

ORDINANCE NO. 525

AN ORDINANCE ADOPTING AMENDMENTS TO SECTIONS TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE AND ELEVEN OF THE CARBON COUNTY DEVELOPMENT CODE

WHEREAS, Carbon County desires to amend Sections Two, Three, Four, Five, Six, Seven, Eight, Nine and Eleven of the Carbon County Development Code, for the purpose of clarifying and adding provisions to said section, and

WHEREAS, a public hearing was held on November 12, 2019, at the hour of 4:30 p.m. before the Carbon County Planning Commission and recommended to the Carbon County Board of Commissioners to amend the above-listed sections of the Development Code, and the Carbon County Board of Commissioners on December 4, 2019 having received and considered the comments made at the public hearing;

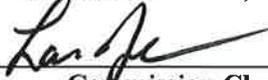
NOW THEREFORE, THE CARBON COUNTY BOARD OF COMMISSIONERS DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

- A. Section Two of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “A”** to this Ordinance.
- B. Section Three of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “B”** to this Ordinance.
- C. Section Four of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “C”** to this Ordinance.
- D. Section Five of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “D”** to this Ordinance.
- E. Section Six of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “E”** to this Ordinance.
- F. Section Seven of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “F”** to this Ordinance.
- G. Section Eight of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “G”** to this Ordinance.
- H. Section Nine of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “H”** to this Ordinance.
- I. Section Eleven of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit “I”** to this Ordinance.

J. **Effective Date:** This ordinance shall become effective January 1, 2020, or as soon thereafter as the Carbon County Clerk has met the publication requirements of U.C.A §17-53-208(3)

ORDAINED, DECREED, AND APPROVED THIS 4th DAY OF DECEMBER, 2019

CARBON COUNTY BOARD OF COMMISSIONERS,



Commission Chairman

VOTING:

Commissioner Jensen voted JS yea ___ nay

Commissioner Hopes voted CH yea ___ nay

Commissioner Martines voted TM yea ___ nay

ATTEST:



Carbon County Clerk/Auditor



Published in ETV News on the
15th day of January, 20 20



Deputy County Clerk

EXHIBIT "A"

SECTION 2

COUNTY PLANNING

2.1 PLANNING COMMISSION

2.1.1 Establishment of Commission – Number of Members – Qualification

There is hereby created a Planning Commission within and for Carbon County, to be known as the Carbon County Planning Commission. Said Commission shall consist of seven voting members, two alternate members, and, at the discretion of the Board of County Commissioners, a non-voting, liaison member from the Board of County Commissioners. The members of the Planning Commission shall be appointed by the Board of the County Commissioners. Each of the seven appointed members and the two alternates shall be a resident of the County and at least four of them shall hold no other public office or position. Members shall be selected without respect of political affiliations and shall serve without compensation, except for reasonable expenses. In the event of the absence of any regular members at any meeting, the alternate member(s) shall serve with full rights and authority at said meeting.

2.1.2 Term of Office

Each member of the Planning Commission shall serve for four years. The term of office for the liaison member shall be as determined by the action of the Board of County Commissioners.

2.1.3 Vacancies – Removal from Office

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Chairman of the Board of County Commissioners with the consent of the other members. Members of the Planning Commission may be removed by the County Commission for non-performance of duty or misconduct, after public hearing on the matter, if one is requested. Attending fewer than half of all regularly scheduled meetings of the Planning Commission within a year's time shall be considered non-performance of duty.

2.1.4 Organization – Rules of Procedure

The Planning Commission shall elect from its members a chairperson and vice chairperson, whose term shall be for one year. The Commission may create and fill such other offices as it may determine. The Planning Commission shall adopt policies and procedures governing its procedure and shall keep public records of its proceedings.

2.1.5 Duties and Powers

The Board of County Commissioners designates the Planning Commission as the Land Use Authority to hear and act on all land use applications, except as may be otherwise stated in this Development Code. The Planning Commission shall have the power as may be necessary to perform its functions and promote County planning as follows:

- A. To prepare and recommend a master plan and amendments to the master plan to the County legislative body.
- B. To recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the County legislative body.
- C. To recommend subdivision regulations and amendments to those regulations to the County legislative body.

- D. To act as the land use authority in regard to subdivision and conditional use permit applications, with authority to approve or deny of subdivision and conditional use permit applications.
- E. To determine other land uses not specified in the Development Code. Because not all land uses may be contemplated by this code, any use of land which is not enumerated as a permitted or conditional use in a particular zoning district, and is not contrary to law, may be considered by the Planning Commission to be a permitted non-conditional or conditional use. The Planning Commission shall hear and decide requests from any person or entity adversely affected by an omission of a legal land use in this code. The Planning Commission shall determine whether the use is a permitted or conditional use.

The Planning Commission may not hear or authorize such use unless it meets the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the public.

Upon the Planning Commission making findings of fact, any conditional use shall be approved pursuant to the standards set forth in this Code. Any permitted use shall be referred to the Zoning Administrator and Building Official for application for and issuance of proper permits.

- F. To advise the County legislative body on matters as the County legislative body directs.
- G. To hear or decide any matters that the County legislative body designates.
- H. To exercise any other powers delegated to it by the County legislative body.
- I. To exercise any other powers that are necessary to enable it to perform its functions.

2.2 APPEALS, APPEAL AUTHORITIES, AND REQUESTS FOR VARIANCES

2.2.1 Appeals Considered. All land use decisions made or issued by any Land Use Authority designated herein may be appealed to an Administrative Hearing Officer within 30 days of the issuance of a decision of the Land Use Authority. All legislative decisions made or issued by the Legislative Body may be appealed to the 7th District Court within 30 days of the issuance of a decision of the Legislative Body.

2.2.2 Variations. A request for a waiver of or variance to a land use ordinance shall be heard by an Administrative Hearing Officer. Variations and waivers that may be considered include, but are not limited to, the following:

1. Building setbacks from property line
2. Structure height requirements
3. Exploratory or production well locations
4. Parking facilities
5. Landscaping
6. Utility requirements
7. Livestock and animal locations and density

2.2.3 Appointment of Administrative Hearing Officer. The Administrative Hearing Officer shall be appointed by the Board of County Commissioners. The Board of Commissioners may at their discretion appoint more than one Hearing Officer. If more than one Hearing Officer is appointed, the Hearing Officers will alternate hearing cases, and shall substitute for each other when the appointed officer is unavailable. An Administrative Hearing Officer may enlist the assistance of a geologist, structural engineer, or other expert in the geologic sciences in making decisions pertaining to geologic hazards. Any costs associated with technical reports will be at no cost to Carbon County.

2.2.4 Conduct of Appeal Hearings – All hearings before an Administrative Hearing Officer shall be subject to the following rules and guidelines:

- a. Public notice of any appeal hearing shall be given as required for any meeting under the Utah Open and Public Meetings Act. Notice of the appeal hearing shall be given to the parties at issue and to the owner of the underlying property no fewer than 10 days prior to the hearing. Notice shall be deemed effective as of the date notice is mailed. An applicant who fails to appear, or whose agent fails to appear, at a properly noticed meeting may be denied relief on the basis of the applicant's absence at the hearing.
- b. All such hearings shall be recorded and minutes shall be made of said meetings.
- c. The appeal authority shall not be bound to follow rules of evidence.
- d. A written decision shall be issued by the appeal authority after all evidence has been presented. A copy of the decision shall be kept in the records of the Planning Department.
- e. The Administrative Hearing Officer is the final appeal authority for land use decisions and requests for waivers and variances within Carbon County. A decision of an Administrative Hearing Officer may be appealed to the Seventh Judicial District Court of Carbon County within 30 days of the mailing of the written decision of the Administrative Hearing Officer.

2.2.5 Standards on Variances and Waivers

A. A variance or waiver may be granted only if it is reasonably and clearly determined that:

1. Literal enforcement of the requirements and provisions of this title would cause an unreasonable hardship on the owner that is not necessary to carry out the general purpose of this title;
2. Special, unique, or exceptional circumstances or conditions are attached to the land but do not generally apply to other properties in the same zone;
3. Granting the variance is essential to the beneficial enjoyment of a substantial property right possessed by other property owners in the same zone;
4. The variance will not:
 - a. be contrary to the public interest or welfare;
 - b. substantially affect the County master plan;
 - c. substantially injure or restrict the beneficial use and enjoyment of adjacent or nearby property; or
 - d. permit a use not designated as a permitted or conditional use in the zone in which the land is situated;
5. The requesting person is the owner of the land, authorized agent of the owner, or a holder of a beneficial interest in the land;

6. The spirit and intent of this title are observed and substantial justice is done; and
7. There is no reasonable alternative.

B. The appeal authority may not make a finding that there is an unreasonable hardship unless the alleged hardship:

1. Is located on or closely and reasonably associated with the land for which the variance is sought; and
2. Results from special circumstances which are unique to the land and not from conditions that are general to the neighborhood.

C. The appeal authority may find that special circumstances exist only if the special circumstances:

1. Relate to the alleged hardship; and
2. Deprive the land of privileges granted to other properties in the same zone.

D. The owner shall have the burden of proving that all of the above elements are met.

2.3 ZONING ADMINISTRATION

2.3.1 Creation of Office

There is hereby created the office of Zoning Administrator. Said Administrator is hereby charged with the administration and enforcement of the zoning regulations of the County and other duties as set forth below.

2.3.2 Powers and Duties of the Zoning Administrator

The Zoning Administrator may appoint deputies.

It shall be the duty of the Zoning Administrator or Deputy:

- A. To review all applications for building permits and to approve such permits when all requirements of the zoning regulations have been met.
- B. To respond to requests for information from citizens and officials regarding details of the County's development and zoning requirements.
- C. To enforce the provisions of this Code within the County, to refuse to approve any permit unless the plans of and for the proposed erection, construction, or use fully conform to all zoning regulations in effect within the County, and to enter actions in the courts when necessary.
- D. Upon appeal to the Administrative Hearing Officer on any matters heard and decided by the Land Use Authority designated under this Code, the Zoning Administrator shall forthwith transmit all papers, records, exhibits, and other pertinent data pertaining to the appeal thereto.
- E. To keep the Official Zone Map current, and to issue certificates of zoning compliance when requested.
- F. To act as staff to the Planning Commission and to coordinate its activities with those of the Administrative Hearing Officer and County Commission.
- G. To provide technical assistance to the Administrative Hearing Officer and to coordinate its activities with those of the applicable Land Use Authority.

- H. To review and approve applications for agricultural land divisions and to obtain the signature of the Chair of the Planning Commission for plats describing such divisions upon review for accuracy by the Deputy County Surveyor.
- I. To review and approve temporary use permits and certain conditional use permits, as set forth elsewhere in this Development Code.
- J. To review and approve communication tower/utility, and recreation subdivisions.

EXHIBIT “B”

SECTION 3

ZONING - GENERAL REQUIREMENTS

3.1 GENERAL PROVISIONS

3.1.1 Uses Prohibited in Zones Unless Expressly Permitted

It shall be a violation of law for any person to reside, or loiter in any building or structure which has not been authorized under this Code as a dwelling, as that term is defined herein. Uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein.

3.1.2 Pre Existing Uses

Any building or use of land or any construction thereon, or any subdivision of land, which was not authorized by or under the pre-existing zoning or subdivision regulations, as amended, or which is illegal under such regulations, shall remain unauthorized and illegal unless expressly authorized or permitted in the provision of this Code.

3.1.3 Uses on Leased Land to Comply with Code

Any person who may obtain the use of property by lease must utilize such properties in accordance with the provisions of this Code.

3.1.4 Review Fees

All costs for the processing of applications for subdivisions, large-scale developments, zone changes, conditional use permits, Administrative Hearing Officer rulings, and similar actions required under the terms of this Code shall be borne by the applicant. The County Commission may, by resolution, establish fees for the processing of such applications and the administration of this Code and provide for the assessment and collection thereof.

3.2 NONCONFORMING BUILDINGS AND USES

3.2.1 Nonconforming Uses May Be Continued

The owners of land and buildings shall not be deprived of the use of any property for the purpose to which it is lawfully devoted at the time of the enactment of this Code. Nonconforming buildings or structures or uses of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use.

3.2.2 Damaged Nonconforming Single Family Dwellings and Accessory

A nonconforming single family dwelling which is damaged or destroyed by fire, flood, or other calamity or act of nature, or a dwelling or residential structure, or accessory building which has become functionally obsolete may be restored or replaced. Such restoration, reconstruction, expansion or substitution shall be started within a period of three hundred sixty five (365) days from the date of destruction, damage or obsolescence and shall be diligently prosecuted to completion and approval for occupancy. The new

building construction shall comply with all applicable codes for setback, water, sewer and other requirements.

3.2.3 Expansion of or Damage to a Nonconforming Building or Use

Nonconforming uses within a building may be expanded, but only within the same building in which said nonconforming use is located, except that residential accessory uses may be expanded, provided that any expansion of the building shall conform to all building codes and the requirements of the zoning district in which it is located, except preexisting setbacks, and further provided that any restoration is started within a period of three hundred sixty five (365) days from the date of destruction and is diligently prosecuted to completion and approval for occupancy. The new building construction shall comply with all applicable codes for water, sewer and other building code requirements. Such restoration, except for single family dwellings and accessory buildings, shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building nonconforming. Should the construction not be diligently prosecuted, the building permit for said construction may be revoked after a hearing by Administrative Hearing Officer.

3.2.4 Discontinuance or Abandonment

A nonconforming building or structure or portion thereof, or a lot occupied by a nonconforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of 365 days or more, shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.

3.2.5 Change to a Conforming Use

Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.

3.2.6 Change to Another Nonconforming Use Prohibited

A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

3.2.7 Reclassification of Territory

The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter becomes nonconforming due to an amendment in this Code or the official zone map.

3.2.8 Nonconforming Lots of Record

The Zoning Administrator may authorize and the Building Official may issue a building permit for construction of a single family dwelling on any nonconforming lot of record provided:

- A. That one family dwellings are listed as permitted use in the present zone, and;
- B. That all setbacks, heights, building size and special provision requirements of the existing zone and all applicable supplementary regulations can be met.

Any lot which becomes nonconforming by reason of dedication for a Public road shall become a nonconforming lot of record and the single-family dwelling or other buildings on the lot may continue.

Any lot created by means other than for a roadway or other public purpose shall, for purposes of this Code, be classified as an illegal lot and shall not be considered as qualifying as a nonconforming lot. The Administrative Hearing Officer may not grant a variance for any illegal lot so created. No building permit shall be issued for any illegal building lot.

3.3 SUPPLEMENTARY REGULATIONS WITHIN ZONES

3.3.1 Intent

The intent of this section is to provide for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this section shall be in addition to the requirements contained within the various zones. Where the provisions of this section are in conflict with other provisions of this Code, the more stringent shall prevail.

3.3.2 Yard Space For One Building Only

All required yard areas shall be situated on the same lot as the building or structure to which it applies. No required yard area or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this Code shall be considered as providing the required area, yard, setback, or open space for any other building or use; nor shall any area, yard, setback, or other required open space on an adjoining lot be considered as providing the area, setback, or open space requirement of a building or use.

3.3.3 Sale or Lease of Required Space Prohibited

No space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a designated road, or other requirement of this Code may be sold, bequeathed, or leased apart unless other space so complying is provided; and no portion of a larger parcel shall be sold off in such a manner as to leave a residual parcel that does not comply with all of the provisions of this Code. Any lot created in violation of this provision shall, for purposes of this Code, be classified as an illegal lot and shall not be considered as qualifying as a nonconforming lot.

3.3.4 Each Dwelling to be on Zoning Lot

Only one structure containing a dwelling shall be constructed on a zoning lot, except when included as a part of an approved planned unit development, condominium development, an accessory dwelling unit (ADU).

3.3.5 Contiguous Parcels in Same Ownership

Two or more contiguous parcels owned by the same person, corporation or public entity as recorded on the County Plat Records, shall for purposes of this Code, be considered to be a zoning lot.

3.3.6 Area of Residential Accessory Buildings

Residential accessory buildings shall cover not more than thirty percent (30%) of the required rear yard area.

3.3.7 Accessory /Dwelling Units (ADUs)

Requirements:

- A. A continuing and sufficient supply of safe and potable hot and cold water under adequate pressure for all household uses.
- B. A safe and approved means of sewage disposal.
- C. Every ADU must have a least one bathroom, which must include at a minimum a lavatory, toilet and a bathtub or shower.
- D. Access to the ADU must be provided without passing through any other dwelling unit.

Development Standards:

- A. An ADU shall only be located on lots with an area of 10,000 square feet or larger.
- B. No more than one ADU shall be allowed per parcel.
- C. The property owner shall occupy either the primary dwelling or the ADU.
- D. An ADU shall have its own address, separate from the primary dwelling.
- E. An ADU shall not exceed 1,000 square feet. If an ADU has an attached garage, the ADU square footage maximum applies to dwelling unit square footage and does not include the square footage of garage.
- F. An ADU shall be a permanent structure. No travel trailer, boat, or RV shall be used.
- G. An ADU shall meet the setback requirements for accessory structures related to the underlying zoning district.
- H. An ADU shall provide one additional off-street parking space for each bedroom in the ADU unless one of the following criteria are met, then no additional parking is required
 - 1. The ADU is located within an architecturally and historically significant historic district.
 - 2. The ADU is part of the existing primary structure or an existing accessory structure.
- I. Any additional parking space(s) required for an ADU may be provided as tandem parking on an existing driveway.
- J. Minimum size of an ADU shall follow the size requirements for the zone in which it is built.

3.3.8 Storage of Junk and Debris Prohibited

Yards and open space shall be prohibited from having injurious or noxious weeds, including uncultivated weeds and grass in excess of 12" in height from the ground, refuse, trash, debris and deleterious objects.

It is prohibited to park, store, and leave any discarded or inoperable truck, automobile, motorized or recreational vehicle which is not currently registered or licensed, or is wrecked, dismantled or inoperable.

Any truck, automobile, motorcycles, or other motorized vehicles, not exceeding two (2), in the process of being restored may be located on the premises of private residences and stored outside, provided that the vehicles are being kept solely for the express purpose of their restoration, inspection, registration, and licensing.

All industrial, commercial and residential properties, as well as agricultural, mining, grazing, recreation, and other lands, shall comply with current State and County nuisance regulations.

3.3.9 Storage of Commercial Vehicles in Residential Zones

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of 2.5 tons or having a registered gross vehicular weight exceeding 14,500 pounds shall be stored or parked on any lot or parcel in the R1-20,000, R1-8,000, R2-8,000, or R4-8,000 zones. Licensed and operation semi tractors, without a trailer, may be parked on the owner's property provided it does not obstruct the road, sidewalk, or any intersection.

The parking or storage of any trailer, camping trailer, snowmobile trailer, boat, boat trailer, construction materials trailer, or similar vehicle upon any public street for more than 48 continuous hours is prohibited.

3.3.10 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, bay windows and other ornamental features and unenclosed steps and unwallied stoops and porches, which may project up to six (6) feet into a required yard area. All decks shall be set back not less than one (1) foot from property lines.

3.3.11 Clear View of Intersecting Streets and Railroad to be maintained

No fence, wall, hedge or similar device which will obscure the view of automobile drivers nor be in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the adjacent street lines, or the street line and adjacent railroad right-of-way line, as appropriate, and a line connecting them at points thirty (30) feet from the intersection of said street line or railroad right-of-way line; provided, however, that trees may be permitted within said triangular area provided they are pruned to at least eight (8) feet above the grade of the adjacent road.

3.3.12 Setback of Buildings From Proposed Streets

The front or side setback for structures abutting on a proposed street which is shown on the Major Street Plan as a future street or upon an existing street which is shown on said plan as needing to be widened shall be measured from the planned street line. For purposes of determining the setback requirement and similar locational standards, said planned street line right-of-way shall be considered as the property line

3.3.13 Setback of Buildings Located on Existing Undedicated Streets

The front or side setback for structures abutting upon an existing but undedicated road shall be measured from twenty-five (25) feet from the center of the roadway, such that a minimum fifty (50) foot right-of-way is maintained. For purposes of determining the setback requirement and similar locational standards, said roadway edge or measurement line shall be considered as the property line.

3.3.14 Additional Height Allowed for Public Buildings

Public buildings and churches in all zones may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

3.3.15 Fences, Walls and Hedges

Fences, walls, and hedges shall be permitted to be constructed and maintained on all parcels and lots except as provided in Section 3.3.11 on corner lots and intersecting streets and railroads.

Whenever owners or lessees of land desire to prevent domestic livestock or wildlife from trespassing on lands due to a change of land use or other reason, they may construct a lawful fence as defined in Section 9 of this Code. Owners of domestic livestock, grazing on public or private lands, shall not be required to fence livestock under their control out of other adjoining lands, but shall comply with State regulations regarding strays and trespassing animals.

3.3.16 Home Occupations

A. Application and Approval Required

Home occupations may be permitted by the Zoning Administrator following receipt of an application for such use and subject to the following conditions:

1. A home occupation is permitted in the zone.
2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
4. The home occupation shall contain no facilities for the display of goods or services. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
5. No commercial vehicles are used except one delivery truck, which does not exceed two-and-one-half (2 ½) ton rated capacity.
6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling. The physical appearance, traffic and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values. Childcare, beauty shop, and similar occupations shall not change the character of the residential neighborhood.
7. Signs are limited to one non-flashing sign not larger in area than ten (10) square feet. If lighted, the light shall be diffused or shielded.
8. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
9. The owner of a home occupation shall apply for a business license to operate within the County.
10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the Health Department or other public agency. No on street parking of customer vehicles in connection with the operation of the business shall be allowed.

B. Continuing Obligation

All home occupations shall be operated in compliance with the conditions herein above set forth and any other conditions attached as part of the approval. Approval for home occupations shall be valid for a period of one (1) year and will be automatically renewed by business licensure annually provided that operation of the home occupation is substantially the same as initially approved by the County. The Zoning Administrator may, with cause, investigate compliance, and with written notice, revoke approval and zoning compliance for business licensure.

3.3.17 Premise Occupations

A. Application and Approval Required

Premise occupations may be permitted by the Zoning Administrator following receipt of an application for such use and subject to the following conditions:

1. A premise occupation is specifically permitted in the zone.
2. All activities of the premise occupation shall be conducted entirely within an accessory building. Said building shall occupy not more than two thousand (2,000) square feet or not more than thirty (30) percent of the rear yard area of the lot, whichever is less. A premise occupation may be located in a pre-existing accessory building which has been limited to a maximum of 2,000 square feet by a firewall per the building code for the premise occupation. All on-site materials used in the conduct of the premise occupation shall be stored within said building.
3. The on-site activities of said premise occupation shall be carried on by members of the residing family, and not to exceed two non-residing persons or family members
4. The premise occupation shall contain no facilities for the display of goods or services. Any sale of goods and services at the premise shall constitute a clearly incidental part of the operation of the premise occupation.
5. No commercial vehicles shall be used except one delivery truck, which does not exceed two-and-one-half (2 ½) ton rated capacity.
6. The premise occupation shall be clearly incidental and secondary to the use of the property for dwelling purposes and will not change the character of area from that of a residential neighborhood. The physical appearance, traffic and other activities in connection with the premise occupation are not contrary to the intent of the zone in which the premise occupation is located and will not depreciate surrounding values or decrease the quality of life within the area.
7. Signs are limited to one non-flashing identification sign not larger in area than ten (10) square feet. The sign may identify the business or company name and logo, also the address and telephone number of the business or company. If lighted, the light shall be diffused or shielded. No signs advertising or drawing attention to the goods or services provided by the occupation shall be permitted.
8. The owner of the premise occupation shall purchase a business license to operate within the County.
9. A Site Plan drawn to scale showing the location of the structure, its relationship to dwellings on the same and adjacent properties, and provisions for safe vehicular access and adequate off-street parking shall be submitted with the application.

B. Zoning Administrator to Approve - Appeal Permitted

Where, in the opinion of the Zoning Administrator a proposed premise occupation does not clearly conform to all the above criteria, or the characteristics of said use would require the attachment of conditions, he shall refer the application to the Planning Commission for action. Any applicant aggrieved by a decision may appeal said decision to the Administrative Hearing Officer, who shall have the authority to reverse, affirm, or modify any decision of the Planning Commission.

C. Conditions may be imposed

In order to achieve the objectives of the zone and to protect adjacent properties, the Zoning Administrator may, in approving a premise occupation, attach conditions to the operation of a premise occupation.

D. Continuing Obligation

All premise occupations shall be operated in compliance with the conditions herein above set forth and any other conditions attached as part of the approval. Approval for premise occupations shall be valid for a period of one (1) year and will be automatically renewed annually provided that operation of the premise occupation is substantially the same as initially approved by the County. The Zoning Administrator may, with cause, investigate compliance, and with written notice, revoke approval and zoning compliance for business licensure.

3.3.18 Moved Buildings

A. Intent

Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to ensure that the buildings meet current building standards and that the appearance of the premises is in keeping with buildings in the surrounding area.

B. Requirements

No conventional dwelling, modular or manufactured home or other structure intended for human occupancy, which has had prior use, shall be moved from one site within the County to another site within the County, or from a site outside of the County to a site within the County, without a pre-inspection being made by the Building Official and a permit issued therefore;

C. Standards and Procedures

1. Application to Move Building

An application for a building permit shall be made with the Building Official. Said application shall contain the following information:

- a. Location and address of the old and new sites.
- b. A plot plan of the new location, indicating all structures and improvements of said lot.
- c. Plans and specifications for the proposed improvements at the new locations.
- d. The make, model, serial number and year of manufacture of any manufactured home, or the certificate of factory inspection for all modular or factory built homes.
- e. Any other information required by the Building Official.

2. Zoning Administrator to Approve

The application shall then be submitted to the Zoning Administrator for approval. Before granting approval of the application, the Zoning Administrator shall find:

- a. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
- b. That the building is consistent with the quality of buildings existing in the area into which the building is proposed to be moved.
- c. That the building and the lot on which the building is to be located will conform to the requirements of this Code and the Building Code.

3. Standards Required Before Occupancy

The building and grounds shall be brought up to the standards required of a new building before it is occupied.

D. Financial Guarantee Required

Before a permit to move a building may be granted, the applicant shall post a bond or other assurance, as per Section 7 of this Code, to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with conditions, the Planning Commission, after due notice and public hearing thereon, may declare the bond or other assurance forfeited.

E. Old Site to be Restored

The bond shall also cover the costs of cleaning up the vacated site in the County, and restoring it to a safe and sightly condition, in compliance with this Code and the current nuisance ordinance.

3.3.19 Location of Barns

Barns, corrals, and pens for the keeping of animals shall be located at least seventy-five (75) feet from the nearest dwelling. Such structures located less than seventy-five (75) feet from the nearest dwelling shall not be used to house animals.

3.3.20 Recreation Vehicles

It shall be unlawful to place any recreation vehicle on any lot or parcel of land in the area covered by the Zoning Map, and to use the same for human habitation, except when located in an approved recreational vehicle court, mountain recreation or institutional campground development or when used in compliance with Section 3.3.24 of this Code.

3.3.21 Mobile Homes

It shall be unlawful to place any mobile home manufactured prior to June 15, 1976 on any lot or parcel of land in the un-incorporated areas of the County, and to use the same for human habitation, or as an accessory building.

3.3.22 Temporary Dwellings – Permit Issued

A factory built home may be temporarily located on a lot on which a building is being constructed, but not to exceed one (1) year, provided that the factory built home is connected to approved water and sewer facilities, and provided further that a bond or financial guarantee in an amount as determined by the Building Official is posted with the County to guarantee the removal of said home from the lot upon completion of construction, but no later than one (1) year from the date of permit.

3.3.23 Manufactured Homes

In addition to the requirements of the zone in which it is located, each manufactured home shall be installed and comply with the following regulations.

- A. Each dwelling shall have a code-approvable site-built foundation which meets the requirements of the State of Utah and Carbon County adopted building codes, including any amendments or successors thereto, and must be capable of transferring dead loads, live loads, and other design loads unique to local home sites due to wind, seismic, soil, and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure. Non-structural loads are not required to comply with building codes. All tie-down devices must meet County adopted building codes or other applicable building codes. The space beneath the structure must be enclosed at the perimeter of the dwelling with concrete, masonry, or man-made masonry materials per the building code. All manufactured home running gear, tongue, axles, and wheels must be removed at the time of installation.
- B. Except in the HMC zone - The roof of each dwelling shall have a minimum pitch of four (4) vertical to twelve (12) horizontal. At non-gable ends of the roof there shall be an overhang at the eaves of not less than six inches (6"), excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to areas above porches, alcoves, and other appendages.
- C. Exterior siding material shall consist of any material meeting the requirements of adopted building codes.

- D. Each manufactured home shall be taxed as real property. The personal property title shall be surrendered to the State Tax Commission, and the proper documents recorded in the County Recorders' Office as per Utah Code.
- E. Any previously occupied manufactured home which is to be moved from an existing location to a lot within the County shall be approved by the Building Official, per Section 3.3.
- F. The Building Official may approve deviations from one or more of the developmental or architectural standards contained in Subsections A through C above, if the Building Official finds that the architectural style proposed provided compensating features and that the proposed determination of the Building Official may be appealed to the Administrative Hearing Officer.
- G. No mobile or manufactured housing unit shall be placed or used as an accessory building in a residential or other zoning district. Manufactured or modular structures placed on industrial or commercial properties shall be constructed for the intended use, such as an office or restroom.

3.3.24 Modular Homes

Modular Homes constructed, inspected and approved by a third party inspector at the factory may be installed on a zoning lot within the County when installed per the manufacturer's installation instructions and the Building Codes. All such installations shall comply with the requirements of the zoning district in which they are located.

3.3.25 Caretaker Camps

Caretaker camps such as sheep camps and recreational vehicles may be placed in the WS, MR, PV, RFM and M&G zones for a period not to exceed six (6) months in any location for the care of domestic livestock such as sheep, cattle, horses and other animals needing seasonal care; or for other agricultural purposes such as silviculture, fencing, dude ranching, and similar activities.

3.3.26 Advertising Signs

- A. Signs Permitted in Certain Zones - Certain Signs Exempted – Permits Required
Advertising signs (accessory and non-accessory) shall be permitted only in those zones in which signs are listed as a permitted use, subject to compliance with the terms and conditions set forth herein. Provided however, that the types of signs hereinafter enumerated shall be permitted in all zone within the County:
 1. Real Estate Sale Signs – On premise signs advertising the sale or rental of the premises provided that the signs shall not exceed 32 square feet in size nor be more in number than one sign every 1320 feet of frontage, or portion thereof.
 2. Political Signs – Temporary signs not exceeding 32 square feet in size, promoting the candidacy of an individual for public office. Signs must be removed 15 days after applicable election.
 3. Unlighted Identification Nameplates – One on-premise sign not exceeding 10 square feet identifying the name of occupants in the attendant structure.
 4. Institutional Identification Signs – One on-premise sign not exceeding 32 square feet denoting the name of an appurtenant public, charitable, or religious institution.
 5. Government Signs – Signs erected and maintained by a governmental entity for information or regulatory purposes.
 6. Public Signs – Signs of a non-advertising nature intended to identify a condition or provide information. (i.e. public utility information signs, danger, trespass, exit and entrance signs).

7. Agricultural Products Signs – Signs not exceeding 32 square feet either temporary or permanent, advertising the sale of agricultural products which are produced on the same property.

It shall be unlawful for any person to erect a sign or advertising structure, except those specifically exempted pursuant to this paragraph, without first obtaining a permit therefore from the Zoning Administrator.

B. Location - Setback

No sign shall be positioned in such a manner as to result in the creation of an unsafe visual clearance at any intersection or driveway. All freestanding non-accessory signs or parts thereof shall be set back from public streets a distance at least equal to the distance that buildings are required to be set back within the zone in which said signs are located, except when approved by the Zoning Administrator

C. Freestanding Non-Accessory Signs

All freestanding non-accessory signs, which are not attached to main buildings, shall be maintained in a safe and orderly manner. The area around the base shall be free of noxious weeds and debris.

D. Signs Restricted

All non-accessory signs which are located within six hundred sixty (660) feet from the right-of-way of any Federal or state highway must first be approved by the Utah State Highway Department prior to construction, and after a permit has been issued by the County. This regulation shall not be construed to affect the use of signs which are not visible from such highways.

3.3.27 Caretaker Dwelling

Caretaker dwellings may be permitted upon approval by the Zoning Administrator following receipt of an application, and upon a finding that a proposed dwelling complies with all of the following conditions:

- A. The primary use for which the dwelling is requested is permitted within the zone.
- B. In the opinion of the Zoning Administrator, a caretaker dwelling is reasonably necessary for the successful operation of the primary use.
- C. The caretaker dwelling will be located on the same site as the primary use.
- D. The dwelling will be occupied only by individuals or families employed at the site in the capacity of a caretaker or watchman.

3.3.28 Recreation Vehicle Courts

Recreation vehicle courts may be constructed upon approval of the Planning Commission following the recommendation of the Planning Commission subject to the following conditions:

- A. Recreation vehicle courts are listed as a permitted use within the zone.
- B. The proposed site contains an area of at least three (3) acres, provided that when included as an integral part of an approved manufactured housing park, the minimum area may be reduced to not less than one (1) acre.
- C. A plan showing the design and layout of the proposed court shall have been submitted to and approved by the Planning Commission following the recommendation of County staff. Said plan shall be prepared in accordance with County standards as directed by the Planning Commission. The Planning Commission may attach reasonable stipulations on the construction and operation as a condition of approval.
- D. Adequate assurance shall be given that the court will be constructed and operated in accordance with plan and stipulations attached.
- E. An annual business license to operate shall be obtained from the County. It shall be unlawful to operate a recreational vehicle court without first obtaining a business license from the County and

said business license shall be refused or revoked upon failure of the owner or operator to maintain the court in accordance with the standards and requirements as herein set forth at the time of approval.

- F. Occupancy shall be limited to recreation vehicles. No recreation vehicle site shall be occupied by a mobile home, manufactured home, modular home or dwelling which does not qualify as a recreation vehicle.
- G. Must comply with water and sewer regulations.

3.3.29 Institutional Campgrounds and Campsite Facilities

Institutional campgrounds and campsite facilities may be permitted upon approval by the Planning Commission following receipt of a recommendation by County Staff and upon finding that proposed facilities comply with all of the following conditions:

- A. Such campground or campsite facility is listed as a permitted use within the zone.
- B. The Planning Commission has first received from the owner or agent of the owner of land in a qualifying zone, a site plan of the campground or campsite facility and a program of management, which plan and program are consistent with the requirements and standards of this and all other applicable sections of the Code. Said plan shall show the location of all significant natural features, the locations of all roads and travelways, the location and size of all structures, all areas to be used for camping, picnicking, and trailer or camper parking, the location and size of all waste water disposal fields and facilities and solid waste disposal sites, and shall indicate the maximum number of persons to be accommodated on the site.
- C. Such campground or campsite facility is for the non-commercial use of private individual or non-profit corporations (e.g., not public corporations or businesses).
- D. The campground or campsite facility contains an area of not less than fifty (50) acres.
- E. Parking and design of the campground or campsite facility is adequate for the anticipated use of the facilities.
- F. Documentation of adequate water rights, water supply and distribution systems design, and sewage disposal systems are provided which meet local health department and County standards.
- G. Solid waste (garbage) collection facilities and a program of disposal are provided which meet County standards.
- H. A performance bond, if such is required as a condition of approval, guaranteeing that such access, solid waste disposal, water and sewage facilities will be provided.
- I. The campground or campsite facility is primarily for camping or recreation vehicles. However, the camp may contain a caretaker dwelling, when considered necessary to the secure operation of the facility, and may also contain lodges, sheds, swimming pools, recreational facilities, equipment storage and similar structures as part of the campground or campsite facility.
- J. The design and operation of the facilities are consistent with the intent of the zone and will not significantly decrease the quality of the environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light or similar conditions which are incompatible with the character of the area.
- K. The campsite or campground facility shall be located on a site of not less than three (3) acres.
- L. A conditional use permit may be approved by the Planning Commission following a recommendation from the County Staff at a public meeting. At such meeting, the Planning Commission shall act to:
 - 1. Approve the permit and state the conditions of approval and continued operations, or
 - 2. Deny the permit and state the reason(s) for denial, or
 - 3. Table the request for cause.

3.3.30 Water Connection/Access Required for Building Permit

No building permit shall be issued for the construction of a dwelling or other structure to be used for human habitation within the unincorporated portions of the County, without first providing to the Zoning Administrator satisfactory evidence of an entitlement to a firm right to the use of culinary water, as hereinafter set forth; provided that, where the water rights conveyance requirements have been previously satisfied as part of the approval of a subdivision or other development project, no further conveyance will be required.

- A. Buildings Located in a Zone Requiring Connection to a Central Water Distribution System
 - 1. Parcels or building lots whose nearest property line is within 1,000 feet of a water distribution system shall connect to the water distribution system.
 - 2. Written approval from a recognized water supply entity which, in the opinion of the County, is capable of providing reliable ongoing supplies of culinary water in an amount not less than that required by local and state laws, rules and regulations, and that the petitioner has satisfied all requirements of said agency necessary to secure the status of perpetual user.
 - 3. Written approval from a recognized culinary water distribution entity granting permission to connect to the system.
 - 4. Satisfactory proof that the lines and other facilities have adequate pressure and line capacity to supply the additional demand for culinary and fire protection.
- B. Buildings Utilizing an Individual Cistern-Type System
 - 1. Written approval from a recognized water supply entity which, in the opinion of the County, is capable of providing a reliable and ongoing supply of culinary water in an amount of not less than 5,000 gallons per month. Said approval shall indicate that petitioner has satisfied all requirements of said agency necessary to secure the status of a perpetual user.
 - 2. Written approval from the County environmental health authority indicating that the size, design and other features of the proposed cistern will conform to minimum health requirements.
- C. Building Utilizing Individual Well or Spring Supplies

Approval from the State Engineer, authorizing the use of water from the proposed source for domestic purposes; also, written evidence from the Health Department to the effect that the water from the well conforms to minimum quality standards for culinary water.

3.3.31 Temporary Uses

- A. Intent

The following regulations are provided to accommodate certain uses, which are temporary or seasonal in nature.
- B. Permitted Temporary Uses

Certain uses may be permitted on a temporary basis in any zone when approved by the Zoning Administrator. Said temporary uses may include but will not be limited to:

 - 1. Carnivals and circuses
 - 2. Christmas tree sales lot
 - 3. Agricultural products, produce, fruit, hay, food, flower and plant stands
 - 4. Rummage sales and swap meets
 - 5. Promotional displays
 - 6. Tents for religious services
 - 7. Political rallies
 - 8. Music festivals
 - 9. Temporary construction camps

10. Exploratory wells and associated construction facilities
11. Research & development laboratories
12. Logging camps
13. Firefighting camps
14. Office trailers
15. Materials staging areas
16. Pod type storage units for disaster cleanup and mitigation

C. Application for Temporary Use

Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Zoning Administrator. Said application shall contain the following information:

1. A description of the proposed use.
2. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property and the use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
4. A plan for restoration and/or reclamation of the site, when required.

D. Approval Required

The Zoning Administrator may approve said application provided the Committee finds:

1. That the proposed use is listed as a permitted temporary uses or, in the opinion of the Zoning Administrator, is similar to those uses permitted.
2. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant. The Zoning Administrator shall have the discretion to set the times for which the temporary use may be in effect. However, the following uses may only exceed the time periods set forth if the Zoning Administrator makes a finding in writing that good cause exists to grant additional time:

| | |
|--|----------|
| a. Agricultural products, fruit, food, flower and plant stands | 90 days |
| b. Temporary construction camps | 180 days |
| c. Exploratory wells | 180 days |
| d. Logging camps | 180 days |
| e. Firefighting camps | 180 days |
| f. Research and development laboratories | 180 days |
| g. Materials staging area | 180 days |
| h. Pod type storage units | 180 days |
3. That the applicant will have sufficient liability insurance for the requested use or event.
4. That the applicant shall provide, at his own expense, for the restoration of the site to its original condition, including clean up, regarding re-seeding and replacement of facilities as may be necessary, and provided further that a bond or financial guarantee in an amount as

determined by the County Engineer and Building Official is posted with the County to guarantee such restoration by the end of the temporary use period.

5. The Zoning Administrator may place conditions on temporary uses to protect health safety or welfare.

3.3.32 Site Plan Review

Wherever the terms of this Code require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions:

A. Site Plan to be approved

The Planning Commission, or Zoning Administrator as appropriate to the requested land use, after reviewing the site plan, shall have the function and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, and to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety and general welfare of the citizens of the County. Landscaping of all types may be required by the Planning Commission to ensure that the proposed project will not negatively impact the project neighborhood.

B. Application Required

Application for site plan approval, caretaker dwellings, conditional use, or other use requiring approval of a site plan shall be submitted on forms provided by the County for the land use requested and shall be accompanied by maps and drawings showing the following as applicable to the project:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
2. The location of any existing or proposed wells, production facilities, pipelines, utilities and roads or travelways. A plan to control all water used/produced on site, i.e. fencing around waste ponds, liners, etc.
3. The location of all parking spaces, driveways and points of vehicular ingress and egress.
4. A landscaping plan showing the location, types and initial sizes of all planting materials to be used, together with the location of fences, walls, hedges and decorative materials.
5. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used, and showing the project will blend into the area.
6. The locations of solid waste receptacles and trash pick-up areas.
7. A plan to restrict noise to that necessary for the project. The Planning Commission may set limits on noise.
8. A plan to control dust, restrict truck access, maintain a safe speed, repair any County roads damaged, and comply with other State and County road requirements.
9. A plan to restrict fumes, smoke, noise, vibration or odor emitted on and off site.
10. A plan to reclaim all disturbed lands within the next suitable growing season, and to control noxious weeds per County ordinance.
11. Evidence of satisfaction of all applicable water supply and sewage disposal requirements for the project, when required by this Code.

C. Issuance of a Permit

A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this Code. Any building permit issued

shall ensure that development is undertaken and completed in conformity with the plans as approved.

3.3.33 School Site Planning

Prior to the issuance of a building permit for any school or other school facility, a site plan shall be approved by the Planning Commission following the recommendation of County Staff. The plan shall indicate:

- A. The location and proposed use of all existing and proposed buildings.
- B. All open areas.
- C. Athletic areas and facilities.
- D. The location of access streets.
- E. Parking spaces.
- F. Driveways and points of ingress and egress.
- G. The location of all utilities serving the facility.

The Planning Commission may require adjustments in the plan and attach such conditions thereto as it may determine are necessary to further promote health, safety, convenience of the residents of the County, improve the accessibility of the school, and preserve the quality of the living environment within and surrounding the facilities.

3.3.34 Off Street Parking Standards:

- A. Off street parking spaces shall be provided, meeting the requirements of this section, 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.
- B. Required off street parking spaces shall not be used for the repair of motor vehicles, or the display or the sale of goods and services of any kind, unless authorized by a land use application approval
- C. 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
- D. 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
- E. The required off street parking facilities shall be a continuing obligation of the property owner, so long as the use requiring vehicle parking continues. It is unlawful for any property owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements
- F. Size of Off Street Parking- The minimum dimensions of each off street parking space shall be at least 9' in width, and 20' in length. The size of the parking stall may be increased for special circumstances, ADA requirements, frequent use, loading, location and end of aisle.
- G. Minimum Off-Street Parking Requirements

The number of required off street parking spaces shall be provided as required by table 3.3.34.G, "Minimum Off Street Parking Requirements", of this section and complying with the following:

1. All off street parking areas shall have appropriate bumper guards or curbs where needed, as determined by the Land Use Authority, to protect adjacent property owners or persons using a sidewalk.

Table 3.3.34.G

| Use | Required Parking |
|--|--|
| Banks, business or professional offices | 1 space of each 300 sq. ft. of gross floor space |
| Bowling alleys | 2 spaces of each bowling lane plus 1 for each 2 employees |
| Churches and accessory uses | 1 space of each 4 seats in the chapel or main assembly area, or if there no fixed seats, than 1 space for each 100 sq. ft. of floor space used for assembly purposes |
| Dwellings, Apartments, etc. | 2 spaces per dwelling unit |
| Hospitals | 1.5 spaces for each bed |
| Hotel/Motel | 1 space for each sleeping or dwelling unit |
| Short-term vacation rentals | <ul style="list-style-type: none"> • Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental. • Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used. • All guest parking shall be contained on the site. The number of vehicles allowed to the occupants of a vacation rental home shall be restricted to the number of off-street parking spaces provided by the owner • No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway. |
| Libraries | 1 space for each 300 sq. ft. of gross floor space |
| Museums and similar non-assembly cultural facilities | 1 space for each 500 sq. ft. of gross floor area |
| Manufacturing uses, research, and testing laboratories | Not less than 1 space for each 800 sq. ft. of gross floor area |
| Mortuaries | 1 space for each 100 sq. ft. of floor area of assembly rooms used for service |
| Motor vehicle repair | 1 space for each 600 sq. ft. of gross floor area |
| Motor Vehicle sales | As approved by the land use authority |
| Nursing home | 1 space for every 2 beds |
| Restaurants | 1 space for each 4 seats, including stools, benches, booths; or 1 for each 500 sq. ft. of gross floor area when number of seats is unknown but in no case shall there be less than 5 spaces |
| | |

| | |
|--|--|
| Retail stores | 1 space for each 350 sq. ft. of gross floor area on the ground floor, and 1 space for each 500 sq. ft. of floor area on all floors above or below the ground floor |
| Schools, private, vocational, etc. | 1 space for each employee and 1 space for every 3 students of driving age |
| Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly and clubs and lodges having no sleeping quarters | 1 space for every 6 seats and/or 1 space for each 100 sq. ft. of gross floor area used for assembly and not containing fixed seats |
| Swimming pools, commercial and public | 1 space for every 10 persons based on the occupancy load |
| Theaters | 1 space for every 4 seats based on the occupancy of the structure |
| Warehouses and wholesale storage buildings | 1 space for every employee on the maximum shift |

H. Requests to reduce off street parking requirements 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.

I. On-Street Parking

The County Commission, by resolution, may adopt regulations relating to on-street parking in order to protect the safety of the public.

3.3.35 Twin Homes

Prior to the construction of a twin home or the conversion of a duplex to twin home status, plans for the proposed twin home project shall be submitted to and approved by the Planning Commission. Said plan shall contain:

- A. The location or proposed location of the building and also the lot line separating the two units. The building shall conform to all setback and other requirements for twin homes as set forth in the zone.
- B. A copy of the proposed common wall agreement. Where a subdivision is also being proposed as a twin home project, the materials required above shall be submitted as part of the sub-division plan requirements and the approval procedures shall be combined.

3.3.36 Flag Lot Developments on Private Drives

A flag lot development may be approved by the Planning Commission upon submission of a site plan subject to the following findings and standards:

- A. The access requirements of the zone authorize the use of private drives.
- B. In the opinion of the Planning Commission, the site is not developable under conventional development procedures and that approval of the lot will not preclude the proper future development of the lot or adjacent properties.
- C. An access not less than twenty-four (24) feet in width and not more than thirteen hundred (1,300) feet long or the minimum depth of one lot depth in length, based on the actual frontage of the lot for the particular zoning, whichever is greater, shall connect the building site with a designated County, state, or federal road. Said access way shall be owned in fee as part of the building site.
- D. The area of the building site, exclusive of the access way portion, shall be not less than the minimum site area of the zone.
- E. The setbacks from the boundaries of the building site shall be the same as those required within the zone. Measurement of the front setback shall be from the line of the building site portion of the property line. Notwithstanding any other setback standard, no structure shall be located closer than ten (10) feet to an existing occupied structure.

3.3.37 Storage Containers

Storage containers fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship shall not be moved on or set up as a storage structure or accessory building in a residential zone.

3.3.38 Requirements for exploratory and production wells near existing dwellings

In all zoning districts, exploratory and production wells shall be located not closer than six hundred sixty (660) feet from any existing dwelling. Production wells located closer than thirteen hundred twenty (1,320) feet from an existing dwelling shall be required to be housed in a non-combustible structure, which may be readily removable, to mitigate the visual effect of the well, and shall be insulated or otherwise made to restrict any noise from the operation of the well and associated equipment to fifty five (55) decibels at one hundred fifty (150) feet from the well head.

3.3.39 Requirements for Trucking Terminals

Where permitted, truck terminals shall have a density factor of no less than 5,000 square feet per truck.

3.3.40 Minimum lot frontage on a cul-de-sac

All lots fronting on a cul de sac shall have a minimum frontage of 35 feet.

3.3.41 Building Permit required

A building permit is required for the erection of any structure in the County, except as not required by the *International Residential Code*

3.3.42 Structures to be on approved parcel

All structures shall be located on a parcel approved by the land use authority or a legal non-conforming lot.

EXHIBIT “C”

SECTION 4

ZONING AND REGULATIONS WITHIN ZONES

4.1. ESTABLISHMENT OF ZONES

4.1.1. Zones Established

In order to carry out the purposes of this Code, all of the unincorporated territory of Carbon County is hereby divided into zoning districts as follows:

1. RA-20 Twenty-acre Residential Agricultural Zone
2. RR-5 Five-acre Rural Residential Zone
3. RR-2.5 Two-and-one-half-acre Rural Residential Zone
4. RR-1 One-acre Rural Residential Zone
5. R-1-20,000 Square Feet Residential Zone
6. R-1-12,000 Square Feet Residential Zone
7. R-1-8,000 Square Feet Residential Zone
8. R-2-8,000 Square Feet Residential Zone
9. R-4-8,000 Square Feet Residential Zone
10. C-1 Retail Commercial Zone
11. C-2 Wholesale Commercial Zone
12. SC Shopping Center Zone
13. I-1 Light Industrial Zone
14. I-2 Heavy Industrial Zone
15. M&G Mining and Grazing Zone
16. WS Water Shed Zone
17. MR Mountain Range Zone
18. SL Scofield Lake Zone
19. PV Pleasant Valley Zone
20. RFM Recreation, Forestry and Mining Zone
21. HMC Historic Mining Camp Zone
22. FPO Flood Plain Overlay Zone
23. NMCO Nine Mile Canyon Overlay Zone
24. SBO Small Business Overly Zone
25. AOZ Airport Overlay Zone

4.1.2. Location of Zones

The location and boundaries of each zoning district shall be as set forth on the Official Zone Map of Carbon County, Utah, 2003 – Revised, as herein adopted or as may be hereinafter amended in accordance with the provisions of Section 8.

4.1.3. Boundaries of Zones

Where uncertainty exists with respect to the boundaries of zones, the following rules shall apply:

1. Where the indicated boundaries of the Zone Map are approximately streets or roads, the centerlines of said streets or roads shall be construed to be the boundaries.
2. Where the indicated boundaries are approximately canals, natural streams or watercourses, the center of said canal, stream or watercourse shall be construed to be the zone boundary line.

3. In the absence of any street, road, canal, natural stream, watercourse or survey as forming the boundaries on any zone, the scale or measurement shown on the map shall be used to determine the zone boundary lines.
4. Where a surveyed legal description of property or properties has been submitted to the County for approval during the process of changing the official zone map and the legal description is found to be in error, the Commissioner Surveyor, in consultation with the Engineer and/or other surveyors, shall determine the zone boundaries for said legal description based on the intent of the application to change the zone map.
5. Where other uncertainty exists, the Administrative Hearing Officer shall interpret the zone map.

4.1.4. Access, Setbacks, and Utility Requirements

The specific requirements for access, building setbacks, and utilities for each zoning district shall comply with Tables 4.1, 4.2, 4.3, 4.4 4.5, and 4.6. If there are inconsistencies regarding requirements for access, building setbacks, and utilities for each zoning district, then tables 4.1, 4.2, 4.3, 4.4 4.5, and 4.6 will take precedence.

**TABLE 4.1
ACCESS REQUIREMENT**

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE ROAD (1) |
|------------|---|--------------|------------------|
| RA-20 | P | P | P |
| RR-5 | P | N | P |
| RR-2.5 | P | N | P |
| RR-1 | P | N | P |
| R-1-20,000 | P | N | P |
| R-1-12,000 | P | N | P |
| R-1-8,000 | P | N | P |
| R-2-8,000 | P | N | P |
| R-4-8,000 | P | N | P |
| C-1 | P | N | P |
| C-2 | P | N | P |
| SC | P | N | N |
| I-1 | P | N | P |
| I-2 | P | N | P |
| M&G | P | P | P |
| WS | P | P | P |
| MR | P | P | P |
| SL | P | N | P |
| PV | P | P | P |
| RFM | P | P | P |
| HMC | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

TABLE 4.2
BUILDING SETBACKS
MAIN BUILDING ON CORNER LOTS (In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|---------------------------|---------------------------|---------------------------|---------------------------|
| RA-20 | 30 | 30 | 30 | 30 |
| RR-5 | 30 | 30 | 10 | 30 |
| RR-2.5 | 30 | 30 | 10 | 30 |
| RR-1 | 30 | 30 | 10 | 30 |
| R-1-20,000 | 30 | 30 | 8 | 30 |
| R-1-12,000 | 25 | 25 | 8 | 25 |
| R-1-8,000 | 25 | 25 | 8 | 25 |
| R-2-8,000 | 25 | 25 | 8 | 25 |
| R-4-8,000 | 25 | 25 | 6 inches per ft. ht | 25 |
| C-1 | as approved (1) (3) | as approved (1)(3) | as approved (1)(3) | as approved (1)(3) |
| C-2 | as approved (1)(3) | as approved (1)(3) | as approved (1)(3) | as approved (1)(3) |
| SC | 40 (3) as approved (1) | 40 (3) as approved (1) | as approved (1) | as approved (1) |
| I-1 | 0 or as approved(1)(3) | 0 or as approved(1)(3) | 0 or as approved(1)(3) | 0 or as approved(1)(3) |
| I-2 | 0 or as approved(1)(3) | 0 or as approved(1)(3) | 0 or as approved(1)(3) | 0 or as approved(1)(3) |
| M&G | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |
| WS | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |
| MR | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |
| SL | 5 | 5 | 5 | 5 |
| PV | 30 | 30 | 8 | 30 |
| RFM | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |
| HMC | 15 | 15 | 5 | 5 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

TABLE 4.3
BUILDING SETBACKS
MAIN BUILDING ON INTERIOR LOTS (In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------------|---------------------------|-----------------------|-----------------------|
| RA-20 | 30 | 30 | 30 |
| RR-5 | 30 | 10 | 30 |
| RR-2.5 | 30 | 10 | 30 |
| RR-1 | 30 | 10 | 30 |
| R-1-20,000 | 30 | 8 | 30 |
| R-1-12,000 | 25 | 8 | 25 |
| R-1-8,000 | 25 | 8 | 25 |
| R-2-8,000 | 25 | 8 | 25 |
| R-4-8,000 | 25 | 6 inches per ft. ht | 25 |
| C-1 | 40 (3) as approved (1) | *as approved (1) | *as approved (1) |
| C-2 | 40 (3) as approved (1) | *as approved (1) | *as approved (1) |
| SC | 40 (3) as approved (1) | *as approved (1) | *as approved (1) |
| I-1 | 0, or as approved*(1)(3) | 0, or as approved*(1) | 0, or as approved*(1) |
| I-2 | 0, or as approved*(1)(3) | 0, or as approved*(1) | 0, or as approved*(1) |
| M&G | 60 or 30 (2) | 30 | 30 |
| WS | 60 or 30 (2) | 30 | 30 |
| MR | 60 or 30 (2) | 30 | 30 |
| SL | 5 | 5 | 5 |
| PV | 30 | 8 | 30 |
| RFM | 60 or 30 (2) | 30 | 30 |
| HMC | 15 | 5 | 5 |

* As approved by the Zoning Administrator based on findings of fact

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

TABLE 4.4
BUILDING SETBACKS
ACCESSORY BUILDINGS (In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|------------------------------|----------------------------|----------------------------|-----------------------------|
| RA-20 | 50 | 50 | 10 (1) (4) | 30 (1) (4) |
| RR-5 | 50 | 40 | 10 (1) (4) | 10 (1) (4) |
| RR-2.5 | 50 | 40 | 8 (1) (4) | 10 (1) (4) |
| RR-1 | 50 | 40 | 8 (1) (4) | 8 (1) (4) |
| R-1-20,000 | 50 | 40 | 4 (1) (4) | 4 (1) (4) |
| R-1-12,000 | 50 | 8 | 4 (1) (4) | 4 (1) (4) |
| R-1-8,000 | 50 | 8 | 4 (1) (4) | 4 (1) (4) |
| R-2-8,000 | 50 | 8 | 4 (1) (4) | 4 (1) (4) |
| R-4-8,000 | 50 | 8 | 30 inches (1) (4) | 30 inches (1) (4) |
| C-1 | as approved (1) (3) (4) | as approved (1) (4) | as approved (1) (4) | as approved (1) |
| C-2 | as approved (1) (3) (4) | as approved (1) (4) | as approved (1) (4) | as approved (1) |
| SC | as approved (1) (3) (4) | as approved (1) (4) | as approved (1) (4) | as approved (1) |
| I-1 | 0 or as approved(1)(3)(4) | 0 or as approved(1)(4) | 0 or as approved(1)(4) | 0 or as approved(1)(4) |
| I-2 | 0 or as approved(1)(3)(4) | 0 or as approved(1) (4) | 0 or as approved(1) (4) | 0 or as approved (1) (4) |
| M&G | 60 or 30 (2) | 30 or 40 (3) | 30 (1) (4) | 30 (1) (4) |
| WS | 60 or 30 (2) | 60 or 30 (2) | 30 (1) (4) | 30 (1) (4) |
| MR | 60 or 30 (2) | 60 or 30 (2) | 30 (1) (4) | 30 (1) (4) |
| SL | 5 | 5 | 5 (1) (4) | 5 (1) (4) |
| PV | 50 | 40 | 8 (1) (4) | 8 (1) (4) |
| RFM | 60 or 30 (2) | 60 or 30 (2) | 30 (1) (4) | 30 (1) (4) |
| HMC | 3 | 3 | 3 (1) (4) | 3 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

**TABLE 4.5
UTILITY REQUIREMENTS**

| ZONE | WATER (STATE APPROVED) | | | | SEWAGE DISPOSAL | |
|------------|------------------------|---------|------|--------|-----------------|---|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| RA-20 | P | Y | Y | Y | P | P |
| RR-5 | P | Y | Y | Y | P | P |
| RR-2.5 | P | Y | Y | Y | P | P |
| RR-1 | P | Y | Y | Y | P | P |
| R-1-20,000 | P | N | Y | Y | P | N |
| R-1-12,000 | P | N | Y | Y | P | N |
| R-1-8,000 | P | N | Y | Y | P | N |
| R-2-8,000 | P | N | Y | Y | P | N |
| R-4-8,000 | P | N | Y | Y | P | N |
| C-1 | P | N | N | Y | P | P |
| C-2 | P | N | N | Y | P | P |
| SC | P | N | N | Y | P | N |
| I-1 | P | N | N | Y | P | P |
| I-2 | P | N | N | Y | P | P |
| M&G | P | Y | Y | Y | P | P |
| WS | P | Y | Y | Y | P | P |
| MR | P | Y | Y | Y | P | P |
| SL | P | Y | Y | Y | P | P |
| PV | P | Y | Y | Y | P | P |
| RFM | P | Y | Y | Y | P | P |
| HMC | P | N | N | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

TABLE 4.6

Adopted from Utah Administrative Code R317-4-13 Table 2

ONSITE WASTE WATER SETBACKS**Minimum Separation Distances in Feet (a)**

| Item Requiring Setback | From Building Sewers and Effluent Sewers | From Septic, Pump and Other Tanks | From Absorption Area and Replacement Area |
|---|--|-----------------------------------|---|
| Absorption and Replacement Areas | | 5 | |
| Public Culinary Water Sources | (c) | 100 (c) | 100 (c) |
| Individual or Non-Public Culinary Water Sources (d) | 25 | 50 | 100 (e) |
| Culinary Water Supply Line | (f) | 10 (f) | 10 (f) |
| Non-culinary Well or Spring | 10 | 25 | 100 |
| Lake, Pond, Reservoir (a) | 10 | 25 | 100 |
| Watercourse (live or ephemeral stream, river, subsurface drain, canal, storm water drainage systems, etc.) | | 25 | 100 (g) |
| Building Foundation without foundation drain | | 5 | 5 (h) |
| Building Foundation with foundation drain | | 10 | 100 (i) |
| Curtain drains | 10 | 10 | 100 (i) |
| Dry washes, gulches, and gullies | | 25 | 50 |
| Swimming pool, below ground | 3 | 10 | 25 |
| Dry wells, catch basins | | 5 | 25 |
| Down slopes that exceed 35%. This includes all natural slopes or escarpments and any manmade cuts, retaining walls, or embankments. | | 10 | 50 (j) |
| Property line | 5 | 5 | 5 |

NOTES

- (a) All distances are from edge to edge. Where surface waters are involved, the distance shall be measured from the high water line.
- (b) See Subsection Utah Administrative Code R317-4-6.14 for setback requirements.
- (c) All distances shall be consistent with Rules Utah Administrative Code R309-600 and R309-605.
- (d) Compliance with separation requirements does not guarantee acceptable water quality in every instance. Where geological or other conditions warrant, greater distances may be required by the Southeastern Utah Health Department.
- (e) For ungrouted wells and springs the distance shall be 200 feet. A private or individual well is considered to be grouted if it meets the construction standards required in Utah Administrative Code Section R655-4-11, which requires a minimum 30-foot deep grout surface seal. Private or individual wells not constructed to this minimum standard are considered to be ungrouted. Although this distance shall be generally adhered to as the minimum required separation distance, exceptions may be approved by the Southeastern Utah Health Department, taking into account geology, hydrology, topography, existing land use agreements, consideration of the drinking water source protection requirements, protection of public health and potential for pollution of water source. Any person proposing to locate an absorption system closer than 200 feet to an individual or nonpublic ungrouted well or spring must submit a report to the Southeastern Utah Health Department that considers the above items. In no case shall the Southeastern Utah Health Department grant approval for an onsite wastewater system to be closer than 100 feet from an ungrouted well or a spring.
- (f) If the water supply line is for a public water supply, the separation distance shall comply with the requirements of Utah Administrative Code Rule R309-550. No culinary water service line shall pass through any portion of an absorption area.
- (g) Lining or enclosing watercourses with an acceptable impervious material may permit a reduction in the separation requirement. In situations where the bottom of a canal or watercourse is at a higher elevation than the ground in which the absorption system is to be installed, a reduction in the distance requirement may be justified, but each case shall be decided on its own merits by the Southeastern Utah Health Department.
- (h) Horizontal setback between a deep wall trench or seepage pit and a foundation of any building is at least 20 feet.
- (i) The Southeastern Utah Health Department may reduce the separation distance, if it can be shown that the effluent will not enter the drain, but each case must be decided on its own merits by the Southeastern Utah Health Department. In no case shall the Southeastern Utah Health Department grant approval for an absorption area to be closer than 20 feet.
- (j) This setback may be reduced if a 53 foot reference line originating at the bottom of the distribution pipe, sloped at 35% below horizontal, will not daylight or intersect the ground surface.

4.2 REGULATIONS WITHIN ZONES

4.2.1 RA-20 Residential Agricultural Twenty Acre Zone

A. Legislative Intent

The RA-20 Residential Agricultural Zone covers certain agricultural and grazing areas in the County, which are suitable for use as small farmsteads. The areas so designated are characterized by land that is utilized primarily for raising crops and livestock, interspersed with occasional residential structures.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | RA-20 |
|---|-------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | P |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | P |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | P |
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |

| | |
|--|---|
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning as set forth under Section 3.3.32 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 22. Sales of agricultural products | P |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

D. Area and Width requirements.

The minimum area and width requirements of a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>WIDTH IN FEET</u> |
|---|---------------------|----------------------|
| Single-family dwelling | 20 acres | 600 |
| Residential treatment, support, and secure treatment facilities | 20 acres | 600 |
| Livestock and commodity Auctions | 10 acres | 300 |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|-------|--|--------------|-------------|
| RA-20 | P | P | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

F. Location Requirements.

Buildings shall be set back from the property lines as per Tables 4.2, 4.3, or 4.4, pages 4-3, 4-4 or 4-5.

MAIN BUILDING ON CORNER LOT

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-------|-------|--------|------|------|
| RA-20 | 30 | 30 | 30 | 30 |

MAIN BUILDING ON INTERIOR LOT

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|-------|-------|------|------|
| RA-20 | 30 | 30 | 30 |

ACCESSORY BUILDING

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-------|-------|--------|------------|------------|
| RA-20 | 50 | 50 | 10 (1) (4) | 30 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

G. Height of Building.

No requirements.

H. Utility Requirements

| ZONE | WATER (STATE APPROVED) | | | | SEWAGE DISPOSAL | |
|-------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| RA-20 | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

I. Size of Dwelling

The ground floor of any dwelling shall contain not less than six hundred (600) square feet of living area with a minimum width and length dimension as measured from the outside wall of not less than twenty (20) feet. Non-living spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement.

4.2.2 RR-5 Rural Residential Five Acre Zone

A. Legislative Intent

The Rural Residential Five Acre Zone covers certain agricultural and open space areas in the unincorporated portions of the County that may be developed for residential use in a manner consistent with open space planning, by locating homes on large parcels or lots.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | RR-5 |
|---|------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | P |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | P |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | P |
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of | P |

| | |
|--|---|
| area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | |
| 22. Sales of agricultural products | P |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

D. Area and Width Requirements

The minimum area and width requirements of a zoning lot shall be as follows:

| USE | MINIMUM AREA | MINIMUM WIDTH |
|---------------------------|--------------|---------------|
| Single-family dwelling | 5 acres | 260 feet |
| Churches | 5 acres | 260 feet |
| Schools | 5 acres | 260 feet |
| Planned unit developments | 10 acres | 100 feet |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|------|--|--------------|-------------|
| RA-5 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4, or 4-5.

MAIN BUILDING ON CORNER LOT

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------|------|
| RR-5 | 30 | 30 | 10 | 30 |

BUILDING SETBACKS

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|-------|------|------|
| RR-5 | 30 | 10 | 30 |

BUILDING SETBACKS

ACCESSORY BUILDINGS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------------|------------|
| RR-5 | 50 | 40 | 10 (1) (4) | 10 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

G. Height of Building

The maximum height of any building, except for silos and other agricultural buildings, measured from finished grade to the square of the building shall be twenty (20) feet or two (2) stories, whichever is higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flag poles, television antennas and dishes, church towers and similar structure not used for human occupancy are excluded in determining height.

Utility Requirements

| ZONE | WATER (STATE APPROVED) | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| RR-5 | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

H. Size of Dwelling

The minimum ground floor area of any dwelling shall be six hundred (600) square feet. The minimum width or length dimension of any dwelling, measured from the outside wall, shall be not less than fourteen (14) feet. Non-living spaces such as garages, porches, and decks shall not be included in this requirement.

4.2.3 RR-2.5 Rural Residential 2.5 Acre Zone

A. Legislative Intent

The objective in establishing the RR-2.5 Rural Residential Zone is to provide for the maintenance within the County of a residential and agricultural environment where the residents may engage in limited agricultural pursuits, including the keeping of agricultural animals. A minimum of vehicular traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | RR-2.5 |
|---|--------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | P |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | P |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | P |
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |
| 19. Public buildings and grounds not including storage yards and repair shops. | P |

| | |
|--|---|
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 22. Sales of agricultural products | P |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

D. Area and Width Requirements

The minimum area and width requirements of a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>WIDTH IN FEET</u> |
|---------------------------|---------------------|----------------------|
| Single-family dwellings | 2.5 acres | 160 |
| Churches | 2.5 acres | 200 |
| Schools | 4.0 acres | 200 |
| Planned Unit Developments | 5.0 acres | 100 |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|--------|--|--------------|-------------|
| RA-2.5 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4 or 4-5.

**MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|--------|-------|--------|------|------|
| RR-2.5 | 30 | 30 | 10 | 30 |

MAIN BUILDING ON INTERIOR LOT

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|--------|-------|--------|------|------|
| RR-2.5 | 30 | 30 | 10 | 30 |

ACCESSORY BUILDINGS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|--------|-------|--------|-----------|------------|
| RR-2.5 | 50 | 40 | 8 (1) (4) | 10 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

G. Height of Building

The maximum height of any building, when measured from finished grade to the square of the building, shall be twenty (20) feet or two (2) stories, whichever is higher. Where the ground or the square of the buildings is uneven in height, the average elevation thereof shall apply. Roofs above square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

Utility Requirements

Page 4-6

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|--------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| RR-2.5 | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

Size of Dwelling

1. Minimum area

The ground floor of any dwelling shall contain not less than seven hundred twenty (720) square feet of living area.

2. Minimum Dimension

The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than fourteen (14) feet. Non-living spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement.

4.2.4 RR-1 One-acre Rural Residential Zone

A. Legislative Intent

The objective in establishing the RR-1 Rural Residential Zone 1 Acre Zone is to provide for the maintenance within the County of a residential and agricultural environment where the residents may engage in limited agricultural pursuits, including the keeping of limited numbers of agricultural animals. A minimum of vehicular traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | RR-1 |
|---|------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | P |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | P |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | P |
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |
| 19. Public buildings and grounds not including storage yards and repair shops. | P |

| | |
|--|---|
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 22. Sales of agricultural products | P |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

D. Area and Width Requirements

The minimum area and width requirements of a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|---------------------------|---------------------|----------------------|
| Single-family dwelling | 1 acre | 130 feet |
| Churches | 2.5 acres | 200 feet |
| Schools | 5 acres | 200 feet |
| Planned Unit Developments | 5 acres | 100 feet |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|------|--|--------------|-------------|
| RR-1 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from property line per Tables 4.2, 4.3 and 4.4, pages 4-3, 4-4 or 4-5.

**MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------|------|
| RR-1 | 30 | 30 | 10 | 30 |

**MAIN BUILDING ON INTERIOR LOT
(In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------|------|
| RR-1 | 30 | 30 | 10 | 30 |

**ACCESSORY BUILDINGS
(In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|-----------|-----------|
| RR-1 | 50 | 40 | 8 (1) (4) | 8 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

G. Height of Building

The maximum height of any building, measured from finished grade to the square of the building, shall be twenty (20) feet or two (2) stories, whichever is higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

H. Utility Requirements

Page 4-6

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| RR-1 | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

I. Size of Dwelling

1. Minimum Area

The ground floor of any dwelling shall contain not less than seven hundred twenty (720) square feet of living area.

2. Minimum Dimension

The minimum width and length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement.

4.2.5 R-1-20,000 Square Foot Residential Zone

A. Legislative Intent

The objective in establishing the R-1-20,000 Square Foot Residential Zone is to encourage the creation and maintenance of a residential environment within the County which is characterized by large lots, surrounded by well-kept lawns, trees and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. While much of the land is currently devoted to agricultural and other open land uses, it is served by a central sewer system and intended in the future that the land shall be developed into residential uses, having characteristics as hereinabove set forth. This zone is a transition from rural residential to urban living.

The specific regulations necessary for the accomplishment of the purposes of the zone are hereinafter set forth:

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | R-1-20k |
|---|---------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | N |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | N |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | P |

| | |
|--|---|
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 22. Sales of agricultural products | P |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

C. Area and Width Requirements

The minimum area and width requirements for a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|---------------------------|---------------------|----------------------|
| Single-family dwelling | 20,000 sq. ft. | 100 ft. |
| Churches | 2.5 acres | 200 ft. |
| Schools | 5.0 acres | 200 ft. |
| Planned unit developments | 2.0 acres | 90 ft. |

D. Access Requirements

| <u>ZONE</u> | <u>FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD</u> | <u>CLASS D ROAD</u> | <u>PRIVATE (1)</u> |
|-------------|---|---------------------|--------------------|
| R-1-20,000 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

E. Location Requirement

Buildings shall be set back from the property line as per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4 or 4-5.

MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|-------|--------|------|------|
| R-1-20,000 | 30 | 30 | 8 | 30 |

MAIN BUILDING ON INTERIOR LOT
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|-------|--------|------|------|
| R-1-20,000 | 30 | 30 | 8 | 30 |

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|-------|--------|-----------|-----------|
| R-1-20,000 | 50 | 40 | 4 (1) (4) | 4 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

F. Height of Building

The maximum height of any building, measured from finished grade to the square of the building, shall be twenty (20) feet, or two (2) stories, whichever is higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| R-1-20,000 | P | N | Y | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

G. Size of Dwelling

1. Minimum Area

The ground floor of any dwelling shall contain not less than 720 square feet of living area.

2. Minimum Dimension

The minimum width and length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement.

4.2.6 R-1-12,000 Square Foot Residential Zone

A. Legislative Intent

The R-1-12,000 Square Foot Residential Zone has been established for the purpose of providing a place where single family detached dwellings on individual urban-type lots with curb, gutter and sidewalks can be constructed having attractively landscaped yards and a favorable environment for family life. Representative of the uses within the R-1-12,000 Zone are single-family dwellings, parks, playgrounds, churches and other community facilities designed in harmony with the characteristics of the zone.

The specific regulations necessary for the accomplishment of the purposes of the zone are hereinafter set forth:

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | R-1-12k |
|---|---------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | N |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | N |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | N |

| | |
|--|---|
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | N |
| 22. Sales of agricultural products | N |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

D. Area and Width Requirements

The minimum area and width requirements for a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|--------------------------|---------------------|----------------------|
| Single-family dwelling | 12,000 sf | 100 feet |
| Church | 2.5 acres | 200 feet |
| School | 5 acres | 200 feet |
| Planned unit development | 2 acres | 90 feet |

E. Access Requirements

| <u>ZONE</u> | <u>FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD</u> | <u>CLASS D ROAD</u> | <u>PRIVATE (1)</u> |
|-------------|---|---------------------|--------------------|
| R-1-12,000 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line as per Table 4.2, 4.3 or 4.4, pages 4-3, 4-4, or 4-5.

MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|-------|--------|------|------|
| R-1-12,000 | 25 | 25 | 8 | 25 |

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------------|-------|------|------|
| R-1-12,000 | 25 | 8 | 25 |

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------------|-------|--------|-----------|-----------|
| R-1-12,000 | 50 | 8 | 4 (1) (4) | 4 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

G. Height of Building

The maximum height of any building, measured from finished grade to the square of the building, shall be twenty (20) feet or two (2) stories, whichever is higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy are excluded in determining height.

H. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| R-1-12,000 | P | N | Y | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

I. Size of Dwelling

1. Minimum area

The ground floor of any dwelling shall contain not less than one thousand (1,000) square feet of living area.

2. Minimum dimensions

The minimum width and length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement.

4.2.7 R-1-8,000 Square Feet Residential Zone

A. Legislative Intent

The R-1-8,000 Square Feet Residential Zone has been established for the purpose of providing a place where single-family detached dwellings on individual urban-type lots with curb, gutter and sidewalks can be constructed, having attractively landscaped yards and a favorable environment for family life. Representative of the uses within the R-1-8,000 Zone are single-family dwellings, parks, playgrounds, churches and other community facilities designed in harmony with the characteristics of the zone.

The specific regulations necessary for the accomplishment of the purposes of the zone are hereinafter set forth:

B. Land Uses

| P=Permitted, C=Conditional, N= Not Permitted | R-1-8K |
|---|---------------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | N |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | N |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | N |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | N |
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |

| | |
|--|---|
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | N |
| 22. Sales of agricultural products | N |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | N |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

C. Area and Width Requirements

The minimum area and width requirements for a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|--------------------------|---------------------|----------------------|
| Single-family dwelling | 8,000 sf | 80 feet |
| Churches | 2.5 acres | 200 feet |
| Schools | 5.0 acres | 200 feet |
| Planned unit development | 2.0 acres | 70 feet |

D. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|-----------|--|--------------|-------------|
| R-1-8,000 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

E. Location Requirements

Buildings shall be set back from the property line as per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4 or 4-5.

MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-----------|-------|--------|------|------|
| R-1-8,000 | 25 | 25 | 8 | 25 |

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|-----------|-------|------|------|
| R-1-8,000 | 25 | 8 | 25 |

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-----------|-------|--------|-----------|-----------|
| R-1-8,000 | 50 | 8 | 4 (1) (4) | 4 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

F. Height of Building

The maximum height of any building, measured from finished grade to the square of the building, shall be twenty (20) feet or two (2) stories, whichever is higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy are excluded in determining height.

G. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|-----------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| R-1-8,000 | P | N | Y | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

Size of Dwelling

1. Minimum Area

The ground floor of any dwelling shall contain not less than one thousand (1,000) square feet of living area.

2. Minimum Dimension

The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement.

4.2.8 R-2-8,000 Square Feet Residential Zone

A. Legislative Intent

The R-2-8,000 Square Feet Residential Zone has been established for the purpose of providing a place where one-family and two-family dwellings on individual lots with curb, gutter and sidewalks can be constructed, having attractively landscaped yards and a favorable environment for family life. This zone is intended to have a residential density higher than the R-1-8,000 Zone, but to maintain a residential character comparable to that of a single-family residential area.

The specific regulations necessary for the accomplishment of the purposes of the Zone are hereinafter set forth:

B. Land Uses:

| P=Permitted, C=Conditional, N= Not Permitted | R-2-8k |
|---|---------------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | N |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | P |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | N |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | N |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | N |
| 17. Production of fruit and crops in the field. | P |

| | |
|--|---|
| 18. Parks, playgrounds, open space and parking areas | P |
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | N |
| 22. Sales of agricultural products | N |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | C |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

C. Area and Width Requirements

The minimum area and width requirements for a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|----------------------------------|---------------------|----------------------|
| One-family dwelling | 8,000 sf | 80 feet |
| Two-family dwelling or twin home | 12,500 sf | 90 feet |
| Churches | 2.5 acres | 200 feet |
| Schools | 4.0 acres | 200 feet |
| Planned Unit Developments | 2.0 acres | 70 feet |

D. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|-----------|--|--------------|-------------|
| R-2-8,000 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

E. Location Requirements

Buildings shall be set back from the property line as per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4 or 4-5.

MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-----------|-------|--------|------|------|
| R-2-8,000 | 25 | 25 | 8 | 25 |

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|-----------|-------|------|------|
| R-2-8,000 | 25 | 8 | 25 |

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-----------|-------|--------|-----------|-----------|
| R-2-8,000 | 50 | 8 | 4 (1) (4) | 4 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

F. Height of Building

The maximum height of any building, measured from finished grade to the square of the building, shall be twenty (20) feet or two (2) stories, whichever is higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs above the square, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy are excluded in determining height.

Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|-----------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| R-2-8,000 | P | N | Y | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

Size of Dwelling

1. Minimum Area

The ground floor of any single-family dwelling shall contain not less than seven hundred twenty (720) square feet of living area. For a two-family dwelling, there shall be a minimum of seven hundred (700) square feet of living area for each dwelling unit.

2. Minimum Dimension

The minimum width and length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement.

4.2.9 R-4-8,000 Square Feet Residential Zone

A. Legislative Intent

The R-4-8,000 Square Feet Residential Zone has been established for the purpose of providing a place where multi-family dwellings on individual lots with curb, gutter and sidewalks can be constructed, having attractively landscaped yards and a favorable environment for family life. This zone is intended to have a residential density higher than the R-1-8,000 Zone, but to maintain a residential character comparable to that of a single-family residential area.

The specific regulations necessary for the accomplishment of the purposes of the Zone are hereinafter set forth:

B. Land Uses

| P=Permitted C=Conditional | R-4-8k |
|---|--------|
| 1. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 2. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 3. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 4. Churches | P |
| 5. Customary residential accessory structures | P |
| 6. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 7. Home occupations subject to the provisions of Section 3.3.16. | P |
| 8. Household pets | P |
| 9. Kennels subject to compliance with County regulations. | N |
| 10. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 11. Minor utility transmission projects | P |
| 12. One and Two family dwellings, conventional construction and factory built. | P |
| 13. One, Two, Three and Four family dwellings, conventional construction and factory built | P |
| 14. Pet cemeteries for interment of family pets | P |
| 15. Pet cemeteries for interment of domestic livestock. | N |
| 16. Premise occupations subject to the provisions of Section 3.3.17. | N |
| 17. Production of fruit and crops in the field. | P |
| 18. Parks, playgrounds, open space and parking areas | P |

| | |
|--|---|
| 19. Public buildings and grounds not including storage yards and repair shops. | P |
| 20. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |
| 21. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | N |
| 22. Sales of agricultural products | N |
| 23. Single-family dwellings, conventional construction and factory built. | P |
| 24. Solar, Small scale | P |
| 25. Twin home projects subject to the approval of the Planning Commission as set forth under Section 3.3.34. | C |
| 26. Water diversions, water distribution systems, facilities and structures for water | P |
| 27. Wind Power, Small Scale | P |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

D. Area and Width Requirements

The minimum area and width of a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|----------------------------------|---------------------|----------------------|
| Single-family dwelling | 8,000 sf | 80 feet |
| Two-family dwelling or twin home | 12,500 sf | 90 feet |
| Three-family dwelling | 15,000 sf | 110 feet |
| Four-family dwelling | 17,500 sf | 120 feet |
| Churches | 2.5 acres | 200 feet |
| Schools | 5 acres | 200 feet |
| Planned Unit Developments | 2 acres | 70 feet |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D ROAD | PRIVATE (1) |
|-----------|--|--------------|-------------|
| R-4-8,000 | P | N | P |

P= PERMITTED

(1) Maximum 3 dwellings on private drive

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line as per Tables 4.2, 4.3 and 4.4, pages 4-3, 4-4 or 4-5.

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-----------|-------|--------|---------------------|------|
| R-4-8,000 | 25 | 25 | 6 inches per ft. ht | 25 |

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|-----------|-------|---------------------|------|
| R-4-8,000 | 25 | 6 inches per ft. ht | 25 |

ACCESSORY BUILDINGS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|-----------|-------|--------|-------------------|-------------------|
| R-4-8,000 | 50 | 8 | 30 inches (1) (4) | 30 inches (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

Height of Building

The maximum height of any building shall be three (3) stories as defined in the Building Code. Roofs above the square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|-----------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| R-4-8,000 | P | N | Y | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

Size of Dwelling

1. Minimum Area

The ground floor of any single-family dwelling shall contain not less than seven hundred twenty (720) square feet of living area. For a two, three or four-family dwelling structure, the minimum ground floor area shall be not less than six hundred (600) square feet of living area for each dwelling unit.

2. Minimum Dimension

The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement.

4.2.10 C-1 Retail Commercial Zone

A. Legislative Intent

The C-1 Retail Commercial Zone has been established to provide an area in which the primary use of the land is for retail commercial and service use to accommodate the needs of residents and the traveling public.

Characteristic of this zone are uses such as retail stores, banks, restaurants, office structures, warehouses, housing parks, apartments, condominiums, light construction companies, churches and a wide variety of specialty shops, located in surroundings that are aesthetically pleasing and conveniently and safely accessible. In general, these zones should be located adjacent to major traffic arteries.

Single family residential developments, manufacturing uses, and other activities that would be inconsistent with the use of the land for commercial activities are not permitted in the zone.

The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth:

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | C-1 |
|---|------------|
| 1. Accessory and non-accessory advertising signs, subject to the provisions of Section 3.3.25. | P |
| 2. Animal hospitals and veterinary clinics | N |
| 3. Apartment buildings | P |
| 4. Auction houses | N |
| 5. Automobile and light machinery repair | N |
| 6. Automobile, motorcycle, snowmobile, watercraft sales structures and lots, for both new and used units. Also, the related repair facilities when such facilities are included as an integral part of the sales structure | P |
| 7. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 8. Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages, minor automotive repair establishments | P |
| 9. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 10. Building material supply stores, including outside areas for the temporary storage of materials offered for sale. | N |
| 11. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 12. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |
| 13. Churches | P |
| 14. Communication towers | P |

| | |
|---|---|
| 15. Condominium projects, per Sections 5.7 and 5.8 | N |
| 16. Construction companies | N |
| 17. Customary commercial accessory buildings and facilities, provided they are incidental to and do not substantially alter the character of the principle use | P |
| 18. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 19. Factory-built housing parks subject to Section 5.9. | C |
| 20. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 21. Farm equipment and supplies, gardening stores | N |
| 22. Forest and plant nurseries and greenhouses | N |
| 23. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 24. Funeral homes | P |
| 25. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | P |
| 26. Hotels and motels. | P |
| 27. Kennels subject to compliance with County regulations. | P |
| 28. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 29. Light construction companies, excepting heavy equipment, road building and excavation contractors | P |
| 30. Livestock and commodity auctions | N |
| 31. Livestock feed yards and facilities | N |
| 32. Lodging Houses & Bed & Breakfasts. | P |
| 33. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 34. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 35. Manufactured or modular home sales | N |
| 36. Manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning Commission. Any industrial activity which involves the storage or processing of petroleum products or other hazardous materials shall be considered as large scale industrial projects, and subject to Section 5.3. | N |
| 37. Medical clinics and associated medical facilities, subject to site plan approval by Planning Commission | P |

| | |
|---|---|
| 38. Mine and well machinery storage and repair | N |
| 39. Mine supply stores, including outside areas for the temporary storage of materials offered for sale | N |
| 40. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 41. Minor utility transmission projects | P |
| 42. Motion picture theaters, outdoor, subject to approval of a conditional use permit | C |
| 43. Mountain recreational developments, per Section 5.11 | N |
| 44. Office buildings | P |
| 45. Personal service establishments, such as barber and beauty shops, photographic studios, shoe repair, laundries (commercial and self-service), reception centers and similar establishments | P |
| 46. Planned shopping center developments and commercial condominium projects containing only those types of establishments and subject to the applicable provisions of Sections 5.7, 5.8 or 5.10 of this Code. | C |
| 47. Plumbing, cabinet, sheet metal and light metal fabrication, welding, heating and air conditioning, electronics and similar shops | N |
| 48. Production of fruit and crops in the field. | P |
| 49. Parks, playgrounds, open space and parking areas | P |
| 50. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 51. Public buildings and grounds not including storage yards and repair shops. | P |
| 52. Public restrooms, information centers, parking areas, and related activities | P |
| 53. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. (See footnote A) | P |
| 54. Recreation vehicle courts, subject to the approval of the Planning Commission As set forth under Section 3.3.28 | C |
| 55. Recreational enterprises including bowling alleys, recreation centers, motion picture theatres (indoor only), athletic clubs, private clubs and fraternal lodges | P |
| 56. Treatment Facilities and Programs as licensed by the State of Utah | C |
| 57. Restaurants and food drive-ins. | P |
| 58. Sales of agricultural products | P |
| 59. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 60. Self-Storage Warehouses | P |
| 61. Sexually Oriented Businesses/ Adult Retail Establishment (See footnote B) | N |
| 62. Shooting ranges indoor | N |

| | |
|--|---|
| 63. Solar, Large scale | N |
| 64. Solar, Small scale | P |
| 65. Specialty Tobacco/Smoke shop (See footnote C) | N |
| 66. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables | N |
| 67. Truck terminals subject to approval of a site plan as provided under Section 3.3.32 | N |
| 68. Warehouses | P |
| 69. Water diversions, water distribution systems, facilities and structures for water | P |
| 70. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 71. Wholesale commercial sales establishments | N |

Footnotes

- A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites
- B. Located 1,000 feet away from churches, parks, schools, other sexually oriented business and areas zoned as residential
- C. Shall comply with all State Regulations

D. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| C-1 | P | N | P |

P=PERMITTED

- (1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

E. Location Requirements

Buildings shall be setback from the property or right-of-way line as per Tables 4.2, 4.3, or 4.4, pages 4-3, 4-4 or 4-5.

**MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------------------|-------------------|-----------------|-----------------|
| C-1 | as approved(1)(3) | as approved(1)(3) | as approved (1) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking

**MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)**

| ZONE | FRONT | SIDE | REAR |
|------|---------------------------|-----------------|-----------------|
| C-1 | 40 (3) as approved (1) | as approved (1) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.

- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|----------------------------|------------------------|---------------------|-----------------|
| C-1 | as approved (1) (3) (4) | as approved (1) (4) | as approved (1) (4) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.
 (2) 60 feet from center of road, 30 feet from property line.
 (3) 40 feet if parking
 (4) No drainage from roof will be discharged onto an adjacent lot

F. Parking and Loading Requirements

No parking area that requires backing onto the street in order to exit shall be permitted. All ingress and egress shall be by forward motion only, and all points of ingress and egress shall be clearly defined and channeled using structural barriers. The design and construction of off-street parking and access facilities shall be in accordance with County or other standards.

G. Area and Location of Zone

Each single C-1 Zone shall contain a minimum of 3 acres. Acreage maybe reduced by the land use authority upon sufficient evidence that the use will not have deleterious effects on adjacent properties , and each zone established by a change of zoning district shall abut upon and have access to a collector or arterial class road as shown on the County’s major street plan.

Site Plan Approval Required for Non-Conditional Uses

Prior to the construction of any building or establishment of a commercial use, a site plan shall be submitted to and approved by the Zoning Administrator, in accordance with the provisions of Section 3.3.32. In addition to the data required under Section 3.3.32, said site plan shall contain the following information:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings, and distances from buildings to adjacent property lines and structures.
2. The location of all parking spaces, driveways and points of vehicular ingress and egress.
3. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
4. The location of solid waste receptacles and trash pick-up areas.

Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| C-1 | P | N | N | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

Special Provisions

1. Uses Within Buildings

All uses shall be conducted entirely within a fully enclosed building, except those uses deemed by the County to be customarily and appropriately conducted in the open, including but not limited to service stations, drive-in restaurants, miniature golf, plant nursery display, etc. Automotive and vehicle service and repair establishments shall not store or park vehicles in the open except those vehicles being repaired or the privately owned vehicles of employees during business hours.

2. Trash Storage

No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of a size, type and quantity approved by the County shall be maintained in a location as shown on the Site Plan.

4.2.11 C-2 Wholesale Commercial Zone

A. Legislative Intent

The C-2 Wholesale Commercial Zone has been established to provide a location for a congruous mixture of wholesale and retail commercial activities and warehousing and storage uses. The zone also provides a location for the processing and fabrication of goods and materials, in conjunction with and incidental to a retail commercial establishment, under the condition that limited fumes, glare, smoke, dust, noise or vibrations are emitted beyond the or property.

Characteristic of uses permitted within this zone are building material supply and storage yards, automobile and farm machinery sales and repair service, machine shops, furniture and appliance repair, warehouses, housing parks, apartments, condominiums, and wholesale sales establishments.

Single family residential developments, heavy manufacturing activities, and other activities that would be inconsistent with the use of the land for commercial activities are not permitted in the zone.

The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth:

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | C-2 |
|---|------------|
| 1. Accessory and non-accessory advertising signs, subject to the provisions of Section 3.3.25. | P |
| 2. Animal hospitals and veterinary clinics | P |
| 3. Apartment buildings | P |
| 4. Auction houses | P |
| 5. Automobile and light machinery repair | P |
| 6. Automobile, motorcycle, snowmobile, watercraft sales structures and lots, for both new and used units. Also, the related repair facilities when such facilities are included as an integral part of the sales structure | P |
| 7. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 8. Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages, minor automotive repair establishments | P |
| 9. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 10. Building material supply stores, including outside areas for the temporary storage of materials offered for sale. | P |
| 11. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 12. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |
| 13. Churches | P |

| | |
|---|---|
| 14. Communication towers | P |
| 15. Condominium projects, per Sections 5.7 and 5.8 | C |
| 16. Construction companies | P |
| 17. Customary commercial accessory buildings and facilities, provided they are incidental to and do not substantially alter the character of the principle use | P |
| 18. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 19. Factory-built housing parks subject to Section 5.9. | C |
| 20. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | C |
| 21. Farm equipment and supplies, gardening stores | P |
| 22. Forest and plant nurseries and greenhouses | P |
| 23. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 24. Funeral homes | P |
| 25. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | P |
| 26. Hotels and motels. | P |
| 27. Kennels subject to compliance with County regulations. | P |
| 28. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 29. Light construction companies, excepting heavy equipment, road building and excavation contractors | P |
| 30. Livestock and commodity auctions | N |
| 31. Livestock feed yards and facilities | N |
| 32. Lodging Houses & Bed & Breakfasts. | P |
| 33. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 34. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 35. Manufactured or modular home sales | P |
| 36. Manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning Commission. Any industrial activity which involves the storage or processing of petroleum products or other hazardous materials shall be considered as large scale industrial projects, and subject to Section 5.3. | P |

| | |
|---|---|
| 37. Medical clinics and associated medical facilities, subject to site plan approval by Planning Commission | P |
| 38. Mine and well machinery storage and repair | N |
| 39. Mine supply stores, including outside areas for the temporary storage of materials offered for sale | P |
| 40. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 41. Minor utility transmission projects | N |
| 42. Motion picture theaters, outdoor, subject to approval of a conditional use permit | C |
| 43. Mountain recreational developments, per Section 5.11 | N |
| 44. Office buildings | P |
| 45. Personal service establishments, such as barber and beauty shops, photographic studios, shoe repair, laundries (commercial and self-service), reception centers and similar establishments | P |
| 46. Planned shopping center developments and commercial condominium projects containing only those types of establishments and subject to the applicable provisions of Sections 5.7, 5.8 or 5.10 of this Code. | C |
| 47. Plumbing, cabinet, sheet metal and light metal fabrication, welding, heating and air conditioning, electronics and similar shops | P |
| 48. Production of fruit and crops in the field. | P |
| 49. Parks, playgrounds, open space and parking areas | P |
| 50. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 51. Public buildings and grounds not including storage yards and repair shops. | P |
| 52. Public restrooms, information centers, parking areas, and related activities | P |
| 53. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. (See footnote A) | P |
| 54. Recreation vehicle courts, subject to the approval of the Planning Commission As set forth under Section 3.3.28 | C |
| 55. Recreational enterprises including bowling alleys, recreation centers, motion picture theatres (indoor only), athletic clubs, private clubs and fraternal lodges | P |
| 56. Treatment Facilities and Programs as licensed by the State of Utah | C |
| 57. Restaurants and food drive-ins. | P |
| 58. Sales of agricultural products | P |
| 59. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 60. Self-Storage Warehouses | P |
| 61. Sexually Oriented Businesses/ Adult Retail Establishment (See footnote B) | C |

| | |
|--|---|
| 62. Shooting ranges indoor | C |
| 63. Solar, Large scale | N |
| 64. Solar, Small scale | P |
| 65. Specialty Tobacco/Smoke shop (See footnote C) | C |
| 66. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables | N |
| 67. Truck terminals subject to approval of a site plan as provided under Section 3.3.32 | N |
| 68. Warehouses | P |
| 69. Water diversions, water distribution systems, facilities and structures for water | P |
| 70. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 71. Wholesale commercial sales establishments | P |

Footnotes

- A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites
- B. Located 1,000 feet away from churches, parks, schools, other sexually oriented business and areas zoned as residential
- C. Shall comply with all State Regulations

D. Access Requirement

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| C-2 | P | N | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

E. Location Requirements

Buildings shall be set back from the property or right-of-way line as per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4 or 4-5.

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------------------|-------------------|-----------------|-----------------|
| C-2 | as approved(1)(3) | as approved(1)(3) | as approved (1) | as approved (1) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|---------------------------|-----------------|-----------------|
| C-2 | 40 (3) as approved (1) | as approved (1) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|----------------------------|------------------------|---------------------|-----------------|
| C-2 | as approved (1) (3) (4) | as approved (1) (4) | as approved (1) (4) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

F. Parking and Loading Requirements

No parking area that requires backing onto the street right-of-way in order to exit shall be permitted. All ingress and egress shall be by forward motion only, and all points of ingress and egress shall be clearly defined and channeled using structural barriers. The design and construction of all-street parking and access facilities shall be in accordance with County standards.

G. Area and Location of Zone

Each individual zone shall contain a minimum of 5 acres. Acreage maybe reduced by the land use authority upon sufficient evidence that the use will not have deleterious effects on adjacent properties., and each zone shall abut upon or have access to a collector or arterial class road as shown on the County’s major street plan.

Site Plan Approval Required for Non-Conditional Uses

Prior to the construction of any building or establishment of a commercial use, a site plan shall be submitted to and approved by the Zoning Administrator, in accordance with the provisions of Section 3.3.32. Said site plan shall be drawn to scale and, in addition to the data required under Section 3.3.32, shall contain the following information:

1. The locations of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
2. The location of all parking spaces, driveways and points of vehicular ingress and egress.
3. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
4. The location of solid waste receptacles and trash pick-up areas.
5. A landscaping plan.

H. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| C-2 | P | N | N | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

I. Special Provisions

1. Trash Storage

No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of a size, type and quantity approved by the County shall be maintained in the location as shown on the approved site plan.

2. Outside Storage Areas

All outside storage areas shall be enclosed within a fence or wall of not less than six (6) feet in height, provided that this provision shall not apply to areas used for the display of automobiles, factory built homes and similar items.

4.2.12 SC Shopping Center Zone

A. Legislative Intent

The SC Shopping Center Zone has been established to provide a location for large concentrations of commercial and service uses, under conditions that provide maximum flexibility in the layout of the various uses, and the development of a safe and harmonious mixture of buildings, landscaped areas and circulation routes.

The zone shall be characterized by a variety of retail and service buildings grouped into an integrated architectural unit. Yards and areas surrounding the buildings shall be attractively landscaped and maintained.

In order to provide convenient access for major traffic volumes without undue hazard, the zone should be located close to freeway interchanges or major arterial routes. A diversity of retail commercial and service uses, including department and variety stores, food stores, a broad range of specialty shops, restaurants, financial institutions and offices characterize such centers.

B. Permitted Uses

| P=Permitted C=Conditional N= Not Permitted | SC |
|---|-----------|
| 1. Accessory and non-accessory advertising signs, subject to the provisions of Section 3.3.25. | N |
| 2. Animal hospitals and veterinary clinics | N |
| 3. Apartment buildings | N |
| 4. Auction houses | N |
| 5. Automobile and light machinery repair | N |
| 6. Automobile, motorcycle, snowmobile, watercraft sales structures and lots, for both new and used units. Also, the related repair facilities when such facilities are included as an integral part of the sales structure | N |
| 7. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 8. Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages, minor automotive repair establishments | N |
| 9. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 10. Building material supply stores, including outside areas for the temporary storage of materials offered for sale. | N |
| 11. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 12. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | N |
| 13. Churches | N |
| 14. Communication towers | P |
| 15. Condominium projects, per Sections 5.7 and 5.8 | N |

| | |
|---|---|
| 16. Construction companies | N |
| 17. Customary commercial accessory buildings and facilities, provided they are incidental to and do not substantially alter the character of the principle use | P |
| 18. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 19. Factory-built housing parks subject to Section 5.9. | N |
| 20. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 21. Farm equipment and supplies, gardening stores | N |
| 22. Forest and plant nurseries and greenhouses | N |
| 23. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 24. Funeral homes | N |
| 25. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | P |
| 26. Hotels and motels. | N |
| 27. Kennels subject to compliance with County regulations. | N |
| 28. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 29. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 30. Livestock and commodity auctions | N |
| 31. Livestock feed yards and facilities | N |
| 32. Lodging Houses & Bed & Breakfasts. | N |
| 33. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 34. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 35. Manufactured or modular home sales | N |
| 36. Manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning Commission. Any industrial activity which involves the storage or processing of petroleum products or other hazardous materials shall be considered as large scale industrial projects, and subject to Section 5.3. | N |
| 37. Medical clinics and associated medical facilities, subject to site plan approval by Planning Commission | N |
| 38. Mine and well machinery storage and repair | N |

| | |
|---|---|
| 39. Mine supply stores, including outside areas for the temporary storage of materials offered for sale | N |
| 40. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 41. Minor utility transmission projects | N |
| 42. Motion picture theaters, outdoor, subject to approval of a conditional use permit | N |
| 43. Mountain recreational developments, per Section 5.11 | N |
| 44. Office buildings | P |
| 45. Personal service establishments, such as barber and beauty shops, photographic studios, shoe repair, laundries (commercial and self-service), reception centers and similar establishments | P |
| 46. Planned shopping center developments and commercial condominium projects containing only those types of establishments and subject to the applicable provisions of Sections 5.7, 5.8 or 5.10 of this Code. | C |
| 47. Plumbing, cabinet, sheet metal and light metal fabrication, welding, heating and air conditioning, electronics and similar shops | N |
| 48. Production of fruit and crops in the field. | P |
| 49. Parks, playgrounds, open space and parking areas | N |
| 50. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | N |
| 51. Public buildings and grounds not including storage yards and repair shops. | N |
| 52. Public restrooms, information centers, parking areas, and related activities | P |
| 53. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. (See footnote A) | N |
| 54. Recreation vehicle courts, subject to the approval of the Planning Commission As set forth under Section 3.3.28 | N |
| 55. Recreational enterprises including bowling alleys, recreation centers, motion picture theatres (indoor only), athletic clubs, private clubs and fraternal lodges | N |
| 56. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 57. Restaurants and food drive-ins. | N |
| 58. Sales of agricultural products | P |
| 59. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 60. Self-Storage Warehouses | N |
| 61. Sexually Oriented Businesses/ Adult Retail Establishment (See footnote B) | N |
| 62. Shooting ranges indoor | N |
| 63. Solar, Large scale | N |

| | |
|--|---|
| 64. Solar, Small scale | P |
| 65. Specialty Tobacco/Smoke shop (See footnote C) | N |
| 66. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables | N |
| 67. Truck terminals subject to approval of a site plan as provided under Section 3.3.32 | N |
| 68. Warehouses | N |
| 69. Water diversions, water distribution systems, facilities and structures for water | P |
| 70. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 71. Wholesale commercial sales establishments | N |

Footnotes

- A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites
- B. Located 1,000 feet away from churches, parks, schools, other sexually oriented business and areas zoned as residential
- C. Shall comply with all State Regulations

D. Area and Location of Zone

Each single SC zone shall be determined by the land use authority, and each zone established by a change of zoning district shall abut upon and have access to a collector or arterial class road as shown on the County's major street plan.

E. Access

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| SC | P | N | N |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements Buildings shall be set back from the lot lines as outlined in Tables 4.3, 4.4, 4.5 or pages 4-3, 4-4, 4-5

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|---------------------------|---------------------------|-----------------|-----------------|
| SC | 40 (3) as approved (1) | 40 (3) as approved (1) | as approved (1) | as approved (1) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|---------------------------|-----------------|-----------------|
| SC | 40 (3) as approved (1) | as approved (1) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|----------------------------|------------------------|---------------------|-----------------|
| SC | as approved (1) (3) (4) | as approved (1) (4) | as approved (1) (4) | as approved (1) |

- (1) See the Building Code for required setbacks based on type of construction.
- (2) 60 feet from center of road, 30 feet from property line.
- (3) 40 feet if parking
- (4) No drainage from roof will be discharged onto an adjacent lot

G. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| SC | P | N | N | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

F. Special Provisions

1. Landscaping – All shopping centers shall be fully landscaped as per a plan submitted to and approved by the Planning Commission.
2. Storm Drainage – All shopping centers shall be served by a storm drainage system designed by a professional engineer licensed in the State of Utah, and approved by the County Engineer.
3. Trash Storage – All shopping centers shall have trash storage facilities constructed and maintained in accordance with the applicable provisions of Section 5.10 of this Code.

4.2.13 I-1 Light Industrial Zone

A. Legislative Intent

The I-1 Light Industrial zone has been established for the purpose of providing a place where firms engaged in the light manufacturing, processing, warehousing and fabrication of goods and materials can locate with minimum conflict or deleterious effect on surrounding properties and uses and with a high degree of protection from encroachment of residential and commercial uses. It is also intended in this zone to promote the economic well-being of the people and broaden the tax base.

The zone is characterized by a mixture of industrial establishments, situated on low sloping land, with ready access to major transportation routes, and served by adequate streets, power, water and other utilities and facilities. Some of the territory designated will consist of open land intended for future industrial development. Accordingly, it will be used for agriculture or other open land uses, until its industrial potential is realized.

Representative of the uses within the zone are structures utilized for light manufacturing, fabrication, processing, storage, warehousing, and wholesale distribution, under conditions which limit the generation of noise, vibration, smoke, odor, dust, fumes or hazard from explosion. Residential and retail commercial developments and other activities that would be inconsistent with the use of the land for industrial purposes are not permitted in the zone.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | I-1 |
|---|------------|
| 1. Accessory and non-accessory advertising signs, subject to the provisions of Section 3.3.25. | P |
| 2. Animal hospitals and veterinary clinics | P |
| 3. Apartment buildings | N |
| 4. Auction houses | N |
| 5. Automobile and light machinery repair | P |
| 6. Automobile, motorcycle, snowmobile, watercraft sales structures and lots, for both new and used units. Also, the related repair facilities when such facilities are included as an integral part of the sales structure | P |
| 7. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | C |
| 8. Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages, minor automotive repair establishments | P |
| 9. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 10. Building material supply stores, including outside areas for the temporary storage of materials offered for sale. | P |
| 11. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 12. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |

| | |
|---|---|
| 13. Churches | |
| 14. Communication towers | P |
| 15. Condominium projects, per Sections 5.7 and 5.8 | N |
| 16. Construction companies | P |
| 17. Customary commercial accessory buildings and facilities, provided they are incidental to and do not substantially alter the character of the principle use | P |
| 18. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 19. Factory-built housing parks subject to Section 5.9. | N |
| 20. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 21. Farm equipment and supplies, gardening stores | P |
| 22. Forest and plant nurseries and greenhouses | P |
| 23. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | C |
| 24. Funeral homes | N |
| 25. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | P |
| 26. Hotels and motels. | N |
| 27. Kennels subject to compliance with County regulations. | P |
| 28. Large scale industrial project in accordance with the provisions of Section 5.3. | C |
| 29. Light construction companies, excepting heavy equipment, road building and excavation contractors | P |
| 30. Livestock and commodity auctions | C |
| 31. Livestock feed yards and facilities | P |
| 32. Lodging Houses & Bed & Breakfasts. | N |
| 33. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 34. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | C |
| 35. Manufactured or modular home sales | N |
| 36. Manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning Commission. Any industrial activity which involves the storage or processing of petroleum products or other hazardous materials shall be considered as large scale industrial projects, and subject to Section 5.3. | C |

| | |
|---|---|
| 37. Medical clinics and associated medical facilities, subject to site plan approval by Planning Commission | N |
| 38. Mine and well machinery storage and repair | P |
| 39. Mine supply stores, including outside areas for the temporary storage of materials offered for sale | P |
| 40. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | |
| 41. Minor utility transmission projects | P |
| 42. Motion picture theaters, outdoor, subject to approval of a conditional use permit | N |
| 43. Mountain recreational developments, per Section 5.11 | N |
| 44. Office buildings | P |
| 45. Personal service establishments, such as barber and beauty shops, photographic studios, shoe repair, laundries (commercial and self-service), reception centers and similar establishments | N |
| 46. Planned shopping center developments and commercial condominium projects containing only those types of establishments and subject to the applicable provisions of Sections 5.7, 5.8 or 5.10 of this Code. | N |
| 47. Plumbing, cabinet, sheet metal and light metal fabrication, welding, heating and air conditioning, electronics and similar shops | P |
| 48. Production of fruit and crops in the field. | P |
| 49. Parks, playgrounds, open space and parking areas | N |
| 50. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 51. Public buildings and grounds not including storage yards and repair shops. | P |
| 52. Public restrooms, information centers, parking areas, and related activities | P |
| 53. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. (See footnote A) | P |
| 54. Recreation vehicle courts, subject to the approval of the Planning Commission As set forth under Section 3.3.28 | N |
| 55. Recreational enterprises including bowling alleys, recreation centers, motion picture theatres (indoor only), athletic clubs, private clubs and fraternal lodges | N |
| 56. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 57. Restaurants and food drive-ins. | N |
| 58. Sales of agricultural products | P |
| 59. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | C |
| 60. Self-Storage Warehouses | P |
| 61. Sexually Oriented Businesses/ Adult Retail Establishment (See footnote B) | C |

| | |
|--|---|
| 62. Shooting ranges indoor | C |
| 63. Solar, Large scale | C |
| 64. Solar, Small scale | P |
| 65. Specialty Tobacco/Smoke shop (See footnote C) | C |
| 66. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables | P |
| 67. Truck terminals subject to approval of a site plan as provided under Section 3.3.32 | C |
| 68. Warehouses | P |
| 69. Water diversions, water distribution systems, facilities and structures for water | P |
| 70. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | P |
| 71. Wholesale commercial sales establishments | P |

Footnotes

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites
 B. Located 1,000 feet away from churches, parks, schools, other sexually oriented business and areas zoned as residential

C. Shall comply with all State Regulations

C. Area Requirements

There shall be no minimum area requirements except that area sufficient to accommodate location requirements, off-street parking, loading and unloading, and vehicular access shall be provided and maintained.

D. Width Requirements

Each zoning lot shall have a minimum width of 80 feet, measured along the front property line.

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| I-1 | P | N | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the lot lines as per Tables 4.2, 4.3 or 4.4, pages 4-3, 4-4 or 4-5.

**MAIN BUILDING ON CORNER LOTS
 (In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|------|------------------------|------------------------|------------------------|------------------------|
| I-1 | 0 or as approved(1)(3) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|-------------------------|---------------------|---------------------|
| I-1 | 0 or as approved(1)(3)) | 0 or as approved(1) | 0 or as approved(1) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------------------------|----------------------------|-----------------------------|-----------------------------|
| I-1 | 0 or as approved(1) (3) (4) | 0 or as approved(1) (4) | 0 or as approved (1) (4) | 0 or as approved (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

G. Parking and Loading Requirements

Each lot or parcel shall provide parking and access facilities, which are designed and constructed in accordance with County or approved standards for the proposed use.

H. Area and Location of Zone

Each single I-1 zone shall contain a minimum of 5 acres. Acreage maybe reduced by the land use authority upon sufficient evidence that the use will not have deleterious effects on adjacent properties , and each zone established by a change of zoning district shall abut upon or have access to a collector or arterial class road as shown on the County major street plan.

I. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|---|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| I-1 | P | N | N | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

J. Special Provisions

1. Uses Within Buildings – All uses shall be conducted entirely within a fully enclosed building, except those uses deemed by the County to be customarily and appropriately conducted in the open, and limited as approved.
2. Trash Storage – No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of a size, type and quantity approved by the County shall be maintained in the location as shown on the approved site plan.
3. Outside Storage Areas – All outside storage areas shall be enclosed within a fence or wall of not less than six (6) feet in height.
4. Maintenance of Premises – The yards around buildings shall be kept free of debris, refuse, weeds and other flammable material that may constitute a fire hazard.
5. Landscaping – All industrial developments shall be fully landscaped as per a plan submitted to and approved by the Planning Commission.

4.2.14 I-2 Heavy Industrial Zone

A. Legislative Intent

The I-2 General Industrial zone has been established for the purpose of providing a place where firms engaged in mining and related activities, and/or heavy manufacturing, processing and fabrication of goods and materials, can locate with minimum conflict or deleterious effect on surrounding properties and the natural environment, and with a high degree of protection from encroachment of residential and commercial uses. It is also the intent of this zone to promote the economic well-being of the people within the County and to broaden the tax base.

The zone is characterized by a mixture of industrial establishments, which, because of the nature of the operation, may produce hazards, nuisances, or disturbances if located in close proximity to urbanized areas. In general, these zones are situated on relatively flat land, with ready access to major highways and/or railroad tracks.

Some of the territory designated will consist of open land intended for future industrial development or as a buffer to adjacent development. Accordingly, some of the territory within the zone will be used for agriculture or grazing activities.

Representative of the uses and activities within the zone are manufacturing plants, mines and pits and mineral processing and loading facilities, electric power generating plants, metal fabrication, automobile wrecking and salvage yards, animal by-product plants, petroleum refineries, and concrete batching plants.

The specific requirements necessary for the accomplishment of the purposes of the zone are hereinafter set forth:

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | I-2 |
|---|------------|
| 1. Accessory and non-accessory advertising signs, subject to the provisions of Section 3.3.25. | P |
| 2. Animal hospitals and veterinary clinics | P |
| 3. Apartment buildings | N |
| 4. Auction houses | N |
| 5. Automobile and light machinery repair | P |
| 6. Automobile, motorcycle, snowmobile, watercraft sales structures and lots, for both new and used units. Also, the related repair facilities when such facilities are included as an integral part of the sales structure | P |
| 7. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | C |
| 8. Automotive service establishments, including gasoline stations, car washes, parking lots and storage garages, minor automotive repair establishments | P |
| 9. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 10. Building material supply stores, including outside areas for the temporary storage of materials offered for sale. | P |
| 11. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |

| | |
|--|---|
| 12. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |
| 13. Churches | |
| 14. Communication towers | P |
| 15. Condominium projects, per Sections 5.7 and 5.8 | N |
| 16. Construction companies | P |
| 17. Customary commercial accessory buildings and facilities, provided they are incidental to and do not substantially alter the character of the principle use | P |
| 18. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 19. Factory-built housing parks subject to Section 5.9. | N |
| 20. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 21. Farm equipment and supplies, gardening stores | P |
| 22. Forest and plant nurseries and greenhouses | P |
| 23. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | C |
| 24. Funeral homes | N |
| 25. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | P |
| 26. Hotels and motels. | N |
| 27. Kennels subject to compliance with County regulations. | P |
| 28. Large scale industrial project in accordance with the provisions of Section 5.3. | C |
| 29. Light construction companies, excepting heavy equipment, road building and excavation contractors | P |
| 30. Livestock and commodity auctions | C |
| 31. Livestock feed yards and facilities | P |
| 32. Lodging Houses & Bed & Breakfasts. | N |
| 33. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 34. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | C |
| 35. Manufactured or modular home sales | N |
| 36. Manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning Commission. Any industrial activity | C |

| | |
|---|---|
| which involves the storage or processing of petroleum products or other hazardous materials shall be considered as large scale industrial projects, and subject to Section 5.3. | |
| 37. Medical clinics and associated medical facilities, subject to site plan approval by Planning Commission | N |
| 38. Mine and well machinery storage and repair | P |
| 39. Mine supply stores, including outside areas for the temporary storage of materials offered for sale | P |
| 40. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | C |
| 41. Minor utility transmission projects | P |
| 42. Motion picture theaters, outdoor, subject to approval of a conditional use permit | N |
| 43. Mountain recreational developments, per Section 5.11 | N |
| 44. Office buildings | P |
| 45. Personal service establishments, such as barber and beauty shops, photographic studios, shoe repair, laundries (commercial and self-service), reception centers and similar establishments | N |
| 46. Planned shopping center developments and commercial condominium projects containing only those types of establishments and subject to the applicable provisions of Sections 5.7, 5.8 or 5.10 of this Code. | N |
| 47. Plumbing, cabinet, sheet metal and light metal fabrication, welding, heating and air conditioning, electronics and similar shops | P |
| 48. Production of fruit and crops in the field. | P |
| 49. Parks, playgrounds, open space and parking areas | N |
| 50. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 51. Public buildings and grounds not including storage yards and repair shops. | P |
| 52. Public restrooms, information centers, parking areas, and related activities | P |
| 53. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. (See footnote A) | P |
| 54. Recreation vehicle courts, subject to the approval of the Planning Commission As set forth under Section 3.3.28 | N |
| 55. Recreational enterprises including bowling alleys, recreation centers, motion picture theatres (indoor only), athletic clubs, private clubs and fraternal lodges | N |
| 56. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 57. Restaurants and food drive-ins. | N |
| 58. Sales of agricultural products | P |
| 59. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | C |
| 60. Self-Storage Warehouses | P |

| | |
|--|---|
| 61. Sexually Oriented Businesses/ Adult Retail Establishment (See footnote B) | N |
| 62. Shooting ranges indoor | C |
| 63. Solar, Large scale | C |
| 64. Solar, Small scale | P |
| 65. Specialty Tobacco/Smoke shop (See footnote C) | N |
| 66. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables | P |
| 67. Truck terminals subject to approval of a site plan as provided under Section 3.3.32 | C |
| 68. Warehouses | P |
| 69. Water diversions, water distribution systems, facilities and structures for water | P |
| 70. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | P |
| 71. Wholesale commercial sales establishments | P |

Footnotes

- A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites
- B. Located 1,000 feet away from churches, parks, schools, other sexually oriented business and areas zoned as residential
- C. Shall comply with all State Regulations

C. Area Requirements

There shall be no minimum area requirements except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, and vehicular access shall be provided and maintained.

D. Width Requirements

Each zoning lot shall have a minimum width of eighty (80) feet, measured at the front property line.

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| I-2 | P | N | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the lot lines as per Tables 4.2, 4.3 or 4.4, pages 4-60, 4-61 or 4-62.

MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------|------|
|------|-------|--------|------|------|

| | | | | |
|-----|------------------------|------------------------|------------------------|------------------------|
| I-2 | 0 or as approved(1)(3) |
|-----|------------------------|------------------------|------------------------|------------------------|

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|------------------------|------------------------|------------------------|
| I-2 | 0 or as approved(1)(3) | 0 or as approved(1)(3) | 0 or as approved(1)(3) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|---------------------------|---------------------------|-----------------------------|---------------------------|
| I-2 | 0 or as approved(1)(3)(4) | 0 or as approved(1)(3)(4) | 0 or as approved (1)(3) (4) | 0 or as approved(1)(3)(4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

* As approved: The zoning administrator shall establish the setback based on type of construction, location of existing buildings, proposed buildings, and the location of utilities.

G. Parking and Loading Requirements

Each lot or parcel shall provide parking and access facilities, which are designed and constructed in accordance with County standards for the proposed use.

H. Area and Location of Zone

Each single I-1 zone shall contain a minimum of 5 acres. Acreage maybe reduced by the land use authority upon sufficient evidence that the use will not have deleterious effects on adjacent properties, and each zone established by a change of zoning district shall abut upon or have access to a collector or arterial class road as shown on the County major street plan.

I. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| I-2 | P | N | N | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

Landscaping

All industrial developments shall be fully landscaped as per a plan submitted to and approved by the Planning Commission.

4.2.15 M&G Mining and Grazing Zone

A. Legislative Intent

The M&G Mining and Grazing Zone generally covers the rangeland areas of Carbon County to an elevation of 7,000 feet. Because of the limitations imposed by climate, topography, soil capability, water supply and the presence of economically significant mineral deposits, this area has historically been utilized as a place for the grazing of livestock on the open range and as the location of numerous mining and mineral exploration sites. The particular characteristics and conditions present in this area make the land more appropriately suited for a continuation of these uses to promote the economic well-being of the people within the County, and to broaden the tax base.

The specific regulations necessary for the accomplishment of the purposes as outlined above are hereinafter set forth.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | M&G |
|---|-----|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | C |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | P |
| 6. Caretaker camps as per Section 3.3.25 | P |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |
| 8. Churches | N |
| 9. Communication towers | P |
| 10. Condominium projects, per Sections 5.7 and 5.8 | N |
| 11. Customary residential accessory structures | P |
| 12. Guest ranches and resorts | C |
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | P |

| | |
|--|---|
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | C |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | N |
| 18. Grazing of Livestock on open and fenced rangeland | P |
| 19. Home occupations subject to the provisions of Section 3.3.16. | N |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | N |
| 22. Kennels subject to compliance with County regulations. | P |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | C |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 25. Livestock feed yards and facilities | P |
| 26. Lodging Houses & Bed & Breakfasts. | P |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | C |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | P |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | P |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | C |
| 32. Minor utility transmission projects | P |
| 33. Mountain recreational developments, per Section 5.11 | N |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | N |
| 36. Private Camps as per section 3.3.27 | N |
| 37. Production of fruit and crops in the field. | P |
| 38. Parks, playgrounds, open space and parking areas | N |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 40. Public buildings and grounds not including storage yards and repair shops. | N |

| | |
|--|---|
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | N |
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | C |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | C |
| 46. Sales of agricultural products | P |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | C |
| 48. Shooting ranges outdoor | C |
| 49. Single-family dwellings, conventional construction and factory built. | N |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | N |
| 51. Solar, Large scale | C |
| 52. Solar, Small scale | P |
| 53. Timber harvesting, with appurtenant roadways and facilities | P |
| 54. Water diversions, water distribution systems, facilities and structures for water | P |
| 55. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | P |
| 56. Wind Power Generating Facilities | C |

D. Area Requirements

There shall be no minimum area requirements except as may be required under other provisions of Code.

E. Width Requirements

There shall be no minimum width requirements except as may be required under other provisions of this Code.

F. Access

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| M&G | P | P | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

G. Location Requirements

Buildings shall be set back from the lot lines as per Tables 4.2, 4.3 or 4.4, pages 4-60, 4-61 or 4-62.

MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------|------|
| M&G | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|--------------|------|------|
| M&G | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------------|------------|
| M&G | 60 or 30 (2) | 30 or 40 (3) | 30 (1) (4) | 30 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

H. Size and Height Requirements

Each dwelling shall have a main floor living area of not less than six hundred (600) square feet, and a total width and length dimension of not less than twenty (20) feet.

I. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| M&G | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

J. Special Requirements

Reserved

K. Trash Requirements

The yards around buildings shall be kept free of debris, refuse, weeds and other flammable material that may constitute a fire hazard.

4.2.16 WS Water Shed Zone

A. Declaration of Legislative Intent

The WS Water Shed Zone (formerly CE-1 Zone) covers the canyons, mountains, and other lands above 7,000 feet in elevation, and of environmental concern in the County. Because of limitations imposed by topography, climate, soil conditions and other natural features, use of the land within this zone has been limited primarily to livestock grazing and related uses, wildlife habitat, certain outdoor recreation activities and facilities, and limited mineral extraction.

The land within this zone has functioned historically as part of the watershed for a majority of the irrigation, culinary, and industrial water supply for the Price River Valley and East Carbon City area. It is also recognized that the landscape is constantly changing due to natural occurrences such as fire, flood, insect infestations and landslides. Human activities such as logging, grazing, hunting, camping and other uses affect the landscape, and are accepted as normal in this zone. Experience has shown this watershed area to be fragile; its confirmed function as a water source is of critical importance to the County.

As certain areas are determined to be not critical to the watershed, they may be placed into other zoning districts.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | WS |
|---|----|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | P |
| 6. Caretaker camps as per Section 3.3.25 | P |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | N |
| 8. Churches | N |
| 9. Communication towers | P |
| 10. Condominium projects, per Sections 5.7 and 5.8 | N |

| | |
|--|---|
| 11. Customary residential accessory structures | N |
| 12. Guest ranches and resorts | N |
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | N |
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | N |
| 18. Grazing of Livestock on open and fenced rangeland | P |
| 19. Home occupations subject to the provisions of Section 3.3.16. | N |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | N |
| 22. Kennels subject to compliance with County regulations. | P |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 25. Livestock feed yards and facilities | N |
| 26. Lodging Houses & Bed & Breakfasts. | N |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | P |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | P |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 32. Minor utility transmission projects | N |
| 33. Mountain recreational developments, per Section 5.11 | N |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | N |

| | |
|--|---|
| 36. Private Camps as per section 3.3.27 | P |
| 37. Production of fruit and crops in the field. | P |
| 38. Parks, playgrounds, open space and parking areas | N |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | N |
| 40. Public buildings and grounds not including storage yards and repair shops. | N |
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | N |
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | C |
| 46. Sales of agricultural products | N |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 48. Shooting ranges outdoor | N |
| 49. Single-family dwellings, conventional construction and factory built. | N |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | P |
| 51. Solar, Large scale | N |
| 52. Solar, Small scale | P |
| 53. Timber harvesting, with appurtenant roadways and facilities | P |
| 54. Water diversions, water distribution systems, facilities and structures for water | P |
| 55. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 56. Wind Power Generating Facilities | N |

Footnotes:

A. Single-family dwellings, conventional and factory built, in accordance with the following:

- No dwelling or other structure intended for human occupancy shall be constructed without the prior approval of a site plan in accordance with the provisions of Section 3.3.32.
- Site plans shall comply with the following:
 - The lot and structure shall be in compliance with all requirements of this zone relating to area, width, access, location, size of dwelling, and utilities.

- On-site sewage drain field shall be located and approved by the Southeastern Utah Health Department and Table 4.6 Onsite Waster Water setback.
- Each building site shall have a buildable area of not less than twenty thousand (20,000) square feet, which site shall contain slopes of less than thirty (30) percent.
- All roads and travel easements shall, to the maximum extent possible, be located so as to minimize negative impacts to the natural environment.
- No dwelling shall be constructed on slopes having a natural gradient of thirty (30) percent or greater

D. Area and Width Requirements

The minimum area and width of a zoning lot within the zone shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|------------------------|--|-----------------------------|
| Single-family Dwelling | Forty (40) acres Or When located on a Non-conforming lot Of record | 300 feet as recorded |
| Communication Towers | As approved | As approved |
| Recreation Property | 40 acres | 300 feet |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|---|---------|-------------------|
| WS | P | P | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

No buildings or structures shall be located closer than sixty (60) feet from the center line of a designated County road or private travel way, or thirty (30) feet from the right-of-way of said road or travel way, whichever is greater, nor shall any structure be located closer than thirty (30) feet from any property line.

**MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)**

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------|------|
| WS | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

**MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)**

| ZONE | FRONT | SIDE | REAR |
|------|--------------|------|------|
| WS | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------------|------------|
| WS | 60 or 30 (2) | 60 or 30 (2) | 30 (1) (4) | 30 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
 (2) 60 feet from center of road, 30 feet from property line.
 (3) 40 feet if parking
 (4) No drainage from roof will be discharged onto an adjacent lot

G. Size and Width of Dwelling

Each dwelling shall have a main floor living area of not less than six hundred (600) square feet, and a total width and length dimension of not less than twenty (20) feet.

H. Utility Requirement

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| WS | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

4.2.17 MR Mountain Range Zone

A. Declaration of Legislative Intent

The MR Mountain Range Zone (formerly CE-2 Zone) covers the mountain lands of the County generally which, because of the presence of less severe physical conditions, have experienced historic settlement and are of less critical water shed concern than the WS Zone, and are suitable for limited levels of development activity. These lands are situated over the elevation of 7,000 feet.

Historically, lands within this zone have been used for livestock grazing, ranching, mining, logging, and other productive uses. These lands also function as a part of the watershed that supplies nearly all the irrigation and culinary water for the Price River Valley and East Carbon City areas.

Because of a combination of factors, including accessibility from existing roads, railroads, availability of water, suitable topographical, soil and vegetative conditions, and aesthetic attractions, the territory included within this zone is capable of accommodating irrigated agricultural and certain mining, recreational and summer housing developments without due adverse effect on the quality of the watershed, provided that such developments are constructed and maintained under regulated conditions.

The specific regulations necessary for the accomplishment of the purposes as outlined above are hereinafter set forth.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | MR |
|---|-----------|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | P |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | P |
| 6. Caretaker camps as per Section 3.3.25 | P |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |
| 8. Churches | N |
| 9. Communication towers | P |
| 10. Condominium projects, per Sections 5.7 and 5.8 | N |
| 11. Customary residential accessory structures | N |
| 12. Guest ranches and resorts | N |

| | |
|--|---|
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | N |
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | N |
| 18. Grazing of Livestock on open and fenced rangeland | P |
| 19. Home occupations subject to the provisions of Section 3.3.16. | P |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | C |
| 22. Kennels subject to compliance with County regulations. | P |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 25. Livestock feed yards and facilities | N |
| 26. Lodging Houses & Bed & Breakfasts. | P |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | C |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | P |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | P |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | P |
| 32. Minor utility transmission projects | P |
| 33. Mountain recreational developments, per Section 5.11 | P |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | C |
| 36. Private Camps as per section 3.3.27 | P |
| 37. Production of fruit and crops in the field. | P |

| | |
|--|---|
| 38. Parks, playgrounds, open space and parking areas | P |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 40. Public buildings and grounds not including storage yards and repair shops. | N |
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | N |
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | C |
| 46. Sales of agricultural products | N |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | C |
| 48. Shooting ranges outdoor | N |
| 49. Single-family dwellings, conventional construction and factory built. | N |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | P |
| 51. Solar, Large scale | N |
| 52. Solar, small scale | P |
| 53. Timber harvesting, with appurtenant roadways and facilities | P |
| 54. Water diversions, water distribution systems, facilities and structures for water | P |
| 55. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 56. Wind Power Generating Facilities | N |

Footnotes:

A. Single-family dwellings, conventional and factory built, in accordance with the following:

- No dwelling or other structure intended for human occupancy shall be constructed without the prior approval of a site plan in accordance with the provisions of Section 3.3.32.
- Site plans shall comply with the following:
 - The lot and structure shall be in compliance with all requirements of this zone relating to area, width, access, location, size of dwelling, and utilities.
 - On-site sewage drain field shall be located and approved by the Southeastern Utah Health Department and Table 4.6 Onsite Waster Water setback.
 - Each building site shall have a buildable area of not less than twenty thousand (20,000) square feet, which site shall contain slopes of less than thirty (30) percent.

- All roads and travel easements shall, to the maximum extent possible, be located so as to minimize negative impacts to the natural environment.
- No dwelling shall be constructed on slopes having a natural gradient of thirty (30) percent or greater

D. Area and Width Requirements

The minimum area and width of a zoning lot within the zone shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|---|--|----------------------|
| Single-family dwelling | Ten (10) acres when served by central sewer, or | 300 feet |
| | Forty (40) acres when served by septic system, or | 300 feet |
| | When located on a lot in an approved planned mountain home development, or | as approved |
| | When located on a non-conforming lot of record | as recorded |
| Planned mountain home developments (per dwelling) | On Sewer 20,000 sf | 130 feet |
| | On Septic one (1) acre | 150 feet |
| Communication Towers | As approved | As approved |
| Recreation Property | 40 acres | 300 feet |

E. Access Requirements

| <u>ZONE</u> | <u>FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD</u> | <u>CLASS D</u> | <u>PRIVATE DRIVE (1)</u> |
|-------------|---|----------------|--------------------------|
| MR | P | P | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

No buildings or structures shall be located closer than sixty (60) feet from the center line of a designated County road or private travel way, or thirty (30) feet from the right-of-way line of said road or travel way, whichever is greater; nor shall any structure be located closer than thirty (30) feet from any property line.

**MAIN BUILDING ON CORNER LOTS
(In feet measured from property line)**

| <u>ZONE</u> | <u>FRONT</u> | <u>STREET</u> | <u>SIDE</u> | <u>REAR</u> |
|-------------|--------------|---------------|-------------|-------------|
| MR | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

MAIN BUILDING ON INTERIOR LOTS
(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|--------------|------|------|
| MR | 60 or 30 (2) | 30 | 30 |

- (1) See the Building Code for required setbacks based on type of construction.
(2) 60 feet from center of road, 30 feet from property line.
(3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------------|------------|
| MR | 60 or 30 (2) | 60 or 30 (2) | 30 (1) (4) | 30 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
(2) 60 feet from center of road, 30 feet from property line.
(3) 40 feet if parking
(4) No drainage from roof will be discharged onto an adjacent lot

G. Size and Width of Dwelling

Each dwelling shall have a main floor living area of not less than six hundred (600) square feet, and a total width and length dimension of not less than twenty (20) feet.

H. Utility Requirements Outside of a Planned Mountain Home Development

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| MR | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

4.2.18 SL Scofield Lakeshore Zone

A. Legislative Intent

The primary purpose in establishing the SL Scofield Lakeshore Zone (formerly S-1 Zone) is to promote and protect the water quality of the lakeshore and prevent the degradation of the natural and social environment in the Scofield Reservoir area.

Accordingly, the major purpose of the SL Scofield Lakeshore Zone is to establish standards for the further filling in or expanding of existing developed areas adjacent to the Scofield shoreline, and a mechanism for implementing those standards.

Development in this zone is characterized by a mixture of conventional, log and factory built dwellings on relatively small individual lots that are served by approved culinary water and sewage disposal facilities.

Because of the significance of the reservoir as the principle source of culinary, industrial and irrigation water for the Price River Valley, and also as a prime water-based recreation facility, a major focus of the requirements of this zone are directed toward the preservation of the quality of both surface and underground waters in the reservoir area.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | SL |
|---|-----------|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | N |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | N |
| 6. Caretaker camps as per Section 3.3.25 | N |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | N |
| 8. Churches | N |
| 9. Communication towers | |
| 10. Condominium projects, per Sections 5.7 and 5.8 | P |
| 11. Customary residential accessory structures | P |
| 12. Guest ranches and resorts | C |
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | N |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | N |

| | |
|--|---|
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | N |
| 18. Grazing of Livestock on open and fenced rangeland | N |
| 19. Home occupations subject to the provisions of Section 3.3.16. | P |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | N |
| 22. Kennels subject to compliance with County regulations. | N |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 25. Livestock feed yards and facilities | N |
| 26. Lodging Houses & Bed & Breakfasts. | P |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | N |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | N |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 32. Minor utility transmission projects | P |
| 33. Mountain recreational developments, per Section 5.11 | N |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | C |
| 36. Private Camps as per section 3.3.27 | N |
| 37. Production of fruit and crops in the field. | N |
| 38. Parks, playgrounds, open space and parking areas | P |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | N |
| 40. Public buildings and grounds not including storage yards and repair shops. | N |

| | |
|--|---|
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | N |
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | N |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | N |
| 46. Sales of agricultural products | N |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 48. Shooting ranges outdoor | N |
| 49. Single-family dwellings, conventional construction and factory built. | N |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | P |
| 51. Solar, Large scale | N |
| 52. Solar, Small scale | P |
| 51. Timber harvesting, with appurtenant roadways and facilities | N |
| 52. Water diversions, water distribution systems, facilities and structures for water | P |
| 53. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 56. Wind Power Generating Facilities | N |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

D. Area and Width Requirements

The minimum area and width of a zoning lot within the zone shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|------------------------|---------------------|----------------------|
| Single-family dwelling | 12,000 sf | 80 feet |
| Other uses | as approved | as approved |

E. Access requirements

| | | | |
|------|--|---------|-------------------|
| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|

| | | | |
|----|---|---|---|
| SL | P | N | P |
|----|---|---|---|

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line as per tables 4.2, 4.3 and 4.4, pages 4-60, 4-61 or 4-62.

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------|------|
| SL | 5 | 5 | 5 | 5 |

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|-------|------|------|
| SL | 5 | 5 | 5 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

ACCESSORY BUILDINGS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|-----------|-----------|
| SL | 5 | 5 | 5 (1) (4) | 5 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

G. Size and Width of Dwelling

Each dwelling shall have a main floor living area of not less than six hundred (600) square feet, and a total width and length dimension of not less than twenty (20) feet.

H. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| SL | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

4.2.19 PV Pleasant Valley Zone

A. Legislative Intent

The intent in establishing the PV Pleasant Valley Zone (formerly S-2 Zone) is to protect the water quality of Scofield Reservoir and surrounding watersheds of Pleasant Valley, and to protect the private property rights and natural values of the Scofield reservoir areas.

Accordingly, the major purpose of the PV Pleasant Valley Zone is to establish standards for development of the Pleasant Valley. A mixture of existing mobile homes, new factory-built homes, conventional-built homes, and log construction characterizes development in this zone. Because of the significance of the reservoir as the major source of culinary, irrigation and industrial water for Carbon County, and a prime water-based recreation area, this zone is directed toward the preservation of surface and underground water quality, and the preservation of open space.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | PV |
|---|----|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | N |
| 6. Caretaker camps as per Section 3.3.25 | N |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | N |
| 8. Churches | N |
| 9. Communication towers | P |
| 10. Condominium projects, per Sections 5.7 and 5.8 | C |
| 11. Customary residential accessory structures | P |
| 12. Guest ranches and resorts | C |
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | N |

| | |
|--|---|
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | N |
| 18. Grazing of Livestock on open and fenced rangeland | N |
| 19. Home occupations subject to the provisions of Section 3.3.16. | P |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | N |
| 22. Kennels subject to compliance with County regulations. | N |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 25. Livestock feed yards and facilities | N |
| 26. Lodging Houses & Bed & Breakfasts. | C |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | N |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | N |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 32. Minor utility transmission projects | P |
| 33. Mountain recreational developments, per Section 5.11 | P |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | C |
| 36. Private Camps as per section 3.3.27 | N |
| 37. Production of fruit and crops in the field. | N |
| 38. Parks, playgrounds, open space and parking areas | P |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 40. Public buildings and grounds not including storage yards and repair shops. | N |

| | |
|--|---|
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | N |
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | N |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | |
| 46. Sales of agricultural products | P |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 48. Shooting ranges outdoor | N |
| 49. Single-family dwellings, conventional construction and factory built. | P |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | N |
| 51. Solar, Large scale | N |
| 52. Solar, Small scale | P |
| 53. Timber harvesting, with appurtenant roadways and facilities | N |
| 54. Water diversions, water distribution systems, facilities and structures for water | P |
| 55. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 56. Wind Power Generating Facilities | N |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

D. Area and Width Requirements

The minimum area and width requirements for a zoning lot shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|--|--|----------------------|
| Single-family Dwelling | 2 acres | 130 feet |
| Planned mountain home development (per dwelling) | On Sewer, 20,000 sf On Septic, one acre | 100 feet 130 feet |
| Mountain recreation development | as approved | as approved |
| Private parks, parking areas & storage facilities | 5 acres | as approved |

E. Access Requirements

| | | | |
|------|--|---------|-------------------|
| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
| PV | P | P | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line as per Tables 4.2, 4.3 or 4.4, pages 4-60, 4-61 or 4-62.

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| | | | | |
|------|-------|--------|------|------|
| ZONE | FRONT | STREET | SIDE | REAR |
| PV | 30 | 30 | 8 | 30 |

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| | | | |
|------|-------|------|------|
| ZONE | FRONT | SIDE | REAR |
| PV | 30 | 8 | 30 |

ACCESSORY BUILDINGS

(In feet measured from property line)

| | | | | |
|------|-------|--------|-----------|-----------|
| ZONE | FRONT | STREET | SIDE | REAR |
| PV | 50 | 40 | 8 (1) (4) | 8 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

G. Height of Building

The maximum height of any building shall be twenty (20) feet or two (2) stories, whichever is higher.

H. Utility Requirements

| | | | | | | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| PV | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

I. Size of Dwelling

The minimum gross ground floor area of any dwelling shall be six hundred (600) square feet. The minimum width and length dimension of any dwelling as measured from the outside wall shall be not less than twenty-four (24) feet. Non-living spaces such as garages, porches, and decks shall not be included in determining compliance with this requirement.

4.2.20 RFM Recreation, Forestry and Mining

A. Legislative Intent

The RFM Recreation, Forestry & Mining Zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife, and mining purposes. In general, this zone covers the ranching and mining portions of the unincorporated area of the County and is characterized by mountains, canyons, and grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, mines, oil and gas wells, and facilities related thereto. Natural and manmade lakes are also characteristic of this zone. In order to accomplish the objectives of this zone, the following regulations shall apply in the RFM Recreation, Forestry & Mining Zone.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | RFM |
|---|------------|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | P |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | N |
| 6. Caretaker camps as per Section 3.3.25 | N |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | P |
| 8. Churches | N |
| 9. Communication towers | P |
| 10. Condominium projects, per Sections 5.7 and 5.8 | N |
| 11. Customary residential accessory structures | N |
| 12. Guest ranches and resorts | C |
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | C |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | N |
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | C |
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a | P |

| | |
|---|---|
| building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | |
| 18. Grazing of Livestock on open and fenced rangeland | P |
| 19. Home occupations subject to the provisions of Section 3.3.16. | P |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | N |
| 22. Kennels subject to compliance with County regulations. | N |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | C |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | N |
| 25. Livestock feed yards and facilities | N |
| 26. Lodging Houses & Bed & Breakfasts. | P |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | C |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | N |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | P |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 32. Minor utility transmission projects | N |
| 33. Mountain recreational developments, per Section 5.11 | P |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | C |
| 36. Private Camps as per section 3.3.27 | N |
| 37. Production of fruit and crops in the field. | P |
| 38. Parks, playgrounds, open space and parking areas | P |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | C |
| 40. Public buildings and grounds not including storage yards and repair shops. | N |
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | N |
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No | |

| | |
|---|---|
| animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | C |
| 46. Sales of agricultural products | P |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 48. Shooting ranges outdoor | N |
| 49. Single-family dwellings, conventional construction and factory built. | N |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | P |
| 51. Solar, Large scale | N |
| 52. Solar, Small scale | P |
| 53. Timber harvesting, with appurtenant roadways and facilities | P |
| 54. Water diversions, water distribution systems, facilities and structures for water | P |
| 55. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 56. Wind Power Generating Facilities | N |

Footnotes:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

B. Single-family dwellings, conventional and factory built, in accordance with the following:

- No dwelling or other structure intended for human occupancy shall be constructed without the prior approval of a site plan in accordance with the provisions of Section 3.3.32.
- Site plans shall comply with the following:
 - The lot and structure shall be in compliance with all requirements of this zone relating to area, width, access, location, size of dwelling, and utilities.
 - On-site sewage drain field shall be located and approved by the Southeastern Utah Health Department and Table 4.6 Onsite Waster Water setback.
 - Each building site shall have a buildable area of not less than twenty thousand (20,000) square feet, which site shall contain slopes of less than thirty (30) percent.
 - All roads and travel easements shall, to the maximum extent possible, be located so as to minimize negative impacts to the natural environment.
 - No dwelling shall be constructed on slopes having a natural gradient of thirty (30) percent or greater

C. Area and Width Requirements

The minimum area and width of a zoning lot within the zone shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|--|---|----------------------|
| Single-family dwellings | five (5) acres when served by central sewer, or | 300 feet |
| | ten (10) acres when served by septic system, or | 330 feet |
| | when located on a non-conforming lot of record | as recorded |
| Stores, camps, bed & breakfasts, guest ranches | as approved | as approved |

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| RFM | P | P | P |

P=PERMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line as per Tables 4.2, 4.3 or 4.4, pages 4-60, 4-61 or 4-62.

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------|------|
| RFM | 60 or 30 (2) | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|--------------|------|------|
| RFM | 60 or 30 (2) | 30 | 30 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

ACCESSORY BUILDINGS
(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|--------------|--------------|------------|------------|
| RFM | 60 or 30 (2) | 60 or 30 (2) | 30 (1) (4) | 30 (1) (4) |

- (1) See the Building Code for required setbacks based on type of construction.
(2) 60 feet from center of road, 30 feet from property line.
(3) 40 feet if parking
(4) No drainage from roof will be discharged onto an adjacent lot

G. Size and Width of Dwellings and Rental Cabins

- Each dwelling shall have a main floor living area of not less than six hundred (600) square feet, and a total width and length dimension of not less than twenty (20) feet.
- Each rental cabin shall have a main floor living area of not less than two hundred forty (240) square feet, and a total width and length dimension of not less than twelve (12) feet.

H. Utility Requirements – (if outside of a planned mountain home development or a mountain recreation development)

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| RFM | P | Y | Y | Y | P | P |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

I. Special Requirements for Single-family Dwellings

- The lot and structure shall be in compliance with all requirements of this zone relating to area, width, access, location, size of dwelling, and utilities.
- No dwelling or septic tank drain field shall be located closer than three hundred (300) feet from a perennial or intermittent stream channel, or within one thousand five hundred (1,500) feet of a known spring when located at an elevation higher than said spring, or within one hundred (100) feet when located at an elevation lower than said spring.
- No dwelling shall be constructed on slopes having a gradient of thirty (30) percent or greater.
- Each building site shall have a buildable area of not less than twenty thousand (20,000) square feet, containing slopes less than thirty (30) percent.
- All roads and travel easements shall, to the maximum extent possible, be located so as to minimize negative impacts to the natural environment.

4.2.21 HMC Historic Mining Camp Zone

A. Legislative Intent

The HMC Historic Mining Camp Zone has been established to recognize the unique historical values, cultural resources, lifestyles and construction types which occurred in the coal company towns of Carbon County, and which are owned or occupied by private land owners and lessees. In general, this zone is intended to include historic town sites, to preserve private property rights, and to allow the owners of homes to enjoy all the rights vested in their existing structures and lifestyle and in any future additions. New construction in the zone shall be designed and constructed to blend with the vernacular style of Carbon County coal camps and existing architectural styles, siting, materials, and colors.

B. Land Uses

| P=Permitted C=Conditional N= Not Permitted | HMC |
|---|-----|
| 1. Automobile and motorcycle racetracks and racecourses, subject to approval of a site plan by the Planning Commission | N |
| 2. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock, provided that no such facility shall be located closer than seventy-five (75) feet to an existing dwelling and not less than one hundred (100) feet from any drainage channels. | P |
| 3. Buildings, silos and other structures for the storage and keeping of agricultural machinery and products | N |
| 4. Burials: interment of a person, when made by a Utah licensed funeral director or person with a burial-transit permit, provided that each such burial site shall be located by Global Positioning Satellite System (GPS) data and be mapped by Carbon County. | N |
| 5. Care and keeping of domestic livestock and fowl without restriction as to number | N |
| 6. Caretaker camps as per Section 3.3.25 | N |
| 7. Caretaker dwellings subject to the conditions set forth in Section 3.3.27 | N |
| 8. Churches | P |
| 9. Communication towers | N |
| 10. Condominium projects, per Sections 5.7 and 5.8 | N |
| 11. Customary residential accessory structures | P |
| 12. Guest ranches and resorts | C |
| 13. Exploratory and production wells subject to approval of a site plan, and approval of a conditional use permit by the Planning Commission, as set forth in Section 3.3.32 and other applicable sections of this Code. | N |
| 14. Facilities for the raising of mink, beaver, nutria and similar fur-bearing animals | N |
| 15. Fairgrounds, rodeo arenas, racetracks and racecourses, schools, training and correctional facilities | N |
| 16. Forest industries such as sawmills and storage yards, subject to approval of a site plan per Section 3.3.32. | N |

| | |
|--|---|
| 17. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building. Also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment | P |
| 18. Grazing of Livestock on open and fenced rangeland | N |
| 19. Home occupations subject to the provisions of Section 3.3.16. | P |
| 20. Household pets | P |
| 21. Institutional campground and campsite facilities when approved by the Planning Commission subject to the requirements and standards of section 3.3.28. | C |
| 22. Kennels subject to compliance with County regulations. | N |
| 23. Large scale industrial project in accordance with the provisions of Section 5.3. | N |
| 24. Light construction companies, excepting heavy equipment, road building and excavation contractors | P |
| 25. Livestock feed yards and facilities | N |
| 26. Lodging Houses & Bed & Breakfasts. | P |
| 27. Major utility transmission and railroad projects when approved in accordance with the provisions of Section 5.5 | C |
| 28. Major underground and surface mine developments, when approved by the Planning Commission and in accordance with the applicable provisions of Section 5.4 | N |
| 29. Manmade lakes, reservoirs, ponds and dams when under the (10) acre-feet in capacity | N |
| 30. Manmade lakes, reservoirs, ponds and dams over ten (10) acre-feet in capacity when approved by the Planning Commission | N |
| 31. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.32 | N |
| 32. Minor utility transmission projects | P |
| 33. Mountain recreational developments, per Section 5.11 | N |
| 34. Pet cemeteries for interment of family pets or domestic livestock. | P |
| 35. Planned mountain home developments subject to the provisions and conditions set forth in Section 5.2 | N |
| 36. Private Camps as per section 3.3.27 | N |
| 37. Production of fruit and crops in the field. | P |
| 38. Parks, playgrounds, open space and parking areas | P |
| 39. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the Planning Commission | N |
| 40. Public buildings and grounds not including storage yards and repair shops. | P |
| 41. Public restrooms, information centers, parking areas, and related activities | P |
| 42. Public, private and parochial schools and grounds subject to the approval of the Planning Commission as set forth under Section 3.3.33 | C |

| | |
|--|---|
| 43. Raising, care and keeping of large animals under the following conditions: a. The number of animals kept on any lot or parcel shall not exceed one animal unit for each 10,000 square feet of area of the lot, which is used as livestock management area b. No animals shall be kept on any lot or parcel where less than 10,000 square feet of the lot is used as livestock management area, nor shall fractional animal units be permitted. | P |
| 44. Treatment Facilities and Programs as licensed by the State of Utah | N |
| 45. Reservoirs, ponds, dams, utility transmission lines and substations, water pumping plants and pipelines, public utility buildings and structures. | N |
| 46. Sales of agricultural products | N |
| 47. Sand, gravel, clay and other earth pits that qualify as major underground or surface mine developments when approved in accordance with the provisions of Section 5 | N |
| 48. Shooting ranges outdoor | N |
| 49. Single-family dwellings, conventional construction and factory built. | P |
| 50. Single-family dwellings, conventional construction and factory built, when placed on a lot within an approved planned mountain home development, or on an existing lot of record, provided that each such dwelling shall require approval of a site plan in accordance with Section 3.3.32 of this Code | N |
| 51. Solar, Large scale | N |
| 52. Solar, Small scale | P |
| 53. Timber harvesting, with appurtenant roadways and facilities | N |
| 54. Water diversions, water distribution systems, facilities and structures for water | P |
| 55. Water treatment plants, culinary water storage tanks, and sewage treatment plants when approved by the Planning Commission | N |
| 56. Wind Power Generating Facilities | N |

Footnote:

A. No keeping of large animals shall be permitted to be located in an approved platted subdivisions or town sites

D. Area and Width Requirements

The minimum area and width of a zoning lot within the zone shall be as follows:

| <u>USE</u> | <u>MINIMUM AREA</u> | <u>MINIMUM WIDTH</u> |
|------------------------------|---------------------|----------------------|
| One-family dwelling | 10,000 sf | 100 feet |
| Bed and breakfast | 12,000 sf | 120 feet |
| Retail store/service company | 12,000 sf | 120 feet |
| Church | 40,000 sf | 150 feet |
| School | 40,000 sf | 150 feet |
| Public park | 3,000 sf | 30 feet |

The permitted and conditional uses, minimum areas, and minimum widths for existing land uses for residential purposes shall be as recorded on the initial subdivision plat approved by the Planning Commission. The initial lots shall be considered non-conforming lots of record by this Code. The existing dwellings and accessory buildings shall be considered non-conforming uses. Subsequent subdivision phases, plats and uses shall comply with this section.

E. Access Requirements

| ZONE | FEDERAL/STATE HIGHWAY OR COUNTY CLASS B ROAD | CLASS D | PRIVATE DRIVE (1) |
|------|--|---------|-------------------|
| HMC | P | N | P |

P=PREMITTED

(1) Maximum 3 dwellings on private drive.

N= NOT PERMITTED

F. Location Requirements

Buildings shall be set back from the property line per Tables 4.2, 4.3 or 4.4, pages 4-60, 4-61 or 4-62.

MAIN BUILDING ON CORNER LOTS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|------|------|
| HMC | 15 | 15 | 5 | 5 |

MAIN BUILDING ON INTERIOR LOTS

(In feet measured from property line)

| ZONE | FRONT | SIDE | REAR |
|------|-------|------|------|
| HMC | 15 | 5 | 5 |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

ACCESSORY BUILDINGS

(In feet measured from property line)

| ZONE | FRONT | STREET | SIDE | REAR |
|------|-------|--------|-----------|-----------|
| HMC | 3 | 3 | 3 (1) (4) | 3 (1) (4) |

(1) See the Building Code for required setbacks based on type of construction.

(2) 60 feet from center of road, 30 feet from property line.

(3) 40 feet if parking

(4) No drainage from roof will be discharged onto an adjacent lot

G. Architectural Requirements

1. All newly constructed additions, dwellings, factory-built homes, garages, carports, barns, sheds, and other buildings shall be constructed and/or finished in the vernacular architectural style of the camp in which it is located. The Utah Historical Society shall be considered the County's advisor in determining the style. Exact literal compliance is not mandatory regarding use of modern materials. The intent of this requirement is to maintain the visual aspects of each historic coal camp. In case of a conflict between this Code and any proposed construction, the Building Official shall make the final determination consistent with the Building Code and the style of the camp. Appeals to the decision of the Building Official shall be made to the Administrative Hearing Officer as per Section 2 of this Code.
2. All roofs for structures intended for human occupancy shall be designed for the seismic and snow loads expected to be imposed with a minimum pitch of six (6) vertical in twelve (12) horizontal.
3. Each dwelling, accessory building, or other structure shall have exterior materials of sufficient quality, durability and resistance to the elements, and shall consist of wood, brick, concrete, stucco, glass, metal or vinyl lap, tile or stone meeting the requirements of the Building Code.

4. The smallest or least dimension of any dwelling shall be not less than twenty (20) feet, and each dwelling shall contain a minimum of six hundred (600) square feet of living area exclusive of the garage or carport.
5. Each newly constructed dwelling or dwelling which is added on to, or remodeled to a value exceeding \$15,000, shall be provided with a minimum single car carport or garage which meets the requirements of this Code, the Building Code, and the style of the camp, in order to provide off-street parking.

H. Height of Buildings

The maximum height of any building, measured from the highest finished grade to the square of the building, shall be thirty-two (32) feet. Chimneys, flagpoles, television antennas, and similar structures not used for human occupancy are excluded in determining height.

I. Utility Requirements

| ZONE | WATER (STATE APPROVED | | | | SEWAGE DISPOSAL | |
|------|------------------------|---------|------|--------|-----------------|----------------------------------|
| | CENTRAL | CISTERN | WELL | SPRING | CENTRAL | SEPTIC STATE OR LOCALLY APPROVED |
| HMC | P | N | Y | Y | P | N |

P= PERMITTED

Y= PERMITTED IF STRUCTURE IS IN ACCORDANCE WITH STATE AND LOCAL HEALTH CODES

N= NOT PERMITTED

4.2.22 FPO Flood Plain Overlay Zone

A. Legislative Intent

The FPO Flood Plain Overlay Zone has been established to provide an environment in and around those portions of the County subject to periodic flooding, which will protect life and minimize property losses from such flooding. More specifically, the objectives of the FPO Flood Plain Overlay zone are:

1. To protect human life and health.
2. To minimize public and private property damage.
3. To minimize surface and groundwater pollution which affects human, animal and plant life.
4. To warn individuals against constructing buildings in high flood hazard areas.
5. To control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.

The zone is limited to those areas of the County that have been demonstrated or determined to be subject to periodic inundation from floodwaters.

B. Permitted Uses

1. Permitted uses within the FPO (f) Sub-Zone.
Permitted uses within this sub-zone shall include all uses permitted in the underlying zone, except that no dwelling or other structure used for human occupancy shall be permitted.
2. Permitted uses within the FPO (AO) Sub-Zones.
Permitted uses within these sub-zones shall include all uses permitted within the underlying zone, subject to compliance with all requirements for development in flood plain areas as set forth in this Code or regulations adopted pursuant hereto.

C. Development Standards and Conditions

All construction and development within the FPO Zone shall be carried out in accordance with the following standards and specifications for development in flood plain areas:

1. General Standards

- a. Buildings or structures shall have low flood damage potential.
- b. The buildings or structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flood or floodwaters.
- c. All buildings and structures shall be constructed with flood resistant materials and be constructed using methods and practices that minimize flood damage.
- d. So far as practicable, buildings or structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- e. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare shall be accomplished in a manner which will assure that the facilities are situated above the base flood elevation, or are adequately flood-proofed to prevent flotation of storage containers which could result in the escape of toxic or nuisance materials into flood water.
- f. All new structures and all additions to existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- g. Development permits for the proposed construction or improvements shall be obtained from federal, state or local governmental agencies from which prior approval is required.

2. Specific Requirements in FPO (f) Sub-zone.

All permitted uses shall be subject to the following:

- a. No structure, fill, development or encroachment shall be permitted which would result in an increase in flood levels during a base flood.
 - b. All development that is permitted within the sub-zone shall comply with the specific requirements for development in the FPO (A 1-30 and AO) Sub-zones, (3 and 4 below) or regulations adopted pursuant hereto.
 - c. All bridges or flood control structures shall be first approved by the Planning Commission.
3. Specific Requirements in FPO (A 1-30) Sub-zone.
- All new construction and all improvements of any existing dwelling or any commercial, industrial or other non-residential structure that will equal or exceed fifty (50) percent of the value of the existing structure shall either:
- a. Have the lowest floor, including basement, elevated on compacted fill or a continuous concrete foundation to or above the base flood elevation; or
 - b. Have the main floor elevated above the base flood level and have all portions of the structure and attendant sanitary and utility facilities which are located lower than the base floor level flood-proofed. Said flood-proofing measures shall provide that all portions of the structure located below the base flood level shall be made watertight, with walls substantially impermeable to the passage of water without reliance on human intervention, and shall employ structural components with the capability to resist hydrostatic and hydrodynamic loads and effects of buoyancy from the base flood. Said flood-proofing measures shall be in accordance with County standards, where such have been adopted for use in the County, and approved by the Federal Insurance Administrator, or else be certified by a registered engineer or architect as adequate to satisfy the flood-proofing requirements of this section; or
 - c. Have been granted a variance from compliance with the requirement of a or b above by the Administrative Hearing Officer in accordance with the provisions of Section 2.2.6; or
 - d. Have been exempted from the necessity of compliance with the requirement of the FPO Zone as evidenced by a letter or map amendment or conditional commitment letter from the Federal Flood Insurance Administration, or by action of the Administrative Hearing Officer in interpreting the boundaries of the FPO Zone.
4. Specific Requirement in FPO (AO) Sub-zone.
- All new construction and all improvements to all existing dwellings or any commercial, industrial and other non-residential structures which will equal or exceed fifty (50) percent of the value of the existing structures shall either:
- a. Have the lowest floor, including basement, elevated on compacted fill or a continuous concrete foundation above the crown of the nearest street to a level equal to or greater than the depth number specified on the Zone Map; or
 - b. Have the main floor elevated one foot above the crown of the nearest street to a level equal to or greater than the depth number specified on the Zone Map and have all portions of the structure and all attendant sanitary and utility facilities which are located below the level flood-proofed. Said flood-proofing measures shall provide that all portions of the structure below the identified level shall be made water-tight with walls substantially impermeable to the passage of water, without reliance on human intervention, and shall employ structural components with the capacity to resist hydrostatic and hydrodynamic loads and effects of buoyancy from a base flood. Said flood-proofing measures shall be in accordance with County standards, where such have been adopted for use in the County, and approved by the Federal Insurance Administrator, or else be certified by a registered engineer or architect as adequate to satisfy the flood-proofing requirements of this section; or
 - c. Have been granted a variance from compliance with the requirements of a or b above by the Administrative Hearing Officer, in accordance with the provisions of Section 2.2.6; or

- d. Have been exempted from the necessity of compliance with the requirements of the FPO Zone as evidenced by a letter or map amendment or conditional commitment letter from the Federal Flood Insurance Administration, or by action of the Administrative Hearing Officer in interpreting the boundaries of the FPO Zone.

D. Administration

1. Development Permit Required

Any person, firm or corporation desiring to construct, add to, or move a dwelling or other structure, or proposing to excavate or place fill or other form of development within the boundaries of the FPO Zone, shall first make application for and obtain a development permit from the Zoning Administrator before starting construction. Said application shall be made on forms furnished by the County.

2. Interpretation of Flood Plain Boundaries.

Precise boundaries of the flood plain shall be determined by scaling distances on the Official Flood Plain Zone Map. Provided, however, that where there is disagreement as to the determination made by the Building Official, or where it is determined that an interpretation is desirable, i.e. an apparent conflict between the map boundary and actual field conditions, the Board of Adjustment shall, upon appeal, make the necessary interpretation in accordance with Section 2.2.6. Any such appeal shall be made in accordance with all applicable procedures and conditions relating to appeals before the Administrative Hearing Officer as set forth in section 2. In making its determination, the Administrative Hearing Officer shall utilize all technical evidence available to it, including the detailed data contained within the Flood Insurance Study.

3. Base Flood Elevations

Where base flood elevations have not been determined, (A un-numbered areas) the administrator is hereby directed to make such determination utilizing existing data from any federal, state or local source.

E. General Requirements

1. Relocation of watercourse

a. Any proposed alteration or relocation of the Price River channel or any other designated floodway shall be first approved by the Planning Commission. No such alteration or relocation shall have the effect of reducing the water-carrying capacity of the floodway.

b. Prior to granting approval for alteration or relocation the Planning Commission shall notify all adjacent local governments and the state coordinator and submit copies of the notifications to the Federal Insurance Administrator.

2. Warning and Disclaimer of Liability

The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This Code does not imply that areas outside the flood plain zones or land uses permitted within such zones will be free from flooding or flood damages. This Code shall not create liability on the part of Carbon County or any officer or employee thereof for any flood damages that result from reliance on this Code, or any administrative decision lawfully made there under.

3. Development Standards

The County may, from time to time, adopt standards and specifications relating to the design and quality of required improvements within flood plain areas and the administrator of flood regulations. All developments shall be carried out in accordance with these adopted standards and specifications.

4.2.23 NMCO Nine Mile Canyon Overlay Zone

A. Legislative Intent

The Nine Mile Canyon Overlay Zone is established to be consistent with federal and state regulations, to create a business friendly environment, and to provide for the review of road construction, road use, drilling operations, production of oil and gas, mining, and utility transmission affecting agricultural, residential and other land uses in Nine Mile Canyon, from rim to rim, an area further defined in the map adopted July 20, 2005 (Ordinance 375). More specifically, the objectives of the Nine Mile Canyon Overlay Zone are:

1. To protect human life, safety, and welfare.
2. To minimize public and private property damage.
3. To minimize the effects of energy development to residential, recreational, forestry and grazing properties.
4. To minimize the effects of energy development to the resources and quality of life in Nine Mile Canyon.
5. To prevent the financial devaluation of private property as a result of any federal or state action, regulation, legislation or policy.
6. To preserve a transportation, energy and resource corridor across the county to serve the public.

B. Permitted Uses

All uses permitted by the underlying zone(s).

C. Permitted Conditional Uses

The following buildings, structures and uses of land shall be permitted upon submission of a completed application and satisfaction of the requirements of a conditional use permit set forth in Section 5 of this Code:

1. Construction of roadways, mines, drilling sites, pipelines, gas and electrical transmission lines, compressor stations, regulating equipment and well sites.
2. Operation or production of mines, oil and gas wells, and other energy developments.

D. Development Standards and Conditions

All construction and development for energy production purposes in the Nine Mile Canyon Overlay Zone shall be carried out in accordance with the following standards and specifications:

1. Roadways shall be constructed to applicable standards as determined by the Planning Commission, following a review by the County Planning Staff, to minimize damage to watersheds, vegetation and resources.
2. For use of County Roads, an encroachment permit shall be required. A copy of the conditions recommended by the County Road Supervisor must accompany any application for a Conditional Use Permit.
3. Mines, well sites, compressor stations, and other sites shall be constructed to applicable standards as required by the conditional use permit to minimize damage to surrounding areas.
4. All facilities shall be constructed in a manner so as to properly drain surface water to an approved location.
5. Location of any facilities for liquids, chemicals, explosives, flammable hazardous or toxic materials shall be in compliance with all applicable federal and state laws and building codes.
6. All well site pumps shall be located in a structure approved by the Planning Commission, following a recommendation of County Planning Staff, and fenced with a six (6) foot high locked chain link fence.

7. Well production facilities, such as pumps, separators, and appearances, may be required to be painted to blend with the surroundings.

E. Administration

Any person firm or corporation desiring to develop a mine or drilling site or construct an access to a site for a mine, exploratory or production oil or gas well, shall first make application for and obtain a conditional use permit from the Zoning Administrator after review and approval by the Planning Commission, assuring the following:

1. The location is served by an existing public or private roadway which in the opinion of the Planning Commission, is suitable for such use, and which poses no obvious negative impact to the area.
2. The well site is located more than six hundred sixty (660) feet from an existing dwelling.
3. The applicant has been issued approval or a permit to drill from the Utah Division of Oil, Gas and Mining and /or other required state and federal agencies.
4. A reclamation plan is submitted as per section 4.2.23 (f).

F. Reclamation Plan

A reclamation plan shall be submitted for each proposed mine, well site, pipeline, excavation, roadway and area of disturbance. Roadways may remain in place upon capping the well(s) and/or reclaiming the site, with approval of the Planning Commission. Particular attention will be given to stream crossings.

G. Access Requirements

Each mine exploratory or production well shall be accessed by a designated county road or a private travel way, which travel way has been approved by the county as to the quality of the construction, and for which there is adequate documentation guaranteeing the operator(s) of the well and county staff, emergency providers and law enforcement officers a perpetual right of access or until the site is abandoned and reclaimed.

H. Utility Requirements

All production or exploratory well sites and mines shall be served by sanitary facilities for employees, as approved by the health department.

I. Reclamation and Performance Guarantee

1. All roadway improvements, mines, well sites and other areas of disturbance shall be reclaimed in conformance with plans submitted.
2. A performance guarantee shall be submitted in compliance with section 7 of this code or as set by the Planning Commission.

J. Special Regulations

Nothing in these regulations shall prohibit a landowner from requiring the developer of an energy extraction or transmission project to complete inventories of the site for forage, timber, wildlife, objects of historic or scientific interest, or substantial anticipated detrimental effects to the value(s) of the property, and providing for a plan to mitigate for these affects.

4.2.24 SBO Small Business Overlay Zone

A. Legislative Intent

The Small Business Overlay Zone is established to create a business friendly environment, and to provide a zoning district where small scale family oriented business activities can be established, or incubate to develop into large scale enterprises. This zone is intended to complement and expand section 3.3.16, of this code regulating Home Occupations and Premise Occupations.

The Small Business Overlay Zoning District provides that a residing family may establish a business through the Conditional Use Permit process, and can then hire up to Four (4) employees under conditions that will not substantially alter the residential character of a neighborhood, as determined by the Planning Commission.

The general character of the zoning districts included in the overlay is residential and agricultural on large parcels. It is the intent of this district to maintain the existing character as much as possible while encouraging compatible business uses.

More specifically, the objectives of the Small Business Overlay Zone are:

1. To protect human life, safety, and welfare.
2. To enhance the tax base.
3. To minimize the effects of small scale enterprise to residential and agricultural properties.
4. To prevent the financial devaluation of private property as a result of such enterprises.
5. To establish a zoning district where small family oriented business operations can thrive.

B. Specific Zoning Districts

Because of the fact that many areas of the county contain large parcels within the RR-1 and larger lot size zones, the small business overlay zone shall apply in the following zones:

- Rural Residential 1 acre zone (RR-1)
- Rural Residential 2.5 acre zone (RR-2.5)
- Rural Residential 5 acre zone (RR-5)
- Residential Agricultural 20 acre zone (RA-20)

C. Minimum Size of Each Zoning Lot

The small business overlay zone applies only to those zoning lots which contain a minimum of two (2) acres. Existing lots of record smaller than 2 acres do not comply.

D. Permitted Uses

All uses permitted by the underlying zone(s).

E. Permitted Conditional Uses

The following buildings, structures and uses of land shall be permitted upon submission of a completed application and satisfaction of the requirements of a conditional use permit set forth in Section 5 of this Code:

- Contractors
- Architects
- Engineers
- Handyman services
- Locksmiths
- Real Estate appraisers

Management consultants
Barber and Beauty shops
Cabinet and specialty shops
Cleaning services
Pre-school and daycare
Minor auto repair
Animal care
Tax preparation
Accounting
Individual artist studios
Handcraft studios
Music studios
Tailoring
Repair of furniture and small appliances
Tutoring or classes for no more than two students at one time
Any business determined appropriate in a residential setting by the Planning Commission

F. Non Permitted Uses

Auto body and painting shops
Kennels which would require licensing by the US Department of Agriculture
Sexually oriented businesses

G. Access Requirements

Each small business shall be accessed by a designated state highway, county road, or a private travel way which has been approved by the county road supervisor and County Engineer as to the quality of the construction, and for which there is adequate documentation guaranteeing that county staff, emergency service providers, and law enforcement officers a perpetual right of access or until the land use is abandoned and reclaimed or converted to another uses.

H. Utility Requirements

All small business developments shall be served by sanitary facilities for employees, as approved by the Price River Water Improvement District or Southeast Utah District Health Department.

I. Administration

Any person firm or corporation desiring to develop a small business in the applicable zones, shall first make application for and obtain a conditional use permit application from the Zoning Administrator. The application shall be administered as per Section 5-14 of this code.

J. Development Standards and Conditions

All construction and development for business purposes in the SBO Zone shall be carried out in accordance with the following standards and specifications:

1. The location shall be served by an existing public or private roadway which has been reviewed and approved by the county and has been determined to be suitable for such use, and which poses no obvious negative impact to the area.
2. Private roadways and driveways shall be constructed to applicable standards as set forth in adopted standards of the County, or other approved standards to minimize noise, dust, ingress and egress to the property, and situated so as not to impact pedestrian or vehicle sight distances and safety.

3. For use of County Roads, an encroachment permit may be required as determined by the Road Supervisor. A copy of the conditions recommended by the County Road Supervisor must accompany any application for a Conditional Use Permit.
4. All small business developments shall be served by adequate utilities for the use intended.
5. All small business development shall be located in an accessory building detached from the residence. The building shall not contain more than three thousand (3,000) square feet, unless an existing or proposed larger building is considered and approved by the Planning Commission which meets all adopted building codes. All business shall be conducted inside the accessory building with no outside storage of materials, scrap, garbage, debris or other junk or nuisances.
6. All small business development structures and operations shall be set back not less than seventy five (75) feet from any property lot line.
7. Freestanding non-accessory advertising signs shall not to exceed 4 feet by 3 feet or 12 square feet, and shall be not more than 5 feet in height above grade. Accessory Signs mounted on the building shall not exceed 4 feet by 3 feet, and shall not exceed 12 square feet.
8. For a proposed small business development in any recorded subdivision or development which has current Covenants, Codes, and Restrictions, the written approval of the Homeowners Association shall be submitted with the application.
9. For developments involving the manufacturing, compounding, processing, fabrication of goods and materials, all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning Commission. Any activity that involves the hazardous materials shall be limited to the quantities set forth in the Building Code(s) for that particular use.
10. Off street parking areas which comply with the Americans with Disabilities Act and the International Building Code shall be provided for any employees.

4.2.25 AOZ Airport Overlay Zone

A. Legislative Intent

The purpose of this zone is restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Carbon County Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Carbon County Regional Airport FAR Part 77 Airspace Drawing and Off Airport Land Use Drawing which are incorporated in and made a part of this ordinance providing for enforcement and establishing an Administrative Hearing Officer; and imposing penalties. All land uses surrounding the Carbon County regional Airport shall comply with Ordinance No. 418, Adopted July 16, 2008.

It is also been found that an obstruction has the potential for endangering the lives and property of users of the Carbon County Regional Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the Carbon County Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Carbon County Regional Airport and the public investment therein. It is also found that the prevention of the creation of establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of construction are public purposes for which Carbon County may raise and expend public funds and acquire land or interests in land.

B. Height Restrictions

In certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Carbon County Regional Airport. Such zones are shown on the Carbon County Regional Airport Federal Aviation Regulation (FAR) Part 77 Airspace Drawing on file in the Office of the County Clerk.

Except as otherwise provided in this ordinance, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Zone – Area having slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first 10,000 feet and extending to a horizontal distance of 40,000 feet along the extended runway centerline.

2. Non Precision Instrument Runway Approach Zone (Larger than utility runway) – Having slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3. Non precision Instrument Runway Approach Zone (utility aircraft) – Having slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

1. Visual Runway Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Zone - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

3. Horizontal Zone- Established at 150 feet above the airport elevation.

4. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

C. Compatible Land Uses

For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety and general welfare of property users, the controlled area of the Carbon County Regional Airport is divided into Airport Compatible Land Use Overlay Zoning districts. The Airport Compatible Land Use Overlay Zoning districts established herein shall be known as:

| <u>Off Airport Land Use Zone Number</u> | <u>Zoning District Name</u> |
|---|---|
| 1 | No Development |
| 2 | Limited Development |
| 3 | Limited Development Approach Surface |
| 4 | Controlled Development |
| 5 | Controlled Development Approach Surface |

D. Off Airport Land Use

The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out and delineated upon the Carbon County Regional Airport Off Airport Land Use Drawing of Carbon County, Utah, said Off Airport Land Use Drawing being adopted by reference and made a part of this chapter as fully as if the same were set forth herein in detail.

1. The boundaries shall be scaled from the nearest runway end shown on the map and the boundaries shall be scaled from the nearest physical feature shown on the map.

2. Boundaries may be scaled from the nearest platted lot line as shown on the map.

3. Distances not specifically indicated on the original Off Airport Land Use Drawing shall be determined by a scaled measurement on the map.

4. Where physical features on the ground differ from the information shown on the official Off Airport Land Use Drawing or when there arises a question as to how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section V-3A, the property shall be considered to be classified as the most restrictive Airport Compatible Land Use Overlay Zoning District.

5. Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zoning District, the zone within which each portion of the property is located shall apply individually to each portion of the development.

E. Use of Land and Buildings

Within the Airport Compatible Land Use Overlay Zoning Districts as defined herein, no land shall hereafter be used and no structure or other object shall hereafter be erected, altered, converted or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in the Carbon County Land Use Code. Additional land uses are prohibited in the Airport Compatible Land Use Overlay Zoning Districts, regardless of underlying zoning, as set forth in the Land Use Compatibility Table included on sheet 3a Off Airport Land Use Data Sheet.

1. Where any use of prohibited land and buildings set forth in Section V-4A conflicts with any use of land and buildings set forth in the Carbon County Land Use Code, as an allowed use on the Zoning District Map, this chapter shall apply.

2. Section V-4 does not apply to property within the official boundaries of the airport.

3. Where specified on the Airport Compatible Land Use Table, the property owner shall dedicate, in advance of receiving a building permit, an aviation clear zone easement to Carbon County, Utah. The purpose of this easement shall be to establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles or other effects that may be caused by the operation of aircraft landing at, taking off from or operating on or at, public airport facilities.

F. Additional Land Use Regulations

Within Carbon County, Utah the more restrictive of the Carbon County Land Use Code or Section V-4A, shall apply to the development of all property covered by the Off Airport Land Use Drawing.

2. On property within the Off Airport Land Use Drawing jurisdiction, but outside the jurisdictional limits of Carbon County, Utah, Section V-4A shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.

3. When a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.

4. Notwithstanding any other provisions of this chapter or other chapter of the Carbon County Land Use Code, no use may be made of land, water or structures within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others or result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off or flight operations of aircraft utilizing the airport.

5. When a subdivision plat is required for any property within an Airport Compatible Land Use Overlay Zoning District or within an area shown on the FAR Part 77 Airspace Drawing for the Carbon County Regional Airport, the property owner shall dedicate an aviation hazard easement to Carbon County over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles or other effects that may be caused by the operation of aircraft taking off, landing or operating on or near the Carbon County Regional Airport

G. Non-Conforming Uses -Regulations Not Retroactive

The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this ordinance may be modified such that 1) only existing structures may be enlarged or expanded; 2) that they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section VII-4 is obtained.

F. Nonconforming Uses Abandoned or Destroyed

Whenever Carbon County determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

G. Marking and Lighting and Obstruction Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by Carbon County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Carbon County Regional Airport. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as condition may require in accordance with FAA provisions.

F. Permits and Future Uses

Except as specifically provided in A and B hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, shall accompany each application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.

1. In the area lying within the limits of the approach zone, transition zone, horizontal zone and conical zone, no permit shall be required by this ordinance for any tree or structure less than 200 feet above ground level which is also lower than an imaginary surface extending outward and upward at a slope of 100 feet horizontal for each 1 foot vertical beginning at the closest point of the closest runway. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this ordinance.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

I. Variances

Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the Administrative Hearing Officer

for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this ordinance.

Additionally, no application for variance to the requirements of this ordinance may be considered by the Administrative Hearing Officer unless a copy of the application has been furnished to Carbon County for advice as to the aeronautical effects of the variance. If Carbon County does not respond to the application within fifteen (15) days after receipt, the Administrative Hearing Officer may act on its own to grant or deny said application.

L. Off Airport Land Use Drawing

1. The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Carbon County Regional Airport Off Airport Land Use Drawing of Carbon County, Utah, said Off Airport Land Use Drawing being adopted by reference and made a part of this chapter as fully as if the same were set forth herein in detail.

N. Additional Land Use Regulations

Within Carbon County, Utah the more restrictive of the Carbon County Land Use Code or Section V-4A, shall apply to the development of all property covered by the Off Airport Land Use Drawing. On property within the Off Airport Land Use Drawing jurisdiction, but outside the jurisdictional limits of Carbon County, Utah, Section V-4A shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions. Whenever a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.

1. Notwithstanding any other provisions of this chapter or other chapter of the Carbon County Land Use Code, no use may be made of land, water or structures within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish
2. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Code.

EXHIBIT “D”

SECTION 5

LARGE AND SMALL SCALE DEVELOPMENTS
CONDITIONAL USES, PLANNED MOUNTAIN HOME DEVELOPMENTS, LARGE
SCALE INDUSTRIAL PROJECTS, MINES, UTILITY TRANSMISSION PROJECTS,
PLANNED UNIT DEVELOPMENTS, CONDOMINIUM PROJECTS, FACTORY BUILT HOUSING
PARKS, SHOPPING CENTERS, MOUNTAIN RECREATION DEVELOPMENTS, GUEST
RANCHES, RESORTS, OIL AND GAS WELLS, MANMADE LAKES, AND OTHER PROJECTS.

5.1 GENERAL REQUIREMENTS FOR DEVELOPMENTS; CONDITIONAL USES

5.1.1 Developments Permitted

The following large and small scale developments may be authorized within the County, but only in those zoning districts in which the particular development type is specifically listed, as a permitted conditional use.

| <u>Type of Development</u> | <u>Zoning Districts in which Authorized</u> |
|--|--|
| Planned Mountain Home Developments | MR, RFM, PV, SL |
| Large Scale Industrial Projects | I-1, I-2, M&G, RFM |
| Underground and Surface Mines | MR, M&G |
| Utility Transmission & Railroad Projects | All zoning districts except SC, SL, FPO |
| Planned Unit Developments | RR-5, RR-2.5, RR-1, R-1-20,000, R-1-12,000, R-4-8,000, R-2-8,000 R-1-8,000 |
| Condominium Projects – new & conversion | RR-1, R-1-20,000, R-1-12,000, R-2-8,000, R-4-8,000, R-1-8,000, PV |
| Twin Homes | R-2-8,000, R-4-8,000 |
| Factory Built Housing Parks | C-1, C-2 |
| Recreational Vehicle Parks | C-1, C-2 |
| Planned Shopping Centers and Malls | C-1, SC-1 |
| Mountain Recreation Developments | PV, RFM, SL |
| Guest Ranches and Resorts | M&G, HMC |

Gas and Oil Wells, exploratory and production All zoning districts except WS, SL, HMC,
R-1-20,000, R-1-12,000, R-4-8,000,
R-2-8,000, and R-1-8,000

Manmade Lakes & Reservoirs RFM, MR, WS, M&G

Hotels, Motels, and Apartments C-1, C-2

Residential treatment facilities shall be deemed to be permitted uses in all zoning districts in which residences are allowed as permitted uses.

Conditional use permit applications for other conditional uses authorized in particular zoning districts, as set forth elsewhere in the County Development Code, shall be administered according to this Section.

5.1.2 Definition of Conditional Use.

A conditional use is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts of the land use.

5.1.3 Permit Required.

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations where they are, or will be located, or if the use is specified as a conditional use elsewhere in this Carbon County Land Use Ordinance.

5.1.4 No Presumption of Approval.

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of this Carbon County Land Use Ordinance for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

5.1.5 Application Requirements - Fee.

Only when the following elements are satisfied is a conditional use application deemed complete:

(1) An application for a conditional use permit shall be made to the Carbon County zoning administrator. All applications shall be signed by the property owner or certified agent thereof in writing upon the form designated by the zoning administrator.

(2) Detailed sites plans and specifications drawn to scale shall be submitted with the completed application form. The applicant shall provide a detailed estimate of the cost of the project. Additionally, the zoning administrator may require additional maps, drawings, statements or other documents, including water and waste water feasibility letters or studies; applicable impact studies; technical studies regarding grading, drainage, traffic, geologic hazards; and assurances, etc.

(3) The initial application fee for any conditional use permit shall be paid in full. The payment of a partial application fee, or the submittal of plans or other documents for a pre-submittal review, does not constitute a complete application.

Plans requiring review by the Planning Commission shall be provided 14 days in advance of the next regularly scheduled meeting of the Planning Commission so that staff can review the materials submitted for completeness and place the item on the agenda for consideration by the Planning Commission.

5.1.6 Application Review.

A. The zoning administrator or the zoning administrator's designee shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes and for anticipated detrimental effects.

B. The application review procedure shall contain the following components:

1. Referral of the application to all affected entities;
2. A review of the proposed site plan for compliance with applicable sections of the zoning ordinance;
3. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.

C. The application review procedure may include the following:

1. Referral of the application to County departments, as well as to other outside governmental or regulating entities for recommendations and approvals;
2. A pre-application meeting, in which preliminary site plans are reviewed prior to finished plans being submitted for review. County staff may discuss the basic concept of the development and provide information concerning the County's and this Code's requirements for zoning approval and compliance, along with concept construction plans, and other required data to be submitted to obtain building permits. The County staff may suggest changes in the proposed development project so that the project may be more fully consistent with the County's development regulations, policies and this Code. The recommendations from the staff shall be purely advisory and in no way shall the conference be construed to constitute approval or disapproval of the plan.
3. An on-site review of the proposal by the director, director's designee or staff;
4. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.
5. Any required development agreements, prepared at the expense of the developer, in a form acceptable to Carbon County.
6. Any required financial or performance guarantees.

D. For projects requiring the filing and recording of a plat:

- a. The original Mylar and one (1) print of the final plat.
- b. Final engineering drawings.

- c. Documents indicating full compliance with the culinary and fire water and sewage disposal requirements for each lot in the project, as determined by the County.
- d. An itemized estimate of the cost of constructing all required private or public improvements, prepared by the developer or his agent, engineer, or contractor, which has been approved by the County Engineer.
- e. A title report, covering the property within the final plat area, to identify all interests in the property which may have an effect on the title and to establish that the land proposed for subdivision is free of boundary conflicts and that the proper dedications can be made. This requirement shall also ensure that purchasers of lots will have a clear and marketable title.
- f. A storm drainage plan for the area effected by the development prepared by a professional engineer and which has been reviewed and approved by the County Engineer.
- g. Final copies of all other required documentation, when applicable.
- h. A performance guarantee in an amount determined by the cost estimate and Section 7 of this Code.
- i. A development agreement, which outlines the work to be performed, the duties of the developer, and any other pertinent details.

E. For Utility Transmission projects: A plan of the proposed transmission project shall be submitted. Said plan shall show:

- a. Location and width of rights-of-way.
- b. Proposed location of all lines and related structures.
- c. Summary of all proposed clearings, access roads, road construction activity or similar activity.
- d. Other data as required by the County.
- e. An environmental impact statement that identifies and evaluates the significant impacts upon the social, economic and natural environment of the County, when required by the Planning Commission.
- f. A reclamation plan.

5.1.7 Land Use Authority.

The zoning administrator shall act as the Land Use Authority with respect to all conditional use permits, except that the Planning Commission shall act as the Land Use Authority as to the following types of conditional use permits:

Large scale industrial projects;

Any industrial or energy related conditional use permit within the Watershed Zone;

Any conditional use permit for the approval of water diversions, and water storage and distribution systems, facilities, and infrastructure;

Correctional facilities;

Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities;

Exploratory, disposal, and production wells which are part of a large scale industrial project;

Major utility transmission and railroad projects;

Mines;

Petroleum products processing and storage yards;

Storage, processing, and loading of gravel and earth products;

Electric Power Generating Plants;

Trucking terminals;

Planned Mountain Home Developments, Planned Unit Developments, Recreation Vehicle Courts, and Mountain Recreation Developments;

Manmade Lakes and Reservoirs;

Planned Shopping Centers and Malls.

The zoning administrator may, in his discretion, designate the Planning Commission to consider any matter as the Land Use Authority with respect to any conditional use permit which he would otherwise be permitted to consider under this Ordinance. The zoning administrator shall approve an application within 30 days of its submission; otherwise, the applicant shall have the right to present the application to the Planning Commission for its approval.

When considering an application, the Planning Commission may recommend to the applicant that he revise his application and that the matter be continued prior to a decision being made on the application, but the Planning Commission shall not continue the matter unless the applicant consents to a continuation.

Any applicant may request that a conditional use permit that could otherwise be approved by the Zoning Administrator be considered instead by the Planning Commission, as set forth above.

5.1.8 Approval of Conditional Use Permits. The land use authority shall approve a conditional use permit if the applicant, after having submitted a completed application, brings forth substantial evidence to show that reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use, in accordance with applicable standards in which a conditional use permit is required by the regulations of that zone or elsewhere in these ordinances. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards the conditional use shall be denied. The effects of the proposed use shall include the effects upon adjacent or nearby properties and other nearby land uses, public facilities, and the public welfare. A conditional use permit shall not be

issued if the applicant has made a false, misleading or deceptive statement in providing the information required.

5.1.9 Standards governing conditions to be imposed.

A. The land use authority shall ensure that the conditions imposed are not capricious, arbitrary, nor contrary to any precedent set by permits issued by the Land Use Authority which are similar in use and zone, unless such previous permits were not issued in accordance with the provisions and standards of this Ordinance

B. Conditions which satisfy industry standards and regulating authorities shall be presumed by the Land Use Authority to constitute substantial evidence that such conditions can be reasonably anticipated to mitigate anticipated detrimental effects of the use. Such conditions include, but are not limited to, the following:

i. Conditions imposed by agencies or departments of the United States of America or of the State of Utah regulating or having jurisdiction over the particular use in question, or having authority over the detrimental effect sought to be mitigated, including but not limited to conditions imposed by:

- (a) the Utah Department of Environmental Quality (DEQ);
- (b) the Utah Division of Oil, Gas & Mining (DOG M);
- (c) the Utah Department of Transportation (UDOT);
- (d) the Environmental Protection Agency of the United States (EPA);
- (e) the Occupational Safety and Health Administration of the United States (OSHA);
- (e) the State Fire Marshal.

The Land Use Authority may presume that the conditions required by any federal or state agency regulating the use for which the application is submitted are comprehensive and sufficient to mitigate all reasonably anticipated detrimental effects of the use.

ii. Conditions required by local regulatory agencies, including but not limited to the Southeastern Utah Health Department;

iii. Conditions required by the County Engineer or by a County department with authority to regulate the use or condition to be imposed;

iv. Conditions suggested or proposed by an engineer, architect, certified planner, building inspector, or other credentialed or experienced expert in the field of the conditional use or in the field of the detrimental effect sought to be mitigated, who demonstrates that the condition meets standards generally recognized in the State of Utah in his or her professional field. Such standards include but are not limited to:

- (a) AASHTO standards;
- (b) Utah Uniform Building Codes (including uniform plumbing, electrical, mechanical codes, etc.);

v. The following conditions shall be included in all conditional use permits, as applicable, unless substantial evidence can be shown that such conditions cannot be reasonably anticipated to mitigate the anticipated detrimental effects of the use:

- a. The applicant will abide by all other State and Federal laws governing the conditional use;
- b. The applicant will keep the area free of all trash and waste.

C. Conditions may be imposed without the recommendation of an industry or regulatory expert, or in addition to the conditions imposed by a State or Federal regulatory agency, if the Land Use Authority finds substantial evidence exists to require the imposition of such conditions in order to mitigate reasonably anticipated detrimental effects of the use to the health, safety comfort, order or general welfare of Carbon County and its citizens, residents, visitors, and businesses; to ensure that the use does not result in the creation of public or private nuisances; and to ensure that the use will not interfere with the rights of quiet enjoyment of property owners, residents, and other interests near the proposed use. Such conditions may include, but are not limited to the following:

- (a) Requiring the posting of a reclamation bond or other security:
 - (i) for the restoration of real property to its previous state, including reestablishing previously existing contours and conditions;
 - (ii) for the removal of unsightly, dangerous, or hazardous conditions or waste;
 - (iii) for the removal of nuisances; or
 - (iv) for the removal or mitigation of any other conditions that are reasonably foreseeable to cause harm to the public welfare.
- (b) Requiring a financial guarantee as required elsewhere in this Code that will insure installation of the project in accordance with the final plan. The financial guarantee shall be released by the Board of County Commissioners following completion of the project, but only after final inspection by the County Commission, or designated agent, to determine compliance with the final plan;
- (c) requiring a development agreement for the installation of public works;
- (d) requiring the site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, stormwater runoff, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
- (e) requiring all required public facilities have adequate capacity to serve the proposal;
- (f) limiting the hours, days, place and/or manner of operation;
- (g) requiring site or architectural design features which minimize environmental impact such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust;
- (h) requiring larger setback areas, lot area, and/or lot depth or width;
- (i) limiting the building height, size or lot coverage, and/or location on the site;
- (j) designating the size, number, location and/or design of vehicle access points or parking areas;

(k) requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:

(1) an essential link exists between a legitimate governmental interest and each exaction;
and

(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development;

(l) requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

(m) limiting the number, size, location, height and/or lighting of signs;

(n) limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

(o) requiring berms, screening or landscaping and the establishment standards for their installation and maintenance;

(p) requiring and designating the size, height location and/or materials for fences;

(q) encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands.

(r) requiring the protection and preservation of groundwater recharge areas;

(s) limiting noise generation;

(t) minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

(u) turn-lane improvements at street intersections may be required when:

(1) an unsafe condition would be created by the development without the improvements;
or

(2) the projected increase in traffic generated by the new or expanded use will lower the level of service;

(v) providing for emergency response access;

(w) requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

(x) requiring the retention, detention, or discharge of stormwater or waste water in a reasonable manner;

(y) requiring applicant to keep the use in compliance with the general plan of Carbon County.

D. Conditions which do not meet the above listed standards may not be imposed unless such conditions are necessary to protect a compelling, countervailing public interest.

5.1.10 Issuance of Permit in Writing and Signature of Applicable Authority.

If a conditional use permit is granted by the applicable Land Use Authority, the conditional use permit shall be issued in writing and signed by the applicable authority. The permit shall set forth each and every specific condition imposed by the Land Use Authority. The applicant shall also acknowledge the terms and conditions of the permit by signing the same. The permit shall not be effective until it has been signed by both the applicable Land Use Authority and the applicant.

5.1.11 Compliance with Permit after Issuance. The applicant shall come into compliance with all conditions of the permit within 30 days of the issuance of the permit, or shall be deemed to be in violation thereof. The Planning Commission shall have the right to extend the term by which all conditions of the permit are satisfied if doing so will not materially affect the health and welfare of the general citizenry.

5.1.12 Appeal from Denial of a Permit.

Any party adversely affected by the granting or denial of a conditional use permit by the Land Use Authority may appeal to the Appeal Authority designated within the County Development Code within 30 days of the decision of the Land Use Authority.

5.1.13 Modifications of the Permit.

Modifications requested by the holder of the permit may be granted if it can be reasonably determined that such changes or modifications are necessary to accommodate special circumstances related to the location, siting, or implementations of the approved site plan and conditions, and such modifications are so insignificant and minor as to not measurably or unreasonably change the approved site plan or intent of the conditions imposed by the conditional use permit. Any modification which would enlarge the area of use, change the use to a different permitted use in the underlying zoning district, add to the number of structures or result in an increase in the number of structures, or otherwise significantly alter the intent of the approved conditions and the character of the neighborhood shall be considered to be a new application.

5.1.14 Expiration.

Unless there is substantial action under a conditional use permit within a period of one year from the date written approval of the conditional use permit is granted, the conditional use permit shall expire. The Planning Commission may grant a maximum extension of time of one year. Upon expiration of any extension of time granted by the Planning Commission, the approval for the conditional use permit shall expire and become null and void.

5.1.15 Discontinued Use

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application must be submitted.

5.1.16 Revocation of Permit and Conditional Use

A breach, violation or default of the terms of the conditional use permit may result in the revocation of the permit by the Planning Commission. The holder of the permit shall first be given notice of violation in writing, and shall be given 30 days to remedy the violation of the permit. In the event that the violation of the permit materially affects the health and safety of the public, the zoning administrator may in his discretion require that the violation be remedied within a shorter period of time. In the event the violation has not been remedied within 30 days of the notice of the violation, the Planning Commission shall, after giving reasonable notice to the holder of the permit, require the holder of the

permit to attend a public meeting and show cause why the permit should not be revoked. Multiple or repeated violations of the terms of the permit shall not require that 30 days' notice be given prior to a hearing before the Planning Commission, but in all cases the permit holder shall be afforded a hearing before the Planning Commission, and only the Planning Commission shall have the right to revoke the conditional use permit.

After considering the arguments and evidence put forth by the holder of the permit, the Planning Commission shall determine whether the permit will be revoked. The Planning Commission shall revoke the permit if it determines that the holder of the permit is unwilling or unable to abide by the terms and conditions of the permit, and the conditional use shall immediately cease.

5.2 PLANNED MOUNTAIN HOME DEVELOPMENTS

Planned Mountain Home Developments may be constructed in those zones in which they are specifically listed as a permitted use, subject to compliance with the intent of the zone in which they are situated and the following conditions and procedures:

5.2.1 Permitted Uses

- A. Any use permitted in the underlying zone, subject to all conditions relating thereto.
- B. Residential accessory structures.
- C. Common areas and recreation facilities for the use and enjoyment of the members of the development.
- D. Fences and walls.
- E. Trails.

5.2.2 Size of Development

The minimum acreage required to qualify for a Planned Mountain Home Development shall be eighty (80) acres.

5.2.3 Density

The maximum number of dwelling units within a Planned Mountain Home Development shall be in accordance with the following density schedule:

| Zone | Method of sewage disposal | One dwelling per |
|------|---------------------------|------------------|
| MR | Sewer | 3.5 acres |
| | Septic | 4 acres |
| RFM | Sewer | 3.5 acres |
| | Septic | 4 acres |
| PV | Sewer | 4 acres |
| | Septic | 4 acres |
| SL | Sewer | 5 acres |
| | Sewer | 5 acres |

Depending on proximity to water sources the Planning Commission may require a decrease in density following a hydrological study of the area.

5.2.4 Approval Procedures

Same as required under Section 5.15.

5.2.5 Design Criteria and Improvement Requirements

A. Development Clusters:

All dwelling sites shall be located within a designated development area. Each area shall contain not less than four (4) separate building lots or sites.

B. Size of Dwelling Sites or Lots:

Individual dwelling sites or lots within a cluster shall conform to the following schedule:

Minimum Lot Size

| Zone | Central Sewer | Individual Septic System |
|------|--------------------|--------------------------|
| MR | 20,000 square feet | one acre |
| RFM | 20,000 square feet | one acre |
| PV | 12,000 square feet | one acre |
| SL | 12,000 square feet | not allowed |

Each lot shall have the following minimum width:

| Zone | Central Sewer | Individual Septic System |
|------|---------------|--------------------------|
| MR | 130 feet | 150 feet |
| RFM | 130 feet | 150 feet |
| PV | 100 feet | 130 feet |
| SL | 100 feet | not allowed |

C. Steep slopes to Remain in Natural State:

All land surface having a slope of thirty (30) percent or greater shall remain in its natural state.

D. Each Building Site to have Buildable Area:

Each lot or site shall contain a natural buildable area of not less than ten thousand (10,000) square feet in the MR and RFM zones, and not less than six thousand (6,000) square feet in the SL and PV zones. Buildings shall be located as per the location requirements of the underlying zone. No individual wastewater (septic) system shall be located closer than three hundred (300) feet from a lake or perennial stream.

E. Street System:

Each development cluster and each lot within a development cluster shall front upon and have access to an existing County road or a private vehicular travelway constructed to County standards. Where access to a development is over a private travelway and across private property, right of perpetual access to the development shall be guaranteed by a recorded surface easement with all intervening private property owners.

F. Grade of Travelways:

No roadway shall have a grade of more than fifteen (15) percent on minor streets (not to exceed 500' in length), or twelve (12) percent on collector streets (not to exceed 500' in length). No roadway shall be constructed in a location or such a manner which produces a slope face which exceeds the critical angle of repose.

G. Water Rights and Supply:

Satisfactory evidence of title and approval to use an ongoing water right approved for domestic purposes from a reliable water supply source, in the amount necessary to meet the requirements of this Code, the Utah Department of Environmental Quality, Drinking Water, and the Plumbing Code shall be submitted, see Section 3.3.30.

H. Domestic Sewage Disposal:

When located within the boundaries of a district or agency providing central sewer, the requirements of said district or agency should be met. When served by individual wastewater disposal systems (septic), the requirements of the Health Department shall be met prior to the issuance of a building permit. Satisfactory evidence of compliance shall be submitted in the form of a written statement from either the serving sewer district or agency, or the Health Department. The final plat for any Planned Mountain Home Subdivision shall bear the approval of the serving sewer district or agency and the Health Department. Each individual wastewater drain field shall provide a four (4) foot unsaturated horizon above any water table. Holders of an individual wastewater disposal permit shall be responsible for the maintenance of their system in the event of failure.

I. Open Space:

A. Open Space Areas to be Designated:

All land not included within building lots or sites or used for roadways, utilities, trails, developed common facilities, or other essential use shall be designated as natural open space for the common use of the occupants of the development by the developer.

B. Open Space Preservation Agreement:

The developers shall execute in the development agreement an open space preservation provision, in which the developer agrees for himself, his successors and assigns to refrain from excavating, constructing roadways, installing utilities, constructing dwellings or buildings, or other structures on the designated open space areas without prior approval of the County through an amendment of the Development Plan. All flood plain areas and floodways, if any, shall be included as part of the common open space.

5.2.6 Improvement Requirements:

The following improvements shall be installed in all developments, if not existing. Said improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be in accordance with the provisions in Section 7.

- A. Roads, streets and travelways.
- B. Onsite and offsite water mains and supply facilities.
- C. Central sewer collection and treatment facilities, where required.
- D. Permanent survey markers.
- E. Trail improvements and markers, where required.
- F. Fire hydrants, per this Code.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a Planned Mountain Home Development.

5.2.7 Documentation Requirements:

- A. The following documents and statements shall be submitted as part of the application for approval:
 - 1. Statement from serving sewer district that the district can serve the development, or
 - 2. Statement from Health Department that preliminary requirements for septic approval have been met.
 - 3. Statement from State Engineer that water rights are owned by developer and may be approved for development.
- B. Prior to execution of the development agreement and recording of a plat, the following documents shall be submitted to the Zoning Administrator for approval:
 - 1. Covenants, conditions and restrictions.
 - 2. Statement from serving sewer district that requirements have been met, or
 - 3. A statement from the Health Department that each lot has been approved for an individual wastewater system.
 - 4. Development and open space agreement.
 - 5. Articles of incorporation of the homeowners association.
 - 6. Conveyance of water rights to homeowners association.
 - 7. An engineer's or contractor's estimate of the cost of required improvements.
 - 8. A financial guarantee per Section 7.

5.3 LARGE SCALE INDUSTRIAL PROJECTS

5.3.1 Intent

It is the intent of these provisions to permit the construction of major industrial activities under controlled conditions, which will best preserve the quality of life and protect the health, safety and general welfare of the public. These projects may include, but are not limited to manufacturing, fabrication, salvage yards, power plants and similar industrial activities which emit fumes, smoke, noise, vibration, dust, glare or odor in amounts that are discernable beyond the limits of the site.

5.3.2 Site Plan Required

A narrative description of the proposed project and a site plan drawn to scale of the proposed industrial development shall be submitted. Said plan shall show the following information:

- A. The location of existing and proposed structures and their intended use.
- B. The location of all access ways, driveways, parking areas, fences, walls, and proposed landscaping.
- C. The location of any outside storage areas.
- D. Provisions for and locations of water and sewage disposal lines.
- E. The location of all natural drainage channels and any live streams or bodies of water.
- F. Any other information requested by staff to show compliance with the zoning district, County Ordinance, or other regulation.

5.3.3 Design Criteria and Improvement Requirements

- A. All buildings used for human occupancy shall be served by an approved and recognized culinary and fire protection water supply and by a sewage disposal system which conforms to the requirements of the underlying zone.
- B. Each project shall abut upon and have access to a State Highway, Class B County road, or shall abut upon or have access to a restricted access road or private travelway which is constructed in accordance with County standards, and which is connected directly to a State Highway or County Class B road.
- C. The Planning Commission may require the installation of landscaping to buffer the effects of the proposed development from existing neighborhoods or other natural areas.

5.3.4 Performance or Financial Guarantee

The following improvements shall be installed in all developments. Said improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvement shall be in accordance with the provisions in Section 7.

5.4 MAJOR UNDERGROUND AND SURFACE MINE DEVELOPMENTS

5.4.1 Intent

It is the intent of this Section to promote and regulate the health, safety, social, economic and environmental impacts to the County from mine developments and to regulate the location, construction, operation and reclamation of lands subjected to mineral extraction activities.

5.4.2 Application

This section shall apply to all new and expanded existing underground mines. In the case of conflicting provisions, The Utah Division of Oil Gas and Mining shall be considered the County's expert in determining the proper regulations necessary to protect the land and residents of the County.

The permits required and obtained from the State for the construction and operation of the mine shall be sufficient evidence of compliance with the onsite surface provisions of this section, except for the proper construction of any surface facilities regulated by the State and County Building Codes which shall be constructed in accordance with those adopted building codes.

Carbon County will regulate the off-site improvements and operations in compliance with this section and other County Ordinances.

5.4.3 Approval Procedures

Major mining developments shall be approved as required under Section 5.15.

5.5 MAJOR UTILITY TRANSMISSION AND RAILROAD PROJECTS

5.5.1 Intent

The intent of this section is to allow the installation of major electric power, petroleum, natural gas and water transmission lines and railroad tracks, while meeting the responsibility to provide for the health, safety and general welfare of the public.

5.5.2 Application

These provisions shall apply to major utility transmission lines and railroad projects as defined in this Code.

5.5.3 Approval Procedure

Major Utility Transmission and Railroad Projects shall be approved as required under Section 5.15 except that for electric power transmission lines of less than 138 KV capacity the approval procedure shall be as set forth under Section 3.3.32.

5.5.4 Special Provisions

Change of Official Map

The County shall add the project to the Official Map of the County, after the project receives final approval from the Legislative Body.

5.6 PLANNED UNIT DEVELOPMENTS

5.6.1 Intent

The intent of this section is to establish guidelines dealing specifically with design, construction and operation of planned unit developments.

5.6.2 Permitted Uses

- A. Any use permitted within the underlying zone.
- B. Common areas and recreational facilities including golf courses, swimming pools, tennis courts, clubhouses, recreational buildings, landscape parks and similar recreation facilities for the use and enjoyment of residents.
- C. Driveways, streets, trails, fences, walls, utility systems and facilities, common storage areas, ponds, landscape features and similar uses and structures incidental to the main use.

5.6.3 Area, Density, and Dwelling Units

The maximum number of dwelling units within a Planned Unit Development shall be in accordance with the following density schedule:

| Zone Development (In Acres) | Min. Area in Sewage Disposal | Method of dwelling units per acre | Maximum number of |
|-----------------------------------|---------------------------------|---|-------------------|
| RR-5 | 10 | Septic | 1 |
| | | Sewer | 1.25 |
| RR-2.5 | 5 | Septic | 1 |
| | | Sewer | 1.25 |
| RR-1 | 5 | Septic | 1 |
| | | Sewer | 1.5 |
| R-1-20,000 | 2 | Sewer | 2.5 |
| R-1-12,000 | 2 | Sewer | 2.5 |
| R-1-8,000 | 2 | Sewer | 5.5 |
| R-2-8,000 | 2 | Sewer | 7.0 |
| R-4-8,000 | 2 | Sewer | 8.5 |

The proposed plan shall include all potentially developable property or shall be designed to permit the extension of the development into those areas not included within the original plan.

5.6.4 Open Space:

A. Open Space Areas to be Designated:

All land not included within building lots or sites or used for roadways, utilities, trails, developed common facilities, or other essential use shall be designated as natural open space for the common use of the occupants of the development by the developer.

B. Open Space Preservation Agreement:

The developers shall execute in the development agreement an open space preservation provision, in which the developer agrees for himself, his successors and assigns to refrain from excavating, constructing roadways, installing utilities, constructing dwellings or buildings, or other structures on the designated open space areas without prior approval of the County through an amendment of the Development Plan. All flood plain areas and floodways, if any, shall be included as part of the common open space.

5.6.5 Approval Procedure

Planned Unit Developments shall be approved as required under Section 5.15 of this Code.

5.6.6 Design Requirements

The layout and design of all planned unit developments, and the content of all required plats, engineering plans and other required submissions, shall be prepared in accordance with minimum County standards.

5.6.7 Water Rights Requirements

Satisfactory evidence of an entitlement to a firm and uninterruptible right to the use of culinary and fire water, from a recognized water supply agency for each lot or unit in the development, shall be submitted with each application as follows:

Written approval by the Price River Water Improvement District or other recognized water supply entity, indicating:

1. That the developer has satisfied the agency's water rights conveyance requirements, and
2. That the agency is willing and able to provide a perpetual supply of water adequate for both culinary use and fire protection purposes, as determined by the County.

5.6.8 Improvement Requirements

The following improvements shall be installed in all Planned Unit Developments, if not existing. Said improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period of up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be in accordance with the provisions in Section 7.

- A. Streets and access driveways.
- B. Curbs, gutters, and walkways, in R-1-12,000, R-8,000, R-2-8,000 and R-4-8,000 zones.
- C. Drainage and flood control structures and facilities.
- D. Water mains, both on-site and off-site, if not existing, per State and County requirements.
- E. Sewer mains when required by the underlying zones, if not existing.
- F. Fire hydrants.
- G. Permanent survey monuments.
- H. Gas, electric and telephone lines (which shall be placed underground).
- I. Landscaping in any common areas created. Natural areas shall remain undisturbed.
- J. Sprinkling or other suitable irrigation systems, to maintain common areas.
- K. Fences, walls and all other common areas, facilities, systems and structures proposed for the development as shown on the final plans.
- L. Common storage area, where deemed necessary.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a planned unit development.

5.6.9 Required Documents

The following documents shall be prepared and submitted by the developer for each development. All documents shall be prepared in accordance with County standards.

- A. Where the development is to be retained in one ownership, required documents shall include:
 - 1. Covenants, conditions, restrictions and management policies.
 - 2. Maintenance agreement.
 - 3. Open space easement (when required by County).
 - 4. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
 - 5. Improvements construction agreement.
- B. Where the development has two or more owners, or where an existing development is being condominium-ized or otherwise divided into two or more ownerships, required documents shall include:
 - 1. Articles of incorporation for homeowner's association.
 - 2. Corporation by-laws.
 - 3. Covenants, conditions, restrictions and management policies.
 - 4. Maintenance agreement.
 - 5. Open space easement (when required by County).

6. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
7. Improvements construction agreement.
8. Final subdivision plat or record of survey map, as applicable.

5.6.10 Special Provisions

Where the development is being developed for sale as a condominium the plans and documents shall also comply with the provisions of Section 5.7, and the approval process may be combined.

5.7 CONDOMINIUM PROJECTS – NEW CONSTRUCTION

5.7.1 Intent

The intent of this section is to establish guidelines dealing specifically with design, construction and operation of proposed new condominium projects. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained under Section 5.1 of this Code, and also the requirements of the Utah Code Annotated, 1953, as amended.

5.7.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone that underlies the area of the project.

5.7.3 Location and Design Requirements

Where the proposed condominium project consists of a use or structure that is authorized as a use-by-right within the zone, said use or structure shall comply to all applicable requirements of the underlying zone.

Where the proposed condominium project is to be developed under the provisions relating to a planned unit development, planned shopping center, or similar Planned Development, all uses or structures shall comply with the plans for such project as approved by the County.

5.7.4 Approval Procedure

The procedure leading to approval of a condominium project – new construction shall be the same as set forth in Section 5.15.

Where such condominium project is being developed as a planned unit development, planned shopping center, or similar planned development, the procedures for approval of said planned development and the approval of said development as a condominium project may be combined.

5.7.5 Required Documents

The following documents shall be prepared and submitted by the developer for each condominium project:

- A. Articles of Incorporation
- B. Corporation By-laws

- C. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
- D. Management Agreement
- E. Open Space Easement, where deemed necessary
- F. Title Report
- G. Record of Survey Map/Final Subdivision Plat (when applicable)

Where, in the opinion of the Planning Commission, a particular document as required under this Section is inapplicable for the particular condominium project proposed, the County may waive the requirement for submitting said document.

5.7.6 Special Provisions

It shall be unlawful to record any record of survey map or declaration of a condominium project in the Office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium project, who transfers or sells any land, structure or condominium unit in such a purported condominium project, before obtaining the final approval by the Planning Commission on the record of survey map and declaration, and recording the same in the Office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

5.8 CONDOMINIUM CONVERSION PROJECTS

5.8.1 Intent

The intent of this Section is to establish guidelines and minimum requirements relating to the conversion of existing structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained under Section 5.1 of this Code, and also the requirements of the Utah Code Annotated, 1953, as amended.

5.8.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone which underlies the area of the project and shall be subject to all conditions and restrictions required within the zone for the use.

5.8.3 Layout and Improvement

Each proposed condominium conversion project shall conform to the following minimum standards:

A. Residential Conversion Projects

1. Off street Parking. Not less than two (2) off street parking spaces shall be provided for each dwelling unit, and at least one of the required spaces shall be covered. All driveways and off street parking areas shall be hard-surfaced.

2. Common Vehicle Storage Area. In all projects which contain one or more structures having three (3) or more dwelling units per structure, a common storage area in an amount of not less than two hundred (200) square feet per dwelling unit shall be provided for the storage of recreation vehicles, boats and similar items. Common storage areas shall be enclosed in a sight-obscuring fence or wall.

3. Common Open Space. In all projects which contain one or more structures having three (3) or more dwelling units per structure, an area containing not less than ten (10) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. Said area shall be landscaped in accordance with the approved plan. The location and design shall be such that the area is easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses, and the areas required to meet the front setback or the area devoted to peripheral planting shall not be included in meeting this requirement.

B. Commercial and Industrial Conversion Projects

Each project shall conform to the minimum County standards with regard to location, parking, landscaping, access and similar issues which existed at the time the structure was established.

5.8.4 Utility and Facility Requirements

A. All units shall be separately metered for water, gas, electricity and sewer unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.

B. Each unit shall be provided with readily accessible individual shut-off valves.

C. All storage and solid waste receptacles outside of units must be housed in a closed structure compatible with the design of the development.

5.8.5 Approval Procedure

The procedure to be followed shall be the same as set forth in Section 5.15, except that where the conversion project consists entirely of a two-family dwelling located on conforming lots of record, the conversion shall be considered as a twin home project and shall be processed in accordance with the provisions relating thereto.

5.8.6 Required Documents

The following documents shall be prepared and submitted by the developer for each condominium conversion project:

- A. Articles of Incorporation
- B. Corporation By-Laws
- C. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
- D. Management Agreement
- E. Open Space Easement
- F. Title Report
- G. Record of Survey Map

H. Property Report

Where, in the opinion of the Planning Commission, a particular document required under this Section is inapplicable for the particular project proposed, the Planning Commission may waive the requirement for submitting said document.

5.8.7 Special Provisions

A. Property Report (as required under Section 5.8.6.H above)

The developer shall submit two copies of a property report describing the condition, useful life and capacity of the roof, foundations, mechanical, electrical, plumbing and structural elements of all existing buildings and structures or uses, and identifying existing or latent deficiencies, proposed repairs and/or renovations. Said report shall be prepared by a structural engineer and/or qualified licensed contractor(s) acceptable to the County. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the building code or zoning ordinance as they currently exist.

B. Notification of Tenants

Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the County the following:

1. Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who want to move into the property after an application for conversion has been filed with the County shall be notified by the developer of his plans to convert the premises to condominiums, prior to occupancy by such tenant.
2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, providing that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months, or unless the tenant gives prior written notice of his/her intention not to exercise such right.

C. Unlawful to Record Unapproved Documents

It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land, structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission on the record of survey map and declaration, and recording the same in the Office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

5.9 FACTORY BUILT HOUSING PARKS

5.9.1 Intent

The intent of these regulations is to establish guidelines dealing specifically with design, construction and operation of factory-built housing parks. These provisions shall be supplemental and in addition to the general requirements for large-scale developments.

5.9.2 Permitted Uses

Permitted uses within a factory-built housing park shall be limited to the following:

- A. Manufactured homes, modular homes, conventional construction.
- B. Caretaker dwellings.
- C. Accessory uses, including but not limited to swimming pools, carports, storage buildings for personal and household items, convenience establishments, childcare centers, clubhouses, recreation buildings and private golf courses.

5.9.3 Area and Density

Factory-built home parks shall have a minimum area of four (4) acres and a maximum density of seven and one-half (7.5) dwelling units per acre.

5.9.4 Approval Procedure

Factory Built Housing Parks shall be approved as required under Section 5.15.

5.9.5 Design Requirements

The layout and design of all manufactured housing parks and the content of all required plats, engineering plans and other required submissions shall be prepared in accordance with minimum County standards.

5.9.6 Water Rights Requirements

Satisfactory evidence of an entitlement to a firm and uninterrupted right to the use of culinary water, from a recognized water supply agency for each lot or unit in the development, shall be submitted with each application as follows:

- A. Written approval by the Price River Water Improvement District or other recognized water supply entity, indicating
 1. That the Developer has satisfied the agency's water rights conveyance requirements, and
 2. That the agency is willing and able to provide a perpetual and uninterrupted supply of culinary and fire water to the project, as determined by the County.
- B. Written approval from an existing recognized culinary water delivery entity (water company, special district, etc.), granting permission of the developer to receive water service through company-owned facilities and /or copies of documents establishing a new water delivery agency.

5.9.7 Improvement Requirements

The following improvements shall be installed in all developments, if not existing. Said improvements shall meet minimum County standards or the approved plan, and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions in Section 7.

- A. Streets, driveways and parking areas, which shall be graded, graveled and hard-surfaced.
- B. Curbs, gutters and walkways.
- C. Drainage and flood control structures and facilities.
- D. Water and sewer mains, both on-site and off-site, complying with the utility requirements of the underlying zone.
- E. Culinary water supply and domestic sewage collection and disposal facility, complying with the utility requirements of the underlying zone.
- F. Fire hydrants.
- G. Permanent survey monuments.
- H. Gas, electric and telephone lines (which shall be placed underground).
- I. Landscaping.
- J. Sprinkling or other suitable irrigation systems.
- K. Fences, walls and all other common area, facilities, systems and structures proposed for the development as shown on the final plans.
- L. Common storage area.
- M. Street lighting, if agreed to in approved plan.

5.9.8 Required Documents

The following documents shall be prepared and submitted by the Developer for each development. All documents shall be prepared in accordance with County standards.

- A. Open space easement.
- B. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
- C. Improvements construction agreement.

5.9.9 Special Provisions

A. Prerequisite to the operation of any manufactured housing park shall be the obtaining and maintaining of an annual business license that shall be issued only after inspection by the Zoning Administrator. It shall be unlawful to operate a manufactured housing park without first obtaining a business license and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.

B. Each space within a manufactured housing park shall be used for only one home at the same time, and shall not be used as a transient recreational vehicle site. No lot or space shall be rented or leased for a period of less than thirty (30) days.

5.10 PLANNED SHOPPING CENTER DEVELOPMENTS

5.10.1 Intent

The intent of this section is to promote the convenience of residents living beyond walking distance from the central business district, in obtaining a variety of goods and services, and to establish guidelines dealing specifically with the design and construction of shopping centers.

5.10.2 Permitted Uses

Uses within the zone shall be limited to the following:

A. Retail and service outlets, including customary food stores, supermarkets, drug and variety stores, cosmetic, clothing, fabric and shoe stores, stationary and office supply stores, confectionary and ice cream stores, hardware, garden and home supply stores, clinics, medical and dental and other professional offices, barber, beauty and hair style shops, banks and loaning agencies, radio, television and electronic equipment sales and service establishments, automobile service stations, laundry pickup and similar retail and service establishments.

B. Driveways, off-street parking facilities, walks, utility systems and landscaped areas.

C. Identification signs.

5.10.3 Area Requirements

Each shopping center project shall contain not less than six (6) acres; provided, however, that additions of less than six acres may be made to an existing development.

5.10.4 Approval Procedure

Planned shopping center developments shall be approved as required under Section 5.15. The procedure for rezoning to SC-1 and approval of a planned shopping center development may be combined.

5.10.5 Design Requirements

The layout and design of all shopping center developments and the content of all required plats, engineering plans and other required submissions shall be prepared in accordance with minimum County standards.

5.10.6 Water Rights Requirements

Satisfactory evidence of an entitlement to a firm and uninterrupted right to the use of culinary and fire water, from a recognized water supply agency, shall be submitted with each application as follows:

- A. Written approval by the Price River Water Improvement District or other recognized water supply entity, indicating:
 - 1. That the developer has satisfied the agency's water rights conveyance requirements, and
 - 2. That the agency is willing and able to provide a perpetual supply of water adequate for both culinary and fire protection purposes, as determined by the county.
- B. Written approval from an existing recognized culinary water delivery entity (water company, special district, etc.), granting permission for the developer to receive water service through company-owned facilities and/or copies of documents establishing a new water delivery agency.

5.10.7 Improvement Requirements

The following improvements shall be installed in all developments, if not existing. Said improvements shall meet minimum County standards or the approved plans, and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions of Section 7.

- A. Streets, driveways and parking areas.
- B. Curbs, gutters and walkways.
- C. Drainage and flood control structures and facilities.
- D. Onsite water and sewer mains.
- E. Offsite water and sewer mains.
- F. Fire Hydrants.
- G. Permanent survey monuments.
- H. Gas, electric and telephone lines (which shall be placed underground).
- I. Landscaping in the common area.
- J. Sprinkling or other suitable irrigation systems.
- K. Fences, walls and all other common areas, facilities, systems and structures proposed for the development as shown on the final plans.
- L. Street lighting.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a planned shopping center development.

5.10.8 Required Documents

The following documents shall be prepared and submitted by the Developer for each development. All documents shall be prepared in accordance with County standards.

- A. Where the development is to be retained in one ownership, required documents shall include:
 - 1. Covenants, conditions, restrictions and management policies.
 - 2. Maintenance agreement.
 - 3. Open space easement (when required by County).
 - 4. Documents indicating satisfaction of water rights, water supply, and sewage disposal requirements.
 - 5. Improvements construction agreement.
 - 6. Title Report.
- B. Where the development has two or more owners, or where an existing development is being condominium-ized or otherwise divided into two or more ownerships, required documents shall include:
 - 1. Articles of incorporation for property owner's association.
 - 2. Corporation by-laws.
 - 3. Covenants, conditions, restrictions and management policies.
 - 4. Maintenance agreement.
 - 5. Open space easement (when required by County).
 - 6. Documents indicating satisfaction of water rights, water supply, and sewage disposal requirements.
 - 7. Improvements construction agreement.
 - 8. Title Report.

5.11 MOUNTAIN RECREATION DEVELOPMENTS

5.11.1 Intent

Mountain Recreation Developments may be constructed only in those zones in which they are specifically a permitted use and shall be subject to compliance with the following conditions and procedures.

5.11.2 Permitted Uses

Uses permitted in a Mountain recreation development shall be limited to the following:

- A. Mountain recreation vehicle courts subject to all design and improvement standards for such uses as adopted by the County.

- B. Restaurants, gasoline service stations, convenience food stores, bait shops, and similar commercial establishments when included as an integral but incidental part of a mountain recreation vehicle court.
- C. Guest cabins.
- D. One-family dwellings, conventional construction and factory built when used as a caretaker dwelling subject to the conditions of Section 3.3.27 of this Code. Also, customary residential accessory structures.
- E. Camping and picnic facilities.
- F. Driveways, streets, parking areas, common storage areas, landscape features, and similar uses and structures.
- G. Recreation vehicle watering and sanitary dump stations.

5.11.3 Area Requirements

Each development shall contain not less than four (4) acres.

5.11.4 Approval Procedure

Planned mountain recreation projects shall be approved as required under Section 5.15.

5.11.5 Plan Required – Content

A detailed site plan of the proposed development shall be submitted. Said plan shall contain the following:

- A. A site plan showing the location of all buildings and facilities proposed for the development and designating the intended use of all areas.
- B. Engineering plans showing the location of proposed water and sewer lines and facilities, fire hydrants, and utilities.

5.11.6 Design Requirements

The layout and design of the development and the content of all required plats, engineered plans, and other required submissions shall be in accordance with County standards.

5.11.7 Water Rights Requirements

Satisfactory evidence of title to a permanent water right from a reliable water source in the amount necessary, as determined by the County, to meet minimum State Health requirements for all features of the project shall be submitted.

5.11.8 Improvement Requirements

The following improvements shall be installed in the developments, provided that where a particular improvement is inapplicable for the project proposed, the County may waive the requirement. All required improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of

good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions of Section 7.

- A. Streets, driveways, and off-street parking areas.
- B. Drainage and flood control structures and facilities.
- C. Water and sewer mains, both on-site and off-site.
- D. Culinary water supply and domestic sewage disposal facilities.
- E. Fire hydrants.
- F. Gas, electric, and telephone lines.
- G. Landscaping in the open space area.
- H. Fences, walls, and all other common areas, facilities, systems, and structures proposed for the development as shown on the final plans.
- I. Common storage area (when applicable).
- J. Overhead lighting.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a mountain recreation development.

5.11.9 Required Documents

The following documents shall be prepared and submitted by the developer for each development, provided, that where a particular document required under this Section is inapplicable for the particular project proposed, the County may waive the requirement.

- A. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
- B. Development agreement.

5.12 RECREATION VEHICLE COURTS

5.12.1 Intent

Recreational Vehicle Courts may be constructed only in those zones in which they are specifically a permitted use and shall be subject to compliance with the following conditions and procedures.

5.12.2 Permitted Uses

Uses permitted in a Recreational Vehicle (RV) Court shall be limited to the following:

- A. RV courts shall be constructed subject to all design and improvement standards for such uses as adopted by the County.
- B. Permanent occupancy is prohibited.

- C. Restaurants, gasoline service stations, convenience food stores, bait shops, and similar commercial establishments maybe when included as an integral but incidental part of a RV Court.
- D. One family dwellings, conventional construction or factory built, when used as a caretaker dwelling subject to the conditions of Section 3.3.27 of this Code. Also, customary accessory uses and structures.
- E. Guest cabins, conventional construction or factory built.
- F. Camping and picnic facilities.
- G. Driveways, streets, parking areas, common storage areas, landscape features, and similar uses and structures.
- H. RV watering and sanitary dump stations.

5.12.3 Area Requirements

- A. Recreational vehicle courts shall have a minimum court size of two (2) acres.
- B. Mountain recreational vehicle courts are permitted when included as part of a mountain recreation development.

5.12.4 Approval Procedure

Recreational Vehicle Courts shall be approved as required under Section 5.15.

5.12.5 Plan Required – Content

A detailed site plan of the proposed development shall be submitted. Said plan shall contain the following:

- A. Area and dimensions of the entire tract.
- B. The land uses and ownership of adjacent properties and the location and size of the access roads and off-site utility systems.
- C. The proposed location, width, surface treatment of all vehicular and pedestrian travelway and off-street parking areas.
- D. The location, size and number of proposed recreation vehicle sites.
- E. The location of all proposed service and recreation buildings, sanitary dump stations, caretaker dwellings, and other existing or proposed structures.
- F. The location and size of proposed water, sewer and outside lighting, refuse, disposal facilities and surface water drainage facilities and easements.
- G. Typical RV site details showing the location, size and proposed surface treatment of the pad, location and detail of utility connections, and provisions for landscaping.
- H. Identification of sites intended for use of independent, self-contained recreation vehicles or for tent camping.
- I. Plans and specifications of all buildings constructed or to be constructed within the court.

- J. The location of all open space for recreation and a general landscaping plan for such area.

5.12.6 Design Requirements

The layout and design of the development and the content of all required plats, engineering plans, and other required submissions shall be in accordance with County standards.

5.12.7 Water Rights Requirements

Satisfactory evidence of title to a permanent water right from a reliable water source in the amount necessary, as determined by the County, to meet minimum State Health requirements for all features of the project shall be submitted.

5.12.8 Improvement Requirements

The following improvements shall be installed according to County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions of Section 7.

- A. Streets, access and circulation system.
- B. Campsites with a density of not more than twenty-four (24) campsites per gross acre.
- C. Buffering, setbacks and fencing per approved plan.
- D. Water and sewer per County standards.

5.13 HOTELS, MOTELS AND APARTMENTS

5.13.1 Intent

The intent of this section is to establish guidelines dealing specifically with design approval, construction and operation of proposed new hotels, motels, and apartments. These provisions shall be supplemental and in addition to the general requirements for large-scale developments contained under Section 5.1 of this Code.

5.13.2 Location and Design Requirements

Hotels, motels and apartments shall comply to all applicable requirements of the underlying zone, and where the proposed hotel, motel or apartment is to be developed under the provisions relating to a planned unit development, all uses or structures shall comply with the plans for such project as approved by the County.

5.13.3 Approval Procedure

The procedure leading to approval of a hotel, motel or apartment – new construction shall be the same as set forth in Section 5.15.

Where such hotel, motel or apartment is being developed as a planned unit development, planned shopping center, or similar planned development, the procedures for part of approval of said planned development and the approval of said development as a hotel, motel or apartment project may be combined.

5.13.4 Required Documents

The following documents shall be prepared and submitted by the developer for each hotel, motel and apartment:

- A. Declaration of Covenants, Conditions, Restrictions and Management Policies.
- B. Management Agreement
- C. Open Space Easement, where deemed necessary
- D. Title Report
- E. Record of Survey Map/Final Subdivision Plat (when applicable)
- F. Statement from serving Sewer District that the District can serve the development.
- G. Satisfactory evidence of an entitlement to a firm and uninterrupted right to the use of culinary and fire water, from a recognized water supply agency for each lot or unit in the development, shall be submitted with each application. Where, in the opinion of the Planning Commission, a particular document as required under this Section is inapplicable for the particular hotel, motel, and apartment proposed, the County may waive the requirement for submitting said document.

5.14: OPEN PIT EXTRACTION OF EARTH PRODUCTS

5.14.1. INTENT

The intent and purpose of this Ordinance is to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage.

5.14.2. SCOPE

1. The provisions of this Ordinance shall apply to all sites located in Carbon County, Utah, on private property, or property owned by Carbon County, and not on property owned by the State of Utah or the United States of America, or on property directly supervised by the U.S. Army Corps of Engineers, and where sand, gravel, clay, topsoil, rocks or minerals will be extracted by any open pit methods and to all sites where such extracted earth products are stockpiled; and sites where overburden and leftover earth materials are placed in mining waste dumps.

5.14.3. CONDITIONS

The Zoning Administrator shall issue a permit for an open pit, stockpile, or a waste dump only when all of the following are met:

1. The applicant pays a fee of \$300.00 for an initial permit, and a fee of \$50.00 for the annual renewal of the permit.
2. The site lies in a zone where such use is a permitted use or a conditional use.
3. The applicant has presented an accurate site plan that shows the topography, utilities, roads and structures on the site at both the pre-permit stage and the stage after completing the excavation and rehabilitation of the pit;
4. The applicant has submitted a reclamation plan for the reclamation and rehabilitation of the site to be disturbed, including re-seeding and proposed slopes and a timetable for completion.
5. There shall be no limit as to the area or portion of a lot that may be disturbed and involved in the extraction process as long as the entire disturbed area has been included in the rehabilitation bond required in this ordinance ; also there shall be no limit to the time period used to complete the extraction of material;

PROVIDED, however, that upon finding such is necessary to protect the property values of neighboring property interests or to preserve desirable aesthetics, the County Planning Commission may require as part of the bond an agreement that the extent of the disturbed area at the site of extraction shall be no larger than seven (7) acres at any one time and/or may require that the extraction process shall cease and the site rehabilitated (whether or not all materials have been obtained) within a specific time period, not to be less than 5 years. When limited to 7-acre units the pit, or portions of it, shall be closed, rehabilitated, and approved by the Zoning Administrator as meeting the standards of this ordinance before further areas are disturbed.

6. The standards for rehabilitating the site shall be:
 - a. The side walls of the pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled;
 - b. Mounds of fill shall not remain after rehabilitation of an extraction operation, even if utility poles must be relocated at the operators expense; mounds may only be permitted in conjunction with a mine waste dump,
 - c. No depression which lacks a surface outlet, nor pond or intermittent lake on the floor of the pit, shall exist on the rehabilitated site.
 - d. No slope shall be steeper than the critical angle of repose which shall be determined by the County Engineer, based on the topography of the location of the pit, the type of soil and the material extracted.
 - e. All areas shall be covered with a one-inch or thicker layer of topsoil and re-seeded with a hardy plant material having a sufficient concentration to screen at least 25% of the exposed surface from view;

PROVIDED, however that desert areas located in the M&G Zone which naturally lack soil or vegetation shall be restored to a surface that corresponds with the native condition rather than adding soil and/or re-seeding.

7. When the pit (or mound) and rehabilitation bond are proposed to cover less than the entire area of the lot, the operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Carbon County, the County Planning Commission may request site investigation and report of the County Engineer to determine whether the terms of the grading plan, rehabilitation plan and

bond agreement are being met.

8. Surface mining shall proceed in an orderly manner from the outer boundaries and lower slopes of the property inward and upward. The property can be rehabilitated in the older areas of the pit while new areas are being opened up.
9. The applicant shall procure and maintain an air quality permit issued by the Utah State Division of Air Quality, and shall comply with the terms of the permit, prior to and during operations. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator and contained on-site by paving or adequately wetting main roads in the pit, wetting extracted areas and loaded trucks, placing berms or landscape screening for protection from the prevailing winds and other suitable measures.
10. The applicant shall procure and maintain permits from the Mine Safety and Health Administration (MSHA), and shall comply with the terms of the permit, prior to and during operations.
11. All cuts and fills shall be set back from the property boundary of the approved extraction site a distance of at least five (5) feet.
12. The applicant shall present an off-site plan of any local public streets which loaded trucks will use in gaining access to paved county roads, state highways and arterial streets. The pit operator shall be liable for any damage his operation causes to such local roads.
13. The pit and/or extraction operation shall not create or maintain a nuisance according to Carbon County Ordinance No.323.

5.14.4. BOND

1. A cash surety bond, letter of credit, or any other bond or security, which in the County's sole opinion is adequate under the circumstances, in an amount set by the Zoning Administrator, but not less than \$1600.00 per acre shall be posted by the applicant to guarantee compliance with the provisions of this section and the nuisance provisions of Carbon County Ordinance No.323. A violation of either provision shall be sufficient grounds for forfeiture of the entire bond to Carbon County. If the bond is over \$1,600 per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the owner may appeal to the Administrative Hearing Officer, which, after hearing may determine the cost and set the bond amount.
2. The site plan, reclamation plan, bond agreement and the bond amount shall be reevaluated annually by the Zoning Administrator, considering inflation, the then current costs of rehabilitation, and the amount of rehabilitation or excavation which has occurred during the elapsed time. The plan, bond agreement and bond amount may be adjusted by the Zoning Administrator accordingly.
3. Any bond shall be accompanied by an agreement between Carbon County and the applicant, and the property owner if the latter is not also the applicant, wherein the County agrees to return the bond at the completion of the work if the standards of this Ordinance have been met, and the applicant and property owner agrees that the bond shall be forfeited in the event of noncompliance and to permit the County to enter upon the property to close operations and rehabilitate the excavated or filled areas. Any ambiguity or deficiency in the wording of the bond agreement shall be interpreted to include the terms of this Ordinance.

4. It shall be a violation of this Ordinance and grounds for forfeiture of the bond if rehabilitation is not completed within one (1) year of cessation of operations at the pit. Cessation is defined as any two (2) year period of time in which no material is extracted, or any one (1) year period when there is no current license or valid zoning compliance permit in effect.
5. Notwithstanding the forfeiture of the bond, the applicant shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

5.14.5. PERMITS

In addition to the business licenses and building or grading permits required elsewhere in county ordinances, any open pit operation shall be required to have a current certificate of zoning compliance. No certificate of zoning compliance for an open pit operation shall have a period of validity past December 31 of each calendar year, but the permit shall be automatically renewed if the pit is found to be in compliance with the standards of this ordinance. The Zoning Administrator, with the advice of the County Engineer, shall determine if such compliance exists.

5.15 ADMINISTRATIVE PROCEDURE FOR APPROVAL

A. Review Fee

The Planning Commission shall set application and zoning administration fees by Resolution. Any additional fees for complex or unusual projects or extra costs incurred by the County for processing the application shall be based on the actual extra time and expense incurred in processing and reviewing the application. Documentation of the actual time and associated costs of the additional fees will be provided on request to the developer.

B. Developer Meets with County Staff

The Developer of the proposed project shall meet with County staff to discuss the basic concept of the development and to obtain information concerning the County's and this Code's requirements for zoning approval and compliance, along with concept construction plans, and other required data to be submitted to obtain building permits.

The purpose of the conference is to acquaint the developer with the range of opportunities for development under the provisions of this Code, and the requirements and procedures for approval by the Planning Commission. The County staff may suggest changes in the proposed development project so that the project may be more fully consistent with the County's development regulations, policies and this Code. The recommendations from the staff shall be purely advisory and in no way shall the conference be construed to constitute approval or disapproval of the plan.

C. Developer Submits Plans, Documents, Statements, and Data

The developer shall submit to County staff all of the required applications, plans, documents, statements, data, approval from other agencies, along with any other documents required. Also an itemized estimate of the cost to construct the project, along with payment of the applicable fees, no later than fourteen (14) days prior to the next regular scheduled meeting of the Planning Commission so that staff can review the materials submitted for completeness and place the item on the agenda for consideration by the Planning Commission.

D. Staff Review Plans, Documents, Statements and Data, Take Action

The County staff will review the plans, documents, statements and other data submitted for approval of the proposed project for completeness and conformance with County standards, the Master Plan, and this Code. After review the staff shall either:

1. Conclude that the application and documentation is complete and place the item on the agenda for approval by the Planning Commission, or
2. Conclude that the application and documentation are incomplete, then notify the developer that said application is incomplete, and inform the developer as to what portions of the application and documents are incomplete.

The item will not be placed on the agenda of the Planning Commission until such time as the developer submits a complete application and documents, after which time the item will be placed on the next available meeting agenda of the Planning Commission.

If the item is placed on the agenda for Planning Commission approval, the developer will also submit the plans, documents, statements, and data required by other agencies such as the County Engineer, Road Supervisor, Weed Department Supervisor, County Attorney, Fire Marshal, Health Department, Utah Division of Oil, Gas & Mining, or other appropriate agency or official, as determined during the administration of the application.

E. Planning Commission Takes Action

The Planning Commission shall review and discuss the proposed project and staff recommendations at a regular or special meeting, and shall act to disapprove, table, approve, or approve with modifications, the proposed project.

If the proposed project is a subdivision, planned unit development, or other type of project which is required by this Code to receive other levels or stages of approval, the Planning Commission shall place the project item on the next Planning Commission agenda, and successive meeting agendas, for consideration of that next level of approval, as requested by the developer.

The final approval of the project shall be by passage of a motion by the Planning Commission, which outlines the project scope and identifies the territory to be included in the project plan. Upon completion by the developer, and acceptance of the project by the County, including the release of any financial guarantees, the approved project shall constitute the zoning requirements for the territory covered by the project. The specific requirements of the underlying zone shall be considered modified in conformance with the plans, plats, documents and agreements approved for the project.

If disapproved, no further action is required.

If approved as submitted, the developer will proceed to prepare final plans, documents, statements and data to be submitted to the Zoning Administrator who shall issue any Conditional Use or other Zoning Permits.

In the case of a Mountain Home or Recreation Development, Planned Unit Development, Condominium Project or other project requiring the filing of a plat, the developer shall prepare the required final plans, plats, documents, statements, data, financial guarantee, title report, or other documentation and permits

required by other levels of government or agencies and officials, to be submitted to the Zoning Administrator. The Zoning Administrator shall review the plat and the documents and refer the plat to the County Surveyor or Engineer who shall review the plat for accuracy. Upon determining that the project is in full compliance with this Code and other applicable regulations, the Zoning Administrator shall submit the plat to the County Recorder for filing. The developer shall pay any recording fees.

If approved subject to modifications, the Planning Commission shall instruct the developer as to any modifications required, then refer the project to the Zoning Administrator who shall document that all such modifications have been made to the plans for the project, then either issue the appropriate permits or submit the plat to the County Recorder for filing and recording. The developer shall pay any recording fees.

No plat for a development approved under this section shall be recorded unless and until all of the requirements of this Code for such development has been received by Carbon County.

Planning Commission approval of any project administered under this section shall remain valid for a period of twelve (12) months, beginning from the date of approval by the Planning Commission. The time limit may be extended by action of the Planning Commission for periods not exceeding one (1) year. Any requests for extension of time shall be officially requested by the original developer in writing, and placed on the agenda of a Planning Commission meeting for approval no later than thirty-one (31) days prior to the expiration of the one-year period. No construction shall be permitted until final approval of the development has been obtained.

G. Required Documentation

After receiving authorization to proceed, the developer shall submit to the Zoning Administrator the following:

1. For projects considered for a Conditional Use Permit:
 - a. Payment in full of any required zoning administration fees.
 - b. One copy of the final plans, documents, statements and data for the project.
 - c. Any required development agreements, prepared at the expense of the developer, in a form acceptable to Carbon County.
 - d. Any required financial or performance guarantees.
2. For projects requiring the filing and recording of a plat:
 - a. The original Mylar and one (1) print of the final plat.
 - b. Final engineering drawings.
 - c. Documents indicating full compliance with the culinary and fire water and sewage disposal requirements for each lot in the project, as determined by the County.
 - d. An itemized estimate of the cost of constructing all required private or public improvements, prepared by the developer or his agent, engineer, or contractor, which has been approved by the County Engineer.
 - e. A title report, covering the property within the final plat area, to identify all interests in the property which may have an affect on the title and to establish that the land proposed for subdivision is

free of boundary conflicts and that the proper dedications can be made. This requirement shall also ensure that purchasers of lots will have a clear and marketable title.

- f. A storm drainage plan for the area effected by the development prepared by a professional engineer and which has been reviewed and approved by the County Engineer.
 - g. Final copies of all other required documentation, when applicable.
 - h. A performance guarantee in an amount determined by the cost estimate and Section 7 of this Code.
 - i. A development agreement, which outlines the work to be performed, the duties of the developer, and any other pertinent details.
3. For Utility Transmission projects: A plan of the proposed transmission project shall be submitted. Said plan shall show:
- a. Location and width of rights-of-way.
 - b. Proposed location of all lines and related structures.
 - c. Summary of all proposed clearings, access roads, road construction activity or similar activity.
 - d. Other data as required by the County.
 - e. An environmental impact statement that identifies and evaluates the significant impacts upon the social, economic and natural environment of the County, when required by the Planning Commission.
 - f. A reclamation plan.
4. Performance Guarantee

The Planning Commission may, if deemed necessary, require a financial guarantee per Section 7 of this Code that will insure installation of the project in accordance with the final plan. The financial guarantee shall be released by the Board of County Commissioners following completion of the project, but only after final inspection by the County Commission, or designated agent, to determine compliance with the final plan.

EXHIBIT “E”

SECTION 6

SUBDIVISIONS

6.1 INTENT

The intent of this chapter is as follows:

- A. To facilitate the orderly development of the County.
- B. To implement the County's Master Plan.
- C. To facilitate the development of a safe and efficient street system, through the Master Road Plan.
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with State Law.
- E. To provide adequate water, sewer, drainage, utilities, and other services to developing areas of the County.
- F. To establish the rights, duties, and responsibilities of developers with respect to the development of land within the County.

6.2 SUBDIVISION PLANS AND PLATS REQUIRED – EXCEPTIONS

6.2.1 Subdivision Plats Required – To Be Recorded

No person shall subdivide any tract of land within the unincorporated portion of the County; nor shall any person sell, exchange, purchase, or otherwise convey, or make an agreement to sell, exchange, purchase, or otherwise convey, a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this Code and State statutes, unless and until a final plat, prepared in accordance with the provisions of this Code, shall have been first approved by the Planning Commission, and recorded in the Office of the County Recorder.

6.2.2 Exemption from Plat Requirement – Agricultural Land

Any owner or agent of any owner of property who seeks to partition land without recording a plat by virtue of an exemption for agricultural land, shall first apply for an agricultural waiver on forms furnished by the County Zoning Administrator. The Zoning Administrator shall approve said waiver upon satisfactory completion of the application form by the applicant, and documentation from the County Assessor that the lands qualify and comply with Utah Code 59-2-502. (2009). Any parcel(s) so created shall comply with the minimum size requirement of this code. This waiver shall preclude the residential or other nonagricultural use of the land until the recording of a properly approved subdivision plat.

The waiver shall be recorded at the property owner's expense in the Office of the County Recorder. The Zoning Administrator shall inform the Planning Commission of all approved agricultural waivers.

Any sale or other transfer of land into two or more parcels without the owner or agent of the owner first having obtained a waiver from the Zoning Administrator, or having recorded an approved subdivision plat, shall be considered prima facie evidence of the illegal subdivision of land and a violation of this Code, and any parcel so created shall not qualify as a zoning lot as defined by this Code, nor shall a building permit be issued for any structure on said parcel until such time as either a bona fide waiver or subdivision plat is recorded for said land.

6.2.3 Agricultural Land Waiver

One new lot may be created from an original 100 or more contiguous acres of agricultural land by the owner of such lands by submitting to the Zoning Administrator for recording in the Office of the County Recorder:

- A. A recordable deed containing the legal description of the Minor Subdivision lot: and
- B. A notice indicating that the owner of the land to be divided is making a minor subdivision by referring to Utah Code 17-27a-605 (2016), and containing the legal description of the land to be divided and the Minor Subdivision lot.
- C. Such lot may not be less than one acre and may not be within 1,000 feet of another Minor Subdivision.
- D. Said lot is not subject to this code.

Land to be divided by a Minor Subdivision may not include divided land.

6.3 PROCEDURE FOR APPROVAL OF A SUBDIVISION (1) WITH PUBLIC IMPROVEMENTS INSTALLED BY THE DEVELOPER, (2) WITH PHASED DEVELOPMENT, OR (3) EXCEEDING NINE LOTS

6.3.1 Pre-Submission Conference

Any person wishing to subdivide land within the County shall secure from the Zoning Administrator information pertaining to the requirements for subdivisions and the County’s plan of streets, parks, drainage, open space, access, zoning and other Master Plan requirements affecting the land to be subdivided.

6.3.2 Prepare Concept Plan

The developer shall then prepare a concept plan and shall submit (2) copies of the same to the Zoning Administrator, along with payment of zoning fees, not less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting. Said plan shall be prepared in accordance with County standards.

Where a developer owns or controls more land than he proposes to submit for preliminary approval, the Planning Commission may require that a concept plan for the larger area be submitted. Said plan shall indicate the portion proposed to be submitted initially for preliminary approval and the portion to be held for future submission.

Said plan shall contain at a scale of not less than one inch equals fifty (50) feet:

- A. Property boundary
- B. Adjacent property owners
- C. Natural water courses
- D. Location(s) of all existing utilities
- E. Proposed lots and their approximate dimensions
- F. Proposed surface drainage
- G. Other information required by staff or other public agencies

The Zoning Administrator may require that the concept plan be prepared by a Utah Licensed Professional Land Surveyor, (P.L.S.).

6.3.3 When Zone Change is Requested with Concept

Whenever the subdivision concept requires that a change of zoning district be approved by the County, a request to change the zone shall accompany the concept approval application.

Said zone change application shall include payment of administrative fees and all costs of public notice shall be borne by the applicant. The request to change the zone map shall be heard in tandem with the subdivision concept approval.

6.3.4 Obtain Planning Commission Approval of Concept Plan

Upon receipt of the concept plan, the Planning Commission or staff shall set the time and place for a public hearing at which time public input shall be taken, and the Planning Commission shall consider the plat and other documents and facts.

The Planning Commission shall review the concept plan and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modifications, or (d) where considered necessary or desirable, act to table further consideration of the plan.

Approval of the concept plan shall not be construed to constitute approval of the subdivision but shall be deemed as an expression of acceptance of the basic concept and feasibility of the proposed subdivision which the developer may use as a guide in the preparation of the preliminary plan.

6.3.5 Prepare Preliminary Plan and Improvement Drawings

Upon approval of the concept plan by the Planning Commission, the developer shall submit not less than two (2) copies of a preliminary plan of the subdivision prepared by a Utah licensed P.L.S. along with payment of zoning fees, to the Zoning Administrator not less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

Said plan shall contain:

- A. The name of the proposed subdivision.
- B. The location of the subdivision as part of a larger tract where the plan submitted covers only part of the developer's tract.
- C. The surveyor's name and license number.
- D. The owners of all land immediately adjoining the land to be subdivided.
- E. A contour map at five (5) foot intervals when required by the Zoning Administrator or Planning Commission.
- F. Identification of elevations and/or flood plains as defined by FEMA and include the map number.
- G. The boundary lines of the tract and all existing or platted streets, roads, streams, waterways, utility lines, existing buildings, and other important features.
- H. The location, width, and other dimensions of proposed roads, streets, easements, parks, common drives, privately owned access ways, open space, trails, common facilities, and other improvements and dedications.
- I. A drainage plan of all areas of the proposed development including vacant or open space, proposed building sites, existing or proposed ditches, canals, curbs, storm drains, retention ponds, and other drainage facilities; the County Engineer will review the drainage plan for approval.
- J. North point, scale, date of drawing.
- K. Engineering calculations, drawings, typical cross sections, plans, schematics, or written statements regarding the plans. Engineer calculations and drawings shall include, but are not limited to:
 - a. Plans and profiles showing the finished grade at street locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes, and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location, elevation, depth, and size of all water, gas, or other underground utilities or structures.
 - b. Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection

to proposed facilities and utilities within the subdivision, and shall identify any utility and drainage conflicts.

- L. The proposed location of all utility improvements to be installed by the developer, such as water lines, sewer lines, gas lines, electrical power lines, communication lines, storm drains, secondary water, etc.

All plan documents and other data shall be prepared in accordance with County standards. Failure to submit all required material prepared in accordance with said standards shall be grounds for denial.

6.3.6 Obtain Planning Commission Approval of Preliminary Plan

The Planning Commission shall review the preliminary plan and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modification, or (d) where considered by the Planning Commission to be necessary or desirable, act to table further consideration of the plan.

Approval or denial of the plan shall be based upon compliance with the Master Plan, the Development Code, and with the standards and conditions of approval. The action of the Planning Commission shall be written on the face of two copies of the plan, one of which shall be retained in the files of the Zoning Administrator, and one of which shall be returned to the developer. If the plan is disapproved, the Planning Commission shall express in writing its reasons to the developer.

Upon approval of the preliminary plan, the Planning Commission shall be committed to grant final approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the Planning Commission, preliminary approval was given based on inaccurate or incomplete representations or that changes have occurred in conditions relating to the property, not known or present at the time concept approval was given, which would result in a significant detrimental effect to the public if the project was carried out as initially approved.

Approval of the preliminary plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one year, upon receipt of a written request from the developer prior to expiration of first year.

6.3.7 Prepare and Submit Final Plat, Engineering Drawings, and Documents

Upon approval of the preliminary plan by the Planning Commission, the developer shall prepare the final plat, engineering drawings and documents and shall submit at least two (2) copies of the same, along with payment of zoning fees, to the Zoning Administrator no less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

Said plats, drawings, and documents shall include:

- A. The original Mylar and one (1) print of the final plat.
- B. Engineering drawings.
- C. Documents indicating compliance with the water and sewage disposal requirements for each lot.
- D. An itemized estimate of the cost of constructing all required improvements, prepared by the developer or his agent, or contractor, who has been approved by the County Engineer. This estimate shall be used as the basis for settling the amount of the performance guarantee.
- E. A title report, covering the property within the final plat area, to identify all interests in the property which may have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts. The purpose of this requirement shall be to ensure that purchasers of plots will have a clear and marketable title.
- F. Evidence of a satisfactory storm drainage plan.
- G. Final copies of all other required documentation, when applicable.
- H. Evidence of payment of final zoning, recording, and any other fees.

The required copies of the final plans, plats, and documents shall be prepared in accordance with County standards, (see Section 5). Failure to submit the final material in accordance with said standards shall be grounds for denial of further action by the County.

6.3.8 Planning Commission Takes Action on Final Plat

The Planning Commission shall review the final plat, final engineering drawings, and other required submissions, and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modifications or (d) where considered necessary or proper by the Planning Commission shall state its reasons therefore to the developer.

Upon approval by the Planning Commission, the Chairperson of the Planning Commission shall sign the approved plat and the proposed dedications shall be accepted

Approval of the final plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission for a period not to exceed one year, upon receipt of a written request from the developer 31 days prior to expiration of the first year.

6.3.9 Developer Posts Financial Guarantee

Upon approval by the Planning Commission, the developer shall deliver:

- A. A bond or other acceptable financial guarantee to ensure installation of improvements, in compliance with Section 7.
- B. An executed Development Agreement on a form provided by the County.
- C. Payment of any outstanding zoning fees.
- D. Final engineering plans, specifications and documents.

6.3.9 Final Plat Recorded in Office of County Recorder

Upon receipt of the executed final plat and the receipt of all outstanding submissions and fees, the Zoning Administrator shall, within seven (7) days thereafter, submit or cause to be submitted, said plat for recording in the Office of the County Recorder. Recording fees shall be paid by the developer.

6.4 PROCEDURE FOR APPROVAL OF A SUBDIVISION WITHOUT PUBLIC IMPROVEMENTS. ALL NECESSARY IMPROVEMENTS EXISTING, TO NINE (9) LOTS

6.4.1 Pre-Submission Conference

It shall be the responsibility of any person, firm, or corporation wishing to subdivide land within the County to secure from the Zoning Administrator information pertaining to the current zoning of the land to be developed along with requirements for subdivisions and the County's plan for roads, streets, parks, drainage, zoning and other Master Plan requirements affecting the land to be developed. The developer shall demonstrate to the satisfaction of the County Engineer that buildings and structures can be constructed on the proposed lot(s) without the necessity of constructing storm drainage facilities for the proposed development. The developer or subdivider shall also familiarize themselves with the Development Code and the procedures of the Planning Commission, and County staff.

6.4.2 Subdivisions Containing One to Nine Lots

Upon receipt of a report from the County Engineer that buildings and structures can be constructed on the proposed lot(s) without the necessity of constructing storm drainage facilities, and a subdivision plat and documentation for a subdivision containing three or less lots where no public improvements are required to be installed by the developer, the Zoning Administrator shall schedule it for approval at the next regular meeting of the Planning Commission. The Planning Commission shall review the plat and documentation for compliance with the Development Code, and consistency with the plans and programs of the County and their respective responsibilities therein. The Planning Commission will also consider recommendations from staff or others for correcting deficiencies, and shall take one of the following actions:

- A. Approve: The subdivision is in full compliance with County standards and consistent with plans and programs of the County.
- B. Disapprove: The subdivision is not in compliance with County standards and/or is inconsistent with plans and programs of the County.
- C. Table the application at the request of the applicant.

Any action to approve by the Planning Commission shall require a majority vote of the Commissioners present. If a developer is aggrieved by a determination of the Planning Commission, he may request a hearing on the decision before the Administrative Hearing Officer, which appeal shall be filed with the Zoning Administrator within thirty (30) days of the determination by the Planning Commission.

6.4.3 Zoning Administrator and Engineer Review

Following approval by the Planning Commission, the Zoning Administrator and County Engineer shall review the final plat and other documentation for compliance with County standards and requirements.

6.4.4 Subdivision Recorded

Following approval by the Planning Commission, Zoning Administrator, and County Engineer, and upon payment of any outstanding zoning fees, the Zoning Administrator shall within seven (7) days thereafter submit said plat for recording in the Office of the County Recorder. No lots shall be recorded or sold by metes and bounds description. Recording fees shall be paid by the developer.

6.5 SUBDIVISION OF EXISTING LOTS OF RECORD WITH MORE THAN ONE DWELLING

In order to reduce the burden on tax assessment and collection and to relieve certain property owners of the uncertainty of the ownership status of their properties, the following regulations apply to existing lots of record as of December 28, 1981:

6.5.1 Regulations

- A. The division shall result in not more than 2 lots.
- B. The building setbacks for existing buildings and structures shall meet the requirements of the building code.
- C. All drainage from each lot shall be controlled as approved by the County Engineer.
- D. No future buildings shall be constructed which violate the provisions of this code.

6.5.2 Approval Procedure

The subdivision shall be approved by the Planning Commission as a subdivision without public improvements and recorded in the office of the County recorder.

6.6 DESIGN AND DOCUMENTATION REQUIREMENTS

The layout and design of all subdivision developments and the form and content of all plats, engineering plans, documentation, and other required submissions shall be prepared in accordance with minimum County standards and specifications as provided for under Section 6.10.1.

6.7 COMMUNICATION TOWER/UTILITY SUBDIVISION

6.7.1 Purpose and intent

Subdivisions for the sole purpose of subdividing a single small lot to allow for the erection of a communications tower/utility subdivision may be approved by the Zoning Administrator to provide for the needs of the communication tower/utility subdivision industry. The intent is to allow a small or irregular lot to be created by dividing land from a larger parcel of property for the sole and explicit of a communication tower/utility. The lot will typically be smaller than the lot size otherwise required within the particular zone for residential, commercial or industrial subdivisions, or may be of an irregular shape that does not comply with frontage requirements, etc. Applicants for such a subdivision must comply with all other provisions of this chapter, the Carbon County Zoning Ordinance and all other applicable requirements of local state, and federal laws.

6.7.2 Use regulations

The communication tower/utility subdivision may be allowed only in the Watershed, Mountain Range, and Mining and Grazing zones. A lot or parcel within a communication tower/utility subdivision shall only be used for communication tower/utilities and shall not be used for any other purposes.

6.7.3 General requirements

A. A note shall be recorded with the final plat stating that each parcel is part of communication tower/utility subdivision and that the parcels will be used for a communication/utility tower only, until such time that the lot may be subdivided and approved pursuant to a different subdivision regulation.

6.7.4 Development standards

A. The minimum lot size and width shall be approved by the zoning administrator.

B. No communications tower/utility subdivision may be approved or recorded without a right-of-way of record connecting to all parcels within the communication tower/utility subdivision. The right-of-way shall be a minimum of twenty four (24) feet wide.

6.7.5

The zoning administrator shall act as the land use authority for communication tower/utility subdivisions.

6.8 RECREATION SUBDIVISION

6.8.1 Purpose and intent

The recreation subdivision option is provided so that land can be subdivided for recreation purposes. The intent is to allow the division of property for explicit use of recreation with different standards than for residential, commercial, industrial subdivisions, or planned mountain home developments. Full compliance with all the provisions of this chapter, the Carbon County Zoning Ordinance and all other applicable requirements of local state, and federal laws is required.

6.8.2 Use regulations

The recreation subdivision may be approved in the Mountain Range (MR), and Water Shed (WS) zones by the zoning administrator. Lots or parcels within a recreation subdivision shall only be used for recreation or agricultural purposes, and shall not be smaller than 40 acres.

6.8.3 General requirements

A. There shall be a note on the final plat and a note recorded with each parcel stating that each parcel is part of a recreation subdivision and that the parcel(s) will be used for recreation or agricultural uses only, until such time that they have been subdivided and approved following a different subdivision option regulations.

6.8.4 Development standards

A. Minimum lot size and width shall be 40 acres.

B. There must be a recorded right-of-way tied to any parcel within the recreation subdivision. The right-of-way shall be a minimum of twenty four (24) feet wide.

6.8.5

The zoning administrator shall act as the land use authority for recreation subdivisions

6.9 WATER RIGHTS REQUIREMENTS

Satisfactory evidence of an entitlement to a permanent, ongoing right to the use of approved culinary water supplies, from a reliable water supply agency, approved spring or well, for each lot in a proposed subdivision, shall be submitted with each application for final approval of a subdivision, as follows:

6.9.1 Subdivisions Utilizing a Central Water Supply and Distribution System

- A. Written approval to connect to a recognized public water supply entity such as The Price River Water Improvement District (PRWID), or a private water company, which in the opinion of the County is capable of providing reliable ongoing supplies of approved culinary water in an amount not less than twelve thousand one hundred sixty-seven (12,167) gallons per month for each proposed dwelling unit within the subdivision. Said approval shall state that all of the requirements of said agency have been met necessary to secure the status of a permanent user. Culinary and firewater adequacy shall be determined by the County, and
- B. Either of the following, as applicable:
 - 1. Written approval from an existing recognized culinary water purveyor (water company, special district, etc.) granting permission to receive culinary and fire protection water service through their lines, or
 - 2. Documentation establishing a new water company along with satisfactory proof that the supply facilities and lines have been approved by the Utah Department of Environmental Quality and have adequate pressure, storage, and capacity to meet both culinary and fire protection needs of the project, as determined by the County.

6.9.2 Subdivisions Utilizing a Private Cistern Type Water System

- A. Written approval from a recognized water supply entity in the vicinity such as PRWID, Price City, a private water company, a homeowners association which operates a private water company, or the like, which, in the opinion of the County, is capable of providing a reliable and ongoing supply of culinary water in an amount of not less than twelve thousand one hundred sixty seven (12,167) gallons per month for each proposed dwelling unit within the subdivision. Said approval shall indicate that the petitioner has satisfied all requirements of said agency necessary to secure the status of a permanent user. Surplus water purchase arrangements will not be considered as satisfying this requirement.

- B. As a guarantee that a satisfactory supply of water will be available for each dwelling when and if a central water system is extended to serve said lot(s), the subdivider shall also submit evidence of an irrevocable commitment of title to water rights, for each lot within the subdivision, in an amount and of placement of said rights in a trust or similar third party, under an agreement that ownership of said rights will pass to the water supply entity at the time that culinary water is delivered to the dwelling. The right of use of all water which is represented by rights placed in trust pursuant to this section shall be retained by the lot owner.

6.9.3 Individual Well or Spring Systems

Approval from the Utah Division of Water Rights, authorizing the use of water from the proposed source for domestic purposes; also written evidence to the effect that the water from the well or spring conforms to minimum quality standards for culinary water, as determined by the Building or Plumbing Official.

6.10 IMPROVEMENTS-WHEN REQUIRED

Improvements shall be existing or installed in all subdivisions. Said improvements to be installed shall meet minimum County standards and specifications and shall be completed within one (1) year from the date of recording of the final plat, for subdivisions without existing improvements. The Planning Commission may, upon a showing of good and sufficient cause, grant an extension of the time limit not to exceed six (6) months.

Off-site improvements may be required for all improvements, including, but not limited to roads, utilities, storm drains, and other improvements deemed related to, and proportionate to the expected impact from the development.

Financial assurances in the form of a letter of credit, bond, or other instrument guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions in Section 7.

6.10.1 Streets, Roads, and Travel ways

All dedicated roads, streets, private drives, travel ways, or other required access ways shall either be in place, inspected, and approved, or shall be constructed or improved in conformance with the applicable financial guarantees and construction standards as currently adopted by the and this Code.

- A. Private roads may be built if the developer executes an agreement with the County stating the County will not be responsible for the financing, bonding, engineering, or any other technical for professional components, etc. The developer or property owners who access the private road shall finance, and pay for the appropriate designing, engineering, and inspections, etc, Said private road shall meet all County standards for construction before the County will accept any private road.

6.10.2 Culinary Water

- A. In zones which require connection to a central water system:
 - 1. Both “offsite” and “onsite” water mains sized per engineered design, as approved by the County, or as required by the serving entity shall be installed in such a way that each lot may be served there from.
 - 2. Water service laterals shall be installed from the main line to at least six (6) feet inside the lot line. Said lateral shall include the installation of a meter box and meter setter.
 - 3. The water flowing to said system shall be from a source and through lines which are sufficient in size to provide a volume of flow and level of pressure adequate for culinary use in accordance with State

rules and County standards. In the absence of a specific standard, general engineering practices shall prevail.

- B. In zones which allow utilization of individual cistern type systems:
The construction of the cistern shall be in accordance with Health Department rules and regulations. Completion, inspection, and approval by the Health Department shall be required as a condition of evidence of compliance with Health Department requirements.

6.10.3 Fire Water

1. The minimum pressure standard for fire flow shall be twenty (20) psi under static pressure.
2. The minimum fire flow standards for new residential subdivisions, condominium projects, planned unit developments, factory built housing parks, recreational vehicle courts, commercial and industrial developments within the Price River Water Improvement District boundaries, or served by other purveyors, shall be a minimum of five hundred (500) gallons per minute, with a reduction allowed for the development after consultation with the local fire chief having jurisdiction.
3. A reduction to two hundred fifty (250) gallons per minute shall be allowed if all new dwellings constructed in the development are equipped with an automatic fire sprinkling system.
4. The minimum fire flow standard for new developments in the M&G, RFM, WS, HMZ and MR zones, such as planned mountain home developments, mountain recreation developments, guest ranches, lodging houses, bed & breakfasts, guest cabins, commercial and industrial developments, shall be a minimum of two hundred fifty (250) gallons per minute. There shall be no requirement for individual cabins, dwellings, or accessory structures on existing lots of record or on 40-acre lots.
5. All required fire flow quantities may be reduced or eliminated by the Planning Commission following a recommendation of the Fire Chief and County Planning Staff during the process of the approval for that particular project or class of projects.

6.10.4 Fire Hydrants

All subdivisions for which a central water system is required shall have fire hydrants installed every 1000 lineal feet measured along the street or road in the subdivision or Planned Mountain Home Development. No lot shall be located farther than 500 feet from a fire hydrant. For dwellings served by a private drive, a hydrant shall be installed within 500 feet of each dwelling.

6.10.5 Sewers

- A. In zones which require connection to a central sewer system:
1. Both "offsite" and "onsite" sewer mains sized per engineered design, as approved by the County, or as required by the serving entity shall be installed in such a way that each lot may be served there from.
 2. Sewer service laterals shall be installed from the main to at least six (6) feet inside the lot line.
 3. When located within boundaries of the Price River Water Improvement District or the Scofield Reservoir Special Service District, sewer main improvement requirements will be considered satisfied upon written notice of approval of the system from the district.
- B. In zones which allow utilization of individual waste water disposal systems:
The construction of the individual wastewater disposal system (septic) shall be in accordance with Health Department rules and regulations. Completion, inspection, and approval by the Health Department shall

be required as a condition of occupancy of the building. No permit for the construction of a building shall be granted without evidence of compliance with Health Department requirements.

6.10.6 Curb, Gutter, and Sidewalks

Curb, gutter and sidewalks shall be installed for all subdivisions located within an R-1-8,000, R-2-8,000, R-4-8,000, and the R-1-12,000 zones. Said improvements shall be constructed in accordance with County standards.

6.10.7 Permanent Survey Monuments

Survey monuments in an amount sufficient to re-survey each lot in the subdivision but not less than one (1) permanent survey monument shall be installed to current County standards in each subdivision. The location of the monuments shall be shown on the final plat. Also, all corners on the subdivision and all lot corners in the subdivision shall be permanently marked.

6.10.8 Electrical Power

Electric power shall be provided to each lot within new subdivisions. All lines and appurtenant facilities shall be located underground, except when the developer can show that the placement underground is not physically feasible. All facilities shall conform to current minimum County standards.

Exception: Where it can be demonstrated that adequate electrical power from a continuous, reliable alternate source other than a commercial supply, i.e. solar, photovoltaic, wind, private generators, and other sources, these sources shall be considered, and may be approved as meeting the requirement for electrical power.

6.10.9 Communication Lines

Communication lines shall be provided to each lot within new subdivisions. All lines and appurtenant facilities shall be located underground, except when the developer can show that the placement underground is not physically feasible. All facilities shall conform to current minimum County standards.

6.10.10 Street Signs

Street signs shall be installed at all locations indicated on the preliminary plan. The location and design of said signs shall conform to current minimum County standards.

6.10.11 Storm Drains and Facilities

Catch basins, piping, and other facilities for the disposal of storm water shall be installed in all new subdivisions, unless it can be demonstrated to the satisfaction of the County Engineer that buildings, roads, streets, curbs, utilities, and other facilities can be constructed without the necessity of constructing such facilities. The location, size and design of said facilities shall be in accordance with the County's current storm water disposal plans and standards, or as directed by the County Engineer.

6.10.12 Streetlights

The responsibility for providing streetlights within subdivisions lies with the developer of the subdivision, not the County. If a subdivision plan does not provide for streetlights, it shall be so agreed in the Development Agreement for the subdivision. If streetlights are desired by the future property owners, the cost of installing, maintenance,

power, and other costs will be the responsibility of the property owners, and not the County. Street lighting shall not trespass or cause a nuisance to adjacent property owners.

6.11 GENERAL REQUIREMENTS

6.11.1 Standards and Specifications

The Planning Commission shall prepare and recommend standards and specifications for the content of subdivision plans and for the layout, design and construction of subdivisions and required improvements. Said standards and specifications shall be adopted by resolution of the County Commission. All such requirements shall be considered the minimum standards which must be met and shall apply to all subdivisions.

6.11.2 Partial Road and Street Widths Prohibited

All roads and streets in a subdivision shall conform to the current minimum standards, or the approved design for width and improvement.

6.11.3 Amended Plats

No change shall be made in a plat, nor shall a deed be recorded which would change a plat which has received final approval and has been recorded, unless and until approval for said change complies with State statutes for lot line adjustments, or unless approval has been given by the Planning Commission. Any change in a subdivision plat shall be in compliance with the Utah Code, and this Code.

When a subdivision amendment increases the number of lots within a subdivision, the developer may be required to conduct a new drainage, traffic, water, and sewer study to ensure the new development does not adversely impact existing infrastructure. The cost of said studies shall be paid for by the developer.

For each lot added to an amended subdivision plat a water share shall be submitted to Price River Water Improvement District.

6.11.4 Work To Be Done By Professional Land Surveyor and Professional Engineer

All land surveying shall be done by, or under direction of, a Utah licensed Professional Land Surveyor. All required engineering shall be performed by, or under the direction of, a Professional Engineer. Some systems may be designed by an architect, surveyor, engineer, or contractor, or other design professional acceptable to the County.

6.11.5 Drawings of Record Required

Final as-built plans showing the location, size, grade and depth of all water and sewer mains, valves manholes, storm drains, electrical power, gas, communication lines, and other subsurface utility and service lines and facilities shall be required prior to the release of performance guarantees.

6.11.6 Definition of a Variance

To engage in an act different to a usual role based on undue hardship, practical difficulties, or geographical features peculiar to a particular development, in conformance with the spirit of this Code.

Variations to the strict application of the standards and specifications adopted pursuant to Section 6.8.1 may be authorized by the Administrative Hearing Officer. Such variations may be granted only upon a finding that, because

of topographic or other unique physical condition, the standard appealed from may be granted a variance without any adverse effect on the health, safety, or welfare, of the present and future residents of the subdivision.

6.12 ENFORCEMENT

The Zoning Administrator or Building Official shall not grant any permit or license for the construction or use of any building or land within a subdivision unless and until said subdivision has been approved and recorded in accordance with the requirements of this Code, and the land, parcel or lot is in compliance with all County Ordinances regulating land use.

No excavation, installation of utilities, roadway or street construction, or other construction shall be authorized before and until the financial guarantee has been submitted to and accepted by the County and the subdivision plat has been recorded. Any excavation, installation of utilities, roadway or street construction, or other construction that commences before (1) final approval of the Planning Commission (2) the posting of a financial guarantee that has been accepted by the County, and (3) the recording of the approved subdivision plat, shall result in an administrative fine of \$10,000 and be deemed an illegal subdivision.

Whoever, being the owner or agent of the owner of any land located in a subdivision within the County, transfers or sells such land without having received approval in accordance with the provisions of this Code, shall be guilty of a Class B misdemeanor for each lot so transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

The County may, in addition to other remedies provided by law, institute injunctions mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, maintenance or use.

EXHIBIT "F"

SECTION 7

PERFORMANCE GUARANTEES

7.1 APPLICATION

Wherever a performance guarantee is required under the terms of this Code, said guarantee shall be submitted in conformance with this Section, and made a part of the Development Agreement executed for the Development.

7.2 TYPE AND AMOUNT OF GUARANTEE

The performance guarantee shall be one of the following:

- A. An irrevocable letter of credit from a financial institution acceptable to the County.
- B. A deposit of cash in a separate account, in the name of Carbon County and the developer.
- C. A performance bond from an institution acceptable to the County.
- D. A real property equity bond conforming to the specific requirements of paragraph 7.8.

Each performance guarantee shall be in an amount not less than 125 percent of the average of three (3) cost estimates from a qualified contractor or engineer experienced in constructing or engineering the type of public improvement for which the guarantee is requested. . In the event cost estimates cannot be readily obtained from three contractors or engineers, the County may accept a cost estimate from fewer than three contractors or engineers if, in the opinion of the County Engineer, the cost estimates received properly acknowledge the entire scope of work necessary to complete the public improvement and are reflective of local market costs. The guarantee, shall be posted in such a manner that any portion of the guarantee released shall require the advance written consent of the County. Any interest derived from cash guarantee accounts shall be the property of the developer.

7.3 DURATION OF GUARANTEE

The duration of the performance guarantee shall be for the applicable period of time specified for each particular type of development or activity. Said period shall begin on the date of final approval by the County.

7.4 FINAL DISPOSITION AND RELEASE

At the completion of the work, or not less than thirty (30) days prior to the release date of the bond or other assurance, the developer shall submit to the Zoning Administrator a Certificate of Completion. Following receipt of the certificate, the Zoning Administrator shall make a preliminary inspection and shall submit a report to the Chairman of the County Commission, setting forth the conditions of such facilities. The Zoning Administrator shall set the date and time of a staff meeting to review the status of the Development and to receive comments and recommendations from staff regarding the adequacy of the improvements and compliance with County Standards, Codes, and Ordinances. If the condition of said improvements or activities for which the guarantee is required are found to be satisfactory, and all liens are paid, the Chairman or their designated representative shall act to either:

- A. Approve and accept the improvements, at which time the guarantee of durability period shall begin; or
- B. Reject the improvements and notify the Developer of the deficiencies, and fix the time for said improvements to be complete; or
- C. Approve and accept portions or part of the improvements, at which time the guarantee of durability period shall begin on the improvements accepted; or
- D. Reject portions of the improvements and notify the Developer of the deficiencies, and fix the time for said improvements to be complete.

If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, or the terms of the guarantee have not been satisfied, the matter shall be referred to the County Commission and, in accordance with the provisions of 7.5, the Commission may declare the developer in default.

7.5 DEFAULT

Where, in the opinion of the County Commission, a developer fails or neglects to satisfactorily install the required improvements or make required corrections, or to pay all liens on connection with said improvements, or otherwise fails in carrying out the activity for which a financial guarantee was required, the Commission, after a public hearing with due notice on the matter may:

- A. Declare the performance guarantee forfeited and thereafter may install or cause the required improvement(s) to be installed using the proceeds from the guarantee to defray the costs; or
- B. Hold a public hearing to vacate the Subdivision Plat, Conditional Use Permit or other development for which the financial guarantee was posted
- C. Any funds remaining after completion of the required improvements or vacation of the project will be returned to the developer.

7.6 PARTIAL RELEASE PERMITTED

Where the guarantee is required to insure the timely installation of improvements, the County may authorize a partial release (s) of the performance guarantee in accordance with the following schedule:

| Percent of Work Complete | Percent of Total Guarantee Amount Eligible for Release (less Retainage, see 7.7) |
|--|--|
| 25 | 25 |
| 50 | 45 |
| 75 | 70 |
| 100 (upon satisfactory final inspection) | 100 |

7.7 DURABILITY RETAINAGE

A retainage of not less than twenty-five percent (25%) of the total amount of the guarantee shall be retained by the County for a period of not less than one year following the date of final acceptance of the improvements by the County. Such retainage shall be a guarantee of the durability of all improvements. If during the one year period the durability of said improvements is found to be satisfactory, said retainage may be released following the procedure outlined under Section 7-4. If, however, during said period the condition, or material or workmanship, of the improvement(s) fail or show unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the developer. If the corrections are not made within a reasonable time, the County Commission, in accordance with Section 7-5, may declare such person in default and use the retainage to defray the cost of any required work.

7.8 SPECIFIC CONDITIONS FOR REAL PROPERTY EQUITY BONDS

- A. A real property equity bond posted as a performance guarantee must be approved by the Zoning Administrator. The Zoning Administrator may approve the application and bond if the tax value of the

property offered as security is at least 250% of the estimated cost of performing the work for which the guarantee is requested, as determined by the County. The Zoning Administrator must deny the application for bond if there exist any encumbrances against the property.

- B. An application to post a real property equity bond as a performance guarantee must:
 - a. be located entirely within Carbon County;
 - b. be accompanied by an application for real property equity bond in a form approved by the County;
 - c. be accompanied by a copy of the document vesting title in the owners;
 - d. be accompanied by a copy of the property tax statement for the current and previous year;
 - e. be accompanied by a current title report or such additional title information required by the County;
 - f. be accompanied by a Deed of Trust in a form approved by the County and meeting the following additional requirements:
 - i. be signed by all owners of record;
 - ii. contain the complete legal description of the property and the property tax identification number;
 - iii. be acknowledged before a notary public;
- C. The bond is not effective until the approved Deed of Trust is recorded with the county recorder of the county in which the property is located and proof of recording has been filed with the County as part of the Development Agreement.
- D. Upon release of the performance guarantee, the County will re-convey the Deed of Trust.

EXHIBIT "G"

SECTION 8
AMENDMENTS

8.1 CODE MAY BE AMENDED – PROCEDURE

This Code, including the Zoning Map, may be amended, but all proposed amendments shall be submitted first to the Planning Commission for its recommendations, which recommendations shall be submitted to the County Commission for final passage and approval.

8.1.1 Written Petition Required

Any person seeking an amendment of this Code or Zoning Map shall submit to the Zoning Administrator a written petition designating the change desired and the reasons therefore, and shall pay a filing fee in an amount as may be set by resolution of the County Commission.

Upon receipt of the petition and the payment of the filing fee, not less than twenty one (21) days prior to the next regular meeting of the Planning Commission, the Zoning Administrator shall place the request on the agenda of the next regularly scheduled meeting of the Planning Commission who shall consider the request and shall certify its recommendations to the County Commission with respect to the request within thirty (30) days from the meeting. Failure on the part of the Planning Commission to certify its recommendations to the County Commission within said thirty (30) day period, shall be deemed to constitute a recommendation of approval unless a longer period is granted by the County Commission.

The fee required herein shall not be returned to the applicant. The Planning Commission, County Commission or Zoning Administrator may also initiate amendments to this Code without the payment of said fee.

8.1.2 Intent With Respect To Amendments

It is hereby declared to be public policy that this Code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of the Master Plan, this Code, or the health, safety and welfare of the public.

8.1.3 Public Hearing Required Before Amending – Notice

Amendments to this Code may be adopted only after a public hearing in relation thereto before the Planning Commission, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation within the County at least ten (10) days prior to the date of the hearing.

The petitioner shall be responsible for the payment of the public notices.

EXHIBIT “H”

SECTION 9

DEFINITIONS

9.1 INTENT

For the purposes of this Code, certain words and terms are defined as follows:

Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word lot includes the word tract or parcel of land; the term erected means constructed, altered, moved, or repaired; the words shall and must are always mandatory. The term district is synonymous with the term Zone. The term ordinance is synonymous with the term Code. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine.

9.2 LIST OF DEFINITIONS

Absorption area- The entire area used for the subsurface treatment and dispersion of effluent by an absorption system.

Absorption system- A covered system constructed to receive and to disperse effluent, from gravity or a pump, in such a manner that the effluent is effectively filtered and retained below the ground surface.

Agricultural products, sale of- A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Airport, Private- Any airport licensed by the State of Utah as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.

Airport, Public- Any publicly or privately owned airport licensed by the State of Utah as a public airport, which meets minimum safety and service standards and is open for use to the general flying public.

Animal, domestic- An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

Animal, exotic- Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the parish or is not classified or considered as wildlife, livestock, or domestic animal.

Animal, Large- An animal larger than the largest breed of dogs. This term includes horses, cows, pigs, and other mammals customarily kept in corrals or stables.

Animal, Small- Any animal, other than livestock, which is kept either inside or outside a dwelling unit. Small animals include but are not limited to dogs, cats, rabbits, domestic fowl, and birds.

Animal Unit – One animal unit shall be any of the following:

2 cows, horses, donkeys or similar large animals; or 8 adult sheep; or 16 feeder lambs, or 8 goats, or 2 pigs, 12 chickens, ducks, game birds and fowl; or an equivalent combination of the above, together with the suckling offspring thereof.

Apartment Building- A structure containing four or more apartment units.

Auction facility- A structure or enclosure where goods or livestock are sold by auction.

Automobile Dealership- Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Automotive repair services establishment- Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

Automotive Repair Services, Minor- The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission, or differential; incidental body and fender work; and minor painting and upholstering service when said service above stated is applied to passenger automobiles, motorcycles, snowmobiles, small engines, and trucks not exceeding 9,000 pounds rated capacity.

Barber Shop- A fixed establishment or place where one or more persons engage in the practice of barbering.

Barn- A large accessory building used exclusively for the storage of grain, hay, and other farm products, or the sheltering of livestock or farm equipment.

Beauty Salon/Shop- Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

Bed and Breakfast – See Lodging House.

Bowling Alley- Indoor facility for the sport of ten-pin bowling, with customary accessory uses such as snack bars.

Buildable Area – A portion of a site which conforms to all minimum criteria such as slope, building setbacks, distance from watercourses, springs or wastewater systems, required for placement of a structure.

Building – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

- A. Building Accessory – A detached, subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or the main use of the land, and which is located on the same lot or parcel of land with the main building or use.

- B. Building, Main – One or more of the principal buildings upon a lot. Garages, carports and other buildings which are attached to a dwelling or which are situated within 10 feet of a main building shall be considered as a part of the main building.
- C. Building, Public – A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.

Building material supply store- The retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies.

Butcher Shop- A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from pre processed carcasses.

Campground- An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Campsite- Any plot of land within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

Car Wash- The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Caretaker camps- Caretaker camps such as sheep camps and recreational vehicles may be placed in the WS, MR, PV, RFM and M&G zones for a period not to exceed six (6) months in any location for the care of domestic livestock such as sheep, cattle, horses and other animals needing seasonal care; or for other agricultural purposes such as silviculture, fencing, dude ranching, and similar activities.

Carport – A structure not completely enclosed by walls for the shelter of automobiles, recreational and personal vehicles.

Church- A building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship.

Club, Athletic- An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Club, Private- Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures any individual and not primarily to render.

Commercial accessory structure- A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be accessory to the use of the principal building.

Condominium- A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of Carbon County Development Code.

Condominium Conversion- The development of land and existing structures as a condominium, regardless of the present or prior use of such land or structure and regardless of whether substantial improvements have been made to such structures.

Condominium Project- A plan or project consisting of not less than two condominium units.

Common Area – An area designated to serve two (2) or more dwelling units in separate ownership with convenient access to the area.

Communication Lines: Cable, fiber optics, internet, telephone, or television lines, or any other line used for means of communication, entertainment or data.

Communication Tower- Any freestanding facility, building, pole, tower, or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage, and other accessory structures used to provide wireless telecommunication services.

Construction Company, Light- A Company that constructs residential and commercial buildings. Such companies typically build single family home, multi-family homes, restaurants, commercial buildings, etc.

Construction Company, Heavy- A Company that is involved with heavy equipment, earth moving, mining, road construction, etc

Coop- A cage or pen for confining fowl.

Corral- A fenced area typically for confining horses or other hooved animals.

Crop production- Agricultural and horticultural uses, including, but not limited to production of grains, field crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms.

Curtain drain- Any ground water interceptor or drainage system that is backfilled with gravel or other suitable material and is intended to interrupt or divert the course of shallow ground water or surface water away from the onsite wastewater system.

Customary residential accessory structure- A structure containing no kitchen or bathroom and located upon the same lot or parcel as the principal use or structure to which it is accessory. The structure is customary, incidental, appropriate and subordinate to the use of the principal building, or the principal use of the land. All accessory structures shall be constructed with, or subsequent to the construction of the principal structure or commencement of the principal use.

Disability – 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 having 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 described in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

Drive-in, Food- A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the

confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons.

Dwelling, Accessory- An Accessory Dwelling Unit (ADU) refers to a habitable living unit added to or detached from a primary single family dwelling. It is a separate, additional dwelling unit, including a kitchen, sleeping area and bathroom facilities. An ADU does not constitute a two-family dwelling.

Dwelling, Caretaker- An accessory dwelling on a nonresidential premises, occupied by the person who oversees the nonresidential operation 24 hours a day, and his or her family.

Dwelling, Single Family- A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

Dwelling, Multifamily- A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other in individual dwelling units.

Effluent Sewer- A solid pipe that carries effluent to the absorption system.

Exploratory Well – A well drilled for the purpose of determining the occurrence and extent of a mineral deposit, together with the appurtenant on-site equipment and facilities necessary for the drilling of said well.

Family – An individual or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include non-related persons living with the residing family as per this Code. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club, or institutional group.

Factory Built Homes- Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of Carbon County, factory-built homes include mobile homes, manufactured homes, and modular homes.

Factory-built Housing Park- A contiguous parcel of land which has been developed for the placement of factory built homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation.

Fence, Livestock– A fence constructed to keep domestic livestock out of an area, parcel or lot. Such fence shall be constructed of sufficient height and strength to keep said livestock from trespassing on the area, parcel, or lot being fenced. No low drag or trip style fence that could injure livestock shall be permitted.

Fence, Sight-Obscuring – A fence having a height of at least six (6) feet above grade which permits vision through not more than ten percent (10%) of each square foot more than eight (8) inches above the ground.

Flood – 100 Year – A flood, the magnitude of which will probably occur only once in 100 years.

Flood Channel – A natural or artificial water course with definite bed and banks to confine and conduct flood water.

Floodway- That area of a waterway channel which is extremely hazardous due to the velocity of storm waters which carry debris and projectiles and have erosion potential.

Floodway encroachment- Any fill, structure, building, accessory use, use, or development in the floodway.

Floor Area – The sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses of headroom height (7 feet) measured from the exterior walls or from the center line of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc.

Flood – 100 Year (1% annual flood) – Also known as the base flood is the flood that has a 1% chance of being equaled or exceeded in any given year. The special flood hazard area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The base flood elevation is the water surface elevation of the 1% annual chance flood.

Fowl- Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, and turkeys.

Fraternal Lodges- A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

Funeral Home- Establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Gasoline Stations- Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental, where no more than two abandoned vehicles or other motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as accessory uses.

Grade of Building (Adjacent Ground Elevation) – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and a line five (5) feet from the building.

Grade of Streets and Driveways – Grade shall mean the ratio of vertical distance along such a street or driveway expressed in either percentage or degree.

Guest Cabin- A small one story house built and designed for occasional use.

Guest ranch- A use incorporating two or more guest rooms, other than a lodging house, hotel, or motel, and including outdoor recreational facilities, such as but not limited to horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended primarily for use by the guests of the guest ranch.

Guest Ranches- A ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

Health, Board of – The Health Department, Board of County Commissioners, or any representative authorized by the Board of County Commissioners to represent them in matters relating to health and sanitation.

Height of Building – The vertical distance from the grade to the square of the building.

Helicopter pads (Heliport)- An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Home Occupation – Conducted within a dwelling and carried on by persons residing in the dwelling. A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.

Hotel- A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house.

Household Pets – Animals or fowl customarily permitted within the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel.

Injection and Disposal Wells – Injection and disposal wells shall mean any used well that is used for the disposal of fluids that are brought to the surface in connection with conventional oil or natural gas production and that may be commingled with wastewater produced from the operation of a gas plant that is an integral part of production operations, unless that wastewater is classified as a hazardous waste at the time of injection. It shall also mean any well used for the injection of air, gas, water or other substance into any underground stratum.

Junk Yard – Salvage Yard – A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

Kennel – The use of land or buildings in the keeping of three (3) or more dogs at least four (4) months old, in compliance with this Code and the County Animal Control Ordinance.

Large Scale Industrial Project – All land and structures occupied by a manufacturing, processing, fabrication or similar industrial activity which requires a site area of more than five (5) acres and/or which, because of the nature of the activity, emits fumes, smoke, noise, vibration, dust, glare or odor in amount which are discernable beyond the limits of the site.

Land use applicant- Means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

Land use application- Submitted by a land use applicant to obtain a land use decision; and does not mean an application to enact, amend, or repeal a land use regulation.

Land use authority- The Carbon County Planning Commission or Zoning Administrator as designated

Land use decision- Administrative decision of a land use authority or appeal authority regarding a land use permit; a land use application; or the enforcement of a land use regulation, land use permit, or development agreement.

Land use permit- A permit issued by a land use authority.

Land use regulation- A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; includes the adoption or amendment of a zoning map or the text of the zoning code; and does not include: a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially: increase a land use applicant's cost of development compared to the existing specification; or impact a land use applicant's use of land.

Landscaping – Landscaping shall mean the use and integration of a combination of planted trees, shrubs, vines, groundcovers, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement as determined by the Planning Commission or their authorized representatives. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this definition.

Laundromat- A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Legislative body- The Board of Carbon County Commissioners.

Livestock, Domestic- Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs, and other house pets.

Livestock feed yard- The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

Livestock Management Area - All portions of a lot used as sheds, barns, coops, pens, corrals, pastures, gardens or cultivated ground but not including the area of a lot devoted to the dwelling, sidewalks, driveways, or lawn.

Lodging House – any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

Lot – (1) An independently described parcel of land as shown on the records of the County recorder, or (2) Two (2) or more contiguous parcels within a recorded subdivision each of which qualify under 1 above and for which a Declaration of Zoning Lot has been approved and filed in the Office of the County Recorder.

Lot – Corner – A lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.

Lot – Interior – A lot other than a corner lot.

Lot – Line, Front – The front boundary line of a lot bordering on the street.

Lot – Line, Rear – A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or goreshaped lot, the rear lot line shall be a line within the lot parallel to and at the maximum distance from the front lot line, having a length of at least ten (10) feet.

Lot – Line, Side – Any lot boundary line not a front lot line or a rear lot line.

Major Underground and Surface Development – Those activities conducted on the surface of the land for the development or extraction of a mineral deposit from its natural occurrences, including but not limited to effects of surface and underground mining, such as on-site transportation, primary processing, and storage, including:

- A. Gravel, sand and clay pits disturbing a surface area in excess of one (1) acre.
- B. Coal mines disturbing a surface area in excess of three (3) acres.
- C. Uranium mines disturbing a surface area in excess of one (1) acre.
- D. Other mining operations disturbing a surface area in excess of one (1) acre or from which five hundred (500) tons or material or more are mined over a period of twelve (12) consecutive months.

Major Utility Transmission and Railroad Project – A construction project involving the installation of one or more of the following:

- A. Electric power transmission lines rated at 45 KV capacity or more; together with the appurtenant substations and similar ancillary facilities.
- B. Gas and oil transmission lines designated at 500 psi or more, together with the appurtenant pressure and pump stations and similar ancillary facilities.
- C. Water transmission facilities designed at 10 second feet capacity or more, together with the appurtenant pump stations and similar ancillary facilities.
- D. Railroad tracks.

Manufactured Home – A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code).

Manufactured Home Park – An area or tract of land used to accommodate two (2) or more manufactured homes, park models or other factory built housing.

Map – The Zone Map of Carbon County, Utah.

Master Plan – A coordinated plan which has been prepared and adopted for the purpose of guiding development, including but not limited to a plan or plans of land use, access, resources, circulation, housing, and public facilities and grounds.

Material Staging Area- Designated area where materials are temporarily positioned for access during a construction project, and removed once the project is completed.

Meat processing establishment- A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medical Clinic- A building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.

Motion Picture Theater (indoors)- A specialized theater for showing movies or motion pictures.

Motion Picture Theater (outdoors)- An outdoor movie theater where patrons view movies or any other form of entertainment on a screen or stage from their vehicles.

Motel- A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

Mountain Recreational developments- Is a development in the Mountain Range Zone (MR) which consists of any of the following: Mountain Recreational vehicle courts, restaurants, gasoline service stations, convenience food stores, bait shops, and similar commercial establishments when included as an integral but incidental part of a mountain recreation vehicle court. Guest cabins, Single family dwellings, and camping and picnic facilities. Recreation vehicle watering and sanitary dump stations.

Minor Mine and Pit – (1) A mine, pit quarry or similar excavation for the extraction of mineral products which is developed and/or operated at levels less than that established for qualifications as a major underground or surface mine development, or (2) the enlargement of an existing mine or pit operation in an amount less than that qualifying as a significant expansion of surface facilities.

Minor Utility Transmission Projects – A project involving the construction of utility transmission and distribution and facilities for cable TV, telephone, microwave and for electric power and gas and oil and water at levels less than those established for major transmission projects.

Modular Unit – A structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Section 58-56-4, UCA.

Nonconforming – A building or structure, or portion thereof, or use of a building or land existing at the time of the passage of this Code, which does not conform to the zoning regulations as set forth herein, but which legally existed prior to the effective date of the now controlling provision.

Nonconforming Lot of Record - A parcel of land which does not conform to the minimum area and/or width requirements for the zone in which it is located, but which was legally created and was shown on the records of the County Recorder as a conforming lot of record prior to the effective date of the now controlling provisions. Substandard lots in illegal subdivisions shall not be considered as nonconforming lots of record.

Office Building- Establishments providing direct services to consumers, such as insurance agencies, title insurance companies, real estate offices, post offices, but not including bulk mailing distribution centers. Does not include: medical offices or offices that are incidental and accessory to another business or sales activity that is the principal use.

Offstreet Parking – An area adjoining a building providing for the parking of automobiles which does not include a public street, but has convenient access to it.

Parking Lot- An open area, other than a street, used for the parking of vehicles.

Pen- see corral.

Personal Service Establishments- Establishments providing non medically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Phased Development- A development project that is constructed in increments, each increment being capable of existing independently of the others. An amended subdivision plat that creates one or more additional lots shall be considered a phased development.

Planned Mountain Home Development – A subdivision in which the roads, travel easements, water lines, and open spaces are not dedicated to the public, but are retained as private facilities. Planned Mountain Home Developments shall only be located in the MR, PV, RFM, SL zones, and have a minimum of 80 acres.

Planning Director- The chief administrator of Carbon County’s planning department.

Planning Commission- A group of people appointed by the Carbon County Board of Commissioners that administers planning and land-use regulations for the County and provides recommendations on a wide array of land-use and land-use policy issues.

Planned Unit Development- A description of a proposed unified development, consisting at a minimum of a map and adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements to be included in the development.

Playground- A land use designed principally to offer recreation, passive or active, to the public.

Premise Occupation – An occupation consisting of the fabrication of a product or providing of a service, which is conducted on a residential lot, in a building other than the residence, except for services such as beauty shops and child care, which may be conducted in the home.

Private Camp – the use of private property by the owners of the property, their immediate family, and invited guests, for the purpose of recreation, pleasure, hunting, agricultural and silvicultural activities, either in tents, travel trailers, recreational vehicles or on the ground, for a period of not more than fourteen (14) consecutive days at one location. Owners of travel trailers or RVs used for this purpose shall dispose of sewage at an approved location.

Private Drive- A single access way providing access to no more than three dwellings, and doesn’t meet the standards of a road.

Private Road- A road privately owned and maintained that is used as the principal means of access to abutting lot or lots to more than three dwellings.

Production Well – A well drilled for the purpose of recovering a mineral deposit from its natural occurrences together with appurtenant on-site equipment and facilities necessary for the drilling and operation of said well.

Promotional Display- A display of products or goods for a holiday or celebration, e.g. Fourth of July, community days, etc.

Public Agency Park – A tract of land which is owned by a governmental agency and which has been partially or totally developed or designated for recreation or open space purposes.

Public Improvements- Public improvement means the construction, enlargement, extension or other construction of a facility intended for dedication to the County, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

Recreation Center- Recreation facilities operated as a business and open to the general public for a fee.

Recreation Vehicle- A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Recreation Vehicle Court – An area or tract of land used to accommodate two or more recreation vehicles or camper units.

Resident- An individual whose principal place of living and sleeping is in Carbon County, and is also registered to vote within Carbon County.

Residential Facility for Persons with a Disability – A residence in which more than one 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.

Residential Treatment Facilities- A mental health facility or a drug and/or alcohol or process addiction treatment program that is provided to patients in a residential setting

Restaurant- A structure in which the principal use is the preparation and sale of food and beverages.

Retail- The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

Road, Class A- A road as shown on the Official County Road map, which is owned and maintained by the State of Utah as part of the State Road System.

Road, Class B- A road as shown on the Official County Road Map as part of the primary County Road System and maintained by Carbon County.

Road, Class D- A road as shown on the County Class D/UCA 72-3-105 road map and as defined by the State of Utah.

Road, County - A County road as shown on the County Road System Map of Carbon County, Utah. Any of the various class of road recognized by the State of Utah, such as Class B and D, or a

designated Federal or State Highway. The terms right-of-way, road, trail, street and highway shall be interchangeable.

Road, Restricted access- A privately owned and maintained travel way which may be closed to the general public, but is accessible to public officials for emergency, police, planning, assessment, and inspection services.

School- Any public, parochial, private, charitable, or nonprofit school, junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Septic System- The disposal of sewage by use of cesspools, septic tanks, or other safe and healthful means, approved by the Southeastern Utah health department generally within the confines of the lot on which the use is located.

Setback – The shortest distance between the property line and the exterior wall of the building.

Sewer, Central- A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood.

Sewage treatment, Public- Any facility designed for the treatment of sewage that serves in excess of two structures or dwelling units.

Sexually Oriented Business/Adult Retail Establishment- Any retail establishment which, for money or any other form of consideration either: (A) has as one of its principal purposes to sell, exchange, rent, loan, trade, transfer, or provide for viewing, off the premises, any adult oriented merchandise; or (B) provides, as its substantial stock-in-trade, for the sale, exchange, rental, loan, trade, transfer, for viewing or use, off the premises, any adult-oriented merchandise.

Shooting Range- An area or structure specially designed for the safe discharge and use of rifles, Shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

Shopping Center- A group of retail and other commercial establishments that is planned, owned, and managed as a single property. On-site parking is provided.

Short-Term Rental- Lease of any residential building or dwelling to any person or entity other than the record owner of title for use, occupancy, lodging, or dwelling, for a term of less than 29 consecutive calendar days of occupancy, for which remuneration is paid either directly or indirectly. Occupancy of the property shall be deemed to include use of the property as a single-family or multi-family dwelling, motel, hotel, bed and breakfast, hostel, resort or other transient lodging uses.

Sign – Any device designed and intended to bring the subject thereof to the attention of the public, provided however, that the following shall not be included in the application of regulations relating to signs:

1. Flags or insignia of any government except when displayed in connection with a commercial promotion.
2. Legal notices, and signs used for regulation, identification and informational purposes erected by a governmental body.

3. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Sign, Accessory – A sign which directs attention to a business or professions conducted on the premises.

Sign, Non-Accessory – Bill Board – A sign which directs attention to a business, commodity, service or entertainment which is conducted, sold or offered at a location other than the premises.

Silo- Structures, other than residences and structures appurtenant thereto, for on farm use.

Slaughterhouse- A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Solar Power Generating, Large scale- The total components and subsystem that, in combination, convert solar energy into electric energy suitable for connection to a utility power grid, i.e. Rocky Mountain Power, or similar system and more than 1 megawatt of power generated.

Solar Power Generating, Small scale- A system that incorporates photovoltaic panels, that converts solar radiation into electricity, including rack support systems and supplies electricity to the home or business where it is located and less than 1 megawatt of power generated.

Stable- An accessory building having stalls or compartments where animals, excluding dogs and cats, are sheltered and fed.

Storage, Aircraft (aircraft hanger private)- A hanger for the storage of four or fewer single-motor aircraft and in which no volatile or flammable oil is handled, stored, or kept other than that contained in the fuel storage tank of the aircraft.

Storage, Aircraft (aircraft hanger public)- A building for the storage, care, or repair of private or commercial aircraft not included in the term “private airplane hangar”.

Storage Garage- An accessory building designed or used for the storage of motor vehicles, recreational vehicles, or boats.

Structure – Anything constructed or erected to the requirements of the Building Codes to house electrical, gas and oil production or transmission facilities, or to house agricultural products, animals and activities. Structures also include anything constructed or erected to house or protect recreational or other legal activities.

Subdivision – Any land that is divided, resubdivided or proposed to be divided into two 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 the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

Subdivision does not include:

- A. A bona fide division or partition of agricultural land for agricultural purposes;
- B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - 1. No new lot is created,
 - 2. The adjustment does not result in a violation of applicable zoning ordinances;
- C. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property;
- D. A bona fide division or partition of land in the County for the purpose of siting on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
- E. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision.

Subdivision, Communication Tower/Utility- A subdivision for the purpose of locating communication towers or utilities and not required to meet the standard subdivision requirements.

Subdivision plat- The schematic representation of land divided or to be divided.

Subdivision, Recreation -A subdivision that allows a property owner to divide their property into not less than 40 acre parcels for the purpose of recreation, camping, or to build one single family dwelling, provided that the single family dwelling meets all the requirements of the Carbon County Development code, Southeastern Utah Health Department, and adopted building codes.

Substance abuse treatment facility - A facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

Terminal, Airport- A facility designed or intended to be used for the receiving or discharging of passengers and providing for the temporary or permanent storage of the conveyance vehicle.

Tobacco Specialty Store- A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods

Truck Terminals- A facility for the receipt, transfer, short term storage, and dispatching of trucks, and of goods transported by trucks.

Twin Home – A two family dwelling in which the units are connected at a common wall along a common property line and in which each of the units and their attendant lot area intended for conveyance as separate dwelling units.

Twin Home Project – (1) An undeveloped lot upon which a Twin Home is proposed to be constructed or (2) An existing two-family dwelling which is being proposed for conversion to Twin Home status.

Warehouse- A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards.

Water Distribution System- The system of pipes, structures, and facilities through which a water supply is obtained, treated, and sold or distributed for human consumption or household use.

Water Treatment, Public- Any facility or facilities used or available for use in the collection, treatment, testing storage, pumping, or distribution of water for a public water system.

Wind Power Generating Facilities- A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

Wind Power, Small scale- A wind-driven machine that converts wind energy into electrical power for the primary purpose of residential use.

Yard – Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.

Yard, Front – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the main building and the front of the lot.

Zoning Administrator- An appointed official whose primary responsibility is to administer and enforce the zoning code.

Zoning Lot – A parcel of land which complies with the existing area, width, access and other applicable requirements for conforming lots within the zone in which it is located, or is shown as a separate lot in a subdivision or large scale development which has been approved in accordance with this Code.

EXHIBIT “I”

SECTION 11

SEVERABILITY, CONFLICTING PROVISIONS, AND ADOPTION

11.1 SEVERABILITY

This Code and the various parts, sections, and clauses, are hereby declared to be severable.

If any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Code shall not be affected thereby. The County Commission hereby declares that it would have passed this Code and each part, section, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

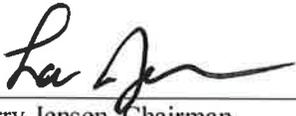
11.2 CONFLICTING PROVISIONS REPEALED

The Development Code of Carbon County adopted 28 December 1981 and successor amendments are hereby repealed.

11.3 ADOPTION AND EFFECTIVE DATE

It being the opinion of the Board of County Commissioners that an early effective date of this Code is necessary for the preservation of the peace, health and safety of the County and inhabitants thereof, this Code shall take effect upon its passage and publication as required by law.

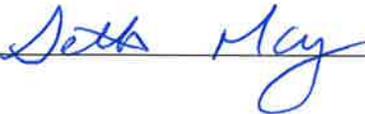
PASSED AND ADOPTED this. 4th day of December, 2019



Larry Jensen, Chairman
Carbon County Commission



Attest:



Seth Marsing, Clerk Auditor

Commissioner Jensen voted
Commissioner Hopes voted
Commissioner Martines voted

BILL TO:
Carbon County
751 E 100 N
Price, Utah 84501

LEGAL NOTICE
CARBON COUNTY, UTAH
SUMMARY OF ORDINANCE #525

In the regular meeting of the Board of Carbon County Commissioners on December 4, 2019, the following Ordinance was adopted. Copies of the complete Ordinance are available for review at the Office of the County Clerk, Carbon County Administration Building at 751 East 100 North, Price, Utah 84501

Ordinance 525
An Ordinance adopting changes to sections Two, Three, Four, Five, Six, Seven, Eight, Nine and Eleven of the Carbon County Development Code

/s/ Seth Marsing, Clerk/Auditor

Published in the ETV News: January 15, 2020

LEGAL NOTICE – CARBON COUNTY, UTAH – SUMMARY OF ORDINANCE #525

January 15, 2020 Scottie Draper

In the regular meeting of the Board of Carbon County Commissioners on December 4, 2019, the following Ordinance was adopted. Copies of the complete Ordinance are available for review at the Office of the County Clerk, Carbon County Administration Building at 751 East 100 North, Price, Utah 84501

Ordinance 525

An Ordinance adopting changes to sections Two, Three, Four, Five, Six, Seven, Eight, Nine and Eleven of the Carbon County Development Code

/s/ Seth Marsing, Clerk/Auditor

Published in the ETV Newspaper January 15, 2020.

OF TRUSTEE'S SALE

ed property will be sold at public auc-
 lder, payable in lawful money of the
 ne of sale, at the Carbon County Court
 ain Street, Price, Utah 84501, on Feb-
 00 a.m. of said day, for the purpose
 deed dated August 31, 2017, and ex-
 H K ATWOOD, SINGLE WOMAN,
 MORTGAGE ELECTRONIC REG-
 MS, INC. ("MERS"), SOLELY AS
 TLE & COOKE MORTGAGE, LLC.,
 ND ASSIGNS as Beneficiary, which
 ed on September 5, 2017, as Entry No.
 at Page 404, in the Official Records of
 f Utah covering real property purport-
 dgway Street, Helper, Utah 84526 in
 and more particularly described as:

A POINT 924.8 FEET EAST AND
 H OF THE SOUTHWEST CORNER
 , TOWNSHIP 13 SOUTH, RANGE
 LAKE BASE AND MERIDIAN, AND
 NCE NORTH 52.2 FEET; THENCE
 T; THENCE SOUTH 52.2 FEET;
 110 FEET TO THE POINT OF BE-

RBON COUNTY, STATE OF UTAH.
 0000

y of the trust deed is UTAH HOUS-
 , and the record owner of the property
 the Notice of Default is ELIZABETH
 E WOMAN.

o the trustee a \$20,000.00 deposit at
 ce of the purchase price by 2:00 p.m.
 ale. Both the deposit and the balance
 n Title Insurance Agency in the form
 nier's check or certified funds. Cash
 cks or trust checks are not accepted.

20.

NSURANCE AGENCY

in
 ed Agent
 301) 476-0303
 w.smithknowles.com
 19-1403

ewspaper January 8, 15 and 22, 2020.

purpose of the meeting is to hold a closed session dis-
 cussion related to the character, competence, or physi-
 cal or mental health of individuals.

Published in the ETV Newspaper January 15, 2020.

LEGAL NOTICE CARBON COUNTY, UTAH SUMMARY OF ORDINANCE #525

In the regular meeting of the Board of Carbon County Com-
 missioners on December 4, 2019, the following Ordinance
 was adopted. Copies of the complete Ordinance are avail-
 able for review at the Office of the County Clerk, Carbon
 County Administration Building at 751 East 100 North,
 Price, Utah 84501

Ordinance 525

**An Ordinance adopting changes to sections Two, Three,
 Four, Five, Six, Seven, Eight, Nine and Eleven of the
 Carbon County Development Code**

/s/ Seth Marsing, Clerk/Auditor

Published in the ETV Newspaper January 15, 2020.

NOTICE TO WATER USERS

The applications below were filed with the Division of Water
 Rights in Emery County. These are informal proceedings per
 Rule 655-6-2. Protests concerning an application must be leg-
 ibly written or typed, contain the name and mailing address
 of the protesting party, STATE THE APPLICATION NUM-
 BER PROTESTED, CITE REASONS FOR THE PROTEST,
 and REQUEST A HEARING, if desired. Also, A \$15 FEE
 MUST BE INCLUDED FOR EACH APPLICATION PRO-
 TESTED. Protests must be filed with the Division of Water
 Rights on or before Feb. 4, 2020 either electronically using
 the Division's on-line Protest of Application form, by hand
 delivery to a Division office, or by mail at PO Box 146300,
 Salt Lake City, UT 84114-6300. Please visit waterrights.utah.gov
 or call (801)538-7240 for additional information.

CHANGE APPLICATIONS(S)

91-766 (a45338): Carbon Canal Company, State of Utah Di-
 vision of Wildlife Resources propose(s) using 3.5 cfs from
 the Fish Creek & Price River (Fish Creek & Price River) for
 INSTREAM FLOW: In Stream Flow for Trout.

*Boyd P. Clayton, P.E.
 INTERIM STATE ENGINEER*

Published in the ETV Newspaper January 8 and 15, 2020.

Green River Watershed Open House

Wednesday, January 15th, 2020



