactured home on a foundation.
1056 Permanent construction does not include land preparation, such as clearing, grading and
1057 filling; nor does it include the installation of streets and/or walkways, excavation for a
1058 basement, footings, piers, or foundations, or the erection of temporary forms, installation
1059 on the property of accessory buildings, such as garages or sheds not occupied as dwelling
1060 units or not part of the main structure.

1061
1062 Story: That portion of a building included between the upper surface of any floor and the
1063 upper surface of the floor next above, except that the topmost story shall be that portion
1064 of a building included between the upper surface of the topmost floor and the ceiling or
1065 roof above. If the finished floor level directly above a usable or unused under-floor space
1066 is more than six feet (6') above grade as defined herein for more than fifty percent (50%)
1067 of the total perimeter or is more than twelve feet (12') above grade as defined herein at
1068 any point, such usable or unused under-floor space shall be considered as a story.

1069
1070 Structure: Anything constructed or erected, which requires a fixed location on the
1071 ground, or is attached to something having a fixed location on the ground.

1072
1073 Substantial Damage: Means damage of any origin sustained by a structure whereby the
1074 cost of restoring the structure to its before damaged condition would equal or exceed fifty
1075 percent (50%) of the market value of the structure before the damage occurred.
1076 Substantial damage also means flood-related damages sustained by a structure on two (2)
1077 separate occasions during a ten (10) year period for which the cost of repairs at the time
1078 of each such flood event, on the average, equals or exceeds twenty five percent (25%) of
1079 the market value of the structure before the damage occurred.

1080
1081 Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other
1082 improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the
1083 market value of the structure either:

- 1084
1085 A. Before the "Start of Construction" of the improvement or repair; or
1086
1087 B. If the structure has been damaged and is being restored, before the damage
1088 occurred. For the purposes of this definition "substantial improvement" is
1089 considered to occur when the first alteration of any wall, ceiling, floor, or
1090 other structural part of the building commences, whether or not that alteration
1091 affects the external dimensions of the structure.

1092
1093 The term does not however, include either:

- 1094
1095 A. Any project for improvement of a structure to comply with existing State or
1096 local health, sanitary, or safety code specifications which are the minimum
1097 necessary to assure safe living conditions, or
1098
1099 B. Any alteration of a structure listed on the National Register of Historic Places
1100 or a State Inventory of Historic Places, provided that the alteration will not
1101 preclude the structures continued designation as a "historic structure".
1102

1103 The term “substantial improvement” also includes structures that have incurred
1104 “repetitive loss” or “substantial damage” regardless of the actual amount of work
1105 performed.
1106

1107 Subsurface Mining: The extraction of natural mineral deposits by underground methods,
1108 including the milling and processing of the ore produced and the reprocessing of tailings.
1109

1110 Surface Mining: The extraction of earth materials by mining directly from the exposed
1111 deposits or other materials including but not limited to such processing as open cut
1112 mining, open pit mining, strip mining, gravel pits, quarrying and dredging.
1113

1114 Telecommunications Site/ Facility: A facility used for the transmission or reception of
1115 electromagnetic or electro-optic information, which is placed on a structure. This use
1116 does not include radio frequency equipment which has an effective radiated power of 100
1117 watts or less. This use is not required to comply with the minimum lot size requirement
1118 for the zoning district in which it is located.
1119

1120 Temporary Use: Fireworks stands, Christmas tree sale lots, produce stands and similar
1121 activities which are open to the public and are scheduled to occur over a period not to
1122 exceed 90 days in any calendar year and including uses incidental to construction.
1123

1124 Unlicensed Motor Vehicle: Vehicles which are temporarily unlicensed and owned by the
1125 property owner and are a complete vehicle without parts missing.
1126

1127 Utility Service Facility: Any electrical distribution lines, natural gas distribution lines,
1128 minor gas regulator stations, cable television lines, telegraph and telephone lines, and
1129 gathering lines or other minor service facilities. This use is not required to comply with
1130 minimum lot size requirement for the district in which it is located, but no buildings are
1131 allowed, and the use is limited to the following sizes: (a) gas lines less than 12”; and (b)
1132 electric lines of less than 115, 000 volts.
1133

1134 Vehicle Service Center/Service Station: A building or use devoted to the retail sale of
1135 fuels, lubricants and other supplies for motor vehicles including minor repair activities
1136 which are subordinate to the sale of petroleum products.
1137

1138 Vehicle Sales/Rental Lot: An area designated for the sale or rental of three (3) or more
1139 motor vehicles a year. Vehicles include but are not limited to cars, trucks, boats,
1140 recreation vehicles and trailers.
1141

1142 Veterinary Clinic: A facility for the diagnosis, treatment, hospitalization and boarding of
1143 animals.
1144

1145 Yard: An open space on a lot or parcel of land, other than a court, unoccupied and
1146 unobstructed by a building from the ground upward.
1147

1148 Yard, Front: A yard extending across the full width of the lot or parcel of land. The
1149 depth of a required front yard shall be a specified horizontal distance between the front
1150 lot line, where the front lot line is co-terminus with the property line of a fully widened
1151 road or highway, or the distance between the ultimate right of way line of a partially
1152 widened road or highway as depicted on the official map and a line parallel thereto on the
1153 lot or parcel of land. In the case of a flag lot, the front yard shall be either the yard
1154 located parallel to the road providing access, or the yard located parallel to and abutting
1155 the flag pole.
1156

1157 Yard, Rear: A yard extending across the full width of the lot or parcel of land. The depth
1158 of a required rear yard shall be a specified horizontal distance between the rear lot line
1159 and a line parallel thereto on the lot or parcel of land.
1160

1161 Yard, Side: A yard extending from the required front yard, or the front lot line where no
1162 front yard is required to the required rear yard or to the rear lot line where no rear yard is

1163 required. The width of a required side yard shall be a specified horizontal distance
1164 between each side lot line and a line parallel thereto on the lot or parcel of land. Where a
1165 side yard is bounded by a road or highway, the width of such required side yard shall be a
1166 specified horizontal distance between the side lot line on the road or highway side, where
1167 said side lot line is co-terminus with the road line of a fully widened road or highway, or
1168 the distance between the ultimate road right of way line of a partially widened road or
1169 highway, as depicted on the official map and a line parallel thereto on the lot or parcel of
1170 land.

1171
1172 Zoning Map: A map, adopted as part of a land use ordinance, that depicts land use zones,
1173 overlays or districts.

1174
1175 Zoning Map Amendment: A land use request that seeks to change the zoning designation
1176 of land within Duchesne County. The Duchesne County Commission is the land use
1177 authority for zoning map amendments, which involve a discretionary legislative decision
1178 after a recommendation by the Planning Commission.

1179
1180 Zoning Text Amendment: A land use request that seeks to change the text within the
1181 Duchesne County Zoning Ordinance. The Duchesne County Commission is the land use
1182 authority for zoning text amendments, which involve a discretionary legislative decision
1183 after a recommendation by the Planning Commission.

1184 **Chapter 17.12**

1185

1186 **ZONING DISTRICTS ESTABLISHED**

1187

1188 **Sections:**

- 1189 17.12.010 Zoning Districts Purpose.
1190 17.12.020 Native American Reservation Lands.
1191 17.12.030 Table of Uses.
1192 17.12.040 Table of Site Development Standards

1193

1194 **Section 17.12.010 Zoning District Purpose:**

1195 Consistent with the goals and policies of the Duchesne County General Plan, the zoning districts
1196 are formulated to provide and achieve the following purposes:

1197 The Agriculture Districts (A)

1198

1199 **A-10**, ten-acre minimum zone, is provided and designed to protect and encourage the
1200 continued use of land for agricultural purposes and to discourage the preemption of
1201 agricultural land for other uses. Other purposes of this district include the protection of
1202 the economic base of the county for such uses as forestry, oil and gas drilling, pipelines,
1203 petroleum storage and distribution and the protection of significant natural features of
1204 land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat,
1205 and range livestock. This district is characterized by production farms and ranches
1206 including smaller hobby farms. The ‘A’ District requires, for residential development,
1207 either a Tri-County Health Department approved non-public water source or a connection
1208 from a public water source to the family dwelling and a waste water system permit.
1209 Representative uses within this district include, but are not limited to: family dwellings,
1210 barns, corrals, crops, livestock raising, farm dwellings, guest ranches, produce retail sales
1211 and petroleum drilling and storage.

1212

1213 **A-5**, five-acre minimum zone, the purpose of the A-5 zone is the same as that of the A-10
1214 zoning district.

1215

1216 **A-2.5**, two and one half acre minimum zone, is to conserve and protect farms and other
1217 open land uses, foster orderly growth in rural areas, and prevent land development and
1218 agricultural land use conflicts. Principal uses permitted in this zoning district include
1219 both farm and non-farm residential uses. Residential development in the ‘A-2 ½’ District
1220 requires either a Tri-County Health Department approved non-public water source or a
1221 connection from a public water source to the family dwelling and a waste water system
1222 permit. Representative uses within this district include, but are not limited to: family
1223 dwellings, barns, corrals, crops, livestock raising, farm dwellings, and produce retail
1224 sales.

1225

1226 The **Residential Districts** of Duchesne County (**R-1**, one acre minimum and **R- ½**, one half acre
1227 minimum) are formulated to provide family housing choices to meet the needs of Duchesne
1228 County residents, to offer a balance of housing types and densities, and to preserve and provide
1229 safe and convenient places to live. The ‘**R-1**’ district requires a public water source and a Tri-
1230 County Health Department waste water system permit, while the ‘**R-1/2**’ district requires both a
1231 public water source and a public sewer system to the family dwelling. Proof of a public water
1232 connection is all that is required for property to be zoned R-1 and proof of both a public water
1233 connection and a public sewer is all that is required to be zoned R-1/2. It is not necessary to
1234 rezone property to the higher density zone when the official zoning map shows available public
1235 water service. Representative uses include but are not limited to: family dwellings with minor
1236 agriculture uses and public facilities necessary to meet the needs of residents.

1237

1238 The **Commercial (C) District** is intended to provide controlled and compatible locations for
1239 retail, office and business/commerce activities, to enhance employment opportunities, to
1240 encourage the efficient use of land, to enhance property values and to strengthen the county’s tax

1241 base. Typical uses allowed in this district include but are not limited to: retail sales and services,
1242 offices and institutional uses. There is no minimum area requirement for the commercial district.

1243
1244 The **Industrial (I) District** is formulated to recognize existing industrial sites and activities
1245 within Duchesne County, to provide opportunities and economic stability to provide employment
1246 opportunities for County residents. Typical uses allowed in this district include but are not
1247 limited to: all uses that are not permitted in any other zoning district. There is no minimum area
1248 requirement for the industrial district.

1249
1250 **Section 17.12.020 Native American Reservation Lands:**
1251 Uintah and Ouray Reservation lands are lands held in trust for the Ute Indian Tribe. Trust lands
1252 means those lands of the reservation that are held in trust by the United States for the benefit of
1253 the tribe, an individual or group of individuals. The Ute Indian Tribe is a federally recognized
1254 Indian tribe and, as such, is a public agency duly authorized to provide for the maintenance of
1255 law and order. Pursuant to its status as a sovereign Indian nation, the Ute Indian Tribe possesses
1256 the inherent authority to provide for zoning, development permits, licenses, and building permits
1257 over its lands held in trust.

1258
1259 **Section 17.12.030 Table of Uses:**
1260 The table of uses identifies the uses allowed within each zoning district of the county.

1261
1262 The purpose of the table of uses is to implement the goals and policies of the Duchesne County
1263 General Plan. The table of uses identifies uses allowed as a permitted use (identified as “**P**” in
1264 the table of uses) and uses allowed as a conditional use (identified as “**CU**” in the table of uses).
1265 Uses not identified as either a permitted or conditional use are deemed to be a prohibited use
1266 (identified as “**X**” in the table of uses).

1267

Section 17.12.030 Table of Uses						
	I	C	A-5/A-10	A-2 ½	R-1	R-1/2
Accessory Dwelling	X	X	CU	CU	CU	X
Agricultural Experiment Station/Field Station	X	P	P	P	P	X
Agricultural Retail Sales/Products Processing & Storage	X	P	P	P	CU	X
Airport	P	CU	X	X	X	X
Airstrip	P	CU	CU	X	X	X
Assisted Care Center	X	P	CU	CU	CU	CU
Bakery	X	P	X	X	X	X
Bank	X	P	X	X	X	X
Bed & Breakfast	X	P	CU	CU	CU	CU
Billboard	P	P	CU	X	X	X
Boarding House	X	P	CU	CU	CU	CU
Building Material or Garden Store	X	P	P	CU	CU	CU
Cabinet Shop	P	P	X	CU	CU	X
Campground	X	P	CU	X	X	X
Car Wash	P	P	X	CU	CU	X
Cemetery	P	P	P	X	X	X
Child Day Care Facility	X	P	P	P	P	P
Commercial Uses	P	P	CU	CU	CU	CU

Duchesne County
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	I	C	A-5/A-10	A-2 ½	R-1	R-1/2
Composting Facility	P	P	P	CU	X	X
Concentrated Animal Feeding Operations (CAFO), provided they are a minimum of ten thousand (10,000) feet from incorporated towns, platted subdivisions, public or private water wells, public springs, & public water intakes & one thousand (1,000) feet from property lines.	X	X	CU	X	X	X
Contractor's Shop/Office	P	P	CU	CU	CU	CU
Convenience Store	P	P	X	CU	CU	CU
Distribution Center	P	P	CU	CU	CU	X
Dwelling, Multiple Family	X	CU	CU	CU	CU	CU
Dwelling Unit: One, Two, Three or Four Family	X	P	P	P	P	P
Emergency Care Facilities	P	P	CU	CU	CU	X
Exotic Animals	X	X	X	X	X	X
Farm	P	P	P	P	P	X
Fish Farm	X	P	P	CU	X	X
Golf Course	X	P	CU	CU	CU	X
Guest Ranch	X	P	P	CU	X	X
Home Occupations	P	P	P	P/CU*	P/CU*	P/CU*
Indoor Recreation	CU	P	CU	CU	CU	CU
Junk Yard	P	CU	CU	X	X	X
Kennel	P	P	P	CU	X	X
Landfill	P	X	X	X	X	X
Laundry, Self-Service	P	P	X	CU	CU	CU
Livestock Auction Facility	X	P	P	X	X	X
Major Facility of a Public Utility/Utility Service Facility	P	P	P	P	P	CU
Manufactured or Mobile Home Park	X	CU	CU	CU	CU	CU
Meat or Poultry Processing Facility	P	P	P	CU	X	X
Membership Club	P	P	P	CU	CU	CU
Motel/Hotel	X	P	X	CU	CU	CU
Nursery	P	P	P	P	P	X
Nursing Home	X	P	X	CU	CU	CU
Oil & Gas Drilling Facilities/Production	P	P	P	CU	CU	CU
Planned Unit Development (PUD)	X	P	P	P	P	X
Power Plant	P	CU	CU	CU	X	X

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	I	C	A-5/A-10	A-2 ½	R-1	R-1/2
Private Club	X	P	X	X	X	X
Produced Water Disposal Facility	CU	X	CU	X	X	X
Public/Private Educational Facility, Place of Religious Assembly (Church), Veterinary Clinic & Hospitals	P	P	P	P	P	P
Public Uses	P	P	P	P	P	P
Reception Center	X	P	X	CU	CU	CU
Recreational Vehicle Park	X	CU	CU	CU	CU	CU
Recycling Processing/Collection Facility	P	P	CU	CU	CU	CU
Residential Facility for Persons with a disability/Elderly Persons	X	P	P	P	P	P
Residential Treatment Facility	X	CU	CU (A-10 only)	X	X	X
Resort Lodge	X	P	P	CU	CU	CU
Resource Family Home	X	P	P	P	P	P
Restaurant	P	P	X	CU	CU	CU
Retail Store	P	P	CU	CU	CU	CU
Saw Mill	P	P	CU	X	X	X
Secure Treatment Facility	X	CU	X	X	X	X
Sexually Oriented Business provided they are a minimum of one thousand (1,000) feet of a Place of Religious Assembly, public park or public or private school accredited by the State of Utah, public libraries, public buildings, and day care centers.	CU	CU	X	X	X	X
Telecommunications Site/Facility	P	P	P	P	P	P
Temporary Use/Standards for the retail sales of produce grown on the premises	P	P	P	P	CU	X
Unlicensed motor vehicle(s), as not herein defined as a junk yard	P	P	P	CU	CU	CU
Vehicle Service Center/Sales/Rental	P	P	CU	CU	CU	CU

- 1268 I = Industrial
- 1269 C = Commercial
- 1270 A-10 = Agricultural 10 acres minimum
- 1271 A-5 = Agricultural 5 acres minimum
- 1272 A-2 ½ = Agricultural 2.5 acres minimum
- 1273 R-1 = Residential 1 acre minimum
- 1274 R-1/2 = Residential ½ acre minimum
- 1275 * See definition of “Home Occupation” for a list of home occupations permitted outright or conditionally in these
- 1276 zones.

1277 **Section 17.12.040 Table of Site Development Standards:**
 1278 The table of site development standards accompanies the table of uses. This table identifies the
 1279 lot requirements, required setback and yard standards, building height standards, and other
 1280 requirements for the uses allowed within each zoning district.
 1281

Section 17.12.040 Table of Site Development Standards							
Zoning Districts							
	I	C	A-10	A-5	A-2 ½	R-1	R-1/2
Min. Lot Width	100 ft	100 ft	200 ft	150 ft	150 ft	100 ft	75 ft
Min. Front Yard Setback	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Min. Rear Yard Setback	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Min. Side Yard Setback	30 ft	BC	Same as R-1	Same as R-1	Same as R-1	8 ft & the total distance of the two side setback is 20 ft	Same as R-1
Min. Side Yard Setback for Corner Lot	30 ft	20 ft	30 ft	30 ft	30 ft	30 ft	20 ft
Accessory Structure/Dwelling Setback	BC	BC	BC	BC	BC	BC	BC
Max./Min. Building Height (See Note Below)	50 ft/ 8 ft	50 ft/ 8 ft	40 ft	40 ft	40 ft	40 ft/	40 ft
Tri-County Health Dept Approval	Yes, plus approved water source	Yes, plus approved water source	Yes, plus approved water source	Yes, plus approved water source	Yes, plus approved water source	Yes, plus culinary water	Yes, plus culinary water & public sewer
Building Permit Required	Yes	Yes	Yes	Yes	Yes	Yes	Yes

1282
 1283 BC = Building Code Standard
 1284

1285 NOTE: Any maximum building height exceeding 40 feet shall require a Conditional Use Permit
 1286 approval. The height limitations contained in the zoning regulations do not apply to spires,
 1287 belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually
 1288 required to be placed above the roof level and not intended for human occupancy.
 1289

1290 **Chapter 17.16**

1291

1292 **AMENDMENTS TO THE COUNTY ZONING ORDINANCE AND MAP**

1293

1294 **Sections:**

- 1295 17.16.010 General Procedures
1296 17.16.020 Procedures for Amending the Zoning Ordinance and Map
1297 17.16.030 Criteria for Approval of Zoning Ordinance and Map Amendments
1298 17.16.040 Effect of an Amendment to the Zoning Ordinance and Map

1299

1300 **Section 17.16.010 General Procedures.**

1301 A proposed amendment to the Duchesne County Zoning Ordinance and Map may be initiated by
1302 any property owner, any person residing in the county, any business owner, the County
1303 Commission, Planning Commission, Board of Adjustment or the county staff by filing an
1304 application for zoning ordinance and map amendment.

1305

1306 **Section 17.16.020 Procedures for Amending the Zoning Ordinance and Map.**

1307 Prior to recommending the adoption, rejection or revision of any zoning district amendment, the
1308 Planning Commission shall hold a public meeting in accordance with the procedures of this
1309 ordinance after receiving the report of the planning staff and providing at least five days notice in
1310 three public places in the county or on the county's official website and notifying the applicant
1311 and all property owners by US mail within 300 feet of the proposed zoning district amendment,
1312 including any such owners located within an adjacent jurisdiction. In lieu of mailed notice to
1313 property owners, the county may post notice on the property with a sign of sufficient size,
1314 durability, print quality and location that is reasonably calculated to give notice to passers-by.
1315 All required information shall be provided to the planning office at least ten working days prior
1316 to the Planning Commission meeting.

1317

1318 After the Planning Commission has reviewed the application and made its recommendation to
1319 the County Commission, the planning staff shall schedule the zoning ordinance or map
1320 amendment before the County Commission's agenda. The County Commission shall schedule a
1321 public hearing to consider the Planning Commission recommendation. Notice of the date, time
1322 and place of the first public hearing shall be:

- 1323 a. Mailed to each affected entity at least ten calendar days before the public
1324 hearing;
1325 b. Posted:
1326 (i) In at least three public locations within the county; and
1327 (ii) On the County's official website; and
1328 c. (i) Published in a newspaper of general circulation in the area at least ten
1329 calendar days before the public hearing; or
1330 (ii) Mailed at least three days before the public hearing to:
1331 (A) Each property owner whose land is directly affected by the
1332 land use ordinance change; and
1333 (B) Each adjacent property owner within the parameters
1334 specified by county ordinance.

1335

1336 The County Commission is designated as the land use authority for zoning text or map
1337 amendments. The Commission shall consider the proposed zoning ordinance text or map
1338 amendment and the recommendation of the Planning Commission pursuant to the procedures
1339 established by this ordinance and the Utah Code. The County Commission may approve the
1340 amendment, revise the proposed amendment and approve the proposed amendment as revised, or
1341 reject the proposed amendment. There is no minimum area or diversity of ownership
1342 requirement for a zone designation. Neither the size of a zoning district nor the number of
1343 landowners within the district may be used as evidence of the illegality of a zoning district or the
1344 invalidity of a county decision.

1345

1346

1347

1348 **Section 17.16.030 Criteria for Approval of Zoning Ordinance and Map Amendments.**
1349 In considering a proposed amendment to the Duchesne County Zoning Ordinance and Map, the
1350 applicant shall identify, and the planning staff, Planning Commission and the County
1351 Commission shall consider the following factors:

- 1352
- 1353 1. The overall community benefit of the proposed amendment;
 - 1354 2. Consistency with the goals and policies of the general plan;
 - 1355 3. Compatibility with the neighborhood;
 - 1356 4. What changes have occurred in the neighborhood since the zoning ordinance & map or
1357 latest amendment was enacted;
 - 1358 5. Whether a change in the use for the affected properties will unduly affect the uses of
1359 adjoining properties; and
 - 1360 6. Consider the interest of the applicant.
- 1361

1362 **Section 17.16.040 Effect of an Amendment to the Zoning Ordinance and Map.**
1363 An amendment to the Duchesne County Zoning Ordinance and Map shall not authorize the
1364 development of land. After an amendment has been approved by the County Commission, no
1365 development shall occur until the required development permits and licenses have been issued by
1366 the county.

1367 **Chapter 17.20**

1368

1369 **NONCONFORMING USES AND NONCOMPLYING STRUCTURES**

1370

1371 **Sections:**

1372 17.20.010 Continuing Existing Uses.

1373 17.20.020 Expansion of a Nonconforming Use.

1374 17.20.030 Repairs and Alterations.

1375 17.20.040 Restoration of Damaged Building or Structure.

1376 17.20.050 Change of Use.

1377 17.20.060 Abandonment.

1378

1379 **Section 17.20.010 Continuing Existing Uses:**

1380 Any use of land, building or structure lawfully existing at the time of passage of this ordinance
1381 may be continued, even though such use does not conform with the regulations of this ordinance
1382 for the zoning district in which it is located. The property owner shall have the burden of
1383 establishing the legal existence of a noncomplying structure or nonconforming use.

1384

1385 **Section 17.20.020 Expansion of a Nonconforming Use:**

1386 A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed
1387 or structurally altered unless such enlargement, extension, reconstruction or structural alteration
1388 and further use of such property conforms to the requirements of this ordinance for the zoning
1389 district in which such property is located or is granted a variance by the board of adjustment.
1390 The board of adjustment, during the hearing, shall find:

1391

1392 1. The addition to, enlargement of, or moving of the building will be in harmony with one
1393 or more of the purposes of this ordinance and shall be in keeping with the intent of this
1394 ordinance.

1395 2. That the proposed change does not impose any unreasonable burden upon the lands and
1396 residents located or residing in the vicinity of the nonconforming use or structure.

1397

1398 **Section 17.20.030 Repairs and Alterations:**

1399 Repairs and structural alterations may be made to a nonconforming building or to a structure
1400 housing a nonconforming use.

1401

1402 **Section 17.20.040 Restoration of Damaged Building or Structure:**

1403 A building or structure occupied on a nonconforming lot which is damaged or destroyed by fire,
1404 flood, wind, earthquake or other calamity or act of God or the public enemy may be restored and
1405 the occupancy or use of such building, structure or part thereof which existed at the time of such
1406 damage or destruction may be continued or resumed, provided that such restoration is
1407 commenced within a period of twelve months following the damage or destruction and is
1408 diligently pursued.

1409

1410 The county may prohibit the reconstruction or restoration of a noncomplying structure or
1411 terminate the nonconforming use of a structure if:

1412 (i) The structure is allowed to deteriorate to a condition that the structure is rendered
1413 uninhabitable and is not repaired or restored within six months after written notice to the
1414 property owner that the structure is uninhabitable and that the noncomplying structure or
1415 nonconforming use will be lost if the structure is not repaired or restored within six
1416 months; or

1417 (ii) The property owner has voluntarily demolished a majority of the noncomplying
1418 structure or the building that houses the nonconforming use.

1419

1420 **Section 17.20.050 Change of Use:**

1421 A nonconforming use may only be changed to a use allowed in the zoning district in which the
1422 property is located by following the use permitting procedures as identified in this ordinance.

1423

1424 An existing nonconforming lot or parcel shall not be enlarged or modified except to create
1425 landscaping, fencing, road widening, or similar improvements that will provide a safer and more
1426 compatible facility or will make the lot a conforming or less nonconforming lot.

1427

1428 **Section 17.20.060 Abandonment:**

1429 A nonconforming use may be deemed to be abandoned if:

1430 (a) A majority of the primary structure associated with the nonconforming use has
1431 been voluntarily demolished without prior written agreement with the county
1432 regarding an extension of the nonconforming use;

1433 (b) The use has been discontinued for a minimum of one year; or

1434 (c) The primary structure associated with the nonconforming use remains vacant for a
1435 period of one year.

1436

1437 The property owner may rebut the presumption of abandonment and shall have the burden of
1438 establishing that any claimed abandonment has not in fact occurred.

1439 **Chapter 17.24**

1440
1441 **ENFORCEMENT**

1442
1443 **Sections:**

- 1444 17.24.010 Enforcement - Procedures and Duties.
1445 17.24.020 Civil Enforcement
1446 17.24.030 Revocation of Approvals, Permits, and Licenses.
1447 17.24.040 Revocation Procedures.

1448
1449 **Section 17.24.010 Enforcement - Procedures and Duties:**

1450 This ordinance may be enforced by the county by any and all appropriate means authorized by
1451 state law and Duchesne County Ordinances including, but not limited to, injunctive relief, fines,
1452 withholding of building permits and revocation of development approvals, permits and licenses.

1453
1454 It shall be the duty of the Zoning Administrator and other county staff to enforce these
1455 requirements and to bring to the attention, on the approved complaint form as provided by the
1456 county, of the county attorney or designee any violations of this ordinance.

1457
1458 No building permit shall be issued for the construction of any building or structure located on a
1459 lot subdivided or sold in violation of the provisions of this ordinance, nor shall the county have
1460 any obligation to issue certificates of occupancy or to extend roads or other facilities or services
1461 to any parcel created in violation of this ordinance.

1462
1463 Any person who violates any provision of this ordinance shall be subject to a class C
1464 misdemeanor and such fines and imprisonment that may be applicable pursuant to the provisions
1465 of the Utah Code.

1466
1467 **Section 17.24.020 Civil Enforcement:**

1468 Appropriate actions and proceedings may be taken by the county in law or in equity to prevent
1469 any violation of this ordinance, to prevent unlawful construction, to recover damages, to restrain,
1470 correct, or abate a violation, and to prevent illegal occupancy of a building, structure or premises.

1471
1472 **Section 17.24.030 Revocation of Approvals, Permits and Licenses:**

1473 An approved building permit may be revoked by the County Commissioners in accordance with
1474 the procedures set forth in this section and the Building Code if it is determined that the
1475 application, decision, permit or license was based on materially inaccurate, misleading, or
1476 incomplete information.

1477
1478 **Section 17.24.040 Revocation Procedures:**

1479 If the Building Official determines, based on inspection, and submits a formal complaint that
1480 there exists reasonable grounds for revocation of a building permit authorized by this ordinance,
1481 the Building Official shall set a public hearing before the County Commissioners. This
1482 procedure is in addition to the procedures required in the Building Code.

1483
1484 Notice and public hearing. At least fourteen days notice of a proceeding to reconsider or revoke
1485 the development permit, building permit or license shall be given to the applicant.

1486
1487 Required findings. The approving body may revoke the development approval, building permit
1488 or license upon making one or more of the following findings:

- 1489
1490 1. That the development application or building permit was issued on the basis of erroneous
1491 or misleading information or misrepresentation provided by the applicant.
1492 2. That the terms or conditions of approval of the permit relating to establishment or
1493 operation of the use, building or structure have been violated or that other laws or
1494 regulations of the county applicable to the development have been violated.

1495

1496 Decision and notice. Within five days of the conclusion of the hearing, the County Commission
1497 shall render a decision and shall notify the holder of the permit or license of the decision and any
1498 other person who has filed a written request for such notice.

1499
1500 Effect. A decision to revoke a development permit or license shall become final five days after
1501 the date notice of the decision was given. After the effective date, all activities pursuant to such
1502 permit shall be deemed in violation of this ordinance.

1503 **Chapter 17.28**

1504

1505 **VARIANCES**

1506

1507 **Sections:**

- 1508 17.28.010 General.
1509 17.28.020 Standards.
1510 17.28.030 Conditions.
1511 17.28.040 Effect of Granting a Variance.
1512 17.28.050 Time Limitation.
1513 17.28.060 Use Variance.
1514 17.28.070 Procedures.
1515 17.28.080 Routine and Uncontested Matters.

1516

1517 **Section 17.28.010 General:**

1518 Where the Board of Adjustment finds that an unreasonable hardship may result from strict
1519 compliance with the provisions of this ordinance, the Board of Adjustment may approve
1520 variances to the requirements of this ordinance so that substantial justice may be done and the
1521 public interest secured, provided that the variance shall not have the effect of nullifying in any
1522 way the intent and purpose of this ordinance.

1523

1524 **Section 17.28.020 Standards:**

1525 The Board of Adjustment shall NOT approve a variance unless, based upon the evidence
1526 presented by the applicant proving that all of the following provisions justifying a variance have
1527 been met:

- 1528 1. Literal enforcement of the zoning district provisions of this ordinance would cause an
1529 unreasonable hardship for the applicant not necessary to carry out the general purpose of
1530 the zoning district or this ordinance. The Board of Adjustment shall not render a finding
1531 of unreasonable hardship if the alleged hardship is self imposed or solely economic.
1532 2. There are special circumstances attached to the property that do not generally apply to
1533 other properties in the same zoning district. No finding of special circumstances shall be
1534 made unless they relate to the hardship complained of and deprive the property of
1535 privileges available to other properties in the same zoning district.
1536 3. The variance is essential to the enjoyment of a substantial property right possessed by
1537 other property in the zoning district.
1538 4. The granting of the variance will not substantially affect the goals, objectives, policies or
1539 standards of the Duchesne County General Plan and will not be contrary to the public
1540 interest.
1541 5. The spirit of the requirements and provisions of Section 17.04.040 shall be observed and
1542 substantial justice done.

1543

1544 **Section 17.28.030 Conditions:**

1545 In approving any variance, the Board of Adjustment may require such conditions as will, in its
1546 judgment, mitigate any negative effects of granting the variance and secure substantially the
1547 purposes of this ordinance.

1548

1549 **Section 17.28.040 Effect of Granting a Variance:**

1550 The granting of a variance shall not authorize the establishment or extension of any use nor the
1551 development, construction, reconstruction, alteration or moving of any building or structure, but
1552 is a prerequisite to the preparation, filing, review and determination of any approval, permit or
1553 license that may be required by this ordinance.

1554

1555 **Section 17.28.050 Time Limitation:**

1556 No variance shall be valid for a period of longer than twelve months unless a building permit
1557 was previously issued or one is issued within that period and construction started and continually
1558 pursued. Total construction time to obtain a certificate of occupancy shall not exceed eighteen
1559 months, unless an extension of time is granted by the Building Official. Variances run with the
1560 land.

1561 **Section 17.28.060 Use Variance:**

1562 Use variances or supplementary regulation variances are not permitted. Only through an
1563 amendment to the zoning ordinance or map can use and supplementary regulation changes be
1564 considered.

1565
1566 **Section 17.28.070 Procedures:**

1567 An application for a variance may be submitted in writing, on the approved application as
1568 provided by the county, by the property owner. The application shall state fully the grounds for
1569 the variance requested and all of the facts relied upon by the owner. The applicant shall bear the
1570 burden of proving that all of the conditions justifying a variance have been met.

1571
1572 **Section 17.28.080 Routine and Uncontested Matters:**

1573 Pursuant to Utah Code, this section is provided to enable routine and uncontested matters, to be
1574 determined administratively by the Zoning Administrator by the provisions of this section.

1575
1576 The Board of Adjustment may identify matters brought before it as routine and uncontested and
1577 provide guidelines which the Zoning Administrator shall follow in deciding a matter.

1578
1579 Procedures for review and determination.

- 1580
1581 1. An application for a routine and uncontested matter shall be filed with the Zoning
1582 Administrator.
- 1583 2. The application must include the signatures of approval of all abutting property owners in
1584 a form provided by the Zoning Administrator.
- 1585 3. If the signatures of all abutting property owners cannot be obtained by the applicant, the
1586 Zoning Administrator shall refer the item to the Board of Adjustment for determination.
- 1587 4. If the required signatures are provided, the Zoning Administrator may approve, approve
1588 with conditions, deny, or refer the item to the Board of Adjustment for a determination.
- 1589 5. All decisions of the Zoning Administrator will be maintained on file in the Department of
1590 Planning, Zoning and Community Development.

1591
1592 Any person aggrieved by a decision of the Zoning Administrator in a determination of a routine
1593 and uncontested matter may appeal the decision to the Board of Adjustment pursuant to the
1594 provisions of this ordinance.

1595

1596 **Chapter 17.32**

1597

1598 **APPEALS**

1599

1600 **Sections:**

1601 17.32.010 Administrative Decisions; Zoning Administrator.

1602 17.32.020 Board of Adjustment Decisions.

1603 17.32.030 Planning Commission Decisions.

1604 17.32.040 Judicial Review.

1605

1606 **Section 17.32.010 Administrative Decisions; Zoning Administrator:**

1607 Decisions of the Zoning Administrator in applying the provisions of this ordinance may be
1608 appealed to the Board of Adjustment by filing an application and all necessary materials within
1609 ten days of the date of the Zoning Administrator's decision. The only persons with standing to
1610 appeal are the applicant, a board or officer of the county or any person adversely affected by the
1611 decision of the Zoning Administrator.

1612

1613 Following receipt by the Board of Adjustment of an appeal of a decision by the Zoning
1614 Administrator, the Board of Adjustment shall give notice and schedule a public hearing. The
1615 appellant shall present all theories of relief to the Board of Adjustment as failure to raise such
1616 theories at this stage of appeal precludes presentation of such theories to District Court.
1617 Following the hearing and the submission of all necessary and relevant information, the Board of
1618 Adjustment shall render a decision on the appeal.

1619

1620 **Section 17.32.020 Board of Adjustment Decisions:**

1621 Any person aggrieved by a decision of the Board of Adjustment may, within thirty days after the
1622 decision is made, present to the district court a petition specifying the nature of the appeal and
1623 the grounds on which they are adversely affected.

1624

1625 **Section 17.32.030 Planning Commission Decisions:**

1626 Any person deemed to have standing by virtue of being the applicant, a board or officer of the
1627 county or any person adversely affected by a decision of the Planning Commission, may file an
1628 appeal with the County Commission within ten days of the date of the decision specifying the
1629 nature of the appeal. Following receipt by the County Commission of an appeal of a decision by
1630 the Planning Commission, the County Commission shall give notice and schedule a de-novo
1631 public hearing. The appellant shall present all theories of relief to the County Commission as
1632 failure to raise such theories at this stage of appeal precludes presentation of such theories to
1633 District Court. Following the hearing and the submission of all necessary and relevant
1634 information, the County Commission shall render a decision on the appeal.

1635

1636 **Section 17.32.040 Judicial Review:**

1637 Any person aggrieved by a decision of the Board of County Commissioners may file an appeal to
1638 district court within thirty days of the date of the decision pursuant to the provisions of Utah
1639 Code. No petition for judicial review may be filed unless and until the applicant has exhausted
1640 all manner of relief and processes available with Duchesne County as are provided by this
1641 ordinance.

1642 **Chapter 17.40**

1643
1644 **RESIDENTIAL TREATMENT AND SECURE TREATMENT FACILITIES**

1645
1646 **Sections:**

- 1647
1648 17.40.010 Authorization.
1649 17.40.020 Application.
1650 17.40.030 Conditional Use Permit.

1651
1652 **Section 17.40.010 Authorization**

1653 Residential Treatment and Secure Treatment facilities will be permitted only upon the granting
1654 of a Conditional Use Permit by the Planning Commission. The approval of a Conditional Use
1655 authorizing a Residential Treatment or Secure Treatment Facility is transferable to other
1656 operators providing there is a review of condition(s) between the planning director and the new
1657 owner(s). Further, purchasing parties must demonstrate compliance with all required state and
1658 federal licensing requirements.

1659
1660 **Section 17.40.020 Application**

1661 All applications for a Residential Treatment or Secure Treatment Facility must contain the
1662 following information, and no application will be considered complete which does not contain
1663 the following:

- 1664
1665 1. Name and address of the applicant.
1666 2. Statement of ownership of the subject property executed by the owner or owner's agent.
1667 3. Description of the property, including a legal description and address, and common
1668 means of identification.
1669 4. Map of the boundaries of the parcel and each separate lot or parcel within three hundred
1670 feet of the exterior boundaries thereof, together with a list of the names and addresses of
1671 the last known owners of public record of each parcel.
1672 5. A statement indicating the precise manner of compliance with each of the applicable
1673 provisions of this ordinance.
1674 6. A statement from the appropriate regulatory agency concerning availability of public
1675 utilities including culinary and irrigation water (including appropriate fire protection),
1676 power, sewage disposal and refuse disposal.
1677 7. A detailed written description of the anticipated ages and total number of occupants of
1678 the facility, together with a diagram of the facility including all separate rooms and the
1679 intended use of each room.
1680 8. A detailed description of the number of intended staff and job descriptions for such staff.
1681 9. A statement demonstrating the capability of the applicant, through liability insurance or
1682 other means (with Duchesne County named as an additional insured), to insure timely
1683 restitution to any member of the public suffering damage as a result of intentional or
1684 negligent conduct by members of the staff or residents of the facility. Said insurance
1685 shall be in an amount not less than that recommended by the County's insurance carrier.
1686 10. A statement demonstrating compliance with all required state and federal licensing
1687 requirements.
1688 11. Police background check demonstrating all criminal convictions or pleas of nolo
1689 contendere except those which have been expunged, for five years prior to the date of
1690 application.

1691
1692 **Section 17.40.030 Conditional Use Permit**

1693 The Planning Commission may grant the Conditional Use Permit provided that it is established
1694 that the proposed use is in accordance with the provisions of Section 17.52.053 of this title.

1695 **Chapter 17.44**

1696

1697 **SUPPLEMENTARY REGULATIONS**

1698

1699 **Sections:**

1700 17.44.010 Establishment of Supplementary Regulations.

1701 17.44.020 General Requirements.

1702 17.44.030 Sale of Nonconforming Lots.

1703 17.44.040 Sale or Lease of Required Space Prohibited.

1704 17.44.050 Frontage Required.

1705 17.44.060 Front Yards.

1706 17.44.070 Side and Rear Yards.

1707 17.44.080 Water and Sewage Requirements.

1708 17.44.090 Keeping of Livestock.

1709 17.44.100 Residential Facilities for Elderly Persons

1710 17.44.110 Residential Facilities for Persons with a Disability

1711

1712 **Section 17.44.010 Establishment of Supplementary Regulations:**

1713 The purpose of supplementary regulations is to protect the general health, safety and welfare of
1714 the citizens and property owners of Duchesne County. Compliance with all provisions of this
1715 ordinance shall be required for the issuance of any required development approval, license or
1716 permit.

1717

1718 **Section 17.44.020 General Requirements:**

1719 All uses, buildings and structures to comply with zoning district requirements. Every building or
1720 structure hereafter erected, reconstructed, structurally altered, enlarged or moved, and every
1721 building, structure, premises or land used, rearranged, designed or intended for any use shall be
1722 built or used only as is permitted in the district in which such building, structure, land or use is
1723 located.

1724

1725 Subdivision and sale of property. No person shall subdivide any parcel of land located wholly or
1726 in part within Duchesne County for development purposes unless a plat thereof is first created in
1727 compliance with the requirements of the county subdivision ordinance and the State of Utah,
1728 which plat shall be recorded in the office of the County Recorder.

1729

1730 **Section 17.44.030 Sale of Nonconforming Lots:**

1731 No nonconforming lot shall be sold, financed or refinanced within the time frame of the statute
1732 of limitations. Subsequent to the statute of limitations having expired, an owner of a
1733 nonconforming lot shall appeal to the Board of Adjustment for consideration prior to selling,
1734 financing or refinancing.

1735

1736 **Section 17.44.040 Sale or Lease of Required Space Prohibited:**

1737 No area needed to meet the zoning minimum area requirement, parcel width, yard, area, setback,
1738 coverage, parking or other requirements of this ordinance for a parcel or building may be sold or
1739 leased separate from such parcel or building.

1740

1741 **Section 17.44.050 Frontage Required:**

1742 Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-
1743 way providing access to a dedicated or publicly approved road or street, or to a county approved
1744 private right-of-way.

1745

1746 **Section 17.44.060 Front Yards:**

1747 The front yard shall be measured from the road right-of-way line to the front face of the building,
1748 covered porch, covered terrace, deck, porch or attached accessory building.

1749

1750

1751

1752

1753 **Section 17.44.070 Side and Rear Yards:**

1754 Every part of the required side or rear yard shall be open and unobstructed except for accessory
1755 buildings as permitted by this ordinance and the ordinary projection of window sills, cornices
1756 and other ornamental features projecting not more than twelve inches.

1757
1758 **Section 17.44.080 Water and Sewage Requirements:**

1759 As required by this Section, all applications for development approval or building permits shall
1760 be accompanied by the appropriate permits or letters of approval from the county Building
1761 Official, the Tri-County Health Department, the water district and the Utah Department of
1762 Environmental Quality, as applicable, prior to approval by the Zoning Administrator.

1763 Water requirements:

1764
1765
1766 In all cases where a proposed building will require culinary water (drinking water) and the
1767 proposed building will not be connected to an approved water source supply, approval for the
1768 new culinary water source must be obtained from the county Building Official.

1769
1770 As prescribed in Utah Administrative Rules R309, any development or use with 15 or more
1771 culinary water connections, or that regularly serves an average of at least 25 individuals daily for
1772 at least 60 days out of the year, requires construction approval of the culinary water system from
1773 the water district and the Utah Department of Environmental Quality. For any development or
1774 use with 14 or less culinary water connections, or where 24 people or less will be served, or
1775 where 25 or more people will be served fewer than 60 days a year, approval of the culinary water
1776 system must be obtained from the Tri-County Health Department.

1777
1778 Sewage Requirements:

1779
1780 Connection to a state-approved sewer system is required if sewer lines are accessible and within
1781 300 feet of any part of the property proposed for development. For properties proposed for
1782 residential development, an additional 150 feet per lot or residential unit will be added for each
1783 lot or dwelling unit proposed.

1784
1785 In all cases where a proposed building or proposed use will generate wastewater, and the
1786 proposed building or proposed use will not be connected to an existing sewer, approval for
1787 wastewater disposal shall be obtained from the Tri-County Health Department.

1788
1789 **Section 17.44.090 Keeping of Livestock:**

1790 For properties located in the unincorporated portion of the county, the keeping of
1791 livestock is permitted providing the parcel consists of at least one acre (43,560 square
1792 feet). Adequate fences and corrals shall be required to keep animals off adjacent lands
1793 unless located within a designated open range area. Barns, corrals, pens, sheds, and
1794 other structures sheltering animals shall be located a minimum of three feet (3') from a
1795 side or rear property line and thirty feet (30') from the front property line.

1796
1797 **Section 17.44.100 Residential Facilities for Elderly Persons**

1798
1799 Such facilities may not operate as a business. A Residential Facility for Elderly Persons may
1800 not be considered a business because a fee is charged for food or for actual and necessary
1801 costs of operation and maintenance of the facility. Residential Facilities for Elderly Persons
1802 shall:

- 1803 a) Be owned by one of the residents or by an immediate family member of one
1804 of the residents or be a facility for which the title has been placed in trust for a
1805 resident;
- 1806 b) Be consistent with any existing, applicable land use ordinance affecting the
1807 desired location; and
- 1808 c) Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a
1809 family- type arrangement.

1810

- 1811 d) Be capable of use as a residential facility for elderly persons without structural
1812 or landscaping alterations that would change the structure's residential
1813 character;
1814 e) Be reasonably dispersed throughout the county (not more than one such
1815 facility per mapped section);
1816 f) Not house clients being treated for alcoholism or drug abuse;
1817 g) Be for the placement of elderly persons on a strictly volunteer basis and not a
1818 part of, or in lieu of, confinement, rehabilitation or treatment in a correctional
1819 facility.
1820

1821 **Section 17.44.110 Residential Facilities for Persons with a Disability**
1822

1823 Residential facilities for persons with a disability shall be:

- 1824 a. Reasonably dispersed throughout the county (not more than one such
1825 facility per mapped section);
1826 b. Be occupied on a 24-hour-per-day basis by eight or fewer disabled persons
1827 in a family- type arrangement;
1828 c. Required to obtain permits that verify compliance with the same building,
1829 safety, and health regulations as are applicable in the same zone to similar
1830 uses that are not residential facilities for persons with a disability; and
1831 d. Capable of use as a residential facility for disabled persons without
1832 structural or landscaping alterations that would change the structure's
1833 residential character.
1834

1835 Residential facilities for persons with a disability that are substance abuse facilities and are
1836 located within 500 feet of a school, shall provide, in accordance with rules established by the
1837 Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and
1838 Facilities:

- 1839 a. A security plan satisfactory to local law enforcement authorities;
1840 b. 24-hour supervision for residents; and
1841 c. Other 24-hour security measures.
1842

1843 The responsibility to license programs or entities that operate facilities for persons with a
1844 disability, as well as to require and monitor the provision of adequate services to persons residing
1845 in those facilities, shall rest with:

- 1846 (a) For programs or entities licensed or certified by the Department of Human Services,
1847 the Department of Human Services as provided in Title 62A, Chapter 5, Services to
1848 People with Disabilities; and
1849 (b) for programs or entities licensed or certified by the Department of Health, the
1850 Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and
1851 Inspection Act.
1852

1853 **Chapter 17.48**

1854

1855 **FLOOD PLAIN OVERLAY ZONE**

1856

1857 Sections:

- | | | |
|------|-----------|---|
| 1858 | 17.48.010 | Declaration of Legislative Intent |
| 1859 | 17.48.020 | Scope |
| 1860 | 17.48.030 | Permitted Uses |
| 1861 | 17.48.040 | General Development Standards |
| 1862 | 17.48.050 | Standards Where The Base Flood Elevation Is Known |
| 1863 | 17.48.060 | Standards Within Floodways |
| 1864 | 17.48.070 | Variances |
| 1865 | 17.48.080 | Special Requirements |
| 1866 | 17.48.090 | Warning And Disclaimer |

1867

1868 **Section 17.48.010 Declaration Of Legislative Intent**

1869

1870 The FPO Flood Plain Overlay Zone includes those flood hazard areas of the unincorporated
1871 portion of Duchesne County which have been identified by the most current Federal Insurance
1872 Administration report entitled "Flood Insurance Study, Duchesne County, Utah, Unincorporated
1873 Areas" and its accompanying "FIRM Flood Insurance Rate Map, Duchesne County, Utah" as
1874 having a one percent chance of flooding, plus other unincorporated areas identified by the
1875 County Commission as having a significant flood hazard. These provisions are not in effect until
1876 flood plains are identified.

1877

1878 The flood hazard areas included within the zone are subject to periodic inundation which results
1879 in:

- 1880 1. Loss of life and property;
- 1881 2. Hazards to health and safety;
- 1882 3. Disruption of commerce and governmental services;
- 1883 4. Impairment of the tax base; and
- 1884 5. Extraordinary public expenditures for flood protection and damage relief.

1885

1886 Losses from flooding in this zone are caused by the cumulative effect of obstructions in the path
1887 of flooding which:

- 1888 1. Increase the height and velocity of floods,
- 1889 2. Cause inadequately anchored structures to move during a flood and damage other
1890 property, and
- 1891 3. Results in damage to structures or uses which are inadequately flood proofed, elevated,
1892 or otherwise protected from flood damage.

1893

1894 It is hereby declared that the specific purposes and intent of the County Commission in
1895 establishing the FPO Zone are:

1896

- 1897 1. To take advantage of the powers and more fully implement the basic purposes for
1898 planning and zoning set forth in Section 17-27a-102 Utah Code Annotated, and to
1899 implement the plans provided for in Section 17-27a-401 of said Code.
- 1900
- 1901 2. To make the unincorporated portion of Duchesne County eligible for the federal flood
1902 insurance program by enacting these flood protection regulations according to federal
1903 guidelines.
- 1904
- 1905 3. To protect human life and health.
- 1906
- 1907 4. To minimize the expenditure of public money for costly flood control projects.
- 1908
- 1909 5. To minimize the need for rescue and relief efforts associated with flooding, which
1910 occur at public expense.

- 1911 6. To minimize prolonged business interruptions.
1912
1913 7. To minimize damage to essential public facilities, including water, and gas mains,
1914 electric, telephone and sewer lines, roads, and bridges located in areas of special flood
1915 hazard.
1916
1917 8. To maintain a stable tax base by providing for the sound use and development of areas
1918 of special flood hazard so as to minimize future flood blight areas.
1919
1920 9. To notify buyers of areas of special flood hazard.
1921
1922 10. To ensure that those who occupy the areas of special flood hazard assume
1923 responsibility for their actions regarding land use, construction, and grading.
1924

1925 In order to accomplish the stated purposes and intent, the provisions of the FPO Zone:

- 1926 1. Restrict or prohibit those uses that are dangerous to health, safety, and property
1927 because they contribute to damaging increases in erosion, flood heights, or flood
1928 velocities or generate new hazards of erosion or water;
1929
1930 2. Require that uses and facilities vulnerable to floods be protected against flood damage
1931 at the time of construction;
1932
1933 3. Control the alteration of natural flood plains, stream channels, and protective barriers
1934 which accommodate or dissipate flood waters;
1935
1936 4. Control any filling, grading, dredging, or other development, which may unnaturally
1937 divert floodwaters or increase flood hazards in other areas.
1938

1939 The following provisions shall apply.
1940

1941 Section 17.48.020. Scope
1942

1943 1. Extent. The provisions of this chapter shall apply to all areas of special flood hazard
1944 within the unincorporated area of Duchesne County, which are depicted on the Official
1945 Zone Map of Duchesne County, Utah, as lying within the bounds of the FPO Zone. Such
1946 provisions shall not abrogate but shall be in addition to the requirements of the
1947 underlying zoning districts and the easements, covenants, and deed restrictions pertaining
1948 to the property within the FPO Zone. Where the provisions of this chapter may be in
1949 conflict, the more stringent restriction shall apply.
1950

1951 2. Interpretation. To determine which properties lie within the FPO Zone, the Zoning
1952 Administrator shall determine the boundaries of the zone by scaling the distances from
1953 the Official Duchesne County Zoning Map. The Zoning Administrator may be aided in
1954 the interpretation by the Duchesne County Flood Insurance Study and FIRM map.
1955

1956 Any person contesting the location of the zone boundary may appeal to the Board of
1957 Adjustment according to Chapter 17.32 of this code. The Board of Adjustment shall use
1958 the written technical evidence supplied by the Flood Insurance Study for Duchesne
1959 County, and the FIRM map as a guide in making its determination.
1960

1961 3. Compliance. No structure or land shall hereafter be constructed, located, extended,
1962 converted, altered or otherwise developed without full compliance with the terms of this
1963 section. In this regard, "new construction" shall mean structural work commenced after
1964 the effective date of this ordinance, and "new subdivision or mobile home park" shall
1965 refer to divisions making new lots or mobile home sites after the effective date of this
1966 ordinance.
1967
1968

1969 **Section 17.48.030. Permitted Uses**

- 1970 1. Uses. All uses and structures which are listed as permitted uses and permitted
1971 conditional uses in the underlying zoning districts shall also be permitted in the territory
1972 covered by the FPO Zone if they meet the standards of this overlay zone (as well as the
1973 standards of the underlying zoning district).
1974
1975 2. Clearance. Before any building permit to develop or construct within the FPO Zone is
1976 issued, the Zoning Administrator must first find that such development or construction
1977 complies with the requirements of the FPO Zone and the underlying zone and issue a
1978 written clearance attesting to such finding. No development, grading or construction
1979 shall be commenced within the territory of the FPO Zone until the clearance and a
1980 building permit based on such clearance are issued.
1981

1982 **Section 17.48.040. General Development Standards**

1983 The following standards shall apply within all parts of the FPO Zone:

- 1984 1. Anchoring
1985 a. All new construction and substantial improvements shall be anchored to
1986 prevent flotation, collapse, or lateral movement of the structure.
1987 b. All new mobile homes shall be anchored to resist flotation, collapse, or lateral
1988 movement by providing over-the-top and frame ties to ground anchors.
1989 Specific requirements shall be that:
1990 i. Over-the-top ties be provided at each of the four corners of the mobile
1991 home, with two additional ties per side at intermediate locations (except
1992 mobile homes less than 50 feet long require only one additional tie per
1993 side);
1994 ii. Frame ties be provided at each corner of the home with five additional
1995 ties per side at intermediate points (except mobile homes less than 50 feet
1996 long require only four additional ties per side);
1997 iii. All components of the anchoring system be capable of carrying a force
1998 of 4,800 pounds; and
1999 iv. Any additions to the mobile home be similarly anchored.
2000
2001 2. Construction Materials and Methods
2002 a. All new construction and substantial improvements shall be constructed with
2003 materials and utility equipment resistant to flood damage.
2004 b. All new construction and substantial improvements shall be constructed using
2005 methods and practices that minimize flood damage.
2006
2007 3. Utilities
2008 a. All new and replacement water supply systems shall be designed to minimize
2009 or eliminate infiltration of floodwaters into the system.
2010 b. New and replacement sanitary sewage systems shall be designed to minimize
2011 or eliminate infiltration of floodwaters into the systems and discharge from the
2012 systems into floodwaters.
2013 c. On-site waste disposal systems shall be located to avoid impairment to them or
2014 contamination from them during flooding.
2015 d. Electrical, heating, ventilation, plumbing, air conditioning and similar service
2016 facilities shall be designed and/or located so as to prevent water from entering the
2017 facilities during conditions of flooding.
2018
2019 4. Fill
2020 a. Fill shall be placed and accomplished in a manner that will neither be unsightly
2021 nor diminish the value of neighboring properties.
2022
2023 b. When any area is proposed to receive fill, the applicant shall submit a plan,
2024 which shows the horizontal extent of the fill, a typical cross section, and the
2025 treatment proposed to overcome unsightliness.
2026
2027

2028 **Section 17.48.050. Standards Where The Base Flood Elevation Is Known**

2029 In all areas of the FPO Zone where the base flood elevation data has been determined in the
2030 Flood Insurance Study, the FIRM map, or a federal, state, or other accurate scientific engineering
2031 flood plain study, the following provisions shall be required.

2032 1. Residential Construction

2033 a. Any new construction or substantial improvement to any structure used as a
2034 dwelling shall have the lowest floor (including basement) raised above the
2035 elevation of the base flood.

2036 b. Within areas designated AO and AH on the FIRM map, all new construction
2037 and substantial improvements to structures used as a dwelling shall have the
2038 lowest floor (including basement) raised above the highest adjacent grade to a
2039 point at least as high as the depth number specified in feet on the FIRM map (at
2040 least two feet if no depth number is specified.)

2041 c. Within areas designated AO and AH on the FIRM map, there shall be drainage
2042 paths around existing and proposed structures built on slopes which are adequate
2043 to guide flood waters around and away from any proposed dwelling structure.

2044 d. All new construction and substantial improvements that fully enclose areas
2045 below the lowest floor that are usable solely for the parking of vehicles, building
2046 access, or storage in an area other than a basement, and which are subject to
2047 flooding, shall be designed to automatically equalize hydrostatic flood forces on
2048 exterior walls by allowing the entry and exit of floodwater. Designs for meeting
2049 this requirement must either be certified by a professional engineer or architect
2050 licensed to practice in the State of Utah or meet or exceed the following criteria:

2051 i. A minimum of two openings having a total net area of not less than one
2052 square inch for every square foot of enclosed area subject to flooding shall
2053 be provided;

2054 ii. The bottom of all openings shall be no higher, than one foot above
2055 grade;

2056 iii. Openings may be equipped with screens, louvers, valves, or other
2057 coverings or devices provided that they permit the automatic entry and
2058 exit of floodwater.

2059

2060 2. Nonresidential Construction

2061 a. Any new construction or substantial improvement to any commercial,
2062 industrial, or other nonresidential building shall have the lowest floor, including
2063 basement, raised above the level of the base flood elevation. Exception: The
2064 building, together with any attendant utility and sanitary facilities, may be placed
2065 below such elevation if it:

2066 i. Is flood proofed so that below the base flood level, the building is
2067 watertight with walls substantially impermeable to the passage of water;

2068 ii. Has structural components capable of resisting hydrodynamic loads and
2069 the effects of buoyancy; and

2070 iii. Is certified by a professional engineer or architect licensed to practice
2071 in the State of Utah that the standards of this zoning section are satisfied.
2072 (Such certifications shall be provided to the Zoning Administrator as set
2073 forth herein).

2074 b. Within areas designated AO and AH on the FIRM map, any new construction
2075 or substantial improvement to a commercial, industrial, or other nonresidential
2076 building shall have the lowest floor (including basement) raised above the highest
2077 adjacent grade to a point at least as high as the flood depth number specified in
2078 feet on the FIRM map (at least two feet if no depth number is specified).

2079 Exception: The building, together with attendant utility and sanitary facilities,
2080 may be placed below such flood depth number if it is completely flood proofed up
2081 to or above the specified flood level according to the flood proofing standard
2082 required in subparts (i) to (iii) in subsection 2a. immediately above.

2083 c. Within areas designated AH and AO on the FIRM map, there shall be drainage
2084 paths around existing and proposed structures built on slopes, which are adequate
2085 to guide floodwaters around and away from the proposed buildings.

2086 d. All new construction and substantial improvements that fully enclose areas
2087 below the lowest floor that are usable solely for the parking of vehicles, building
2088 access, or storage in an area other than a basement, and which are subject to
2089 flooding, shall be designed to automatically equalize hydrostatic flood forces on
2090 exterior walls by allowing the entry and exit of floodwater. Designs for meeting
2091 this requirement must either be certified by a professional engineer or architect
2092 licensed to practice in the State of Utah or meet or exceed the following criteria:
2093 i. A minimum of two openings having a total net area of not less than one
2094 square inch for every square foot of enclosed area subject to flooding shall
2095 be provided;
2096 ii. The bottom of all openings shall be no higher than one foot above
2097 grade;
2098 iii. Openings may be equipped with screens, louvers, valves, or other
2099 coverings or devices provided that they permit the automatic entry and
2100 exit of floodwater.

2101
2102 **3. Mobile Homes**

2103 a. For any new mobile home park or mobile home subdivision; for any expansions
2104 to an existing mobile home park or mobile home subdivision; for any existing
2105 mobile home park or mobile home subdivision where the repair, reconstruction,
2106 or improvement of the streets, utilities, and pads equals or exceeds 50 percent of
2107 the assessed value of the streets, utilities, and pads before the work commenced;
2108 or for any mobile home placed elsewhere than in a mobile home park or mobile
2109 home subdivision, it is required that:

- 2110 i. Stands or lots be elevated on compacted fill or mobile homes placed on
2111 pilings so that the lowest floor of the mobile home is above the base flood
2112 level;
- 2113 ii. Adequate surface drainage and access for a mobile home transporter are
2114 provided; and
- 2115 iii. In the instance of elevation on pilings, lots are large enough to permit
2116 steps; piling foundations are placed in stable soil not more than ten feet
2117 apart, and reinforcement is provided for pilings more than six feet above
2118 the ground level.

2119 b. No mobile home shall be placed in a floodway, except in an existing mobile
2120 home park or existing mobile home subdivision.

2121 c. All mobile homes (manufactured homes) that are placed or substantially
2122 improved within zones A1-30, AH, or AE on the FIRM for Duchesne County on
2123 sites outside of a mobile home park or subdivision, within a new mobile home
2124 park or subdivision, in an expansion to an existing mobile home or subdivision, or
2125 in an existing mobile home park or subdivision on which a mobile home has
2126 incurred substantial damage as the result of a flood, shall be elevated on a
2127 permanent foundation such that the lowest floor of the mobile home is elevated to
2128 or above the base flood elevation and be securely anchored to an adequately
2129 anchored foundation system to resist flotation, collapse, and lateral movement.

2130 d. All mobile homes to be placed or substantially improved on sites in an existing
2131 mobile home park or subdivision within flood zones A1-30, AH, or AE on the
2132 FIRM for Duchesne County that are not subject to the provisions of subsection 3c.
2133 above, shall be elevated so that either:

- 2134 i. The lowest floor level of the mobile home is at or above the base flood
2135 elevation, or
- 2136 ii. The mobile home chassis is supported by reinforced piers or other
2137 foundation elements of at least equivalent strength that are no less than 36
2138 inches in height above grade and that are securely anchored to an
2139 adequately anchored foundation system to resist flotation, collapse, and
2140 lateral movement.

2141 e. Any basement on which a mobile home is placed shall meet the standards of
2142 subsection 1 above, for "residential construction".
2143

- 2144 4. Recreational Vehicles. All recreational vehicles placed on sites within flood zones AI-
2145 30, AH, or AE on the FIRM for Duchesne County shall either:
2146 a. Be on the site for fewer than 180 consecutive days, or
2147 b. Be fully licensed and ready for highway use. A recreational vehicle is ready for
2148 highway use if it is on its wheels or jacking system, is attached to the site only by
2149 quick disconnect-type utilities and security (hold-down) devices, and has no
2150 permanently attached additions.
2151

2152 **Section 17.48.060. Standards Within Floodways**

2153 Floodways shall be identified within the FPO Zone by the most current Flood Insurance Study,
2154 the "Flood Boundary and Floodway Map, Duchesne County, Utah)" (or Floodway Map), and
2155 engineering studies maintained according to this Chapter. Because a floodway is an especially
2156 hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and
2157 erosion potential, the following requirements shall apply in a floodway in addition to the other
2158 FPO Zone requirements.
2159

2160 1. Encroachments, including fill, new construction, substantial improvements, and other
2161 development are prohibited unless a written report is provided of a study conducted by a
2162 professional engineer licensed to practice in the State of Utah which certifies that the
2163 encroachments shall not result in any increase in flood levels during the occurrence of the
2164 base flood discharge.
2165

2166 2. If subpart 1 immediately above is satisfied, all new construction and substantial
2167 improvements must comply with all applicable flood hazard reduction provisions of
2168 subsections D and E above.
2169

2170 3. No mobile home shall be placed in a floodway except in an existing mobile home park
2171 or existing mobile home subdivision.
2172

2173 **Section 17.48.070. Variances**

2174 The Board of Adjustment may grant a variance in the size, distance or elevation requirements of
2175 the FPO Zone, according to the standards stated below.
2176

- 2177 1. Items to Consider. In deciding whether to grant a variance and what conditions to
2178 attach to its approval, the Board shall consider:
2179 a. The danger that materials may be swept onto other lands causing injury to
2180 others.
2181 b. The danger to life and property caused by flooding and erosion.
2182 c. The degree of susceptibility to flood damage of the proposed use or building
2183 (including its contents), and the effect of such damage to the owners.
2184 d. The importance of services provided by the facility to the community.
2185 e. The necessity of the facility to be on a waterfront, if applicable.
2186 f. The availability of alternate locations for the proposed use or building, which
2187 are not subject to flooding or erosion damage.
2188 g. The compatibility of the proposed use with the existing and anticipated
2189 development.
2190 h. The relationship of the proposed use to the comprehensive plan and flood plain
2191 management program for the area.
2192 i. The safety of access to the property during flooding for ordinary and emergency
2193 vehicles.
2194 j. The expected flood water height, velocity, duration, rate of rise, sediment
2195 transport, and wave action effects at the site.
2196 k. The cost of providing governmental and public utility services during and after
2197 flood conditions, including the maintenance and repair of roads, bridges, electric
2198 lines, gas lines, and water and sewer services.
2199 l. Whether the lot to be built on has any buildable area outside of the FPO Zone
2200 boundary.
2201
2202

- 2203 2. Presumptions Relative to Approval
2204 a. Generally a variance may be granted for the new construction or substantial
2205 improvement of a one-family dwelling on a lot of one (1) acre or less in area
2206 which is contiguous to and surrounded by lots containing structures constructed
2207 below flood base level, after fully considering the "items to consider" of
2208 subsection 1 immediately above. As the lot area and human usage increases over
2209 one acre and one family, the burden of proof becomes more difficult to show that
2210 approval can be granted safely.
2211 b. With alternate programs to protect life and provide reasonable safety, a
2212 variance may be granted to permit the restoration or rehabilitation of structures on
2213 the National Register of Historic Places without regard to the standards contained
2214 in subsections D and E of this chapter.
2215 c. No variance shall be granted within a floodway if such will increase the flood
2216 level during the base flood discharge.
2217 d. A variance shall be granted only upon the determination that the variance is the
2218 minimum amount necessary, in view of the flood hazard, to afford relief.
2219 e. A variance shall be granted only if such will not result in a threat to public
2220 safety, extraordinary public expense, create a nuisance, or cause fraud or
2221 victimization of the public.
2222
2223 3. Disclosure. The Zoning Administrator shall give to any applicant receiving a variance
2224 a written disclosure statement stating that because the structure will be built below the
2225 base flood elevation the cost of flood insurance will be commensurate with the increased
2226 risk. All variances shall be reported to the Federal Emergency Management Agency.
2227

2228 **Section 17.48.080. Special Requirements**

- 2229 1. Plans. Any application for a permit and certification shall include:
2230 a. The elevation in relation to mean sea level of the lowest floor, including
2231 basement floor elevation, of all structures to be permitted.
2232 b. The elevation in relation to mean sea level to which any structure has been
2233 flood proofed.
2234 c. A statement of the nature of any flood proofing methods used and a
2235 certification by a professional engineer or architect who is licensed to practice in
2236 the State of Utah that the flood proofing methods used meet the flood proofing
2237 criteria of this chapter.
2238 d. A description of the extent to which any watercourse will be altered or
2239 relocated as a result of proposed development.
2240 e. A descriptive scaled drawing showing the nature, location, dimensions, and
2241 elevations of the area to be developed or built on, and the nature and locations of
2242 existing and proposed structures on the site, fill, storage of materials, and drainage
2243 facilities.
2244 f. The location, in relation to the proposed development, of the floodway expanse
2245 needed to discharge a base flood, and a statement of the vertical increase in
2246 elevation during a base flood caused by the proposed development.
2247 g. A copy of the Section 404 permit, when such permit is required under the
2248 Federal Water Pollution Control Act Amendments of 1972, and copies of other
2249 permits that may be required under Federal or Utah State law, or a statement
2250 certifying that no Section 404 permit is required.
2251 2. Certification by Engineer. A plan received according to subsection 1 immediately
2252 above shall bear on it the certification of an engineer licensed to practice in the State of
2253 Utah that the requirements and standards of the flood plain zone have been met.
2254 Notwithstanding such certification, the plans and certification (along with the records for
2255 base flood elevation and floodways collected under subsection 3 below) shall be
2256 reviewed by the Zoning Administrator to determine whether the requirements of this
2257 ordinance actually have been met before any clearance to commence construction is
2258 issued. Exception: The Zoning Administrator may waive such for a residential accessory
2259 structure or a structure to house livestock or agricultural products or machinery if he finds
2260 the plans are sufficient to determine the structure meets the standards of this chapter.
2261

2262 3. Records. The Zoning Administrator shall maintain any base flood elevation data for
2263 the unincorporated area of Duchesne County that is obtained from a federal, state or other
2264 reliable source, in addition to the Flood Insurance Study, the FIRM map, and the
2265 Floodway Map, and shall consider such information when processing applications for any
2266 portion of the unincorporated area of Duchesne County for which base flood information
2267 has not been provided by the Federal Emergency Management Agency in its flood
2268 insurance program. Further, the Zoning Administrator shall:

2269 a. Obtain and record the actual elevation in relation to mean sea level of the
2270 lowest floor including basements of all new or substantially improved structures
2271 and identify which stories are in basements.

2272 b. Maintain the engineer's flood proofing certifications required in subsection 1.c.
2273 above and verify and record the actual elevation (in relation to mean sea level) to
2274 which the structure has been flood proofed.

2275 c. Maintain all records collected in the issuing of permits and administering the
2276 provisions of this chapter.

2277
2278 4. Maps and studies adopted by reference. The following three publications of the
2279 Federal Emergency Management Agency are hereby adopted by reference in book form:
2280 the "Flood Insurance Study, Duchesne County, Utah, Unincorporated Areas", the "FIRM
2281 Flood Insurance Rate Map, Duchesne County, Utah", and the "Floodway Flood Boundary
2282 and Floodway Map, Duchesne County, Utah". Three copies of each publication are
2283 hereby ordered to be placed in the office of the Duchesne County Clerk, as required by
2284 law. These publications shall be used in the administration of the FPO Zone as required
2285 therein and shall be the most current publications that have been accepted by Duchesne
2286 County.

2287
2288 5. Altered watercourses. The Zoning Administrator shall give notification to adjacent
2289 municipalities and the Utah State Division of Water Resources prior to any alteration or
2290 relocation of a watercourse, and submit evidence of such notification to the Federal
2291 Emergency Management Agency. Further, such altered or relocated watercourse shall be
2292 required to be maintained by the applicant so the flood carrying capacity is not
2293 diminished.

2294
2295 **Section 17.48.090. Warning And Disclaimer**

2296 The degree of protection from flooding provided by this chapter is considered reasonable for
2297 regulatory purposes and is based on a scientific and regulatory study made by the Federal
2298 Emergency Management Agency and offered to Duchesne County. By adopting this section, it
2299 is anticipated that the danger, cost and impact from floods will be minimized. However, because
2300 of natural processes that change flood channels and watersheds, unforeseen or unknown
2301 conditions not identified in the Federal study, extreme flood conditions beyond the limits
2302 considered in the study, the activities of man occurring after the study was completed, or other
2303 causes, damage due to flooding may occur even to persons or properties which are in full
2304 compliance with this ordinance, both those within and without the boundaries of the FPO zone.
2305 Therefore, no reliance on this section shall create a liability on the part of, or be a cause of action
2306 against, the county or any officer or employee thereof for any flood-related damage.

2307 **Chapter 17.52**

2308

2309 **CONDITIONAL USE PERMITS**

2310

2311 **Sections:**

- 2312 17.52.010 Issuance and Purpose.
2313 17.52.020 Public Hearing Required.
2314 17.52.030 Application Requirements.
2315 17.52.040 Conditions of Approval.
2316 17.52.050 Findings and Conditions.
2317 17.52.060 Expiration.
2318 17.52.070 Revocation or Modification of a Conditional Use Permit.

2319

2320 **Section 17.52.010 Issuance and Purpose:**

2321 Conditional Use Permits may be issued as provided by this ordinance for any of the uses for
2322 which a Conditional Use Permit is required as identified in the table of uses and the table of site
2323 development standards.

2324

2325 The purpose of the issuance of a Conditional Use Permit is to allow the proper integration into
2326 the county of uses which may be suitable only in specific locations in a zoning district, or only if
2327 such uses are designed, arranged or conducted on the site in a particular manner.

2328

2329 A conditional use permit shall be approved if reasonable conditions are proposed or can be
2330 imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in
2331 accordance with applicable standards. If the reasonably anticipated detrimental effects of a
2332 proposed conditional use cannot be substantially mitigated by the proposal or the imposition of
2333 reasonable conditions to achieve compliance with applicable standards, the conditional use
2334 permit may be denied.

2335

2336 **Section 17.52.020 Public Hearing Required:**

2337 All applications for a Conditional Use Permit shall be made in accordance with the provisions of
2338 this ordinance and shall be the subject of a public hearing held before the Planning Commission
2339 for which a minimum of fourteen days public notice has been provided and the planning staff
2340 notifying all property owners by US mail within 300 feet of proposed conditional use.

2341

2342 **Section 17.52.030 Application Requirements:**

2343 All requests for a Conditional Use Permit shall be made on the application form provided by the
2344 county detailing the nature of the conditional use request. The applicant shall also provide the
2345 necessary information identifying the purpose of the conditional use request, and all required
2346 information shall be provided to the planning office twenty-one days prior to the Planning
2347 Commission meeting. The Duchesne County Planning Commission is authorized to render a
2348 final decision on the issuance of a Conditional Use Permit following the review and receipt of a
2349 recommendation from the Zoning Administrator.

2350

2351 **Section 17.52.040 Conditions for Approval:**

2352 When approving a Conditional Use Permit, the Planning Commission may impose such
2353 requirements and conditions as follows: location, construction, maintenance, odor control,
2354 operation, site planning, traffic control, dust control, noise, time limits and other items for the
2355 Conditional Use Permit as deemed necessary for the protection of adjacent properties and the
2356 public interest. The Planning Commission may require guarantees or other evidence that such
2357 conditions will be met and complied with.

2358

2359 **Section 17.52.050 Findings and Conditions:**

2360 The Planning Commission may grant a Conditional Use Permit in compliance with this
2361 ordinance if, from the application and the facts presented at the public hearing, it finds:

2362

- 2363 1. The proposed use at the proposed location will not be unduly detrimental or injurious to
2364 property or improvements in the vicinity and will not be detrimental to the public health,
2365 safety or general welfare.
2366 2. The proposed use will be located and conducted in compliance with the goals and
2367 policies of the Duchesne County General Plan and the purposes of this ordinance.
2368 3. That the property on which the use, building or other structure is proposed is of adequate
2369 size and dimensions to permit the conduct of the use in such a manner that will not be
2370 materially detrimental to adjoining and surrounding properties.
2371

2372 In approving a Conditional Use Permit, the Planning Commission may impose such reasonable
2373 conditions or restrictions as it deems necessary to secure the purposes of the Duchesne County
2374 General Plan and to assure operation of the use in a manner compatible with the aesthetics, mass,
2375 bulk and character of existing and potential uses in the general vicinity. The following minimum
2376 conditions shall be included for produced water disposal facilities, extraction of earth products
2377 and Residential Treatment or Secure Treatment Facilities as indicated below.
2378

2379 **Section 17.52.051 Produced Water Disposal Facilities:**

- 2380 1. The site must be fenced to sustain safety, and prevent access by livestock,
2381 wildlife, and unauthorized personnel;
2382 2. Mandatory compliance with State of Utah Division of Oil, Gas and Mining
2383 General Rules;
2384 3. Mandatory odor control;
2385 4. Must be located a minimum of five thousand two hundred eighty feet from any
2386 city, town or residential use or state route or US highway;
2387 5. Produced water disposal ponds shall be limited by number, on each Conditional
2388 Use Permit, and cannot be enlarged or modified until the issue is re-presented to
2389 the Planning Commission and the enlargement or modification is approved.
2390 6. Mandatory bonding or other assurance shall be furnished to the county in the
2391 amount of \$25,000.00 per acre of pond or open pit to guarantee reclamation will
2392 be accomplished. This is in addition to Utah Division of Oil, Gas and Mining
2393 General Rules (R649-9-9), which require bonding to treat or remove waste from
2394 the site and secure the site to prevent future contamination.
2395

2396 **Section 17.52.052 Extraction of Earth Products:**

- 2397 1. Must be maintained in a near dust-free condition. Watering the site and street during
2398 times of operation is considered maintaining a near dust-free condition;
2399 2. A bond shall be issued in the amount of one five thousand dollars (\$5,000.00) for the
2400 first acre and three thousand dollars (\$3,000.00) for each additional acre from which
2401 such material is taken as a guarantee of reconditioning. This requirement may be met
2402 by naming the County as an obligee on the required Division of Oil, Gas and Mining
2403 bond. The number of acres must be specified on the Conditional Use Permit and
2404 cannot be enlarged or modified until the issue is re-presented to the Planning
2405 Commission and the enlargement or modification is approved;
2406 3. Reconditioning to assure the surrounding property is protected along with the beauty
2407 of the landscape;
2408 4. Rock crushing operations must be a minimum of one thousand three hundred twenty
2409 feet from any city, town or residential use.
2410

2411 **Section 17.52.053 Residential Treatment or Secure Treatment Facilities:**

- 2412 1. The location of the proposed use is compatible to other land uses in the general
2413 neighborhood.
2414 2. The site is of sufficient size to accommodate the proposed use together with all yards,
2415 open spaces, walls and fences, parking and loading facilities, landscaping as required
2416 by the ordinance.
2417 3. The site shall be served by streets of sufficient capacity to carry the traffic generated
2418 by the proposed use.
2419

- 2420 4. The proposed use, if it complies with all conditions of which approval is made
2421 contingent, will not adversely affect other property in the vicinity or the general
2422 welfare of the county.
- 2423 5. A setback of at least 5,280 feet from any building on the facility site to the nearest
2424 existing child day care facility, pre-school, place of religious assembly, private
2425 educational facility, public educational facility, public park or residential treatment
2426 facility. The establishment of such land uses within the specified setback area after
2427 the occupancy of a Residential Treatment or Secure Treatment Facility shall not
2428 create nonconformity or be the sole cause for denial of a conditional use permit for
2429 the expansion of an existing treatment facility.
- 2430 6. A setback of at least 2,640 feet from any building on the facility site to the nearest
2431 existing dwelling unit. The establishment of a dwelling unit within the specified
2432 setback area after the occupancy of a Residential Treatment or Secure Treatment
2433 Facility shall not create nonconformity or be the sole cause for denial of a conditional
2434 use permit for the expansion of an existing treatment facility.
- 2435 7. A setback of at least 200 feet from any building on the facility site to any facility
2436 property line.
- 2437 8. A spacing of at least five (5) miles between Secure Treatment Facilities, measured
2438 from secure unit to secure unit.
- 2439 9. Fencing or walls:
- 2440 a. Residential Treatment Facilities: Design to be approved by the
2441 Planning Commission.
- 2442 b. Secure Treatment Facilities: Non-climbable fencing or walls of a
2443 design approved by the Planning Commission.
2444

2445 **Section 17.52.054 Oil & Gas Drilling/Production Facilities:** All construction and
2446 development for energy production purposes in the A 2 ½, R-1 and R ½ zones shall be carried
2447 out in accordance with the following standards and specifications:

- 2448 1. Drilling and Production facilities, including roadways, shall be constructed in a
2449 manner that minimizes damage to watersheds, vegetation and natural resources.
- 2450 2. For use of County roads, an encroachment permit or road use permit shall be
2451 required; a letter or copy of the permit with conditions for use, signed by the road
2452 supervisor or his designee, must accompany any application for a conditional use
2453 permit.
- 2454 3. All facilities shall be constructed in a manner so as to properly drain surface water to
2455 an approved location.
- 2456 4. Location of any facilities for liquids, chemicals, explosives, flammable, hazardous or
2457 toxic materials shall be in compliance with all applicable federal and state laws and
2458 building codes.
- 2459 5. All well site pumps shall be located in a structure approved by the Planning
2460 Commission, and fenced with a six (6) foot high, locked chain link fence.
- 2461 6. Well production facilities such as pumps, separators, and appurtenances, shall be
2462 painted to blend with the surroundings.
- 2463 7. The well site shall be located more than six hundred sixty (660) feet from any
2464 existing dwelling.
- 2465 8. The applicant shall have been issued an approval or permit to drill from the Utah
2466 Division of Oil, Gas and Mining or other State or Federal agency.
- 2467 9. A reclamation plan shall be submitted for each proposed mine, well site, pipeline,
2468 excavation, roadway, and area of disturbance. Roadways may remain in place upon
2469 capping the well(s) with approval of the County Commission. Particular attention
2470 will be given to stream crossings.
- 2471 10. Each mine, exploratory or production well shall be accessed by a designated County
2472 road or a private road, which road has been approved by the County as to the quality
2473 of construction, and for which there is adequate documentation guaranteeing the
2474 operator(s) of the well and County staff, emergency providers, and law enforcement
2475 officers a perpetual right of access until such road is abandoned and reclaimed.
- 2476 11. All production or exploratory well sites shall be served by sanitary facilities for
2477 employees, as approved by the sanitary sewer authority.

- 2478 12. All roadway improvements, mines, well sites, and other areas of disturbance shall be
2479 reclaimed in conformance with plans submitted.
2480 13. A performance guarantee shall be submitted, in an amount required by the Division of
2481 Oil, Gas and Mining, with Duchesne County named as an additional obligee.
2482 14. Nothing in these regulations shall prohibit a landowner from requiring the developer
2483 of an energy extraction or transmission project to complete inventories of the site for
2484 forage, timber, wildlife, objects of historic or scientific interest, or substantial
2485 unanticipated detrimental affects to the value(s) of the property, and providing for a
2486 plan to mitigate for these affects.

2487
2488 **Section 17.52.055 All other Conditional Use Permits, these conditions may include:**
2489

- 2490 1. That the site will be suitably landscaped and maintained and that the design, setbacks,
2491 fences, walls and buffers of all building and other structures are adequate to protect
2492 property and preserve and/or enhance the appearance and character of the area.
2493 2. Provisions of parking facilities, including vehicular ingress and egress, loading and
2494 unloading areas and the surfacing of parking areas and driveways to specified
2495 standards.
2496 3. The provision of required street and highway dedication and improvements and
2497 adequate water supply, sewage disposal and fire protection.
2498 4. Regulation of signs.
2499 5. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors,
2500 gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation.
2501 6. The regulation of operating hours for activities affecting normal schedules and
2502 functions.

2503
2504 **Section 17.52.060 Expiration:**

2505 Unless there is substantial action under a Conditional Use Permit within a period of eighteen
2506 months of its issuance, the permit shall be considered null and void.

2507
2508 **Section 17.52.070 Revocation or Modification of a Conditional Use Permit:**

2509 If there is cause to believe that grounds exist for revocation or modification of an approved
2510 Conditional Use Permit, the Planning Commission shall hold a public hearing on the question of
2511 modification or revocation of a Conditional Use Permit granted under the terms and the
2512 provisions of this ordinance.

2513
2514 A Conditional Use Permit may be modified or revoked if the Planning Commission finds that
2515 one of more of the following conditions exist:

- 2516
2517 1. The Conditional Use Permit was obtained in a fraudulent manner.
2518 2. The use for which the Conditional Use Permit was granted has now ceased for at least
2519 six consecutive calendar months.
2520 3. One or more of the conditions of the Conditional Use Permit have not been met.

2521
2522 Additionally, the conditions under which a Conditional Use Permit were originally approved
2523 may be modified by the Planning Commission without the consent of the property owner or
2524 operator, if the Planning Commission finds that the use or related development constitutes or is
2525 creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to
2526 such an extent that the area will not depreciate the surrounding property or impair the beauty of
2527 the landscape, shall be accomplished within a twelve (12) month time frame.

2528 **Chapter 17.56**

2529

2530 **PLANNED UNIT DEVELOPMENT (PUD)**

2531

2532 **Sections:**

2533 Section 17.56.010 Introduction.

2534 Section 17.56.020 Purpose.

2535 Section 17.56.030 Required Conditions.

2536 Section 17.56.040 Planned Unit Development Supplementary Regulations.

2537 Section 17.56.050 Public Hearing

2538 Section 17.56.060 Planning Commission Authority.

2539 Section 17.56.070 Construction Limitations.

2540 Section 17.56.080 Fees.

2541

2542 **Section 17.56.010 Introduction:**

2543 Provision of a Planned Unit Development by this chapter in no way guarantees a property owner
2544 the right to exercise the provisions of the Planned Unit Development. Planned Unit
2545 Developments shall be approved by the Planning Commission only if in their judgment the
2546 proposed development fully meets the intent and purpose and requirements of this title.

2547

2548 **Section 17.56.020 Purpose:**

2549 The purpose of the Planned Unit Development is to allow diversification in the relationship of
2550 various uses and structures to their sites and to permit more flexibility in the design of a
2551 development. A Planned Unit Development is a rezoning and the Planned Unit Development
2552 constitutes an overlay zone. The application of planned unit concepts is intended to encourage
2553 good neighborhood, housing or area design, public health, safety and general welfare and at the
2554 same time securing the advantages of large scale site planning for residential or commercial
2555 developments or combinations thereof.

2556

2557 A Planned Unit Development may be:

2558

2559 The development of compatible land uses arranged in such a way as to provide desirable living
2560 environments that may include private and common open spaces for recreation, circulation
2561 and/or aesthetic uses;

2562 1. The conservation or development of desirable amenities not otherwise possible by
2563 typical development standards;

2564 2. Creation of areas for multiple use that are of benefit to the neighborhood or
2565 environment of the area.

2566

2567 **Section 17.56.030 Required Conditions:**

2568 No Planned Unit Development shall have an area of less than ten acres. All Planned Unit
2569 Developments shall be located where adequate public services and facilities are available to meet
2570 the needs of residents. Since Planned Unit Developments are considered their own zoning
2571 district, all applications require a public hearing.

2572

2573 The development shall be in single, partnership or corporate ownership or under option to
2574 purchase by an individual or a corporate entity at the time of application or the application shall
2575 be filed jointly by all owners of the property.

2576

2577 The Planning Commission shall require such arrangements of structures and common or public
2578 open spaces with the site development plan as necessary to assure that adjacent properties will
2579 not be adversely affected.

2580

2581 Height and intensity of buildings and uses shall be arranged around the boundaries of the
2582 Planned Unit Development or zones. However, unless conditions of the site so warrant,
2583 buildings located on the periphery of the development shall be limited to a maximum height of
2584 two stories.

- 2585 1. Lot area, lot width, yard and coverage regulations shall be determined by approval
2586 of the site plan.
2587 2. Density of dwelling units per acre may be doubled as allowed in the district in
2588 which the Planned Unit Development is located.
2589 3. The minimum area requirement may be reduced to a specific minimum lot size
2590 for cluster development;
2591 4. The common or public open space minimum required for a Planned Unit
2592 Development shall be twenty-five percent of the total acreage.
2593

2594 Preservation, maintenance and ownership of required common or public open space within the
2595 development shall be accomplished by:

- 2596 1. Dedication of the land as a public park or parkway system; or
2597 2. Complying with the provisions of the Condominium Ownership Act of 1963,
2598 Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for
2599 the payment of common expenses for the upkeep of the common areas and
2600 facilities.
2601

2602 Landscaping, fencing and screening related to the uses within the site and as a means of
2603 integrating the proposed development into its surroundings shall be planned and presented to the
2604 Planning Commission, together with other required plans for the development.
2605

2606 **Section 17.56.040 Planned Unit Development Supplementary Regulations:**

2607 The applicant shall submit a Planned Unit Development plan for the total area within the
2608 proposed development. If the Planned Unit Development is to be developed on a phase basis,
2609 each phase shall be of such size, composition and arrangement that its construction, marketing
2610 and operation is feasible as a unit independent of any subsequent phases. Final approval shall be
2611 given only to one phase at a time. The subdivision ordinance of the county, as it now or
2612 hereafter exists, applies to all preliminary and final Planned Unit Development plats. The
2613 general site plan shall show where pertinent:

- 2614 1. The use or uses, dimensions, sketch elevations, and locations of proposed structures;
2615 2. Dimensions and locations of areas to be reserved and developed for vehicular and
2616 pedestrian circulation, parking, public uses such as schools and playgrounds,
2617 landscaping, and other open spaces;
2618 3. Total number of acres in proposed development;
2619 4. Such other pertinent information, including but not limited to residential density,
2620 coverage and open space characteristics shall be included as may be necessary to
2621 make a determination that the contemplated arrangement of buildings and uses makes
2622 it desirable to apply regulations and requirements differing from those ordinarily
2623 applicable under this title.
2624

2625 **Section 17.56.050 Public Hearing:**

2626 All applications for a Planned Unit Development shall be made in accordance with the
2627 provisions of this ordinance and shall be the subject of a public hearing held before the Planning
2628 Commission for approval for which a minimum of fourteen days public notice has been provided
2629 and the planning staff notifying all property owners by US mail within 300 feet of proposed
2630 Planned Unit Development. The applicant shall provide all required information to the planning
2631 office twenty-one days prior to the Planning Commission meeting.
2632

2633 **Section 17.56.060 Planning Commission Authority:**

2634 The Planning Commission is authorized to render a final decision on approval or disapproval for
2635 an application for a Planned Unit Development. In addition, the Planning Commission may
2636 attach such conditions as it may deem necessary to ensure compliance with the purposes set forth
2637 in Section 17.56.020. If approved, the proposed Planned Unit Development has met the
2638 subdivision preliminary approval and then may proceed to development in accordance with the
2639 subdivision ordinance of the county, using the same criteria as final plat approval.
2640
2641
2642

2643 **Section 17.56.070 Construction Limitations:**

2644 Upon approval of a Planned Unit Development, construction shall proceed only in accordance
2645 with the plans and specifications approved by the Planning Commission and the County
2646 Commissioners and in conformity with any conditions attached by the Commissioners to its
2647 approval. Amendments to approved plans and specifications for a Planned Unit Development
2648 shall be approved by the County Commission and shown on the approved plans.
2649

2650 The Building Official or any other county department shall not issue any permit for any proposed
2651 building, structure, activity or use within the project unless such building, structure, activity or
2652 use is in accordance with the approved development plan and any conditions imposed in
2653 conjunction with its approval.
2654

2655 The Building Official shall issue a certificate of occupancy for any building or structure upon its
2656 completion in accordance with the approved development plan.
2657

2658 **Section 17.56.080 Fees:**

2659 Fees for Planned Unit Developments shall be the same as a zone ordinance/map amendment,
2660 plus each lot shall be assessed the same as subdivision application for both preliminary and final
2661 plat stages.

2662 **Chapter 17.60**

2663
2664 **MOBILE HOMES, MANUFACTURED HOUSING AND RECREATIONAL VEHICLES**
2665

2666 **Sections:**

- 2667 17.60.010 Mobile and Manufactured home park regulations.
2668 17.60.020 Recreational vehicle parks.
2669 17.60.030 Additional regulations.
2670 17.60.040 Classification of mobile and manufactured homes.
2671 17.60.050 Manufactured home, mobile home and travel-trailers prohibited—
2672 Exceptions.
2673 17.60.060 Permanent trailers.
2674

2675 **Section 17.60.010 Mobile home and Manufactured home park regulations.**

- 2676 A. Approval and Intent. The owners of a tract of land not less than five acres, may construct
2677 a mobile or manufactured home park thereon, upon compliance with regulations and
2678 restrictions, as herein set forth, and after approval of a Conditional Use Permit for such
2679 mobile or manufactured home park by the Planning Commission. The intent of this
2680 provision is to provide areas where mobile and manufactured home parks can be properly
2681 developed without adversely affecting surrounding residential areas.
2682
- 2683 B. Approval, Application. Before a permit shall be issued for a mobile or manufactured
2684 home park the developer shall perform all of the steps as outlined herein.
2685
- 2686 C. Standards and Requirements. The developer of a mobile or manufactured home park shall
2687 conform to the following standards and requirements:
- 2688 1. The area shall be in one ownership, or, if in several ownerships, the application
2689 for the approval of the mobile or manufactured home park shall be filed jointly
2690 by all owners of the property included in the plan.
 - 2691 2. The minimum dimensions of a mobile or manufactured home park space shall be
2692 50 feet wide and 100 feet deep. The maximum density shall be eight (8) dwelling
2693 units per acre.
 - 2694 3. Not less than ten percent of the gross area of the mobile or manufactured home
2695 park shall be set aside as playground, or recreational area for the joint use of
2696 occupants. Ten percent of the lot area shall be set aside for recreational vehicle,
2697 boat and miscellaneous equipment storage. Parking for two (2) vehicles shall be
2698 made available at each space, with visitor parking provided at convenient
2699 locations at the rate of one parking space per three manufactured or mobile home
2700 park spaces. The remaining land not contained in individual lots, roads, or
2701 parking shall be set aside for the common use and enjoyment of the occupants of
2702 the development and visitors thereto.
 - 2703 4. No mobile or manufactured home or add-on shall be located closer than fifteen
2704 (15) feet from the nearest portion of any other mobile or manufactured home or
2705 add-on.
 - 2706 5. All area not covered by mobile or manufactured homes, hard-surfacing,
2707 buildings, off-street parking, space, or driveways, shall be planted in trees, lawns,
2708 and shrubs, or otherwise landscaped.
 - 2709 6. A strip of land at least fifteen (15) feet wide on the sides, and thirty (30) feet in
2710 the front and rear of the mobile or manufactured home park shall be left
2711 unoccupied by mobile or manufactured homes, and shall be planted and
2712 maintained in lawns, shrubs, and trees designed to afford privacy to the
2713 development and shall be maintained as such and shall not be used as parking
2714 space. A six-foot chain link or other approved fence around the mobile or
2715 manufactured home park shall also be required, along noncompatible uses.
2716 Screening may be required by the Planning Commission.
 - 2717 7. All storage and waste receptacles outside of the confines of the mobile or
2718 manufactured home must be housed in a closed structure or closed container.

- 2719 8. Roadways shall be connected to an improved county road of adequate width and
2720 surface to accommodate anticipated traffic.
- 2721 9. Access shall be provided to each mobile or manufactured home stand by means
2722 of an access way preserved for maneuvering mobile or manufactured homes into
2723 position. Interior park roadways shall have a minimum width of thirty (30) feet if
2724 on-street parking is allowed and twenty (20) feet if no on-street parking is
2725 allowed and at least two paved parking spaces are provided on each space.
2726 Roadways shall otherwise be designed to meet county standards.
- 2727 10. Travel-trailers and recreational vehicles shall not be located in mobile home
2728 parks, except in storage areas.
- 2729 11. Any addition or appendage shall be comparable to and in excellence of quality,
2730 construction and workmanship as required by the building code of Duchesne
2731 County, Utah, applicable to the main structure. It is unlawful to construct any
2732 addition or appendage without first obtaining a building permit from the Building
2733 Official of Duchesne County.
- 2734 12. Utilities and Other Services. Utility lines and equipment shall be located
2735 underground and constructed in conformity with good engineering and
2736 construction practices, and shall be in compliance with all applicable laws,
2737 ordinances or codes of the state of Utah.
- 2738 13. Guarantees. No occupancy of a manufactured or mobile home within the park
2739 will be allowed until all required improvements are completed, inspected and
2740 approved. Guarantees, in the form of bonds, irrevocable letters of credit, escrow
2741 accounts or other approved means may be provided to guarantee construction of
2742 improvements other than roads and utility facilities after occupancy is allowed.
- 2743 14. Prerequisite to the operation of any mobile or manufactured home park in
2744 Duchesne County shall be the obtaining of an annual business license. Said
2745 license shall be refused or revoked upon failure of the owner and/or operator to
2746 maintain the park in accordance with the standards and requirements as herein set
2747 forth.
- 2748 15. Plans for manufactured or mobile home parks shall be provided to the Tri-County
2749 Health Department for review and approval prior to construction.
- 2750 16. In addition to meeting the above requirements and conforming to the other laws
2751 of the county, all mobile and manufactured home parks shall also conform to
2752 requirements set forth in the code of Camp, Trailer Court, Hotel, Motel, and
2753 Resort Sanitation Regulations adopted by the Utah State Board of Health, and to
2754 the fire prevention code, which codes are adopted by reference, and all
2755 restrictions, regulations, and notations contained therein shall be made a part of
2756 Titles 16 and 17, as if fully set forth herein.
- 2757 17. A site plan shall be prepared in conformance with the standards, rules, and
2758 regulations contained herein; and nine eleven (11) inch by fourteen (14) inch
2759 copies and one twenty-four (24) inch by thirty-six (36) inch copy (see Section
2760 16.16.030 of this code) thereof shall be submitted to the planning office for
2761 approval or disapproval. The site plan and accompanying information shall be
2762 submitted to the planning office at least twenty-one days prior to a regularly
2763 scheduled Planning Commission meeting in order to be considered at said
2764 meeting.

2765
2766 **Section 17.60.020 Recreational vehicle parks.**

2767 Recreational vehicle parks shall be permitted only after a determination that the following
2768 standards are met:

- 2769 A. Recreational vehicle parks shall be a minimum of five acres in size.
- 2770 B. Mobile and manufactured homes, as defined in this chapter shall not be allowed in
2771 recreational vehicle parks.
- 2772 C. No entrance from the recreational vehicle park shall create undue hazard or
2773 hardship on a residential development, and no entrance shall be located closer
2774 than one hundred fifty (150) feet from the intersection of two streets.

- 2775 D. All recreational vehicles shall be set back at least fifty (50) feet from any public
2776 right-of-way. Park boundaries are to be screened with fencing and/or vegetation
2777 at least six (6) feet in height.
- 2778 E. All interior park roadways shall be at least fifteen (15) feet in width for one-way
2779 traffic and at least twenty-four (24) feet in width for two-way traffic. All road
2780 construction is to conform to the standard road specifications of Duchesne
2781 County. Outdoor lighting shall be required along said roads.
- 2782 F. All areas within the court park not intended as roadways shall be landscaped and
2783 maintained with lawns, trees, and shrubs designed to provide privacy and noise
2784 containment. Exceptions include, but are not limited to: one required hard
2785 surface parking space per recreational vehicle space, restroom facilities,
2786 manager's office, solid waste facilities and recreational buildings.
- 2787 G. Each recreational vehicle space shall be at least thirty five (35) feet in width and
2788 at least sixty (60) feet in length. No recreational vehicle or add-on shall be located
2789 closer than fifteen (15) feet from any other travel-trailer recreational vehicle or
2790 add-on.
- 2791 H. Density shall conform to the zoning which the development is situated in. State
2792 approved common water system and state approved common sewerage system
2793 (septic or otherwise) are mandatory for a recreational vehicle park. No other
2794 density or water/sewerage systems proposals are acceptable. Clustering of
2795 recreational unit spaces is permissible. For the purposes of Titles 16 and 17, when
2796 calculating the number of units for a development for density purposes,
2797 recreational vehicles shall be calculated as eight recreational vehicles per one
2798 dwelling unit.
- 2799 I. Prerequisite to operation of any recreational vehicle park in Duchesne County
2800 shall be the obtaining of a business license. The license is issued only after
2801 inspection by the Building Official. It is unlawful to operate a travel-trailer court
2802 recreational vehicle park without first obtaining a license, and said license shall be
2803 refused or revoked upon failure of the owner and/or operator to maintain the park
2804 in accordance with the standards and requirements of Duchesne County.
- 2805 J. In addition to meeting the above requirements, all travel-trailer courts recreational
2806 vehicle parks shall conform to the requirements set forth in the code of Camp,
2807 Trailer Court, Hotel, Motel, and Resort Sanitation Requirements, as adopted by
2808 the state of Utah Board of Health. Plans for recreational vehicle parks shall be
2809 provided to the Tri-County Health Department for review and approval prior to
2810 construction.
- 2811 K. A site plan (see requirements in Section 16.16.030 of the Subdivision Ordinance)
2812 is necessary for the Planning Commission to determine that all requirements of
2813 this Code are met.

2814
2815 **Section 17.60.030 Additional regulations.**

2816 Nothing in this chapter shall be interpreted to prohibit storage of a recreational vehicle when not
2817 in use on property of the owner, so long as not utilized for housekeeping, living or sleeping
2818 purposes (an exception is allowed for bona fide guest usage not to exceed thirty (30) days).
2819 Recreational vehicles shall not be stored on property so as to obstruct the view of traffic, or to
2820 create a nuisance for adjoining property owners.

2821
2822 All recreational vehicles shall be stored at least fifteen (15) feet back from any public street in
2823 any residential zone.

2824
2825 No add-ons or additions shall be allowed in any recreational vehicle park or mobile
2826 home/manufactured home park without prior consent of the Building Official.

2827
2828 Existing trailer courts recreational vehicle parks not in compliance with Titles 16 and 17 shall
2829 constitute a nonconforming use, but shall be subject to health and sanitary requirements, as
2830 provided in this chapter.

2833 **Section 17.60.040 Classification of manufactured and mobile homes.**

2834 For the purposes of Titles 16 and 17, manufactured and mobile homes shall be limited to use as a
2835 single-family dwelling unit and be classified into the following four classes:

- 2836 A. Class A. New manufactured homes certified as meeting the National Mobile
2837 Home Construction and Safety Standards Act of 1974 (effective June 15, 1976) of
2838 the Department of Housing and Urban Development.
- 2839 B. Class B. An unaltered, undamaged, used manufactured home certified as meeting
2840 the federal standards specified above and continuing to be in a condition safe and
2841 fit for residential occupancy as determined by the Building Official.
- 2842 C. Class C. An unaltered, undamaged, used manufactured or mobile home, not
2843 certified as meeting federal prior codes, in a condition fit for residential
2844 occupancy and remodeled to meet HUD safety codes as determined by the
2845 Building Official.
- 2846 D. Class D. Manufactured or mobile homes new or used which have been damaged
2847 as a result of neglect, fire, weather, or road transporting, or altered or modified as
2848 a result of the above or at the choice of owners. Units which contain aluminum
2849 branch circuit and units which were not manufactured to meet previous minimum
2850 codes and as a result thereof are now determined to be unsafe, unsanitary or
2851 hazardous for occupancy.

2852
2853 **Section 17.60.050 Manufactured/mobile homes and travel-trailers prohibited-exceptions**

- 2854 A. It is unlawful to place any recreational vehicle on any lot or parcel of land in
2855 Duchesne County and to use the same for permanent human habitation, except when
2856 located in a recreational vehicle park.
- 2857 B. It is unlawful to place a manufactured home on any lot or parcel of land in Duchesne
2858 County, except in compliance with the following:
- 2859
- 2860 1. When temporarily located on a lot for which a building permit has been issued,
2861 and a building is being constructed, and is connected to approved water and
2862 sewer facilities, but not to exceed one year; or
 - 2863 2. When placed on a lot that complies with all of the regulations of the zone in
2864 which the manufactured home is located, provided:
 - 2865 a. Residential dwellings are a permitted use in the zone, and the manufactured
2866 home is connected to an approved water supply and domestic waste water
2867 disposal system,
 - 2868 b. The manufactured home is placed on a permanent foundation and is skirted
2869 with brick, or masonry construction,
 - 2870 c. The running gear and hitch shall be removed,
 - 2871 d. The manufactured home is entered on the tax rolls of Duchesne County as real
2872 property, as evidenced by a letter or other proof from the county assessor,
 - 2873 e. The roof shall be designed to meet the snow load requirements for the given
2874 area,
 - 2875 f. Exterior siding material shall be non-reflective and be similar to conventional
2876 house-type siding material,
 - 2877 g. Must be classified as either a Class A, B, or C manufactured home. Class D
2878 manufactured housing units are not allowed to be occupied in Duchesne
2879 County.

2880
2881 **Section 17.60.060 Permanent trailers.**

2882 If a trailer or recreational unit is placed on a lot for one year or more, and/or if the wheels are
2883 removed, or if the unit is skirted and appears to be permanent, then the unit shall be considered to
2884 be permanent and not “mobile” in any sense, and shall be taxed as such.

2885
2886 **SECTION 2. Severability.**

2887 If any court of competent jurisdiction declares any Section of this Ordinance invalid, such
2888 decision shall be deemed to apply to that Section only, and shall not affect the validity of the
2889 Ordinance as a whole or any part thereof other than the part declared invalid.

2890

2891 **SECTION 3. Effective Date.**

2892 This Ordinance shall become effective immediately upon passage.

2893

2894 DATED this 24th day of October, 2005

2895

2896

2897 ATTEST:

2898

2899

2900

2901

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2903 _____
Diane Freston
2904 County Clerk/Auditor

2905

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DUCHESNE COUNTY
BOARD OF COMMISSIONERS

Larry S. Ross, Chairman

Kent Peatross, Member

W. R. Rod Harrison, Member