



ENT 1247:2023 PG 1 of 7
ANDREA ALLEN
UTAH COUNTY RECORDER
2023 Jan 09 8:37 am FEE 0.00 BY TM
RECORDED FOR COMMUNITY DEVELOPMENT

ORDINANCE NO. 2022 - 1188

**AN ORDINANCE AMENDING CHAPTER 12 OF THE UTAH COUNTY LAND USE
ORDINANCE TO PROVIDE ADDITIONAL EXCEPTIONS TO HEIGHT
LIMITATIONS FOR CERTAIN USES IN SPECIFIED ZONING DISTRICTS.**

WHEREAS, the Utah County Planning Commission initiated a review of Chapter 12 of the Utah County Land Use Ordinance (UCLUO) to provide additional exceptions to height limitations for certain uses in specified zoning districts.

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on November 15th, 2022, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Sections 12.08-G, 12.20-G, 12.24-G, 12.28-G, 12.40-G, 12.48-G, 12.56-G, and 12.68-G are hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as the following:

See Exhibit "A"

Part II:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part IV:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 7th day of December 2022.

UTAH COUNTY COMMISSION

VOTE


THOMAS V. SAKIEVICH, CHAIR

YEA


AMELIA POWERS GARDNER, VICE-CHAIR

YEA


WILLIAM C. LEE, COMMISSIONER

YEA

ATTEST:

JOSH DANIELS

Utah County Clerk/Auditor

By: 

Deputy



APPROVED AS TO FORM:

DAVID O. LEAVITT

Utah County Attorney

Approved

Disapproved

By: 

Deputy

Date of Publication: Once only, as soon as possible

Exhibit "A"

Section 12.08-G: Residential Agricultural (RA-5) Zone:

G. Height Requirements: The height requirements within the RA-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 - a. An antenna of a "stealth telecommunications transmission facility" may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 - b. For large-scale utility line structures, there shall be no maximum height.
 - c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 - d. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 80 feet.
 - e. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
 - f. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.20-G: Critical Environment (CE-1) Zone:

G. Height Requirements: The height requirements within the CE-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 - a. An antenna of a "stealth telecommunications transmission facility" may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 - b. For large-scale utility line structures, there shall be no maximum height.
 - c. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
 - d. The maximum height for support towers for accessory ski lifts and associated mountain resort facilities shall be 60 feet.
 - e. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
 - f. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.24-G: Critical Environment (CE-2) Zone:

G. Height Requirements: The height requirements within the CE-2 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:

- a. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
- b. For large-scale utility line structures, there shall be no maximum height.
- c. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
- d. The maximum height for support towers for ski lifts or zip lines within an approved recreational resort plat shall be 60 feet.
- e. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
- f. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.28-G: Mining and Grazing (M&G-1) Zone:

G. Height Requirements: The height requirements within the M&G-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 - a. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 - b. For large-scale utility line structures, there shall be no maximum height.
 - c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 - d. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
 - e. The maximum height for a silo associated with an approved concrete or asphalt batch plant shall be 65 feet provided the following conditions are met:
 - 1) The silo is painted or finished in a neutral earth-tone color which is consistent with the surrounding natural terrain, and;
 - 2) The silo does not display any type of logo or advertisement.
 - f. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
 - g. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.40-G: Industrial (I-1) Zone:

G. Heights and Sizes of Buildings: The height and size requirements within the I-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:

- a. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
- b. For large-scale utility line structures, there shall be no maximum height.
- c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
- d. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
- e. The maximum height for a silo associated with an approved concrete or asphalt batch plant shall be 65 feet provided the following conditions are met:
 - 1) The silo is painted or finished in a neutral earth-tone color which is consistent with the surrounding natural terrain, and;
 - 2) The silo does not display any type of logo or advertisement.
- f. The maximum height for a non-accessory sign shall be 50 feet above the ground or 25 feet above the grade of the driving surface of any adjacent public roadway, whichever is greater.
- g. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
- h. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.48-G: Agricultural (A-40) Zone:

G. Height Requirements: The height requirements within the A-40 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 - a. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 - b. For large-scale utility line structures, there shall be no maximum height.
 - c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 - d. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 80 feet.
 - e. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
 - f. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.56-G: Public Facilities (PF) Zone:

G. Height Requirements: The height requirement with the PF-Public Facilities Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 - a. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 - b. For large-scale utility line structures, there shall be no maximum height.
 - c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 - d. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
 - e. Otherwise, a height in excess of forty (40) feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
 - f. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

Section 12.68-G: Grazing (G-1) Zone:

G. Height Requirements: The height requirements within the G-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
 - a. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
 - b. For large-scale utility line structures, there shall be no maximum height.
 - c. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
 - d. The maximum height for a cellular telephone, radio, television, or other microwave transmission facility shall be 100 feet.
 - e. Otherwise, a height in excess of 40 feet or other maximum height identified above, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.
 - f. Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.