

WAYNE COUNTY, UTAH

**LAND USE ORDINANCES AND
LAND USE RESOLUTIONS**

EFFECTIVE JANUARY 1, 2011

Prepared for Wayne County by:

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

**PART I
WAYNE COUNTY, UTAH
ZONING ORDINANCE**

A LAND USE ORDINANCE OF WAYNE COUNTY

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

Prepared by:

PLANNING AND DEVELOPMENT SERVICES, LLC
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CHAPTER 1

TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE

Section 101—Short Title:

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

Section 102—Authority:

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

Section 103—Declaration:

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

Section 104—Purpose:

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

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

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

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

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

Section 106—Applicability:

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

Section 107—Conflict:

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

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

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

Section 109—Effective Date:

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

Section 110—Omissions not a Waiver:

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

Section 111—Repealer and Effect:

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

CHAPTER 2 LAND USE AUTHORITIES

Section 201—Land Use Authorities:

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

Section 202—Wayne County Board of County Commissioners:

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

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

Section 203—Wayne County Planning Commission:

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

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

- f) To hear, review, and recommend approval, approval with conditions, or denial of all Conditional Use Applications and to transmit such recommendation to the BOCC.
- g) To hear, review, and recommend approval, approval with revisions, or denial of all Preliminary Subdivision (Major) Applications and all Final Subdivision (Major) Applications and to transmit such recommendation to the BOCC.
- h) To approve, approve with revisions, or deny all Permitted P-2 Use Applications.
- i) Hear and decide Applications for a Variance from the terms of this Ordinance, with a finding of an unreasonable hardship as required by the Act, and as provided by Chapter 10.
- j) Hear and decide Applications for a Determination of a Nonconforming Use, Noncomplying Structure, or other Nonconformity, as provided by Chapter 11.
- k) To act as an Appeal Authority, as provided by Chapter 13.
- l) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, provided that such bylaws, policies, and procedures are approved by the BOCC before taking effect.
- m) Advise the BOCC on all other matters as the BOCC may direct.

2) Membership: Appointment, Removal, Terms, and Vacancies.

- a) The Commission shall consist of five (5) members, and may include two (2) additional alternate members as may be deemed necessary by the BOCC.
- b) The members of the Commission shall be residents of Wayne County.
- c) The BOCC shall appoint members of the Commission.
- d) The BOCC may remove any member of the Commission, with or without cause.
- e) Members of the Commission shall serve with compensation, and the BOCC shall provide for reimbursement to Commission members for approved actual expenses incurred, upon presentation of proper receipts.
- f) Members of the Commission shall serve a term of four (4) years. Terms shall begin on January 1st of each calendar year. Member's terms are to be staggered so that not more than two (2) member's terms shall expire each year on December 31st. A Commission member shall not be automatically reappointed.

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

- c) When a matter is postponed due to lack of a quorum, the matter shall be rescheduled. The Recording Secretary shall notify all members of the Commission, and all interested parties, of the date when the rescheduled matter will be heard by the Commission.

Section 204—Wayne County Technical Review Committee:

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

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

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

Section 205—Wayne County Zoning Administrator:

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

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

Section 206—Treasurer/Recorder:

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

Section 207—Support:

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

Section 208—Meetings and Public Hearings:

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

Section 209—Exactions:

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

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

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

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

Section 211—Acquiring Property:

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

CHAPTER 3

LAND USE APPLICATIONS—DECISION MAKING STANDARDS

Section 301—Various Applications Provided:

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

Section 302—Decision Making Standards:

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

1) Legislative Proceedings.

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

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

2) Legislative Proceedings - Decision Standards.

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

- a) In rendering a decision for a legislative matter, involving a legislative proceeding, the BOCC may consider the following to promote the public health, safety, the public interest of the County and its residents:
 - i) Reports, information and testimony presented at the public hearing(s) or public meeting(s) when the legislative matter was considered; and
 - ii) The personal knowledge of BOCC members regarding the various conditions and activities bearing on the issue.
 - iii) The BOCC shall identify the basis, and any findings of fact for the decision, in the public record of the meeting when the legislative matter is decided.

3) Administrative Proceedings.

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

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

4) Administrative Proceedings - Decision Standards.

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

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

- d) A statement of approval, approval with revisions or conditions, or disapproval, as applicable.

CHAPTER 4
LAND USE APPLICATIONS – PROCEDURES

Section 401—Purpose:

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

Section 402—Application Forms:

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

Section 403—Land Use Application Procedures:

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

Section 404—Determination of Completeness of Land Use Applications:

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

Section 405—Scope of Land Use Application Approvals:

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

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

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

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

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

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

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

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

Section 409—Vesting of Zoning Rights:

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

Section 410—Procedural Irregularities:

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

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

CHAPTER 5

APPLICATIONS TO AMEND THE WAYNE COUNTY GENERAL PLAN

Section 501—Purpose:

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

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

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

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

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

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

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

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

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

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

Section 506—Appeals:

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

CHAPTER 6

APPLICATIONS TO AMEND WAYNE COUNTY LAND USE ORDINANCES

Section 601—Purpose:

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

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

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

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

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

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

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

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

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

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

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

Section 606—Appeals:

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

Section 607—Temporary Land Use Regulations:

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

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

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

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

- 5) An application shall be deemed “filed” when the application is determined complete by the Treasurer/Recorder.
- 6) When a proposed Land Use Ordinance Amendment or Official Map Amendment Application is pending, an application for any Land Use Application approval, permit, or license, as required by the Land Use Ordinances of the County, which may be affected by the proposed amendment, shall not be entitled to rely on the existing Land Use Ordinances or Official Map, which may be amended.

**CHAPTER 7
PERMITTED USE APPLICATIONS**

Section 701—Purpose:

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

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

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

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

- 1) The procedures for the review of a Permitted P-1 Use Application, and a Permitted P-1 Sign Application, are identified by Chapter 4 and Chapter 15, Administrative Manual.
- 2) The procedures for the review of a Permitted P-2 Use Application, and a Permitted P-2 Sign Application, are identified by Chapter 4 and Chapter 15, Administrative Manual.
- 3) The Zoning Administrator for Permitted P-1 Use Applications and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use Applications and Permitted P-2 Sign Applications, shall review the Application and shall determine:

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

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

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

Section 705—Decision for a Permitted Use Application:

- 1) If the Permitted Use or Sign Application complies with all the requirements of this Ordinance, the Building Codes, and all other applicable Land Use Ordinances, as adopted, the Zoning Administrator for Permitted P-1 Use or Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use or Permitted P-2 Sign Applications shall approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Ordinance. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.
- 2) If the Permitted Use or Sign Application does not comply with the requirements of this Ordinance, the Building Codes, or any other applicable Land Use Ordinance, as

adopted, the Zoning Administrator for Permitted P-1 Use or Permitted P-1 Sign Applications and the Commission for Permitted P-2 Use or Permitted P-2 Sign Applications shall not approve the Application, and no building permit shall be issued. The Treasurer/Recorder shall notify the Applicant of the decision, as required by Section 1207.

Section 706—Effect of Approval:

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

Section 707—Appeals:

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

**CHAPTER 8
CONDITIONAL USE APPLICATIONS**

Section 801—Purpose:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 807—Effect of Approval:

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

Ordinances of the County. Only when the Conditional Use or Conditional Sign Application has been approved by the BOCC, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Conditional Use or Conditional Sign Application shall not be deemed an approval of any other Land Use Application, permit, or license.

Section 808—Appeals:

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

**CHAPTER 9
RESERVED**

**CHAPTER 10
VARIANCE APPLICATIONS**

Section 1001—Purpose:

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

Section 1002—Commission the Appeals Authority for Variance Applications:

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

Section 1003—Procedures and Review Standards for Variance Applications:

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

- f) The approval of the Variance Application will not be contrary to the public interest.
- g) The approval of the Variance Application will not have the effect of nullifying in any way the intent and purpose of this Ordinance, or the County's other Land Use Ordinances.

Section 1004—Findings Required for Approval of Variance Applications:

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

Section 1005—Decision for a Variance Application:

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

Section 1006—Variance Requirements:

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

Section 1007—Use Variance Prohibited:

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

Section 1008—Effect of Approval:

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

Section 1009—Appeals:

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

CHAPTER 11

**NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER
NONCONFORMITIES**

Section 1101 – Purpose:

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

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

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

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

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

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

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

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

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

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

Section 1106—Effect of Approval:

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

Section 1107—Requirements for Nonconforming Uses:

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

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

Section 1108—Requirements for Noncomplying Structures:

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

- 1) A noncomplying structure may be continued by the present or future property owner.
- 2) The County may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed, in whole or in part, due to fire or other calamity unless the structure has been abandoned.
- 3) Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) A noncomplying structure shall terminate if:
 - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
 - b) The property owner has voluntarily demolished a majority of the noncomplying structure.

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

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

- 4) The County may terminate the nonconforming use status of a school district or charter school when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a minimum period of one (1) year.

Section 1110—Noncomplying Lots:

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

Section 1111—Noncomplying Signs:

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

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

Section 1112—Appeal:

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

CHAPTER 12
NOTICE REQUIREMENTS

Section 1201—Purpose:

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

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

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

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

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

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

Section 1204—Required Notice for other Public Hearings:

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

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

Section 1205—Courtesy Notice for Public Hearings:

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

Section 1206—Required Notice for other Public Meetings:

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

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

Section 1207—Required Applicant Notice – Waiver of Requirements:

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

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

Section 1208—Notice Challenge:

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

CHAPTER 13
APPEAL AUTHORITIES AND PROCEDURES

Section 1301—Purpose:

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

Section 1302—Appeal Authorities:

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

Section 1303—District Court:

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

Section 1304—Board of County Commissioners:

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

Section 1305—Commission

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

Section 1306—Maximum Time Allowed to File Appeal:

A person, including the Applicant for any Land Use Application required by this Ordinance and any decision-making body or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may,

within thirty (30) calendar days of the date of the decision, appeal the decision to the Appeal Authority identified by this Chapter.

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

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

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

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

Section 1309—Application Required:

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

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

Each Appeal Authority shall:

- 1) Notify each of its members of any meeting or hearing;

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

Section 1311—Due Process.

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

Section 1312—Burden of Proof.

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

Section 1313—Standard of Review for Appeals.

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

Section 1314—Final Decision.

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

Section 1315—District Court Review:

1) Required Time for Filing.

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

2) Tolling of Time.

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

3) Standards Governing Court Review.

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

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

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

5) Staying of Decision.

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

**CHAPTER 14
RESERVED**

CHAPTER 15
ESTABLISHMENT OF ZONING DISTRICTS

Section 1501—Zoning by Districts

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

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

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

Section 1502—Zoning Districts Purposes:

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

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

visitors of the County. The development standards provided for this District are intended to minimize any adverse effect of commercial uses on adjoining areas by achieving the compatible integration of land uses and preserving the aesthetic qualities of the area, while providing safe, convenient, and efficient commercial uses.

- 4) The Resort and Recreation (RR) District is provided to allow the establishment of uses that will enhance the economic well-being of the County and provide opportunities for tourism and visitor activities, recreation, and employment. The RR District is intended to provide destination amenities and activities for visitors including active and passive recreational pursuits which may include on-site and off-site activities, overnight lodging, equipment rentals, entertainment and other conveniences for visitors and necessary to support tourism activities and opportunities.
- 5) The Industrial District (I) provides suitable areas to accommodate the needs of the County for a variety of industrial uses including manufacturing, warehousing, and associated accessory uses. The Industrial District (I) allows appropriate industrial uses to strengthen the employment base and economic diversity of the County.
- 6) The Special Purpose (SP) District is provided to allow the establishment of uses that will enhance the economic well-being of the County and provide opportunities for employment but which may create use incompatibilities if such uses were allowed within the other Districts provided by the County.

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

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

1	2	3	4	5	6
PARCEL NUMBER	OWNER	ACRES	EXISTING USE	EXISTING ZONE	RECOMMENDED ZONE
01-0070-0530	Municipal Building Authority	36.34	Wayne County Community Center	PF	RA
01-0039-0224	Leavitt Land & Investment Inc.	145.50	Approximately 10 acres Commercials – Aspen Ranch.	PF	RA
02-0026-0820	Teasdale Special Service District	6.23	Town Park	PF	RA
02-0044-00892	Bagley, Gary W.	38.61	B & B, with Recreational Facilities.	BCI	RR
02-0044-0886	Reed, Eldon W. & Erika Trustee	18.49	B & B	BCI	RR
02-0044-0875	Reed, Eldon W. & Erika Trustee	1.00	B & B	BCI	RR
02-0080-0978	Roderick, Chad and Roma	1.76	B & B	BCI	RR
02-0029-0814	Osborn, Lucy M Trustee	4.59	Apartment and Horse Barn	BCI	BC
02-0018-0689	Alexus XI LLC	118.46	12 Acres Lodge, B & B,	BCI	RR
02-0074-0982	Boulder Mountain Inn LLC	1.56	Cabins	BCI	BC
02-0074-0983	Velvet Ridge LLC	6.00	Cabins	BCI	BC
02-0074-0979	Briggs, Graydon J	11.93	Cabins	BCI	BC

Wayne County Zoning Ordinance – A Land Use Ordinance
Effective January 1, 2011

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

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

Section 1601—Purpose:

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

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

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

Section 1603—Public Uses to Conform to General Plan:

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

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

Section 1604—Effect of Official Maps:

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

Section 1605—Allowed Minimum Use of Legal Lots:

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

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

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

Section 1607—Allowed Uses:

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

Section 1608—Prohibited Uses:

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

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

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

Section 1610—Applications Required:

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

Section 1611—All Buildings Taxed as Real Property:

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

Section 1612—Payment of Taxes and Charges Required:

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

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

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

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

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

Section 1615—Subdivision and Sale of Property:

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

Section 1616—Minimum Lot Frontage Required:

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

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

Section 1617—Minimum Buildable Area:

Every lot or parcel created after the effective date of this Ordinance shall have a minimum buildable area sufficient to establish a building or structure thereon that meets the minimum standards of the Zoning District in which the lot or parcel is

located. Buildable areas shall be required to be identified on all subdivision plats and plans for the purposes of ensuring that a buildable lot or parcel is provided. Any area located within an easement may not be included within any minimum buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the County Attorney.

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

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

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

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

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

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

Section 1621—Required Yard Areas for One Building Only:

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

Section 1622—Required Yards to be Unobstructed—Exceptions:

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

Section 1623—Effect of Official Streets Map:

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

Section 1624—Clear View Area Requirements:

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

Section 1625—Maximum and Minimum Height of All Buildings:

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

Section 1626—Exceptions to Maximum Height Limitations:

The requirement for maximum building height shall not apply to:

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

Section 1627—Additional Height Allowed for Public Buildings:

For the following buildings a building height greater than the maximum building height, required by the Zoning District in which the building is located may be allowed, provided the building is set back from required setback lines a distance of one (1) foot for each additional foot of building height above the maximum height allowed in the Zoning District.

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

Section 1628—Adequate Public Facilities Requirements:

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

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

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

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

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

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

Section 1631—Guarantee of Installation of Improvements:

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

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

Section 1632—Certificate of Occupancy Required:

- 1) Unless exempted by the Building Code(s), as adopted, no building or structure shall be occupied, or used, until a Certificate of Occupancy has been issued by the Building Official.

- 2) It is unlawful to occupy or use a building or structure until a Certificate of Occupancy has been issued for such building or structure.
- 3) Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and the Building Code(s), as adopted.
- 4) The occupancy or use of any building or structure for which a Certificate of Occupancy has not been issued is declared to be a public nuisance and may be cited and abated as such.

Section 1633—Business License Required – Continuing Obligations:

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

Section 1634—Lot and Setback Requirements for Primary Buildings:

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

Section 1635—Off-Street Parking Requirements:

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

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

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

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

Section 1637—Required Property Maintenance:

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

Section 1638—Noxious Weeds:

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

CHAPTER 17

**SUPPLEMENTARY DEVELOPMENT STANDARDS APPLICABLE TO
CERTAIN PROPERTY AND LAND USES**

Section 1701—Purpose:

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

Section 1702—Home Occupations:

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

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

Section 1703—Child Care:

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

Section 1704—Manufactured Homes:

As required by the Act, and for the purposes of this Section, a manufactured home is the same as defined in Section 58-56-3, UCA, except that the manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All associated accessory buildings and structures shall be built in compliance with the applicable building code.

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

Section 1705—Church:

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

Section 1706—Accessory Buildings and Accessory Uses:

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

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

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

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

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

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

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

- 8) The Land Use Application approval for an Accessory Dwelling Unit for an Owner or Employee shall be received before a Building Permit is issued.
- 9) As a condition of approval required to establish an Accessory Dwelling Unit for an Owner or Employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the County, running in favor of the County, which shall prohibit the rental, lease or sale of the Accessory Dwelling Unit for an Owner or Employee separately from the rental, lease, or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the Zoning Administrator prior to the issuance of the Certificate of Occupancy for the Accessory Dwelling Unit for an Owner or Employee.

Section 1710—Fences and Walls:

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

Section 1711—Swimming Pools:

- 1) All swimming pools more than twenty-four (24) inches deep, shall be surrounded by a safety fence.
- 2) The safety fence shall be no less than four feet six inches (4'6") high for pools situated on property used for a dwelling.
- 3) Gates shall be self-closing, self-latching.
- 4) Outdoor jacuzzi tubs, or other similar small pools, may be protected by a solid locking cover in lieu of a fence.
- 5) Access to indoor pools shall be restricted by the surrounding structure in a manner that is at least as secure as provided for outdoor pools, as provided by this Section.

Section 1712—Bed and Breakfast Inn:

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

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

Section 1713—Residential Facilities for Elderly Persons:

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

- 1) No Residential Facility for Elderly Persons shall be established unless:
 - a) It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, and as applicable to similar structures in the Zoning District in which the Residential Facility for Elderly Persons is proposed.
 - b) The Residential Facility for Elderly Persons proposes no fundamental change in the character of the neighborhood.
- 2) No Residential Facility for Elderly Persons shall be approved that would allow more than six (6) occupants.
- 3) The Land Use Authority in reviewing an application to establish a Residential Facility for Elderly Persons, may to the extent necessary, modify the requirements of this Section, if such modification is determined necessary to make a reasonable accommodation for persons residing in such facilities equal opportunity in the use and enjoyment of the facility.

Section 1714—Residential Facilities for Persons with a Disability:

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

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

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

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

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

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

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

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

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

- 6) Reasonable Accommodations.

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

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

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

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

Section 1716—Wireless Telecommunications Site/Facility:

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

- 1) Scope. The requirements of this Section shall apply to all wireless telecommunication facilities proposed to be located on any private or public lands, including State and Federal Lands, such as “cellular” or “PCS” (Personal Communications System) communications and paging systems. This Section shall not apply to radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R Part 97.
- 2) Facility Types. The following types of wireless telecommunication facilities shall be governed by this Section:
 - a) Stealth Design Antennas.
 - b) Roof – Mounted Antennas.
 - c) Wall – Mounted antennas.
 - d) Monopoles – monopoles with antennas and antenna support.
- 3) Prohibited Facility Types. Unless a facility is a wireless telecommunication facility identified by (2) above, all other types of facilities are determined to be prohibited facilities within the County, including the following facilities:
 - a) Lattice Tower. A lattice tower unless otherwise required by to comply applicable State or Federal law.

- b) All other types of wireless telecommunication facilities unless otherwise required to comply with State or Federal law.
- 4) Other Laws. The requirements of this Section shall not be construed to prohibit or limit other applicable provisions of this Ordinance or other laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
- 5) Existing Facility Plan Required. When a carrier applies for an approval under this Section, the carrier shall submit a plan showing by location and type of the carrier’s existing and planned facilities within the County.
- 6) Screening. Any associated mechanical or electrical equipment shall be screened with a decorative screening fence, and/or landscaping.
- 7) Location. The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
- 8) Compliance Required. The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
- 9) Permits Required. At the time of Application to establish a Wireless Telecommunications Site/Facility, or within forty-five (45) calendar days following approval, the owner or provider shall provide to the County Clerk evidence that the Site/Facility is licensed by the Federal and/or State agencies, as required. The Land Use Authority shall condition any approval on the presentation of evidence that the Site/Facility is licensed as required by this Section. Failure to provide such evidence shall be grounds for the County to invalidate any existing or pending approval. Copies of required permits from Federal and State agencies establishing compliance with applicable Federal or State regulations shall be filed with the County Clerk as apart of a Land Use Application required to authorize the proposed facility.
- 10) Stealth Design Antennas. The following provisions shall apply to all stealth-design antennas. The intent of this Section is to allow creativity in designing a proposed facility so that it will have limited visual impact.
 - a) Stealth designs may include, but are not limited to, the use of one (1) or more of the following:
 - i) Screening, structure, and/or antenna design which blend with the architecture of the existing structure upon which the antenna will be mounted.
 - ii) Screening, structure, antenna and/or location design which blend with and/or take advantage of existing vegetation and/or features of a site; and

- iii) Color schemes that make the antenna less noticeable.
 - b) All Stealth Design Antennas shall comply with all other Sections, as applicable, including screening and location requirements. Any associated mechanical or electrical equipment shall be screened from view, from public rights-of-way, on-site parking areas and adjacent properties, with a decorative screening fence, and/or landscaping.
 - c) The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
 - d) The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including regulations of the Federal Communications Commission and the Federal Aviation Administration.
 - e) Copies of required permits from Federal and State agencies establishing compliance with applicable Federal and State regulations shall be maintained on file with the County Clerk.
- 11) Roof-Mounted Antennas. The following provisions shall apply to roof-mounted antennas.
- a) Roof-mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section.
 - b) The maximum height of any roof-mounted antenna shall comply with the maximum building height allowed in the Zoning District in which the roof-mounted antenna is located.
 - c) The maximum number of roof-mounted antennas shall be one (1) roof-mounted antenna per building or structure.
- 12) Wall-Mounted Antennas. Wall-Mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section. The following provisions may apply to flush- and non-flush mounted wall antennas.
- a) Wall-mounted antennas shall not:
 - i) Extend above the maximum building height allowed in the Zoning District in which the wall-mounted antenna is located.
 - ii) Extend more than one (1) foot horizontally from the wall surface.

- b) Wall-mounted antennas, equipment, and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.
 - c) The maximum number of wall-mounted antennas shall be one (1) wall-mounted antenna per building or structure.
 - d) All wall-mounted antennas shall be approved stealth-design antennas as set forth in this Section.
- 13) Monopoles and Antenna Support Structures. Monopoles with antennas support structures shall only be allowed if determined to be a stealth design, as set forth in this Section. The following provisions shall apply to monopoles and antenna support structures.
- a) The maximum height of any monopole, including antennas and antenna support structures, shall be forty (40) feet, measured from the natural grade at the base of the monopole to the highest point of the pole, antennas, or support structures.
 - b) The location of a monopole, and its associated equipment and facilities, shall be as follows:
 - c) All accessory equipment not located within an accessory building shall be screened with a decorative screening fence, and/or landscaping.
 - d) A monopole, and associated equipment and facilities, shall be a stealth design, as provided by this Section. The Land Use Authority shall have the authority and responsibility to determine whether a proposed monopole and its associated accessory equipment and facilities will have limited visual impact.
 - e) A monopole, and its associated equipment and facilities, shall comply with the minimum yard setback requirements of the Zoning District in which it is located.
 - f) All communication and power lines to or between any accessory building, accessory equipment, and antenna structures, shall be located underground.
- 14) Alternative Locations. In considering applications to locate wireless telecommunications facilities, the Land Use Authority shall consider whether the location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, athletic field lights, parking lot lights, etc., is possible without significantly affecting antenna transmission or reception.
- 15) Non-Maintained and Abandoned Facilities—Letter Agreement. Prior to approval of an application for a wireless telecommunication facility, the Applicant shall provide the Land Use Authority a letter agreeing to the requirements of this Section. The letter agreement shall State that if technology renders the facility obsolete, the

facility is not maintained, the facility is abandoned, or the facility is vacated, the carrier will provide the County Clerk with a copy of a "Notice to Abandon" to be filed with the Federal Communications Commission and will remove the facility.

16) If the Zoning Administrator determines that a facility is not maintained, is abandoned, or is vacated, the Zoning Administrator shall send the owner a Notice of Non-Maintenance or Abandonment by certified mail. If a facility subject to the notice has not been repaired, put into use, or removed within thirty (30) calendar days of receipt of the notice, the Zoning Administrator shall send the owner a certified Notice to Remove, which shall give the owner thirty (30) calendar days from the receipt of the notice to remove the facility. In the event a facility is not removed as required, the County may undertake legal proceedings to enforce removal as set forth in this Section, or other applicable Ordinances of the County.

Section 1717—Amateur Radio Antennas:

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

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

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

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

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

Section 1719—Sexually Oriented Business:

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

- 1) No sexually oriented business shall be located less than one thousand (1,000) feet of:

- a) A building which is used primarily for religious worship and related religious activities.
 - b) A public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - c) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the County.
 - d) An entertainment business which is oriented primarily towards children or family entertainment.
 - e) Any private club or tavern; or
 - f) The property line of a lot devoted to a residential use.
- 2) For the purpose of this Section, measurements shall be made in a straight line, without regard to the intervening structures or objects from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in this Section. Presence of a City, County, or other political subdivision boundary shall not be considered for purposes of calculating and applying the distance requirements of this Section.
- 3) For the purpose of this Section, the distance between any two (2) sexually oriented businesses shall not be less than one-thousand (1,000) feet, measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- 4) Signs for sexually oriented businesses shall be limited as follows:
- a) No more than one (1) exterior wall sign or awning sign shall be allowed.
 - b) No sign shall be allowed to exceed eighteen (18) square feet.
 - c) No animation shall be permitted on, or around any sign, or on the exterior walls or roof of such premises.

- d) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
 - e) Painted wall advertising shall not be allowed.
- 5) Other than the signs specifically allowed by this Section, sexually oriented businesses shall not attach, construct, or allow to be attached or constructed, any temporary signs, banner, light, or other device designed to draw attention to the business location.

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

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

- 1) Location. A Wind Energy System (Commercial/Industrial) may be authorized as provided by Appendix A, Table of Uses.
- 2) All Wind Energy Systems (Commercial/Industrial) shall be set back from the nearest property line and public road right-of-way as approved by the Land Use Authority, as applicable.
- 3) All Wind Energy Systems (Commercial/Industrial) shall be located so as to avoid creating any negative impacts or nuisance to any adjoining use or property, as evidenced by data, information, materials, and studies provided by the Applicant, and accepted and approved by the Land Use Authority.
- 4) Minimum Parcel Size. No Wind Energy System (Commercial/Industrial) shall be established on any parcel less than twenty (20) acres.
- 5) Maximum Height. The total height of a Wind Energy System (Commercial/Industrial) shall be as approved by the Land Use Authority, as applicable.
- 6) Design Standards. A Wind Energy System (Commercial/Industrial) shall demonstrate that any structures, location and siting will not result in shadow flicker, noise, or ice throw on an adjacent property or structure, including a finding that the Wind Energy System (Commercial/Industrial) can be approved complying with all requirements of this Section. In addition, the Land Use Authority shall consider the following when considering a Land Use Application for a Wind Energy System (Commercial/Industrial);
 - a) Avian Impacts.

- b) Visual Impacts, appearance and View Sheds.
 - c) Wildlife Habitat Areas and Migration Patterns.
 - d) Decommissioning, Reclamation and Abandonment Plans.
 - e) Lighting and Federal Aviation Administration (FAA) height restrictions.
 - f) Fencing and Security.
 - g) Noise Impacts.
 - h) Shadow Flicker and Strobe Effects.
 - i) Telecommunications Interference.
 - j) Other Issues and Impacts, as applicable.
- 7) Safety and Access.
- a) No tower shall have any climbing apparatus within fifteen (15) feet of the ground. All access doors or access ways to towers and electrical equipment shall be locked at all times.
 - b) Appropriate warning signage shall be placed on towers, electrical equipment and wind energy system entrances.
- 8) Noise. No Wind Energy System (Commercial/Industrial) shall exceed sixty decibels (60 dBA) as measured at the property line or fifty decibels (50 dBA) measured at the nearest dwelling.
- 9) Visual Appearance.
- a) Wind Energy System (Commercial/Industrial) shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
 - b) No Wind Energy System (Commercial/Industrial) shall be lighted unless required by the Federal Aviation Administration (FAA).
 - c) No advertising signs of any kind shall be permitted on any Wind Energy System (Commercial/Industrial).
 - d) Appropriate screening and landscaping shall be provided to screen all accessory structures from roads and adjacent dwellings and public buildings.

- 10) Electrical Connections. All electrical connections and distribution lines shall comply with all Building Codes and public utility requirements, as applicable.
- 11) Communications Signal Interference. All efforts shall be made to site Wind Energy System (Commercial/Industrial) to reduce the potential for blocking or reflecting television and other communication signals. No Wind Energy System (Commercial/Industrial) shall cause permanent and material interference with television or other communication signals.
- 12) Over-speed Controls. All Wind Energy System (Commercial/Industrial) shall be equipped with both manual and automatic over-speed controls.
- 13) Fire Protection. All Wind Energy System (Commercial/Industrial) shall have a defensible space for fire protection in accordance with the Wayne County Wildland-Urban Interface Code.
- 14) Land Use Application. All Land Use Applications to establish a Wind Energy System (Commercial/Industrial) shall, in addition to the Conditional Use Application materials required herein, provide the following information;
 - a) Elevations of the proposed site to scale showing the height, design and configuration of the Wind Energy System (Commercial/Industrial) and distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
 - b) Engineering drawings of the proposed Wind Energy System (Commercial/Industrial) identifying;
 - i) Tower design, including its weight-bearing capacity.
 - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
 - iii) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Commercial/Industrial) including the name and address of the manufacturer and model.
 - iv) Emergency and normal shutdown procedures.
 - v) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.

Section 1721—Wind Energy Systems (Residential):

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

- 1) Location. A Wind Energy System (Residential) may be authorized as provided by Appendix A, Table of Uses.
- 2) All Wind Energy Systems (Residential) shall be set back from the nearest property line, public road right-of-way, communication and electrical line not less than 1.5 times its total height.
- 3) No Wind Energy System (Residential) shall be established on any parcel or lot less than two (2) acres in size.
- 4) All Wind Energy Systems (Residential) shall be located so as to avoid creating any negative impacts or nuisance to any adjoining use or property, as evidenced by data, information, materials, and studies provided by the Applicant, and accepted and approved by the Land Use Authority.
- 5) Height. For parcels and lots of two (2) acres but less than five (5) acres, the total height shall not exceed seventy (70) feet. For properties of five (5) acres but less than twenty (20) acres, the total height shall not exceed one-hundred (100) feet. For properties of twenty (20) acres or larger, the total height shall not exceed one-hundred twenty (120) feet.
- 6) Design Standards. A Wind Energy System (Residential) shall demonstrate that any structures, location and siting will not result in shadow flicker, noise, or ice throw on an adjacent property or structure, including a finding that the Wind Energy System (Residential) can be approved complying with all requirements of this Section. In addition, the Land Use Authority shall consider the following when considering a Land Use Application for a Wind Energy System (Residential):
 - a) Monopole or Freestanding Design. All Wind Energy Systems (Residential) shall be of a monopole or freestanding design without guy wires.
 - b) Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be thirty (30) feet above natural or finished grade and thirty (30) feet above any structure or obstacle within 100 feet of the tower.
- 7) Safety and Access.

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

- b) Engineering drawings of the proposed Wind Energy System (Residential) identifying:
 - i) Tower design, including its weight-bearing capacity.
 - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
 - iii) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Residential) including the name and address of the manufacturer and model.
 - iv) Emergency and normal shutdown procedures.
 - v) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
 - vi) Evidence that the electrical service provider has been notified of the intent to install an interconnected electricity generator, unless the system will not be connected to the electricity grid.

CHAPTER 18
OFF-STREET PARKING AND LOADING STANDARDS

Section 1801—Purpose:

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

Section 1802—General Provisions:

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

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

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

dimension of all parallel off-street parking spaces shall be nine (9) feet wide by twenty-five (25) feet long.

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

Section 1804—Access Requirements:

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

Section 1805—Location of Required Off-Street Parking:

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

Section 1806—Maintenance of Parking Spaces and Areas:

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

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

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

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

- 1) Fractional Amount. In calculating the total number of required off-street parking spaces, fractional amounts shall be rounded to the nearest whole number.

2) Unspecified Uses. The Land Use Authority, based on the requirements for similar uses, shall determine the off-street parking requirements for any use not specifically listed. in Table 18-1, but identified as an allowed use in the Tables of Uses.

Table 18-1
MINIMUM OFF-STREET PARKING REQUIREMENTS

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

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

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

USE	MINIMUM OFF-STREET PARKING STANDARD
Hospital	One (1) parking space for each patient bed.
Guest Ranch Hotel Motel Resort	One (1) space for each sleeping unit plus one (1) space for each employee on the night shift.
Liquor Store (State Owned)	One (1) space for each three hundred (300) square feet of gross floor area.
Asphalt Batch Plant Concrete Batch Plant Distribution Center Forestry/Forest Practice Industrial/Manufacturing Activity (General) Industrial/Manufacturing Activity (Light) Landfill Meat or Poultry Processing Facility Mining (Subsurface) Mining (Surface) Recycling Processing Facility Salvage Yard Saw Mill	One (1) space for each employee on the regular shift, plus one (1) space for each vehicle used in association with the use.
Mortuary, Funeral Home	One (1) parking space for each four (4) fixed seats in the assembly area, plus one (1) for each funeral vehicle.
Nursing Home (Convalescent Care) Facility	One (1) parking space for each two (2) patient beds.
Recycling Collection Center	Two (2) spaces for each collection bin/area.
Residential Facility for Elderly Persons Residential Facility for Persons with a Disability Residential Facilities for Persons with a Disability that are Substance Abuse Facilities and are Located within Five Hundred (500) Feet of a School	Two (2) spaces plus one (1) for each two (2) employees during regular hours.
Restaurant	One (1) space for each four (4) seats or one (1) space for each one hundred (100) square feet of gross floor area, whichever is less.

Section 1808—Disabled Persons Parking:

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

Section 1809—Reduction of Off-Street Parking Requirements:

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

Section 1810—Off-Street Loading Requirements:

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

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

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

Section 1811—Location of Loading Spaces:

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

Section 1812—Size of Loading Spaces:

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

**CHAPTER 19
SIGN STANDARDS**

Section 1901—Purpose:

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

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

Section 1902—General Provisions:

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

- 6) No sign shall be permitted to be located in any clear view area, and no sign shall be permitted that creates any traffic hazard. (See Section 1624).

Section 1903—Building Permit Required:

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

Section 1904—Standards of Construction:

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

Section 1905—Required Maintenance for all Signs:

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

Section 1906—Valid Business License Required:

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

Section 1907—Enforcement:

Any sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or be a Land Use Ordinance

or Building Code violation shall be remedied and corrected upon notice by the Zoning Administrator, or Building Official. Any sign not remedied or corrected within thirty (30) calendar days written notice by the Zoning Administrator or Building Official shall be subject to removal by the County, or other remedies that may be available to the County under the law.

Section 1908—Type of Sign Application Required:

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

Section 1909—Land Use Authorities for Sign Applications:

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

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

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

Section 1911—Allowed Signs:

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

Section 1912—Sign Lighting Requirements:

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

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

Section 1913—Exempt Signs:

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

Section 1914—Prohibited Signs:

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

- 1) All off-premise signs designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located, including all billboards.
- 2) Signs on any County owned property, except for signs maintained by the County.
- 3) All signs erected, moved, reconstructed, enlarged, or structurally altered without receiving the necessary Sign Application approval.
- 4) Signs placed on private property without the approval of the owner.
- 5) Flashing signs or lights that contain intermittent, pulsating, or flashing light sources.
- 6) Any text or shape that obstructs the view of motor vehicle operators, bicyclists and pedestrians entering a public roadway from any parking area, driveway, alley or other thoroughfare.
- 7) All signs that obstruct free ingress to or egress from required door, window, fire escape or other required exit.
- 8) Signs attached to any fences, utility poles, trees, shrubs, rocks or other natural objects, unless specifically included in the design, unless specifically provided for by law.
- 9) All signs constituting a hazard to public health, welfare, or safety.
- 10) All roof-mounted signs.
- 11) All signs painted on or attached to vehicles that are parked on the public right-of-way or on private premises for the purpose of advertising.
- 12) All signs providing a lighting source that is exposed or directly visible from any public right-of-way or adjacent property.

13) Any sign, statement, symbol or picture of an obscene nature.

Section 1915—Noncomplying Signs:

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

Section 1916—Unused and Abandoned Signs:

A sign shall be considered unused or abandoned and shall be removed after the use, activity, product, business, or service, which it advertised, has ceased or has vacated the building, structure, lot or parcel for a period not less than one (1) calendar year. All unused or abandoned signs shall be removed by the property owner, upon written notice by the Zoning Administrator or other County Staff, and shall be subject to removal by the County, if not removed by the property owner within thirty (30) calendar days of notice by the Zoning Administrator, or other County Staff, or other remedies that may be available to the County.

**Table 19-1
 ALLOWED SIGNS**

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

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

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

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

Notes:

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

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

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

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

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

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

**Table 19-4
 MAXIMUM ALLOWED SIZE OF WALL SIGNS**

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

**Table 19-5
 EXEMPT SIGNS**

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

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

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

SIGN TYPE	SIGN REQUIREMENT
	owner. 7) The Land Use Authority shall approve identification signs, including their size and location, at the time of Land Use Application approval.
Site and Building Features	Pieces of art, monuments, statuary, sculpture, water features, fountains, and other similar features, not containing any corporate advertising, logo, insignia, or other symbol, and used to identify or distinguish a site or building.
Street Address Numbers	Street address numbers no higher than twelve (12) inches.
Time and Date Signs	Electronic message signs that change copy electronically identifying the “time, date, and temperature” only provided no electronic message sign shall exceed forty percent (40%) of the maximum sign face area.
Vehicle Signs	Signs displayed on motor vehicles or trailers being operated in the normal course of business, such signs indicating the name of the owner or business if the primary purpose of such vehicles is not for the display of signs.
Warning Signs	Temporary or permanent signs erected by a government agency, utility companies, or construction company to warn of danger, or hazardous conditions.
Window Signs	A sign affixed or attached to a window and visible from outside of the building. All window signs shall be no larger than the window with which the sign is associated. No window sign shall project beyond the exterior surface of the window. All window sign lighting sources shall be fully shielded and no lighting source shall be exposed or visible from any road, street, or adjacent property. No window sign shall be allowed in any residential zone.

**CHAPTER 20
RESERVED**

**CHAPTER 21
ENFORCEMENT**

Section 2101—Purpose:

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

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

Section 2102—Violations and Building Permits:

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

Section 2103—Types of Violations:

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

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

Section 2104—Continuing Violation:

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

Section 2105—Legal Nonconformity an Affirmative Defense:

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

Section 2106—Revocation of Land Use Application Approvals:

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

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

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

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

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

Section 2108—Stop Work:

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

Section 2109—Penalties for Violations:

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

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

Section 2110—Civil Penalties:

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

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

Section 2111—Appeal:

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

CHAPTER 22 CONSTITUTIONAL TAKINGS

Section 2201—Purpose:

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

Section 2202—Guidelines Advisory:

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

Section 2203—Review of Takings Application Required:

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

Section 2204—Results of Review:

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

APPENDIX A

TABLE OF USES, USE DEFINITIONS, AND DEVELOPMENT STANDARDS

Appendix A—Table of Uses:

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

Appendix B—Tables of Development Standards:

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

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

Appendix A TABLE OF USES

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

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
clearly subordinate to the existing primary building located on the same lot as the primary building and connected to the same utilities and utility meters as the primary building and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.						
Accessory Use. A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances, as applicable.	P-1	P-1	P-1	P-1	P-1	P-1
Accessory Agricultural Sales. The retail or wholesale sale of agricultural or horticultural products	C	C	C	C	C	X

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

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
of meat and poultry. See Meat or Poultry Processing Facility.						
Agricultural Use. An area of five (5) contiguous acres, or more, which is used for the production, keeping, or maintenance for sale of plants and domestic animals typically found in central Utah, but excluding the keeping of exotic or prohibited plants or animals, Agriculture excludes Commercial Plant Nursery, as defined herein, and Concentrated Animal Feeding Operation, as defined by the Utah Code Annotated, 1953, as amended, and similar activities.	P-1	P-1	P-1	P-1	P-1	X
Airport/Heliport. Areas used for the landing and take-off of both fixed wing aircraft and helicopters and buildings or other facilities,	X	X	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and which may be designed or used by both public carriers or private aircraft.						
Animal Control Facility. A public or publicly licensed facility to temporarily detain and/or dispose of stray dogs, cats and other animals.	X	X	X	X	C	C
Asphalt Batch Plant. A facility where asphaltic materials are manufactured and including accessory asphalt materials storage and equipment.	X	X	X	X	C	C
Bank, Credit Union, or other Financial Institution. A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money.	X	X	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Barn, Corral, Stable, Coop, or Pen. A structure or fenced area, and its associated buildings and structures, for the shelter, feeding, housing, or confinement of domestic animals, as defined herein.</p>	P-1	P-1	P-1	P-1	P-1	X
<p>Bed & Breakfast Inn. An owner-occupied dwelling located on a legal lot and offering transient lodging accommodations where meals may be provided. A Bed and Breakfast may have up to seven (7) guest rooms. A Bed & Breakfast Inn shall meet all applicable requirements of the Building Codes, Health Codes, and Land Use Ordinances, as adopted, and must be located so as to be served by adequate existing public services.</p>	C	C	P-2	P-2	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Beer and Liquor License(s). All licensees authorized to sell beer and liquor and/or consume beer and liquor on- or off the premises shall comply with all requirements of the Utah Alcoholic Beverage Control Act, as amended, for type of Beer and Liquor License, as applicable, and be conducted in compliance with all requirements for the issuance of such license</p>	X	X	C	C	X	X
<p>Campground. An area of land upon which two (2) or more sites are established and maintained for occupancy by a tent or recreational vehicle for a limited period not to exceed ninety (90) calendar days.</p>	C	X	C	P-2	X	X
<p>Car Wash. A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor</p>	X	X	C	X	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.						
Cemetery. A place designated for the burial or keeping of human remains, including crematories and mausoleums.	C	C	C	X	C	X
Child Care – Home Day Care. The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit for more than five (5) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of	P-1	P-1	P-1	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>time the childcare is provided. Of the allowed eight (8) children, only two (2) may be under age two (2). Home Day Care may use the entire residential living area and additionally may use yard space for play purposes. This use is required to comply with all business licensing requirements of the County.</p>						
<p>Child Care – Hourly. A facility that provides child care in a place other than the owner’s residence for five (5) or more children for less than twenty four (24) hours a day, but not on a regular schedule; and receiving direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all</p>	X	X	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
business-licensing requirements of the County, as applicable. Child Care – Hourly also includes Child Preschool providing instruction for five (5) or more children for less than twenty four (24) hours a day.						
<p>Child Care – Facility. A facility that provides child care in a place other than the owner’s residence for five (5) or more children for less than twenty four (24) hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the Fire Authority, as applicable, and this use shall comply with all business-licensing requirements of the County, as applicable. Child Care –</p>	X	X	C	X	X	X

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

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

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

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

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

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>Construction and Contractor’s Sales and Services. An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores.</p>	X	X	C	X	P-2	X
<p>Convenience Store. A retail establishment selling consumer products including prepackaged food, drink, and household items. A convenience store may also provide retail sales of gasoline and other petroleum products.</p>	X	X	C	C	C	X

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
complying with all requirements of the “Condominium Ownership Act,” Section 57-8-1 Utah Code Annotated, 1953, as amended. Must meet all density and development requirements and standards of the applicable Zone.						
Dwelling, Manufactured Home. A transportable factory built dwelling unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which: (1) In the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet; (2) Is built on a permanent chassis and designed to be used as a dwelling with or without a	P-2	P-2	P-2	P-1	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
permanent foundation when connected to the required utilities; (3) Includes plumbing, heating, air-conditioning, and electrical systems; and (4) Is identified by the manufacturer’s data plate bearing the date the unit was manufactured and a United States Department of Housing and Urban Development (HUD) label attached to the exterior of the home certifying the home was manufactured to HUD standards.						
Dwelling, Mobile Home (Existing): A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) and established in the County prior to the effective	P-1	P-1	P-1	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
date of this Ordinance.						
Dwelling, Multiple-Family. A building containing five (5) or more dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	C	X	X
Dwelling, Single-Family. A building containing one (1) dwelling unit, the unit designed to be occupied by one (1) family.	P-1	P-1	P-1	P-1	X	X
Dwelling, Two-Family (Duplex). A building containing two (2) dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	X	X	X
Dwelling, Three-Family. A building containing three (3) dwelling units, each unit designed to be occupied by one (1) family.	X	C	C	X	X	X
Dwelling, Four-Family (4-plex). A building containing four (4) dwelling	X	C	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
units, each unit designed to be occupied by one (1) family.						
Earth Station. A communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.	X	X	X	X	C	C
Educational Facility. Public schools, including charter schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational activities that offer a curriculum similar to a public school, college, or university for technical or vocational training, kindergarten, elementary, secondary or higher education.	C	C	C	X	C	X
Electric Substation. An	X	C	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity in amounts of 140,000 volts, or more.						
Electric Transmission Line (Major). A series of structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transit electric energy in voltages of 140,000 volts or more.	C	X	X	X	C	C
Electric Transmission Line (Minor). A series of structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transit electric energy in	P-2	P-2	P-2	P-2	P-2	P-2

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
voltages of less than 140,000 volts.						
Emergency Care Facility. A health care facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.	X	X	P-2	X	X	X
Exotic Animals and Poultry. Any potentially dangerous animal or bird not typically having its natural habitat located in central Utah and not customarily confined or cultivated by humans for domestic or commercial purposes.	X	X	X	X	X	X
Forestry/Forest Practice. As provided by Section 65A-8a-102, Utah Code Annotated, 1953, as amended, means activities directly related to: (1) the harvesting of trees; (2) new road construction associated with harvesting or accessing	P-2	P-2	P-2	P-2	P-2	P-2

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
trees; (3) site preparation for regeneration of a timber stand; (4) reforestation; or (5) the management of logging slash, such activities being conducted and managed under the authority of the United States Forest Service or the State of Utah Department or Natural Resources, Division of Forestry, Fire, and State Lands. Forestry/Forest Practice does not include: (1) the operation of a nursery or Christmas tree farm; (2) the harvest of Christmas trees; (3) the harvest of trees for the noncommercial, personal use by the owner of forested land from which the trees are harvested; or (4) a harvesting operation encompassing fewer than ten (10) contiguous acres of forested land.						
Guest Ranch. A facility,	C	C	C	P-2	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
including either a single building or resort cabins, which serves as a destination for visitors and generally has accessory recreational facilities for the use of guests. A Guest Ranch shall maintain the existing agricultural or farming operations.						
<p>Home Occupation (Major). A use or activity conducted within a dwelling, accessory building, or accessory garage and carried out and conducted without changing the nature of the zoning district or creating any nuisance to any adjoining properties. Home Occupation (Major) shall be conducted by the persons residing in the dwelling and a maximum of one (1) employee who is not be a family member. Activities or storage associated with the Home Occupation (Major) may</p>	C	C	C	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
occur outside of the dwelling.						
<p>Home Occupation (Minor). A use or activity conducted entirely within a dwelling and conducted by the person(s) residing in the dwelling. No outside help or assistance shall be allowed and the Home Occupation (Minor) shall not involve the use of any accessory building, garage, or yard space, outside of the dwelling for any activity or storage associated with the Home Occupation (Minor).</p>	P-2	P-2	P-2	P-2	P-2	X
<p>Hospital. A facility, and associated accessory activities, for the diagnosis, treatment or care of human ailments.</p>	X	X	C	X	X	X
<p>Hotel. A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms and</p>	X	X	C	P-2	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
which furnishes services customarily provided by hotels which may include a restaurant, recreational facilities, reception area(s) and convention facilities.						
Industrial/Manufacturing Activity (General). A manufacturing operation or processing and assembly of goods including personal hygiene products and cosmetics, drugs and pharmaceuticals, tools, equipment and products and which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. This use does not include Agricultural Products Processing and Storage. See Agricultural Products	X	X	X	X	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
Processing and Storage.						
Industrial/Manufacturing Activity (Light). Places for the conduct of light manufacturing and assembly activities which are compatible with existing and other uses allowed in the Zoning District and which will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste, and where all equipment, machinery, and other ancillary equipment is located within a building or structure and where any outside storage areas are screened from view from all adjoining properties, roads and streets.	X	X	X	X	P-2	X
Kennel (Class A). The keeping of four (4) to nine (9)	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
dogs.						
 kennel (Class B). The keeping of more than nine (9) dogs.	C	C	X	X	X	X
 kennel (Hobby). The keeping of up to three (3) dogs.	P-1	P-1	P-1	P-1	X	X
 kennel (Commercial). Any premises or establishment where ten (10) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.	C	X	X	X	C	X
 Landfill. A area of land where solid waste is disposed of using sanitary land filling techniques, including but not limited to an engineered method of disposing of solid waste on land in a manner that does not create a nuisance or health hazard.	C	X	X	X	C	C

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

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

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
persons who are not related by blood, marriage or adoption to the owner, operator or manager of the facility. A Nursing Home (Convalescent Care) Facility provides some level of skilled nursing or medical service to the residents.						
Oil and Gas Drilling/Production/Transmission. Any operation utilizing equipment which advances a bore hole into the earth's substrata for the purpose of discovery, development, and/or production of oil or gas, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, pipelines and all other associated facilities and equipment.	X	X	X	X	C	C
Open/Outdoor Storage. The storage of goods or	X	X	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.						
Personal Care Service. An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, tanning and nail salons, and weight loss centers.	X	P-2	P-2	P-2	X	X
Personal Instruction Service. An establishment primarily engaged in the provision of information, instruction, personal improvement and similar	X	P-2	P-2	C	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction.						
Personal Service Facility. An establishment providing personal services, including dry cleaners, shoe and boot repair, photographic studio, copy shop and travel agency.	X	X	P-2	X	X	X
Professional Office. A facility used by the professions including physicians, dentists, lawyers, architects, accountants, engineers, and others, who through training are qualified to perform the services provided and where no storage of equipment or the sale of merchandise occurs.	X	P-2	P-2	X	X	X
Public Use. A use operated exclusively by a public body,	C	C	C	C	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including but not limited to, parks, recreational facilities, administrative and service offices and facilities, and public utilities, and found by the Commission to conform to the General Plan, or has been considered by the Commission and the Board of County Commissioners has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses do not include “Major Facility of a Public Utility” or an “Airport,” Heliport” “Correctional Facility,” or Liquor Store (State Owned) as defined herein.						
Public Utility (Major). Any regulator stations, transmission and gathering	C	C	C	X	C	C

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
pipelines and storage areas of utilities providing natural gas or petroleum derivatives, and their appurtenant facilities, or similar public or quasi-public use or activity, and found by the County to conform to the General Plan, or has been considered by the Commission and the BOCC has approved the proposed location and/or Public Utility (Major) as an amendment to the General Plan.						
Public Utility (Minor). A water, sewer, gas, telephone, cable television, electric transmission, or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground or located above the surface of the ground.	P-2	P-2	P-2	P-2	P-2	P-2
Reception Center. A facility used for the holding of events including weddings,	X	X	P-2	P-2	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
wedding receptions, and group gatherings.						
Recycling Processing Facility. A facility where recyclable materials are collected, stored and processed. Processing includes baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.	X	X	X	X	C	C
Recycling Collection Center. A facility used for the acceptance and temporary storage of recyclable materials to be transferred to a Recycling Processing Facility.	C	C	C	X	C	C
Residential Facility for Elderly Persons. A single-family dwelling that does not operate as a business and is owned by one of the residents, or an immediate family member of one of the residents, or the title is	P-2	P-2	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>placed in trust for a resident, and that meets the requirements of the Utah Code Annotated, as amended, meeting all applicable Building Codes, as adopted, Land Use Ordinance requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. Adequate off-street parking shall be provided and the facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis</p>						

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.						
Residence for Persons with a Disability. A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.	P-2	P-2	P-2	X	X	X

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended).						
Resort. A facility which serves as a destination for guests and generally provides recreational or personal development facilities and may include both on-site and off-site activities and services including food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort.. Guest residency is limited to no longer than sixty (60) calendar days.	C	C	C	C	X	X
Restaurant. A business where a variety of food and drink is prepared and served for consumption either on or off the premises.	X	X	P-2	P-2	X	X
Retail Store/Facility. An establishment providing retail sales of merchandise including a grocery,	X	X	P-2	X	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
hardware, department store, furniture, pharmacy, or other retail sales activities.						
Salvage Yard. The use of any lot, portion of a lot, or land for the commercial storage, keeping or abandonment of junk, including scrap metals or other scrap material, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery and where the parts of vehicles and machinery may be sold (wholesale or retail).	X	X	X	X	C	C
Saw Mill. A facility for the milling, planning, storage, and sale of timber and forest products.	X	X	X	X	C	C
Self Storage (Mini Storage) Facility. A facility for the storage of personal items in individual units which are leased to persons	X	X	C	X	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
exclusively for storage of their household goods or personal property. All units must be contained within a permanent structure.						
Sexually Oriented Business or Activity. A use or facility providing adult and/or sexually oriented activities and entertainment, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.	X	X	X	X	C	C
Special Event. An activity established for a maximum period of twenty one (21) calendar days, such event being discontinued after the expiration of twenty one (21) calendar days.	P-1	P-1	P-1	P-1	P-1	X
Swimming Pool. An	P-2	P-2	P-2	P-1	X	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
artificial body of water having a depth in excess of twenty four (24) inches and a water surface area greater than fifty (50) square feet, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children.						
Temporary Construction Office. A structure used for a maximum period not to exceed twelve (12) months as a construction office associated with construction for an approved use as allowed and permitted by this Ordinance and the Building Codes, as applicable.	P-2	P-2	P-2	P-2	P-2	P-2
Temporary Dwelling Unit. A structure used as a dwelling unit for a maximum period not to exceed one hundred eighty (180) calendar days, for use by the owner, during the construction or remodeling of	P-2	P-2	P-2	P-2	P-2	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
the permanent dwelling unit as allowed and permitted by this Ordinance and the Building Codes, as applicable.						
Seasonal Use. A use offering goods, services, or conducting an activity for a limited duration of time, but in no case existing longer than one hundred twenty (120) calendar days. Such uses include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, Christmas tree lots, corn mazes, holiday boutiques, and similar activities.	P-1	P-1	P-1	P-1	P-1	P-1
Tennis Court/Sports Court. An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball.	P-2	P-2	P-2	P-1	X	X
Vehicle and Equipment Service and Repair. An	X	X	C	X	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
establishment primarily engaged in the repair and maintenance of motor vehicles and/or light and heavy equipment, including auto body repairs, installation of accessories and transmission and engine rebuilding services farm equipment repair, paint, and body shops, tune-ups, brake repairs generator and starter repairs, tire repairs and installation, front-end alignments, and lubrication services.						
Veterinary Clinic. A facility for the diagnosis, treatment, hospitalization, and care of domesticated animals and pets. Such facility may include animal holding and boarding facilities.	P-2	C	C	X	P-2	X
Wholesale and Warehousing. An establishment that is	X	X	C	X	C	X

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, moving and storage firms, and warehousing and storage facilities.						
Wind Energy System (Commercial). A wind energy conversion system consisting of one (1) or more wind turbine(s) and tower(s) and associated control and/or conversion electronics and providing wind generated electrical power to be used primarily for off-site consumption and having a rated capacity that does not exceed the Utah state statutes for commercial turbines.	C	C	C	C	C	C
Wind Energy System	X	X	X	X	C	C

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

USE	AGRICULTURAL (A)	RESIDENTIAL AGRICULTURE (RA)	BUSINESS – COMMERCIAL (BC)	RESORT & RECREATION (RR)	INDUSTRIAL (I)	SPECIAL PURPOSE (SP)
<p>considered a Wind Energy System (Residential) only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.</p>						
<p>Wireless Telecommunications Site/Facility. A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply</p>	C	C	C	C	C	C

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

Appendix B
STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES

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

Wayne County Zoning Ordinance – A Land Use Ordinance
 Effective January 1, 2011

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

Appendix B-1
STANDARDS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES

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

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

*Wayne County Zoning Ordinance – A Land Use Ordinance
Effective January 1, 2011*

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

**PART II
WAYNE COUNTY, UTAH
SUBDIVISION ORDINANCE**

A LAND USE ORDINANCE OF WAYNE COUNTY

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

Prepared by:

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

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**CHAPTER 1
GENERAL PROVISIONS**

Section 101—Short Title:

This Ordinance shall be known and may be cited as the Wayne County Subdivision Ordinance and may be identified within this document and other documents as “the Ordinance,” “this Ordinance,” “Subdivision Ordinance,” or “Land Use Ordinance.” This Ordinance shall be identified as part, or a component of, the Wayne County Land Use Ordinances, as defined by Title 17 Chapter 27a Utah Code Annotated, 1953, as amended (hereinafter the “Act”).

Section 102—Purposes:

This Ordinance is established to promote the purposes of the Act and to provide for the orderly division of lands and to secure the provision and long-term maintenance of necessary infrastructure and services in an efficient and economical manner for existing and future County residents.

Section 103—Enactment, Applicability and Conflict:

- 1) The Board of County Commissioners of Wayne County, Utah (hereinafter “BOCC”) adopts this Ordinance pursuant the Act and all other authorities and provisions of Utah and Federal statutory laws, and common law, as applicable. This Ordinance constitutes a part of the Wayne County’s Land Use Ordinances, as authorized and identified by the Act.
- 2) This Ordinance shall take effect on January 1, 2011 following its adoption by the BOCC.
- 3) Upon its effective date, this Ordinance shall repeal the Wayne County Subdivision Ordinance existing on the effective date of this Ordinance and shall govern and apply to the division of all lands located within the unincorporated areas of Wayne County, Utah.
- 4) This Ordinance shall not nullify any laws, ordinances, or requirements that are more restrictive, but shall prevail notwithstanding such laws, ordinances, or requirements that are less restrictive.
- 5) The provisions of this Ordinance shall be construed to carry out the purposes of this Ordinance and the purposes of the State of Utah enabling laws, including the Act, and to avoid conflict with the laws of the United States of America, the State of Utah, or any other limitations imposed by law. If any chapter, section, subsection, provision, sentence or clause of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in effect.

- 6) Applications accepted by the County as complete for any Land Use Application (hereinafter “Application”) required by this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance and all other Ordinances and Resolutions of the County, as applicable and in effect at the time the application is determined to be “complete,” by the Wayne County Treasurer/Recorder (hereinafter “Treasurer/Recorder”), as required by this Ordinance and Resolutions, as applicable.
- 7) The provisions of this Ordinance shall apply to all lands located within the unincorporated areas of Wayne County, unless exempted by the provisions of this Ordinance, or other lawful exemption.
- 8) The provisions of this Ordinance shall be held to be the minimum requirements necessary to protect the health, safety, and welfare of the citizens of Wayne County, and achieve the purposes of this Ordinance.

Section 104—Omissions not a Waiver:

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

Section 105—Subdivision Defined:

For the purposes of this Ordinance, and the Act, a subdivision shall be, and shall mean;

Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

"Subdivision" includes:

- 1) The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
- 2) All divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes; except as provided in the Act, and Section 107 herein.

Section 106—Final Plat Required Before Lots May be Sold:

As provided and authorized by the Act, a Final Subdivision Plat shall be approved, as required herein, complying with all requirements of this Ordinance, and the Act, before such Final Subdivision Plat may be filed or recorded in the Office of the Wayne County Recorder, and any lots or parcels may be sold.

Section 107—Subdivision Not to Include:

As provided by the Act and for the purposes of this Ordinance “Subdivision” does not include:

- 1) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Ordinance.
- 2) A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:
 - a) No new lot is created; and
 - b) The adjustment does not violate applicable Land Use Ordinances; or
 - c) A recorded document, executed by the owner of record:
 - i) Revising the legal description of more than one (1) contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - ii) Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable Land Use Ordinances.
- 3) A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a) No new dwelling lot or housing unit will result from the adjustment; and
 - b) The adjustment will not violate any applicable Land Use Ordinance.
- 4) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” as to the unsubdivided parcel of property or subject the unsubdivided parcel to this Ordinance.

Section 108—Provision of Administrative Guidelines, Standards, and Other Materials – Compliance Required:

The BOCC may provide administrative guidelines, standards, reference materials, forms, or other documents to assist the County Staff, County residents, and Applicant in providing and processing applications and interpreting and administering the County’s Land Use Ordinances, including this Ordinance.

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

Section 109—Fees and Charges:

The BOCC, by Resolution, may establish all necessary fees and charges payable for any Applications required by this Ordinance including application processing, application reviews, inspections, and any additional services provided by the County or required of this Ordinance. Such fees and charges may be amended from time to time, as considered necessary, by the BOCC.

Section 110—Approvals and Permits to Comply with this Ordinance:

- 1) From the effective date of this Ordinance, no approval or permit, shall be provided or issued by the County unless such approval or permit complies with the requirements and provisions of this Ordinance. Any approval or permit issued in conflict with the provisions and requirements of this Ordinance shall be void.
- 2) The County may enforce this Ordinance by withholding building permits.
- 3) The County shall not approve and issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all adopted Land Use Ordinances of the County, including this Ordinance, the Wayne County Zoning Ordinance (hereinafter “Zoning Ordinance”) and the Building Codes, as adopted.

Section 111—Prohibited Acts:

- 1) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a Final Subdivision Plat of the subdivision has been approved and recorded in the Office of the Wayne County Recorder, as required and provided by this Ordinance, and the Act, is guilty of a violation of this Ordinance, and the Act, for each lot or parcel transferred or sold.
- 2) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring lots does not exempt the transaction from being a violation of this Ordinance, and the Act, or from the penalties or remedies provided by this Ordinance, or the Act.
- 3) Notwithstanding the provisions of this Section, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this Ordinance, and the Act:
 - a) Does not affect the validity of the instrument or other document; and

- b) Does not affect whether the property that is the subject of the instrument or other document complies with the County’s Land Use Ordinances, including this Ordinance, and the County’s other Land Use Ordinances, including the Zoning Ordinance.

Section 112—Restrictions for Solar and other Energy Devices:

The Wayne County Planning Commission (hereinafter “Commission”) may refuse to recommend, and the BOCC may refuse to approve a Preliminary Subdivision Application, Preliminary Subdivision Plat, Final Subdivision Application, Final Subdivision Plat, or the dedication of any road, street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels.

Section 113—Enforcement:

- 1) The County may take all actions, allowed under the law, to insure compliance and enforcement of this Ordinance. Failure of the County to enforce any provision or seek remedies to any violation of this Ordinance shall not legalize any such violation.
- 2) The County, or any adversely affected owner of real estate within the County, in which violations of this Ordinance are occurring, or are about to occur may, in addition to other remedies provided by law, institute:
 - a) Injunctions, Mandamus, Abatement, or any other appropriate actions; or
 - b) Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 3) As provided by the Act, the County need only establish a violation of this Ordinance to obtain the injunction.
- 4) The County may bring an action against a property owner to require that the property conform and comply with the provisions of this Ordinance, or the Act.
- 5) An action brought by the County against a property owner, and authorized by this Section, and/or the Act, may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation of this Ordinance.
- 6) See also Section 110.

Section 114—Penalties:

- 1) A violation of any provision of this Ordinance is punishable as a Class C misdemeanor upon conviction either:
 - a) As a Class C misdemeanor; or
 - b) By imposing an appropriate civil penalty adopted under the authority of the Act.

Section 115—When an Applicant is Entitled to Approval of an Application – Exceptions – County may not Impose Requirements that are Unexpressed – County Required to Comply with the Requirements of this Ordinance:

An Applicant is entitled to the approval of an Application, required by this Ordinance, if such Application conforms to the requirements of this Ordinance, and the County’s other Land Use Ordinances, Official Maps, and Administrative Manual, as may be applicable, and in effect at the time the Application is determined to be complete and all fees have been paid, unless:

- 1) The Land Use Authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
- 2) In the manner provided by the Zoning Ordinance and the Act, and before the Application is submitted, the County has formally initiated proceedings to amend its Land Use Ordinances, including this Ordinance, in a manner that would prohibit approval of the Application as submitted.
- 3) The County shall process an Application required by this Ordinance without regard to proceedings initiated to amend the County’s Land Use Ordinances if:
 - a) One hundred and eighty (180) calendar days have passed since the proceedings were initiated; and
 - b) The proceedings have not resulted in an enactment that prohibits approval of the Application, as submitted.
- 4) If the Final Subdivision Plat, as required herein, conforms fully to the requirements of this Ordinance, and the County’s other Land Use Ordinances, and Administrative Manual, and has been approved by the Culinary Water Authority and the Sanitary Sewer Authority, as identified herein, the Final Subdivision Plat shall be approved.
- 5) The County shall not impose on an Applicant, or any holder of any approval required by this Ordinance, any requirement that is not expressed:
 - a) In the approval required by this Ordinance, or in documents on which such approval is based; or

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

Section 116—County Imposed Requirements and Exactions on Application Approval:

The County shall not impose any requirement(s) or exaction(s) on any Application approval required by this Ordinance unless:

- 1) An essential link exists between a legitimate governmental interest and each requirement or exaction; and
- 2) Each requirement or exaction is roughly proportionate, both in nature and in extent, to the impact of the proposed subdivision.

Section 117—Acquiring Property:

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

Section 118—Appeals:

Any person, including the Applicant for any approval or permit required by this Ordinance and any board or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting this Ordinance may appeal that decision to the Appeal Authority, as identified by Chapter 13 of the Zoning Ordinance.

CHAPTER 2

LAND USE APPLICATIONS—DECISION MAKING STANDARDS

Section 201—Various Applications Provided:

- 1) This Ordinance provides for a number of Land Use Applications including, but not limited to Land Use Ordinance Amendment Application, Concept Subdivision Application, Preliminary Subdivision Application, Final Subdivision Application and Appeal Application.
- 2) The Land Use Applications required by this Ordinance shall be reviewed and approved or denied by the Land Use Authority, as applicable, and in compliance with all requirements and standards of this Ordinance and the Administrative Manual, as applicable

Section 202—Decision Making Standards:

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

1) Legislative Proceedings.

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

- a) Land Use Ordinance adoption.
- b) Land Use Ordinance Amendment Application.
- c) Official Map adoption.
- d) Official Map Amendment Application.
- e) Temporary Land Use Regulations.

2) Legislative Proceedings - Decision Standards.

A decision regarding a legislative matter shall be based on the "reasonably debatable" standard, as identified by Section 302, Zoning Ordinance.

3) Administrative Proceedings.

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

- a) Preliminary Subdivision Application.

- b) Final Subdivision Application.
- c) Determination of Application Completeness.
- d) All other applications for any necessary approval or permit required by the provisions of this Ordinance, and not identified to be a legislative matter, subject to legislative proceedings, as identified by this Chapter.

4) Administrative Proceedings - Decision Standards.

All decisions regarding an administrative matter shall be based on the "substantial evidence" standard, as identified by Section 302, Zoning Ordinance.

CHAPTER 3
LAND USE APPLICATIONS – PROCEDURES

Section 301—Purpose:

Land Use Applications, and their accompanying procedures, are formulated to achieve the purposes of this Ordinance. The County may provide a Land Use Ordinances Administrative Manual (hereinafter “Administrative Manual”) identifying the administrative requirements to be followed by the Land Use Authorities and Appeal Authorities for the processing and review of all Land Use Applications, and other administrative matters required for the compliance with the provisions of the County’s Land Use Ordinances, including this Ordinance.

Section 302—Application Forms:

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

Section 303—Land Use Application Procedures:

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

Section 304—Determination of Completeness of Land Use Applications:

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

Section 305—Scope of Land Use Application Approvals:

- 1) The rights conferred by a Land Use Application approval by the Land Use Authority shall be limited to those rights granted in the applicable provisions of this Ordinance and subject to any requirements or conditions.
- 2) A Land Use Application approval shall be considered void and invalid one hundred and eighty (180) calendar days after approval by the Land Use Authority, unless the Applicant has proceeded with reasonable diligence to submit the necessary subsequent application or recorded the approved Final Subdivision Plat in the Office of the Wayne County Recorder, as provided herein.

Section 306—Land Use Permits Required to comply with Land Use Authority Decision:

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

Section 307—Vesting of Subdivision Rights:

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

Section 308—Procedural Irregularities:

Any irregularities to the procedures set forth by this Ordinance and/or the Administrative Manual shall be considered as required by Section 410, Zoning Ordinance.

CHAPTER 4
APPLICATIONS TO AMEND THE WAYNE COUNTY LAND USE
ORDINANCES

Section 401—Purpose:

This Chapter and the Administrative Manual provides the standards and procedures for the review of Applications to amend the County’s Land Use Ordinances, including Applications to amend this Ordinance.

The Wayne County Land Use Ordinances, including this Ordinance, is considered the County’s land use laws for the purposes of land use decision-making.

Section 402—BOCC the Land Use Authority for Land Use Ordinance Amendment Applications:

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

Section 403—Procedures and Review Standards for Land Use Ordinance Amendment Applications:

- 1) The procedures for the review of a Land Use Ordinance Amendment Application, including any amendment to this Ordinance, are identified by Chapter 10 and 15, Administrative Manual.
- 2) In considering a Land Use Ordinance Amendment Application, including any amendment to this Ordinance, the Commission in formulating a recommendation and the BOCC in deciding a Land Use Ordinance Amendment Application shall consider the standards identified by Section 603, Zoning Ordinance.

Section 404—Findings Required for Approval of a Land Use Ordinance Amendment Application:

The Commission in making a recommendation, and the BOCC in deciding a Land Use Ordinance Amendment Application, shall find that all the procedural requirements and review standards of Section 403 have been met.

Section 405—Effect of Approval of a Land Use Ordinance Amendment Application:

The approval of a Land Use Ordinance Amendment Application shall not authorize the division of land. After the BOCC has approved a Land Use Ordinance Amendment Application, including this Ordinance, by Ordinance, no division of land shall occur until the required Land Use Application approvals or permits have been issued by a Land Use Authority, as applicable, consistent with the requirements of the County’s

Land Use Ordinances, including this Ordinance, and other Ordinances, as amended and as applicable.

Section 406—Appeals:

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

Section 407—Temporary Land Use Regulations:

The effect of a Temporary Land Use Regulations shall be as identified by Section 608, Zoning Ordinance.

**CHAPTER 5
CONCEPT SUBDIVISION APPLICATIONS**

Section 501—Purpose:

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

Section 502—Concept Subdivision Application Required:

A property owner proposing to subdivide any lands located within the boundaries of the County shall present a Concept Subdivision Application to the County Recorder for the scheduling of a Concept Subdivision Application discussion with the Commission and the Zoning Administrator. The purpose of the Concept Subdivision Application discussion is to create an opportunity for the Applicant to gain an understanding of the County’s subdivision requirements and to obtain Ordinance and Application processing and review information.

Section 503—Zoning Administrator and Commission the Land Use Authorities for Concept Subdivision Applications:

The Zoning Administrator and the Commission are authorized as the Land Use Authorities responsible to review all Concept Subdivision Applications.

Section 504— Review Procedures for Concept Subdivision Applications:

The procedures for the review of a Concept Subdivision Application are identified by Chapter 6 and the Concept Subdivision Application materials, as contained in Chapter 15, Administrative Manual.

Section 505—Concept Subdivision Applications – Not an Application for any Subdivision Approval:

A Concept Subdivision Application does not constitute a Land Use Application for any subdivision approval and is in no way binding on the County or the Applicant(s). Any discussion before the Zoning Administrator and Commission, meeting when the Concept Subdivision Application is discussed, shall not be considered by the Applicant as any indication of approval or disapproval, either actual or implied of any subsequent Land Use Application required by this Ordinance.

Section 506—Possible Actions following a Concept Subdivision Application Meeting:

Following the Concept Subdivision Application discussion with the Zoning Administrator and Commission, a Preliminary Subdivision Application may be filed by the Applicant with the Treasurer/Recorder.

CHAPTER 6

PRELIMINARY SUBDIVISION APPLICATIONS (MAJOR)

Section 601—Purpose:

This Chapter and the Administrative Manual identifies and provides the standards and procedures for the review of all Preliminary Subdivision Applications (Major) and required to determine compliance with this Ordinance.

Section 602—BOCC the Land Use Authority for Preliminary Subdivision Applications (Major):

The BOCC, following the receipt of a Commission recommendation, is authorized as the Land Use Authority responsible to approve, approve with revisions and conditions, or deny all Preliminary Subdivision Applications (Major).

Section 603—Procedures and Review Standards for Preliminary Subdivision Applications proposing Five (5) or more Lots:

- 1) The procedures for the review of a Preliminary Subdivision Application (Major) are identified by Chapter 7, Administrative Manual, and the Preliminary Subdivision Application (Major) materials, as contained in Chapter 15, Administrative Manual.
- 2) In considering a Preliminary Subdivision Application (Major) the Commission in formulating a recommendation, and the BOCC in deciding a Preliminary Subdivision Application (Major) shall review the Application and shall determine:
 - a) The proposed subdivision complies with all requirements of this Ordinance and the Zoning District in which the subject property is located.
 - b) The proposed subdivision complies with all requirements of the County’s other Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - c) The proposed subdivision complies with all requirements as required for the written approval of the feasibility of the proposed culinary water system and culinary water sources, as provided by the Culinary Water Authority.
 - d) The proposed subdivision complies with all requirements as required for the written approval of the feasibility of the proposed sanitary sewer system, as provided by the Sanitary Sewer Authority.
 - e) The proposed subdivision complies with all requirements for fire protection and fire suppression services, as required by the Fire Authority.

- f) The proposed subdivision complies with all requirements as required by any Official Maps, as adopted.
- g) The proposed subdivision complies with all requirements as required by any Official Maps, as applicable.
- h) Necessary infrastructure, services and amenities are available, or will be provided, to the subject property sufficient to meet the needs of the proposed subdivision.
- i) The proposed subdivision complies with all applicable dedication requirements of the County and provides the necessary infrastructure, services and amenities as required.
- j) Any division of the subject property shall not land lock adjoining properties.

Section 604—Commission Recommendation – Reasonable Requirements Authorized:

- 1) The Commission may recommend approval of the Preliminary Subdivision Application (Major), as presented, recommend approval of the Preliminary Subdivision Application (Major) with revisions and requirements, or recommend denial of the Preliminary Subdivision Application (Major), with findings of compliance or non-compliance with this Ordinance, the County’s other Land Use Ordinances and all other requirements, as applicable.
- 2) The Commission may recommend onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application (Major) approval, such improvements, facilities, services, and amenities being determined to be consistent with the requirements of Section 116 herein, including, but not limited to:
 - a) Road and street improvements, including layout, design, grading and surfacing.
 - b) Flood control facilities.
 - c) Culinary Water facilities.
 - d) Secondary and Irrigation Water facilities.
 - e) Sanitary Sewer facilities.
 - f) Storm Drainage facilities.
 - g) Erosion Control facilities.
 - h) Traffic Circulation and Access Management facilities.
 - i) Lot, Parcel, and/or Site drainage.
 - j) Park and open space areas and facilities.
 - k) Public features and recreational amenities.
 - l) Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
 - m) Electrical power and telecommunications facilities.

- n) Fencing and buffering treatments.
 - o) Street lighting facilities.
 - p) Streetscape enhancements, including street trees and park strip improvements.
 - q) Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
 - r) Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.
- 3) The Commission in making a recommendation shall find that the procedural requirements and review standards of Section 603 have been met.

Section 605—BOCC Approval – Reasonable Requirements Authorized:

- 1) Following the consideration of the Preliminary Subdivision Application (Major), the recommendation of the Commission, and all information and materials presented, the BOCC acting as the Land Use Authority, may approve the Preliminary Subdivision Application (Major), as presented, approve the Preliminary Subdivision Application (Major) with requirements, or deny the Preliminary Subdivision Application (Major) with findings of compliance or non-compliance with this Ordinance and other Land Use Ordinances and requirements, as applicable.
- 2) The BOCC may require onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application (Major) approval, such improvements, facilities, services, and amenities being determined consistent with the requirements of Section 116 herein, including but not limited to:
 - a) Road and street improvements, including layout, design, grading and surfacing.
 - b) Flood control facilities.
 - c) Culinary Water facilities.
 - d) Secondary and Irrigation Water facilities.
 - e) Sanitary Sewer facilities.
 - f) Storm Drainage facilities.
 - g) Erosion Control facilities.
 - h) Traffic Circulation and Access Management facilities.
 - i) Lot, Parcel, and/or Site drainage.
 - j) Park and open space areas and facilities.
 - k) Public features and recreational amenities.
 - l) Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
 - m) Electrical power and telecommunications facilities.
 - n) Fencing and buffering treatments.
 - o) Street lighting facilities.
 - p) Streetscape enhancements, including street trees and park strip improvements.

- q) Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
 - r) Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.
- 3) The BOCC in deciding a Preliminary Subdivision Application (Major) shall find that the procedural requirements and review standards of Section 603 have been met.

Section 606—Restrictions for Solar and other Energy Devices:

The Commission may refuse to recommend, and the BOCC may refuse to approve a Preliminary Subdivision Application (Major), or the dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the Preliminary Subdivision Application (Major) have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the Preliminary Subdivision Application (Major).

Section 607—Effect of BOCC Preliminary Subdivision Approval and Effective Period:

The approval of a Preliminary Subdivision Application (Major), with or without requirements, by the BOCC shall not constitute a final approval of the proposed subdivision. A Preliminary Subdivision Application (Major) approval shall not authorize the division or development of the subject property, but allows the Applicant(s) to proceed with the preparation and submission of the Final Subdivision Application for the subject property.

As provided by the Act, the continuing validity of a Preliminary Subdivision Application (Major) approval is conditioned upon the Applicant(s) proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Ordinance and this Section, the approval of a Preliminary Subdivision Application (Major) shall be effective for a period of one hundred eighty (180) calendar days from the date of approval by the BOCC at the end of which time the Applicant(s) shall have submitted a Final Subdivision Application to the Treasurer/ Recorder. If a Final Subdivision Application is not received by the Treasurer/ Recorder within one hundred eighty (180) calendar days of approval, the Preliminary Subdivision Application (Major) approval shall be rendered void and invalid.

Section 608—Site Preparation Work Prohibited:

No excavation, no grading, or regrading, shall take place on any of the subject property, and no building permits shall be issued by the County, until a Final Subdivision

Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Wayne County Recorder.

Section 609—Appeal of Preliminary Subdivision Application (Major) Decisions:

Any person(s) aggrieved by a decision of the BOCC for a Preliminary Subdivision Application (Major) may appeal the BOCC decision to District Court, as provided by Chapter 13, Zoning Ordinance.

CHAPTER 7

PRELIMINARY SUBDIVISION APPLICATIONS (MINOR)

Section 701—Purpose:

This Chapter and the Administrative Manual identifies and provides the standards and procedures for the review of all Preliminary Subdivision Applications (Minor) and required to determine compliance with this Ordinance.

Section 702—Commission the Land Use Authority for Preliminary Subdivision Applications (Minor):

The Commission is authorized as the Land Use Authority responsible to approve, approve with revisions and conditions, or deny all Preliminary Subdivision Applications (Minor).

Section 703—Procedures and Review Standards for Preliminary Subdivision Applications (Minor):

- 1) The procedures for the review of a Preliminary Subdivision Application (Minor) are identified by Chapter 7, Administrative Manual, and Preliminary Subdivision Application (Minor) materials, as contained in Chapter 15, Administrative Manual.
- 2) In considering a Preliminary Subdivision Application (Minor) the Commission shall review the Application and shall determine:
 - a) The proposed subdivision;
 - i) Does not require the dedication of any land for a road or street or other public purposes.
 - ii) Has been approved by the culinary water authority and the sanitary sewer authority.
 - iii) Is located in a zoned area.
 - iv) Conforms to all applicable land use ordinances; and
 - v) Contains no more than four (4) lots, including any lot containing any remnant of the subject property. After the third division there is a five (5) year time allowance for additional Minor subdivisions on any of the four (4) parcels.
 - vi) Any division of the subject property shall not land lock adjoining properties.

- b) The proposed subdivision complies with all requirements of the County’s other Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- c) The proposed subdivision has received a written recommendation of fire protection, suppression, and fire access facilities, as provided by the Fire Authority.
- d) The proposed subdivision complies with all requirements as required by any Official Maps, as adopted.
- e) Necessary infrastructure, services and amenities are available, or will be provided, to the subject property sufficient to meet the needs of the proposed subdivision.

**Section 704—Commission Approval – Reasonable Requirements
Authorized:**

- 1) The Commission may approve the Preliminary Subdivision Application (Minor), as presented, approve the Preliminary Subdivision Application (Minor) with revisions and requirements, or deny the Preliminary Subdivision Application (Minor), with findings of compliance or non-compliance with this Ordinance, the County’s other Land Use Ordinances and all other requirements, as applicable.
- 2) The Commission may require onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Application (Minor) approval, such improvements, facilities, services, and amenities being determined to be consistent with the requirements of Section 116 herein, including, but not limited to:
 - a) Road and street improvements, including layout, design, grading and surfacing.
 - b) Flood control facilities.
 - c) Culinary Water facilities.
 - d) Secondary and Irrigation Water facilities.
 - e) Sanitary Sewer facilities.
 - f) Storm Drainage facilities.
 - g) Erosion Control facilities.
 - h) Traffic Circulation and Access Management facilities.
 - i) Lot, Parcel, and/or Site drainage.
 - j) Park and open space areas and facilities.
 - k) Public features and recreational amenities.
 - l) Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
 - m) Electrical power and telecommunications facilities.
 - n) Fencing and buffering treatments.
 - o) Street lighting facilities.

- p) Streetscape enhancements, including street trees and park strip improvements.
 - q) Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
 - r) Such other measures, improvements, facilities, amenities and services determined reasonable and necessary to allow the proposed subdivision in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.
- 3) The Commission in deciding a Preliminary Subdivision Application (Minor) shall find that the procedural requirements and review standards of Section 703 have been met.

Section 705—Restrictions for Solar and other Energy Devices:

The Commission may refuse to approve a Preliminary Subdivision Application (Minor), if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the Preliminary Subdivision Application (Minor) have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the Preliminary Subdivision Application (Minor).

Section 706—Effect of Commission Preliminary Subdivision (Minor) Approval and Effective Period:

The approval of a Preliminary Subdivision Application (Minor) with or without requirements, by the Commission shall not constitute a final approval of the proposed subdivision. A Preliminary Subdivision Application (Minor) approval shall not authorize the division or development of the subject property, but allows the Applicant(s) to proceed with the preparation and submission of the Final Subdivision Application (Minor) for the subject property.

As provided by the Act, the continuing validity of an approval of a Preliminary Subdivision Application (Minor) is conditioned upon the Applicant(s) proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Ordinance and this Section, the approval of a Preliminary Subdivision Application (Minor) shall be effective for a period of one hundred eighty (180) calendar days from the date of approval by the Commission at the end of which time the Applicant(s) shall have submitted a Final Subdivision Application to the Treasurer/Recorder. If a Final Subdivision Application is not received by the Treasurer Recorder within one hundred eighty (180) calendar days of approval, the Preliminary Subdivision Application (Minor) approval shall be rendered void and invalid.

Section 707—Site Preparation Work Prohibited:

No excavation, no grading, or regrading, shall take place on the subject property, and no building permits shall be issued by the County, until a Final Subdivision Application

(Minor) has been approved and the Final Subdivision Plat has been recorded in the Office of the Wayne County Recorder.

Section 708—Appeal of Preliminary Subdivision Application Decisions:

Any person(s) aggrieved by a decision of the Commission for a Preliminary Subdivision Application (Minor) may appeal decision to the BOCC, as provided by Chapter 13, Zoning Ordinance.

CHAPTER 8

FINAL SUBDIVISION APPLICATIONS (MINOR OR MAJOR)

Section 801—Purpose:

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

Section 802—BOCC and Commission the Land Use Authorities for Final Subdivision Applications:

- 1) The BOCC is authorized as the Land Use Authority responsible to approve, approve with revisions and conditions, or deny all Final Subdivision Applications (Major).
- 2) The Commission is authorized as the Land Use Authority responsible to approve, approve with revisions and conditions, or deny all Final Subdivision Applications (Minor).

Section 803—Procedures and Review Standards for Final Subdivision Applications:

- 1) The procedures for the review of a Final Subdivision Application (Major) are identified by Chapter 8, Administrative Manual, and the Final Subdivision Application (Major) materials as contained in Chapter 15, Administrative Manual.
- 2) The procedures for the review of a Final Subdivision Application (Minor) are identified by Chapter 8, Administrative Manual, and the Final Subdivision Application (Minor) materials as contained in Chapter 15, Administrative Manual.
- 3) In considering a Final Subdivision Application the BOCC or the Commission, as applicable, in deciding a Final Subdivision Application shall review the Application and shall determine:
 - a) The proposed subdivision complies with all requirements, if any, of the BOCC or Commission, as applicable, as required for Preliminary Subdivision Application approval, as authorized by Section 603 or Section 703, applicable.
 - b) The proposed subdivision complies with all requirements of this Ordinance and the Zoning District in which the subject property is located.
 - c) The proposed subdivision complies with all requirements of the County’s other Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

- d) The proposed subdivision complies with all requirements as required for the written approval of the feasibility of the proposed culinary water system and culinary water sources, as provided by the Culinary Water Authority.
- e) The proposed subdivision complies with all requirements as required for the written approval of the feasibility of the proposed sanitary sewer system, as provided by the Sanitary Sewer Authority.
- f) The proposed subdivision has received a written recommendation of fire protection, suppression, and fire access facilities, as provided by the Fire Authority.
- g) The proposed subdivision complies with all requirements as required by any Official Maps, as adopted.
- h) Necessary infrastructure, services and amenities are available, or will be provided, to the subject property sufficient to meet the needs of the proposed subdivision.
- i) The proposed subdivision complies with all applicable dedication requirements of the County and provides the necessary infrastructure, services and amenities as required, as applicable for Final Subdivision Applications (Major).

Section 804—Recordation of Final Subdivision Plat and associated Subdivision Documents.

- 1) After a Final Subdivision Application has been approved by the BOCC or Commission, as applicable, with or without requirements, and signed by all County Officers and service providers, as required, and including any necessary acknowledgments required for the conveyances of real property to a public agency, including the County, or private entity, the Final Subdivision Plat shall be presented to the Office of the Wayne County Recorder for recordation.
- 2) After the Final Subdivision Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Subdivision Plat and the County requirements for such permits.
- 3) The Applicant is required to pay all fees, including copies, for the recording of all Final Subdivision documents and the Final Subdivision Plat.

Section 805—Dedication of Roads, Streets and other Public Places:

- 1) When the Applicant is proposing, or is required, to provide dedications for any public or quasi-public infrastructure, utilities, or improvements, as applicable, the

owner or operator of the infrastructure, utilities, improvements, and underground and utility facilities shall approve:

- a) The boundary, course, dimensions, and intended use of the right-of-way and easement grants of record.
 - b) The location of existing underground and utility facilities; and
 - c) Any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision. Such approval shall be provided in writing by the owner or operator of the infrastructure, utilities, improvements, and underground and utility facilities, as applicable. When land within the subdivision is to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided.
- 2) Subdivision Plats, when made, acknowledged, and recorded according to the procedures specified by this Ordinance, operate as a dedication of all roads, streets and other public places, and vest the fee of those parcels of land with the County for the public for the uses named or intended in those plats.
- 3) The dedication established by this section does not impose liability upon the County for streets and other public places that are dedicated in this manner but are unimproved.

Section 806—Effect of Approval, with or without requirements, of Final Subdivision Application Approval and Effective Period:

- 1) As provided by the Act, the continuing validity of a Final Subdivision Application (Major) or Final Subdivision Application (Minor) approval is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Section the approval of a Final Subdivision Application (Major) or (Minor) shall be effective for a period of one hundred eighty (180) calendar days from the date of approval, at the end of which time the Applicant shall have presented the Final Plat for recording as required by Section 804. If the Final Subdivision Plat is not presented for recording within one hundred eighty (180) calendar days, the Final Subdivision Application (Major) or (Minor) shall be rendered void, and the Applicant shall be required to submit a new Preliminary Subdivision Application (Major) or (Minor), subject to the requirements of this Ordinance and other Land Use Ordinances and requirements in effect at the time the Application is filed.
- 2) After the Final Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Plat and the County requirements for such permits.

Section 807—Site Preparation Work Prohibited:

No excavation, no grading, or regrading shall take place on the Subject Property, and no building permits shall be issued by the County, until the Final Subdivision Plat has been approved and the Final Plat has been recorded in the Office of the Wayne County Recorder, as provided herein.

Section 808—Appeal of Final Subdivision Application Decisions:

- 1) Any person(s) aggrieved by a decision of the BOCC concerning a Final Subdivision Application (Major) may appeal the decision to District Court, as provided by Chapter 13, Zoning Ordinance.
- 2) Any person(s) aggrieved by a decision of the Commission concerning a Final Subdivision Application (Minor) may appeal the decision to the BOCC, as provided by Chapter 13, Zoning Ordinance.

**CHAPTER 9
NOTICE REQUIREMENTS**

Section 901—Purpose:

As required and provided by the Act, the County is required to provide notice of all public hearings and public meetings for adoption or modification of this Ordinance and when an Application required by this Ordinance is considered by the Commission or BOCC.

Section 902—Notice of Public Hearings and Public Meetings required by this Ordinance:

The notice requirements of the County for public hearings and public meetings required by this Ordinance, and including required Applicant notice, and notice challenge shall be as required by Chapter 12, Zoning Ordinance.

CHAPTER 10 BUILDING PERMITS

Section 1001—Building Permit Issuance:

The County's Building Official shall not issue any building permit(s) for a proposed building or structure on a lot or parcel located within the boundaries of the County unless;

- 1) The lot is within a subdivision and the lot was legally created pursuant to this Ordinance, or prior its prior enactment(s).
- 2) The lot is a legal lot of record, such lot being created and recorded in the Office of the Wayne County Recorder prior to _____.

Section 1002—Building Permit Application:

All proposed buildings, structures, facilities and uses located within the boundaries of the County and requiring the approval and issuance of a building permit, as required by the building codes, as adopted, shall present a building permit application for review by the County's Building Official.

Section 1003—Certificate of Occupancy Required:

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

**CHAPTER 11
AMENDING OR VACATING A FINAL PLAT**

Section 1101—Amendment to Recorded Plats:

The BOCC may, with or without a petition, consider and resolve, any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of a recorded subdivision plat or any road or lot, contained in a recorded subdivision plat by following and complying with all the requirements for vacating or changing a subdivision plat, as identified by the Act.

Section 1102—Vacating or Altering a Street or Alley:

The BOCC may vacate or alter a street or alley by following and complying with all the requirements for vacating or altering a street or alley, as identified by the Act.

Section 1103—Appeal of Subdivision Plat Amendment Decisions:

Any person(s) aggrieved by a decision of the BOCC concerning a vacation or amendment of a recorded Final Subdivision Plat, or any portion of a recorded Final Subdivision Plat, or the decision of the BOCC concerning the vacation or alteration of a street or alley may appeal the decision to District Court, as provided by Chapter 13, Zoning Ordinance.

**CHAPTER 12
SUBDIVISION IMPROVEMENTS**

Section 1201—Required Improvements and Guarantees:

- 1) The owner of any land to be part of a subdivision may be required to install all required improvements and guarantee the installation of such improvements, as required by the Land Use Authority, as provided by the County's Development Standards and Construction Specifications and as inspected and approved by the County Engineer, or designee.
- 2) For the purposes of this Ordinance and this Chapter, the requirements of Section 1628—Adequate Public Facilities Requirements, Section 1629—Culinary Water, Sanitary Sewer, and Fire Protection Requirements, Section 1630—Required Roads, Streets, Fire Protection, and other Improvements, and Section 1631—Guarantee of Installation of Improvements, Zoning Ordinance shall apply.

**PART III
WAYNE COUNTY, UTAH**

ADMINISTRATIVE MANUAL

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

Prepared by:

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

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CHAPTER 1 TITLE, PURPOSE, AND EFFECTIVE DATE

Section 101—Short Title:

This document shall be known and may be referred to as the Wayne County Land Use Ordinances Administrative Manual. The Wayne County Land Use Ordinances Administrative Manual may, in subsequent chapters and sections, and in other documents be referred to as the “Administrative Manual,” “the Manual,” “this Manual,” or “Manual.”

Section 102—Authority:

- 1) The Board of County Commissioners of Wayne County, Utah (hereinafter “BOCC”) adopts this Manual by Resolution. This Manual may be subsequently amended and revised by the BOCC by Resolution, as determined necessary by the BOCC.
- 2) As provided for by Section 105, Wayne County Zoning Ordinance, the BOCC may provide administrative guidelines, standards, reference materials, applications, forms, or other documents to assist the County Staff, County residents, and Applicant in providing and processing applications and interpreting and administering the County’s Land Use Ordinances. This Manual provides the administrative guidelines, standards, reference materials, applications, forms, or other documents, contemplated by Section 105 and is provided under such authority.
- 3) The Land Use Applications required by the County’s Land Use Ordinances shall be reviewed and approved or denied by the Land Authority, as applicable, and in compliance with all requirements and standards of the County’s Land Use Ordinances and all guidelines, standards, reference materials, applications, forms, or other documents, as applicable, and as provided by this Manual.

Section 103—Purpose:

- 1) This Manual provides guidance to the Land Use Authorities, County Staff, and Applicants, and others for in the administration and decision making required by the Land Use Ordinances (“Ordinances”) of Wayne County (the “County”).
- 2) This Manual provides information and guidance related to Land Applications and Land Use Permits. This Manual establishes and provides the County’s procedures required for the processing and review of all Land Use Applications.
- 3) This Manual is intended to be a “User’s Guide” to the County’s Land Use Ordinances but is not intended to be a replacement for any of the requirements provided by the County’s Land Use Ordinances. A digital version of this Administrative Manual, along with additional information on County policies, processes, contact

information, and frequently asked questions may be available online at the County's webpage at <http://www.waynecnty.com>.

Section 104—Conflict:

Nothing in this Administrative Manual shall nullify any laws or Ordinances of the County, including the County's Land Use Ordinances.

Section 105—Effective Date:

This Administrative Manual shall take effect on January 1, 2011 following its adoption by Resolution of the BOCC.

CHAPTER 2

LAND USE APPLICATIONS AND PROCEDURES

Section 201—Applicability:

A Land Use Application or a Building Permit Application shall be required for all uses, the expansion of all uses, and the construction or modifications for any building or structure proposed or existing, and located within the unincorporated areas of Wayne County (“County”), unless exempt, as provided by the County’s Land Use Ordinances or the Building Codes, as adopted. All Land Use Applications and Building Permit Applications shall be presented to the County on the applicable application form(s), available from the Wayne County Treasurer/Recorder.

Section 202—Application Forms and Procedures:

The BOCC may provide Application Forms and may identify submittal requirements and procedures for the acceptance and filing of all Land Use Applications and Building Permit Applications. Submittal requirements and processing procedures for the acceptance and filing of Land Use Applications and Building Permit Applications may be provided in the various Chapters and Sections of this Administrative Manual.

Section 203—Land Use Application Procedures:

The steps in the processing, review and consideration of the various Land Use Applications may be provided by the County with the applicable Application Form.

Section 204—Land Use Permit Required:

No use, activity, or construction shall be established or commenced without the necessary approvals, permits, and licenses being issued in accordance with the provisions of the County’s Land Use Ordinances, and Building Codes, as applicable.

Section 205—Land Use Application Initiation:

A Land Use Application for a required approval, permit, or license shall be initiated by submitting the appropriate Application(s) to the Wayne County Treasurer/Recorder (hereinafter “Treasurer/Recorder”).

Section 206—Determination of Application Completeness:

- 1) All Land Use Applications required by the County’s Land Use Ordinances, including the Zoning Ordinance and the Subdivision Ordinance, shall be determined to be complete when the Land Use Application is provided in a form that complies with the requirements of this Administrative Manual, and all fees have been paid, as determined by the Treasurer/Recorder.

- 2) After the receipt of a Land Use Application the Treasurer/Recorder Recorder shall determine if the Land Use Application is complete, as identified by Figure 1-1, Chapter 15, herein. If the Treasurer/Recorder determines that the application is incomplete the Treasurer/Recorder shall notify the applicant in writing, identifying the deficiencies of the application, and advising the applicant that no action will be taken by the Land Use Authority, as applicable, until the deficiencies have been corrected. A determination of an incomplete Land Use Application shall prohibit the Land Use Authority from considering any material, items or other information related to the Application.
- 3) If the Applicant fails to correct the identified Land Use Application deficiencies within thirty (30) calendar days from the date of notification by the Treasurer/Recorder the Application shall be deemed withdrawn and the Land Use Application shall be returned to the Applicant, including applicable fees (as referenced in Figure 1-1).

Section 207—Withdrawal of Application:

An Applicant may withdraw a Land Use Application at any time prior to a decision on the Application. Application fees shall not be refundable if prior to withdrawal:

- 1) A review of the Land Use Application has commenced; or
- 2) Notice of a public hearing or public meeting to consider the Land Use Application has been mailed, posted, or published.

Section 208—Amendment to Approved Land Use Applications and Permits:

All proposed amendments to an approved Land Use Application and the associated Land Use Permit shall be reviewed by the Land Use Authority, as applicable, in accordance with the procedures established for the approval of the original Land Use Application.

Section 209—Reapplication Following Denial:

If a Land Use Application is denied for failure to meet the requirements of a Land Use Ordinance, a Land Use Application for all or a part of the same property shall not be considered for a period of at least one (1) year from the date of denial by the Land Use Authority, as applicable, unless the subsequent Land Use Application is for an approval, permit, or license that is substantially different from the previously denied Application, the prior denial was based upon a mistake of fact, or by motion duly passed by the Land Use Authority to act immediately and identifying a valid public purpose to do so.

Section 210—Inspections:

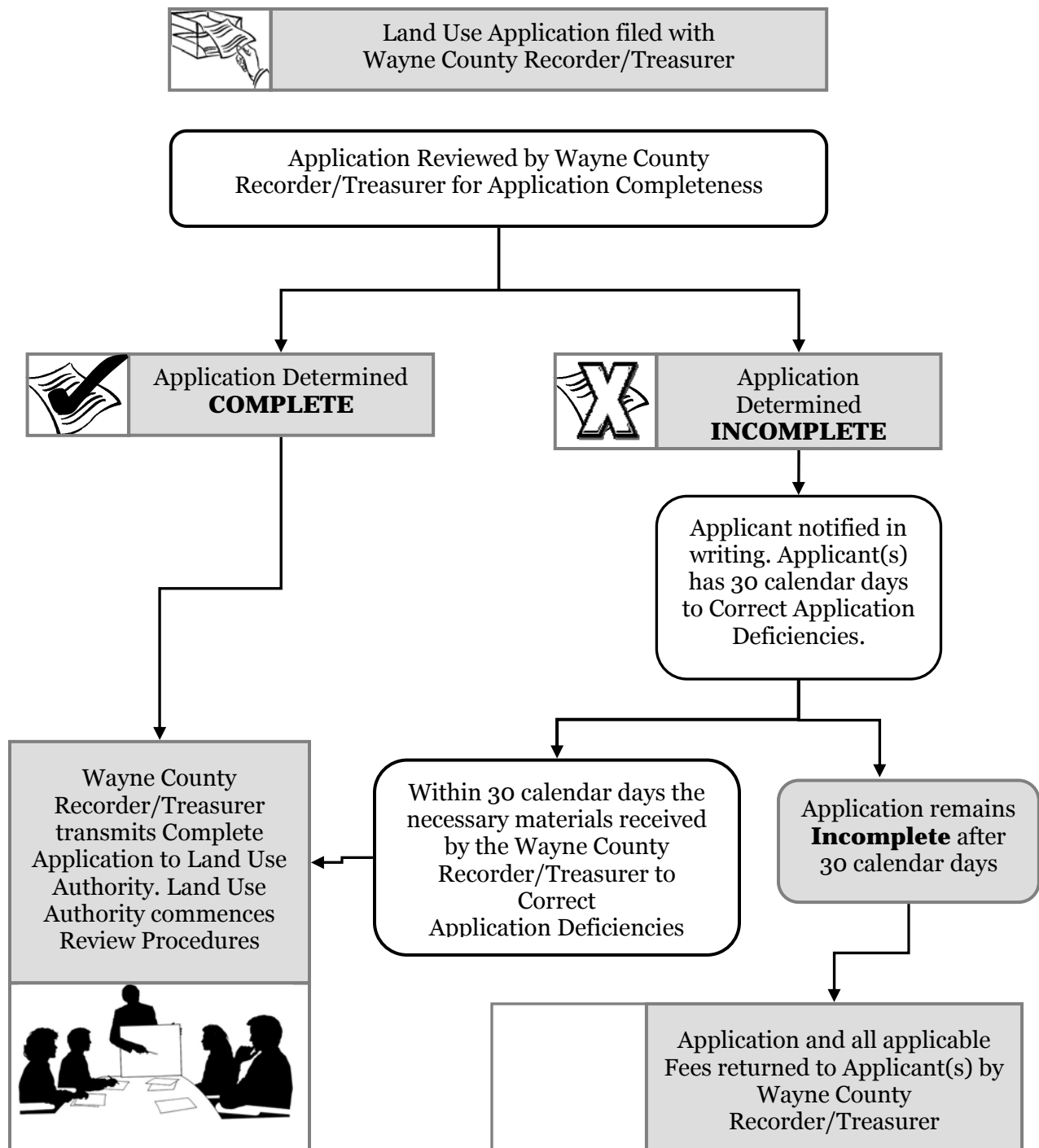
In order to review information relevant to a Land Use Application, the Land Use Authority members, the County Staff or other County Official(s) may, upon the permission of the owner, enter upon private lands and/or premises and make an inspection thereof.

Section 211—Fees for Processing Land Use Applications:

- 1) The BOCC may establish, by Resolution, a fee schedule for the processing and review of all Land Use Applications to recover the actual or anticipated costs of review and processing of the application.
- 2) The fee schedule may be amended from time to time by Resolution of the BOCC. Land Use Application fees shall not be required for Land Use Applications initiated by a Land Use Authority.
- 3) The Applicant(s) for a Land Use Application approval, permit, or license, required by the County's Land Use Ordinances, shall pay all costs that may be incurred by the County for the provision of services necessary to process, review and consider the Land Use Application. These services may include, but are not limited to engineering, land use planning, transportation engineering, economic analysis, geotechnical, and hydrological services.
- 4) The BOCC may provide that the Application Fee be comprised of several component fees for each Land Use Application.

FIGURE 1-1

Procedures for Determination of Land Use Application Completeness



CHAPTER 3 MATTERS OF INTERPRETATION

Section 301—Interpretation:

In interpreting and applying the provisions of the County's Land Use Ordinances, the standards and requirements contained herein are declared to be the minimum standards and requirements for the purposes set forth by the County's Land Use Ordinances and the State of Utah County Land Use, Development, and Management Act, as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended (U.C.A.) (hereinafter "the Act"). All interpretations required by the County's Land Use Ordinances shall be:

- 1) Construed in favor of the County.
- 2) Deemed to neither limit nor repeal any powers granted by the Act or any other State or Federal statutes.
- 3) Applied as follows, except where the context clearly requires otherwise:
 - a) The words "shall" or "must" are mandatory.
 - b) The words "should" and "may" are permissive.
 - c) Words used or defined in one tense or form shall include other tenses or derivative forms.
 - d) Words used in the singular shall include the plural.
 - e) Words used in the plural shall include the singular.
 - f) Words referencing a gender shall be applied to the other gender and shall be considered gender neutral.
 - g) In the event of a conflict between the text of any Ordinance and any maps, illustrations, captions, figures, or other material, the text of the Ordinance shall apply.
 - h) The word "includes" shall not limit a term to the specified examples, but is intended to provide guidance and to be illustrative only.
 - i) The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 - j) The word "or" indicates that one (1) or more of the connected items, conditions, provisions, or events shall apply.

- k) The words “either or” indicates that the connected terms, conditions, provisions, or events shall apply singly but not in combination.

Section 302—Computation of Time:

All times, as identified by the County’s Land Use Ordinances, shall be computed using calendar days, unless expressly identified as business days, and except that if the last day is a Saturday, Sunday, or legal holiday observed by the County, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday observed by the County. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

Section 303—Fractional Numbers:

In determining compliance with the numerical requirements of the County’s Land Use Ordinances any computation or measurement resulting in a fractional number, except density calculations shall be rounded to the nearest whole number. Density calculations shall be rounded down to the nearest whole number.

Section 304—Administrative Interpretations:

To promote efficiencies in the administration and implementation of the County’s Land Use Ordinances, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement, this Section is provided to allow and to authorize the Zoning Administrator to make interpretations of the County’s Land Use Ordinances, on an as required basis, and as guided by Sections 305 to 307.

Section 305—Application Initiation:

- 1) All requests for an Administrative Interpretation shall be made on the Administrative Interpretation Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit an Administrative Interpretation Application. An agent of the property owner(s) may submit an Administrative Interpretation Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Administrative Interpretation Application. All persons with a fee interest in the subject property shall be required to join in and sign the Administrative Interpretation Application.
- 3) The BOCC, Planning Commission (hereinafter, “Commission”), or other County Staff may submit an Administrative Interpretation Application.

Section 306—Review Procedures for Administrative Interpretation Applications:

The procedures for the review of an Administrative Interpretation Application by the Zoning Administrator are identified by Figure 2-1, Chapter 15, herein.

Section 307—Minimum Requirements and Standards for Administrative Interpretation Applications:

The Zoning Administrator shall apply the following standards in making any administrative interpretation:

- 1) The administrative interpretation shall not have the effect of adding or removing any Land Use Ordinance provision.
- 2) An administrative interpretation shall be consistent with the purposes of the Land Use Ordinance, as applicable, and any previously rendered administrative interpretation(s), based on similar facts.
- 3) An administrative interpretation concerning a use interpretation shall not have the effect to allow any use that is not identified as a Permitted Use (P-1 or P-2) or Conditional Use in the Zoning District, as applicable or other County Land Use Ordinance.
- 4) No administrative interpretation shall permit the establishment of any use that is a Prohibited Use.

Section 308—Minimum Requirements and Standards for Determination of Zoning District Boundaries:

In the event of the need to identify the location of a Zoning District boundary, or resolve any dispute concerning a Zoning District boundary, the Zoning Administrator shall apply the following standards in making any Zoning District boundary determination:

- 1) The policies and development standards pertaining to such Zoning District(s).
- 2) In areas divided into lots, a Zoning District boundary shall follow the boundary of a lot, unless clearly intended to divide a lot for reasons of topography, landform, or other physical or man-made constraints.
- 3) In areas not subdivided into lots, wherever a Zoning District is indicated as a strip adjacent to and paralleling a right-of-way, the depth of such strip shall be in accordance with dimensions measured at right angles from the center line of the right-of-way, and the length of frontage shall be in accordance with dimensions measured from section, quarter section, or division lines, or center lines of rights-of-way, unless otherwise indicated.

- 4) Where a Zoning District boundary follows a creek, stream, water course, drainage channel, flood way, or other natural or man-made feature such boundary shall be deemed to be the center line of such creek, stream, water course, drainage channel, flood way, or other natural or man-made feature.
- 5) Where a Zoning District boundary follows the right-of-way of any road, street, trail, or other public or private right-of-way or easement such boundary shall be deemed to be the center line of such road, street, trail, or other public or private right-of-way or easement, unless clearly intended to do otherwise for reasons of topography, landform, or other natural or man-made feature.

Section 309—Effect of Approval and Appeals:

- 1) An administrative interpretation shall apply only to the property for which an interpretation is given. An interpretation finding a use to be a Permitted Use or Conditional Use shall not authorize the establishment of such use but may authorize the filing of the Land Use Applications necessary for any approvals, permits or licenses as may be required by the County's Land Use Ordinances.
- 2) Any person adversely affected by an administrative interpretation rendered by the Zoning Administrator may appeal the decision to the Commission, as provided by Chapter 13, Zoning Ordinance.

CHAPTER 4 PERMITTED USE APPLICATIONS

Section 401—Purpose:

This Chapter identifies and provides the procedures for the review of all Permitted Use Applications and required to determine compliance with the County's Land Use Ordinances, including the Zoning Ordinance.

Section 402—Application Initiation:

- 1) All requests for a Permitted P-1 Use Application approval shall be made by filing a Permitted P-1 Use Application.
- 2) All requests for a Permitted P-1 Sign Application approval shall be made by filing a Permitted P-1 Sign Application.
- 3) All requests for a Permitted P-2 Use Application approval shall be made by filing a Permitted P-2 Use Application.
- 4) All requests for a Permitted P-2 Sign Application approval shall be made by filing a Permitted P-2 Sign Application.
- 5) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Permitted P-1 Use, Permitted P-1 Sign, Permitted P-2 Use, or Permitted P-2 Sign Application. An agent of the property owner(s) may submit a Permitted P-1 Use, Permitted P-1 Sign, Permitted P-2 Use, or Permitted P-2 Sign Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Permitted Use Application or Permitted Sign Application. All persons with a fee interest in the subject property shall be required to join in and sign the Permitted Use Application or Permitted Sign Application.

Section 403—Review Procedures for Permitted Use Applications:

- 1) The procedures for the review of a Permitted P-1 Use Application, by the Zoning Administrator, are identified by Figure 2-2, Chapter 15, herein.
- 2) The procedures for the review of a Permitted P-1 Sign Application, by the Zoning Administrator, are identified by Figure 2-3, Chapter 15, herein.
- 3) The procedures for the review of a Permitted P-2 Use Application, by the Commission, are identified by Figure 2-4, Chapter 15, herein.
- 4) The procedures for the review of a Permitted P-2 Sign Application, by the Commission, are identified by Figure 2-5, Chapter 15, herein.

Section 404—Minimum Requirements and Findings and Standards for Approval of Permitted P-1 Use and P-2 Use Applications and Permitted P-1 and P-2 Sign Applications:

The Zoning Administrator for Permitted P-1 Use and Permitted P-1 Sign Applications, and the Commission for Permitted P-2 Use and Permitted P-2 Sign Applications, shall comply with the requirements of Sections 703, Zoning Ordinance.

Section 405—Decision for a Permitted Use Application, Effect of Approval and Appeals:

See Sections 705, 706, and 707, Zoning Ordinance.

Section 406—Permitted Use Approval Amendment:

See Section 208, herein.

Section 407—Permitted Use Application Expiration:

A Permitted Use Application or Permitted Sign Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced or established within one hundred eighty (180) calendar days from the date of approval. If work has not commenced, or a use established within one hundred eighty (180) calendar days from the date of Permitted Use Application or Permitted Sign Application approval, the approval shall be void and a new Permitted Use Application or Permitted Sign Application shall be required.

CHAPTER 5 CONDITIONAL USE APPLICATIONS

Section 501—Purpose:

This Chapter identifies and provides the procedures for the review of all Conditional Use Applications and required to determine compliance with the County's Land Use Ordinances.

Section 502—Application Initiation:

- 1) All requests for a Conditional Use Application approval shall be made by filing a Conditional Use Application.
- 2) All requests for a Conditional Sign Application approval shall be made by filing a Conditional Sign Application.
- 3) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Conditional Use Application or Conditional Sign Application. An agent of the property owner(s) may submit a Conditional Use Application or Conditional Sign Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Conditional Use Application or Conditional Sign Application. All persons with a fee interest in the subject property shall be required to join in and sign the Conditional Use Application or Conditional Sign Application.

Section 503—Review Procedures for Conditional Use Applications:

- 1) The procedures for the review of a Conditional Use Application, by the BOCC, are identified by Figure 2-6, Chapter 15, herein.
- 2) The procedures for the review of a Conditional Sign Application, by the BOCC, are identified by Figure 2-7, Chapter 15, herein.

Section 504—Minimum Requirements and Findings and Standards for Approval of Conditional Use Applications and Conditional Use Sign Applications:

The BOCC shall comply with the requirements of Sections 803, 804, and 805, Zoning Ordinance.

Section 505—Decision for a Conditional Use Application, Effect of Approval and Appeals:

See Sections 806, 807, and 808, Zoning Ordinance.

Section 506—Conditional Use Application Amendment:

See Section 208, herein.

Section 507—Conditional Use Application Expiration:

A Conditional Use Application or Conditional Sign Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced or established within one hundred eighty (180) calendar days from the date of approval. If work has not commenced, or a use established within one hundred (180) calendar days from date of Conditional Use Application or Conditional Sign Application approval, the approval shall be void and a new Conditional Use Application or Conditional Sign Application shall be required.

CHAPTER 6 CONCEPT SUBDIVISION APPLICATIONS

Section 601—Purpose:

This Chapter identifies and provides the procedures for the review of all Concept Subdivision Applications, and required to determine compliance with the County's Land Use Ordinances, including the Subdivision Ordinance.

Section 602—Application Initiation:

- 1) All requests to establish a subdivision may first be made by filing a Concept Subdivision Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Concept Subdivision Application. An agent of the property owner(s) may submit a Concept Subdivision Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Concept Subdivision Application. All persons with a fee interest in the subject property shall be required to join in and sign the Concept Subdivision Application.

Section 603—Review Procedures for Concept Subdivision Applications:

- 1) The procedures for the review of a Concept Subdivision Application, by the Commission, are identified by Figure 2-12, Chapter 15, herein.

Section 604—Effect of Concept Subdivision Meeting:

- 1) As provided by Section 505, Subdivision Ordinance, a Concept Subdivision Application does not constitute a Land Use Application for any subdivision approval and is in no way binding on the County or the Applicant(s). Any discussion before the Zoning Administrator and Commission, meeting when the Concept Subdivision Application is discussed, shall not be considered by the Applicant as any indication of approval or disapproval, either actual or implied of any subsequent Land Use Application.
- 2) Following a Concept Subdivision Meeting with the Zoning Administrator and Commission, an owner, or agent of the owner, may submit a Preliminary Subdivision Application to the Treasurer/Recorder for processing and review by the County, as provided by Chapter 7, herein. (See also Section 506, Subdivision Ordinance).

Section 605—Concept Subdivision Application and Meeting Expiration:

If a Preliminary Subdivision Application is not filed with the Treasurer/Recorder within one hundred eighty (180) calendar days from the date of the Concept Subdivision Meeting with the Commission, the Concept Subdivision Application and the Concept Subdivision Meeting discussion shall be deemed to have expired and shall a new Concept Subdivision Application and Concept Subdivision Meeting shall be required.

CHAPTER 7

PRELIMINARY SUBDIVISION APPLICATIONS (MINOR OR MAJOR)

Section 701—Purpose:

This Chapter identifies and provides the procedures for the review of all Preliminary Subdivision Applications (Minor) and Preliminary Subdivision Applications (Major) and required to determine compliance with the County's Land Use Ordinances.

Section 702—Application Initiation:

- 1) A Concept Subdivision Application for the Subject Property may be required and a Concept Subdivision Meeting held with the Zoning Administrator and Commission before filing a Preliminary Subdivision Application (Minor) or Preliminary Subdivision Application (Major) with the Treasurer/Recorder.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major). An agent of the property owner(s) may submit a Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major), provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major). All persons with a fee interest in the subject property shall be required to join in and sign the Preliminary Subdivision Application (Minor) or Preliminary Subdivision Applications (Major).

Section 703—Review Procedures for Permitted Use Applications:

- 1) The procedures for the review of a Preliminary Subdivision Application (Minor), by the Commission, are identified by Figure 2-13, Chapter 15, herein.
- 2) The procedures for the review of a Preliminary Subdivision Application (Major), by the BOCC, are identified by Figure 2-14, Chapter 15, herein.

Section 704—Minimum Requirements and Findings and Standards for Approval of Preliminary Subdivision Applications:

- 1) The Commission shall comply with the requirements of Sections 703, 704 and 705, Subdivision Ordinance for Preliminary Subdivision Applications (Minor).
- 2) The Commission and BOCC shall comply with the requirements of Sections 603, 604 and 605, Subdivision Ordinance for Preliminary Subdivision Applications (Major).

Section 705—Decision for a Preliminary Subdivision Application, Effect of Approval and Appeals:

See Sections 607 and 609, Subdivision Ordinance, for Preliminary Subdivision Applications (Major) and Sections 706 and 708, Subdivision Ordinance, for Preliminary Subdivision Applications (Minor).

Section 706—Preliminary Subdivision Application Amendment:

See Section 208, herein.

Section 707—Preliminary Subdivision Application Expiration:

A Preliminary Subdivision Application (Minor) and a Preliminary Subdivision Application (Major) approval shall expire and shall be invalid if a Final Subdivision Application is not filed with the Treasurer/Recorder within one hundred eighty (180) calendar days from the date of Preliminary Subdivision Application approval by the BOCC (See Sections 607, and 706, Subdivision Ordinance).

CHAPTER 8

FINAL SUBDIVISION APPLICATIONS (MINOR OR MAJOR)

Section 801—Purpose:

This Chapter identifies and provides the procedures for the review of all Final Subdivision Applications (Minor) and all Final Subdivision Applications (Major) required to determine compliance with the County's Land Use Ordinances, including the Subdivision Ordinance.

Section 802—Application Initiation:

- 1) A Preliminary Subdivision Application (Minor) or a Preliminary Subdivision Application (Major) for the subject property, with or without requirements, may be required to be approved by the Commission or BOCC, as applicable, before filing a Final Subdivision Application (Minor) or Final Subdivision Application (Major) with the Treasurer/Recorder.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Final Subdivision Application (Minor) or a Final Subdivision Applications (Major). An agent of the property owner(s) may submit a Final Subdivision Application (Minor) or a Final Subdivision Applications (Major), provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Final Subdivision Application (Minor) or Final Subdivision Applications (Major). All persons with a fee interest in the subject property shall be required to join in and sign the Final Subdivision Application (Minor) or Final Subdivision Applications (Major).

Section 803—Review Procedures for Final Subdivision Applications:

- 1) The procedures for the review of a Final Subdivision Application (Minor), by the Commission, are identified by Figure 2-15, Chapter 15, herein.
- 2) The procedures for the review of a Final Subdivision Application (Major), by the BOCC, are identified by Figure 2-16, Chapter 15, herein.

Section 804—Dedication of Streets and other Public Places:

- 1) Final Subdivision Plats, when made, acknowledged, and recorded in the Office of the Wayne County Recorder, according to the procedures and requirements of the County's Land Use Ordinances, operate as a dedication of all roads, streets and other public places, and vest the fee of those parcels of land with the County for the use of the public for the uses named or intended by the Final Subdivision Plat.

- 2) The dedication established by this Section does not impose liability upon the County for roads, streets and other public places that are dedicated in this manner but are unimproved.

Section 805—Common Area Parcels on a Final Subdivision Plat – No Separate Ownership – Ownership Interest Equally Divided among other Parcels on the Final Subdivision Plat and included in Description of other Parcels:

- 1) A parcel designated as common area on any Final Subdivision Plat and recorded in the Office of the Wayne County Recorder shall not be separately owned or conveyed independent of the other parcels created by the Final Subdivision Plat.
- 2) The ownership interest in a common area parcel described in Subsection (1) herein shall:
 - a) For purposes of assessment, be divided equally among all parcels created by the Final Subdivision Plat, unless a different division of interest for assessment purposes is indicated on the Final Subdivision Plat or an accompanying recorded document; and
 - b) Be considered to be included in the description of each instrument describing a parcel on the Final Subdivision Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

Section 806—Minimum Requirements and Findings and Standards for Approval of Final Subdivision Applications:

The Commission, for Final Subdivision Applications (Minor) and the BOCC, for Final Subdivision Applications (Major) shall comply with the requirements of Section 803, Subdivision Ordinance.

Section 807—Decision for a Final Subdivision Application, Effect of Approval and Appeals:

See Sections 806 and 808, Subdivision Ordinance.

Section 808—Site Preparation Work Prohibited:

See Section 807, Subdivision Ordinance.

Section 809—Final Subdivision Application Amendment:

The BOCC may vacate or amend a recorded Final Subdivision Plat (Minor) or (Major), or any portion of a recorded Final Subdivision Plat (Minor) or (Major), by following and complying with all requirements for vacating or changing a Subdivision Plat, as

identified by Sections 10-9a-608 and 10-9a-609, Utah Code Annotated, 1953, as amended.

Section 810—Final Subdivision Application Expiration:

After the Final Subdivision Plat has been recorded in the Office of the Wayne County Recorder a Final Subdivision Plat shall not expire and shall be valid unless vacated or amended, as provided by the laws of the State of Utah (See Section 809 herein).

CHAPTER 9 GENERAL PLAN AMENDMENT APPLICATIONS

Section 901—Purpose:

This Chapter identifies and provides the procedures for the review of all General Plan Amendment Applications and required to determine compliance with the County's Land Use Ordinances.

Section 902—Application Initiation:

- 1) All requests for a General Plan Amendment shall be made on a General Plan Amendment Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a General Plan Amendment Application. An agent of the property owner(s) may submit a General Plan Amendment Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the General Plan Amendment Application. All persons with a fee interest in the subject property shall be required to join in and sign the General Plan Amendment Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a General Plan Amendment Application.

Section 903—Review Procedures for General Plan Amendment Applications:

The procedures for the review of a General Plan Amendment Application are identified by Figure 2-10, Chapter 15, herein.

Section 904—Minimum Requirements and Findings and Standards for Approval of General Plan Amendment Applications:

The Commission and BOCC shall comply with the requirements of Sections 503 and 504, Zoning Ordinance.

Section 905—Decision for a General Plan Amendment Application, Effect of Approval and Appeals:

See Sections 505 and 506, Zoning Ordinance.

Section 906—General Plan Amendment Application Amendment:

See Section 208, herein.

Section 907—General Plan Amendment Application Expiration:

A General Plan Amendment Application approval shall not expire and shall be valid unless amended or modified by a subsequent General Plan Amendment Application approval.

CHAPTER 10

LAND USE ORDINANCE AMENDMENT APPLICATIONS

Section 1001—Purpose:

This Chapter identifies and provides the procedures for the review of all Land Use Ordinance Amendment Applications, including Applications to amend the Zoning Districts Map or Official Maps, and required to determine compliance with the County's Land Use Ordinances.

Section 1002—Application Initiation:

- 1) All requests for a Land Use Ordinance Amendment shall be made on a Land Use Ordinance Amendment Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Land Use Ordinance Amendment Application. An agent of the property owner(s) may submit a Land Use Ordinance Amendment Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Land Use Ordinance Amendment Application. All persons with a fee interest in the subject property shall be required to join in and sign the Land Use Ordinance Amendment Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a Land Use Ordinance General Plan Amendment Application.

Section 1003—Review Procedures for Land Use Ordinance Amendment Applications:

The procedures for the review of a Land Use Ordinance Amendment Application are identified by Figure 2-11, Chapter 15, herein.

Section 1004—Minimum Requirements and Findings and Standards for Land Use Ordinance Amendment Applications:

The Commission and BOCC shall comply with the requirements of Sections 603 and 604, Zoning Ordinance.

Section 1005— Decision for a Land Use Ordinance Amendment Application, Effect of Approval and Appeals:

See Sections 605 and 606, Zoning Ordinance.

Section 1006—Land Use Ordinance Approval Amendment:

See Section 208, herein.

Section 1007—Expiration:

A Land Use Ordinance Amendment Application approval shall not expire and shall be valid unless amended or modified by a subsequent Land Use Ordinance Amendment Application approval.

Section 1008—Treasurer/Recorder May Provide Notice of Pending Land Use Ordinance or Official Map Amendments to Applicants:

The Treasurer/Recorder may provide applicants affected by a pending Land Use Ordinance Amendment Application or Temporary Zoning Ordinance notice that:

- 1) Identifies that a Land Use Ordinance Amendment is pending with the Commission and/or BOCC or a Temporary Zoning Ordinance is in effect.
- 2) The Land Use Application approval, permit, or license may be affected by the pending Land Use Ordinance Amendment, or Temporary Zoning Ordinance.
- 3) A copy of the pending Land Use Ordinance or Temporary Zoning Ordinance is available for inspection in the Office of the Treasurer/Recorder.

CHAPTER 11 VARIANCE APPLICATIONS

Section 1101—Purpose:

This Chapter identifies and provides the procedures for the review of all Variance Applications and required to determine compliance with the County's Land Use Ordinances.

Section 1102—Application Initiation:

- 1) All requests for a Variance shall be made on a Variance Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Variance Application. An agent of the property owner(s) may submit a Variance Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Variance Application. All persons with a fee interest in the subject property shall be required to join in and sign the Variance Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a Variance Application.

Section 1103—Review Procedures for Variance Applications:

The procedures for the review of a Variance Application, by the Commission, are identified by Figure 2-17, Chapter 15, herein.

Section 1104—Minimum Standards and Findings for Approval of a Variance Application:

The Commission shall comply with the requirements of Sections 1003 and 1004, Zoning Ordinance.

Section 1105—Decision for a Variance Application, Effect of Approval and Appeals:

See Sections 1005, 1006, 1007, 1008, and 1009, Zoning Ordinance.

Section 1106—Variance Approval Amendment:

See Section 208, herein.

Section 1107—Variance Application Expiration:

A Variance Application approval shall expire and shall be invalid unless a subsequent Land Use Application approval is granted by a Land Use Authority, as applicable, within one hundred eighty (180) calendar days from the date of Variance Application approval by the Commission.

CHAPTER 12
NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER
NONCONFORMITIES

Section 1201 – Purpose:

This Chapter identifies and provides the procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs, (“Determination of Legal Nonconforming Use or Legal Noncomplying Structure”) and required to determine compliance with the County’s Land Use Ordinances.

Section 1202—Application Initiation:

- 1) All requests for a Determination of Legal Nonconforming Use or Legal Noncomplying Structure shall be made on the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application. An agent of the property owner(s) may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application. All persons with a fee interest in the subject property shall be required to join in and sign the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.
- 3) The BOCC, Commission, Treasurer/Recorder, Zoning Administrator, or other County Staff may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.

Section 1203—Review Procedures for Determination of Legal Nonconforming Use or Legal Noncomplying Structure Applications:

The procedures for the review of a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application are identified by Figure 2-18, Chapter 15, herein.

Section 1204—Minimum Requirements and Findings and Standards for Approval of Determination of Legal Nonconforming Use or Legal Noncomplying Structure Applications:

The Commission shall comply with the requirements of Sections 1103, 1104, 1105, 1106, 1107, 1108, and 1112, Zoning Ordinance.

Section 1205—Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application Expiration:

A Determination of a Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application approval shall not expire and shall be valid until the Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity fails to comply with all requirements of the County's Land Use Ordinances or the Act.

CHAPTER 13 CONSTITUTIONAL TAKINGS

Section 1301—Purpose:

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

Section 1302—Guidelines Advisory:

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

Section 1303—Application Initiation:

- 1) All requests for a takings review shall be made on a Takings Review Application.
- 2) A property owner(s), as identified on the assessment rolls of Wayne County, may submit a Takings Review Application. An agent of the property owner(s) may submit a Takings Review Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Takings Review Application. All persons with a fee interest in the subject property shall be required to join in and sign the Takings Review Application.

Section 1304—Review Procedures for Takings Review Applications:

- 1) The procedures for the review of a Takings Review Application are identified by Figure 2-19, Chapter 15, herein.
- 2) The BOCC, or designee of the BOCC, shall immediately set a time to review the decision that gave rise to the Takings Claim.
- 3) A decision on a review of a Takings Claim shall be rendered within fourteen (14) days from the date the complete Takings Review Application has been received by the County Recorder. The decision of the BOCC, or designee, regarding the results of the

review shall be given in writing to the applicant and the Land Use Authority that rendered the decision that gave rise to the Takings Claim.

- 4) If the BOCC, or designee, fails to hear and decide the review within fourteen (14) calendar days, the decision appealed from shall be presumed to have been determined to be valid and the Takings Claim denied by the BOCC, or designee.

Section 1305—Reviewing Guidelines:

The BOCC, or the BOCC's authorized designee, shall review the facts and information presented by the applicant to determine whether or not the decision by the County's Land Use Authority constitutes a constitutional taking as defined by the Act. In doing so, they shall consider;

- 1) Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
- 2) Whether a legitimate governmental interest exists for the action taken by the County.
- 3) Is the property and exaction taken roughly proportionate and reasonably related, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed?

Section 1306—Results of Review:

After completing the review, the BOCC, or designee, shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the Land Use Authority that made the decision that gave rise to the constitutional takings claim. The BOCC, or designee, shall provide, in writing, the results of the takings review to the Applicant within ten (10) calendar days of the conclusion of the takings review by the BOCC, or designee.

CHAPTER 14

APPLICATION FEE AND REVIEW FEE SCHEDULES

This Chapter provides the Land Use Application fees and other administrative fees as determined necessary by the BOCC to review the Land Use Applications required by the County's Land Use Ordinances.

CHAPTER 15 DEFINITIONS

This Chapter provides definitions of general terms used throughout this County's Land Use Ordinances for which a definition is considered necessary. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this County's Land Use Ordinances, certain terms may be illustrated. If a conflict arises between an illustration and a definition, the definition shall apply.

Access: The provision of vehicular and/or pedestrian ingress and egress to lot, parcel, building, or structure.

Access Right of Way: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

Act: Means the State of Utah County Land Use, Development, and Management Act, and as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended.

Active or Valid Building Permit: A building permit that has not expired.

Ad Valorem Taxes: A tax "based on value" which applies to property taxes based on a percentage of the County's assessment of the property's value.

Adjacent Property/Landowners: A lot or parcel of property, or the owner of record of such, according to the records of the Wayne County Recorder that has a common immediately contiguous boundary line.

Affected Entity: means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, Local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (c) the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use County's Land Use Ordinances change.

Agent: The person with written authorization to represent an owner.

Alcoholic Beverages: Means and includes beer and liquor as those terms are defined in the Utah Alcoholic Beverage Control Act, as amended.

Alteration: Any change, addition, or modification in construction of a building or structure.

Appeal Authority: Means the person, board, commission, agency, or other body designated by this County's Land Use Ordinances to decide an appeal of a decision of a Land Use Authority or review a Variance Application.

Applicant(s): Any person, partnership or corporation applying for any Land Use Application approval, permit or license required by this County's Land Use Ordinances.

Application: A written request, completed in a manner prescribed in this County's Land Use Ordinances, for review, approval, or issuance of an approval, permit, or license.

Application, Complete: An application that includes all information requested on the appropriate form and payment of all applicable fees.

Application, Incomplete: An application that lacks information requested on the appropriate form or the payment of all applicable fees.

Architectural Projection: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs or balconies.

Authorized Officers: Those persons authorized by the County to inspect businesses and enforce the provisions of this County's Land Use Ordinances, or other applicable regulations.

Basement: A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground.

Beer: As defined by the Utah Alcoholic Beverage Control Act, as amended.

Berm: A mound of earth.

Best Management Practices (BMPs): A practice, or combination of practices, determined to be the most effective (including technological, economic, and institutional considerations) means of preventing or reducing disturbance or disruption to the natural environment.

Billboard: A freestanding sign designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

Board of County Commissioners: The duly-elected Board of County Commissioners of Wayne County, Utah.

Building: Any structure, whether permanent or temporary, including but not limited to dwelling units, which are designed, intended or used for occupancy by any person, animals, possessions, or for storage of property or goods of any kind.

Buildable Area: That area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this County's Land Use Ordinances.

Building Code: The International Building Code, as adopted by the County.

Building Facade: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Frontage: The horizontal, linear dimension of that side of a building facing a street, a parking area, or other circulation area open to the public.

Building, Height: The vertical distance from the natural or finished grade to the highest point of the building or structure.

Building Line, Front: A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard setback and extending across the entire width of the lot or parcel.

Building Line, Rear: A line parallel to the rear lot line and at a distance there from equal to the required depth of the rear yard setback and extending across the entire width of the lot or parcel.

Building Line, Side: A line parallel to the side lot line and at a distance there from equal to the required depth of the side yard setback and extending between the front and rear building lines.

Building Line: The line circumscribing the buildable area of a lot.

Building Official: The official, or other person, charged with the administration and enforcement of the Building Code.

Building Permit: A permit required by the Building Code and issued by the Building Official authorizing a construction activity.

Business: Means and includes all trades, occupations, professions or activities engaged in within the unincorporated areas of the County and carried on for the purpose of gain or economic profit.

Business License: The license required by the Business License County's Land Use Ordinances of the County.

Carport: A roofed structure designed for the shelter of a motor vehicle and open on at least two sides and subject to all requirements prescribed for a private garage.

Certificate of Occupancy: A certificate issued by the Building Official authorizing occupancy of a building or structure requiring a building permit.

Clear View Area: Areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this County's Land Use Ordinances.

Cluster Development: A design that concentrates buildings in specific areas on a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land areas.

Commission: The Planning Commission of Wayne County, Utah.

Common Area: Facilities, land areas, and yards under common ownership.

Common Open Space: The land area reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the owners.

Conditional Use: As defined by the Act.

Conditional Use Permit: The approval granted by a Land Use Authority to establish a Conditional Use, which may provide for reasonable conditions to establish such use.

Constitutional Taking: Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or (b) Utah Constitution.

Construction: The materials, architecture, assembly, and installation of a building or structure.

Construction Activity: All grading, excavation, construction, grubbing, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new primary or accessory structure on a lot or parcel.

County: The unincorporated area of Wayne County, Utah.

Cul-de-sac: A street with only one (1) outlet and an area for the safe and convenient turning of vehicles.

Culinary Water Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cut: The process of lowering the natural grade for a portion of the development site, or the depth or the volume of such material removal. The reference for a cut shall be measured from natural to finished grade.

Decibel (dB): A unit of measure used to express intensity of noise.

Declaration: The legal instrument by which property is subjected to the provisions of the Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

Dedication: The setting aside of land by an owner for a public use or purpose.

Demolish or Demolition: Any act or process that destroys, in part or in whole, a building or structure.

Density: The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. Density is a function of both the number and type of dwelling units and/or non-residential square footage and the land area.

Density Base: The number of dwelling units per acre allowed in a Zoning District.

Density, Gross: The number of dwelling units per acre within a subdivision or other development based on the total area whether developable or not, including streets, public areas, water areas, open space areas, and sensitive lands.

Density, Incentive: The number of additional dwelling units per acre allowed in addition to base density.

Density, Net: The number of dwelling units per acre within a subdivision or other development and excluding all areas used for streets, public areas, water areas, open space areas, sensitive lands, or encumbered in any other way or any other purpose.

Developer: A person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this County's Land Use Ordinances or the Subdivision County's Land Use Ordinances.

Development Activity: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or other structures,

mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for capital facilities or services; (e) The property being developed and/or subdivided; or (f) The act, process or result of developing.

Development Permit: Any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

Development Site: The total area and perimeters of a tract, lot, or parcel of land intended to be used for a development activity.

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

Driveway: A private access, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

Dwelling Unit: A building, or portion thereof, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, complying with all provisions of the Building Codes and County's Land Use Ordinances.

The definition of a dwelling unit shall include:

a. **Dwelling Unit, Manufactured.** A transportable factory built housing unit (dwelling unit) constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

To meet the requirements of this County's Land Use Ordinances and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the International Building Code, as adopted by Wayne County, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the International Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the

International Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Manufactured dwelling Unit shall be identified as real property on the property assessment rolls of Wayne County.

b. Dwelling Unit, Mobile Home. A transportable factory built housing unit (dwelling unit), constructed prior to June 15, 1976, not in accordance with the Federal Home Construction and Safety Standards Act of 1974 (HUD Code).

Easement: A portion of a lot or parcel reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above the lot or parcel.

Elderly Person: Means a person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Engaging in Business: Includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

EPA: The U.S. Environmental Protection Agency.

Escrow: A deposit of cash or approved alternate in lieu of cash held to ensure a performance or a maintenance guarantee.

Exaction: the act of exacting, excessive or unjust demand.

Excavation: The removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

External Illumination: Lighting which illuminates a building or structure from a remote position, or from outside of the building or structure.

Family: A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (a) Any number of people who are related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises; or (b) four [4] unrelated people; or (c) two unrelated people and any children related to either of them.

“Family” does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

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

Fence, Open: A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.

Fence, Sight Obscuring: A fence which permits no vision (0%) through any part of the fence at a more than eight (8) inches above the natural or finished grade.

Fill: Materials used to raise the natural grade, or the depth or the volume of material. The reference for a fill shall be measured from natural to finished grade.

Final Action: The final vote or decision on Land Use Application.

Fire Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

Fiscal Impact Analysis: An analysis that describes the current or anticipated effect upon the public costs and revenues imposed by a development activity.

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

- 1) The overflow of inland or tidal waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map of the County on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

Flood Plain, 100 Year: A designated area where a peak flow magnitude has about a 1 percent chance of being equaled, or exceeded in any year. The area within a flood plain is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in 100 years.

Floor Area: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

Floor Area, Livable (Net Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the inside wall surfaces including basements but excluding, garages, porches, utility rooms, stairways, storage rooms, and unroofed balconies and patios.

Floor Area, Total (Gross Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

Floor Area Ratio: The total floor area of a building divided by the area of the lot on which it is located.

Frontage: All the property fronting on a street measured along the street line.

Garage: An accessory building, or a portion of the primary building, used for the storage of motor vehicles.

Garage, Private: An enclosed space or accessory building for the storage of one (1) or more motor vehicles; provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

General Plan: As defined by the Act.

Grade: The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, an Engineer may establish the grade.

Grading: An excavation, cut or fill, or the act of excavating, either cutting or filling.

Grade, Finished: The finished elevation of the surface of the land after the completion of any development activity or other man-made disturbance, or grading.

Grade, Natural: The elevation of the surface of the land prior to any development activity or any other man-made disturbance, or grading.

Gross Acreage: The total area of a lot or parcel of land, including all rights of ways and easements.

Groundwater: Any water that may be drawn from the ground.

Guarantee: Any form of security including cash or an escrow agreement in an amount and form satisfactory to the County.

Hard-Surfaced: Covered with concrete, brick, asphalt, or other impervious surface.

Hazardous Waste: A material as defined by the United States Environmental Protection Agency.

Health Department: The Wayne County Health Department.

Home Occupation: A commercial or other non-residential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes.

Illegal Building/Illegal Structure: A building or structure, or portion thereof, established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances or Building Code, or their prior enactments.

Illegal Lot: A lot created for a development activity that has not received the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or their prior enactments.

Illegal Use: A use established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or prior enactments.

Impact Analysis: A determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc., upon the County.

Impervious Material or Surface: Material that is impenetrable by water.

Improvements: Curbs, gutters, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of the County's Land Use Ordinances.

Incombustible Material: Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature. Tests shall be made as specified in the building code.

Intensity: The degree of a quantitative or qualitative measurement associated with a use of land or building.

Land Use: The manner in which land is occupied or used.

Land Use Application: As defined by the Act, but including an application required by the County's Land Use Ordinances.

Land Use Authority: As defined by the Act, but including a person, board, commission, agency, or other body designated by the County's Land Use Ordinances to act upon a Land Use Application.

Land Use County's Land Use Ordinances: As defined by the Act, but including a planning, zoning, development, or subdivision ordinances of Wayne County, but does not include the General Plan.

Land Use Permit: As defined by the Act, but including any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

Landscaping: Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth.

Legal Building/Legal Structure: A building or structure, or portion thereof, complying with the requirements of the County's Land Use Ordinances and Building Code, as adopted or prior enactments.

Legal Lot/Legal Lot of Record. Any land parcel that existed, as recorded in the Office of the Wayne County Recorder, with a separate property identification number as provided by the County Recorder and County Assessor, prior to the date of the enactment of the first Wayne County Subdivision County's Land Use Ordinances, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of Wayne County and the laws of the State of Utah after the date of the enactment of the first Wayne County Subdivision County's Land Use Ordinances.

Legal Nonconforming Building/Structure: A building or structure, or portion thereof, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, which does not now conform to the regulations of the Zoning District in which it is located.

Legal Nonconforming Lot: A lot, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, whose width, area, or other dimension do not conform to the regulations of the Zoning District in which it is located.

Legal Nonconforming Use: A use, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, such use being maintained continuously, and

which does not now comply with the use regulations of the Zoning District in which it is located.

Legal Use: A use complying with the requirements of the County's Land Use Ordinances.

Legislative Body: The Wayne County Board of County Commissioners.

Licensed Premises: Any room, house, building, structure, or place occupied by any person licensed to sell alcoholic beverages on such premises.

Licensee: Includes the person, firm, corporation, or association to whom the license is issued, and also means and includes the licensee's manager, agents, servants and employees, and all other persons acting for him.

Light Source: A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

Liquor: As defined by the Utah Alcoholic Beverage Control Act, as amended.

Lot: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street.

Lot Area: The total land area of a lot or parcel.

Lot Coverage: The total horizontal area of a lot or parcel covered by any impervious surface, including buildings, structures, parking, driveways, etc.

Lot Depth: The mean horizontal distance from a front lot line to a rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot, Irregular: A lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

Lot Line: A line that divides one (1) lot or parcel from another, or from a street.

Lot Line Adjustment: Means the relocation of a lot line between two (2) adjoining lots with the consent of the owners and complying with all requirements of the Act.

Lot Line, Front: A lot or parcel line separating a lot or parcel from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line. For a corner lot, the lot or parcel lines adjoining both streets.

Lot Line, Rear: The lot line generally opposite and most distant from the front lot line.

Lot Line, Side: Any lot or parcel line that is not a front lot line or rear lot line. A side lot line separating one (1) lot or parcel from another is an interior side lot line.

Lot Width: For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

Lot, Corner: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

Lot, Double Frontage: A lot or parcel abutting two parallel or approximately parallel streets.

Lot, Illegal: A separately delineated piece of real property, created for the purposes of a development activity, and which has not received the necessary approvals, as required by the County's Land Use Ordinances, including the Subdivision Ordinance, and State laws, and their prior enactments.

Lot, Legal: A separately delineated piece of real property, created for the purposes of a development activity, which: (a) Is shown on a recorded final subdivision plat that has received the necessary approvals, as required by the County's Land Use County's Ordinances, including the Subdivision County's Land Use Ordinances, and State laws, and their prior enactments, or (b) Is defined by some other legal instrument and has a separate property identification number according to the records of the Wayne County Recorder, and was legally created, as required by the County's Land Use Ordinances, including the Subdivision Ordinance, State laws, and their prior enactments.

Lot, Nonconforming: A lot or parcel that: (a) Legally existed before its current zoning designation; and (b) Has been shown continuously on the records of the Wayne County Recorder as an independent parcel since the time the zoning regulation governing the lot or parcel changed; and (c) Because of subsequent zoning changes does not conform with the lot size or other dimensional or property development standards applicable in the Zoning District in which the lot or parcel is located.

Lumen: A measurement of light output or the amount of light emitting from a luminaire.

Manufactured Home: A factory built structure which is constructed in compliance with the Federal manufactured housing construction and safety standards act of 1974, which became effective June 15, 1976; transportable in one or more sections; built on a permanent chassis; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to

required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Map, Official: Any map adopted by the Board of County Commissioners under the provisions of Utah Code Annotated, as amended.

Mobile Home: A factory built, moveable living unit which does not meet the requirements of the Federal manufactured housing construction and safety standards act of 1974, which became effective on June 15, 1976; transportable in one or more sections; eight feet (8') or more in body width and thirty two feet (32') or more in body length; built on a permanent chassis with wheels; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Moderate Income Housing: As defined by the Act.

Moderate Income Housing Plan: A written document conforming to the requirements of the Act.

Modular Home: A factory built structure which is constructed in compliance with the county's or State's adopted building codes; transportable in one or more sections; built on permanent chassis; designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. A modular home meeting the requirements of chapter 9 of this title shall be classified as a dwelling.

Monument: A permanent survey marker established by the Wayne County Surveyor and/or a survey marker set and referenced to Wayne County survey monuments.

Motor Home: A self-propelled vehicular unit, other than a mobile home primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer and a van.

Natural Features: Non man-made land characteristics, including slopes, wetlands, streams, intermittent drainage channels, and native stands of shrubs or trees.

Natural State: Land that has not been subjected to grading, removal of vegetation or any development activity.

Natural Vegetation: Vegetation existing on a lot or parcel prior to any grading, development activity or plantings.

Natural Waterways: Those areas, varying in width, along streams, creeks, gully, springs or gashes which are natural drainage channels as determined by the community and economic development director and in which areas no buildings shall be constructed.

Nominal Fee: Means a fee that reasonably reimburses the County only for time spent and expenses incurred in: (a) verifying that building plans are identical plans; and (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

Noncomplying Structure: As defined by the Act but includes a structure that: (a) legally existed before its current land use designation; and (b) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming Use: As defined by the Act but includes the use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use County's Land Use Ordinances governing the land changed; and (c) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the regulations that now govern the use of the land.

Official Map: As defined by the Act but means a map drawn by Wayne County and recorded in a County Recorder's office that: (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and (c) has been adopted as an element of the General Plan.

Official Street Map: The map adopted by the Board of County Commissioners, which shows the location and alignment of existing and future roads and streets within the County.

Official Zoning Map: The map adopted by the Board of County Commissioners showing the geographic location of Zoning Districts.

Off-Street: Entirely outside of any right-of-way, street, access easement, or any private access drives.

Open Space: Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

Operate or Cause to be Operated: To cause to function or to put or keep in a state of doing business.

Owner: Any person who alone, jointly or severally with others has legal or equitable title to any property.

Parcel: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same owner.

Park: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

Park Strip: The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

Parking Area: An enclosed or unenclosed area, other than a street, and used or designed for parking of vehicles.

Parking Lot: An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space: Space within a building, lot, or parking lot for parking or storage of one automobile.

Person: Means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Pervious Material or Surface: Material that is penetrable by water.

Place of Business: Each separate location maintained or operated by the licensee, whether or not under the same name, within the county from which business is engaged.

Plan for Moderate Income Housing Means a written document adopted by the Board of County Commissioners that includes: (a) an estimate of the existing supply of moderate income housing located within the county; (b) an estimate of the need for moderate income housing in the county for the next five years as revised biennially; (c) a survey of total residential land use; (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and (e) a description of the county's program to encourage an adequate supply of moderate income housing.

Planning Commission (“Commission”): The Planning Commission of Wayne County, Utah.

Plat: Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 17-27a, Section 17-23-17, or Section 57-8-13, U.C.A.

Primary Building: The principal building located on a lot or parcel designed or used to accommodate the primary use to which the premises are devoted.

Primary Use: The principal purpose for which a lot, parcel, or building is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of the County's Land Use Ordinances.

Private Drive: Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

Property: Any lot, parcel, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

Property Line: The boundary line of a lot or parcel.

Public: That which is under the ownership or control of the United States Government, Utah State, or any political subdivision of the State of Utah (or any departments or agencies thereof).

Public Hearing: Means a hearing at which member so the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Improvement: Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

Public Meeting: Means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

Reasonable Accommodation: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

Record of Survey Map: Means a map of a survey of land prepared in accordance with Section 17-23-17, U.C.A.

Recreational and Manufactured Home Standard: A standard adopted by the American National Standards Institute or the National Fire Protection Association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the national manufactured housing construction and safety standards act of 1974 and as amended from time to time.

Recreational Vehicle: A vehicular unit primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.

Residence: A dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit.

Residential Activity: Any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot for residential purposes.

Residential Facility for Elderly Persons: Means a single-family or multiple-family dwelling unit that meets the requirements of the Act, but does not include a health care facility as defined by Section 26-21-2, U.C.A.

Residential Facility for Persons with a Disability: Means a residence: (a) in which more than one person with a disability resides; and (b) (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Right-of-Way: Any dedicated area provided for conveying vehicle and pedestrian traffic, and other public use.

Sanitary Sewer Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Setback or Required Yard Area: The shortest distance on a lot or parcel between a building line and a property or designated right-of-way line excluding uncovered patios, decks and balconies not greater than two (2) feet in height from grade, and not less than 4 feet from the rear property line and 8 feet from the side property line,

and chimney and roof overhangs protruding no greater than two (2) feet into the setback area.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment outcall service in the form of seminude dancing or exhibition, adult motion picture theater, adult theater, seminude model studio, or sexual encounter establishment.

Sexually Oriented Entertainment Activity: The sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specific sexual activity.

Sign: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Awning: A sign attached flat against the surface of an awning.

Sign, Canopy: A sign attached to, or included in the constructed of a canopy, which may be located over a fuel island or drive through.

Sign, Free-Standing Monument: A sign attached to the ground or a foundation with no pole(s) brace(s), or other visible means of support other the attachment or foundation to the ground.

Sign, Free Standing Pylon: A sign attached to the ground or a foundation with a pole, or poles, or other visible means of support.

Sign, Limited: A sign associated with an established use and intended to be displayed for a maximum period of ninety (90) calendar days, such sign being removed after the expiration of Ninety (90) calendar days.

Sign, Wall: A sign displayed against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than twelve (12) inches horizontally from the face of the wall.

Site Plan: A schematic, scaled drawing of a lot or parcel which indicates, as may be required by the County's Land Use Ordinances, the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

Slope: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

Special District: Means an entity established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a County, municipality, school district, or unit of the State.

Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, U.C.A.

Start of Construction: The issuance date of a building permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first excavation on the site or the placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

Story: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

Street: Means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

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

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Subdivision: As defined by the Act.

Subdivision (Major): A subdivision that is not a Subdivision (Minor).

Subdivision (Minor): A subdivision, as defined herein, and limited further as follows;

- 1) The land proposed to be divided;
 - a) Does not require the dedication of any land for a road or street or for any other public purposes.
 - b) Has been approved by the culinary water authority and the sanitary sewer authority.

- c) Is located in a zoned area.
- d) Conforms to all applicable County Land Use Ordinances; and
- e) Contains no more than four (4) lots, including any lot containing any remnant of the subject property.

Subject Property: Means any land, lot, parcel, or tract that is the subject of, and is identified in any Land Use Application.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of the County's Land Use Ordinances or to exercise development rights authorized pursuant to such an approval.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 3) The term does not, however, include either:
 - a) Any project for improvement of a structure to comply with existing State or Local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b) Any alteration of a structure listed on the national register of historic places or a State inventory of historic places.

Swimming Pool: Any artificial or semi-artificial container, whether indoors and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

Temporary Use: A use allowed for a limited time with the intent to discontinue the use upon expiration of the period.

Testacy: A formal testacy proceeding is one conducted with notice to interested persons before a court.

Travel Trailer: A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

- 1) Designed as a temporary dwelling for travel, recreational and vacation use; and
- 2) When factory equipped for the road, having a body width of not more than eight (8) feet and a body length of not more than forty (40) feet.

U.C.A. Means the Utah Code Annotated, as amended.

Unincorporated: Means the area outside of the incorporated area of any municipality located in Wayne County.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use Variance. A modification to the Allowed Uses that allows a landowner to use a parcel or lot that is not permitted by the County's Land Use Ordinances.

USGS: The United States Geological Survey

Utilities: Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the County.

Utility Easement: The area designated for access to construct or maintain utilities on a lot or parcel.

Variance: A modification granted by the LUHO to a zoning requirement for height, bulk, area, width, setback, or other numerical or quantitative requirement for a building or structure or other site improvements, with a finding of hardship, as set forth in the County's Land Use Ordinances.

Vehicle: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

Vested Right (or Vested): A right to develop property in a particular manner which cannot be abolished, modified or restricted by a Land Use County's Land Use Ordinances or regulations subsequently enacted.

Violated or Violating: There exists reasonable cause to believe that any County's Land Use Ordinances, code, statute, or law has been or is being violated and is not limited to pleas of guilty or convictions for violating said County's Land Use Ordinances, codes, statutes, or laws.

Wireless Telecommunication Facility: An unmanned structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended.

Yard: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

Yard, Front: An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear: An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot; except, on corner lots, the rear yard shall not include the side yard bordering the street.

Yard, Side: An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the front line of the building (exclusive of steps) and extending from the side line of the building (exclusive of steps) to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building (exclusive of steps) to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

Zoning Administrator: The person appointed by the Board of County Commissioners to carry out the administrative responsibilities of the County's Land Use Ordinances.

Zoning District: An area of the unincorporated territory of the County which has been given a designation which regulates the construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land as set forth in the County's Land Use Ordinances.

Zoning Map: A map adopted as part of the County's Land Use Ordinances that depicts land use zoning districts or overlays.

Zoning Ordinance: The zoning ordinance of Wayne County, Utah, as set forth in the County's Land Use Ordinances, as defined by the Act, and as amended from time to time.

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