

**ORDINANCE NO. 14-05**

**AN ORDINANCE OF WASATCH COUNTY, STATE OF UTAH AMENDING  
TITLE 16, THE WASATCH COUNTY LAND USE AND DEVELOPMENT CODE**

**WHEREAS**, Title 16 of the Wasatch County Code, Planning, Zoning and Development Code 2002, was enacted on October 8, 2002 and amended and renamed November 2005 as the Planning, Land Use and Development Code (hereafter “Land Use and Development Code”) as amended; and

**WHEREAS**, the Planning Commission has reviewed the Land Use and Development Code and finds that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

**WHEREAS**, the Wasatch County Planning Commission held a public hearing on September 11, 2014 to receive comment on the proposed modifications and amendments as required by §17-27a et. seq., Utah Code Annotated 1953, as amended; and

**WHEREAS**, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Wasatch County Council regarding the modifications and amendments; and

**WHEREAS**, on September 17, 2014, the Wasatch County Council conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

**WHEREAS**, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Wasatch County Council has determined that it is in the best interest of the public health, safety, and welfare of Wasatch County citizens that that the following modifications and amendments to Title 16 be adopted.

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

**SECTION I – ENACTMENT**

The following sections of Title 16 of the Wasatch County Code are amended as follows:

SEE EXHIBIT “A” ATTACHED HERETO AND HEREBY INCORPORATED HEREIN  
BY REFERENCE

**SECTION II – REPEALER**

If any provisions of the Wasatch County Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION III – AMENDMENT OF CONFLICTING ORDINANCES**

To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**SECTION IV – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code ' 17-53-208.

**SECTION V – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION VI – PUBLIC NOTICE**

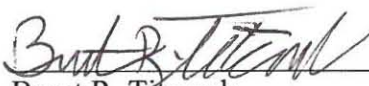
The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

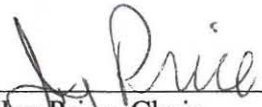
- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk; and
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk’s office and with the 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 5 day of November, 2014.

Attest:

WASATCH COUNTY COUNCIL:

  
 \_\_\_\_\_  
 Brent R. Titcomb  
 Wasatch County Clerk / Auditor

  
 \_\_\_\_\_  
 Jay Price, Chair  
 Wasatch County Council

Jay Price, Chairman  
 Greg McPhie  
 Kipp Bangerter  
 Kendall Crittenden  
 Stephen Capson  
 Steve Farrell  
 Michael Kohler

**VOTE**  
 X  
 X  
 X  
 X  
 X  
 X  
 X

**16.21.16: OUTDOOR LIGHTING REGULATIONS:**

A. Definitions:

CUTOFF TYPE LUMINARY: A unit of illumination with elements such as shield, reflectors or refractor panels that direct and cut off the light at a cutoff angle less than ninety degrees (90°).

D. Cutoff Angle: All light shall require a luminary or shield with less than a ninety (90) degree a ~~one hundred eighty degree (180°)~~ full cutoff. All light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see figure A of this section).

**16.21.46: ACCESSORY DWELLING UNITS:**

A. Purpose: An accessory dwelling unit (ADU) is a separate residential living quarters located on the same lot or parcel as the main residential dwelling in the RA-1, RA-5, ~~or~~ A-20 and P-160 zones, and is incidental and accessory to the main residential dwelling. An accessory dwelling unit is for the housing of guests of the property owner, or an employee or caretaker directly connected to the property, and is not intended to be rented. The ADU is intended to fit in with the neighborhood aesthetically. Impacts, if any, should not detract from the residential nature of the neighborhood.

16.05.03: CONDITIONAL USES: 

The following uses and structures are permitted in the preservation zone (P-160) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE  
PRESERVATION ZONE (P-160)

Use Number	Use Classification
<u>1905</u>	<u>Caretaker accessory dwelling unit</u>
1906	Grouping of residential lots
<u>1907</u>	<u>Guest accessory dwelling unit</u>
4712	Telephone, relay towers, microwave or others
4810	Electric utilities (except 4813)
4824	Gas pressure control stations
4833	Water storage

4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
7493	Yurt
7520	Group or organized camps
7912	Zip lines, canopy tours, etc. <sup>1</sup>
8405	Fishing activities for personal use only
8510	Metal ore mining
8530	Crude petroleum and natural gas
8542	Crushed and broken stone quarrying

**Section 16.04.02 Definitions.** The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word:

(3) Accessory, Residential Unit (attached). A secondary dwelling unit attached to the existing single family dwelling with accessibility through common wall or floor and unrestricted access between the unit and main dwelling solely for the housing of a blood relative, which shall not be a rented unit and shall be incidental to the main house. A deed restriction shall be recorded to ensure the above requirements run with the dwelling in perpetuity.

16.05.03: CONDITIONAL USES:  

The following uses and structures are permitted in the preservation zone (P-160) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE PRESERVATION ZONE (P-160)

Use Number	Use Classification
1903	<u>Accessory residential unit (attached)</u>

1906	Grouping of residential lots
4712	Telephone, relay towers, microwave or others
4810	Electric utilities (except 4813)
4824	Gas pressure control stations
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
7493	Yurt
7520	Group or organized camps
7912	Zip lines, canopy tours, etc. <sup>1</sup>
8405	Fishing activities for personal use only
8510	Metal ore mining
8530	Crude petroleum and natural gas
8542	Crushed and broken stone quarrying

CONDITIONAL USES IN THE  
AGRICULTURAL ZONE (A-20) USE

Use Number	Use Classification
1902	Ranch or farm employee dwelling (1 per 20 acres) (not to exceed 1,000 square feet)
<u>1903</u>	<u>Accessory Residential Unit (attached)</u>
1905	Caretaker accessory dwelling unit
1907	Guest accessory dwelling unit
4845	Water reclamation plants

4872	Debris basins
4874	Spreading grounds (areas for percolating water into underground)
8146	Indoor arenas (noncommercial, for personal use only)
8224	Animal kennels, boarding, breeding
8290	Other agricultural related activities
8405	Fishing activities, personal use only

(2002 Code § 16.06.03; amd. Ord. 2004-26, 11-17-2004; Ord. 2012-13, 11-14-2012)

CONDITIONAL USES IN THE  
RESIDENTIAL-AGRICULTURAL ZONE (RA-5)

Use Number	Use Classification
1293	Residential facility for elderly
1516	Bed and breakfast
1519	Group transient lodging
<u>1903</u>	<u>Accessory Residential Unit (attached)</u>
1905	Caretaker accessory dwelling unit
1907	Guest accessory dwelling unit
4712	Telephone relay towers, microwave or other
4811	Electric transmission right of way over 35 feet and/or over 38 kVA
4814	Electric substations
4824	Gas pressure control stations
4834	Water storage
4836	Water pressure control stations and pumping stations
4844	Sewer pumping station or pressure control stations
4864	Combination utility rights of way
4911	Petroleum pipeline right of way underground

6240	Cemeteries, mausoleum (except 6243)
6810	Nursery, primary and secondary education
6910	Religious activities
7123	Botanical gardens and arboretums
7400	Recreational activities - noncommercial (except 7414, 7415, 7417)
7911	Sleigh ride, wagon ride and farm experience activities
8146	Indoor arenas (noncommercial)
8224	Animal kennels, boarding, grooming

(2002 Code § 16.07.03; amd. Ord. 2003-22, 11-24-2003; Ord. 2004-26, 11-17-2004; Ord. 11-09, 11-30-2011; Ord. 2012-13, 11-14-2012)

**CONDITIONAL USES IN THE  
RESIDENTIAL-AGRICULTURAL ZONE (RA-1)**

<b>Use Number</b>	<b>Use Classification</b>
1292	Residential facility for handicapped persons
1293	Residential facility for elderly
1516	Bed and breakfast
1519	Group transient lodging
<u>1903</u>	<u>Accessory Residential Unit (attached)</u>
1905	Caretaker accessory dwelling unit
1907	Guest accessory dwelling unit
4811	Electric transmission right of way over 35 feet and/or over 38 kVA
4814	Electric substations
4824	Gas pressure control stations
4834	Water storage

4836	Water pressure control stations and pumping stations
4844	Sewer pumping station or pressure control stations
4864	Combination utility rights of way
4911	Petroleum pipeline right of way underground
6240	Cemeteries, mausoleum (except 6243)
6721	Police protection and related activities
6723	Fire protection and related activities
6729	Protective functions and related activities
6810	Nursery, primary and secondary education
6910	Religious activities
7123	Botanical gardens and arboretums
7400	Recreational activities - noncommercial (except 7414, 7415, 7417)
7411	Golf course (public)
7412	Golf course (private)
7911	Sleigh ride, wagon ride and farm experience activities
8146	Indoor arenas (noncommercial)
8221	Veterinary services
8222	Animal hospital services
8224	Animal kennels, boarding, grooming

(2002 Code § 16.08.03; amd. Ord. 2003-22, 11-22-2003; Ord. 2004-26, 11-17-2004; Ord. 11-09, 11-30-2011; Ord. 2012-13, 11-14-2012)

**16.04 Definitions: COMMERCIAL USE:** ~~For the purpose of interpreting subsection 16.15.06J of this title, the following definition is applicable:~~ The purchase, sale or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions or recreation or amusement enterprises and intended to be conducted for profit, and also including the renting of rooms, business offices and sales display premises. Any condo hotel units considered commercial (and therefor the ERUs are not counted for density purposes, but may be for utilities) must be in a rental pool, have the availability of a front desk, room service and be professionally managed (all

required in the CC&Rs). ~~All units must be deed restricted as a second home or commercial (see definition of "Condo Hotel" in this section).~~ For the purpose of interpreting subsection 16.15.06(J) of this title, this definition is also applicable.

**DISTANCE BETWEEN BUILDINGS** (on the same lot): in changes made to 16.05.10 (P-160), 16.06.10 (A-20), 16.07.10 (RA-5), 16.08.10 (RA-1), 16.09.10 (M) and :

The distance between any accessory building and the main building that does not house animals, shall be in accordance with the International building code (IBC) and international fire code (IFC). ~~not less than twenty feet (20'). (2002 Code § 16.08.10)~~

### **16.15.06: JBOZ DENSITIES:**

The following densities shall be allowed within the JBOZ. Densities may be transferred from lower density areas to higher density areas to allow for more open space and preservation of sensitive areas and view corridors, and to encourage clustering of development. If appropriate to meet the goals of the Jordanelle land use plan, the legislative body, after a recommendation for or against by the planning commission has the authority, during the approval processes, to allow portions of the property to be adjusted up or down one land use density category, without the necessity of granting a variance. Mixed use commercial and commercial densities may not be changed to residential densities. The standard densities shall be measured in equivalent residential units termed "ERUs".

#### A. Critical/Sensitive Lands Open Space:

Density: 1 ERU/40 acres. This amount may be transferred to a higher density area deemed appropriate by the county council after a recommendation for or against by the planning commission.

Areas where development is prohibited due to steep hillsides (over 30%), high value wetlands, ridge lines, fault lines, stream corridors, landslide areas and flood plains. Recreation amenities such as equestrian activities, trails and public open space are encouraged. Transfers of development to off-site properties may be authorized where a greater percentage of open space is desired and compensatory enhancement to assure permanent value to the land is appropriate.

#### B. Countryside Residential:

Density: One ERU/five (5) net developable acres.

Designed to encourage open space, this district preserves view corridors, and a sense of openness. Agricultural activities are allowed, as is recreation with limited development. Residential development shall not exceed one (1) residence per 5 acres. Transfers of development to off-site properties may be authorized where a greater percentage of open space is desired and compensatory enhancement to assure permanent value to the land is appropriate.

C. Low Density Residential: 1.5 ERU/net developable acres.

Areas suitable for low density developments with substantial open space to provide protection and preservation of wetlands, stream corridors, flood plains, ridge lines, wildlife habitat, view corridors, hillsides, and aesthetic attributes. A variety of housing types and styles, and flexibility is allowed.

D. Medium Density Residential: 1.5 to 3.5 ERU/net developable acre.

Clustered, master planned developments are encouraged in this district. Interconnected open space amenities through developments of this type assist to create conservation of stream corridors, view sheds and ridge lines, as well as development of a Jordanelle Basin trail system.

E. High Density Residential: 3.25 to 5.0 ERU/net developable acre.

This area allows a variety of housing types, with proximity to schools, shopping areas, and major recreational facilities. This district can also be used as a transitional area between commercial uses and lower density residential areas.

F. Mixed Use Commercial: Eight (8) ERU/net developable acre.

Designed to provide a mixture of compatible, interrelated, uses within a community. Mixed-use, requires that the uses be in the same or interconnected buildings or in immediate proximity to one another within a parcel or parcels owned by the same property owner that are zoned mixed-use. For example, small offices are compatible in the same building as housing (horizontal mixed use). Housing can also be provided above shops and offices (vertical mixed-use). Offices can be located above shops. These mixed-uses can come in a number of combinations. Hotels are also allowed within this category.

G. Neighborhood Commercial: Neighborhood commercial centers shall provide for a limited range of commercial uses to meet the shopping needs of the residents in the adjacent neighborhoods. Businesses are to be oriented to the neighborhood and compatible with surrounding residential uses. Examples may include convenience stores, bakery, variety store or child care centers.

Minimum site area: Twenty thousand (20,000) square feet;

Maximum building footprint size: Three thousand five hundred (3,500) square feet;

Maximum building square foot/site ration: Thirty five percent (35%).

H. Community Commercial Uses: Community Commercial uses include general retail centers providing for general retail, service and recreation-oriented commercial uses intended to serve the basin as a whole.

This designation allows limited commercial uses to serve the community. Preferred uses include business support services, financial services, health care services, personal services, professional offices, repair services, veterinary clinics, and business or vocational schools. Hotels are also allowed within this category.

Special consideration shall be directed to traffic generation, visual impacts, surrounding natural features, parking, lighting, landscaping and architecture. Proposed development shall screen and minimize external impacts. Proposed developments shall preserve and enhance natural features.

Coordination and clustering of all Community Commercial Uses is required. Development standards and review criteria are specifically intended to prohibit strip development and encourage high amenity, low impact commercial areas.

Requirements:

Minimum site area: Forty thousand (40,000) square feet.

Maximum building footprint size/site ratio: Eighteen percent (18%).

Maximum building square foot/site ratio: Thirty five percent (35%).

I. Community/Civic Facilities: As the needs arise.

J. Commercial ERU Calculation: For the purposes of calculating density only, ERUs for commercial uses will not be counted if the commercial use designation is located in a master planned area in the Jordanelle Basin overlay zone. Master plan commercial ERUs are not transferable to other property in the Jordanelle Basin or for additional residential uses. All applicable densities for underlying land uses must conform to the approved master plan. (2002 Code § 16.15.06; amd. Ord. 07-12, 6-24-2008; Ord. 09-16, 2-25-2010)