

# PIUTE COUNTY

STATE OF UTAH

## ZONING ORDINANCE

# **ORDINANCE ADOPTION**

**PIUTE COUNTY, UTAH**  
**ORDINANCE NO. 2024-121606**  
**ZONING**

**AN ORDINANCE AMENDING THE PIUTE COUNTY ZONING ORDINANCE,  
REGULATING THE USE OF LANDS WITHIN THE UNINCORPORATED AREAS OF  
PIUTE COUNTY, STATE OF UTAH.**

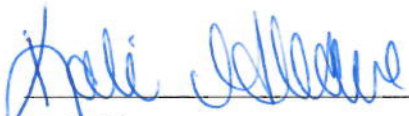
**WHEREAS**, the Board of Piute County Commissioners, as the governing body of Piute County, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the County, to establish and adopt a Zoning Ordinance.

**WHEREAS**, upon adoption of this Ordinance, the previously adopted Zoning Ordinance by the Board of Piute County Commissioners on July 12, 2021 shall be rescinded and superseded in its entirety.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Board of Piute County Commissioners, State of Utah to amend the Subdivision Ordinance for Piute County, State of Utah on this 16 day of December, 2024.

  
\_\_\_\_\_  
Scott Dalton  
Chair, Piute County Commission

ATTEST:

  
\_\_\_\_\_  
Kali Gleave  
Piute County Clerk/Auditor

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# **CHAPTER 1. GENERAL**

## **1-1 Short Title**

This Ordinance shall be known and cited as the “Piute County Zoning Ordinance” and may also be identified within this document as “this Ordinance” or “Zoning Ordinance”.

## **1-2 Purpose**

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Piute County, State of Utah including among other things the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, utilization, protection of the tax base, securing economy in governmental expenditures, fostering the County's Commercial and Industrial growth, and the protection of custom, culture, heritage and associated resources and residential and nonresidential development.

## **1-3 Authority**

Utah Code Annotated (UCA) Title 17, Chapter 27a.

## **1-4 Interpretation**

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements the purpose set forth.

## **1-5 Conflict**

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

## **1-6 Severability**

If any section of this Ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless be carried into effect.

## **1-7 Enforcement**

This Ordinance shall be enforced in all unincorporated areas of Piute County, Utah. The County shall not enforce Home Owner’s Association (HOA) Covenants, Conditions and Restrictions (CC&R’s). However, if CC&R’s do exist within the unincorporated areas of the County and there is a legal, active board to enforce them, such CC&R’s may prevail.

## **1-8 Penalties**

Any civil offense against this ordinance shall be an infraction, which shall be punishable in accordance with Utah law.



## **1-9 Fees**

Appropriate fees shall be charged for building permits and inspections, land use applications, variance or appeal requests, or any other service required by this Ordinance. Such fees shall be established via resolution by the Board of Piute County Commissioners.

## **1-10 Definitions**

This Ordinance shall be interpreted using the definitions provided in the State of Utah County Land Use, Development, and Management Act (**UCA 17-27a**) and any other ordinance adopted by the Board of Piute County Commissioners except for, in addition to, or as modified by the following:

**BUILDING OFFICIAL.** The officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for Piute County, State of Utah.

**COUNTY.** Unless otherwise indicated, Piute County, State of Utah.

**COUNTY ATTORNEY.** The Piute County Attorney appointed by the Board of Piute County Commissioners, State of Utah to 1) prosecute individuals who commit any State public offense and County criminal offense within Piute County, and act as civil legal representation and offer legal advice on behalf of the County and its officials.

**COUNTY COMMISSION.** The Board of Piute County Commissioners, State of Utah.

**GLAMPING.** See Piute County Glamping Ordinance.

**LOCAL HEALTH DEPARTMENT.** The Central Utah Public Health Department.

**MOBILE HOME.** See Piute County Mobile Home & Recreational Vehicle Ordinance.

**MANUFACTURED HOME.** See Piute County Mobile Home & Recreational Vehicle Ordinance.

**PLANNING COMMISSION.** The Piute County Planning Commission.

**RECREATIONAL VEHICLE.** See Piute County Mobile Home & Recreational Vehicle Ordinance.

**SHORT-TERM RENTAL.** See Piute County Short-Term Rental Ordinance.

**STATE HEALTH DEPARTMENT.** The State of Utah Department of Environmental Quality.

**ZONING MAP AMENDMENT.** May also be referred to as “Zone Change”.

## **CHAPTER 2. PLANNING COMMISSION**

### **2-1 Establishment**

The establishment of the Planning Commission shall be in accordance with the policies and procedures as set forth in **UCA 17-27a-301**.

The Planning Commission shall consist of 5 members. Additionally, one member of the Board of Piute County Commissioners may serve as a liaison to the Planning Commission. Such member shall have the right to attend all meetings and take part in all discussions, including executive sessions, but shall not vote on Planning Commission decisions.

### **2-2 Terms of Members**

The terms of office for the members of the Planning Commission shall be 4 years. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the Board of Piute County Commissioners, if such a hearing is requested.

### **2-3 Appointment of Members**

Members shall be appointed and approved by the Board of Piute County Commissioners. The terms of office for the Planning Commission members shall be staggered at intervals to provide continuity in policy and personnel. Members of the Planning Commission shall be residents of Piute County, State of Utah. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the Board of Piute County Commissioners.

### **2-4 Compensation**

Planning Commission members shall serve without compensation except for reimbursement for actual expenses incurred upon proper presentation of receipts and vouchers.

### **2-5 Officers**

The Planning Commission shall elect from its membership a chairperson and a vice chairperson.

A secretary to assist the Planning Commission shall be appointed by the Board of Piute County Commissioners. The secretary shall keep minutes of the Planning Commission meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of Planning Commission meetings to the Zoning Administrator and the Planning Commission. The Board of Piute County Commissioners may elect to provide compensation to the secretary.

## **2-6 Quorum and Vote**

A quorum shall consist of at least 3 members. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present. If a majority vote cannot be obtained among the quorum, the item of business will be deferred until the next regular meeting of the Piute County Planning Commission.

## **2-7 Duties and Powers**

The Planning Commission shall review and make recommendations to the Board of County Commissioners in accordance with **UCA 17-27a-302**.

## **2-8 Appeals and Hearings**

Any person with standing aggrieved by any decision of the Planning Commission shall have the right to make such appeals as provided by this Ordinance or State law. Such appeals shall be based on the record.

Appeal of Planning Commission decisions shall be to the Piute County Appeal Authority. Appeals shall be in writing and shall be filed with the Clerk's Office not more than 10 days after the decision by the Planning Commission. The Appeal Authority may affirm, modify or reverse the decision of the Planning Commission. Appeal review shall be recorded in an open public meeting. The Appeal Authority's decision shall be final.

## **CHAPTER 3. COUNTY COMMISSION**

### **3-1 Duties and Powers**

The Board of Piute County Commissioners shall exercise all legislative powers, have all legislative duties, and perform all legislative and executive functions of the County in accordance with **UCA 17-53**.

### **3-2 Appeals**

Any person with standing aggrieved by any decision of the Piute County Commissioners shall have the right to make such appeals as provided by this Ordinance or State law. Such appeals shall be based on the record.

Board of Piute County Commissioners decisions shall be final at the local level. County Commission decisions may be appealed beyond the local level by:

1. requesting arbitration and mediation through the Office of the Property Rights Ombudsman; and/or
2. filing a Petition for Review to the local State District Court.

Appeals shall be in writing and shall be filed with the Clerk's Office not more than 10 days after the decision by the County Commission. The Property Rights Ombudsman and/or local State District Court may affirm, modify, or reverse the decision of the County Commission. Appeal review shall be recorded in an open public meeting. The Property Rights Ombudsman's and/or local State District Court's decision shall be final.

## **CHAPTER 4. APPEAL AUTHORITY**

### **4-1 Establishment**

The Board of Piute County Commissioners shall hereby establish an Appeal Authority in accordance with **UCA 17-27a-7** and **UCA 63C-30-2**.

### **4-2 Duties and Powers**

The Appeal Authority for Piute County, State of Utah shall hear and decide requests for variances and appeals in accordance with **UCA 17-27a-701(1)(b)** and **UCA 63C-30-202**.

### **4-3 Variances**

Requests for variances from the terms of this Ordinance shall be made to the Appeal Authority. The Appeal Authority shall hear and decide requests for variances in accordance with **UCA 17-27a-702**.

### **4-4 Appeals**

Appeals from land use decisions applying any land use ordinance of Piute County, State of Utah and/or appeals from a fee charged in accordance with **UCA 17-27a-509** shall be to the Appeal Authority.

Appeals for County Recorder Standards in accordance with **UCA 63C-30-302** shall be to the Appeal Authority.

### **4-5 Fees**

The land use applicant shall pay any applicable fee as authorized by Section 1-9 of this Ordinance.

## **CHAPTER 5. ZONING ADMINISTRATOR**

### **5-1 General**

This section establishes the duties and responsibilities for the Piute County Zoning Administrator with respect to the administration of this Ordinance.

### **5-2 Reviews and Approvals**

The Zoning Administrator shall be authorized to undertake reviews, make recommendations, and grant approvals as set forth in this Ordinance.

### **5-3 General Plan and Land Use Regulations**

The Zoning Administrator shall assist the Planning Commission in the amending, preparing, and adopting the General Plan and land use regulations.

### **5-4 Site Plan Review**

The Zoning Administrator, along with the Building Official, shall receive all applications for site plan review and review for completeness before approving said plan.

### **5-5 Land Use Applications**

The Zoning Administrator shall receive all land use applications or other plans to be permitted or approved as required by this Ordinance, review for completeness and prepare submittals for review by the Planning Commission and County Commission.

### **5-6 Amendments**

Requests for amendments or changes to land use regulations, the General Plan, this Ordinance, or map shall be submitted to the Zoning Administrator for processing.

### **5-7 Interpretations**

The interpretation and application of the provisions of this Ordinance shall be by the Zoning Administrator. An appeal of an interpretation by the Zoning Administrator shall be submitted to the County Commission, and such interpretation shall be final.

### **5-8 Liability**

The Zoning Administrator, or designee, charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties described in this Ordinance, shall not be personally, civilly, or criminally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

## **CHAPTER 6. BUILDING OFFICIAL**

### **6-1 Review of Building Permits.**

Applications for building permits and amendments thereto shall be submitted to the Building Official and Zoning Administrator for review and approved by both individuals prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this Ordinance are met.

### **6-2 Site Plan Review**

The Zoning Administrator, along with the Building Official, shall receive all applications for site plan review and review for completeness before approving said plan.

### **6-3 Inspection.**

The Building Official is hereby authorized to inspect or to cause to be inspected all buildings and structures during construction, modification or repair and to inspect land uses to determine compliance with the provisions of the Zoning Ordinance. The Building Official or any authorized employee of Piute County shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof, or the written order of a court of competent jurisdiction.

### **6-4 Site Plan and Building Permit Required.**

A detailed site plan, drawn to scale to be determined by the Building Official shall be filed as part of any application, prior to consideration for any building permit.

The construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of structures, or any part thereof, as provided or as restricted in this Ordinance, shall not be commenced, or proceeded with except after the issuance of a written permit for the same by the Building Official. If work is not started on a structure or building within 180 days from issuance of a permit and new permit will be required. Pursuant to the issuance of a building permit in Piute County, the applicant shall submit evidence of having an approved potable water supply and an approved method of waste disposal. Both the water supply and the method of waste disposal shall be approved in writing by the applicable health department prior to the issuance of a building permit.

### **6-5 Certificate of Occupancy Required.**

Certificate of occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building or structure or part thereof, shall have been completed in conformity with the provisions of this Ordinance.

## CHAPTER 7. GENERAL PROVISIONS

### 7-1 Parking and Loading Spaces

**7-1.1 General.** Off-street parking shall be provided in compliance with this Section where any building is erected, altered, enlarged converted or increased in size or capacity.

The off-street parking spaces required for each permitted use in this Ordinance shall not be less than that found in Table 7-1.

**Table 7-1  
Off Street Parking Requirements**

| Use           | Number of Parking Spaces Required |
|---------------|-----------------------------------|
| Dwelling Unit | 2 per dwelling unit               |
| Hotel/Motel   | 1 per sleeping unit               |
| Restaurant    | 1 per 100 gross square feet       |
| Retail        | 1 per 200 gross square feet       |
| Commercial    | 1 per 300 gross square feet       |
| Industrial    | 1 per 500 gross square feet       |

**7-1.2 Dimensions.** A minimum width of 9 feet and a minimum length of 20 feet shall be provided for each parking stall. Handicap spaces shall be developed in accordance with the American Disabilities Act (ADA). For uses or occurrences where the parking requirements of this Ordinance are found unreasonable, appropriate parking and loading space requirements shall be determined by the Building Official.

### 7-2 Fencing

**7-2.1 General.** Unless specifically approved by the Zoning Administrator and/or Building Official, any wall, fence or hedge shall not exceed those found in Table 7-2.

**Table 7-2  
Maximum Wall, Fence or Hedge Heights**

| Yard  | Height (feet) |
|-------|---------------|
| Front | 3.5           |
| Side  | 6.0           |
| Rear  | 6.0           |

**7-2.2 Fence Types.** Any wall, fence or hedge that is not primarily transparent (metal bar, chain link, etc.) shall not exceed 3.5 feet in height inside 25 feet from any front property line or side property line which fronts a street or road.



### 7-3 Accessory Buildings & Accessory Dwelling Units (ADUs)

1. Accessory buildings shall be permitted in all zoning districts.
2. One ADU per lot or parcel shall be permitted in all zoning districts. The ADU shall:
  - a. not exceed 50% of the main dwelling or 1,000 square feet, whichever is less.
3. Accessory buildings and ADUs shall be setback a minimum of:
  - a. 10 feet from any dwelling or accessory building;
  - b. 30 feet from any front property line; and
  - c. 10 feet from any side or rear property line.

### 7-4 Easements and Rights-of Way

Uses of easements and/or rights-of-way shall be permitted in all zoning districts. Such easements and/or rights-of-way may be used for uses similar to, but not limited to the following:

1. roads, streets, highways, railroads, tramways, cableways and conveyor systems;
2. pipelines for the transmission of water, waste water, materials, fuels or products;
3. overhead or underground transmission or distribution lines, including poles, towers and conductors; and
4. structures and facilities incidental to the above.

### 7-5 Special Regulations

**7-5.1 Home Occupations** shall be classified as follows:

**Class A:** fully contained within the interior of the dwelling unit or accessory building with little to no impact on the Conditional Use Review Criteria listed in Section 8-4 of this Ordinance. (i.e., home offices, shops, etc.)

**Class B:** may be contained within the interior and/or the exterior of the dwelling unit or accessory building with potential outdoor storage, parking, increased traffic, etc. and a clear impact on the Conditional Use Review Criteria listed in Section 8-4 of this Ordinance. (i.e., daycares, salons, retail, manufacturing, rentals, outdoor storage, etc.)

Home Occupations shall meet the following conditions:

1. **Class A** Home Occupations shall be a permitted use in all zoning districts.
2. **Class B** Home Occupations shall be a conditional use in all zoning districts and shall be limited to one per parcel and may be approved as the main dwelling unit or the accessory dwelling unit, but not both.
3. A County approved business license shall be required for all home occupations.
4. The home occupation, and all inventory, supplies and equipment shall not exceed or consume more than 50% of the primary structure.
5. Goods relating to the home occupation shall not be stored in the front yard of the lot
6. If necessary, additional parking spaces shall be provided to accommodate the home occupation. All parking shall be off-street.

**7-5.2 Youth Services Centers** shall be a conditional use in Agricultural and Commercial zoning districts and prohibited in all other zoning districts and shall meet the following conditions:

1. Youth services centers shall not be located within 1,000 feet from any pre-existing dwelling, park, school, daycare, library or religious institution;
2. Youth services centers shall not be located adjacent to any Residential or Commercial zone boundary; and
3. any other conditions as set forth by Chapter 8 of this Ordinance.

**7-5.3 Adult Uses** shall be permitted in Commercial and Industrial zoning districts and prohibited in all other zoning districts and shall meet the following conditions:

1. shall not be located within 1,000 feet from any park, school, day care, library or religious institution;
2. shall only include those deemed legal by the State of Utah such as bars, taverns, pool halls, lounges, etc.; and

#### **7-6 Development Agreements**

Piute County may enter into a Development Agreement containing any term that the County considers necessary or appropriate to accomplish the purposes of this Ordinance, in accordance with **UCA 17-27a-528**.

#### **7-7 Phase Developments**

1. **General.** New projects may be developed in phases or sections. Each phase or section shall consist of several improvements which can be completely developed within a period designated by the Sketch Plan Review Committee. When the improvements have been completed and approved by the Sketch Plan Review Committee, the Developer may submit the next phase of the proposed development in accordance with the provisions of this Section.
2. **Infrastructure Improvements.** Infrastructure improvements may be developed in phases, or for the entire project upon appropriate permits, inspections and approvals from the Building Official.
3. **Site Plans.** The initial preliminary site plan(s) and/or master plan(s) shall show all sections or phases of the development.
4. **Alterations.** Whenever a change is proposed in phase ordering, the preliminary site plan shall be revised and submitted in accordance with the procedures of this Section.
5. **Phase Numbering.** Phases shall be identified in consecutive numerical titles and an easily recognizable order, as identified on approved preliminary and/or master site plans.
6. **Intent.** The intent is that improvements be completed within a reasonable period as designated by the Sketch Plan Review Committee. If progress has not been made within said time period, and there are no immediate plans for substantial work to be completed, the Building Official shall rule the Building Permit null and void by reason of inactivity.

**7-8 Planned Unit Developments**

**7-8.1 Location.** A Planned Unit Development (PUD) may be approved by the Board of County Commissioners in any zoning district.

**7-8.2 Required Plat.** A Planned Unit Development shall be depicted on a plat to be recorded at the Office of the County Recorder upon approval from the Board of County Commissioners. The plat shall be prepared by a registered professional land surveyor in the State of Utah.

**7-8.3 Area.** A Planned Unit Development shall not have an area less than that approved by the Planning Commission as adequate for the proposed development.

**7-8.4 Uses.** A Planned Unit Development that will contain uses not permitted in the zoning district in which it is to be located may require an approved zone change by the Board of County Commissioners in conjunction with the PUD application.

**7-8.5 Ownership.** The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

**7-8.6 Design.** The County shall require such arrangements of structures and open spaces within the PUD as necessary to ensure that adjacent properties will not be adversely affected.

**7-8.7 Specific Regulations.** Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site development plan.

**7-8.8 Open Spaces.** Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by either:

1. dedication of the land for public use; or
2. creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational use, with ownership and maintenance being the responsibility of an owners’ association established with articles of association and bylaws, which are satisfactory to the Board of Piute County Commissioners.

**7-9 Wastewater Disposal and Drinking Water Supply**

The table below illustrates the minimum lot and/or parcel areas for different scenarios regarding wastewater disposal and water supply to lots or parcels located in the unincorporated areas of Piute County, State of Utah.

| <b>Minimum Lot and/or Parcel Areas</b>                            |  |                               |   |  |
|---|--|-------------------------------|---|--|
| <b>Onsite Septic &amp; Offsite Shared Well or Water System</b>    | <b>Onsite Septic &amp; Onsite Private Well</b> | Onsite Septic & Water Hauling | Composting, Vault Toilets, or other wastewater disposal & Water Hauling | <b>Offsite Wastewater Disposal System &amp; Offsite Water System</b> |
| 0.5 Acres   | 1.0 Acre                                       | <i>Prohibited**</i>           | Prohibited  | 0.5 Acres  |
| <i>**excluding Panguitch Lake &amp; Mammoth Creek Communities</i> |  |                               |   |  |

## **7-10 Building Permits**

**PERMIT ISSUANCE.** No building permit shall be issued until the requirements of this ordinance and any other applicable ordinance adopted by the Board of Piute County Commissioners have been met.

**CERTIFICATE OF OCCUPANCY.** No certificate of occupancy shall be issued until the requirements of this ordinance, any other applicable ordinance adopted by the Board of Piute County Commissioners, and/or any permit, installation, or authorization from federal, state, or local agencies have been met (i.e., fee payments, potable drinking water systems, wastewater disposal systems, encroachment permits, roadway/access improvements, other utility services/improvements, site clearances, etc.)

## **7-11 Site Preparation Work Prohibited**

**RESIDENTIAL.** No excavation, grading, or other improvement shall take place on any lot or parcel of land until:

1. the proposed development has been approved by the planning department;
2. the proposed development has been approved by the public works department;
3. a building permit has been issued by the building department; and
4. all applicable fees have been paid.

**COMMERCIAL.** No excavation, grading, or other improvement shall take place on any lot or parcel of land until:

1. the proposed development has been approved by the planning department;
2. the proposed development has been approved by the public works department;
3. a building permit has been issued by the building department; and
4. all applicable fees have been paid.

**SUBDIVISIONS.** No excavation, grading, or other improvement shall take place on any land within any proposed subdivision until:

1. the final subdivision plat or record of survey has been approved by the County;
2. the subdivision plat has been filed or recorded at the office of the County Recorder;
3. applicable deeds have been recorded at the office of the County Recorder; and
4. all applicable fees have been paid.

## **CHAPTER 8. CONDITIONAL USES**

### **8-1 General**

An approved conditional use permit shall be required for each conditional use listed in this Ordinance. No permit or license shall be issued for a conditional use by any officer or employee unless a conditional use permit has been approved by the Piute County Planning Commission.

### **8-2 Application**

Conditional use permit applications shall be available at the Planning Department or on the County's official website. Conditional use permit applications shall be submitted to the County as provided in this Ordinance. Applications shall be accompanied by maps, drawings, statements, or other documents in accordance with the provisions of this Ordinance. An appropriate fee outlined in Section 1-9 of this Ordinance shall be collected at the time of submittal.

### **8-3 Determination**

The Planning Commission shall approve, approve with modifications, or deny Conditional Use applications. The Planning Commission shall hear and decide any conditional use request in accordance with **UCA 17-27a-506**.

### **8-4 Conditional Use Review Criteria**

A request for a conditional use shall be approved, approved with modifications, or denied. Each request for a conditional use approval shall be consistent with the criteria listed as follows:

The Request:

1. is consistent with all applicable provisions of the General Plan.
2. shall not adversely affect adjacent properties.
3. is compatible with the existing or allowable uses of adjacent properties.
4. can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. can demonstrate adequate provision for maintenance of the use and associated structures.
6. has minimized, to the degree possible, adverse effects on the natural environment.
7. will not create undue traffic congestion.
8. will not adversely affect the public health, safety, or welfare.
9. conforms to all provisions of this Ordinance and other applicable County ordinances.

## **CHAPTER 9. NONCONFORMING USES**

### **9-1 General**

Except as otherwise required by State law, a structure or use legally established prior to the adoption date of this Ordinance be maintained unchanged. In other than criminal proceedings, the owner, occupant, or user shall have the burden to show that the structure, lot or use was lawfully established.

### **9-2 Discontinuance**

**9-2.1 Vacancy.** Any lot or structure, or portion thereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 1 year shall not thereafter be occupied, except by a use that conforms to this Ordinance.

**9-2.2 Damage.** If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value as determined by the Building Official, it shall not thereafter be reconstructed as such.

### **9-3 Enlargements and Modifications**

**9-3.1 Maintenance and Repair.** Maintenance, repairs, and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

**9-3.2 Changes of Nonconforming Use.** A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

**9-3.3 Additions.** Additions to nonconforming structures and parking areas shall conform to the requirements of this Ordinance. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

**9-3.4 Certificate of Occupancy Required.** No building hereafter structurally altered or erected shall be used or changed in use for a nonconforming use until a Certificate of Occupancy has been issued by the Building Official, stating that the building or proposed use thereof or the use of the land, complies with the provisions of this Ordinance for the renewing, changing, or extending thereof.

# CHAPTER 10. ZONES

## 10-1 Establishment of Zones

For the purpose of this Ordinance, the following Zones are created as necessary to regulate the development of the land in Piute County, Utah:

| Zoning District     | Abbreviation |
|---------------------|--------------|
| Agricultural        | A            |
| Commercial          | C            |
| Forest Recreation   | FR           |
| Industrial          | I            |
| Multiple Use        | MU           |
| Residential         | R            |
| Residential Estates | RE           |
| Resort Recreation   | RR           |
| Wildlife Habitat    | WH           |

## 10-2 Boundaries of Zones

The boundaries of each zone shall be established as described herein and shall be depicted on the map entitled “Zoning Map of Piute County Utah,” which map can be found on the County’s Official website or at the County Planning Department.

The boundary of any zone shall be the same as the associated lot or parcel boundary. No lot or parcel shall have more than one zone and no zone boundary shall differ from its associated parcel boundary. Planned Unit Developments approved by the Board of County Commissioners do not apply to this section.

## 10-3 Zoning Map Amendment Procedures

1. The Planning Commission shall provide notice as required by UCA 17-27a-205(1) and hold a public hearing on any proposed zoning map amendment.
  - a. For a zoning map amendment proposed by the County, a notice shall be mailed at least 10 days before the public hearing to each property owner whose land is directly affected by the proposed zoning map amendment.
  - b. For a zoning map amendment proposed by a private property owner, a notice shall be mailed at least 10 days before the public hearing to each adjacent property owner with a common lot or parcel boundary line as the subject property, or within 500 feet, whichever is greater.
2. After holding a public hearing, the Planning Commission shall give their formal recommendation to the County Commission for final consideration.

# CHAPTER 11 AGRICULTURE ZONE (A)

## 11-1 Purpose

The purpose of the Agricultural Zone is to preserve areas for agricultural and open space uses. Uses normally and necessarily related to agriculture are permitted, and uses adverse to the continuance of agricultural activity are not allowed.

## 11-2 Permitted Uses

1. Accessory buildings and uses.
2. Accessory dwelling units, one per parcel.
3. Crop production.
4. Livestock keeping and grazing.
5. Single-family dwellings, one per parcel.
6. Stands for the sale of produce grown on the premises.

## 11-3 Conditional Uses

1. Animal Feeding Operations (AFOs).
2. Concentrated Animal Feeding Operations (CAFOs).
3. Gravel pits.
4. Home occupations.
5. Short-term rentals, one per parcel.
6. Temporary activities or events expected to consistently reoccur.
7. Transmitting stations and towers.
8. Youth services centers.

## 11-4 Height Regulations

No dwelling shall be erected to a height greater than 2 ½ stories or 35 feet, unless specifically approved by the Building Official.

## 11-5 Minimum Area, Width, and Yard Regulations

| Zoning District | Minimum Area | Minimum Width | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|-----------------|--------------|---------------|--------------------|-------------------|-------------------|
| A               | 6.0 acres    | 400 feet      | 30 feet            | 10 feet           | 20 feet           |



## CHAPTER 12. COMMERCIAL ZONE (C)

### 12-1 Purpose

The purpose of the Commercial Zone is to provide retail and service activities in locations convenient to serve the public.

### 12-2 Permitted Uses

1. Accommodation & food services.
2. Administrative services.
3. Finance & insurance.
4. Health care & social assistance.
5. Information.
6. Management companies & enterprises.
7. Mixed-use buildings.
8. Multiple-family dwellings and employee housing developments.
9. Permitted Residential uses (See Section 17-2 of this Ordinance).
10. Professional, scientific & technical services.
11. Public administration.
12. Real estate, rental & leasing.
13. Retail trade.
14. Wholesale trade.

### 12-3 Conditional Uses

1. Transmitting stations and towers.
2. Youth services centers.

### 12-4 Minimum Area Regulations and Modifying Regulations

| Zoning District | Minimum Area | Minimum Width | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|-----------------|--------------|---------------|--------------------|-------------------|-------------------|
| C               | 1.0 acre     | 100 feet      | 10 feet            | 10 feet           | 10 feet           |

## **CHAPTER 13. INDUSTRIAL ZONE (I)**

### **13-1 Purpose**

The purpose of the Industrial Zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate.

### **13-2 Permitted Uses**

1. Accommodation & food services.
2. Animal Feeding Operations (AFOs).
3. Concentrated Animal Feeding Operations (CAFOs).
4. Construction.
5. Information.
6. Manufacturing.
7. Mining.
8. Real estate, rental & leasing.
9. Retail trade.
10. Transportation & warehousing.
11. Utilities.
12. Waste management services.
13. Wholesale trade.

### **13-3 Conditional Uses**

1. Construction camps.

### **13-4 Height, Area, Width, and Yard Regulations**

The height and yard restrictions pertaining to any adjacent Zone shall apply within one-hundred feet of the common property boundary.

### **13-5 Modifying Regulations**

All hazardous areas or materials subject to this Zone shall be completely enclosed by a secure fence or suitable barrier approved by the Building Official to prevent entrance by unauthorized persons and to protect the general public from accidental exposure.

## CHAPTER 14 MULTIPLE USE ZONE (MU)

### 14-1 Purpose

The purpose of the Multiple Use Zone is to establish areas that are open and generally undeveloped. The Zone is designed to protect open space and resources by reducing unreasonable requirements for public utilities and services. MU Zones encourage multiple use/sustained yield activities including grazing, watershed restoration, mining and recreation. This Zone supports avoidance – minimization – mitigation protocols to prevent excessive damage to watersheds, water sources, soils, vegetation and land health from permitted activities. It is intended to promote the sustainable health, safety, welfare, custom, culture, traditional use, convenience, order and prosperity of the inhabitants of Piute County.

### 14-2 Permitted Uses

1. Permitted Agricultural uses (See Section 11-2 of this Ordinance).
2. Permitted Residential uses (See Section 17-2 of this Ordinance).

### 14-3 Conditional Uses

1. Construction camps.
2. Forestry.
3. Gravel pits.
4. Home occupations.
5. Mining.
6. Renewable resources.
7. Temporary activities or events expected to consistently reoccur.
8. Transmitting stations and towers.

### 14-4 Height Regulations

No building shall be erected to a height greater than 2 ½ half stories and 25 feet, unless specifically approved by the Building Official.

### 14-5 Minimum Area, Width, and Yard Regulations

| Zoning District | Minimum Area | Minimum Width | Front Yard Setback | Side Yard Setback | Rear Yard Setback |
|-----------------|--------------|---------------|--------------------|-------------------|-------------------|
| A               | 40.0 acres   | 400 feet      | 30 feet            | 30 feet           | 30 feet           |

## CHAPTER 15. RESIDENTIAL ZONE (R)

### 15-1 Purpose

The purpose of the Residential Zone is to provide residential developments of rural character with regulations intended to prohibit uses that would be incompatible with a residential setting.

### 15-2 Permitted Uses

1. Accessory buildings and uses.
2. Accessory dwelling units, one per parcel.
3. Multiple-family dwellings.
4. Single-family dwellings, one per parcel.

### 15-3 Conditional Uses

1. Home-based businesses.
2. Short-term rentals, one per parcel.

### 15-4 Height Regulations

No building shall be erected to a height greater than 2 ½ half stories and 35 feet, unless specifically approved by the Building Official.

### 15-5 Minimum Area, Width, and Yard Regulations

| <b>Zoning District</b> | <b>Minimum Area</b> | <b>Minimum Width</b> | <b>Front Yard Setback</b> | <b>Side Yard Setback</b> | <b>Rear Yard Setback</b> |
|------------------------|---------------------|----------------------|---------------------------|--------------------------|--------------------------|
| R                      | 0.50 acres          | 100 feet             | 30 feet                   | 10 feet                  | 20 feet                  |