

**BOARD OF COUNTY COMMISSIONERS OF UINTAH COUNTY, UTAH
RESOLUTION NO. 12-18-2017, R1
LAND USE ORDINANCES ADMINISTRATIVE MANUAL**

**A REOLUTION APPROVING AND ADOPTING THE LAND USE ORDINANCES
ADMINISTRATIVE MANUAL AND AUTHORIZING THE IMPLEMENTATION OF THE
ADMINISTRATIVE MANUAL**

The Board of County Commissioners of Uintah County, Utah, in a regular meeting, lawful notice of which has been given, finds that the Land Use Ordinances Administrative Manual has been prepared, recommended and presented to the Board of County Commissioners by the Zoning Administrator in accordance with the provisions of the County Land Use Ordinances. The Board of County Commissioners has given notice of its intent to consider the Administrative Manual; the Administrative Manual meets the requirements of County Land Use Ordinances; and it is in the best interest of the County and its citizens that the Land Use Ordinances Administrative Manual be approved, adopted and implemented.

THEREFORE, the Board of County Commissioners of Uintah County, Utah hereby adopts the following resolution:

BE IT RESOLVED THAT:

Section 1. Approval

The Land Use Ordinances Administrative Manual and any subsequent authorized modifications or supplements made or added, is hereby approved and adopted.

Section 2. Implementation

Implementation of the Land Use Ordinances Administrative Manual, under the direction of the Community Development Director, or designee, as provided, is hereby authorized.

Land Use Ordinances Administrative Manual

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Chapter 1- Title, purpose and effective date

Sections:

1.01- Short Title

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

1.02- Authority

1. The Board of County Commissioners of Uintah County, Utah (hereinafter “BOCC”) adopts this Manual by Resolution. This Manual may be subsequently amended and revised from time to time by the BOCC by Resolution, as determined necessary by the BOCC.
2. As provided by Section 17.01.06, Uintah County Code, the BOCC may adopt administrative guidelines, standards, reference materials, applications, forms, or other documents to assist the County Staff, County residents, and Applicants in providing and processing applications and interpreting and administering the County’s Land Use Ordinances. This Manual provides the administrative guidelines, standards, reference materials, applications, forms, or other documents, contemplated by the county’s land use ordinances and is provided under such authority.
3. The Land Use Applications required by the County’s Land Use Ordinances shall be reviewed and approved or denied by the Land Use Authority, as applicable, and in compliance with all requirements and standards of the County’s Land Use Ordinances and all materials, applications, forms, or other documents, as applicable, and as may be provided by this Manual.

1.03- Purpose

1. This Manual provides guidance to Land Use Authorities, County Staff, and Applicants, and others in the administration and decision-making required by the Land Use Ordinances (“Ordinances”) of Uintah County (the “County”).
2. This Manual establishes and provides the County’s procedures required for the processing and review of all Land Use Applications.
3. This Manual is intended to be a “User’s Guide” to the County’s Land Use Ordinances but is not intended to be a replacement for any of the requirements provided by the County’s Land Use Ordinances or to amend any Land Use Ordinance provisions.
4. In the event of a conflict between any provision or procedure provided by this Manual and the County’s Land Use Ordinances the County Land Use Ordinances shall apply.

1.04- Conflict

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

1.05- Effective Date

This Administrative Manual shall take effect on January 2, 2018.

Chapter 2- Land Use Applications and Procedures

Sections:

2.01- Applicability

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

2.02- Application Forms and Procedures

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

2.03- Land Use Application Procedures

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

2.04- Land Use Permit Required

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

2.05- Land Use Application Initiation

A Land Use Application for a required approval, permit, or license shall be initiated by submitting the appropriate Application(s) to the Community Development Department (Figure 1).

2.06- Determination of Application Completeness

1. All Land Use Applications required by the County's Land Use Ordinances, including the Zoning Ordinance and the Subdivision Ordinance, shall be determined to be complete when the Land Use Application is provided in a form that complies with the requirements the County's Land Use Ordinances and this Administrative Manual, and all fees have been paid, as determined by the Zoning Administrator.
2. After the receipt of a Land Use Application the Zoning Administrator shall determine if the Land Use Application is complete, as identified by Figure 1 herein. If the Zoning Administrator determines that the application is incomplete the Zoning Administrator shall notify the Applicant in writing, identifying the deficiencies of the application, and advising the applicant that no action will be taken by the Land Use Authority, as applicable, until the deficiencies have been corrected. A determination of an incomplete Land Use Application shall prohibit the Land Use Authority from considering any material, items or other information related to the Application.

3. If the Applicant fails to correct the identified Land Use Application deficiencies within thirty (30) calendar days from the date of notification by the Zoning Administrator the Application shall be deemed withdrawn and the Land Use Application shall be returned to the Applicant, including all applicable fees (Figure 2).

2.07- Withdrawal of Application

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

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

2.08- Amendment to Approved Land Use Applications and Permits

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

2.09- Reapplication Following Denial

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

2.10- Inspections

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

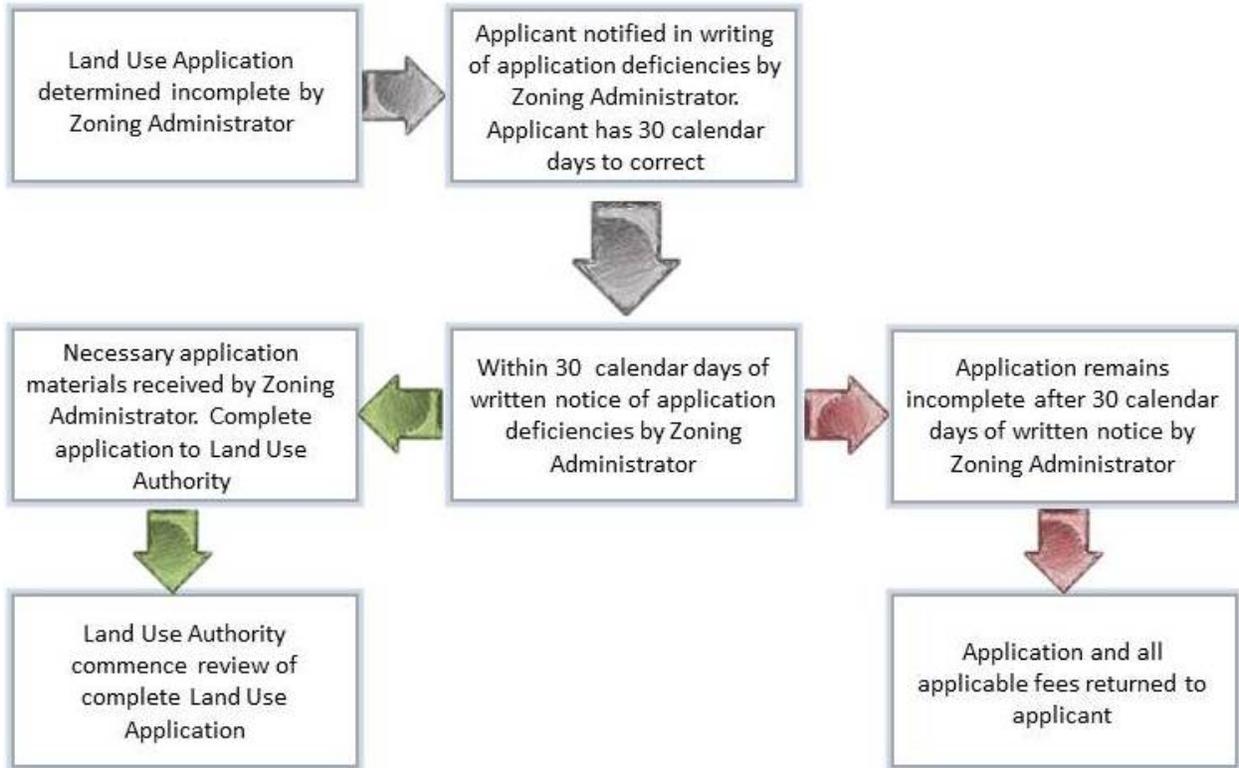
2.11- Fees for Processing Land Use Applications

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

Figure 1- Land Use Application Initiation



Figure 2- Procedure for Determination of Land Use Application Completeness



Chapter 3- Matters of Interpretation

Sections:

3.01- Interpretation

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

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

3.02- Computation of Time

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

3.03- Fractional Numbers

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

3.04- Administrative Interpretations

To promote efficiencies in the administration and implementation of the County's Land Use Ordinances, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement, this Section is provided to allow and to authorize the Zoning Administrator to make interpretations of the County's Land Use Ordinances, on an as required basis, and provided by Section 17.02.04.

3.05- Interpretation Application Initiation

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

3.06- Review Procedures for Administrative Interpretation Applications

The procedures for the review of an Administrative Interpretation Application by the Zoning Administrator are identified by Figure 3.

3.07- Minimum Requirements and Standards for Administrative Interpretation Applications

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

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

3.08- Minimum Requirements and Standards for Determination of Zoning District Boundaries

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

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

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

3.09- Effect of Approval and Appeals

1. An administrative interpretation shall apply only to the property for which an interpretation is given. An interpretation finding a use to be a Permitted Use or Conditional Use shall not authorize the establishment of such use but may authorize the filing of the Land Use Applications necessary for any approvals, permits or licenses as may be required by the County's Land Use Ordinances.
2. Any person adversely affected by an administrative interpretation rendered by the County Planner/Zoning Administrator may appeal the decision to the BOCC, as provided by Section 17.13.05, Zoning Ordinance.

Figure 3- Administrative Interpretation Application Procedures



Chapter 4- Permitted Use and Permitted Sign Applications

Sections:

4.01- Purpose

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

4.02- Application Initiation

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

4.03- Review Procedures for Permitted Use and Permitted Sign Applications

The procedures for the review of a Permitted Use or Permitted Sign Application, by the Zoning Administrator, are identified by Figure 4 herein.

4.04- Minimum Requirements, Findings and Standards for Approval of Permitted Use and Permitted Sign Applications

1. Decision making standards, see Section 17.07.03, 17.07.04, and Section 17.07.05, Zoning Ordinance.
2. Required findings, see Section 17.07.04, Zoning Ordinance.

4.05- Decision for a Permitted Use Application, Effect of Approval and Appeals

1. Effect of approval, see Section 17.07.06, Zoning Ordinance.
2. Appeals, see Section 17.07.07, Zoning Ordinance.

4.06- Permitted Use Approval Amendment

See Section 2.08, herein.

4.07- Permitted Use Application Expiration

See Sections 17.04.05 and 17.33.01, Zoning Ordinance.

Figure 4- Procedures for the Review of Permitted Use and Permitted Sign Applications



Chapter 5- Conditional Use and Conditional Sign Applications

Sections:

5.01- Purpose

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

5.02- Application Initiation

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

5.03- Review Procedures for Conditional Use Applications

1. The procedures for the review of an Administrative Conditional Use Application, by the Zoning Administrator, are identified by Figure 5, herein.
2. The procedures for the review of a Conditional Use Application, by the PC, are identified by Figure 6, herein.
3. The procedures for the review of a Conditional Sign Applications, by the Zoning Administrator, are identified by Figure 5, herein.

5.04- Minimum Requirements, Findings and Standards for Approval of Conditional Use and Conditional Sign Applications

1. Decision making standards, see Section 17.08.03, Zoning Ordinance.
2. Required findings, see Section 17.08.04, Zoning Ordinance.
3. Conditional Use decisions, see Section 17.08.06, Zoning Ordinance.

5.05- Standards and Conditions Authorized for Approval

For standards and conditions, see Section 17.08.05, Zoning Ordinance.

5.06- Decision for a Conditional Use Application, Effect of Approval and Appeals

1. Effect of approval, see Section 17.08.07, Zoning Ordinance.
2. Appeals, see Chapter 17.13, Zoning Ordinance.

5.07- Amendment of Conditional Use Permit

To amend an existing Conditional Use Permit an application must be submitted and reviewed by the land use authority that reviewed the original application. The process to amend a conditional use permit will be the same as for the original application.

5.08- Compliance

Following the issuance of a conditional use permit:

1. The community development department shall receive an application for a building permit, if applicable, and insure that development is undertaken and completed in compliance with the conditional use permit, the Uintah County zoning ordinance, and the building codes.
2. The zoning administrator or designee may make inspections to insure compliance with all conditions imposed. An inspection report will be issued to those who are out of compliance.
3. Any documented violation(s) not corrected within the allotted time as specified in a notice or inspection report, shall be subject to a fee as set forth in the adopted fee schedule.
4. A fee, as set forth in the adopted fee schedule, will be assessed when there has been more than 1 violation, within a 12 month period, of the conditions of the conditional use permit. The fee shall be paid within 30 days of the notice of violation.
5. The owner and/or the permit holder are responsible to pay all fees.

5.09- Conditional Use Application Expiration

See Sections 17.08.09 and 17.33.01, Zoning Ordinance.

5.10- Conditional Use Revocation

See Section 17.08.10, Zoning Ordinance.

Figure 5- Procedures for the Review of Administrative Conditional Use Application and Conditional Sign Applications, By the Zoning Administrator



Figure 6- Procedures for the Review of Conditional Use Applications by the Planning Commission (PC)



Chapter 6- General Plan Amendment Applications

Sections:

6.01- Purpose

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

6.02- Application Initiation

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

6.03- Review Procedures for General Plan Amendment Applications

The procedures for the review of a General Plan Amendment Application are identified by Figure 7, herein.

6.04- Minimum Requirements, Findings and Standards for Approval of the General Plan Amendment Applications

The PC and BOCC shall comply with the requirements of Sections 17.05.03 and 17.05.04, Zoning Ordinance.

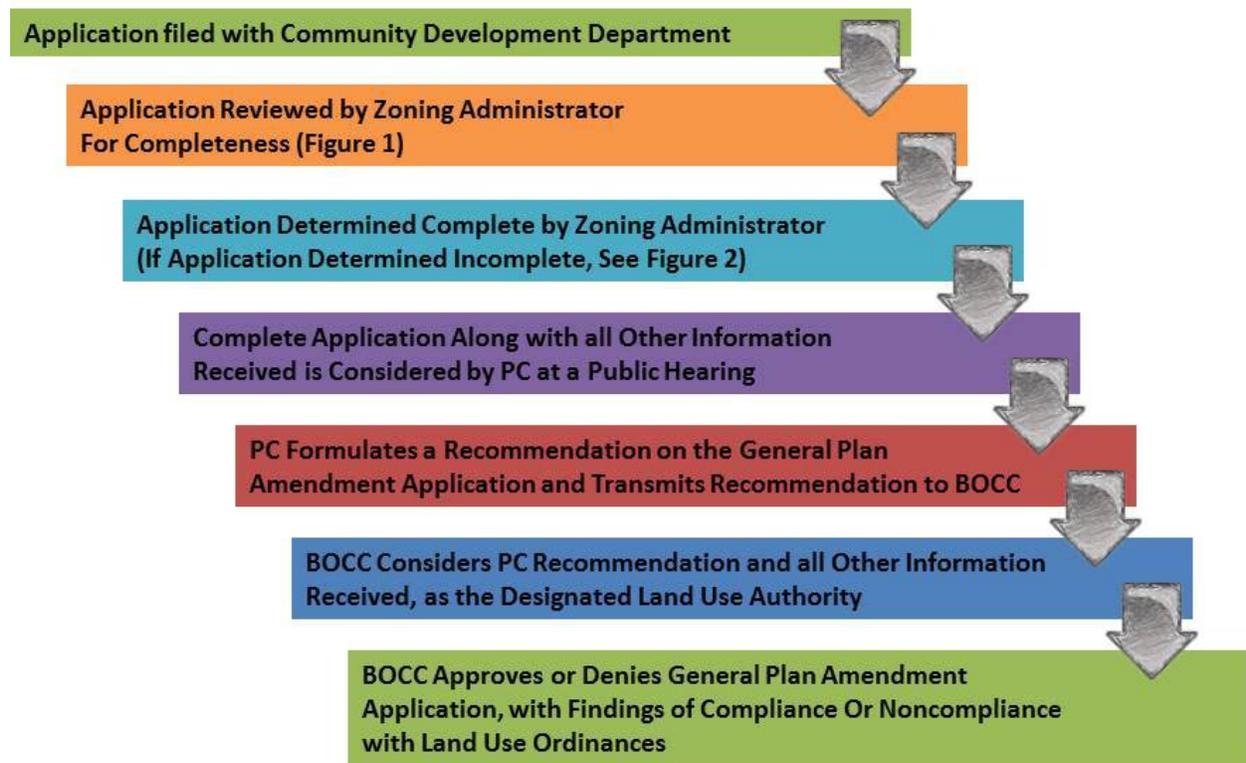
6.05- Decision for a General Plan Amendment Application, Effect of Approval and Appeals

1. Decision making standards, see Section 17.05.03, Zoning Ordinance.
2. Required Findings, see Section 17.05.04, Zoning Ordinance.
3. Effect of Approval, see Section 17.05.05, Zoning Ordinance.
4. Appeals, see Section 17.05.06, Zoning Ordinance.

6.06- General Plan Amendment Application Expiration

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

Figure 7- Procedures for Review of General Plan Amendment Applications



Chapter 7- Land Use Ordinance Amendment Applications

Sections:

7.01- Purpose

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

7.02- Application Initiation

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

7.03- Review Procedures for Land Use Ordinance Amendment Applications

The procedures for the review of a Land Use Ordinance Amendment Application are identified by Figure 8, herein.

7.04- Minimum Requirements, Findings and Standards for Land Use Ordinance Amendment Applications

The PC and BOCC shall comply with the requirements of Sections 17.06.03 and 17.06.04, Zoning Ordinance.

7.05- Decision for Land Use Ordinance Amendment Application, Effect of Approval and Appeals

1. Decision making standards, see Section 17.06.03, Zoning Ordinance.
2. Required Findings, see Section 17.06.04, Zoning Ordinance.
3. Effect of Approval, see Section 17.06.05, Zoning Ordinance.
4. Appeals, see Section 17.06.06, Zoning Ordinance.

7.06- Expiration

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

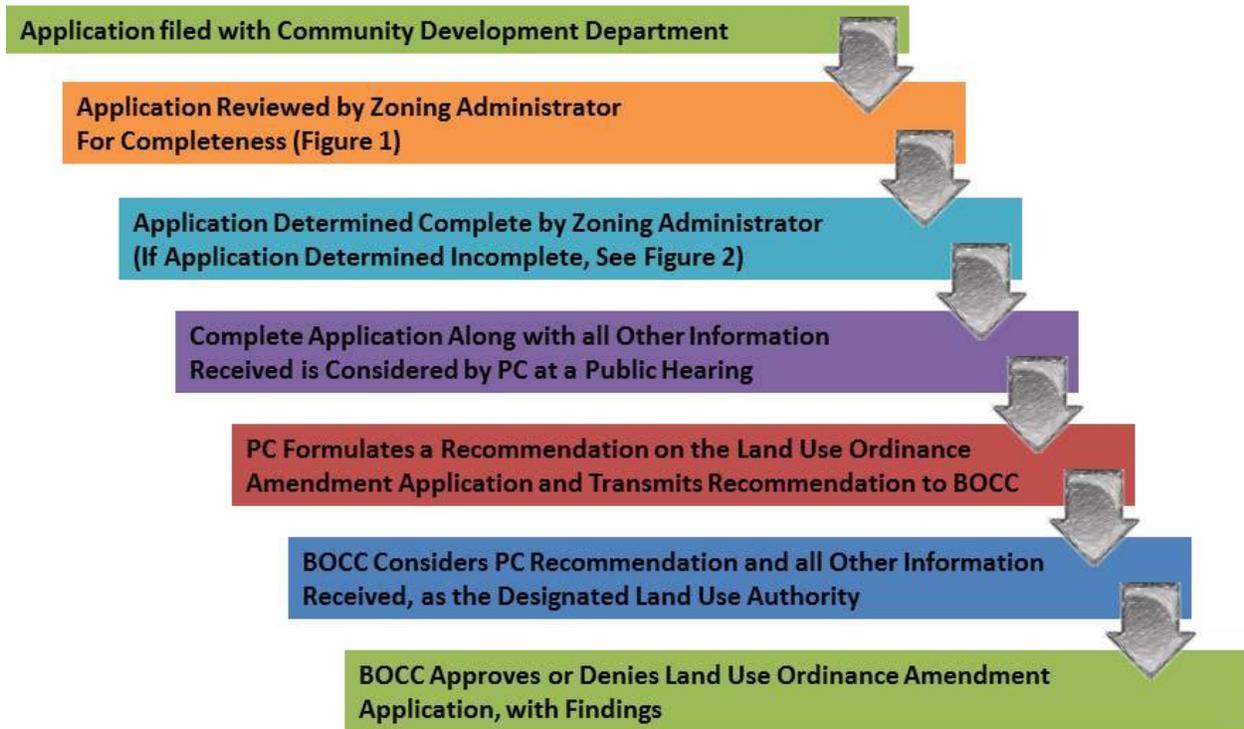
7.07- Zoning Administrator May Provide Notice of Pending Land Use Ordinance or Official Map Amendments to Applicants

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

1. Identifies that a Land Use Ordinance Amendment is pending with the PC and/or BOCC or a Temporary Zoning Ordinance is in effect.

2. The Land Use Application approval, permit, or license may be affected by the pending Land Use Ordinance Amendment, or Temporary Zoning Ordinance.
3. A copy of the pending Land Use Ordinance or Temporary Zoning Ordinance is available for inspection/review in the Community Development Office.

Figure 8- Procedures for Review of Land Use Ordinance Amendment Applications



Chapter 8- Variance Applications

Sections:

8.01- Purpose

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

8.02- Application Initiation

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

8.03- Review Procedures for Variance Applications

The procedures for the review of a Variance Application, by the Board of Adjustment (BOA), are identified by Figure 9, herein.

8.04- Minimum Standards and Finding for Approval of a Variance Application

1. Review Standards, see Section 17.10.03, Zoning Ordinance.
2. Findings, see Section 17.10.04, Zoning Ordinance.

8.05- Decision for a Variance Application, Effect of Approval and Appeals

1. Effect of Approval, see Section 17.10.08, Zoning Ordinance.
2. Appeals, see Section 17.10.09, Zoning Ordinance.

8.06- Variance Application Expiration

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

Figure 9- Procedures for Review of Variance Applications



Chapter 9- Nonconforming Uses, Noncomplying Structures and Other Nonconformities

Sections:

9.01- Purpose

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

9.02- Application Initiation

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

9.03- Review Procedures

The procedures for the review of a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application are identified by Figure 10, herein.

9.04- Minimum Requirements, Findings and Standards for Approval

1. Review Standards, see Section 17.11.03, Zoning Ordinance.
2. Findings, see Section 17.11.04, Zoning Ordinance.
3. Effect of Approval, see Sections 17.11.06, 17.11.07, 17.11.08, 17.11.09, 17.11.10, 17.11.11, Zoning Ordinance, as applicable.
4. Appeals, see Section 17.11.12, Zoning Ordinance.

9.05- Expiration

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

Figure 10- Procedures for Review of Nonconforming Use, Noncomplying Structure and Other Nonconformities Determination Application



Chapter 10- Appeal Applications

Sections:

10.01- Purpose

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

10.02- Application Initiation

All requests for an appeal of a final decision of a County Land Use Authority shall be made by filing an Appeal Application.

The Applicant, as identified on the Application provided to the County for a Land Use approval, permit, or license required by the County' Land Use Ordinances, may submit an Appeal Application. All persons with a fee interest in the subject of the Appeal shall be required to join in and sign the Appeal Application.

10.03- Review Procedures

The procedures for the review of all Appeal Applications are identified by Figure 11, herein.

10.04- Minimum Requirements, Findings and Standards for Approval

1. Decision requirements, see Section 17.13.09, Zoning Ordinance.
2. Review standards, see Section 17.13.14, Zoning Ordinance.

10.05- Maximum Time Allowed to File an Appeal Application

For the time allowed to file an Appeal Application, see Section 17.13.07 or 17.13.15, Zoning Ordinance.

10.06- Decision Requirements

For decision making standards, see Section 17.13.09 and Section 17.13.14, Zoning Ordinance.

Figure 11- Procedures for Review of Appeal Applications



Chapter 11- Reserved for Minor Subdivisions

Chapter 12- Reserved for Standard subdivisions

Chapter 13- Reserved for Major subdivisions

Chapter 14- Reserved for PUD Subdivisions

Chapter 15- Application and Review Fees

The BOCC may establish Application and Review Fees for the various Applications required by the County's Land Use Ordinances. Such Application Fees and Review Fees shall be approved by the BOCC. Such fees may be amended from time to time, as determined necessary by the BOCC.

Chapter 16- Application Forms

1. The County may provide Application Forms for the various applications required by the County's Land Use Ordinances. Such Application Forms shall be established and approved by the Zoning Administrator. Such Application Forms may be amended from time to time, as determined necessary by the Zoning Administrator.
2. The Zoning Administrator, in consultation with the County Attorney, and others as necessary, shall formulate Application Forms for all Land Use Permit approvals, permits, and licenses required by the County's land Use Ordinances.
3. The Zoning Administrator shall maintain copies of all Application Forms, which shall be provided by the Community Development Department to Applicant(s), upon request, for the approvals, permits or licenses required by the County's Land Use Ordinances.
4. The Appendix provides information for the Zoning Administrator to consider and that may be included in the County's various Application Forms.

Chapter 17- Community Development Department Rules and Regulations

Sections:

17.01- Federal, State and Local Laws

Uintah County Community Development operates under many federal, state and local laws. It is the intent of the Community Development Department to follow all federal, state and local laws that pertain to the department, while at the same time trying to meet the needs of the community and of each customer. Some of the laws and codes that we are bound by include: 1) The Utah State Code. 2) The Uintah County Code. 3) The International Building Code. 4) The International Residential Code. There are several other laws and codes that must be followed. It is the responsibility of each property owner, contractor and resident to know and follow these laws and codes.

17.02- Customer Service Guidelines

Each employee of the Community Development Department will adhere to the following guidelines:

1. Have a good attitude.
2. Treat everyone with respect.
3. Listen to each person, make sure concerns are understood.
4. Respond to the concerns of each customer.
5. Give correct information.
6. Keep emotions under control at all times.

17.03- Processing of Applications

It is the intent of the Community Development Department to process all complete applications in a timely manner. Complete applications will be processed in the order they are received as much as possible. An application is not complete until all needed information and documentation has been submitted. It is the responsibility of each applicant to know what information and documentation is needed for the application being submitted. Employees of the Community Development Department are available to assist applicants, in order that a complete application may be submitted. Incomplete applications will not be accepted.

For building permit applications a portion of the plan check fee must be paid at the time of application. Once a plan check has been started the money paid will not be refunded, and the total amount of the plan check must be paid even if the applicant decides to withdraw the application. The money collected at the time of application will be subtracted out of the total plan check fee at the time the building permit is issued. When it is determined by the Community Development Department that the plan check fee could be less than \$50.00, no money will be collected at the time of application.

The Fire Marshal must approve all commercial/industrial building plans as part of a building permit application.

17.04- Inspections

When an inspection is needed it is the responsibility of the property owner or their designee to contact the Community Development Department. Inspection requests should be called in at least 24 hours before the inspection is needed, the inspection will then be scheduled on the next available day. The department will make every effort to perform all inspections during the next business day following the

request; however, there may be occasions where this is not possible. In general, inspections are not scheduled for specific times; however, accommodations may be made when there is a specific need. In order to ensure that an inspection is being performed on the correct property, the address and building permit number must be posted on each property in such a way that it may be seen from the road. After the 2nd inspection (re-inspection) of the same type a \$50.00 re-inspect fee may be charged, as determined by the building inspector based upon the circumstances, prior to the 3rd inspection of the same type being scheduled. A \$50.00 fee may also be charged when an inspection is canceled on the day of the inspection or the project is not ready for the inspection that was scheduled.

17.05- Setbacks

Setbacks for buildings are generally checked during the footing inspection. All property boundaries must be clearly marked so that all setbacks can be verified. If the property boundaries are not clearly marked authorization to proceed may be denied. Setbacks are generally measured from the closest wall to the closest point of the property line, eaves and other protrusions that are twenty-four (24) inches or less, will not be considered in the setbacks, unless, the structure is five (5) feet or less to the closest property boundary.

17.06- Refunds

Refunds for building permits will be allowed up to six months after the permit has been issued. If a request for refund is made a maximum of 80% of the building permit fee may be refunded. If any inspections have been done for any building permit the county will retain up to \$150 for each inspection that was done. There will be no refund of plan check fees once the plan check has commenced. Once work has commenced on a project or it has been over six months since the permit was issued all refunds must be approved by the County Commission.

For all other applications no refund will be given once notice has been given for the application.

17.07- Agricultural Buildings

Utah State Code exempts buildings that are used solely for agricultural purposes from obtaining a building permit. The State's exemption does not exempt agricultural building from following other zoning regulations. Because of this any building that is built as an agricultural building must submit a completed Agricultural Use Exemption Application to the Community Development Department prior to starting construction. There is no charge for this application. Prior to construction of an agricultural building an inspection must be done to ensure that setbacks and other zoning requirements are met. The state's exception for agricultural buildings does not include installation of electrical, mechanical or plumbing. Building permits are required prior to starting any work that includes any electrical, mechanical or plumbing.

17.08- Code Enforcement

In general code enforcement actions are taken after there has been a complaint to the Community Development Department. The complaint can be taken in writing or by phone. Once a complaint has been received the issue will be assigned and the property or issue will be investigated to determine if a violation exists. If it is determined that there is a violation the property owner will be notified of the violation and what can be done to remedy the violation. If the violation is not corrected administrative fees may be assessed for each day that the violation remains. If violations persist enforcement will comply with Section 17.21.09 of the County Code.

17.09- Right of Entry to Inspect

Where it is necessary to make an inspection to enforce the provisions of Uintah County Code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premise, a condition which is contrary to or in violation of said code which makes the structure or premises unsafe, dangerous, hazardous or non-compliant, the building official shall have recourse to the remedies provided by law.

Building Officials are authorized to enter the structure or premises without a warrant provided that an emergency situation exists, and the attempt to secure a warrant may result in immediate damage and/or danger to occupants, neighbors or residents/ visitors to Uintah County; these situations would generally be headed by Emergency Management or other first responders. If the situation is not headed by another department the Head Building Official will work in conjunction with the County Attorney's Office and/or the Commission Office in determining a course of action. When a building permit has been issued for a structure and the structure is not being occupied Building Officials have right of entry as provided for by law.

At other times, building officials shall attempt to receive consent before entry into a structure. Reasonable attempts shall be made to contact the property owner or other person having charge or control of the structure or premises, credentials shall be presented to the owner/ occupant and entry requested. If entry is refused, or a reasonable attempt to locate the owner has been made yet the owner cannot be located, the building official shall have recourse to the remedies provided by law to secure entry, including application for an inspection warrant from the Uintah County Attorneys' Office. Once a warrant is secured, building officials shall comply with all requirements. A search of the physical condition of the private property does not imply there will be any seizures of items located in the premises.

17.10- Grievances

In the event that there is an issue with the Community Development Office or one of its employees the complaint or issue should be brought to the Community Development Director so that the issue can be addressed. The Community Development Director will do his/her best to resolve all complaints or issues in a friendly nonthreatening atmosphere and in a timely manner. The Director will work closely with the individual or group that turned in the complaint. The Director will also work closely with the County Commission, Human Resources and/or the Attorney's Office to ensure that the complaint is handled properly. If the Director is not able to resolve the complaint, the issue will be turned over to the County Commission, Human Resources and/or Attorney's Office.

Chapter 18- Definitions

Sections:

18.01- Purpose and Conflict

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

18.02- Building Code Definitions

Uintah County also adopts the definitions contained in the most currently adopted building code.

18.03- Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of the Uintah County zoning ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, placed, located, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, and parcel. Words used in the Uintah County zoning ordinance but not defined herein shall have the meaning as defined in any other chapter of the Uintah County Code.

The County also adopts the definitions contained in the Uniform Building Codes.

For the purpose of this title, certain terms, phrases, words, and their derivatives are defined as follows:

“Access” means the provision of vehicular and/or pedestrian ingress and egress to lot, parcel, building, or structure.

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

"Accessory building or structure" means a subordinate building on a lot, the use of which is customarily incidental to that of a main or principal building.

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

“Active or Valid Building Permit” means a building permit that has been issued by the Building Official that has not been revoked, voided or expired.

“Agent” means any person with written authorization to represent an owner.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, keeping or raising of domestic animals and fowl, but not including household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospital or similar uses.

"Agricultural tourism". "ag-tourism, and/or "agri-tourism" means the practice of visiting a working farm or any agricultural or horticultural operation in order to enjoy, be educated by, or become actively involved in the activities of the farm or operation. The visits and operations may include food service to guests, recreational activities, classes, farm festivals, and social events.

"Agricultural use, land in an" means the use of a tract of at least five contiguous acres, for at least the last two successive years, devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:

1. Forages and sod crops;
2. Grains and feed crops;
3. Livestock;
4. Trees and fruits;
5. Vegetables, nursery, floral, and ornamental stock; or
6. Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government is also defined as land in an agricultural use.

"Airport" means a defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways, passenger terminals, parking areas, aircraft maintenance, storage buildings and open spaces.

"Alley" means a public right-of-way which affords a secondary means of access to abutting property.

"Animal unit" means one hog, one pig, one horse, one cow, one mule, one donkey, one alpaca, one llama, two beehives, two and one-half sheep, two and one-half goats, fifteen (15) rabbits or twenty-five (25) domestic fowl. All other animals must be approved by the land use authority.

"Appeal Authority" means the person, board, commission, agency, or other body designated by a County Land Use Ordinance to decide an appeal of a decision of a Land Use Authority or review a Variance Application.

"Applicant" means any person, partnership or corporation applying for any Land Use Application approval, permit or license required by this County's Land Use Ordinances.

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

"Application, Complete" means an application that includes all information requested on the appropriate form and payment of all applicable fees.

“Application, Incomplete” means an application that lacks information requested on the appropriate form or the payment of all applicable fees.

“Authorized Officer(s)” means those persons authorized by the County to inspect businesses and enforce the provisions of this County’s Land Use Ordinances, or other applicable regulations.

"Automobile dealership" means a retail business characterized by the selling, leasing, and maintaining an inventory of new or used automobiles, light trucks, vans, trailers, recreational vehicles, boats, motorcycles, off-highway vehicles (OHV) or other similar motorized transportation vehicles; and may provide onsite facilities for the repair and service of vehicles.

"Automobile impound facility" means a facility for the temporary storage of vehicles that are to be claimed by the owners or their agents.

"Automobile parts/supply, retail" means the display and sale of new and used parts for automobiles, trucks, trailers, boats, or other travel or recreation vehicles.

"Automobile repair/auto body shop" means any building, structure or premises used for the external/and mechanical repair of automotive vehicles within an enclosed structure. This includes the facilities for the incidental, temporary storage of damaged vehicles in connection with such repairs

"Automobile repair shop (mechanical)" means any building, structure or premises used for the mechanical repair of automotive vehicles within an enclosed structure. This includes the facilities for the incidental, temporary storage of damaged vehicles in connection with such repairs.

"Automobile service station" means any building, structure or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles, including grease racks, tire repair, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building, but excluding body and fender work, engine overhauling, welding, painting, storage of automobiles that are not in operating condition or other work involving the creation of a nuisance to adjacent property owners.

"Awning" means a shelter of non-rigid materials on a supporting framework projecting from and supported by the exterior wall of a building.

"Basement" means that portion of a building that is partly or completely below grade and is not the first story.

"Bed and breakfast inn" means an owner occupied dwelling unit where short-term lodging rooms and meals are provided for compensation with no more than ten (10) rooms and no more than three (3) structures with guest rooms.

“Berm” means a mound of earth.

“Board of County Commissioners (BOCC)” means the duly-elected Board of County Commissioners of Uintah County, Utah.

"Board of adjustment" is the judicial body.

"Brewery" means an establishment for the manufacture of malt liquors, such as beer and ale.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building, agricultural" means a structure designed and constructed to house for farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

"Building, height" means the vertical distance measured from the highest elevation of the finished building grade to the highest point of the roof surface.

"Building inspector" means an official or other person licensed through the state and charged with the enforcement of county ordinances and state building codes.

"Building, main" means a building in which is conducted the principal use of the lot on which it is located.

"Building, residential" means any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

"Building setback line" means the horizontal distance line which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures.

"Buildable area" means the portion of a lot remaining after required yard setbacks have been provided.

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

"Campground" means a public area designated by a public agency for camping, or a private area licensed by the county for camping.

"Camping" means a temporary establishment of living facilities such as tents or recreational vehicles for a period of sixteen (16) days or less.

"Canopy" means a rigid multi-sided structure covered with fabric, metal or other material and may be supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

"Carport" means a structure that is open on at least two sides: a carport that is not open on at least two sides shall be considered a garage. Carports must meet the setback requirements of the zone in which they are placed and are subject to all requirements prescribed for a garage.

"Cellar" means a room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground with an access from the outside and not entering directly into another building or dwelling.

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a religious organization where persons regularly assemble for worship.

"Clear view zone" means the area of a corner lot closest to a street intersection or a street and railroad intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

"Club, social" means any organization, group, private nonprofit club, or association supported by its members where the sole purpose is to render a service to its members and their guests.

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

"Commercial vehicle" shall be defined as any non-agricultural vehicle that weighs more than ten thousand five hundred (10,500) pounds, is longer than twenty-four (24) feet, higher than seven feet, and is used for hire or designed to carry sixteen (16) or more passengers.

"Commercial trailer" shall be defined as a trailer with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater and is used for commercial transportation.

"Common area" means Facilities, land areas, and yards under common ownership.

"Comprehensive plan" means the Uintah County general plan.

"Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

"Conditional use" also means a use for which a conditional use permit is required by this title.

"Conditional use permit" means the approval granted by a Land Use Authority to establish a Conditional Use, which may provide for reasonable conditions to establish such use.

"Condominium" means the ownership of a single residential unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

"Condominium project" means a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are

separately offered or proposed to be offered for sale. "Condominium project" also means the property when the context so requires.

"Condominium unit" means a residential unit of a condominium project together with the undivided interest in the common areas and facilities appertaining to that unit, including both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

"Construction" means the materials, architecture, assembly, and installation of a building or structure.

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

"Construction camp" or "man camp" means housing facilities designed and intended to be used for a temporary period of time to house construction-related workers. Such facilities are not intended to accommodate families with children. Construction camps may include the use of bachelor dwellings, travel-trailers, campers, manufactured homes or a combination of these.

"Contractor" means an independent entity that agrees to furnish certain number or quantity of goods, material, equipment, personnel, and/or services that meet or exceed stated requirements or specifications, at a mutually agreed upon price and within a specified timeframe to another independent entity called contractee, principal, or project owner.

"Contractor shop" means a facility from which a contractor conducts his business.

"Convenience store" means a one-story commercial retail operation containing less than two thousand five hundred (2,500) square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

"County" means the unincorporated areas of Uintah County, Utah.

"County legislative body" means the governing body of the county.

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

"Day care" means any person or persons who provides continuous care and supervision of more than three and up to eight children with one adult or up to sixteen (16) children with two adults as determined by Utah State License (including children under the age of eight who are members of the family housed at the facility permanently) through age twelve (12) and children with disabilities through age eighteen (18), in lieu of care ordinarily provided by parents in their own home, for less than twenty-four (24) hours a day, for direct or indirect compensation.

“Decibel (dB)” means a unit of measure used to express intensity of noise.

“Dedication” means the setting aside of land by an owner for a public use or purpose.

“Demolish or Demolition” means any act or process that destroys, in part or in whole, a building or structure.

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

“Density, Base” means the number of dwelling units per acre allowed in a Zoning District.

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

“Density Incentive” means the number of additional dwelling units per acre allowed in addition to base density.

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

"Design, subdivision" means the alignment, grade and width for easements and rights-of-way for utilities; the final grade or contouring and general layout of lots and streets within the area; location of land to be dedicated for park or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

"Development Activity" means: (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; (b) any change in use of a building or structure that creates additional demand and need for public facilities; or (c) any change in the use of land that creates additional demand and need for public facilities. “Development Permit” means any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

"Driveway" means a private entryway that may be used by a single parcel or shared with more than one parcel to provide access from a public or private road.

"Dwelling, multiple-family (multi-family)" means a building arranged or designed to be occupied by two or more families in in separate dwelling units..

"Dwelling, single-family" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

"Easement" means a non-possessory interest in that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner of the property. The easement may be for

use under, on or above the lot or lots. A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

"Educational Facility" For the purpose of this section, educational facilities shall include creative and performing arts, preschools, private schools, equestrian training or similar facilities.

"Elderly person" means a person sixty-five (65) years of age or older.

"Electronic message center" means a sign where the copy is changed by computer or electronic methods using liquid crystal display, lights, cathode ray tubes, etc.

"Emergency" means actions that must be undertaken immediately or within a time frame too short to allow full compliance with this title to avoid an immediate threat to public health or safety, to prevent an imminent threat of serious environmental degradation.

"Employee housing" means the use of premises for employee or caretaker purposes, where a person residing in the dwelling unit is employed on the site and the dwelling unit is used in connection with a nonresidential use conducted on the site. The term does not include any dwelling unit made available for private rental purposes.

"Essential services" means services provided by public or private utilities, including underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

"Evaporation pond facility." Both private and commercial centralized produced water facilities not including individual reserve pits at well locations.

"Excavation" means the removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

"Extended family" means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, second cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents or grandchildren.

"Facade" means the entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

"Family" means one or more persons related by blood (extended family), marriage or operation of law, or a group of not more than four persons who need not be so related living together as a single nonprofit housekeeping unit.

"Fence" means a tangible barrier or obstruction of any material with the purpose or intent of, or having the effect of, preventing passage or view across the fence line. It includes hedges and walls.

"Fence, Sight Obscuring" means a fence which permits no vision (0%) through any part of the fence at a more than eight (8) inches above the natural or finished grade.

"Flag lot" means a lot shaped like a flag with the pole of the flag (panhandle) being the access to a dedicated public street.

"Flood plain" means land that: (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

"Floor area" means the area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

"Floor area ratio" means the total floor area of all buildings or structures on a parcel or lot divided by the area of the parcel or lot, used to measure the intensity of a use on land.

"Frontage" means all the property fronting on one side of the right-of-way of the street between intersecting lot lines and shall meet the minimum lot width for the zone or have obtained a variance from the board of adjustments to qualify for a building permit for a residential dwelling. Only when on an approved right-of-way shall the line along a private right-of-way be considered as acceptable for frontage.

"Garage" means an accessory building, or a portion of the primary building, used for the storage of motor vehicles.

"Garage, private" means an enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall, trellis or solid fence. For the purposes of this title, a carport is the same as a garage.

"Garage, Public" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

"Gas and oil wells." Any operation utilizing equipment which advances a bore hole into strata for the purpose of discovery, development, and/or production of oil or gas.

"General plan" as defined by the Act.

"Geologic Hazard" as defined by the Act.

"Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the exterior walls of the building.

“Grading” means an excavation, cut or fill, or the act of excavating, either cutting or filling.

"Grade, Finished" means the final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, excavating or contouring have been made on the ground surface.

“Grade, Natural” means the elevation of the surface of the land prior to any development activity or any other man-made disturbance, or grading.

“Guarantee” means any form of security including cash or an escrow agreement in an amount and form satisfactory to the County.

"Guest home" means a separate dwelling structure located on a lot with one main dwelling structure and used for housing of guests and not rented, leased, or sold separate from the rental, lease or sale of the main building. Lots with guest homes are subject to the area, width and location requirements for two-family dwellings in the applicable zone. Mobile homes, trailers, RVs, campers, and any other temporary buildings and/or vehicles, may not be used as a guest home. A guest home shall only be permitted on lots with an existing owner occupied single-family dwelling or where a permit has been issued and construction is in progress for a single-family dwelling. Only one guest home shall be permitted per lot of record. The minimum width of either home on a parcel where a guest home is approved shall be no less than twenty (20) feet. The architectural standards of the guest home shall match or exceed the current standards of the existing home, as well as, the neighborhood or adjoining homes. The guest home shall be located outside of all setback areas and shall meet the setback requirements for the main dwelling. All building on the property where a guest home is located shall not exceed forty (40) percent of the total lot area. Additionally, a covenant running for fee simple guaranteeing that the guest home shall be used only for the housing of guests or servants, and not rented, leased, sold, or taxed separately from the rental, lease or sale of the main residential structure, until such time as all private and/or access roads meet all Uintah County road standards and specifications, and all subdividing is done strictly in accordance with the Uintah County zoning and subdivision ordinances, shall be made of record in the Uintah County recorder's office.

“Hard Surface” means covered with concrete, brick, asphalt, or other similar material. Crushed rock, gravel, road base, or other similar material is not a Hard Surface.

“Hog Farm” means a facility where more than the permitted numbers of hogs are kept.

"Home business" (Division II Business License) means a use conducted based from a dwelling or accessory building with some activity of the business taking place away from the residence and carried on by persons residing in the dwelling unit and no more than one employee hired outside of the dwelling who will work within the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

"Home occupation" (Division I Business License) means any use conducted entirely within a dwelling or accessory building and carried on by persons residing in the dwelling unit no employees hired outside of the dwelling who will work within the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof. No public will come to the dwelling as part of the business operations.

"Home occupation or business in an accessory building" means any use conducted in an accessory building on the same parcel as a dwelling unit and carried on by persons residing in the dwelling unit and no more than one employee who does not live within the dwelling unit, which use is clearly incidental and secondary to the use of the parcel for dwelling purposes and does not change the character thereof. Use of an accessory building for a home occupation or home business shall be very small in scale and limited to those uses that are in compliance with home occupation and home business regulations. All buildings used for this purpose must have a certificate of occupancy and be approved for use by the building official.

"Hospital" means an institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums, clinics and instant care facilities.

"Hotel" means building or buildings to be used for temporary abiding place for travelers and transient guests.

"Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or canaries, but not including a sufficient number of dogs or cats to constitute a kennel.

"Illegal Building/Illegal Structure" means a building or structure, or portion thereof, established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances or Building Code, or their prior enactments.

"Illegal Lot" means a lot or parcel created for a development activity that has not received the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or their prior enactments.

"Illegal Use" means a use established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or prior enactments.

"Impervious Material or Surface" means material that is impenetrable by water.

"Improvement" means curbs, gutters, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of the County's Land Use Ordinances.

"Industrial Use" means a use that is allowed in any industrial zone but not allowed in the C-1 Commercial Zone.

"Inoperative vehicle or trailer" means any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe.

"Kennel" means the land or buildings used in the keeping of four or more dogs over four months old.

"Kennel, commercial" means an area in which small domestic animals above six months of age are maintained for commercial purposes. Commercial purposes include the grooming, breeding, boarding, training, raising and selling of domestic animals.

"Land farming." The controlled and repeated application of wastes to the soil surface, using microorganisms in the soil to naturally biodegrade hydrocarbon constituents, dilute and attenuate metals, and transform and assimilate waste constituents.

"Land Use" means the manner in which land is occupied or used.

"Land Use Application" as defined by the Act, but including an application required by the County's Land Use Ordinances.

"Land Use Authority" as defined by the Act, but including a person, board, commission, agency, or other body designated by the County's Land Use Ordinances to act upon a Land Use Application.

"Land Use Ordinance" as defined by the Act, but including a planning, zoning, development, or subdivision ordinances of Uintah County, but does not include the General Plan.

"Land Use Permit" as defined by the Act, including any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

"Landscaping" means the preservation, addition, and maintenance of trees, bushes, plants and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons.

"Laundromat or launderette" means a self-service laundry establishment where clothes are cleansed in a coin-operated machine. Laundromats or launderettes may include self-service coin-operated dry cleaning machines.

"Legal Building/Legal Structure" means a building or structure, or portion thereof, complying with the requirements of the County's Land Use Ordinances and Building Code, as adopted or prior enactments.

"Legal Lot" means all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of Uintah County and the laws of the State of Utah.

"Legal Nonconforming Building/Structure" means a building or structure, or portion thereof, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, which does not now conform to the regulations of the Zoning District in which it is located.

"Legal Nonconforming Lot" means a lot, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, whose width, area, or other dimension do not conform to the regulations of the Zoning District in which it is located.

"Legal Nonconforming Use" means a use, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, such use being maintained continuously, and which does not now comply with the use regulations of the Zoning District in which it is located.

“Legal Use” means a use complying with the requirements of the County’s Land Use Ordinances.

“Legislative Body” means the Uintah County Board of County Commissioners.

"Livestock" means domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

"Livestock corral" means a place or pen where livestock are kept in close proximity with each other, where feed is brought and distributed to the animals on a seasonal basis as contrasted to a pasture where feed is obtained seasonally through the grazing of animals on the premises as part of an agricultural enterprise or operation, as distinguished from a livestock feed yard.

"Livestock feed yard" means a feeding operation on a parcel of land where: More than the permitted number of animal units are kept.

"Lot" means a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street. "Lot area" means the total area of the horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way or the waters of any lake or river.

"Lot, corner" means a lot situated at the intersection of two streets or on a curved street where the interior angle of such intersection or curved street does not exceed one hundred thirty-five (135) degrees.

"Lot coverage" means the percent of the lot area covered by buildings.

"Lot depth" means the distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

"Lot, double fronting" means a lot other than a corner lot that has frontage on more than one street.

"Lot, interior" means a lot other than a corner lot with frontage on a public right-of-way.

"Lot line adjustment" means the relocation of the property boundary line between adjoining lots with the consent of the owners of record and complying with all requirements of the Act.

"Lot line, front" means the common boundary line of a street and a street right-of-way line towards which principal or usual entrance to the main building faces.

"Lot line, rear" means the boundary line of a lot which is most nearly opposite the front lot line of such lot. In case of a triangular or wedge shaped lot. In case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

“Lot Line, Side” means any lot or parcel line that is not a front lot line or rear lot line. A side lot line separating one (1) lot or parcel from another is an interior side lot line.

"Lot width" means the width of the lot as measured along the building front setback line required in the zone.

"Lumber yard" means a retail location for lumber and wood related products used in construction and/or home improvement projects. Lumber yards can also provide services such as the use of a planer and other large machines. Lumber yards may also sell wood-plastic composites, or any other type of construction material or supplies, and general hardware store items.

"Main building" means a structure in which the primary use of the land, lot or parcel is conducted.

"Machine shop" A room, building, or company where machining is done.

"Manufactured home" means a transportable factory build housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, is eight body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems and is attached to an approved permanent foundation system that is installed around the exterior of the manufactured home which when completed attaches the home to the ground in accordance with plans providing for vertical loads, uplift, lateral forces and frost protection. The surface of non-concrete foundation applications shall be finished in a manner to appear as masonry or concrete. All manufactured homes shall have a data plate attached to the interior of the home and a HUD label attached to the exterior of the home. Manufactured homes meeting this definition may be placed in any residential zone.

"Manufactured home park" means a parcel of land which has been planned and improved for the placement of manufactured homes for residential use with single control or ownership.

"Manufactured home subdivision" means legally recorded manufactured home subdivision for the placement of manufactured homes for residential use on single lots with private ownership of the lots, and is attached to an approved permanent foundation system that is installed around the exterior of the manufactured home which when completed attaches the home to the ground in accordance with plans providing for vertical loads, uplift, lateral forces and frost protection. The surface of non-concrete foundation applications shall be finished in a manner to appear as masonry or concrete.

"Map, Official" means any map adopted by the Board of County Commissioners under the provisions of Utah Code Annotated, as amended.

"Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

"Mine" means a site from which ore, gravel, rock, minerals, precious metals or natural substances other than plant or animal organisms, can be extracted. "Mine" includes the site of the mine with its surface buildings, structures, elevator shafts, and equipment.

"Mining" means the process or business of extracting ore, gravel, rock, minerals, precious metals or natural substances from the surface or below the surface of the earth.

"Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code)

"Moderate income housing" as defined by the Act. "Modular Home" means a factory built structure which is constructed in compliance with the county's or State's adopted building codes; transportable in one or more sections; built on permanent chassis; designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

"Motel" For the purposes of this title, a motel is the same as a hotel.

"Natural Features" means non man-made land characteristics, including slopes, wetlands, streams, intermittent drainage channels, and native stands of shrubs or trees.

"Natural State" means land that has not been subjected to grading, removal of vegetation or any development activity.

"Natural Vegetation" means vegetation existing on a lot or parcel prior to any grading, development activity or plantings.

"Natural waterways" means those areas varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels, as determined by the Community Development Director, and in which no buildings shall be constructed.

"Nightclub" means a place of entertainment open at night, usually serving food and liquor, having a floor show, and providing music and space for dancing.

"Nonconforming use" As defined by the Act but includes the use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use County's Land Use Ordinances governing the land changed; and (c) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the regulations that now govern the use of the land.

"Nuisance" means a negative impact to the health, safety, or welfare of the community causing a substantial and unreasonable interference to land or enjoyment of that land.

"Nursery" means a facility where plants are propagated, grown, and sold as retail or wholesale products. The majority of sales at a nursery are plants while a minority of sales may be other home and garden related products.

"Open space" or "green space" means Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

"Owner" means the holder of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any lessee, permittee, assignee, or successor in interest.

"PC" The Planning Commission of Uintah County.

"Parapet" means the extension of a false front or wall above a roofline.

"Parcel" means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of the same claimant or person. See "Lot."

"Parking Area" means an area, other than a street, and used or designed for parking of vehicles.

"Parking lot" means an open area, other than a street, used for parking automobiles and available for public use, whether free, for clients or customers.

"Parking space" means space within a building, lot, or parking lot for parking or storage of one automobile.

"Permanent human habitation" means the use of a constructed or pre-constructed dwelling, or any vehicle, RV, trailer, or tent in excess of fifteen (15) days for living quarters.

"Person" means one or more persons, an association, a co-partnership, or a corporation or firm, either by themselves or by an agent, employee, guardian or trustee.

"Planned unit development (PUD)" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

"Planning commission (PC)" means the planning commission of Uintah County, Utah.

"Plat" means any map, plan or chart of a township, section or subdivision, indicating the location and boundaries of individual properties.

"Portable Storage Container (container)" is a unit originally intended for the transportation of goods and could include the following: Portable Storage Containers include Sea Cans, Shipping Containers, Conex Boxes, and other similar units.

"Potential Geological Hazard Area" As defined by the Act.

"Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

“Preschool” means a school for children below the age at which they can enter the first grade. Preschools will be required to follow the state requirements for daycares, including being licensed.

“Primary building” The principle building located on a lot or parcel designed or used to accommodate the primary use to which the premises is devoted.

“Primary use” The principle purpose for which a lot, parcel or building is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of the County’s Land Use Ordinances.

"Private road/drive" means a non-dedicated thoroughfare or road used exclusively for private access to and from private land.

“Portable Storage Containers” A Portable Storage Container (container) is a unit originally intended for the transportation of goods and could include the following: Portable Storage Containers include Sea Cans, Shipping Containers, Conex Boxes, and other similar units.

"Process" or "processing" means the act, business or procedure of taking raw, extracted or preprocessed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

"Produce Stand" means structures and/or areas up to one thousand five hundred (1,500) square feet in size, including any outside display area, that are used to sell only raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state.

"Produced water." The water brought up from the hydrocarbon bearing formation strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added down hole or during the oil/water separation process.

"Produced water disposal facilities/Evaporation pond." Surface impoundment used for the purpose of containing, treating and/or evaporating produced water.

“Public” That which is under the ownership or control of the United States Government, Utah State or any political subdivision of the State of Utah (or any department or agencies thereof).

“Public agency” Means; (a) the federal government; (b) the state; (c) a county, municipality, school district, local district, special service district or other political subdivision of the state; or (d) a charter school.

“Public hearing” Means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public improvement” Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, storm drainage facilities or other utility or service required to provide services to a lot, parcel, building or structure.

“Public meeting” A meeting that is required to be open to the public as required by the Act.

"Quasi-public use" or "quasi-public facility" means a use conducted by, or a facility or structure owned by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural, recreational, religious, institutional, medical, community service or other similar types of public services, and includes private hospitals, medical offices and cemeteries.

"Reasonable accommodation" A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

"Receiving zone" means an unincorporated area of Uintah County that the county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

"Recreation Camp" means an establishment providing campsites or recreational lodging on a temporary basis (less than seventeen (17) days) and incidental facilities, food services, and/or activities intended only for the occupants of the recreation camp.

"Recreational vehicle (RV)" Means a travel trailer, boat, atv, or other similar vehicle used for recreational purposes.

"Residential facility for elderly persons" means a residence in which more than one elderly person resides, not including a health care facility as defined by Section 26-21-2 UCA.

"Residential facility for handicapped persons" means a residence in which more than one person with a disability resides and:

1. Is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
2. Is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

"Right-of-way" means the area, either public or private, over which the right-of-passage exists.

"Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

"Sawmill" means a plant or establishment where timber is sawn into rough-squared sections or into planks and boards. A sawmill may be equipped with planing, molding, tenoning, and other machines for finishing processes.

"School, public" means an institution or place for instruction or education belonging to and maintained under public authority and open to the public for their attendance.

"School, private" means a school which is operated by a quasi-public or private group, individual, or organization, and which has curriculum similar to that provided in any public school in the State of Utah.

"Sending zone" means an unincorporated area of Uintah County that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

"setback or required yard area" the shortest distance on a lot or parcel between a building line and a property or designated right-of-way line excluding uncovered patios, decks and balconies not greater than two (2) feet in height from grade, and not less than 4 feet from the rear property line and 8 feet from the side property line, and chimney and roof overhangs protruding no greater than two (2) feet into the setback area.

"Sight obscuring fence, wall or hedge" means a fence, wall, or hedge of vegetation growth which obscures a minimum of 80% of the view of property on one side by a viewer standing on the other side. The fence, wall or hedge must be a minimum of six (6) feet in height. If chain link privacy slats are used they must be 90% obscuring and have a twenty-five (25) year warranty/life span.

"Sign" means a presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or any natural object on which any sign is erected, or is intended to be erected, or exhibited, or which is being used or is intended to be used for sign purposes. The regulated area of a sign includes all parts of the sign and structure that contains words or symbols and information.

"Sign, abandoned" means a sign that advertises a business, lessee, owner, product, service, or activity that is no longer located on the premises where the sign is located, or advertises a product or service no longer available, or a sign where the advertising copy is no longer readable.

"Sign alterations" means a change or rearrangement in the structural parts or design whether by extending on a side; increasing in area or height, or by relocation or changing the position of a sign.

"Sign area" means the entire face of a sign including the advertising surface and any framing, trim, or molding.

"Sign, awning" means a sign painted on, printed on, or attached flat against the surface of an awning.

"Sign, billboard" See "Off-premise sign."

"Sign, business" means an on-premises sign which directs attention to a use conducted, a commodity sold, or service performed on the premises.

"Sign, community" means a sign that contains information appurtenant to noncommercial activities and interests within the community, but do not advertise any function or service that will create a gain for the advertiser.

"Sign, canopy" means a sign affixed or applied to the exterior facing surface or surfaces of a canopy.

"Sign, construction" means a temporary sign identifying an architect, contractor, subcontractor, or material supplier participating in construction on the property on which the sign is located.

"Sign, development" means an on-premises sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firm(s), architect and developer.

"Sign, directional" means an on-premises incidental sign designed to guide or direct pedestrians or vehicle traffic which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs.

"Sign, double-faced" means a sign with two faces diverged from a common angle of not more than forty-five (45) degrees or back-to-back.

"Sign face" means the part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose, including the frame or structural members if they are designed with lighting or other ornamentation that is incorporated for the sign design.

"Sign, flat" means any sign attached to a building or other structure that projects less than eighteen (18) inches beyond the building, but extends parallel or substantially parallel thereto.

"Sign, floodlighted" means any sign illuminated in the absence of daylight only by devices which reflect or project light upon it.

"Sign, freestanding" means a sign which is supported by one or more columns, uprights or braces in or upon the ground.

"Sign, height of" means the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

"Sign, identification and information" means an on-premise sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes and public and semipublic buildings which may contain the name or logo of an establishment, but no advertising copy. Temporary and development signs are classified in this category only.

"Sign, illegal" means a sign which does not meet the requirements of this title and which has not received nonconforming status.

"Sign, illuminated" means a sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

"Sign maintenance" means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

"Sign, marquee" means any sign attached to or supported by a marquee structure.

"Sign, monument" means a sign mounted directly to the ground, with the pedestal, base and support not less than half as wide as the widest portion of the sign, and with a maximum height not to exceed six feet.

"Sign, multiple-face" means a sign containing two or more faces, not necessarily in back-to-back configuration.

"Sign, nameplate" means a sign indicating the name of a person or persons residing on the premises.

"Sign, off-premise" or "billboard" means a sign which directs attention to a use, product, commodity or service not related to the premises on which it is located.

"Sign, on-premises" See "Sign, business."

"Sign, political" means a temporary sign used in connection with a local, state, or national election or referendum.

"Sign, portable" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

"Sign, projecting" means any attached sign extending in whole or in part more than eighteen (18) inches beyond the building line.

"Sign, real estate" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

"Sign, roof" means any sign erected upon or supported by the roof or parapet of a building.

"Sign, snipe" means a temporary sign or poster affixed to trees, fences, poles, stakes, building supports, other signs or sign structures, building facades, or any other object not specifically designed for the posting of signs.

"Sign structure" means any structure which supports any sign, as defined in this title. A sign structure may be a single pole or poles or an integral part of a building.

"Sign, temporary" means an on-premises sign which is intended to advertise community or civic projects, real estate for sale or lease, on a temporary basis. Such sign shall not be erected earlier than thirty (30) days prior to the date of the beginning of the event, and shall be removed within thirty (30) days after the event is concluded.

"Sign, wall" means a sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall, and which does not extend more than four feet above the parapet, eaves or building facade of the building on which it is located.

"Site development standards" means established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space, and any other special regulations deemed necessary to accomplish the purpose of this title.

"Site plan" means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or structures, and those yet to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission, zoning administrator, or this code.

"Ski Resort" includes slopes, lifts, trams, lodging, parking, food services, retail businesses, operational and maintenance facilities, trails, entertainment, and other uses associated with snow related activities. Accessory year-round and non-snow related activities associated with ski resorts may also include alpine recreational activities, natural resource based recreation, cultural events and festivals, and conference events.

"Skim pit." Surface impoundment for skimming oil from produced water (also called a holding pond).

"Slope" The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

"Stable, private" means a detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

"Stable, public" means a stable other than a private stable.

"State store" means a facility for the sale of package liquor located on premises owned or leased by the state of Utah and operated by state employees, but does not apply to any licensee, permittee, or to package agencies.

"Storage Units" means a building or group of buildings divided into separate units leased to individuals and organizations, or businesses for self-service storage of personal property. Units may not be used for habitation or as a place of business. Storage unit facilities may also include the outdoor storage of recreation vehicles when approved as a conditional use permit.

"Street" means all publicly dedicated rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes.

"Structural alterations" means any change in supporting members of a building, such as bearing walls, columns, beams or girders.

"Subdivision" as defined by the Act.

"Subdivision amendment" means the process of amending or changing in any way a recorded subdivision plat.

"Subdivision, Major" A subdivision that is not a Subdivision, Minor or a PUD.

"Subdivision, Minor" A subdivision, as defined herein, and limited further as follows;

- 1) The land proposed to be divided;
 - a) Does not require the dedication of any land for a road or street or for any other public purposes.
 - b) Has been approved by the culinary water authority and the sanitary sewer authority.
 - c) Is located in a zoned area.
 - d) Conforms to all applicable County Land Use Ordinances; and
 - e) Contains no more than four (9) lots, not including any lot containing any remnant of the subject property.

"Subdivision vacation" means the process of removing from record a section of land that was subdivided.

"Substantial action" Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of the County's Land Use Ordinances or to exercise development rights authorized pursuant to such an approval.

"Substantial improvement" Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 3) The term does not, however, include either:
 - a) Any project for improvement of a structure to comply with existing State or Local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b) Any alteration of a structure listed on the national register of historic places or a State inventory of historic places.

"Swimming pool" means any artificial or semi-artificial container, whether indoors or outdoors and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

"Swimming pool, family" means a swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his or her family and by guests invited to use it without payment of any fee or consideration.

"Temporary use" A use allowed for a limited time with the intent to discontinue the use upon expiration of the period."Theater, indoor picture" means a building or part of a building devoted to the showing of moving pictures on a paid admission basis.

"Theater, outdoor drive-in" means an open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

"Transferable development right" Means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

"Travel Trailer" means a vehicular unit other than a mobile or manufactured home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, which is either self-propelled or pulled by another vehicle. Travel trailer includes a camper, camping trailer, a motor home, a fifth wheel trailer, and a van.

"Travel Trailer Court" means a legally licensed park where (1) space is rented by the day, week or month for the parking of recreational vehicles to be used as a temporary dwelling.

"U.C.A" Means Utah Code Annotated, as amended.

"Uniform Building Code" means the current edition of the building code as adopted by the State of Utah.

"Unlicensed motor vehicle" means any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Section 41-22-9, Utah Code Annotated, 1953, as amended, or any motor vehicle kept or stored at an approved impound lot or commercial storage yard. An unlicensed motor vehicle is considered to be an inoperative vehicle.

"Use" means the specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

"Use, accessory" means a subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

"Use, permitted" means any use lawfully occupying land or buildings, as authorized in the zone regulations and for which no conditional use permit is required.

"USGS" The United States Geological Survey.

"Utilities" Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the County.

"Vacation plat" means a plat submitted for the purpose of removing a subdivision from the records of the county recorder and the county assessor which shows the area that is to return to its original state.

"Variance" means a waiver of specific regulations of this title granted by the board of adjustments, in accordance with the provisions set forth in this title, for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same zone.

"Vehicle" A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

"Vested Right (or Vested)" A right to develop property in a particular manner which cannot be abolished, modified or restricted by a Land Use County's Land Use Ordinances or regulations subsequently enacted.

"Violated or Violating" There exists reasonable cause to believe that any County Land Use Ordinances, codes, statutes, or laws has been or is being violated and is not limited to pleas of guilty or convictions for violating said County Land Use Ordinances, codes, statutes, or laws.

"Warehouse" means facility designed for storage of goods and merchandise.

"Wholesale business" means establishments or places of business primarily engaged in selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"Wholesaler" A company or firm that buys large quantities of goods from various producers or vendors, warehouses them, and resells to retailers.

"Wrecking or Salvage Yard" means an open area where materials are brought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including but not limited to, scrap metals, paper, rags, rubbish, rubber tires, bottles, inoperative motor vehicles.

"Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this title, on the lot on which a building is situated.

"Yard, front" means an open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of

the front yard is the minimum distance between the front lot line and the front line of the building. On corner lots, the front yard is the yard in front of the front or main entrance.

"Yard, rear" means an open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps) and the rear lot line and extending from the full width of the lot. The rear yard is found on the opposite side of the building from the front yard.

"Yard, side" means an open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.

"Zoning Administrator" The person appointed by the Board of County Commissioners to carry out the administrative responsibilities of the County's Land Use Ordinances.

"Zoning district" An area of the unincorporated territory of the County which has been given a designation which regulates the construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land as set forth in the County's Land Use Ordinances.

"Zoning map" A map adopted as part of the County's Land Use Ordinances that depicts land use zoning districts or overlays.

"Zoning Ordinance" The zoning ordinance of Uintah County, Utah, as set forth in the County's Land Use Ordinances, as defined by the Act, and as amended from time to time.

Appendix

Application may require the following information and/or documentation:

1. **Property Owner(s) Signature.** All Property owners identified on the most recent records of the Uintah County Recorder's Office must sign the application.
2. **Tax Clearance.** A tax clearance from the Uintah County Treasurer indicating that all taxes, interest and penalties for the subject property have been paid and current.
3. **Proof of Ownership.** An official document showing the current ownership of the property, i.e. Tax Statement, Property Information Report, etc.
4. **Proposed Use or Activity.** The Applicant(s) shall clearly identify the proposed use or activity and proposed size.
5. **Evidence of Availability of Necessary Services.** The following information to establish the availability of required services to the subject property:
 - a. Written approval of the feasibility of the proposed culinary water system and culinary water sources from the Culinary Water Authority, as applicable.
 - b. Written approval of the feasibility of the proposed sanitary sewer system from the Sanitary Sewer Authority, as applicable.
 - c. Written approval of the proposed fire protection, suppression and fire access facilities from the Fire Authority, as applicable.
 - d. Written approval of the proposed roads, streets, and/or accesses from the State of Utah Department of Transportation or Uintah County Roads Department, as applicable.
 - e. Written approval from the Uintah County Sheriff's Office on issues of public safety created by the proposed use or activity.
6. **Accurate Property Information.** Accurate Tax ID/Parcel Number, address, etc.
7. **Phasing Plan.** If phasing is proposed a phasing plan describing each phase, the approximate size of each phase, the order of phasing and the projected timeline for each phase.

Application Requirements

Requirements for each application will be identified in each application packet.

Section 3. Effective Date

This resolution shall take effect on January 2, 2018.

ADOPTED on this, the eighteenth (18th) day of December, 2017.

IN WITNESS THEREOF:

WILLIAM STRINGER, Chair

William Stringer	_____	Aye	_____	Nay	_____	Abstain	_____	Absent
Brad Horrocks	_____	Aye	_____	Nay	_____	Abstain	_____	Absent
Duane Shepherd	_____	Aye	_____	Nay	_____	Abstain	_____	Absent

ATTEST:

REVIEWED:

MICHAEL W. WILKINS
Clerk-Auditor

JONATHAN STEARMER
Deputy County Attorney