

# Title 14

## ZONING ORDINANCE

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## Chapter 14.04

### GENERAL PROVISIONS

#### Sections:

**14.04.010 Title.**

**14.04.020 Purpose.**

**14.04.030 Declaration.**

**14.04.040 Interpretation and intent.**

**14.04.050 Conflict.**

**14.04.060 Severability.**

#### **14.04.010 Title.**

This title shall be known as, and shall be entitled the "Sevier County Zoning Ordinance".

#### **14.04.020 Purpose.**

The zones, boundaries and regulations which apply within each of the zones have been made in accordance with a general plan designed:

- A) To promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of Sevier County;
- B) To encourage and facilitate the orderly growth and development of the county;
- C) To secure safety from fire, floods, traffic hazards and other dangers;
- D) To secure economy in the cost of fire and police protection and other governmental services;
- E) To lessen congestion in the streets and roads and reduce the waste of excessive amounts of roads;
- F) To protect the tax base;
- G) To foster agriculture and industry, together with uses related thereto;
- H) To stabilize and improve property values;
- I) To promote beauty along the highways and in the landscape; and
- J) To protect both urban and non-urban development.

#### **14.04.030 Declaration.**

In establishing the zones, the boundaries thereof, and the regulations applying within each of the zones, due and careful consideration was given, among other things, to the suitability of land for particular uses and to the character of the zone with a view to conserving the most appropriate use of land throughout the county. The location and boundaries of cities, towns, reservations and other areas not subject to zoning regulation by the board of county commissioners of Sevier County, together with the regulations, applying within each city, town or reservation, were also considered in the preparation of this ordinance.

**14.04.040 Interpretation and intent.**

- A) It is the intent of the board of county commissioners of Sevier County that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the purpose of this title and the objectives and characteristics of the respective zones.
- B) In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

**14.04.050 Conflict.**

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

**14.04.060 Severability.**

The provisions of this title are severable, and if any provision, sentence, clause, section, or any part thereof, is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this title or their application to other persons or circumstances. It is hereby declared to be the intent of the Board of County Commissioners of Sevier County, Utah that this title would have been adopted if such illegal, invalid, or unconstitutional provisions, sentences, clauses, sections, or parts had not been included therein, and if the person or circumstances to which the title or any part thereof had been specifically exempted therefrom.

**Chapter 14.08**

**ADMINISTRATION**

**Sections:**

- 14.08.010 Amendments.**
- 14.08.020 Notice to nearby entities of predevelopment activity.**
- 14.08.030 Public hearings required before amending - Notice.**
- 14.08.040 Permits, Licences - County Official Compliance.**
- 14.08.050 Permits, Licences - Citizens Compliance.**

**14.08.010 Amendments.**

This title, including the map, may be amended, but all proposed amendments shall be submitted first to the planning commission for its recommendations, which recommendations shall be submitted to the board of county commissioners for the consideration of the commission within forty-five (45) days. For the purpose of establishing and maintaining sound, stable and desirable development within the county, it is declared to be public policy that amendments shall not be made to this title and map except to promote more fully the objectives and purposes of this title or correct manifest errors. Any person seeking an amendment to this

title or map shall submit to the county clerk/auditor a written petition designation the change desired, the reasons therefor, and wherein the proposed amendment would further serve the interest of the public and promote the objectives and purposes of the title, together with appropriate fee outlined in fee schedule (**Appendix C**). The county clerk/auditor shall, in turn, transmit the petition to the planning commission. Upon the receipt of the petition, the planning commission may call a public hearing before submitting recommendations to the board of county commissioners. Before recommending an amendment to the title, it must be shown that such amendment is reasonably necessary, is in the interest of the public, and is in harmony with the objectives and purposes of this title. Failure on the part of the planning commission to make recommendations within forty-five (45) days shall be deemed to constitute approval of such proposed amendment unless a longer period is granted by the board of county commissioners. The fee provided in this section shall not be returnable.

**14.08.020 Notice to nearby entities of predevelopment activity.**

- A) As used in this section, "predevelopment activity" means a public hearing concerning or consideration by the county planning commission or the board of county commissioners of:
  - 1) a proposed change in zoning designation;
  - 2) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or
  - 3) a proposed modification of the county's general plan whereby the vehicular capacity of a county road is proposed to be increased.
- B) The planning commission or legislative body, as the case may be, of each county shall provide notice of predevelopment activity occurring in the unincorporated county to the legislative body of:
  - 1) each municipality whose boundaries are within one mile of the property that is the subject of the predevelopment activity; and
  - 2) each county that has unincorporated territory within one mile of the property that is the subject of the predevelopment activity.
- C) The notice required by **Subsection 14.08.020 (B)** shall be provided at least seven days before the predevelopment activity occurs.
- D) The county planning commission or board of county commissioners meets the notice requirements of **Subsection 14.08.020 (B)** by mailing to each appropriate legislative body, at least seven days before the predevelopment activity occurs, a copy of the planning commission or board of county commissioners meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the county and the location of the property that is the subject of the predevelopment activity.
- E) If notice given under this section is not challenged under **Section 14.90.100** within 30 days after the action for which notice is given, the notice is considered adequate and proper.
- F) Challenges under this section shall follow procedures outlined in **Chapter 14.90. (Utah Code Annotated Section 17-27-103.5)**

**14.08.030 Public hearings required before amending - Notice.**

Amendments to this title may be adopted only after a public hearing in relation thereto before the board of county commissioners in which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be posted at least three (3) public places and published in a newspaper of general circulation with the county at least fourteen (14) days before the date of the hearing.

**14.08.040 Permits, Licences - County Officials Compliance.**

All departments, officials and employees of Sevier County which are vested with the duty or authority to issue permits and licences shall conform to the provisions of this title and shall issue no permit or license for use, building or purpose where the same would be in conflict with the provisions of this title. Any such permit, or license, if issued in conflict with the provisions of this title, shall be null and void.

**14.08.050 Permits, Licences - Citizen Compliance.**

A building permit shall be required for any and all improvements to real property, including but not limited to construction, reconstruction, repair, remodeling, alteration or addition to existing improvements, where such improvements have a value of \$1,000.00 or more, including labor and materials. All Building Permit applications submitted to the County Building Department shall be reviewed in accordance with the most current Uniform Building Code in effect and subsequent amendments thereto. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this zoning ordinance. A building permit application may be approved only if the contents of that application meet the standards of the most current Uniform Building Code in effect, and subsequent amendments thereto, and also, only if the contents of that application meet the standards of this zoning ordinance and related county ordinances.

**Chapter 14.12  
DEFINITIONS**

**Sections:**

- 14.12.010 Generally.**
- 14.12.020 Definitions.**

**14.12.010 Generally.**

For the purpose of this title, certain words and terms are hereby defined. Words used in the present tense shall include the future and the future shall include the present; words in the singular number include the plural and the plural number include the singular; the word "lot" includes the words "plot", "tract", or "parcel"; the word "building" includes the word "structure"; the word "erected" means constructed, altered, moved or repaired; the words "shall" and "must" are always mandatory; the word "district" is synonymous with the word "zone". All words not herein defined shall be construed as defined in the statutory and common law of the State of Utah. If not defined therein, then as defined in accordance with the Webster's Unabridged Dictionary.

**14.12.020 Definitions. (See Appendix B)**

## Chapter 14.16

### PLANNING COMMISSION

#### Sections:

- 14.16.010 Created - Appointment - Terms.
- 14.16.020 Vacancies - Removal.
- 14.16.030 Chairman - Rules - Technical advice.
- 14.16.040 Powers - Duties.
- 14.16.050 Office of zoning administrator created.
- 14.16.060 General plan - Method of adopting.
- 14.16.070 General plan - Method of amending.
- 14.16.080 General plan - Effect on public uses.
- 14.16.090 Zoning Ordinance preparation.

#### 14.16.010 Created - Appointment - Terms.

There is created an unpaid commission of seven members, to be known as the county planning commission. Each of the seven members of the commission shall be a resident of the county. The term of appointed members of the commission shall be three years and until their respective successors have been appointed; provided, that the terms of the members appointed shall be such that the terms of two members shall expire each year. The members of the commission shall serve as such without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

#### 14.16.020 Vacancies - Removal.

If a vacancy occurs the board of county commissioners shall fill vacancies in accordance with **Section 14.16.010**. For the removal of a member for nonperformance of duty or misconduct a majority vote by the board of county commissioners shall be required.

#### 14.16.030 Chairman--Rules--Technical Advice.

The county planning commission shall elect from its members, a chairman, whose term shall be for one year and the commission may create and fill such other offices as it may determine. The commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. The county planning commission is directed to make use of the expert advice and information which may be furnished by appropriate federal, state, county and municipal officials, departments and agencies.

**14.16.040 Powers -- Duties.**

The planning commission shall have the following powers and duties:

- A) prepare and recommend a general plan and amendments to the general plan to the board of county commissioners as provided in this title;
- B) recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the board of county commissioners as provided in this title;
- C) administer provisions of this title;
- D) recommend subdivision regulations and amendments to those regulations to the board of county commissioners as provided in this title;
- E) recommend approval or denial of subdivision applications as provided in this title;
- F) advise the board of county commissioners on matters as the board of county commissioners directs;
- G) hear or decide any matters that the board of county commissioners designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- H) exercise any other powers delegated to it by the board of county commissioners; and
- I) exercise any other powers that are necessary to enable it to perform its functions.

**14.16.050 Office of zoning administrator created.**

There is created the office of zoning administrator within Sevier County, Utah. The board of county commissioners shall fill the office of zoning administrator and shall appoint a zoning administrator and such other officers as may be deemed necessary to administer and enforce the provisions of this title.

**14.16.060 General plan -- Method of adopting.**

- A) Following completion on all or part of the general plan for the county the planning commission shall hold a public hearing providing proper notice at least fourteen (14) days in advance of the hearing. The planning commission may then make changes and forward it to the board of county commissioners. The board of county commissioners shall then provide reasonable notice of at least fourteen (14) days for a public hearing on the proposed general plan.
- B) Following the public hearing the board of county commissioners may:
  - 3) Adopt the proposed general plan; or
  - 2) Amend the general plan and adopt or reject the general plan as amended; or
  - 3) Reject the proposed general plan.

**14.16.070 General Plan - Method of Amending.**

- A) The county planning commission may recommend amendment(s) to the plan. The planning commission shall then hold a public hearing providing notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan. The amended plan will then be sent to the board of county commissioners who then shall provide notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan.

- B) Following the public hearing the board of county commissioners may:
- 1) Adopt the proposed amendments to the general plan; or
  - 2) Amend the proposed general plan and adopt or reject the general plan as amended; or
  - 3) Reject the proposed general plan.

**14.16.080 General Plan - Effect on public uses.**

No street, park, or public right of way, ground, place, or space, no publicly owned building or structure, no public utility, whether publicly or privately owned, may be constructed unless it conforms with the general plan or it has been considered by the planning commission, and after receiving the advice of the planning commission and approval by the board of county commissioners for an amendment(s) to the general plan.

**14.16.090 Zoning Ordinance preparation.**

- A) The planning commission shall prepare and recommend a zoning ordinance and maps to the county commission for zoning all or part of the county.
- B) The county commission shall then hold a public hearing on the proposed zoning ordinance and maps after reasonable notice of at least fourteen (14) days.
- C) Following the public hearing the board of county commissioners may:
  - 1) Adopt the proposed zoning ordinance; or
  - 2) Amend the zoning ordinance and adopt or reject the zoning ordinance as amended; or
  - 3) Reject the proposed zoning ordinance.

**Chapter 14.20**

**BOARD OF ADJUSTMENT**

**Sections:**

- 14.20.010 Created - Regulations - Meetings.**
- 14.20.020 Organization - Procedure.**
- 14.20.030 Appeals - Powers of board.**
- 14.20.040 Routine and uncontested matters**
- 14.20.050 Variances.**
- 14.20.060 Appeal form.**
- 14.20.070 Notice of hearing.**
- 14.20.080 Decision.**
- 14.20.090 Authority limited.**
- 14.20.100 Failure to comply with conditions a violation.**
- 14.20.110 Appeal.**

**14.20.010 Created - Regulations - Meetings.**

- A) There is created a board of adjustment of five members, to be known as the county board of adjustment. Each of the five members of the board shall be a resident of the county. Not more than half of the members of such board of adjustment shall at any time be members of the planning commission. The members of the board of adjustment shall serve as such without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the board of adjustment for actual expenses incurred, upon presentation of proper receipts and vouchers. Terms for the members of such board of adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing.
- B) Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The board of county commissioners may appoint alternate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board or any other cause, there place may be taken during such temporary disability by an alternate member designated for the purpose.
- C) Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record.

**14.20.020 Organization - Procedure.**

The board of adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this title. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public, and the board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be filed immediately in the office of the board and shall be a public record. In each appeal, the board shall qualify itself as to authority to act upon the matter and shall cite in the record the particular section or subsection of the zoning resolution from which such authority is derived. The board shall not act upon matters not specifically delegated to it.

**14.20.030 Appeals - Powers of board.**

- A) Appeals to the board of adjustment may be taken by:
  - 1) an applicant or any other person or entity adversely affected by a decision administering or interpreting the zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.

- 2) Any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution.

Such appeal shall be made within forty-five (45) days from the decision being appealed.

- B) Upon appeals the board of adjustment shall have the following powers to hear and decide:
- 1) Allegations by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of the zoning ordinance.
  - 2) Variances from the terms of the zoning ordinance;
  - 3) An interpretation of the Zoning map.

#### **14.20.040 Routine and uncontested matters.**

Routine and uncontested matters may be decided by the zoning administrator. The zoning administrator's decision may be appealed before the board of adjustment by the process outlined in **Section 14.20.030**

#### **14.20.050 Variances.**

- A) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.
- B) The board of adjustment may grant a variance only if:
- 1) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
  - 2) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
  - 3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
  - 4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - 5) the spirit of the zoning ordinance is observed and substantial justice done.
- C) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under **Subsection 14.20.050 (B)(1)**, the board of adjustment may **not** find an unreasonable hardship unless the alleged hardship:
- 1) is located on or associated with the property for which the variance is sought;
  - 2) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
- D) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under **Subsection 14.20.050 (B)(1)**, the board of adjustment may **not** find an unreasonable hardship if the hardship **is** self-imposed or economic.
- E) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- F) Variances run with the land, not with the land owner.
- G) The board of adjustment and any other body may not grant use variances.

H) In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:

- 1) mitigate any harmful affects of the variance; or
- 2) serve the purpose of the standard or requirement that is waived or modified.

**14.20.060 Appeal form. (See Appendix D)**

**14.20.070 Notice of hearing.**

The board of adjustment shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof to the adjoining property owners by mail at least fourteen (14) days prior to the date of hearing.

**14.20.080 Decision.**

The concurring vote of four members of the five-member board, shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant. In the exercise of it duties and powers as herein set forth, the board of adjustment may reverse or affirm wholly or partly, or may modify the requirements or decisions of the zoning administrator and may make such determination or requirement as ought to be made. The board may attach reasonable conditions or requirements which the petitioner must comply with as a condition of the grant or approval and may attach a time limit on the exercise or lack of exercise of a grant.

**14.20.090 Authority limited.**

It shall not be the function of the board of adjustment to correct what it may consider to be an unwise requirement in the zoning ordinance or to substitute its judgment in place of that of the board of county commissioners as to what is good or poor zoning. The board of adjustment may grant only those variances mentioned in this title. Nevertheless, it shall be the duty of the board to recommend appropriate modification or amendments to the zoning resolution to the planning commission when in its opinion such modification or amendment would more fully promote the objectives and purposes of this title.

**14.20.100 Failure to comply with conditions a violation.**

Failure to comply with the conditions and regulations as herein established, shall be cause for termination of the approval thereof and shall be deemed to be a violation of this title.

**14.20.110 Appeal.**

Any person aggrieved by any decision of the board of adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that petition for such relief is presented to the court within forty-five (45) days after the filing of such decision in the office of the board of adjustment.

**Chapter 14.24**  
**ZONING DISTRICTS ESTABLISHED**

**Sections:**

- 14.24.010**      **Zones designated.**
- 14.24.020**      **Map.**
- 14.24.030**      **Regulations.**
- 14.24.040**      **Boundaries of zones.**

**14.24.010**      **Zones designated.**

In order to accomplish more fully the objectives and purposes of this title, Sevier County is divided into zones as follows:

A5	Agricultural Zone	RA	Residential-Agricultural Zone
RA5	Residential-Agricultural Zone	PUD	Planned Unit Development Overlay Zone
GRF-5	Grazing, Recreation, and Forestry Zone		
GRF-20S	Grazing, Recreation, and Forestry Seasonal Zone		
GRF-20R	Grazing, Recreation, and Forestry Residential Zone		

**14.24.020**      **Map.**

The location and boundaries of each of the zones are shown on the official zone map of Sevier County, Utah, and said map with all boundaries, notations and other data shown thereon is declared to be an official record and is as much a part of this title as if fully described herein.

**14.24.030**      **Regulations.**

Within each of the zones, the use, location, height and size of buildings and structures, the percentage of the lot which may be occupied, the use of the land, maintenance of premises, and size of lots, yards, courts and other open spaces are regulated as set forth in this title.

**14.24.040**      **Boundaries of zones.**

- A) Where uncertainty exists with respect to the boundaries of zones the following rules shall apply:
- 1) Where the indicated boundaries of the zone map are approximately street or land survey lines, said street or land survey lines shall be construed to be the zone boundaries.
  - 2) Where the indicated boundaries are approximately canal, natural streams or watercourses, the center of said canal, natural streams or watercourses shall be construed to be the zone boundaries.
  - 3) In the absence of any street, land survey, natural stream or watercourse as forming the boundaries of any zone, the scale of measurement shown of the map shall be used to determine the zone boundary line.
  - 4) Where uncertainty exists, the board of adjustment shall interpret the map.

## Chapter 14.28

### A5 Agricultural Zone

**Sections:**

14.28.010 Purpose.

14.28.020 Table of standards.

**14.28.010 Purpose.**

The A5 agricultural zone has been established as a district in which the primary use of land is for agricultural and livestock-raising purposes. In the A5 zone agricultural lands should be left fundamentally intact, remain in agricultural production and continue to provide the open space which is vital to the human environment. This zone is characterized by farms and ranches devoted to the production of food, fiber and animal products.

**14.28.020 Table of standards.**

A5 Standards	Requirements	Reference
<b>Density</b> (See example below)	5 Acres (1 unit per/5 acres)	<i>Section 14.76.040 (pg. 32)</i>
<b>Minimum Lot Size</b>	1/2 Acre	
<b>Setbacks</b> Front Side Rear	30' 10' 10'	<i>Also Section 14.76.240 &amp; Section 14.76.250 (pg.37)</i>
<b>Maximum Height**</b> (Non-ag related structures)	2 Stories or 35 ft. (Whichever is higher)	<i>Appendix B</i>
<b>Animal Units</b>	No restrictions	<i>Appendix B (pg. ii)</i>
<b>Private Access</b> (For non-dedicated streets or private drives within a lot)	25'-width (Two-way) 18' width (One-way)	<i>Appendix B (pg. vii)</i>
<b>Height of solid fences or other solid structures within front setback*</b>	3' maximum height	<i>Appendix B (pg. iv)</i>
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	<i>Appendix A</i>

\* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

\*\* **Note:** Roofs above the square of the building, chimneys, flagpoles, and church towers are excluded in determining height.

\*\*\*Additional Standards (See **Chapter 14.76**)\*\*\*

(2010)

## Chapter 14.32

### RA5 Residential-Agricultural Zone

**Sections:**

**14.32.010 Purpose.**

**14.32.020 Table of standards.**

**14.32.010 Purpose.**

The RA5 residential-agricultural zone has been established as a district in which the primary use of land is for small agricultural and livestock-raising purposes. This zone is characterized by agriculture, and both agriculture and non-agriculture residential uses.

**14.32.020 Table of standards.**

RA5 Standards	Requirements	Reference
<b>Density</b> (See example below)	5 Acres (1 unit per/5 acres)	<i>Section 14.76.040 (pg. 32)</i>
<b>Minimum Lot Size</b>	½ Acre	
<b>Setbacks</b> Front Side Rear	30' 10' 10'	<i>Also Section 14.76.240 &amp; Section 14.76.250 (pg.37)</i>
<b>Maximum Height**</b> <b>(Non-ag related structures)</b>	2 Stories or 35 ft. (Whichever is higher)	<i>Appendix B</i>
<b>Animal Units*</b>	4/Acre	<i>Appendix B (pg. ii)</i>
<b>Private Access</b> (For non-dedicated streets or private drives within a lot)	25' width (Two-way) 18' width (One-way)	<i>Appendix B (pg. vii)</i>
<b>Height of solid fences or other solid structures within front setback*</b>	3' maximum height	<i>Appendix B (pg. iv)</i>
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	<i>Appendix A</i>

\* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

\*\* **Note:** Roofs above the square of the building, chimneys, flagpoles, and church towers are excluded in determining height.

\*\*\*Additional Standards (See **Chapter 14.76**)\*\*\*

(2010)

## Chapter 14.40

### RA Residential-Agricultural Zone

**Sections:**

**14.40.010 Purpose.**

**14.40.020 Table of standards.**

**14.40.010 Purpose.**

The objective in establishing the RA Residential-Agricultural Zone is to insure the orderly and timely conversion of certain open land areas within the county into residential districts as the need for such land occurs. The RA Residential-Agricultural Zone has, therefore, been established as a district in which the primary use of land is for dwelling purposes.

**14.40.020 Table of standards.**

RA Standards	Requirements	Reference
<b>Density</b> (See example below)	½ Acre (1 unit per/1/2 acre)	<i>Section 14.76.040 (pg. 32)</i>
<b>Minimum Lot Size</b> Width	10,000 sq. ft. 85'	
<b>Setbacks</b> Front Side Rear	30' 5' 5'	<i>Also Section 14.76.240 &amp; Section 14.76.250 (pg.37)</i>
<b>Maximum Height**</b> (Non-ag related structures)	2 Stories or 35 ft. (Whichever is higher)	<i>Appendix B</i>
<b>Animal Units*</b>	4/Acre	<i>Appendix B (pg. ii)</i>
<b>Off-street Parking</b>	Two vehicles per lot (See parking standards)	<i>Appendix B (pg. vii)</i>
<b>Private Access</b> (For non-dedicated streets or private drives within a lot)	25' width (Two-way) 18' width (One-way)	<i>Appendix B (pg. iv)</i>
<b>Height of solid fences or other solid structures within front setback*</b>	3' maximum height	
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	<i>Appendix A</i>

\* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

\*\* **Note:** Roofs above the square of the building, chimneys, flagpoles, and church towers are excluded in determining height.

\*\*\* Additional Standards (See **Chapter 14.76**)\*\*\*

(2010)

## Chapter 14.44

### GRF-20S Grazing, Recreation, and Forestry Seasonal Zone

**Sections:**

**14.44.010 Purpose.**

**14.44.020 Table of standards.**

**14.44.010 Purpose.**

The GRF-20S grazing, recreation, and forestry seasonal zone has been established as a district in which the primary use of the land is for grazing, recreational, forestry and wildlife purposes. In general this zone covers the open portion of the county which is occupied largely by grazing land, mountains, and canyons. The intent of this zone is for seasonal use of the property knowing that the County cannot provide governmental services.

**14.44.020 Table of standards.**

GRF-20S Standards	Requirements	Reference
<b>Density</b> (See example below)	20 Acre (1 unit per/20 acres)	<i>Section 14.76.040 (pg. 32)</i>
<b>Lot Minimum</b>	1 Acre	
<b>Setbacks</b> Front, Side, and Rear	60'	<i>Also Section 14.76.240 &amp; Section 14.76.250 (pg.37)</i>
<b>Maximum Height</b>	2 Stories not greater than 35'	
<b>Animal Units</b>	No restrictions	<i>Appendix B (pg. ii)</i>
<b>Private Access</b> (For non-dedicated streets or private drives within a lot)	25' width (Two-way) 18' width (One-way)	<i>Appendix B (pg. vii)</i>
<b>Height of solid fences or other solid structures within front setback*</b>	3' maximum height	<i>Appendix B (pg. iv)</i>
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	<i>Appendix A</i>

\*\*\*Additional Standards (See Chapter 14.76)\*\*\*

(2010)

## Chapter 14.48

### GRF-20R Grazing, Recreation, and Forestry Residential Zone

**Sections:**

14.48.010 Purpose.

14.48.020 Table of standards.

**14.48.010 Purpose.**

The GRF-20R grazing, recreation, and forestry residential zone has been established as a district in which the primary use of the land is for grazing, recreational, forestry and wildlife purposes. In general this zone covers the open portion of the county which is occupied largely by grazing land, mountains, and canyons.

**14.48.020 Table of standards.**

GRF-20R Standards	Requirements	Reference
Density (See example below)	20 Acre (1 unit per/20 acres)	<i>Section 14.76.040 (pg. 32)</i>
Lot Minimum	1 Acre	
Setbacks Front, Side, and Rear	60'	<i>Also Section 14.76.240 &amp; Section 14.76.250 (pg.37)</i>
Maximum Height	2 Stories not greater than 35'	
Animal Units	No restrictions	<i>Appendix B (pg. ii)</i>
Private Access (For non-dedicated streets or private drives within a lot)	25' width (Two-way) 18' width (One-way)	<i>Appendix B (pg. vii)</i>
Height of solid fences or other solid structures within front setback*	3' maximum height	<i>Appendix B (pg. iv)</i>
Permitted/Conditional Uses	(See Land Use Matrix)	<i>Appendix A</i>

\*\*\*Additional Standards (See Chapter 14.76)\*\*\*  
(2010)

## Chapter 14.50

### GRF-5 Grazing, Recreation, and Forestry Zone

**Sections:**

**14.50.010 Purpose.**

**14.50.020 Table of standards.**

**14.50.010 Purpose.**

The GRF-5 grazing, recreation, and forestry zone has been established as a district in which the primary use of the land is for grazing, recreational, forestry and wildlife purposes. In general this zone covers the open portion of the county which is occupied largely by grazing land, mountains, and canyons.

**14.50.020 Table of standards.**

<b>GRF-5 Standards</b>	<b>Requirements</b>	<b>Reference</b>
<b>Density</b> (See example below)	5 Acre (1 unit per/5 acres)	<i>Section 14.76.040 (pg. 32)</i>
<b>Lot Minimum</b>	1/2 Acre	
<b>Setbacks</b> Front, Side, and Rear	30'	<i>Also Section 14.76.240 &amp; Section 14.76.250 (pg.37)</i>
<b>Maximum Height</b>	None	
<b>Animal Units</b>	No restrictions	<i>Appendix B (pg. ii)</i>
<b>Private Access</b> (For non-dedicated streets or private drives within a lot)	25' width (Two-way) 18' width (One-way)	<i>Appendix B (pg. vii)</i>
<b>Height of solid fences or other solid structures within front setback*</b>	3' maximum height	<i>Appendix B (pg. iv)</i>
<b>Permitted/Conditional Uses</b>	(See Land Use Matrix)	<i>Appendix A</i>

\*\*\*Additional Standards (See Chapter 14.76)\*\*\*

(2010)

## Chapter 14.52 PUD Planned Unit Development Zone

### Sections:

- 14.52.010 Purpose.
- 14.52.020 General requirements.
- 14.52.030 PUD review process.
- 14.52.040 Commercial and industrial PUD requirements
- 14.52.050 Criteria for PUD approval.

### 14.52.010 Purpose.

The Planned Unit Development zone is available for one or more land use developments. This zone is to provide for commercial, industrial, and multi-family residential uses of land within the County consistent with the Sevier County General Plan. (2010)

### 14.52.020 General requirements.

All development opting for the PUD zone shall be of the minimum acreage required by the existing zone, or as required by the use, (whichever is greater) and required to go through the PUD review process outlined in **Section 14.52.030**. All land uses are conditional upon approval in the PUD review process. Approval or denial of the zone change and the permit for the development shall run concurrent. The zone change is conditional upon approval of the development by grant of a planned unit development permit. (2010)

### 14.52.030 PUD review process.

All of the following steps must be completed before final approval is given by the Board of County Commissioners.

#### A) Concept Review.

- 1) Ten (10) copies of all documents required for concept review with the appropriate fee shall be submitted to the Zoning Administrator at least fourteen (14) days prior to placement on the agenda of the county planning commission. Documents required for concept review shall be:
  - a) Signed documentation of closest municipality showing the municipalities' rejection of an annexation request or a waiver of such requirement by the Board of County Commissioners. **(Appendix E)**
  - b) Sketch plan of the proposed development showing the entire area to be developed and entire area to be left in open space.
  - c) Geographic locational references such as but not limited to: section corners, surveyor markers, etc.
  - d) Name and address of subdivider, designer, engineer, and surveyor.
  - e) Statement of existing underlying zoning.

- f) Notation on the plan of proposed site uses including but not limited to; dwelling units, open space, recreation area, commercial area, industrial area, parking, etc.
  - g) The plan shall show general lot, street, park, and open space layouts.
  - h) Location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by **Section 14.76.070**.
  - i) A thorough statement documenting and identifying the specific policies and policy recommendations in the General Plan (**Sevier County General Plan Chapter 12**) that the proposed plan encompasses and to what degree the proposed plan will accomplish those specific policies and policy recommendations.
  - j) Any other criteria the planning commission deems necessary to fulfill the objectives of the General Plan and this title.
- 2) Approval shall be based on criteria outlined in **Section 14.52.050**.
  - 3) If denied concept review approval the applicant must reapply within 6 months of the date of denial without additional fees or your PUD application fee (**Appendix C**) must be repaid.

B) Preliminary Review.

- 1) If concept review approval is granted, the applicant shall then submit ten (10) copies of the preliminary review documents to the Zoning Administrator at least twenty-one (21) days prior to placement on the agenda of the next scheduled county planning commission. A public hearing shall then be scheduled and noticed of the time and place of such hearing, and shall be posted at least three (3) public places and published in a newspaper of general circulation with the county at least fourteen (14) days before the date of the hearing. Included in this application shall be:
  - a) Engineered drawings including scaled dimensions of lot(s), street(s), park(s), storm water drainage, required utility easement(s), and open space layouts.
  - b) Approved location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by **Section 14.76.070**.
  - c) Designation of major drainage ways and flood prone areas including but not limited to 100 year flood plain mapping.
  - d) Statement of maintenance proposals for common facilities.
  - e) Statement of approved access on all designated right of ways.
  - f) Time schedule for development.
  - g) Location and type of use designated for all areas in the PUD.
  - h) Proposed plan for ownership and maintenance of open areas.
  - i) A certified letter of notification sent by the applicant to all adjoining property owners stating what is proposed.
  - j) The applicant shall furnish the county with a performance bond or other acceptable surety approved by the County Attorney in order to cover any costs that may become necessary to complete necessary improvements in the PUD.
  - k) Any additional information required as a result of planning commission concept review.
- 2) Approval shall be based on criteria outlined in **Section 14.52.050** and compliance with requested changes in the concept review.

- 3) If preliminary approval is granted or granted with conditions the applicant shall then submit ten (10) copies of your application in final form twenty-one (21) days in advance of the county planning commission meeting.
  - 4) If denied preliminary approval the applicant shall have sixty (60) days from date of denial to resubmit without paying any further fees. If you do not resubmit within (60) days you will be required to reapply for concept review.
- C) Final Approval - Planning Commission.
- 1) Following preliminary approval or approval with conditions the applicant must submit all documents required in the preliminary review in final form for consideration fourteen (14) days prior to the next planning commission meeting.
  - 2) If the county planning commission recommends final approval, all documents shall be forwarded to the Board of County Commissioners for consideration.
  - 3) If recommendation for final approval is denied the applicant shall have 90 days to resubmit to the county planning commission without paying additional fees.
- D) Final Approval - Board of County Commissioners.
- 1) A public hearing following appropriate notice requirements shall be scheduled within forty-five (45) days of receipt of the recommendation by the county planning commission.
  - 2) If approval is granted, or granted with conditions the developer must begin construction of the development as soon as practicable. If reasonable progress is not being made at the expiration of two years after final approval of the Board of County Commissioners. The Board of County Commissioners may vacate the PUD development plan. Decision of the Board of County Commissioners is final.

**14.52.040 Commercial and industrial PUD requirements.**

If all or part of the PUD is for commercial or industrial land uses the PUD shall comply with the following:

- A) Parking requirements for specific commercial or industrial development shall conform to the parking standards outlined in **Section 14.76.080**, and shall require lighting if the use deems necessary. All outside storage of materials, merchandise or equipment (except for vehicles in running order) shall be enclosed within a building or on a lot enclosed by a wall or fence of at least six (6) feet in height. Merchandise for immediate sale may be placed on display and need not be enclosed, but such merchandise must not be located within the required front yard.
- B) Vehicle entrances and exits onto any right of way shall be marked.
- C) Vehicle entrances and exits must comply with access management standards for the proposed use.
- D) Mixed use developments shall be required to buffer uses in a manner that is consistent with surrounding land use.
- E) All front, side, and rear setbacks are set at thirty (30) feet.

**14.52.050 Criteria for PUD approval.**

- A) All required documents submitted properly.
- B) Signed documentation of closest municipality showing the municipalities' rejection of an annexation request or a waiver of such requirement by the Board of County Commissioners.
- C) Design of all buildings, land uses, street lighting, and outdoor equipment.
- D) Proposed signs in the development pursuant to **Sevier County Sign Code (Section 12.04)**.
- E) All Streets shall conform to standards set in the **Sevier County Subdivision Ordinance** and **Sevier County Code**.
- F) All on-street and off-street parking shall conform with the parking standards required for each land use.
- G) Fiscal impact identifying costs of development versus revenue generated for all county services including but not limited:
  - 1) police protection;
  - 2) fire protection;
  - 3) roads;
  - 4) schools; and
  - 5) other services deemed necessary to fulfill the objectives of the General Plan and this title.
- H) Exceptions from density standards/percent built area/open space of the underlying districts are warranted by the design.
- I) Open space location shall be in areas adjacent or in connection with other areas identified for current use, future use, or developments.
- J) Compatibility with the County's General Plan as stated in the statement required in **Subsection 14.52.030 (A)(1)(i)**.
- K) No on-site improvements may be made prior to final approval.
- L) Developer shall provide for and establish an organization, or option approved by the planning commission which ensures the ownership and maintenance of open space, parks, utility system or other common facilities (hereafter "common facilities) contained within the PUD. Such organization shall not dissolve nor shall it dispose of any common facility by sale or otherwise unless to another such organization, without first offering to dedicate the same to the County. If the developer wishes to dedicate all or part of the common facilities consideration must be made in the fiscal impact requirement.
- M) Demand for and type of uses at the site.
- N) Effect upon, and from, surrounding land use.

## Chapter 14.60

### NONCONFORMING USES

#### Sections:

- 14.60.010 Nonconforming uses.
- 14.60.020 Repairs.
- 14.60.030 Discontinuance.
- 14.60.040 Reclassification.
- 14.60.050 Nonconforming lots of record.

#### 14.60.010 Nonconforming uses.

In view of the fact that new and additional buildings, structures and uses of land must conform to the provisions of this title, no nonconforming use of buildings, structures or land shall be extended or enlarged, except by special permit by the board of adjustment as set forth in **Section 14.20.050** of this title. Nevertheless, the nonconforming use of buildings, structures and land may be continued to the same extent and character as that which existed on the effective date of the resolution codified in this title.

#### 14.60.020 Repairs.

Repairs may also be made to a nonconforming building or a building housing a nonconforming use.

#### 14.60.030 Discontinuance.

If a nonconforming use of land or use of a building is changed to a conforming use or is abandoned, any further use of said building or land or construction, alteration or repairs to building shall thereafter be in conformity with the provisions of this title.

#### 14.60.040 Reclassification.

The provisions pertaining to nonconforming uses of land and buildings shall also apply to buildings, structures, land or uses which shall hereafter become nonconforming due to any change in regulations or reclassification of land.

#### 14.60.050 Nonconforming lots of record.

In any zone any lot of record at the effective in this title or amendment of this title, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and other requirements not involving area width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the board of adjustment.

## Chapter 14.64

### TEMPORARY USES

#### Sections:

- 14.64.010 Purpose.
- 14.64.020 Application.
- 14.64.030 Considerations.
- 14.64.040 Conditions.
- 14.64.050 Resubmittals - Appeals.
- 14.64.060 Termination.
- 14.64.070 Expiration - Extensions.

#### 14.64.010 Purpose.

The purpose of this Section is to provide standards and a permitting process for non-permanent uses in order to protect public safety and general welfare and to avoid uses which will be detrimental to adjacent properties.

#### 14.64.020 Application.

Temporary activities shall be allowed upon the issuance of a temporary use permit by the Zoning Administrator and Building Inspections Department. The applicant for a temporary use permit shall provide the following information:

- A) A description of the proposed use, the proposed beginning and ending dates, and the proposed hours of operation.
- B) A description of the property to be used for the temporary use, including the location of the use in relation to other buildings, and the location of streets to be used for access.
- C) Sufficient information to determine that adequate provisions for trash disposal and sanitary facilities shall be provided.
- D) Additional information as may be required in order to ensure surrounding land uses are not negatively impacted by the temporary use.

#### 14.64.030 Considerations.

The applicant shall demonstrate that the considerations listed below have been addressed. If an application is denied, the denial shall specify which of these considerations if any, were not addressed to the satisfaction of the planning commission:

- A) Circulation: Location of access points to the property.
- B) Effect on Adjacent Property: Effects of the proposed use on nearby property, including but not limited to the effects of noise, glare, odor, and traffic.
- C) Refuse and service areas: Location of refuse and service areas.
- D) Utilities: Location and availability of utilities, if any are deemed necessary.

- E) Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.
- F) Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
- G) Any other review factors which the planning commission considers to be appropriate to the property in question.

**14.64.040 Conditions.**

The planning commission may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the temporary use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this title.

**14.64.050 Resubmittals-Appeals.**

An application for a temporary use which has been denied may be resubmitted only if there has been a substantial change in circumstances as determined by the Zoning Administrator. Appeals to all final Zoning Administrator and planning commission decisions may be made to the Board of County Commissioners after exhaustion of all other administrative processes.

**14.64.060 Termination.**

- A) A use permit shall become null and void in the following cases:
  - 1) The use for which the permit was approved is terminated.
  - 2) The time granted for the use in the approved permit has expired.
  - 3) The Building Inspections Department or other county agent as assigned finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.
- B) The site shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within 5 days after the use is terminated.
- C) Temporary use permits granted for onsite construction must remove the mobile home or recreational vehicle from the premises and the utilities disconnected within thirty (30) days after the property owner receives a certificate of occupancy for the permanent dwelling. Recreational vehicles may be properly stored on the property.

**14.64.070 Expiration - Extensions.**

Temporary use permits shall expire one year from the date of approval or when the use for which the permit was issued has terminated, whichever is sooner, unless otherwise stated in the conditions of the permit. A maximum of (3) three years shall be permitted for any temporary use, at the end of such time the permittee must reapply for a new temporary use permit.

## Chapter 14.68

### CONDITIONAL USES

#### Sections:

- 14.68.010 Purpose.
- 14.68.020 Required permit.
- 14.68.030 Application - Required documents.
- 14.68.040 Application - Review process.
- 14.68.050 Approval criteria.
- 14.68.060 Modification - Revocation.
- 14.68.065 Violation - Penalties.
- 14.68.070 Building permit.
- 14.68.080 Appeals.
- 14.68.090 Expiration - Extensions.
- 14.68.095 Recording of Conditional Use Permits

#### 14.68.010 Purpose.

Uses designated in the land use matrix (Appendix A), as L-1, L-2, or L-3 are conditional uses that require special consideration by the land use authority designated by the (L) number. These uses designated may or may not be appropriate on a specific piece of property. The purpose of this chapter is to allow the lowest level of land use authority to evaluate the appropriateness of the use on a case by case situation. The conditional use permit process allows the Zoning Administrator, L-1, the Planning Commission, L-2, or County Commission, L-3, to approve, conditionally approve, or deny requests for a conditional use permit. All permits shall begin at L-1, and progress to the level listed in Appendix A before the permit is issued.

#### 14.68.020 Required permit.

No person, or entity shall conduct a use designated as a conditional use within the applicable zone without first obtaining a permit from the County and paying the conditional use permit fee. (Appendix C)

#### 14.68.030 Application - Required documents.

- A) The conditional use permit application, shall include location, proof of land ownership, a site plan, a vicinity plan, and a written narrative including but not limited to:
- 1) Type of use proposed;
  - 2) Days and times of operation;
  - 3) Square footage of the building(s) proposed;
  - 4) Square footage used by the conditional use;
  - 5) Expected hardship on surrounding uses;
  - 6) Number of users or employees;
  - 7) Other information the Land Use Authority deems necessary to fulfill the purpose of this title may be requested prior to approval.

- B) The applicant shall also pay the appropriate fee outlined in the fee schedule (**Appendix C**) before the planning commission may review the application.

**14.68.040 Application - Review process.**

- A) Submit completed application and all required documents to the zoning administrator.
- B) The zoning administrator shall then review the documents to ensure compliance with the county general plan, ordinances, resolutions, and policies.
- C) If the application complies then the zoning administrator may approve the conditional use permit (Level 1) or forward all documents to the planning commission for their review based on the criteria outlined in **Section 14.68.050**. (Level-2)
- D) The planning commission may then approve, approve with conditions, deny, or forward the application to the County Commission for their review. (Level-3).

**14.68.050 Approval criteria.**

Approval, approval with conditions, or denial of the conditional use permit application is based on the following criteria:

- A) Compatibility with the county general plan, zoning ordinance, and designated zone in which the use is located;
- B) Compatibility with the surrounding land uses or potential uses;
- C) Development or lack of development adjacent to the proposed use;
- D) Present and future requirements for all utilities, transportation and other services provided by the county;
- E) Similar conditional uses in the area and the public need for the conditional use;
- F) Mitigation of the economic impact to surrounding uses or potential uses, including a reclamation bond if deemed necessary by the land use authority;
- G) Mitigation of the aesthetic impact to surrounding uses or potential uses;
- H) Safeguards and mitigation by the applicant to minimize offensive odors, noise, dust, glare, traffic, and pollutants;
- I) Attempts made to minimize any other adverse effects of the conditional use on surrounding uses or potential uses;
- J) Impact on the health, safety, and welfare of the area, surrounding municipalities, and the county.
- K) Issuance of a conditional use permit for an electricity generating plant, whose primary fuel source is coal, shall require approval of a majority of registered voters within the county voting at a regularly scheduled election.

**14.68.060 Modification - Revocation.**

The land use authority may at any time with cause hold a public hearing regarding modification or revocation of the conditional use permit. The public hearing shall be noticed at least fourteen (14) days in advance of the hearing and may be modified or revoked if any of the conditions set forth in A) through D) apply, and shall be revoked if the condition described in E) applies:

- A) The use is determined to no longer comply with the criteria set in **Section 14.68.050** or other

provisions in this title;

- B) The permit was obtained by an inaccurate representation or in a fraudulent manner;
- C) Any of the conditions set in the permit are not being complied with;
- D) The conditional use has ceased or is no longer necessary;
- E) The conditional use permit was issued after application for an initiative petition had been filed with the county clerk and before the vote required by Section 14.68.050 K.

**14.68.065 Violation-Penalties.**

Any person or entity that continues the use after the permit has been revoked shall be guilty of a Class "C" misdemeanor, and upon conviction thereof shall be fined not more than \$750 or imprisoned for not more than 90 days, or both, for each violation. Such person or entity violating this order shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such person or entity and shall be punishable by law as a separate offense. (2012)

**14.68.070 Building Permit.**

Following receipt of the conditional use permit, the applicant shall take such permit to the County Building Inspector to review the permit and conditions attached. Based on this review and compliance with any other items that might develop in performance of the Building Inspectors duties, the Building Inspector may approve a building permit and ensure compliance with the conditional use permit.

**14.68.080 Appeals.**

The decision of the Zoning Administrator may be appealed to the Planning Commission, and the decision of the Planning Commission may be appealed to the County Commission by filing such appeal with the County Clerk within fifteen (15) days after the date of the decision. The board of County Commissioners may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the board of County Commissioners is final.

**14.68.090 Expiration - Extensions.**

The land use authority may set the expiration or date of renewal if necessary for enforcement on all conditional use permits. If no substantial action on a conditional use permit is taken within a period of one year of the date it was issued, the conditional use permit shall expire. The land use authority may grant further extensions for a period of no longer than six (6) months after proof of extraordinary circumstances.

**14.68.095 Recording of Conditional Use Permits.**

If the conditional use is of a permanent nature, the permit shall be recorded with the property deed in the office of the Sevier County Recorder, and all associated fees shall be paid by the applicant. (2012)

## Chapter 14.72

### RECREATIONAL DWELLINGS

#### Sections:

- 14.72.010 Purpose.
- 14.72.020 Temporary recreational dwellings.
- 14.72.030 Permanent recreational dwellings.
- 14.72.040 Violations.

#### 14.72.010 Purpose.

The purpose of this chapter is to allow for recreational use of recreational property in the GRF-20S Grazing, Recreation, and Forestry Zone. Recreational property shall be for recreational, camping, travel, or seasonal use only, and not for use as primary dwellings.

#### 14.72.020 Recreational dwellings.

Recreational dwellings are permitted in the GRF-20S Grazing, Recreation, and Forestry Zone under the following conditions:

- A) No more than two (2) recreational dwellings may be permanently placed on a parcel of land, one as a permitted use, the second as a conditional use.
- B) All other recreational vehicles are temporary and must be currently licensed and ready for highway use. If stored on the property, they must be winterized (holding tanks emptied into state approved system):
- C) The recreational dwelling(s), or vehicle(s) that are to be left permanently on the property must be connected to a state approved septic system, and be protected from damage due to the weather. These vehicles will be taxed as real property:
- D) All recreational dwelling(s) must have:
  - a) self contained sewage disposal and temporary water systems; or
  - b) be connected to water and sewage disposal systems as required by Subsection 14.76.070 (B) and (C):
- E) Recreational dwellings or recreational vehicles which have fallen into disrepair, collapsed or are otherwise uninhabitable shall be removed from the property within sixty days of notice by county officials. Failure to remove recreational dwellings or vehicles deemed a nuisance hereunder after notice shall be a violation of this code and prosecutable as a Class B Misdemeanor:
- F) Trash, refuse, waste generated must be contained and disposed of properly at all times.

#### 14.72.030 Permanent recreational dwellings.

Permanent recreational dwellings are permitted in the GRF-20S Grazing, Recreation, and Forestry Zone under the following conditions:

- A) All permanent recreational dwelling units must comply with all zoning requirements of the this title

except as provided in the following:

- 1) The permanent recreational dwelling must have:
    - a) temporary water or be connected to water; and
    - b) sewage disposal system as required by **Subsection 14.76.070 (B) and (C);**
  - 2) Trash, refuse, waste generated must be contained and disposed of properly at all times.
- B) Habitation of the permanent recreational dwelling shall **not** exceed nine (9) months in any calendar year;

**14.72.040 Violations.**

Any violations of this chapter and the conditions set by this chapter are subject to **Section 14.90** of this title.

**Chapter 14.73**

**WILDLAND FIRE PROTECTION REQUIREMENTS**

**Sections:**

- 14.73.010 Objective**
- 14.73.020 Fuel modification**
- 14.73.030 Required Defensible Space**
- 14.73.040 Spark Arresters**
- 14.73.050 Liquefied Petroleum Gas Installations**
- 14.73.060 Storage of Firewood and Combustible Materials**

**14.73.010 Objective**

Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space for wildland-urban fire interface in GRF-5, GRF-20R, and GRF-20S zones.

### 14.73.020 Fuel Modification

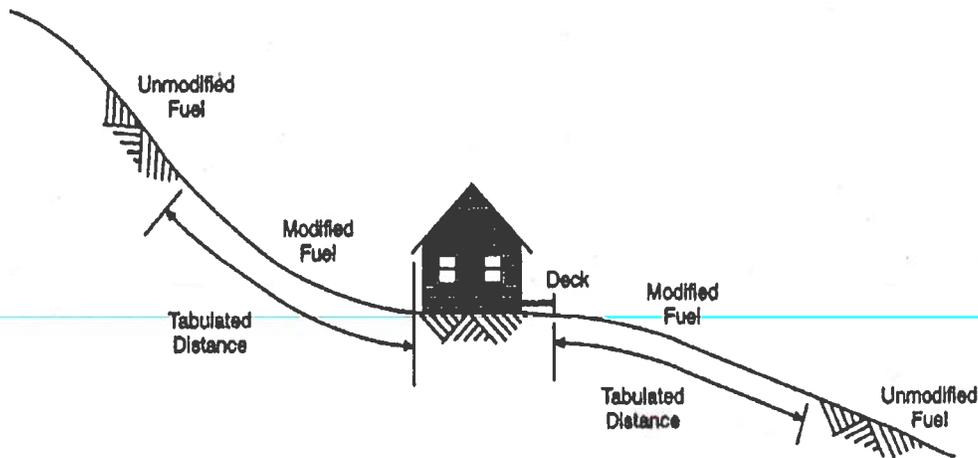
Fuel modification shall be provided within a distance from buildings or structures as specified in 14.73.030. Distances specified in 14.73.030 shall be measured along the grade from the perimeter or projection of the building or structure as shown in Figure 14.73.030.

Trees and/or small clumps of trees/brush are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees/brush and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet. Deadwood and litter shall be regularly removed from trees.

Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

### 14.73.030 Required defensible space

The required defensible space is at least 30 feet from the structure.



Measurements of Fuel Modification Distance

### 14.73.040 Spark Arresters

Chimneys serving fireplaces, barbeques, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gage wire having openings not exceeding  $\frac{1}{2}$  inch.

#### **14.73.050 Liquefied Petroleum Gas Installations**

The storage of LP-gas and the installation and maintenance of pertinent equipment shall be located within the defensible space in accordance with the International Fire Code.

#### **14.73.060 Storage of Firewood and Combustible Materials**

Firewood and combustible material shall be located a minimum of 30 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

### **Chapter 14.76**

#### **GENERAL MINIMUM DEVELOPMENT STANDARDS**

##### **Sections:**

- 14.76.010 Effect of chapter.**
- 14.76.020 Subdivision development plan.**
- 14.76.030 Cluster development.**
- 14.76.040 Unit/Density calculation/Density Bonus.**
- 14.76.050 Percent built area.**
- 14.76.060 Open space.**
- 14.76.070 Required Utilities.**
- 14.76.075 Water in Sufficient Quantity.**
- 14.76.080 Parking.**
- 14.76.090 Commercial truck parking.**
- 14.76.100 Mobile Homes.**
- 14.76.110 Manufactured Homes.**
- 14.76.120 Accessory Dwelling Units.**
- 14.76.130 Farm Labor Dwellings.**
- 14.76.140 Right-of-ways.**
- 14.76.150 Access to public lands.**
- 14.76.160 Structures over easements.**
- 14.76.170 Contiguous property.**
- 14.76.180 Yard space for one building only.**
- 14.76.190 Sale or lease of required culinary water.**
- 14.76.200 Sale or lease of required space.**
- 14.76.210 Sale of lots below minimum space requirements.**
- 14.76.220 Yards to be unobstructed - Exceptions.**
- 14.76.230 Clear view of intersecting streets.**
- 14.76.240 Dwelling sites shall abut upon public street.**
- 14.76.250 Concessions in public parks and playgrounds.**
- 14.76.260 Setbacks from state and federal highways.**

- 14.76.270 Railroad setbacks.
- 14.76.280 All excavations.
- 14.76.290 Adult uses.
- 14.76.300 Modification of regulations.
- 14.76.310 Prohibited uses.

**14.76.010 Effect of chapter.**

The regulations set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

**14.70.020 Subdivision development plan.**

The owner or owners of any land desiring to subdivide such land, shall submit to the planning commission a complete development plan in accordance with the subdivision regulations of Sevier County.

**14.76.030 Cluster development.**

The purpose of cluster development allowed is for maximum design flexibility, separate residential uses from agricultural uses, and serve to preserve the rural and agricultural character of the county to the maximum extent possible, while still permitting new residential uses.

- A) Clustering of residential development **shall** be done in such a way that:
- 1) Unbuilt areas of the property are maintained by any one or combination of the following:
    - a) Creation of a Homeowners Association with approved covenants.
    - b) A deed restriction following procedures outlined in **Section 14.76.060**.
    - c) Alternate option approved by the county planning commission.
  - 2) No building, structure, or fence **shall** be placed on greater than the percentage of built area for any zone.
  - 3) Minimum setbacks are preserved.
  - 4) Traditional accesses through the property to public lands **shall** be maintained in accordance with the General Plan.
  - 5) The area surrounding and included in the development are not adversely affected by the design.
  - 6) All lots in cluster subdivisions **shall** be served by an internal access road with limited accesses to existing county roads
- B) Cluster subdivisions **shall** follow all procedures in the **Sevier County Subdivision Ordinance**.
- C) The following rules **should** apply in cluster subdivisions:
- 1) The density permitted in cluster subdivisions will be as specified in each individual zone.
  - 2) All parcels in a cluster subdivision except the residual parcel should be grouped together and contiguous.
  - 3) The open space that is created through clustering should allow for agricultural lands to continue to be farmed, storm water to be channelized or detained by grass swales and ponding areas, and preserve open spaces that provide natural habitat areas.
  - 4) If open space of the cluster development is to be used for agriculture a buffer between

residential and agricultural uses may be necessary.

- 5) Where development exists adjacent to proposed development an attempt should be made to interconnect development and open space.
- 6) The location of buildings in clustering should follow the following criteria for site selection:
  - a) Buildings should be built on least fertile soils.
  - b) Buildings should not occur on wetlands, buffers, transition areas, flood plains, or areas with steep slopes.
  - c) Buildings should be clustered in the least visible portions of the site, such as the edges of fields

**14.76.040 Unit/Density calculation/Density Bonus.**

- A) The maximum number units developed shall be determined by the amount of land proposed for development divided by the lot acreage required in the zone.
- B) Existing homes owned by the same property owner as the land being developed are to be considered a unit in the unit calculation method.
- C) For every increment of 20 acres of contiguous open space in a subdivision development one bonus lot shall be added to the maximum number of units calculated in all zones excluding GRF-20S.
- D) For every increment of 40 acres of contiguous open space in a GRF-20S subdivision development one bonus lot shall be added to the maximum number of units calculated.

**14.76.050 Percent built area. (Repealed July 2010)**

**14.76.060 Open space.**

- A) A deed restriction must be filed on the property remaining in open space stating use of the land will be limited to the uses permitted in **Subsection 14.76.060 (B)**, until such time as any of the following occur:
  - 1) Zoning classification change; or
  - 2) Annexation by a municipality; or
  - 3) Other jurisdictional transfer
- B) Areas or spaces designated as open space by **Section 14.76.030** shall not be developed or used except as follows, subject to the regulations of the zoning district in which the development is located:
  - 1) Agriculture, forestry, and fisheries;
  - 2) Game preserves, wildlife sanctuaries, and the like; and
  - 3) Non-commercial recreational structures and uses.

**14.76.070 Required Utilities.**

The following are required in zones A5, RA5, RA, GRF-5, GRF-20R, and are not required in the GRF-20S zone:

- A) Power
  - 1) All development for human habitation requires a commercial or alternative source of power.

B) Water

- 1) All development for human habitation requires documentation certifying available culinary water.
- 2) Shall obtain approval on public water systems from the Utah Department of Environmental Quality, Central Utah District represented by a letter.
- 3) All development within 300 feet measured from the property line of existing public culinary water lines shall be required to request for hookup. If approval is granted from any conservation district, special service district, or municipal culinary water systems within 300 feet, all development of lines and all appropriate fees determined by the culinary water system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

C) Wastewater

- 1) All development for human habitation requires an approval from the board of health before any permit shall be issued.
- 2) Shall obtain approval from the Central Utah Public Health Department represented by a letter.
- 3) All development within 300 feet measured from the property line of existing public wastewater lines shall be required to request for hookup. If approval is granted from any wastewater systems within 300 feet, all development of lines and all appropriate fees determined by the wastewater system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

**14.76.075 Water in sufficient quantity.**

Required for each dwelling unit is water in sufficient quantity according to the following requirements;

A) If connected to public or private water company that provides culinary water, a letter from the water company stating it will provide the necessary culinary water connection for the dwelling unit is required to obtain a building permit.

B) If culinary water is to be provided from a well, one acre foot (.0037cfs) of water is required for each dwelling unit. This water right must be in the name of the building permit applicant and assigned by the State Division of Water Rights to the building lot.

**14.76.080 Parking.**

A) Off-street parking where required shall meet the following criteria:

- 1) A garage, carport or parking area for the Off-street parking of a least two cars per dwelling unit.
- 2) Churches and auditoriums shall have one space for each three seats in the primary meeting room.
- 3) Schools
  - a) All schools serving ages 15 and below require two (2) spaces per classroom.
  - b) All schools serving ages 16 and above require ten (10) spaces per classroom.
  - c) Auditoriums require one space per three seats.
- 4) Hospitals, nursing homes, sanitariums or convalescent homes require one space per every two beds, plus five (5) additional spaces for each 25 beds or fraction thereof over minimum of 25 beds.
- 5) Hotels, motels, boarding and rooming houses require one space per unit.

- 6) Restaurants require one space per 100 square feet of building.
  - 7) Offices require one space per 200 square feet of building.
  - 8) Retail sales require one space per 200 square feet of building.
  - 9) Warehouses and wholesale use require one space per 200 square feet of building office space plus one space per 1,000 square feet of additional gross floor area.
  - 10) Recreational and amusement uses require one space for every five (5) people up to the maximum number of people to be accommodated by the facility.
  - 11) Manufacturing, assembly, packing, preparation, research facilities or similar uses require one space for every 350 feet of gross floor area.
  - 12) All other land uses require probable estimates of need determined by the Board of County Commissioners or by their designated representative.
- B) Location of off-street parking spaces for all uses shall not be located within the required perimeter setback.
  - C) Screening and landscaping off-street parking areas for 5 or more vehicles and off-street loading areas shall be effectively screened, and shall not be closer than seven (7) feet from a traveled right of way.
  - D) All off-street parking shall be graded and drained so as not to negatively affect surrounding uses.
  - E) Surfacing of the parking areas shall be as required for the adjacent street.

**14.76.090 Commercial Truck Parking.**

Commercial trucks (any combination of vehicles over 26,000 lbs. GVWR) shall not be allowed to park or idle in any public road or right away. Idling time shall be limited for commercial trucks and subsequent trailers to no longer than thirty (30) minutes.

**14.76.100 Mobile homes.**

- A) Mobile homes and recreational vehicles intended for long term residence must be located in approved mobile home parks or Recreational Vehicle Parks.
- B) Temporary location of mobile homes and recreational vehicles will be permitted outside mobile home parks or recreational vehicle parks following the property owner obtaining a temporary use permit as required by **Chapter 14.64**.

**14.76.110 Manufactured homes.**

- A) All manufactured homes must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the Uniform Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Uniform Building Code.
- B) A manufactured home may be located in all areas in which a single-family residence is permitted by the title provided the manufactured home complies with all zoning, building code, and subdivision requirements, including restrictive covenants, applicable to single-family residence within that zone.

#### **14.76.120 Accessory Dwelling Units or Structures.**

Accessory Dwelling Units shall be allowed as a conditional use following procedures outlined in **Chapter 14.68** and under the following additional conditions:

- A) Only one accessory dwelling unit is allowed per primary single detached dwelling unit;
- B) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory, unless the existing structure is to become an accessory dwelling to a new primary dwelling, and it meets the remaining requirements;
- C) All required setbacks are maintained;
- D) The accessory dwelling unit shall be within 100 feet of the primary dwelling;
- E) Site plan for the accessory unit must be submitted with the application;
- F) The primary and accessory unit must be owner occupied, no roomers or boarders shall be permitted in either the primary unit or the accessory unit;
- G) The accessory dwelling unit may not exceed 1000 square feet and shall be similar architectural style as the primary dwelling unit;
- H) Use of such accessory dwelling shall be limited at all times to immediate family members and appropriate care givers;
- I) Shall be compatible with surrounding uses;
- J) Access to accessory dwelling unit is restricted to the existing driveway;
- K) Permitted source of water and permitted wastewater disposal following requirements of **Section 14.76.070**; If a septic system and/or water are required, the applicant cannot claim the agriculture exemption.
- L) Sale or rental of the accessory unit separate from the primary dwelling is prohibited;
- M) If the structure is not an accessory to a dwelling unit, and not for human occupancy, the conditional use permit shall detail the use, and the restrictions;
- N) If a conditional use permit is approved, it shall be recorded as required in **Section 14.68.095**.

#### **14.76.130 Farm Labor Dwellings.**

- A) All farm labor dwellings shall require a conditional use permit as required by **Chapter 14.68**.
- B) Farm labor dwelling units shall be located on a parcel being farmed and occupied by the owner, operator or employee of the farming operation provided that:
  - 1) The dwellings are not rented to other person(s) than an operator, manager, or employee of the farming operation or held out for lease or sale.
  - 2) The dwellings are located within the required setback of the applicable zone.
  - 3) The arrangement of the dwellings, sanitary facilities, and utilities conforms with all of the requirements of **Section 14.76.070**, the Building Inspection Department, and this title.

#### **14.76.140 Right-of-ways.**

Thirty-three (33) foot from center for a total of sixty-six (66) foot shall be dedicated for right of way on all new, existing, and traditional roads located in the county.

**14.76.150 Access to Public Land.**

Traditional accesses through the property to public lands **shall** be maintained in accordance with the General Plan.

**14.76.160 Structures over easements.**

There shall be no permanent structures located on or over easements without written approval of the Zoning Administrator and the utility for which the easement is provided.

**14.76.170 Contiguous Property.**

All contiguous property held in common ownership shall, regardless of the use of separate legal descriptions or parcel designations, be considered to be one undivided parcel for zoning and subdivision purposes and no portion of such property shall be sold or developed unless in conformity with the zoning and subdivision statutes and ordinances.

**14.76.180 Yard space for one building only.**

No required yard or other open space around existing building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

**14.76.190 Sale or lease of required culinary water.**

No culinary water needed to meet the minimum requirements of this title shall be sold or leased unless other culinary water so complying is provided.

**14.76.200 Sale or lease of required space.**

No space needed to meet the width, yard, area, coverage, or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

**14.76.210 Sale of lots below minimum space requirements.**

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be put off from a larger parcel of land for the purpose of building and developing, whether immediate or future.

**14.76.220 Yards to unobstructed - Exceptions.**

Every part of a required yard shall be open to the sky and unobstructed, except for permitted accessory buildings, eaves, cornices and open porches.

**14.76.230 Clear view of intersecting streets.**

In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property line and a line connecting them at points forty-five (45) feet from the intersection of the street lines. All billboards shall be located at least one hundred (100) feet from the point of intersection of any two intersecting streets or highways.

**14.76.240 Dwelling sites shall abut upon public street.**

At least one side of each lot used as a dwelling site shall abut upon a public street, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which such building site is located, except as may be approved by the board of adjustment.

**14.76.250 Concessions in public parks and playgrounds.**

Concessions, including but not limited to amusement devices, recreational buildings, caretakers' dwellings, and refreshment stands shall be permitted to be situated on a public park or playground when approved by the board of county commissioners, provided it can be shown that the concession is in the interest of the public and is in harmony with the objectives and purposes of this title and the characteristics of the zone in which it is located.

**14.76.260 Setbacks from state and federal highways.**

Notwithstanding any other provision of this title, all buildings abutting upon highways having a state or federal designation (except non-access highways), shall be set back at least fifty (50) feet from the highway right-of-way line, except for small temporary fruit and vegetable stands.

**14.76.270 Railroad setbacks.**

Rear yard or side yard setbacks abutting railroad tracks shall be a minimum of 40 feet, unless an earthen berm or other sound barrier is provided along the property line adjacent to railroad tracks.

**14.76.280 All excavations.**

The banks of all gravel, sand, clay and topsoil pits and similar excavations located within five hundred (500) feet from any street or dwelling shall be smoothed and reconditioned so as not to be hazardous or unsightly at the termination of operation or use. Before a permit for a gravel, sand, clay or topsoil pit or similar excavation shall be issued, a bond or other assurance shall be furnished to the county in the amount set in fee schedule (**Appendix C**) for each acre from which such material is taken as a guarantee that the reconditioning will be done in a manner and to such extent that the pit will not depreciate the surrounding property for its primary use or impair the beauty of the landscape. Upon the completion of the reconditioning, as approved by the board of county commissioners, the bond or other assurance shall be returned to the owner; provided, that in the event the reconditioning has not been completed within one year

from the date of abandonment of said pit, the board of county commissioners may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from the sale of said bonds or assurances.

**14.76.290 Adult uses.**

All adult entertainment must be located at least 1,000 feet from the property line of established residences, schools, churches, parks, recreational or instructional facility or business where children congregate, and from any other adult business or use.

**14.76.300 Modification of regulations.**

- A) Whenever a subdivision shall be approved by the planning commission and by the board of county commissioners, the regulations and restrictions of the zone in which the subdivision is located as applied to the land covered by said subdivision shall be construed to be modified in accordance with the approved plan.
- B) The planning commission shall not approve a subdivision unless:
  - 1) In the opinion of the planning commission, existing and future needs and requirements for traffic circulation, health, sanitation, drainage, utilities, water supply, fire prevention and other public requirements shall be met; and
  - 2) Requirements of the subdivision regulations for Sevier County shall be complied with.
- C) The planning commission may require that changes be made in the plans. It may also require that other conditions shall be complied with which are reasonable and necessary in order to carry out the purposes of this title.

**14.76.310 Prohibited uses.**

Uses which are not specifically permitted within a zone are specifically prohibited therefrom.

## Chapter 14.80

### YOUTH HOMES

#### Sections:

- 14.80.010 Youth home defined.
- 14.80.020 Authorization.
- 14.80.030 Application - Contents.
- 14.80.040 Application - Fee.
- 14.80.050 Application - Planning commission review - Recommendation.
- 14.80.060 Public hearing.
- 14.80.070 Use permit.
- 14.80.080 Conditions.
- 14.80.090 Continuation of use.
- 14.80.100 Violations - Penalty.

#### 14.80.010 Youth home defined.

“Youth home” is defined as any residence, dwelling or other structure utilized for the domicile, residence or sleeping accommodation of more than three children of the age of eighteen (18) years or less for more than one week where such children are not related within three degrees of consanguinity to the adult persons occupying the same residence or premises.

#### 14.80.020 Authorization.

Youth homes will be permitted only on granting of a conditional use permit after application to the planning commission and approval of the board of commissioners. The board of commissioners, prior to acting on the application, will receive a recommendation from the planning commission and entertain public comment at a duly noticed public hearing.

#### 14.80.030 Application - Contents.

The application must contain the following information, and no application shall be heard which does not contain this information:

- A) Name and address of applicant;
- B) Statement of ownership of the subject property executed by the owner or his agent under penalty of perjury;
- C) Description of the property, including legal description and address, and common means of identification;
- D) Map of the boundaries of the parcel and each separate lot or parcel within three hundred (300) feet of the exterior boundaries thereof; together with a list of the names and addresses of the last known owners or

- public record of each parcel;
- E) A statement indicating the precise manner of compliance with each of the applicable provisions of this chapter together with any other information pertinent to the findings prerequisite to the granting of a use permit, prescribed in this chapter;
  - F) A statement from the appropriate regulatory agency concerning availability of public utilities including culinary and irrigation water, power, sewer disposal and refuse disposal;
  - G) A statement from the Sevier County School District indicating the availability of educational instruction and the impact of location of the proposed facility at the proposed location or, in the alternative, that education will be handled privately and designating the number of employees to be involved in education and the mandatory credentials required of such employees;
  - H) A detailed written description of the anticipated ages and total number of occupants of the facility together with a diagram of the facility including all separate rooms and the intended use of each room;
  - I) A detailed description of number of intended staff and job descriptions for such staff;
  - J) A statement demonstrating the capability of the applicant, through insurance bonds, financial reserves, or immediately available line of credit to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.

#### **14.80.040 Application - Fee.**

The application must be accompanied by a receipt showing that the application fee stated in the fee schedule (**Appendix C**) has been paid; provided, that up to two-thirds of such fee may be returned upon demonstration that compliance with Utah state licensing has obviated the necessity of more thorough screening of the application and; provided, further, that the fee for foster care homes duly licensed by the state of Utah, and authorizing four or less clients at a time, the fee shall be in the amount determined by the Board of county Commissioners.

#### **14.80.050 Application - Planning commission review - Recommendation.**

The planning commission will review the application and, if deemed appropriate, request comment from potentially impacted public and private agencies and parties. The planning commission will, within sixty (60) days of receipt of the application, submit a recommendation to the board of commissioners.

#### **14.80.060 Public hearing.**

- A) The board of commissioners shall hold a public hearing within forty-five (45) days of receipt of the recommendation of the planning commission.
- B) Notice of the time, place and purpose of such public hearing shall be given as follows:  
At least fourteen (14) days prior to the date set for the hearing, and not more than forty-five (45) days prior to that date, the county clerk shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by **Subsection 14.80.030(D)**. The notice shall give the date, time and place of the hearing, the name of the applicant, the requested use, the identification of the property and such other information as may be prescribed by the board of commissioners in any individual case. The clerk shall also cause such notice to be mailed to all governmental entities providing services to the subject property and all municipalities with boundaries located within five

miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above-described notice period.

**14.80.070 Use permit.**

The board of commissioners may grant the use permit; provided, that it is established that the proposed use is in accordance with the provisions of the general plan, this chapter, and that the following qualifications have been met:

- A) The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.
- B) The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this chapter.
- C) The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
- D) The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the county.

**14.80.080 Conditions.**

In approving any application for a use permit, the board of commissioners may require specific standards of site development and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

- A) Conformity to plans and drawings submitted with the application;
- B) The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
- C) The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
- D) Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
- E) Limits on time of day for the conduct of specified activities;
- F) Guarantees as to compliance with the terms of the approval.

**14.80.090 Continuation of use.**

Approved conditional use permits will be reviewed on a yearly basis at which time the user, in addition to delivering a business license fee (**Appendix C**), will supply a written confirmation that all conditions required by the initial approval of the use continue to be satisfied and honored and will itemize in writing the date, time and status of persons, e.g., staff or resident, who have engaged in any criminal misconduct or in the damaging or destruction of private property during the previous year and will confirm that restitution has been made to all victims of such occurrences. In the event that a court has not made a determination as to the amount of restitution owed, the board will entertain evidence in that regard and order immediate payment of restitution as the board determines reasonable.

**14.80.100 Violations - Penalty.**

On violation of any of the provisions of this chapter or any other applicable ordinances by a holder of a use permit, or on failure of the holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended unless the permit holder, at a hearing held within fifteen (15) days, satisfies the board of commissioners that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked.

**Chapter 14.84**

**RESIDENTIAL FACILITIES FOR ELDERLY PERSONS**

**Sections:**

- 14.84.010 General requirements**
- 14.84.020 Permit process.**
- 14.84.030 Termination of permit.**

**14.84.010 General requirements.**

- A) A residential facility for elderly persons may not operate as a business.
- B) A residential facility for elderly persons shall:
  - 1) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
  - 2) be consistent with existing zoning of the desired location; and
  - 3) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
- C) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

**14.84.020 Permit process.**

- A) A residential facility for elderly persons shall be allowed as a conditional use following procedures outlined in **Chapter 14.68** under the following conditions:
  - 1) The facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
  - 2) provide for adequate off-street parking;
  - 3) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
  - 4) residential facilities for elderly persons be reasonably dispersed throughout the county;
  - 5) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
  - 6) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

- B) Decisions regarding the application for a conditional use permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

**14.84.030 Termination of permit.**

The use granted and permitted by **Chapter 14.84** is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part or if the structure fails to comply with applicable health, safety, and building codes.

**Chapter 14.86**

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

**Sections:**

**14.86.010 Definition.**

**14.86.020 General requirements.**

**14.86.010 Definition.**

- A) For the purposes of this Section "Disability" is as defined in **Section 57-21-2 of Utah Code.**
- B) "Residential facility for persons with a disability" means a residence:
- 1) in which more than one person with a disability resides; and
  - 2) is licensed or certified by the Department of Human Services under **Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities** or is licensed or certified by the **Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.**

**14.86.020 General requirements.**

- A) Residential facilities for persons with a disability shall be reasonably dispersed throughout the county.
- B) A residential facility for persons with a disability is a permitted use in all zones and only requires that the applicant verify compliance with the building, safety, zoning, and health regulations that are required in obtaining a building permit applicable to similar structures.
- C) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:
- 1) programs or entities licensed or certified by the Department of Human Services as provided in Section 62A-2-114 and Title 62A, Chapter 5, Services to People with Disabilities; and
  - 2) programs or entities licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

## Chapter 14.90

### ENFORCEMENT

#### Sections:

**14.90.010 Permits required.**

**14.90.020 Powers and duties of enforcing officer.**

**14.90.030 Civil enforcement.**

**14.90.040 Stay order.**

**14.90.050 Building permits required.**

**14.90.060 Permit to comply with title.**

**14.90.070 Reconsideration/Revocation of approvals, permits and licences.**

**14.90.080 Violation - Penalty.**

**14.90.090 Violation - Notice to correct.**

**14.90.100 Appeals.**

#### **14.90.010 Permits required.**

- A) Any person, firm or corporation desiring to construct a building in the unincorporated territory of Sevier County shall first apply for a permit therefor to the county clerk. The county clerk shall refer the same to the zoning administrator.
- B) All applications for building permits shall be accompanied by a plat showing the size and location of the existing buildings and buildings to be erected. The plat shall also show the zone in which the lot or parcel of land is located.

#### **14.90.020 Powers and duties of enforcing officer.**

- A) The zoning administrator and other county staff shall enforce all the provisions of this title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions.
- B) Upon appeal to the board of adjustment of any matter on which said board is required to pass, the zoning administrator shall forthwith transmit all papers, records, and other pertinent data pertaining to the appeal to said board.

The zoning administrator shall also refer matters to the health department, board of county commissioners, and other agencies as required by this title.

#### **14.90.030 Civil Enforcement.**

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

**14.90.040 Stay Order.**

In order to maintain the status quo pending the appeal of any decision hereunder or otherwise, the county may issue a stop work order mandating that all development activities cease in accordance with the terms of the order. Said order may be appealed to the Board of County Commissioners within five (5) days of the receipt thereof by any aggrieved person.

**14.90.050 Building permits required.**

No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of this title, nor shall the county have any obligation to issue certificates of occupancy or extend utility service to any parcel created in violation of this title.

**14.90.060 Permit to comply with title.**

From the time of the effective date of this title, the building inspector shall not grant a permit for the erection or alteration of a building or structure if such erection or alteration would be in violation of the provisions of this title.

**14.90.070 Reconsideration/Revocation of Approvals, Permits and Licences.**

An approved development application, permit, or license may be reconsidered and revoked by the Zoning Administrator, the Planning Commission, the Board of Adjustment, the Board of County Commissioners in accordance with the procedures set forth in this section if it is determined that the application, decision, permit or license was based on materially inaccurate or incomplete information.

A) Duties of the Zoning Administrator.

If the Zoning Administrator determines, based on inspection by county staff, that there are reasonable grounds for revocation of a development permit or license authorized by this Ordinance, the Zoning Administrator shall set a public hearing before the approving body.

B) Notice and Public Hearing.

At least fourteen (14) days notice of a proceeding to reconsider or revoke the development permit or license shall be given to the applicant pursuant to notice requirements in the Utah Annotated Code.

C) Required Findings.

The approving body may revoke the development approval, permit or license upon making one or more of the following findings:

- 1) That the development permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant.
- 2) That the terms or conditions of approval of the permit relating to establishment or operation of the use, building or structure have been violated or that other laws or regulations of the County, State, Federal or Regional Agencies applicable to the development have been violated.

D) Decision and Notice.

Within ten (10) days of the conclusion of the hearing the approving body shall render a decision and shall notify the holder of the permit or license of the decision, and any other person who has filed a written request for such notice.

E) Effect.

A decision to revoke a development permit or license shall become final five(5) days after the date notice of the decision was given. After the effective date, all activities pursuant to such permit shall be deemed in violation of this title.

**14.90.080 Violation - Penalty.**

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, who shall erect, construct or reconstruct or alter any building or structure in any zone of the unincorporated area of Sevier County without first obtaining a permit therefor from the county building inspector shall be guilty of a Class C misdemeanor, and any person, firm or corporation, whether as principal, agent, employee or otherwise, who shall change the use of any building or other structure or the use of any land within the unincorporated territory of Sevier County in violation of the provisions of this title shall be guilty of a Class C misdemeanor and upon conviction thereof, shall be punished and fined pursuant to the provisions of the Utah Code. Such person, firm or corporation violating this title or any portion thereof shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such person, firm or corporation and shall be punishable as provided by law as a separate offense.

**14.90.090 Violation - Notice to correct.**

Whenever the zoning administrator shall observe any apparent violation or infraction of this title, he shall send a notice to the property owner on whose land the apparent violation occurs, setting forth the nature of the alleged violation, together with a statement of what must be done to correct said alleged violation and a statement of the time in which said alleged violation must be corrected. Failure to notify, however, shall not be deemed approval of any violation.

**14.90.100 Appeals.**

- A) No person may challenge in district court a county's land use decisions made under this title or under the regulation made under authority of this chapter until that person has exhausted all administrative remedies.
- B) Any person adversely affected by any decision made in the exercise of the provisions of this title may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.
- C) The courts shall:
  - 1) presume that land use decisions and regulations are valid; and
  - 2) determine only whether or not the decision is arbitrary, capricious, or illegal.

## APPENDIX A LAND USE MATRIX

**Purpose.**

The purpose of the matrix is to assist the user of this ordinance in identifying the appropriate land use classification for a specific land use.

\* P = PERMITTED USE , L1, L2, L3 = LEVEL OF APPROVAL NEEDED,  
N = NOT ALLOWED

Land Use Classification  Use	A5	RA5	RA	GRF - 5	GRF - 20R	GRF - 20S
Accessory Dwellings & Structures	L1	L1	L1	L1	L1	L1
Agriculture processing	P	L1	N	L1	L1	L1
Agriculture packaging & warehousing	P	L1	N	L1	L1	L1
Agriculture	P	P	P	P	P	P
Airports/Airstrips/ Heliports	L3	L3	L3	L3	L3	L3
Animal Hospitals	L2	L2	N	L2	L2	L2
Asphalt mixing/batching plants/Borrow pits	L2	N	N	L2	L2	L2
Auction Yards	L2	N	N	L2	L2	L2
Auto/ Motorcycle/ BMX/ Race Tracks	L2	N	N	L2	L2	L2
Auto Salvage/ Wrecking Yards and Allied Operations	L2	N	N	L2	L2	L2
Auto/Truck Repair, Sales, and Service	L1	N	N	L1	L1	L1
Barns & Other Agricultural Related Structures	P	P	P	P	P	P
Bed & Breakfast	L2	L2	L2	L2	L2	L2
Billboards	L2	L2	N	L2	L2	L2
Boat Building/Boat Storage	L1	L1	N	L1	L1	L1
Broadcast Studios	L1	L1	N	P	P	P

Land Use Classification Use	A5	RA5	RA	GRF - 5	GRF - 20R	GRF - 20S
Cemeteries/Crematoriums	L2	L2	N	L2	L2	L2
Day Care Center (Non-commercial)	P	P	P	P	P	N
Churches	P	P	P	P	P	P
Coal Yards	L2	N	N	L2	L2	L2
Community Building Public or Private	P	P	P	P	P	P
Commercial Feed Lot	L2	N	N	L2	L2	L2
Construction Equipment Yard	L1	L1	N	L1	L1	L1
Corrals	P	P	N	P	P	P
Cottage Industry	L1	L1	L1	L1	L1	L1
Dairies	L2	N	N	L2	L2	L2
Dog Kennels	L1	L1	N	L1	L1	L1
Domestic livestock (within AU limits)	P	P	P	P	P	P
Drilling Oil/ Shaft Mining	L1	L1	N	L1	L1	L1
Fabrication/Welding	L1	L1	N	L1	L1	L1
Farm Labor Dwellings	L1	L1	N	L1	L1	L1
Farming & Ranching	P	P	P	P	P	P
Forest Product Development	P	N	N	P	P	P
Forest Industries	P	N	N	P	P	P
Fruit & Vegetable Stands	P	P	L1	P	P	P
Funeral Homes & Chapels	L2	L2	L2	L2	L2	N
Golf Courses/Country Clubs/ Riding Clubs	P	P	P	P	P	P

Land Use Classification Use	A5	RA5	RA	GRF - 5	GRF - 20R	GRF - 20S
Gravel Pits, Rock Crushers, Clay Pits & Rock Quarries	L2	N	N	L2	L2	L2
Home Occupation	P	P	P	P	P	P
Hospitals	L2	L2	L2	N	N	N
Mining/Mineral Extraction	L2	N	N	L2	L2	L2
Orphanages, Convents	L2	L2	L2	L2	L2	L2
Radio/Television/Cellular Towers	L1	L1	L1	L1	L1	L1
Railroad/Terminal	L3	L3	N	L3	L3	L3
Raising & Keeping of Limited Animals (Those not defined in AU's)	P	P	P	P	P	P
Recycle Centers	L2	N	N	L2	L2	L2
Regional Camps/ Resorts	L2	N	N	L2	L2	L2
Schools	P	P	P	P	P	N
Shooting Ranges/Archery/Firearm	L2	N	N	L2	L2	L2
Single Family Dwelling	P	P	P	P	P	P
Storage Units	L2	L2	N	L2	L2	L2
Stockyards/Slaughterhouses	L2	N	N	L2	L2	L2
Trucking Operation, Parking, Storage or Maintenance	L1	L1	N	L1	L1	L1
Utility Distribution Facilities (Major) Water, Sewer, Electric	P	N	N	P	P	P
Utility Station (Minor)	P	P	P	P	P	P

*For any land use not listed in this land use matrix, the Planning Commission may use any similar land use classification. Otherwise, a conditional use permit may be applied for and considered by the Planning Commission.*

# APPENDIX B

## DEFINITIONS

As used in this title:

**Access** - 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 Dwelling Unit** - A minor detached dwelling that is located on the same lot as a principal dwelling and that is used incidentally to a primary dwelling or the house as accessory use.

**Accessory Structure or Use** - A detached subordinate structure or a use which is clearly incidental or subordinate to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

**Adult Entertainment** - An establishment that: a) provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas; b) features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or c) a book or video store having the substantial or significant portion of its trade in books, magazines, periodicals or other materials which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas; or d) a theater used exclusively or primarily for presenting material distinguished or characterized by specified sexual activities or specified anatomical areas for observation by persons 18 years of age or older on the premises.

**Agriculture** - Any use of land for the growing and harvesting of crops for sale for profit, or used which are directly ancillary to the growing and harvesting of crops, which is the exclusive or primary use of the lot, plot, parcel, or tract of land; including processing crops to the generally recognizable minimum level of marketability; or the open range grazing of livestock; or irrigated pasture for grazing of livestock. It shall not include livestock raising activities other than what has been previously defined as agriculture; nor shall it include retailing of goods on the premises, any agricultural industry or business, such as fruit packing, plants, fur farms, animal hospitals or similar uses. Also, excluded from agriculture are mechanized industrial animal farms, commercially operated greenhouses, commercial milk farms and commercial dog kennels, and commercial feeding of garbage to swine or other animals or operating for the disposal of garbage, sewerage, and rubbish.

**Agricultural Packing and Warehousing** - A facility used for the storing, sorting, cleaning, sacking, or transshipment of agricultural products. Does not include processing functions. Sorting and cleaning mean handling to the generally minimum level of marketability.

**Agricultural Processing** - Cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use.

**Airports, Heliports, and Landing Fields** - Any area of land which is used or intended for use for the landing and taking off of aircraft; and appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right of way, together with all airport buildings and facilities located thereon.

**Animal Unit** - A term used to establish an equivalent density for various species of livestock. The following animals shall have the following animal unit equivalents:

		Example:
Cattle/Buffalo/Horse	1 animal unit	(1 Buffalo per 1 AU)
Horse (34 inches or less at withers)	.2 animal unit	(5 Horses per 1 AU)
Swine/Ostrich	.2 animal unit	(5 Swine per 1 AU)
Goat/Sheep/Llama	.2 animal unit	(5 Goats per 1 AU)
Poultry	.02 animal unit	(50 Chickens per AU)
Mink and similar furbearing animals	.02 animal unit	(50 Mink per AU)
Other Livestock	1 animal unit	(1 Elk per AU)

Young animals shall not be counted until they are weaned. Horses includes mules and donkeys.

**Alternative power** - Another source or means of supplying energy such as solar, wind, etc. that can be considered an equivalent substitute for conventional commercial power.

**Area** - The aggregate of the maximum horizontal cross-section within given boundaries.

**Auto-Wrecking Yard** - Any place where motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for the dismantling or storing of such motor vehicles or the parts thereof.

**Bed and Breakfast** - A residence built expressly for, or converted to, rent rooms to paying guests and to provide breakfast to paying guests on a short term (daily, weekly basis). The residential appearance of the structure is maintained. Definition does not include hotel, motel or boarding house.

**Buffer** - An area of land including landscaping, berms, walls, fences and building setbacks which is located between land used of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

**Building** - Any structure used or intended for supporting or sheltering any use or occupancy.

**Building, Height of** - The vertical distance in feet to the peak from average grade.

**Building Official** - The official or other person charged with the administration and enforcement of this title or his duly authorized deputy.

**Building, Public** - A building owned and operated, or owned and intended to be operated by a public agency or the United States of America, of the state of Utah, or any of its political subdivisions.

**Building or Structure, Nonconforming** - A building, structure or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which existed prior to the effective date of the resolution codified in this title.

**Campground** - A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or paying camping purposes.

**Camping Trailer** - A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.

**Carport** - A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all regulations described in this title for a private garage.

**Cemetery** - A burial place or grounds.

**Clear Site Triangle** - That area of a property where the driveway or ingress point intersects an abutting street or street corner.

**Clinic** - An establishment where patients are not lodged overnight but admitted for out-patient services.

**Club** - Building and facilities owner or operated by a corporation, association, person or persons for a social, educational or recreational propose.

**Clustering** - The grouping of structures, courts, cul-de-sacs, or short streets--more closely than in conventional residential plans--in order to preserve agriculture, natural site amenities, and open space.

**Commercial Feed Lot** - Any tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals for the sale of such animals or the sale of products derived from such animals. Does not include dairies.

**Common Open Space** - The land area in planned unit development (PUD) reserved and set aside for agricultural or recreational use, landscaping, open green areas, parking, and driveway areas for the common use and enjoyment of the residents of the PUD.

**Conditional Use** - A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit for such use is granted by the county planning commission.

**Construction** - The act of breaking ground and erecting a building or structure as defined elsewhere in this section.

**Corral** - A space, other than a building, used for the confinement of animals.

**Cottage Industry** - A small, individual owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

**County Commission** - The elected Board of County Commissioners of Sevier County.

**Dairy** - An area of land on which cows are kept for the purpose of manufacturing, processing or producing dairy products in commercial quantities, as well as the related buildings and equipment.

**Day Care Center** - A building or structure where six or more children are regularly cared for during the day for compensation.

**Density** - Acres per one primary dwelling unit.

**Development** - Any man-made change to improved or unimproved real estate including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions, or substantial alterations to buildings, structures or accessory structures; roads, bridges, placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavating or drilling operations, and the deposition or extraction of earthen materials.

**Domestic livestock**- Those fowl, cattle, dairy animals, swine, sheep, goats, and other animals such as horses which are kept or raised for use or for pleasure as part of the overall agricultural operation and which are not part of a commercial feedlot.

**Drainage System** - One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**Dry Cleaner** - An establishment which has as its sole purpose the cleaning of fabrics with substantially non-aqueous organic solvents. Laundry establishments with self-service, coin-operated dry cleaning machines shall not be classified as a dry cleaner.

**Dwelling** - A building designed or used exclusively as the living quarters of one or more families, but not including hotels, tourist cabins and boardinghouses.

**Dwelling, Single-Family** - A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

**Easement** - Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.

**Educational Institution** - A public elementary or secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

**Essential Services** - Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer 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.

**Farm labor dwelling** - A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family.

**Family** - An individual or two or more persons related by blood, marriage or adoption living together in a dwelling unit. Guests in excess of two who pay for meals or room shall be considered as boarders.

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

**Flood** - An overflow of water onto lands not normally covered by water. Floods have two essential characteristics: the inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, lake, or other body of water.

**Floor Area** - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

**Frontage (Lot Width)** - The Width of the lot or parcel of land measured at the front setback line.

**Fuel Modification** - A method of modifying fuel load by reducing the amount of non-fire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

**Garage** - A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

**Garage, Private** - 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 nor space therein for more than one car is leased to a nonresident of the premises. 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.

**Grade** - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Hospital** - Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

**Hotel** - A building in which a lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times.

**Infrastructure** - construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, and water, sewer and gas systems or parts thereof.

**Junk Yard or Automobile Wrecking Yard** - The use of premises for the open storage of old, wrecked, non-operable, dilapidated, automobiles, trucks, tractors, and other such vehicles and parts thereof; scrap building materials, scrap contractor's equipment, tank, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material.

**Kennel** - A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household pets.

**Laboratory** - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not including facilities for manufacture of products for sale.

**Landscaping** - The placement of living plants such as ground cover, shrubs and trees on developed lots. May include non-living materials such as gravel.

**Land use** - Any activity which is subject to the Regulation of this County which is conducted on, below and/or in the space above the surface of the earth to a height of 500 feet within the boundaries of the county excepting those areas subject to the zoning authority of the incorporated municipalities within the county.

**General Plan** - A plan adopted by the Sevier County Planning Commission which shows the most appropriate use of land within the county.

**Legal Description** - A metes and bounds description of a parcel of land filed in accordance with the requirements of the State of Utah and the county.

**Lodge** - A building containing no more than fifteen bedrooms for the temporary occupancy of guests, without cooking facilities in each unit. Accessory facilities may include any or all things customarily associated with lodges.

**Lot** - A parcel of land, as identified by having a single parcel identification code number in the records of the County Assessor of the county, and as created under the subdivision laws of the State of Utah and the ordinances of the county.

**Lot, Area of** - The contiguous, not separated by public roadway, of a lot between its front, rear, and side lot lines. Lot area must meet the minimum lot area requirements.

**Lot, Through (Double-Frontage Lots)** - A lot having a frontage on two parallel or approximately parallel streets. The lots for purposes of this title shall have two street frontages and two front yards.

**Lot Width** - The distance across a lot or parcel of property measured along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which constitutes the front lot line.

**Lot, Width (Frontage)** - The width of the lot or parcel of land measured at the front setback line.

**Manufactured Home** - A single family dwelling with a heated area of at least eight hundred sixty-four (864) square feet, and measuring at least thirty-six (36) feet by twenty-four (24) feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) And the Housing and Urban Development Zone Code II or the Uniform Building Code (UBC), as amended to the date of the unit's construction.

**Map** - The zone map of Sevier County, Utah.

**Mineral** - A naturally occurring element or combination of elements; metallic, nonmetallic or mineral fuel that occur in the earth, but shall not include soil. Without limitation due to enumeration, the minerals of interest include: 1) Metallic - Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon; 2) Nonmetallic - Stone, sand and gravel, clay talc, asbestos, graphite and marble; 3) Mineral Fuel - petroleum, natural gas, coal, peat and nuclear fuel source materials.

**Mineral Extraction** - The excavation or recovery of metallic, nonmetallic, or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of top soil when such activities are undertaken or proposed to be undertaken as a distinct land use.

**Mining, Drilling, Digging, Quarrying, Etc.** - All or part of the process involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases: 1) Exploration - Onsite, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling; 2) Prospecting - Examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means; 3) Operation - Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing of top soil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials; 4) Reclamation - Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

**Mobile Home** - Any structure manufactured or assembled prior to June 15, 1976, and/or originally designed to be capable of transportation by any motor vehicle upon public highways which does not require substantial onsite fabrication; which is intended for occupancy as a year round residence.

**Motel** - Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

**Motor Home** - A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes. Including school buses converted and vans.

**Natural Waterways** - Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the chief building official and in which areas no buildings shall be constructed.

**Nonconforming Building or Use** - A building, structure, parcel dimensions or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district or zone in which it is situated.

**Offices** - A building, room or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.

**Owner** - Any person, association, partnership, or corporation which has dominion over, ultimate control of, or title to real property.

**Parcel of Land** - A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

**Parking Lot** - An open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation or an accommodation for clients or customers.

**Parking Space, Off-Street** - An area not in a street or alley, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a driveway which affords ingress and egress for a vehicle.

**Permanent Foundation** - A continuous perimeter stem wall constructed of reinforced concrete or masonry set on approved footings and as required by the Uniform Building Code.

**Personal Services** - Uses such as beauty shops, barber shops, dry cleaners, mailing services, self-service laundromats and similar uses which provide service to the public individually.

**Planned Unit Development (PUD)** - A development in which the regulations of the zone in which the development is situated to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.

**Planning Commission** - The county planning commission of Sevier County, Utah.

**Primary Use** - A land use listed in the Land Use Matrix which occupies the greater portion of a lot or parcel, or is the more intense use of two uses on a lot or parcel.

**Private Drive** - A non-dedicated thoroughfare or road used exclusively for private access to and from private land or developments.

**Process** - A series of acts of changes proceeding one to the next; a method of manufacturing or conditioning; or to submit something to a treatment or preparation.

**Public Use** - A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

**Recreational dwelling** - Cabins and other permanent structures built for recreational use only and not to be used as a primary dwelling unit. Does not include travel trailers, trailer, recreational vehicles, mobile homes, unless permitted and connected to an approved septic system.

**Recreational Vehicle** - A vehicle such as a recreational trailer, camper trailer, truck camper, travel trailer, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

**Recreation, Commercial** - Recreation facilities operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, etc., and support facilities customarily associated with the development.

**Retail** - The sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily needs. May include sale in large size packages used as pricing incentives.

**Salvageable Material** - Inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement or spare parts can be extracted.

**Salvage Yard** - A solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normally found adjacent to industrial and commercial establishments.

**Sanitary Landfills** - Locations where trash, garbage, organic materials are buried and maintained in accordance with local, state, and federal regulations.

**Seasonal** - A dwelling that is constructed uninsulated.

**Setback** - The shortest distance between the property line and the building or part thereof.

**Service Station** - Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.

**Shopping Center** - A multi-entity commercial complex under single ownership or control which leases space to various commercial establishments.

- Sign** - A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.
- Stable** - A building in which domestic animals, such as horses, ponies, and cattle, are sheltered and fed, having stalls or compartments.
- Street** - A public thoroughfare, or right-of-way, dedicated, deeded or condemned for public use and which affords the principal means of access to abutting property. The word street includes road, avenue, or land, but does not include alley.
- Structure** - All construction, including residences, commercial buildings, free standing walls, antennas, signs, towers, bridges, culverts, or similar uses which may require a building permit issued by the county.
- Structural Alterations** - Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
- Subdivider** - Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any subdivision or part thereof as defined herein.
- Subdivision** - Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, conditions.
- Tent** - A portable lodge of canvas or strong cloth stretched and supported by poles.
- Trailer** - A vehicle designed for or used for human habitation.
- Travel Trailer** - a portable vehicle less than 10 feet wide by 50 feet long designed and used for temporary living and housekeeping purposes.
- Truck, Commercial** - Any combination of vehicles over 26,000 lbs. GVWR(Gross Vehicle Weight Rating)
- Uniform Building Code (UBC)** - The current edition of the Uniform Building Code.
- Unnecessary Hardship** - That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- Use** - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
- Use, Permitted** - Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.
- Variance** - An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- Veterinary Clinic** - A location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.
- Wholesale** - The sale of goods to a person or company who may sell products to the ultimate consumer. Includes sale of products in bulk for further repackaging.
- Yard** - Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.
- Yard, Front** - An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.
- Yard, Rear** - An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**Yard, Side** - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

**Zoning Administrator** - Designee of the Board of County Commissioners.

**Zoning Ordinance or Ordinance** - the Zoning Ordinance of Sevier County, Utah.

# APPENDIX C

## FEE SCHEDULE

Business License Fee .....	As stated in Chapter 5 Sevier County Code
Board of Adjustment Appeal Fee .....	\$ 150.00
Conditional Use Permit Fee .....	L-1.....\$ 10.00 L-2.....\$ 75.00 L-3.....\$150.00
Excavation Bond .....	Based on use (determined by the Board of County Commissioners)
PUD Application Fee .....	\$150.00
Subdivision Application Fee .....	Minor : \$ 75.00 Major: \$150.00
Temporary Use Permit Fee .....	\$ 75.00
Youth Home Application Fee .....	\$ 450.00
Zoning Change Fee .....	\$ 150.00

# APPENDIX D

## Appeal Form Board of Adjustment

Appeal Number \_\_\_\_\_  
Date Submitted \_\_\_\_\_  
Address of Site \_\_\_\_\_  
\_\_\_\_\_  
Applicant's Name \_\_\_\_\_  
Applicant's Address \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_  
Type of Appeal Request:

- \_\_\_\_\_ A hearing to determine where it is alleged by the appellant that an error in any order, requirement, decision or refusal in enforcement of the Zoning Ordinance
- \_\_\_\_\_ A variance
- \_\_\_\_\_ An interpretation of the Zoning map and/or Zoning Ordinance
- \_\_\_\_\_ Other: (Please specify) \_\_\_\_\_

Please explain your appeal: (Attach additional sheets if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted with this appeal form are:

- \_\_\_\_\_ A plot plan showing:
  1. The location of all existing and proposed structures on the lot and adjoining lots.
  2. Proposed setbacks for the lot lines.
  3. The location and dimensions of street access.
  4. The location of any off-street parking.
  5. The location of natural features which create a hardship in meeting the Zoning Ordinance.
- \_\_\_\_\_ Envelopes, stamped and addressed to the owners of all adjoining property owners to the parcel in question
- \_\_\_\_\_ Documentation for lot of record (canceled checks(s), contracts, stamped documents, etc.)
- \_\_\_\_\_ Filing Fee as outlined in Fee Schedule

**ACTION BY THE BOARD OF ADJUSTMENT**  
(FOR STAFF USE ONLY)

Date of Advertisement: \_\_\_\_\_

Date of Appeal Hearing: \_\_\_\_\_

Board of Adjustment Decision:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VOTE:

YES

NO

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

(NAMES)

Absent: \_\_\_\_\_

\_\_\_\_\_  
(NAMES)

\_\_\_\_\_  
Secretary Date

# APPENDIX E

## Municipal Annexation/Service Request Form

Municipality or Service Company \_\_\_\_\_

Date Submitted \_\_\_\_\_

Address of Site \_\_\_\_\_  
\_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Address \_\_\_\_\_  
\_\_\_\_\_

Phone Number \_\_\_\_\_

Reasons for denial of request/Additional Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ACTION TAKEN

Date of Denial: \_\_\_\_\_

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairman



# **FLOOD DAMAGE PREVENTION ORDINANCE**

## **ARTICLE I**

### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

#### **SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Utah Code Ann. 10-3-701 and Utah Code Ann 17-53-201 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of County Commissioners of Sevier County, does ordain as follows:

The County of Sevier elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the county having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

#### **SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of Sevier County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

#### **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in an area of special flood hazard.

## **SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance uses the following methods:

1. Restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in accommodation of flood waters;
5. Control filling, grading, dredging, and other development which may increase flood damage;
6. Prevent or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands

## **ARTICLE II DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*Area of future-conditions flood hazard* means the land area that would be inundated by the 1-percent-annual-chance (100 year) flood based on future-conditions hydrology.

*Area of shallow flooding* means a designated AO, AH, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood-related erosion hazard* is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area; in preparation for publication of the FIRM, Zone E may be further refined.

*Area of special flood hazard* is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHMB. After detailed remaking has been completed in preparation for publication of the Flood Insurance Rate Map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE)** Is the water surface elevation of the (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building**--see structure.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Erosion** means the process of gradual wearing away of land masses. This peril is not per se covered under the program.

**Existing construction**, means for the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date, "existing construction" may also be referred to as "existing structures".

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

**Existing structures**--see existing construction.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding** means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood elevation determination** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**Flood Insurance Rate Map (FIRM)** means an official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study or Flood elevation study** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood plain or flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**Flood proofing** means any combination of structural or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage potential to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway**--see regulatory floodway.

**Floodway encroachment lines** mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

**Freeboard** means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or

passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure..

**Historic Structure** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**Levee** means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor;

Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sec. 60.3

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**Mean sea level** means, for the purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**New Construction** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Recreational vehicle** means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self propelled or permanently tow-able by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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**Special flood hazard area**--see "area of special flood hazard".

**Special hazard area** means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

**Start of Construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations for the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as

dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **Structure**, for insurance purposes, means:

- (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (2) A manufactured home ( a “manufactured home”, also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- (3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “*structure*” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
- (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Variance** means a grant of relief by a community from the terms of a flood plain management regulation.

**Violation** means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation** means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

## **ARTICLE III**

### **GENERAL PROVISIONS**

#### **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Sevier County.

#### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for "Sevier County" dated May 24, 2011, with accompanying Sevier County unincorporated area Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto and hereby adopted by reference and declared to be part of this ordinance.

#### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

#### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

#### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the government body; and
3. deemed neither to limit or repeal any other powers granted under State statutes.

#### **SECTION G. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

## **SECTION H. SEVERABILITY**

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

## **SECTION I. AUTOMATIC ADOPTION**

Sevier County automatically adopts effective FEMA Flood Insurance Studies (FIS), and automatically adopts effective FEMA Flood Insurance Rate Maps.

## **ARTICLE IV**

### **ADMINISTRATION**

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Zoning Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit applications to determine whether proposed building sites, including the placement manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah National Floodplain Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of article 5.

### **SECTION C. PERMIT PROCEDURES**

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the forgoing in relation to areas of special flood hazard. Additionally the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a) The danger to life and property due to flooding or erosion damage;
- b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c) The danger that materials may be swept onto other lands to the injury of others;
- d) The compatibility of the proposed use with existing and anticipated development;
- e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f) The cost of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h) The necessity to the facility of a waterfront location, where applicable;
- i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j) The relationship of the proposed use to the comprehensive plan for that area.

### **SECTION D. VARIANCE PROCEDURES**

1. The Appeal Board as established by the County shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with

existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification requirement for issuing the variance increases.

6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variance as it deems necessary to further the purpose and objectives of this ordinance (Article I, Section C).

7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

9. Prerequisites for granting variances:

- a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b) Variances shall only be issued upon:
  - a. showing a good and sufficient cause;
  - b. determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - c. determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - d. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

10. Variance may be issued by the County for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a) the criteria outlined in Article IV, Section D(1)-(9) are met, and
- b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **ARTICLE V**

### **PROVISIONS FOR FLOOD HAZARD REDUCTIONS**

#### **SECTION A. GENERAL STANDARDS**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into the flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article III, Section B, (ii) Article IV Section B (8), or (iii) Article V, Section C (3), the following provisions are required:

1. Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article IV, Section C (1)a., is satisfied.
2. Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which structures are flood-proofed shall be maintained by the Floodplain Administrator.
3. Manufactured Homes – require that all manufactured homes be placed within Zone A on the County's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article I, Section B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article III, Section C; Article IV, Section C; and the provisions of Article V of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article III, Section B or Article IV, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **SECTION D. PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction be fined not more than \$500 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Sevier County from taking such other lawful action as is necessary to prevent or remedy any violation.

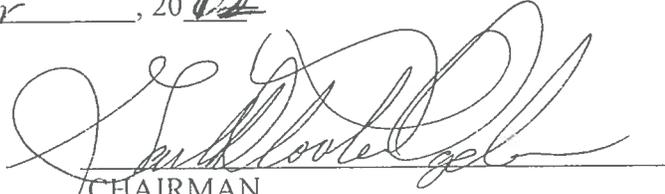
### **CERTIFICATION**

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

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

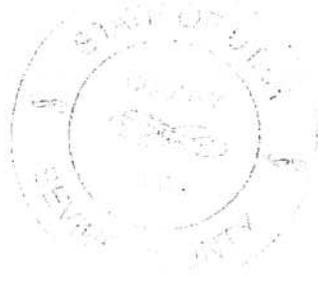
PASSED BY THE Sevier County Board of Commissioners on the

26<sup>th</sup> day of November, 2012



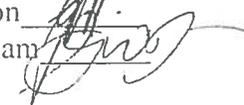
CHAIRMAN  
Sevier County Board of Commissioners

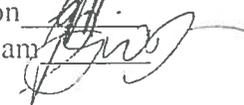
ATTEST:

  
SEVIER COUNTY CLERK

Voting History:

Commissioner Ogden 

Commissioner Mason 

Commissioner Topham 

APPROVED AS TO FORM:

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SEVIER COUNTY ATTORNEY