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69 Section 17.36.010 Purpose

70 It is the purpose of this chapter to regulate off-street parking and loading spaces,
 71 vehicle traffic and access, in order to provide orderly and adequate development of
 72 these facilities, and, in so doing, promote the safety and welfare of the citizens of the
 73 county.

74 Section 17.36.020 Off-Street Parking Spaces required.

75 There shall be provided, at the time of the erection of any main building, or at the
 76 time any main building is enlarged, off-street parking spaces, in accordance with the
 77 design standards herein. The number of off-street parking spaces required in
 78 connection with any particular land use shall be not less than that set forth in this
 79 chapter.

80 Section 17.36.030 Permanent parking to be provided.

81 Every building, structure, improvement, or use hereafter constructed,
 82 reconstructed, or enlarged, shall be provided with permanently maintained parking
 83 spaces, as specified in this chapter, for the area of the construction, reconstruction
 84 or enlargement.

85 Section 17.36.040 Continuing obligation.

86 The required off-street parking facilities shall be a continuing obligation of the
 87 property owner, so long as the use requiring vehicle parking or vehicle loading
 88 facilities continues. It is unlawful for any owner of any building or use to
 89 discontinue or dispense with the required vehicle parking facilities without
 90 providing some other vehicle parking area that meets the requirements of this
 91 chapter.

92 Section 17.36.050 Nonconformity.

93 None of the requirements of this chapter shall apply to a building in existence
 94 before the effective date of the ordinance codified in this title. No building, as
 95 it exists at the time of said effective date, shall be deemed to be nonconforming
 96 solely by reason of the lack of off-street parking spaces, provided that any
 97 portion of the premises being used for off-street parking in connection with
 98 any such building shall not be reduced below existing parking levels or the
 99 requirements of this chapter.

100 Section 17.36.060 Parking spaces required for dwellings.

101 Off-street parking spaces shall be provided at the rate of two spaces per
 102 dwelling unit. Exception: Housing exclusively for elderly and/or handicapped
 103 shall provide one space per unit. Residential facilities for the elderly, as
 104 defined herein, shall be treated as a single-family dwelling. In addition to the
 105 above parking space requirements, one space shall be provided for each
 106 paying guest residing in a dwelling unit.

107 Section 17.36.070 Parking spaces required for other uses.

108 Except as otherwise provided in this title, the number of off-street parking
 109 spaces for various uses shall be as follows:

<u>Banks, business or professional offices:</u>	<u>1 space per 300 sq. ft. of gross floor area</u>
<u>Bowling alleys:</u>	<u>4 spaces per lane</u>
<u>Churches and accessory uses:</u>	<u>1 space per 4 seats or 8 feet of pew in the chapel or main assembly area, or</u>

	<u>if there is no fixed seating, 1 space for each 100 sq. ft. of floor area used for assembly purposes</u>
<u>Eating & Drinking Establishments:</u>	<u>1 space per 4 seats, including stools, benches, booths; or 1 space per 75 sq. ft. of floor area when the number of seats is unknown (but in no case shall there be less than 15 spaces)</u>
<u>Furniture and appliance store, hardware stores, household equipment service shops, clothing or shoe repair, or similar personal service shops:</u>	<u>1 space per 400 sq. ft. of gross floor area</u>
<u>Hospitals:</u>	<u>2 spaces per bed</u>
<u>Libraries:</u>	<u>1 space per 250 sq. ft. of gross floor space</u>
<u>Museums and similar non-assembly cultural facilities:</u>	<u>1 space per 500 sq. ft. of gross floor area</u>
<u>Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops, etc:</u>	<u>1 space per 800 sq. ft. of gross floor area</u>
<u>Medical and dental clinics or offices:</u>	<u>1 space per 200 sq. ft. of gross floor area</u>
<u>Mortuaries:</u>	<u>1 space per 50 sq. ft. of floor area of assembly rooms used for services</u>
<u>Motels:</u>	<u>1 space per motel room plus 1 space per employee</u>
<u>Motor vehicle and machinery repairs, sales or wholesaling:</u>	<u>1 space per 600 sq. ft. of gross floor area</u>
<u>Nursing home, children's home, homes for the aged:</u>	<u>1 space per 2 beds</u>
<u>Professional offices</u>	<u>1 space per 300 sq. ft. of gross floor area</u>
<u>Restaurants:</u>	<u>See Eating & Drinking Establishments</u>
<u>Retail stores, except as otherwise specified herein:</u>	<u>1 space per 225 sq. ft. of gross floor area on the ground floor, and 1 space per 350 sq. ft. of floor area on all floors above or below the ground floor</u>
<u>Rooming house, lodging houses and clubs having sleeping facilities:</u>	<u>1 space per 2 persons having sleeping rooms</u>
<u>Schools, private, vocational, etc:</u>	<u>1 space per employee and 1 space per 3 students of driving age</u>
<u>Stadiums, sports arenas, auditoriums (including school auditoriums), other places of public assembly, clubs and lodges having no sleeping quarters:</u>	<u>1 space per 6 seats and/or 1 space per 100 sq. ft. of gross floor area used for assembly and not containing fixed seats</u>

<u>Swimming pools, commercial and public:</u>	<u>1 space per 10 persons based on occupant load</u>
<u>Theaters:</u>	<u>1 space per 4 seats</u>
<u>Transportation terminals and facilities, Warehouses and wholesale storage buildings (dead storage or high volume distribution):</u>	<u>1 space per employee on the maximum shift</u>

110

111 **Section 17.36.080 Computation of parking requirements.**

112 **When measurements determining the number of required parking spaces result in a**
 113 **fractional space, any fraction up to one-half shall be disregarded, and fractions**
 114 **including one-half and over shall require one parking space.**

115 **Section 17.36.090 Parking requirements for uses not specified.**

116 **The parking requirements for land uses which are not specified in this chapter shall**
 117 **be determined by the Community Development Administrator, or Planning**
 118 **Commission on appeal. The determination shall be based upon the requirements for**
 119 **the most comparable use specified in this chapter.**

120 **Section 17.36.100 Separate lots.**

121 **If a building, structure or improvement requiring parking is located upon a**
 122 **separate lot from that upon which the required parking is provided, whether in the**
 123 **same or separate ownership, there shall be recorded in the office of the County**
 124 **Recorder a legal instrument by such owner or owners for the benefit of the county**
 125 **stating that such owner or owners will continue to maintain such parking space as**
 126 **long as the building, structure or improvement is maintained within the county.**

127 **Section 17.36.110 Location of facilities.**

128 **A. Off-street parking facilities shall be located as specified in this**
 129 **section. Where distance is specified, such distance shall be walking**
 130 **distance measured from the nearest point of the building that such**
 131 **facilities are required to serve.**

132
 133 **B. For any type of dwelling, parking facilities shall be located on the**
 134 **same lot or building site as the buildings that they are required to**
 135 **serve.**

136
 137 **C. For uses other than those specified above, parking facilities shall be**
 138 **located not over three hundred (300) feet from the building they are**
 139 **required to serve.**

140 **Section 17.36.120 Illumination.**

141 **Any lights provided to illuminate any parking area permitted by this chapter shall**
 142 **be shielded and arranged to direct light away from adjacent premises.**

143 **Section 17.36.130 Mixed occupancies in the building.**

144 **In the case of mixed uses in a building or on a lot, the total requirements for off-**
 145 **street parking spaces shall be the sum of the requirements for various uses**
 146 **computed separately. Off-street parking facilities for one use shall not be considered**
 147 **as providing required parking facilities for any other use, except as specified in**
 148 **Section 17.36.140 for joint use.**

149 **Section 17.36.140 Joint use.**

150 **The Community Development Administrator may, upon application by the owner**
 151 **or lessee of any property, authorize the joint use of parking facilities by the**
 152 **following uses or activities under conditions specified in this section. Up to fifty (50)**
 153 **percent of the parking facilities required by this chapter for a use considered to be**

154 primarily a daytime use may be provided by the parking facilities of a use
155 considered to be primarily a nighttime use, or vice-versa; provided such reciprocal
156 parking area shall be continuous, and the joint use of such facilities is assured by
157 written agreement filed in the office of the County Recorder.

158 Section 17.36.150 Common facilities.

159 Common parking facilities may be provided in lieu of the individual requirements
160 contained herein, provided the total of such off-street parking spaces, when used
161 together, shall not be less than the sum of the various uses computed separately. If
162 the common facilities are located on more than one lot, a recorded instrument for
163 the preservation of the parking facilities must be filed in accordance with the
164 provisions of Section 17.36.100.

165 Section 17.36.160 Submission of plans.

166 The plans for any proposed parking area shall be submitted to the
167 Community Development Administrator at the time of the application for a
168 building permit for the building to which the parking area is accessory. The
169 plan shall clearly indicate the proposed development, including location, size,
170 shape, design, driveways, lighting, landscaping and other features and
171 appurtenances of the proposed parking lot. Where required by the provisions
172 of the respective zone, the plans shall also be submitted and approved by the
173 Planning Commission.

174 Section 17.36.170 Parking space design and access.

- 175 A. All angled or perpendicular parking spaces shall have minimum
176 dimensions of 9 feet by 20 feet. Parallel parking spaces shall have
177 minimum dimensions of 9 feet by 26 feet. The width of each
178 parking space shall be measured at a right angle to the sidelines of
179 the parking space.
- 180
- 181 B. Handicapped parking spaces shall be designed in accordance with
182 the applicable building code.
- 183
- 184 C. Adequate automobile access to a garage, carport or parking area
185 shall be provided. Minimum width of the access drive shall be 24
186 feet for two-way traffic and 14 feet for one-way traffic. A greater
187 width of access drive may be required, as determined by the
188 Community Development Administrator, if the parking area will
189 serve large vehicles.
- 190
- 191 D. Backing space shall be provided for parking areas which are
192 composed of 5 or more spaces so that cars need not back into a
193 public road. Public sidewalks shall not be permitted to be used as
194 part of the required backing area.
- 195
- 196 E. Tandem parking (front to rear) shall not be permitted, except for
197 single-family or two-family dwellings when the front and rear
198 spaces are both designated to serve the same dwelling unit.
- 199
- 200 F. Every parcel of land hereafter used as a public parking area shall
201 be surfaced with asphalt, concrete or other durable and dustless
202 surface and shall have appropriate bumper guards or curbs where
203 needed, as determined by the Community Development
204 Administrator, to protect adjacent property owners or persons
205 using a sidewalk.
- 206
- 207 G. Parking areas shall be landscaped as approved by the Community
208 Development Administrator or Planning Commission. Where
209 irrigation water is available, traditional landscaping shall be

210 provided. On sites without irrigation water available, xeriscape
211 landscaping is required.

212 **Section 17.36.180 Off-street truck loading space.**

213 **On the same premises with every building or use involved in the receipt or**
214 **distribution by truck of materials or merchandise, there shall be provided and**
215 **maintained on the lot adequate space for loading and unloading services, in order to**
216 **avoid undue interference with public use of streets or alleys.**

217
218 **SECTION 4.** Section 17.52.051, Produced Water Disposal Facilities, is amended as follows:

- 219
- 220 1. The site must be fenced to sustain safety, and prevent access by livestock,
221 wildlife, and unauthorized personnel;
222
 - 223 2. Mandatory compliance with State of Utah Division of Oil, Gas and Mining
224 **(DOGM) General Rules, including submittal of the DOGM application and**
225 **DOGM approval to the County prior to the receipt of water;**
226
 - 227 3. Mandatory odor control;
228
 - 229 4. Must be located a minimum of ~~five thousand two hundred eighty feet~~ **two miles**
230 **from any state or federal highway, city, town, or primary residential use (as**
231 **determined by the Duchesne County tax rolls) and at least one mile from the**
232 **property line of a parcel containing a primary residential use, unless written**
233 **consent to locate closer is obtained from the owner of the property containing**
234 **the primary residential use** ~~or state route or US highway;~~
235
 - 236 5. Produced water disposal ponds shall be limited by number, on each Conditional
237 Use Permit **to the number of ponds that would be under construction within**
238 **eighteen months and completed within three years of permit approval,** and
239 cannot be enlarged or modified until the issue is re-presented to the Planning
240 Commission **for a new Conditional Use Permit** and the enlargement or
241 modification is approved.
242
 - 243 6. Mandatory bonding or other assurance shall be furnished to the county, **prior to**
244 **the receipt of water,** in the amount of \$25,000.00 ~~per acre of pond or open pit~~
245 **125% of a contractor's estimate to remove buildings and tanks, reclaim**
246 **roads and driving surfaces, remove fencing and re-vegetate the site to a**
247 **standard agreed to by the property owner and the County. The contractor's**
248 **estimate and bond amount shall be re-calculated every five years** ~~to guarantee~~
249 ~~reclamation will be accomplished.~~ This is in addition to Utah Division of Oil,
250 Gas and Mining General Rules (R649-9-9), which require bonding to treat or
251 remove waste from the site and secure the site to prevent future contamination.
252
 - 253 7. **Prior to receipt of water, the applicant must provide Duchesne County with**
254 **evidence of compliance with the Section 404 permit process administered by**
255 **the U.S. Army Corps of Engineers and the Migratory Bird Treaty Act**
256 **administered by the U.S. Fish and Wildlife Service.**
257
 - 258 8. **Notwithstanding the notification requirements of Section 17.52.030, mailed**
259 **notice of the public hearing shall be given to all property owners within two**
260 **miles of the parcel proposed for the use.**
 - 261 9. **An operator shall be on site at all times for monitoring of the site during**
262 **receiving operations. The facility shall be secured against entry when an**
263 **operator is not present.**
264
265
266

267 **SECTION 5.** Section 17.52.052, Extraction of Earth Products, is amended as follows:
268

- 269 1. Must be maintained in a near dust-free condition. **A dust control plan shall be**
270 **provided by the applicant to the county, the Tri-County Health Department and**
271 **the Utah DEQ.** Watering the site and street during times of operation is considered
272 maintaining a near dust-free condition;
273
- 274 2. A bond shall be issued in the amount of one five thousand dollars (\$5,000.00) for the
275 first acre and three thousand dollars (\$3,000.00) for each additional acre from which
276 such material is taken as a guarantee of reconditioning. This requirement may be met
277 by naming the County as an obligee on the required Division of Oil, Gas and Mining
278 bond. The number of acres must be specified on the Conditional Use Permit and
279 cannot be enlarged or modified until the issue is re-presented to the Planning
280 Commission **for a new Conditional Use Permit** and the enlargement or modification
281 is approved;
282
- 283 3. Reconditioning, **in a manner agreed to by the County, the property owner and**
284 **the applicant,** to assure the surrounding property is protected along with the beauty
285 of the landscape;
286
- 287 4. Rock crushing operations must be a minimum of one thousand three hundred twenty
288 feet from any city, town or residential use.
289

290 **SECTION 6. Severability.**

291 If any court of competent jurisdiction declares any Section of this Ordinance invalid, such
292 decision shall be deemed to apply to that Section only, and shall not affect the validity of the
293 Ordinance as a whole or any part thereof other than the part declared invalid.
294

295 **SECTION 7. Effective Date.**

296 It is hereby found and declared by Duchesne County that severe flooding has occurred in the past
297 within its jurisdiction and will certainly occur within the future; that flooding is likely to result in
298 infliction of serious personal injury or death, and is likely to result in substantial injury or
299 destruction of property within its jurisdiction; in order to effectively comply with minimum
300 standards for coverage under the National Flood Insurance Program; and in order to effectively
301 remedy the situation described herein, it is necessary that this ordinance become effective
302 immediately.
303

304 Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the
305 immediate preservation of the public peace, health and safety, shall be in full force and effect
306 from and after its passage and approval.
307

308 DATED this _____ day of _____, 2008
309

310 ATTEST:
311

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

312
313
314
315
316 _____
Diane Freston
317 County Clerk/Auditor
318

319 _____
W. R. Rod Harrison, Chairman
320

321 _____
Kent R. Peatross, Member
322

323 _____
Kirk J. Wood, Member
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325
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