

**ORDINANCE NO. 19-06**

**AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE CHAPTERS 16.15 , JORDANELLE BASIN OVERLAY ZONE (JBOZ), AND 16.22, NONCONFORMING USES AND STRUCTURES, REGARDING PERMITTED AND CONDITIONAL USES LISTED WITHIN EACH RESPECTIVE CHAPTER.**

**WHEREAS**, counties may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of the county to provide for the health, safety, and welfare, promote prosperity, improve good order, comfort, convenience, and aesthetics of each county, and to protect both urban and non-urban development; and

**WHEREAS**, pursuant to this authority, the County Legislative Body enacted the Land Use and Development Code, and now amends the Land Use and Development Code; and

**WHEREAS**, the County Legislative Body desires to Amend Title 16 to reorganize for clarity, and to better align with the General Plan, and;

**WHEREAS**, Utah Code and associated case law are causing conditional uses to function more like permitted uses than they used to, thereby limiting the ability of the land use authority to deny applications for conditional uses that do not fit in with the zone or existing uses in the area, and;

**WHEREAS**, the County Legislative Body desires to be more restrictive in what conditional uses are allowed in the JBOZ to ensure that only those uses that fit in with the planning goals of the area could be constructed; and

**WHEREAS**, the County Legislative Body desires to clarify the Wasatch County Code on Nonconforming Lots of Record to match historic practice in only allowing single family residences or utility and agricultural uses consistent with permitted uses in the zoning area, and;

**WHEREAS**, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

**WHEREAS**, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

**WHEREAS**, the County Legislative Body finds that these amendments more fully promote the objectives and purposes of the general plan and the Land Use and Development Code; and

**NOW THEREFORE**, the County Legislative Body of Wasatch County ordains as follows:

**SECTION I: Repealer.** If any provisions of the County Code, policies, procedures, or resolutions heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: **Enactment.** The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted:

**16.15.01: PURPOSE**

The Jordanelle Basin overlay zone (JBOZ) is to implement the goals and standards established by the previously adopted Jordanelle Basin land use plan and map and accomplish the following purposes:

- A. The lands comprising the overlay zone include all the Jordanelle Basin;
- B. To allow for development of the lands which complies with the goals and standards of the plan;
- C. To preserve and protect the natural beauty of the Jordanelle Basin;
- ~~1. To allow development based upon a "conditional use", which would allow for flexibility in approvals; and~~
- D. To establish regulations by which development may take place in the JBOZ.

...

**16.15.03: PERMITTED AND CONDITIONAL USES**

~~Single family residences, home occupations, as long as a home occupation permit is obtained, parks and trails, and roof mounted solar panels, as long as the requirements in section 16.21.42 of this title are met, are permitted uses in the JBOZ. Any other use is a conditional use only after meeting the requirements of chapter 16.23 of this title and state law for a conditional use.~~

~~Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted or conditional use in the JBOZ.~~

- ~~A. All uses contained herein are listed by number as designated in the Wasatch County land use classification, which is published and maintained by the planning department, and are attached, as appendix 1, chapter 16.36 of this title. Classes or groupings of uses permitted in the zone are identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would 8111.) This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.~~
- ~~B. Those uses labeled as conditional may be granted only after the issuance of a conditional use permit.~~
- ~~C. All such classes listed herein and all specific uses contained within them in the Wasatch County land use classification will be permitted in the Jordanelle Basin Overlay Zone (JBOZ), subject to the limitations set forth herein:~~

PERMITTED AND CONDITIONAL USES IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ)

P = Permitted



<u>4836</u>	<u>Water pressure control stations and pumping plants</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>4839</u>	<u>Other water utilities or irrigation, NEC</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>4841</u>	<u>Underground sewage pipeline right of way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>4911</u>	<u>Petroleum pipeline right of way</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>5200</u>	<u>Building Materials, hardware, farm equipment and supplies</u>	=	=	=	=	=	=	<u>P</u>	<u>P</u>
<u>5390</u>	<u>Other Retail – General Merchandise</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5400</u>	<u>Food</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5530</u>	<u>Gasoline Service Stations</u>	=	=	=	=	=	=	<u>P</u>	<u>P</u>
<u>5600</u>	<u>Apparel and Accessories</u>	=	=	=	=	=	=	<u>P</u>	<u>P</u>
<u>5700</u>	<u>Furniture, Home furnishings and equipment</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5800</u>	<u>Eating and Drinking Places (Except 5813)</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5910</u>	<u>Drug and proprietary</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5931</u>	<u>Antiques</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5940</u>	<u>Books, stationery, art and hobby supplies</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5950</u>	<u>Sporting goods, bicycles and parts</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5970</u>	<u>Jewelry</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>5990</u>	<u>Miscellaneous retail trade, NEC (Except 5992)</u>	=	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>
<u>6911</u>	<u>Churches, synagogues, temples, and missions</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>7411</u>	<u>Recreational activities golf courses (open to public)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	=	=

<u>7412</u>	<u>Recreational activities golf course (private membership)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>7510</u>	<u>Resorts</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>7600</u>	<u>Parks</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>8110</u>	<u>Field and seed crops</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>8160</u>	<u>Pasture and rangeland</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

D. Permitted Accessory Uses: Accessory uses and structures are permitted in the JBOZ, provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.

1. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms and similar structures, which are customarily used in conjunction with and are incidental to a principal dwelling or structure.
2. Swimming pools and incidental bath houses for private use.
3. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.

**EXHIBIT B – Proposed Language for 16.22.09 – Nonconforming Lots of Record Land Use Regulations**

**16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS**

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning and development standards applicable to the particular zone the nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee a building permit.

A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally established on or before July 28, 1972, then the owner may continue the then existing use of such building and may expand the building in any way that does not increase the degree of nonconformity.

1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback of the lot coverage requirements of the underlying zone are exceeded by the increase.
2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the planning director as though the lot conforms to the requirements of this title.
3. At least 75% of the framing and foundation of the original building must remain intact to continue the then existing use of the building, or to expand the building, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements of Utah Code 17-27a-510(3) (2018) as amended, and Wasatch County Code.

B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming lots of record may be granted a building right for a single family dwelling and accessory uses as outlined in the underlying zone. So long as all other standards applicable to that use are complied with and so long as the use is permitted in the zone, nonconforming lots of record may also be permitted utility uses under use code 4800 and agricultural uses under use code 8000. The uses outlined in this paragraph and no others are granted for nonconforming lots of record.

SECTION III: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION IV: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 21 day of August, 2019.

Attest:

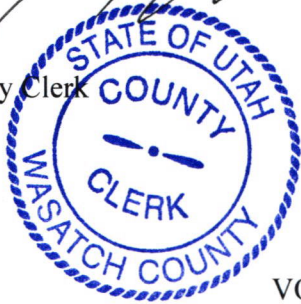
WASATCH COUNTY COUNCIL:

*Cal Griffiths*

Cal Griffiths  
Wasatch County Clerk

*Danny Goode*

Danny Goode, Chair  
Wasatch County Council



VOTE

Danny Goode, Chairman	<u>Y</u>
Mark Nelson, Vice Chair	<u>Y</u>
Spencer Park	<u>Y</u>
Kendall Crittenden	<u>Y</u>
Jeff Wade	<u>Y</u>
Marilyn Crittenden	<u>Y</u>
Steve Farrell	<u>Y</u>

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH )  
 : ss.  
COUNTY OF WASATCH )

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [ ✓ ] (a) Causing this ordinance to be entered at length in the ordinance book;
- [ ✓ ] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [ ✓ ] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this 11 day of September, 2019.



Cal Griffiths  
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 11 day of September, 2019.

  
Notary Public

Residing in: Wasatch  
My commission expires: 09-10-2022

