



Rich County Development Code

CHAPTER 1. GENERAL PROVISIONS

SECTION 1. TITLE. These ordinances shall be known as the RICH COUNTY, UTAH DEVELOPMENT CODE.

SECTION 2. INTENT. It is the intent of the Board of County Commissioners of Rich County, Utah by the adoption of this Code to exercise its power to regulate planning and zoning in Rich County to the maximum extent allowed by law, including but not limited to the following:

- A. Promote the health, safety, morals, order, convenience, prosperity, and general welfare of the county and its inhabitants of the State of Utah.
- B. Promote the efficiency and economy of land development in Rich County.
- C. To regulate the distribution of population and the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, and other purposes.
- D. To create conditions favorable to transportations, civic activities, recreational, educational, and cultural opportunities;
- E. To promote the economic delivery of public services;
- F. To reduce the waste of physical, financial, and or human resources;
- G. To preserve natural resources;
- H. To promote an efficient and economical utilization, conservation, and production of the supply of food and water;
- I. To promote sanitation and drainage.
- J. To require adequate water, sewage, parks, schools and other public services.
- K. To secure safety from fires, floods, traffic hazards, and other dangers;
- L. To stabilize and improve property values;
- M. To protect the tax base.
- N. To promote the development of a more attractive, wholesome and serviceable county.
- O. Reflect the goals of the Bear Lake Valley Blueprint

SECTION 3. LAND USE GUIDE. The Board of County Commissioners hereby adopts the Rich County Land Use Guide as an official document to be used in effectuating the purposes of this Code. A copy of the Rich County Land Use Guide is filed with the Zoning Administrator.

SECTION 4. INTERPRETATION. The interpretation and application of the provisions of this Code shall be held to be the minimum requirements. Whenever the requirements of any of these ordinances conflict with the requirements of any other law, rule, regulation, ordinance, or resolution, the most restrictive, or that imposing the higher standard shall govern.

SECTION 5. AGREEMENTS AND COVENANTS. This code shall not nullify the more restrictive provisions of any private covenants or agreements.

SECTION 6. SEVERABILITY. This Code and the various parts, sections, and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional, or invalid, it is hereby declared that the remainder of this Code shall not be affected thereby. The County Commission hereby declares that it would have passed this Code and each part, section, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

SECTION 7. REPEAL. All ordinances, resolutions, or parts thereof in conflict with the provisions of these ordinances are hereby repealed so far as they conflict with the provisions set forth in this Code.

SECTION 8. CONTINUATION. The Zoning Ordinance of Rich County, Utah adopted August 2, 1972 and the Rich County Subdivision Ordinance adopted August 2, 1972 are hereby superseded and amended to read as set forth herein; provided, that this Code shall be deemed a continuation of the previous ordinances, including the maps pertaining thereto, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions on conforming or nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or nonconforming.

SECTION 9. EFFECTIVE DATE. It is the opinion of the Board of County Commissioners that an early effective date of this Code is necessary for the preservation of the welfare, health, and safety of the county and the inhabitants thereof; therefore, this Code shall take effect upon its passage and publication as required by law.

SECTION 10. PROCESSING FEES. All costs for processing of application for subdivisions, zone changes, Board of Adjustment rulings, and similar actions required under the terms of this Code shall be borne by the developer or petitioner. The Board of County Commissioners may, by resolution, establish fees for the processing of such application and the administration of this Code and provide for the assessment and collection thereof.

CHAPTER 2. PLANNING COMMISSION

SECTION 1. CREATION. There is hereby created a planning commission within and for Rich County, Utah to be known as the Planning Commission. The Planning Commission shall consist of seven (7) members, one member of which shall be a member of the Board of County Commissioners as a Member of the Commission and the remaining six shall be appointed by the County Board of Commissioners. Each of the six appointed members of the Planning Commission shall be a resident of Rich County and the owner of real property situated therein. At least four of the six appointed members of the Planning Commission shall hold no other elected public office or position. Members shall be selected without respect to political affiliations and shall serve without compensation. Membership will be selected to represent various areas of the county. The Board of County Commissioners shall provide for reimbursement for actual expenses incurred upon presentation of proper receipts and vouchers.

SECTION 2. TERM. The term of office for the exofficio member shall be as determined by the Board of County Commissioners. The terms of the appointed members of the Planning Commission shall be three years and until their respective successors have been appointed, provided that the terms of the members of the first appointed commission shall be one, two, and three years; two to be appointed for one year, two to be appointed for two years, and two to be appointed for three years. Thereafter, the terms for each appointed member shall be for three years. The terms of appointed members shall commence on the first day of January in the year for which such member is appointed.

SECTION 3. VACANCY. Vacancy of appointed members occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by appointment by the Board of County Commissioners. Members of the Planning Commission may be removed by the Board of County Commissioners for non-performance of duty or misconduct, after public hearing on the matter.

SECTION 4. MEETINGS. The Planning Commission shall elect from its members a chairman, whose term shall be for one year. The Commission may create and fill such other offices as it may determine. The Planning Commission shall adopt rules and regulations governing its procedures as it may consider necessary or advisable and shall keep public records of its proceeding which records shall be open to inspection by the public at all reasonable times. The Planning Commission shall hold a regularly scheduled meeting on the last Thursday of each month when practicable. The Planning Commission may also hold special meetings from time to time as directed by the chairman.

SECTION 5. POWERS. The Planning Commission shall have such powers as may be necessary to perform its function including but not limited to the following:

- A. The Planning Commission may from time to time amend, extend or add to the master plan for the physical development of the unincorporated territory of Rich County, or carry any part of it into greater detail. Any such plan may include the planning of incorporated areas to the extent which, in the judgment of the Planning Commission, such plans are related to the

planning of the unincorporated territory of the county as a whole; provided, however, that the plan shall

- B. not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal commission thereof. The master plan of the county with the accompanying maps, plats, charts, a descriptive and explanatory matter, shall show the Planning Commission's recommendations for the development of the territory covered by the plan and may include, among other things, a plan of land use; the general location, character and extent of streets or roads, viaducts, bridges, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places, and spaces, and the general location and extent of public utilities and terminals, whether publicly or privately owned for water, light, power, sanitation, transportation, communications, heat, and other purposes, and acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change or any use of any of the foregoing public ways, grounds, spaces, properties, utilities, or terminals; the general location and extent of forests and open development areas for the purposes of conservation, water supply, recreation, sanitary and drainage facilities, or the protection of the environment. The adoption of the plan or any part, amendment, extension, or additions shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the commission and after a full hearing shall have been thereon after notice of such hearing (30) days in advance.

The Planning Commission may prepare and/or make recommendations to the Board of County Commissioners relating to the adoption of an official map of the county, showing the highways, freeways, parks, parkways, and sites for public buildings or works, including subsurface facilities, in the acquisition, financing or construction of which the county has participated or may be called upon to participate. Such a map, in addition to showing existing public streets may also show (1) the location of the lines of streets on plats of subdivisions which have been approved by the Planning Commission and (2) the lines of proposed new streets or street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located.

It shall be the duty of the Planning Commission to review all real estate developments. No plat of a subdivision of land within the county shall be presented for recording in the county recorder's office until it shall have been submitted and approved by the Planning Commission and such approval entered in writing on the plat. The approval of the Planning Commission shall be in addition to the approval of the Board of County Commissioners.

Upon request of the Board of County Commissioners, the Planning Commission may assist the board in preparing regulations governing the subdivision of land and amendments to regulate the height and size of public construction, also, the location of trees and other vegetation. The Planning Commission may also assist the Board in encouraging the use of solar and other forms of energy.

- E. At the request of the Board of County Commissioners, the Planning Commission shall make and certify to the Board of County Commissioners a plan for zoning all or any part of the county. Said zoning plan shall include the text of the ordinance and maps and shall represent the recommendations of the Planning Commission for the zoning of the territory so designated by

the Board of County Commissioners.

After a zoning regulation has been adopted any amendment or addition thereto shall not be made or become effective unless the same shall have been proposed by or be first submitted to the Planning Commission for its approval, disapproval, or suggestions. Any recommendation submitted to the Planning Commission shall be returned to the Board of County commissioners within thirty (30) days.

The Planning Commission shall prepare regulations governing the approval, construction, and maintenance of condominium projects, or amendments to such regulations and shall submit said regulations to the Board of County Commissioners for adoption.

It shall be the duty of the Planning Commission to review and approve all condominium projects as set forth within this Code. No record or survey map, declaration or other material for condominium projects shall be presented for recording in the County Recorders Office until it shall have been submitted and approved by the Planning Commission with such approval placed in writing on said document. The approval by the Planning Commission shall be in addition to the approval of the Board of County Commissioners.

The Planning Commission may conduct hearings and meetings with interested property owners, officials and citizens in the process of carrying out the functions and duties of its office.

The Planning Commission is directed to make use of the expert advice, information, maps and data pertinent to Rich County, which may be furnished by appropriate Federal, State, County and municipal officials, departments and agencies, and in particular by the Bear Lake Regional Commission, without additional cost to the county or municipality.

The Planning Commission may adopt the County master plan, official map, or Land Use Guide as a whole by a single resolution, or as the work of making the whole master plan progressive. The Planning Commission may from time to time amend, extend or add to the plan, or carry any part of it into greater detail. The adoption of the plan or any part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the Planning Commission and after a full hearing shall have been thereon after notice of such hearing thirty (30) days in advance.

All By-Laws, protective and restrictive covenants of all development must be approved by the Planning Commission before they can take effect.

M. SECTION 13. ELECTRONIC VOTING. In the event members of the Planning Commission are unable to attend a meeting but available by other electronic means, provisions will be made to accommodate such requests. A member of the board may fulfill duties electronically as if present in person at the meeting (U.C. 52-4-207).

CHAPTER 3. BOARD OF ADJUSTMENT

SECTION 1. CREATION. There is hereby created a Board of Adjustment. The Board of Adjustment shall consist of five members to be appointed by the Board of County Commissioners. At least one member but not more than half of the members of the Board of Adjustment at any one time shall be members of the Planning Commission.

SECTION 2. TERM. Each member shall serve for a period of five years, provided that the term of the members of the first board shall be such that the term of one member shall expire each year. The term of office of each member shall commence on the first day of January of each year for which said member is appointed.

SECTION 3. VACANCIES. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. Any member may be removed from the office for cause by the Board of County Commissioners upon written charges and after a public hearing.

SECTION 4. ORGANIZATION. The Board of Adjustment shall elect a chairman from among its own members whose term shall be for one year. The Board may also create and fill other offices as it may determine. No members shall act or vote on any matter on which he has a direct financial interest or in which the petitioner may be related by blood or marriage, or upon matters which may involve a conflict of interest as defined by the laws of the State of Utah relating thereto.

SECTION 5. MEETINGS. Meetings of the Board of Adjustment shall be held at the call of the chairman, provided that the notice of said meeting shall be given fifteen (15) days prior to said meeting by publication in a newspaper of general circulation in the county and in cases involving specific parcels of land by notifying adjacent property owners by mail, telephone, or by personal contact ten (10) days prior to said meeting. 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 if failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Board of Adjustment as a public record.

SECTION 6. POWERS. The Board of Adjustment shall have the following powers:

To hear and decide appeals where it is alleged by the petitioner that there is an error in the order, requirement, decision or refusal made by an administration official or agency based upon or made in the enforcement of this code.

To hear and decide appeals for approval of special exceptions.

To authorize, upon appeal, variances from the terms of this Code pertaining to the area of width of lot, required setbacks, or height and size of buildings, where, by reason of exceptional

narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation or by reason of exceptional topographical conditions or other extraordinary and exceptional situations, the strict application of the zoning requirement would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property. However, before any variance may be granted, it must be shown that:

1. The variance may be granted without substantial detriment to the public good or without substantially impairing the intent and purpose of the comprehensive planning of the Land use Guide and zoning regulations.
2. Special circumstances are attached to the property covered by the application that does not apply to other property in the same zone.
3. That because of said circumstances, property covered by the application is deprived of privileges possessed by other property in the same zone; and that the granting of the variances essential to the enjoyment of substantial property right possessed by other property in the same zone.
4. That the difficulties and hardships were not created by any act of the petitioner subsequent to the effective date of the regulation appealed from.
5. Any variance granted by the Board of Adjustment shall run with the land and shall be applicable only to the specific conditions set forth in the application.
6. To approve the alteration in a non-conforming use.

SECTION 7. APPEALS. Appeals to the Board of Adjustment may be made by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative office or agency, based upon or made in the course of the administration or enforcement of the provisions of the zoning regulations. Appeals to the Board of Adjustment may also be made by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decisions of an administrator, officer or agency, based upon or made in the course of the administration or enforcement of the code. Such appeal shall be taken within a period not to exceed forty-five (45) days from the date of the grant or refusal by filing with the clerk of the Board of Adjustment a notice of appeal specifying the grounds thereof. The clerk of the Board of Adjustment shall forthwith obtain and transmit to the Board of Adjustment all the papers constituting the record from which the appeal was taken.

SECTION 8. STAY. An appeal stays all proceedings and furtherance of the action appealed from, unless the Board of Adjustment finds that after the notice of appeal has been filed, by reason of facts stated in writing a stay would in its opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a court restraining order.

SECTION 9. HEARINGS. All hearings shall be held at a meeting called by the Board of Adjustment for that purpose. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and shall render its decision on any matter referred to it within thirty (30) days from the date of the hearing. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 10. VOTE. The concurring vote of four members of the Board in the case of a five member board, shall be necessary to reverse any order, requirement, decision or determination on any matter upon which it is required to pass.

SECTION 11. APPEAL. The county, or any person aggrieved by any decision of the Board of Adjustment, may have and maintain an action for relief in any court of competent jurisdiction, provided a complaint for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the clerk of the Board of Adjustment.

SECTION 12. COMPENSATION. Compensation may be provided to members of the Board of Adjustment for their services as established by the Board of County Commissioners.

CHAPTER 4: ADMINISTRATION CODE.

SECTION 1. ZONING ADMINISTRATOR. The Board of County Commissioners may appoint a Zoning Administrator. The Zoning Administrator shall be responsible for administering this Code, and any amendments thereto and in furtherance of said authority shall:

Maintain records of the Rich County Development Code and zoning plan including all applications, amendments, variations, appeals, and other matters related thereto.

Provide and maintain a public information bureau relative to all matters rising out of this code.

Receive, file, forward to the county clerk all applications for amendments to this Code.

Transmit to the Planning Commission his recommendation on all amendments or proposed amendments to the Rich County, Utah Development Code and all applications for development.

Refer all appeals to the Board of Adjustment.

Receive from the Board of Adjustment all final determinations on variations or other matters properly brought before the Board of Adjustments.

Inspect, either personally or through a duly authorized representative any building or structure in the county, to perform any duty imposed upon him by this Code.

SECTION 2. BUILDING INSPECTOR. The Board of County Commissioners has the authority to appoint a Building Inspector whose duties shall be as follows:

Work under the direction of the Zoning administrator.

Issue building permits for uses or buildings which are permitted by this Code.

Conduct inspections of uses of buildings, structures and land to determine compliance with this Code.

Make inspections of all constructions, alterations, moving of buildings, or other matters for which a building permit is required to see that the same comply with this Code.

To enforce this Code and the building codes in accordance with the provisions contained herein.

To maintain and keep a permanent and accurate account of all monies received for building permits under this Code and the names of persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

Submit a report to the proper county officials not less than once a month covering the work of the Building Inspector during the preceding period.

Upon presentation of proper credentials to the Building Inspector or his duly authorized representative may enter at reasonable time any duty imposed upon him by this Code.

Whenever this code is being violated, the Building Inspector may order the violation stopped by a notice in writing served on the person.

Issue signed permits in the execution of his duties.

Issue sign permits according to sign regulations of Chapter 11.

SECTION 3. BUILDING PERMIT. The construction, placement, alteration, repair, removal, or occupancy of any structure or improvement or any part thereof as provided or restricted in this Code shall not be commenced, or proceeded with, except after issuance of written permit for the same by the building inspector.

No mobile home, trailer or camper shall be placed on a lot without the issuance of a written permit for the same by the Building Inspector. Except no such permit shall be necessary for temporarily parking a recreational vehicle in a recreational vehicle park. Refer to restrictions in Chapter 12.

A detailed site plan, drawn to scale shall be filed as part of any application prior to consideration for any building permit. The site plan shall show where pertinent.

Note of scale used.

Direction of North point. Lot lines together with adjacent street and road-setbacks and right-of-ways.

Location of all existing structures on subject property and adjoining properties (completely dimensioned including utility lines, poles, etc.)

Location of the proposed construction, improvements, and/or adjoining properties (completely dimensioned including utility lines, poles, etc.)

Location of the proposed construction, improvements, and/or placement including the location of all signs.

Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location.

Necessary explanatory note.

Name, address, and telephone number of the builder and owner.

Proof of ownership of which has been recorded with the County recorder of the acreage

required by this Code.

All other information that may be required as determined by the Building Inspector.

SECTION 4. FIRE DISTRICT APPROVAL FOR BUILDINGS. Where buildings are to be used for industrial, commercial, or multi-family residential (four-plex or larger) purposes, building and site plans must be submitted for approval of the local fire protection district prior to the issuance of the building permit.

SECTION 5. INSTALLATION OF FIRE PROTECTION FACILITIES. In subdivisions, commercial and industrial parks, planned unit developments, recreational vehicle parks, buildings and condominium projects and cluster developments requiring the installation of water systems and storage capacity for fire protection, building permits will not be issued until facilities serving the development are completely installed and operational, or alternatively, upon recommendation of the local fire protection district temporary facilities provided. In the case of disputes over fire district requirements, the Board of County Commissioners will make final determination as to the requirements after consultation with the interested parties.

SECTION 6. HEALTH DEPARTMENT. Where buildings are to be used for industrial, commercial, or residential purposes, building and site plans may be required from the applicant and said plan submitted to the Bear River District Health Department for review and approval prior to the issuing of a building permit.

SECTION 7. SOIL CONSERVATION DISTRICT. Building and site plans may be required from the applicant and said plans submitted for review and recommendation to the area office of soil conservation prior to the issuing of a building permit.

SECTION 8. UTAH DIVISION OF FORESTRY, FIRE, and STATE LANDS. Building and site plans may be required from the applicant to be submitted for review and recommendation to the area forester of the Utah State Division of Forestry, Fire, prior to the issuing of a building permit.

SECTION 9. GEOLOGICAL STUDIES. Building and site plans may be required where any geological or natural hazards such as, but not limited to, faults, shrink/swell soils, landslides, or flood plains exist. The Building Inspector may require, upon evaluation of these hazards, additional geological studies to be completed by competent professionals.

SECTION 10. WATER AND SEWAGE REQUIREMENTS.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by the Utah State Department of Health is not available, and in all cases where a connection to a public water system approved by the Utah State Department of Health is not available, the sewage disposal method and the domestic water supply shall comply with the

requirements of the Bear River District Health Department. The application for a building permit must also give satisfactory evidence of:

An ownership interest in the water to be supplied and certified valid approvals for said use from the Utah State Engineer.

Evidence that piping water into the proposed building will not diminish the supply of water to other existing dwellings below 1,600 gallons per day for each dwelling unit which involves sprinkling of lawn or other outside use and 800 gallons per day for each dwelling unit that does not include outside use of water.

If connection to a public sewer system is available to the proposed structure or use, a building permit shall not be issued unless the proposed building or use connects with the public sewer system.

If the proposed structure or use may be served by a public sewer system by the logical extension of the boundaries of the public entity providing the public sewer system, a building permit shall not be issued until said public entity has had the opportunity to annex or reject annexation of the land where the structure or use will be located.

D. New developments within 600 feet of the Bear Lake Special Service District are required to connect to the central sewer system.

SECTION 12. BUILDING PERMIT FOR UTILITIES. No person, firm or corporation shall install or allow to be installed any sewer or water service lines or any gas, telephone, or electric utility connection to serve the premises before a building permit has been issued by the Building Inspector, and any person who shall install or authorize the installation of any such line or connection shall be in violation of this code. Each day such violation is continued shall be considered a separate offense.

SECTION 13. TIME LIMIT ON BUILDING PERMITS. Any building permit shall be null and void if building is not commenced within one year of issuance. Building must be dried in within 2 years from issuance of building permit. Any building permit shall be null and void if the building is not completed and has not received final approval from the Building Inspector within five (5) years of the issuance of the permit.

4. Repeal of Conflicting Ordinances.

Any provision of any ordinance of the County, which conflicts or is inconsistent with

any provision of this ordinance or any provision of the codes adopted in the ordinance is hereby repealed.

5. Separability of Ordinances.

Should any section, clause or provision of this ordinance or any section, clause or provision of the codes adopted pursuant to this ordinance be declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of any other section or provision of this ordinance or of the codes adopted herein and each such section, clause or provision is hereby declared to be separate and distinct.

CHAPTER 5. ZONES

SECTION 1. ESTABLISHMENT OF ZONES. For the purpose of this Code, the following zones are created to be applied as necessary to regulate the development of land, as depicted on the Rich County Zoning Map.

Agriculture Zone	A
Forest-Recreation Zone	FR
Agriculture Residential Zone	AR
Residential Zone	R
Commercial Zone	C
Beach Development Zone	BD
Manufacturing Zone	M
Water Source Protection Zone	WS

SECTION 2. PURPOSE OF ZONES.

AGRICULTURE ZONE (A)- To preserve appropriate areas of Rich County, Utah for permanent agricultural use. Uses normally and necessarily related to agriculture are permitted. The uses not compatible with the continuance of agricultural activity are not allowed. The two districts in this zone show various minimum acreage requirements in an A-10 and A-20.

FOREST RECREATION ZONE (FR)- To permit the necessary use of the mountainous area of Rich County, Utah for grazing, forestry, mining, recreation, and other activities to the extent compatible with the protection of the natural and scenic resources of the areas for the benefit of present and future generations. The one district in this zone shows a 40 acre minimum acreage requirement in FR-40.

AGRICULTURE RESIDENTIAL ZONE (AR)- To provide areas for low-density rural lifestyle residential development. The districts in this zone show various minimum acreage requirements in AR-1, AR-2, and AR-5.

RESIDENTIAL ZONE (R)- To provide appropriate areas for residential developments and related services and activities and limited retail and service activities.

COMMERCIAL ZONE (C)- To provide areas of convenience shopping for the residents of the neighborhood.

BEACH DEVELOPMENT ZONE (BD)- To provide areas along the shoreline of Bear Lake for Public and Private water-oriented recreational and residential activities.

WATER SOURCE PROTECTION ZONE (WS)- To provide areas surrounding domestic water sources in which no development or activity is permitted which would pollute water.

MANUFACTURING (M)- To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone and adjacent areas.

SECTION 3. BOUNDARIES OF ZONES: The boundaries of each of the zones are hereby established as described herein or shown on the zoning map, which map is attached to this ordinance and all boundaries, notations and other data shown thereon are made by this reference as much a part of this Code as if fully described herein.

SECTION 4. FILING OF CODE AND MAP. This official code and map shall be filed in the custody of the County clerk of Rich County and may be examined by the public subject to any reasonable regulations established by the Rich County clerk.

SECTION 5. RULES FOR LOCATING BOUNDARIES. Where uncertainty exists as to the boundary of any zone, the following rules shall apply.

Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.

Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line of such public land or such section line shall be deemed to be the boundary of such zone.

Where the application of the above rules does not clarify the zone boundary location, the Planning Commission shall interpret the map.

SECTION 6. USE REGULATIONS - USE OF LAND AND BUILDINGS. Land and building in each of the following districts may be used for any of the following listed uses. No building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the district in which it is located as *set* forth by the following use chart and indicated by:

P = PERMITTED
 C = CONDITIONAL USE
 = NOT PERMITTED
 (NO SYMBOL)

Use

Chart

DIST-ZONE TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
	A-10	A-20	FR-40	A R - 1	AR - 2	A R - 5	R	C	BD	M

LAND USE DESCRIPTION

1. ACCESSORY BUILDING	C	C	C	P	P	P	P	C	C	C
2. ACCESSORY FARM BUILDING	C	C	C	C	C	C			C	C
3. BOARDING OR ROOMING HOUSE							C	P	C	
4. CABINS FOR SEASONAL OCCUPANCY (rental cabin)	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>P</u>	C	C	
5. COMMUNITY CENTER					C	C	C	C	C	
6. DWELLING, MULTIPLE FAMILY							C	C	C	
7. DWELLING, ONE FAMILY ATTACHED							C		C	
8. DWELLING, ONE FAMILY DETACHED	P	P	C	P	P	P	P	C	C	C
9. DWELLING, THREE OR FOUR FAMILY						C	P	C	C	
10. DWELLING, TWO FAMILY					P	P	P	P	C	
11. HOTEL OR MOTEL								P	C	
12. MOBILE HOME, TRAILER PARK/SUB				C	C	C	C		C	
13. OFF STREET PARKING INCIDENTAL TO MAIN USE	P	P	P	P	P	P	P	P	P	P
14. OTHER RESIDENTIAL ACCESSORY AND INCIDENTAL USES	C	C	C	C	C	C	C	C	C	C
15. PRIVATE SWIMMING POOL	C	C	C	C	C	C	P	C	C	
16. SECONDARY RESIDENTIAL OR CARETAKER STRUCTURE	C	C	C	C	C	C	C	C	C	C
INSTITUTIONAL AND SPECIAL SERVICE										
17. AIRPORT, HELIPORT	C	C		C	C	C	C	C		C
18. CEMETERY	C	C	C	C	C	C	C	C		
19. CHURCH	C	C	C	C	C	C	P	C	C	
20. CONVENT, MONASTARY OR OTHER DWELLING FOR PURSUIT OF GROUP RELIGIOUS IDEALS	C	C	C	C	C	C	C	C	C	
21. DAY NURSERY OR KINDER				C	C	C	C	C	C	C
22. FARM, RANCH OR ORCHARD	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		C		C
23. HOME, HALFWAY HOUSE OR OTHER GROUP DWELLING FOR ALCOHOLIC NARCOTIC AND DELINQUENTS							C	C	C	
24. HOME FOR THE AGED/HANDICAPED	C	C	C	C	C	C	C	C	C	C
25. INSTITUTIONS OF RELIGIOUS OR PHILANTHOPIC NATURE				C	C	C	C	P	C	
26. LIBRARY, ART GALLERY, MUSEUM						C	C	C	C	
27. LODGE OR CLUB			C	C	C	C	C	C	C	
28. NURSING HOME							C	C	C	
29. PARK, PLAYGROUND	<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>P</u>	<u>P</u>

FAIRGROUND	P	P	P	P	P	P	P	P	C	P
30. PRIVATE COUNTRY CLUB	C	C	C	C	C	C	C	C	C	
31. PRIVATE SCHOOL								C	P	C
32. PUBLIC ADMINISTRATION OFFICE				C	C	C	C	C	C	C
33. SCHOOLS, PUBLIC	P	P	P	P	P	P	P	P	P	C
34. TENNNIS OR SWIM CLUB (PRIVATE)	C	C	C	C	C	C	C	C	P	C

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 C = CONDITIONAL USE
 = NOT PERMITTED
 (NO SYMBOL)

Use Chart

DIST-ZONE TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
	A-10	A-20	FR-40	A R - 1	AR - 2	A R - 5	R	C	BD	M

UTILITY & RELATED
SERVICES USES

35. COMMERCIAL RADIO OR TELEVISION TRANSMITTING STATION	C	C							C	C	C
36. ELECTRICAL POWER PLANT	C	C	C						C	C	P
37. ELECTRICAL SUBSTATION	C	C	C	C	C	C	C	C	C	C	P
38. FIRE STATION	P	P	P	P	P	P	P	P	P	C	P
39. GAS METERING AND TRANSMISSION STATION	P	P	P	P	P	P	P	P	P	C	P
40. IRRIGATION CANALS AND CONT.	P	P	P	P	P	P	P	P	P	C	P
41. LOCAL UTILITY DISTRIBUTION LINE	C	C	C	C	C	C	C	C	C	C	C
42. RADIO, TELEVISION OR MICROWAVE TOWERS	C	C	C	C	C	C	C	C	C	C	C
43. RAILROAD TRACKS AND RIGHT-OF-WAYS	P	P	P	P	P	P	P	P	P	C	P
44. SEWAGE OR WATER PUMPING AND CONTROL STATIONS	P	P	P	P	P	P	P	P	P	C	P
45. TELEPHONE BUSINESS OFFICE									P	C	C
46. TELEPHONE SWITCHING, RELAY AND Transmitting Equipment (cellular and traditional)	SDF SDF SDF SDF SDF SDF SDF SDF	SDF SDF SDF SDF SDF SDF SDF	SDF SDF SDF SDF SDF SDF SDF SDF	S S S S S	FSD FSD FSD FSD FSD FSD FSD FSD	S S S S S S S S	DFS DFS DF SDF SDF DF S DF	SD FS DFD SF SDF SD FSD F	S DFS DF SDF SD F SDF SD F SD	S DF SDSD FS FS DF SD F	
47. UTILITY SHOPS, STORAGE YARDS AND BUILDINGS									C		P
48. UTILITIES, PUBLIC OR PRIVATE OTHER THAN LISTED	C	C	C	C	C	C	C	C	P	C	C
49. WATER TREATMENT PLANT	C	C	C	C	C	C	C	C	C	C	P
50. WATER WELL, RESERBOIR OR STORAGE TANK	P	P	C	P	P	P	P	P	P	C	P

RECREATIONAL
USES

51. AMUSEMENT, COMMERCIAL IND									C	C	C
52. AMUSEMENT, COMERCIAL OUT									C	C	
53. MARINA										C	
54. PROVISIONING AND RECREATIONAL SPORTING GOODS SALES									P	C	C
55. PUBLIC RIDING STABLES/MOTO CROSS	C	C	C	C	C	C	C			C	
56. REC VEHICLE PARK								C	C	C	

57. REC VEHICLE STORAGE								C	C	C	P
58. SOUVENIR, SPORTING GOOD SALE									P	C	

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(NO SYMBOL)

Use Chart

DIST-ZONE TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
	A-10	A-20	FR-40	A R -	AR - 2	A R -	R	C	BD	M
				1		5				

AUTOMOBILE
RELATED USES

59. AUTOMOBILE SALVAGE AND WRECKING OPERATIONS AND INDUSTRIAL METAL, RAG, GLASS OR PAPER SALVAGE OPERATIONS PROVIDED THAT ALL OPERATIONS ARE CONDUCTED WITHING A SOLID VIEW-OBS- CURING WALL OR FENCE NOT LESS THAN EIGHT FEET HIGH											C
60. AUTO PAINT AND BODY SHOP								P			P
61. AUTO SALES, REPAIRS								P			P
62. CAR WASH								P			P
63. COMMERCIAL PARKING STRUCTURE AUTO ONLY								C			C
64. A. GASOLINE SALES								C	C		C
B. GASOLINE, PETROLEUM PRODUCTS STORAGE (HOME HEATING OIL EXEMPT.) SEE UNIFORM FIRE CODE FOR STORAGE LIMITS								C	C		C
65. GASOLINE SERVICE STATION							C	C	C		C
66. NEW OR RECONDITIONED AUTO PARTS, INDOOR								C			P
67. SEAT COVER OR MUFFLER INSTALLATION SHOP								C			P
68. STORAGE OF AUTOS								C			P
69. TIRE RECAPPING AND RETREADING SHOP								C			C
70. TRUCK STORAGE, OUTDOOR								C			P
71. USED AUTO PARTS, SALES, INDOORS								C			P

RETAIL OR RELATED
ISSUES

72. ANIMAL CLINIC OR PET HOSPITAL NO OUTDOOR PENS	C	C		C	C	C		C		P
73. ANTIQUE OR COLLECTABLE SHOP								P		
74. ART SUPPLY STORE								P		
75. BAKERY OR CONFECTIONERY SHOP RETAIL SALES								P		
76. BANK OR SAVINGS AND LOAN							C			
77. BARBER OR BEAUTY SHOP								P		
78. BOOK OR STATIONERY STORE								P		
79.								P		
80. CAFETERIAL OR RESTAURANT							C	P	C	C

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Use Chart

DIST-ZONE	TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
		A-10	A-20	FR-40	A	AR	A	R	C	BD	M
					R	-	R				
					1	2	5				

RETAIL OR RELATED USES CONT...

81. CLINIC, MEDICAL OR DENTAL								C	P	
82. CREDIT UNION								C	P	
83. DEPARTMENT OR DISCOUNT STORE									P	
84. DRUG STORE OR PHARMACY									P	
85. FLORIST SHOP	C	C							P	C
86. FURNITURE OR APPLIANCE STORE									P	
87. GARDEN SHOP AND PLANT SALES NURSERY	C	C		C	C	C			C	C
88. GROCERY STORE									P	
89. HANDICRAFT AND ART OBJECTT SALE									P	
90. HARDWARE STORE									P	
91. HOBBY SHOP									P	
92. HOME OCCUPANCY/BUSINESS	C	C		C	C	C	C		C	C
93. KENNEL	C	C					C		C	P
94. LABORATORY, MEDICAL OR DENTAL									C	P
95. LAUNDRY OR SELF-SERVICE LAUNDRY SHOP (LIMITED AREA)									P	
96. LOCKSMITH OR KEY SHOP									P	
97. MORTUARY	C	C							P	C
98. MUSIC STORE									P	
99. OFFICE, PROFESSIONAL OR GENERAL BUSINESS							C		P	C
100. OPTICAL LABORATORY									P	P
101. OPTICAL SHOP									P	P
102. PACKAGE LIQUOR STORE	EXEMPTED ARTICLE 10-9-29 UTAH STATE CODE									
103. PAWN SHOP									P	

104. PERSONAL CUSTOM SERVICES SUCH AS TAILER, MILLINER								P		
105. PET SHOP FOR SMALL ANIMALS								P		
106. REPAIR OF APPLIANCES, T.V. RADIO & SIMILAR EQUIPMENT								P		P
107. SHOE, BOOT, SADDLE, OR OTHER LEATHER GOODS SALE AND REPAIR								P		P
108. STUDIO, HEALTH, EXERCISE, MESSAGE REDUCING OR SIMILAR								P		
109. STUDIO, DECORATOR AND DISPLAY								P		
110. STUDIO, PHOTOGRAPHY								P		
111. TAVERN								C		C
112. VARIETY STORE								P		

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Use Chart

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	A-10	A-20	FR-40	A R - 1	AR - 2	A R - 5	R	C	BD	M

COMMERCIAL OR
RELATED SERVICES

113. BUILDING MATERIAL SALES								C		P
114. CABINET OR FURNITURE UPHOLSTERY SHOP								C		P
115. CLEANING, LAUNDRY OR DRYING PLANT								C		P
116. CONTRACTORS STORAGE OF HEAVY EQUIPMENT (EXCEEDING ONE TON)	C	C						C		P
117. DAIRY OR ICE CREAM PLANT	P	P						C		P
118. DANCE HALL OR NIGHT CLUB								P		C
119. HEAVY MACHINERY STORAGE SALES OR REPAIR										P
120. LABORATORY, SCIENTIFIC OR RESEARCH	C	C						C		P
121. LITHOGRAPHER OR PRINT SHOP								C		P
122. LUMBER YARD								C		P
123. MAINTENANCE OR REPAIR SERVICE FOR BUILDINGS								C		P
124. MILK DEPOT								P		P
125. OPEN STORAGE AND SALE OF APPLIANCE AND MACHINERY								C		P
126. PAINT SHOP								P		P
127. PLUMBING SHOP								P		P
128. RAILROAD TEAM TRACKS, FREIGHT DEPOT OR DOCKS	C	C								P
129. STORAGE WAREHOUSE										P
130. TRADE, VOCATIONAL OR COMERCIAL SCHOOLS								P		C
131. TRAILER AND MOBILE HOME SALES								C		P
132. WELDING OR MACHINE SHOP	C	C								P
133. WHOLESALE OFFICE, STORAGE SALES								C		P

INDUSTRIAL AND
RELATED USES

135. ANY OF THE FOLLOWING PROCESSES: DISTILLATION OF WOOD OR BONES, NITRATION OF COTTON OR OTHER MATERIAL,										
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P = PERMITTED
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 (NO SYMBOL)

REDUCTION REFINING, SMELTING AND ALLOYING OF METALS OR METAL ORES, REFINING OR PETROLEUM AND PETROLEUM PRODUCTS, SLAUGHTERING AND PACKAGING OF ANIMALS LARGER THAN POULTRY OR RABBIT, TANNING OF RAW, GREEN OR SALTED HIDES OR SKINS	C	C								C
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Use Chart

DIST-ZONE TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
	A-10	A-20	FR-40	A R - 1	AR - 2	A R - 5	R	C	BD	M

INDUSTRIAL AND RELATED USES CONT..

136. EXTRACTION OF SOIL, SAND, GRAVEL, STONE, MINERALS, GAS, PETROLEUM OR OTHER SUBSTANCES	C	C	C							C
137. FOREST INDUSTRIES	C	C	C							C
138. LIGHT MANUFACTURING PROCESSES WHICH DO NOT EMIT DETECTIBLE DUST, ODOR, FUMES OR GAS BEYOND THE BOUNDARY OF THE PROPERTY OR NOISES ABOVE THE AMBIENT LEVEL	C	C	C					C		P
139. MANUFACTURE OF ANY OF THE FOLLOWING PRODUCTS FROM RAW MATERIALS: ACIDS, ASPHALTS, CARBIDE, CAUSTIC SODA, CARBON OR BONE BLACK, CELLULOSE, CHARCOAL, CHLORINE, CRESOTE, FERTILIZER, HYDROGEN, INDUSTRIAL ALCOHOL,										C

NITRATES OF AN EXPLOSIVE NATURE, PLASTICS, PORTLAND CEMENT, POTASH, SYNTHETIC RESINS AND FIBERS										
140. STORAGE OF FIREWORKS OR EXPLOSIVES WHERE INCIDENTAL TO A PERMITTED USE	C	C	C							C
141. STORAGE OF SAND, GRAVEL, EARTH OR STONE	C	C	C							P

AREA DEVELOPMENTS

142. BEEKEEPING	P	P	P			C			C	C
143. BREEDING OR RAISING OF ANIMALS FOR FOOD SALE	P	P	P	C	C	C				P
144. CLUSTER DEVELOPMENT/ INNER BLOCK DEVELOPMENT							C		C	
145. CONDO RESIDENTIAL DWELLINGS								C	C	
146. CROP PRODUCTION FOR SALE	P	P	P	P	P	P	P			
147. DAIRY	P	P								P
149. FUR FARM	C	C	C	C	C	C				C
150. HOME CROP PRODUCTION	P	P	P	C	C	C	C		C	
151. KEEPING ANIMALS OR FOWL COMMONLY USED FOR FOOD OR FIBER PRODUCTION OR AS BEASTS OF BURDEN	P	P	P	C	C	C				
152. KEEPING DOGS, CATS, FISH, OR EXOTIC CAGED BIRDS (KENNEL EXCLUDED)	P	P	P	P	P	P	P	P	P	P

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Use Chart

DIST-ZONE TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
	A-10	A-20	FR-40	A R - 1	AR - 2	A R - 5	R	C	BD	M

AREA DEVELOPMENTS CONT..

153. LIVESOCK FEED YARDS, CHICKEN COOPS	C	C	C	P	P	P				C
154. LIVESTOCK GRAZING	P	P	P	P	P	P				P E
155. ORCHARD COMMERCIAL	P	P	C	C	C	C		C		
156. ORCHARD FOR HOME USE	P	P	P	P	P	P	P	P	C	P
157. PLANNED UNIT DEVELOPMENT			C	C	C	C	C	C	C	
158. RANCH, DUDE RANCH	P	P	C						C	P
159. STANDS FOR SALE OF PRODUCE GROWN ON PREMISES	C	C	C	C	C	C		P		
160. Private Residential Treatment Facility Including Education & Treatment Facilities	C	C		C	C	C		C		C
161. Private residential Support Facility	C	C		C	C	C		C		C

SECTION 7. CLASSIFICATION OF NEW AND UNLISTED USES. Should the building inspector determine that a type or form of land use which an applicant is seeking to locate in Rich County does not appear in the Use Chart as a permitted or conditional use, the building inspector shall refer the request to the zoning Administrator who shall determine the appropriate classification of the new or unlisted use as follows:

Should the zoning administrator determine that the use is listed under another name he shall so inform the building inspector to proceed accordingly; or

The zoning administrator shall consider all facts concerning the nature of the use, type of activities to be conducted, the amount of noise, odor, fumes, dust, toxic material, vibrations, traffic likely to be generated, and general impact on the public utilities.

He shall meet with interested parties to consider the compatibility of the proposed use with the uses permitted in the various zones and districts.

The zoning administrator shall transmit his findings and recommendations to the Rich County Planning Commission for a majority vote. The Board shall order the classification of such use as is determined appropriate.

The building inspector shall maintain a copy of the new classification order and treat all subsequent requests for the said use accordingly.

CHAPTER 6. DEFINITIONS

SECTION 1. INTENT. The following definitions shall be used in the interpretation and construction of this Code; (Words used in the present tense include the future; words in the singular number include the plural and the plural singular; words used in this Code but not defined herein shall have the meaning as defined by the Board of Adjustment.)

A. DEFINITIONS

Agriculture. The raising, cultivating, grazing, or breeding of plants or animals useful to man; provided that agriculture does not include agricultural businesses or industries.

Amendment. A formal statement of change, revision or improvement.

Animal Hospital. Any building or portion thereof designed or used for the care or treatment of animals or fowl, in which veterinary service is provided or is available.

Airport. Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangers and other necessary buildings.

Amusement, Commercial, (Indoor). An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, not elsewhere listed, wherein any portion of the activity takes place in the open including a golf driving range, miniature golf or similar activities.

Amusement, Commercial (Outdoor). Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, not elsewhere listed, wherein any portion of the activity takes place in the open including a golf driving range, miniature golf or similar activities.

Appliance Service or Repair. Including major and small appliances as well as radio and television.

Boarding or Rooming House. A building other than a hotel where lodging is permitted or meals are served for compensation that does qualify as a one, two, three or four family dwelling.

Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.

Building Accessory. A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

Building Main. The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot.

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

Carport. A space not completely enclosed by walls or doors for the housing or storage of motor vehicles. For the purposes of this Code, a carport shall be subject to all the regulations prescribed for a private garage.

Certificate of Zoning Compliance. A certificate issued by the Zoning Administrator of Rich County, or his designated representative, stating that the proposed used of the building or

land conforms to the requirements of this code.

Clinic. A building used for the diagnosis and treatment of ill, infirm, or injured persons, but which building does not provide board, room, or regular hospital care and services

Cluster residential dwelling. A group of units developed together to save a larger area of open space on the same parcel.

Common Area. Land held jointly and held open for use equally for all who live with in the development.

Commercial or Industrial Park. A tract of land divided by sale or lease for commercial, manufacturing, or industrial uses or purposes.

Community Center (Private). A central social and recreational building as part of a housing development.

Country Club. A private recreational club with restricted membership, which provides a golf course, clubhouse, swimming pool, tennis court or similar facilities, none of which are available to the general public.

Conditional Use. A use of land for which a conditional use permit is required pursuant to Chapter 10 of this Code.

Convenience Establishments. Establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry and dry-cleaning establishments, beauty shops, barber shops, or combination thereof, but do not include repair garages, automobile sales yards, clothing stores, or drive-ins where customers consume food on the premises outside of buildings.

Dairy. A commercial establishment for the manufacture or processing of dairy products.

Dairy Farm-The raw milk stage before processing.

Day nursery or Kindergarten. An establishment possessing all necessary licenses where five (5) or more children are left for care or training, not admitting or taking children above the age of eight (8).

Density. The term density shall mean the number of dwelling units per acre of land.

Gross Density-figured by dividing total dwelling units by total acres.

Net Density-figured by dividing total dwelling units by total acres excluding open space.

Dried in. Exterior of the building including windows must be complete, as per approved building plans.

Drive-in Retail. Any form of merchandising, service, or dispensing of goods in which the customer is serviced while in his automobile.

Dwelling. Any building, or portion thereof, which is designed for use for residential purposes. A dwelling structure may house multiple family dwellings.

Dwelling, Multiple Family. A building, or portion thereof, designed for or used exclusively as a residence by (3) or more families, living independently of one another.

Dwelling, Single. A building arranged or designed to be occupied exclusively by one (1) family, the structure having (1) one dwelling unit.

Dwelling, Two Family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling Units. One or more rooms in a dwelling designed for or occupied by one (1) family

for living or sleeping purposes.

Environmental Impact Statement. A statement prepared by an engineer, geologist, or other person qualified by training or experience, as determined by the Planning Commission, which describes the impact that a development will likely have on the natural features of the immediate area, and which describes the measures that will be taken to lessen the occurrence of adverse conditions.

Family. An individual or two or more persons living together in a single dwelling unit and maintaining a common household. The term “family” shall be construed to mean a group of not more than four (4) non-related individuals, a fraternity, club or institutional group.

Farm Accessory Building. A structure other than a dwelling on a farm for the shelter, protection or storage of the usual farm equipment, animals or crops.

Farm, Ranch, or Orchard, An area of ten (10) or more acres which is used for the commercial production of crops or the keeping of the usual farm poultry, animals, dairy, and normal accessory uses for these purposes.

Flag Lot. A lot not having frontage upon a public street but having access to said street but having access to said street, together with such yards, open space and lot area as required by this ordinance. See section 18 of Chapter 7.

Front Yard. The side of the property that has the major access to a public right-of-way.

Feed Yard. A building or open enclosure where at least ten (10) horses or ten (10) cattle, or fifty (50) sheep, or ten (10) hogs, or fifty (50) turkeys are kept in a relatively restricted area for intensive feeding, as contrasted to open pasturage; provided that any area where a combination of horses, cattle, sheep, or hogs, totaling (10) or more is so kept and fed, constitutes a feed yard.

Fence, Sight Obscuring. A fence having a height of at least six (6) feet above grade, which will substantially prohibit vision through it.

Firefighting Grade. The level from which conventional fire fighting equipment can operate the fighting of fires and carrying out of rescue operations. The area on this grade shall be accessible to fire fighting equipment the year round.

Frontage Width. The horizontal distance between the side lot lines measured at the front set back line.

Garage, Private. An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, and in which no business, commercial service, or industry is carried on, provided that on a lot occupied by a multiple family dwelling, the private garage may be designed and used for the storage of two times as many automobiles as there are dwelling units in the multiple family dwelling. A garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor driven vehicles.

Height of Building. From average ground level to highest part of roof structure.

Hospital. An institution providing health services, primarily for inpatients, and medial or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel or Motel. Any building which is designed to cater to transient occupancy, offering temporary abiding space to individual guest rooms and furnish services such as linens, maids

and furnishings.

Household Pets. Animals and fowl ordinarily permitted in the house and kept for company.

Junk Yard. A place where junk, waste, discarded or salvaged materials are bought or sold, exchanged, stored, baled, packed, dis-assembled, or handled, including automobile wrecking and impound yards and house wrecking yards.

Kennel. Any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept.

Land Use Guide. A plan or guide adopted and maintained by the Planning Commission which shows how the land should be used: and element of the Master Plan.

Lot. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision or planned unit development map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units.

Lot, Corner. A lot which sides on at least one of the corners of the intersection of two or more streets.

Lot, Building. Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory building, together with such open spaces as are required under the provisions of this Code, having not less than the minimum area in width required by this Code, for a lot in the zone in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

Marina. A boat design and recreation facility, located on water front property, providing moorings for boats, including such facilities as boat launching ramps and marine supply stores.

Master Plan. A coordinated plan which has been prepared and adopted for the purpose of guiding development in Rich County, Utah, including but not limited to a plan or plans of land use, resources, circulation, housing and public facilities and parks established in accordance with Utah State law.

Mobile Home. Any vehicle or similar portable structure designed to be used without a permanent foundation as a dwelling when connected to utilities and which does not comply with the Uniform Building Code. Except any double wide mobile home structure which is anchored to, and supported by, a permanent foundation, may be considered a single family dwelling or for commercial purposes.

Mobile Home Lot. A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home.

Mobile Home Park. An area or tract of land of at least three (2) acres used to accommodate two (2) or more mobile homes and which remains in single ownership.

Mobile Home subdivision. A subdivision of at least two (2) acres which is reserved for the placement of mobile homes and not other types of dwelling units.

Non-conforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this Code became effective, which does not conform to all height, area, and yard regulations of the zone in which it is located.

Non-conforming Use. A use which lawfully occupied a building or land at the time this Code became effective and which does not conform with the use regulations of the zone in which it is located.

Permitted Use. A use of land for which no conditional permit is required.

Private School. An institution established for educational purposes and offering a curriculum similar to the public schools.

Rest Home (Nursing Home). A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Recreational Vehicle. Any trailer house, camper, van or similar vehicle used or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes and having a width of nine (9) feet or less or a length of 35 feet or less.

Rental Cabin. A residential dwelling used as a rental unit for daily or weekly rentals.

Recreation Vehicle Park. Recreation Vehicle Park shall mean an area of tract of land used to accommodate two (2) or more travel trailers, vacation vehicles, or camper units for a short period of time (less than 30 days).

Sanitary Landfill. An area designated for the disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest volume, and to cover it with a layer of earth at the conclusions of operation or at more frequent intervals as may be necessary.

Setback. A front, rear, or side setback shall be the minimum horizontal distance between the lot line and building or structure.

Secondary Residential Structure. A subordinate dwelling unit (detached), other than a mobile home.

Story. That portion of building included between the surface of a floor and the ceiling next above it.

Street. Any right-of-way serving as the principal means of access to property.

Structure. Anything constructed or erected which requires location on ground or attached to something having location on the ground.

Subdivision. To read as follows: Subdivision means any land that is divided, resubdivided 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, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

Subdivision does not include:

A bona fide division or partition of agricultural land for agricultural purposes;

A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

No new lot is created; and

The adjustment does not result in a violation of applicable zoning ordinances;

A recorded document, executed by the owner of record, revising the legal description of more

than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under this Subsection 74 as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county’s subdivision ordinance.

Undivided Interest. Land that is not divided into platted lots but sold individually in percentages of the whole parcel and not developed until 100% of the parcel is sold. When developed it shall conform to the subdivision standards.

Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

Variance. A waiver of specific regulations of this Code granted by the Board of Adjustment in accordance with the provisions set forth in this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived or privileges commonly enjoyed by similar properties.

Waste Disposal Site. A tract of land devoted to the disposal of solid wastes including garbage, rubbish, trash, and other refuse material. This also includes dumps and sanitary landfills.

Water Source Protection Zone. By Conditional Use Only. Only those uses which are approved in writing by the Utah State Board of Health will be considered under the conditional use provisions of this ordinance. Because of human frailties associated the protection of domestic water sources those which will assist in the abatement and control of pollution.

Zone. An area designated on the zoning map and in which the regulations apply alike to all land within the area.

Zone, Overlay. A zone containing special regulations which when applied to another zone or zones shall be in addition to and take precedence over the provisions of the base zone.

Chapter 7.
SUPPLEMENTARY REGULATIONS WITHIN ZONES

SECTION 1. PURPOSE. The purpose of this section is to provide land development standards which are applicable to more than one zone. The requirements of this chapter shall be in addition to the requirements contained within the various zones. Where the provisions of this chapter are in conflict with other provisions of this Code, the more stringent shall prevail.

SECTION 2. STATE AND FEDERAL LAND. Any person who may obtain state or federal properties by purchase, lease, or other arrangement must utilize such property in accordance with the provisions of this Code.

SECTION 3. YARD SPACE. All required yard area shall be situated on the same lot as the building or structure to which it applies. No required yard area or other open space around the building or use which is needed to comply with the area, setback, or open space requirements of this Code shall be considered as providing the required area, yard, setback, or open space for any other building or use; nor shall any area, yard, setback, or other required open space on an adjoining lot be considered as providing the area, setback, or other space requirements or a building or use.

SECTION 4. LEASE OR SALE OF SPACE. No space needed to meet the area, frontage, width, coverage, off street parking, frontage on designated road, or other requirement of this code for a lot or building may be sold, bequeathed, transferred or leased away from said lot of building unless other space so compliant is provided; no portion of a larger parcel shall be sold off in such a manner as to leave the residual parcel that does not comply with all the provisions of this Code. Any lot created in violation of this provision shall for the purposes of this Code be classified as an illegal lot and shall not be considered as qualifying as a non-conforming lot. An affidavit may be required by the Rich County Planning Commission from the land owners stating their compliance and understanding of this section.

SECTION 5. ONE DWELLING PER LOT, EVERY STRUCTURE ON A LOT. Only one structure containing a dwelling shall be constructed on a zoning lot and every structure shall be on a zoning lot, except when included as part of an approved planned unit development, condominium development, cluster development or similar project.

SECTION 6. CONTIGUOUS PARCELS. Two or more contiguous parcels owned by the same person, corporation or public entity as recorded with the county recorder, shall for the purposes of this Code be considered to be an undivided parcel, provided that this section shall not apply to the lots within a recorded subdivision.

SECTION 7. DIVISION OF LOTS. (Amended July 1, 1998) Lots within an approved and/or recorded subdivision shall not be further divided, except if owners adjacent to a common lot want to split the common lot for the purpose of expanding their lot size. The original lot split would only allow one dwelling unit with setbacks for the now larger lots

complying with county standards. Permission for the lot split must be approved by the Rich County Planning & Zoning Commission.

SECTION 8. ACCESSORY BUILDINGS. Accessory buildings shall cover not more than twenty-five (25) percent of the required rear yard area.

SECTION 9. USE OF ACCESSORY BUILDINGS. Living and sleeping quarters shall not be permitted in any accessory building.

SECTION 10. STORAGE OF DEBRIS. No yard or other open space shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

SECTION 11. YARDS OPEN. Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projections of sills, belt courses, cornices, and other ornamental features and unenclosed steps and un-walled stoops and porches which may project up to four feet into the required yard area.

SECTION 12. VIEW OF STREET. No obstruction which will obscure the view of automobile drivers in excess of three feet in height shall be placed on any corner lot within a triangular area formed by the adjacent street lines or the street line and adjacent road right-of-way line, as appropriate, and a line connecting them at points forty-five (45) feet from the intersection of said street lines and/or right-of-way line; providing, however, that trees may be permitted within said triangular area provided they are pruned to at least eight feet above the grade of the adjacent road.

SECTION 13. SETBACK FROM STREET. The front and side setbacks abutting on a proposed street which is shown on the major street plan: as a future street or upon an existing street which is shown on said plan as needed to be widened shall be measured from the planned right-of-way line. For purposes of determining the setback requirement and similar locational standards, said planned right-of-way line shall be considered as the property line.

SECTION 14. PUBLIC BUILDING HEIGHT. Public buildings and churches residential zones may be erected to any height provided the building is setback from the required building setback lines a distance of at least one foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

SECTION 15. FENCE, WALL, HEDGES. No fence, wall, hedge, or similar device, located within any part of the required front yard or side yard adjacent to a street shall be constructed or maintained at height greater than thirty-six (36) inches; provided that where the fence fabric is to be of the chain link or other open mesh variety, then the fence will remain non-sight obscuring, the maximum height may be increased to not greater than forty-eight (48) inches.

A. Junk Yard Fence, Wall. All operations are conducted within a solid view - obscuring wall or fence not less than 6 feet high.

SECTION 16. HOME OCCUPATION. Home occupations may be permitted by the Planning Commission following receipt of an application for such use and subject to the following conditions:

A home occupation is permitted in the zone.

The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.

The home occupation does not violate the use of any accessory building or yard space for storage or activities outside of the dwelling.

D. The home occupation shall contain no facilities for the display of goods and services; any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.

E. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ton capacity.

The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

SECTION 17. CARETAKER DWELLINGS. Caretaker dwellings may be permitted upon approval by the Planning Commission upon a finding that a proposed dwelling complies with all of the following conditions:

The Primary use for which the dwelling is requested is permitted within the zone.

The caretaker dwelling is clearly incidental to the primary use.

The caretaker dwelling will be located on the same site as the primary use.

The dwelling will be occupied only by individuals or families employed at the site in the capacity of a caretaker or watchman.

SECTION 18. FLAG LOT DEVELOPMENTS. A flag lot development may be approved by the Planning Commission subject to the following findings and standards:

The access requirements of the zone authorize the use of Flag Lot Development

In the opinion of the commission the site is not developable under conventional development procedures and that approval of the lot will not preclude the proper future development of the lot of adjacent properties.

An access way not less than thirty-five (35) feet in width and more than two hundred (200)

feet or the minimum depth of one lot in length, whichever is greater, shall connect the building site with a designated public road. Said access way shall be owned in fee as part of the building site.

The area of the building site, exclusive of the access way portion, shall be not less than the minimum site area of the zone.

The setbacks from the boundaries of the building site shall be the same as those required within the zone. Measurement of the front setback shall be from the front line of the building site portion of the lot. Notwithstanding any other setback standard, no structure shall be located closer than seventy (70) feet to an existing occupied structure.

The lot is an existing parcel of land or may be separated from an existing parcel without the necessity of creating a subdivision.

That a detailed site plan prepared in conformance with the above conditions shall be submitted and approved.

SECTION 19. TWIN HOMES. Prior to the construction of a twin home or the conversion of a duplex to twin home status, plans for the proposed twin home project shall be submitted to and approved by the Planning Commission. Said plan shall contain:

The location or proposed location of the building and also the lot line separating the two units. The building shall conform to all setback and other requirements for twin homes as set forth in the zone.

A copy of the proposed common wall agreement. The agreement shall be recorded with the county recorder.

Where a subdivision is also being proposed as a twin home project, the materials required above shall be submitted as part of the subdivision plan requirements and the approval procedures shall be combined.

SECTION 20. CLUSTER DEVELOPMENTS. Clustering of structures will encourage better use of land in the developing and existing areas.

Applications for cluster development proposals shall be forwarded to the zoning administrator for submission through a conditional use process.

The Planning Commission may permit a cluster residential development within any residential zone. However, the gross density and setback requirements of the proposed cluster development cannot exceed the gross density and setback requirements of the zone in which it is located.

SECTION 21. FLOOD PROTECTION. No use or structure, except flood control works, shall be permitted in any flood channel where such use or structure may adversely affect normal

flood flow, increase erosion, or increase amounts of damaging material carried downstream.

SECTION 22. WATERSHED POLLUTION PREVENTION. No use or structure shall be permitted within 1,500 feet around any public water supply.

SECTION 23. PROTECTION OF AIR AND WATER QUALITY. Any use shall be prohibited which emits or discharges gases, fumes, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah State Air Conservation Board, the Board of Health, or such appropriate body as may be appointed by the Board of County Commissioners. Any use shall also be prohibited which emits or discharges liquid or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Committee or the State Board of Health.

SECTION 24. WASTE DISPOSAL SITES. No waste disposal site shall be developed without filing an application with the Zoning Administrator accompanied by:

A map showing existing houses, buildings, and other developments within one thousand (1,000) feet of the boundaries of the proposed site.

A certificate of approval of the proposed method of operation at the site from the Bear River District Health Department or the State Department of Health. The Board of County Commissioners shall review the application and authorize the same only where they feel the surrounding area will be safeguarded and the operation and rehabilitation of the waste disposal site shall be operated in accordance with the rules and regulations of the Bear River District Health Department and the State Health Department.

SECTION 25. REQUIREMENTS FOR DEVELOPMENT WITHIN ONE-HALF MILE OF EXISTING INCORPORATED MUNICIPALITIES. All proposed commercial or industrial parks, parks, subdivisions, mobile home parks, and subdivisions, or large-scale developments within one-half mile of the boundaries of an existing incorporated municipality shall, prior to submitting plans to the Planning Commission or to the Zoning Administrator or Building Inspector, first approach the existing municipality and obtain a written statement from the official legislative body that the municipality will not or does not desire to annex all or any portion of the proposed development in the immediate or near future. Also, the developer shall obtain copies of the requirements, design standards, and criteria for development within the municipality and shall comply with these development standards and requirements of the incorporated municipality or the development standards and requirements of the county, which ever is most restrictive.

SECTION 26. NUMBER OF PARKING SPACES. The minimum number of off-street parking spaces required shall be as follows:

Banks, post offices, business and professional offices. Two (2) space plus one (1) space for each 200 square feet of floor area.

Churches. One (1) space for every three (3) seating spaces in the main assembly room.
Clinics. Four (4) parking spaces for each staff doctor plus one (1) space for each non-doctor employee at work during regular hours.

Commercial Recreation Areas. One (1) space for every two (2) patrons based on the design capacity of the facility.

Dwellings. Two (2) spaces for each dwelling unit.

Hospitals. One (1) visitor space for every two (2) patient beds and one (1) space for each employee at work during regular hours.

Industrial, Manufacturing and Wholesale Establishments. One (1) space for each person employed.

Mortuaries and Funeral Homes. Thirty (30) spaces or one (1) space for each twenty-five (25) square feet of floor space in all assembly rooms, whichever is greater.

Motels, hotels, and boarding houses. One (1) space for each living or sleeping unit plus one (1) space for each employee at work during regular hours.

Restaurants, bars, taverns and lounges. One (1) space for each 2.5 seats or three (3) spaces per 100 square feet of floor area whichever is greater.

Rest homes. One (1) space for every three (3) patient beds plus one (1) space for each employee at work during regular hours.

Retail stores, service shops and similar businesses. One (1) space for each two hundred (200) square feet of floor area.

Schools. One (1) space for each 3.5 sets in an auditorium plus one (1) space for each administrator and faculty members.

Theaters, auditoriums, sports arenas, and places of assembly. One (1) space for each three (3) seats of maximum seating capacity.

Other parking. For any use of building not specified herein the off-street parking requirement shall be determined by the Planning Commission being guided where appropriate by the requirements set forth herein for uses or building which, in the opinion of the Planning Commission, are similar to the use or building under consideration.

SECTION 27. SIZE OF PARKING SPACES. Each off-street parking space shall be at least (10) feet wide and twenty (20) feet long.

SECTION 28. LOCATION AND CONTROL OF PARKING FACILITIES. The off-street parking facilities shall be located on the same lot or parcel of land as the

building they are intended to serve, except that in cases of practical difficulty for uses other than dwellings, the Board of Adjustment may approve a substitute lot which meets the following conditions:

All or part of a substitute lot must be adjacent to or within two hundred (200) feet from the main building or use measured along the shortest available pedestrian route of access.

The substitute lot must be in the same ownership or control as long as the building or use exists. Such ownership or control may be deeded or by a long-term lease which runs concurrently with the building or use. Where a substitute lot is to be used for off-street parking, the application an instrument duly executed and acknowledged which subjects the substitute lot to parking in connection with the principal building use. If a building permit is authorized. The Building Inspector shall cause said instrument to be recorded in the office of the County Recorder, the recording fee to be paid by the applicant.

SECTION 29. COMPUTATION OF REQUIRED PARKING SPACES. For the purpose of computing off-street parking spaces which are required by this Code, the following rules shall apply:

Floor area shall mean gross floor area, unless otherwise specified for a particular use.

In auditoriums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches of length of such benches or pews shall be counted as one (1) seat.

SECTION 30. COMBINE PARKING AREAS. The required off-street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall not be less than the sum of the requirements for each of the individual uses; provided, however, when it can be shown that the peak use periods of each of the buildings is different the Planning Commission may reduce this requirement as it deems appropriate.

SECTION 31. ACCESS TO PARKING FACILITIES. Access driveways shall be provided for ingress and egress from all parking and loading facilities and shall be designed in a manner which will not interfere with the movements of vehicular and pedestrian traffic. Forward travel from a dedicated street or alley shall be required for all uses except for parking in connection with one and two family dwellings.

SECTION 32. BUILDING PERMIT. The Building Inspector shall not issue a building permit for the structure of use unless off-street parking and access are available to the structure or use as required by this chapter.

SECTION 33. BUSINESS REQUIRING ACCESS. Service stations, roadside stands, public parking lots, and all other businesses, requiring motor vehicles access shall meet the

requirements as hereinafter provided or as prescribed in the Utah State Department of Highways manual entitled "Regulations for Control and Protection of State Highway Right-of-Way" (whichever requirements are the greater).

SECTION 34. ROADWAYS AND CURBS. Access to the station or other structure or parking lot shall be controlled as follows:

Access shall be by not more than three (3) roadways for each one hundred (100) feet or fraction thereof of frontage on any street, and hundred (100) feet or fraction thereof of frontage on any street, and in no event shall such roadways exceed in width seventy (70) percent of the entire street frontage.

No two (2) of said roadways shall be closer to each other than twelve (12) feet, and no roadway shall be closer to a side property line than one and one-half (1 ½) feet.

Each roadway shall be not more than thirty-six (36) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

No roadway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the engineer.

Maximum and minimum curb return radii permitted and minimum roadway approach angles to the center line of the street are required as shown in the Manual and made by this reference as much a part of this ordinance as if fully described and detailed herein.

Where there is no existing curb and gutter or sidewalk, the applicant may at this option install such safety island and curb or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.

SECTION 35. LOCATION OF GASOLINE PUMPS. Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

SECTION 36. ALTERATION. In no case shall a building be constructed, altered, or increased where, if the foregoing parking provisions are inadequate to provide sufficient spaces for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas.

SECTION 37. PARKING LOT REGULATIONS. Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt or concrete composition and

shall have appropriate bumper guards where needed as determined by the Building Inspector. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

SECTION 38. OFF STREET TRUCK LOADING SPACE. On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of this ordinance, for manufacturing, storage, warehouse, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets, or alleys.

SECTION 39. GRADE AND OVERHANG. All structures shall be built on level grade unless accepted by the county engineer and no structure shall be allowed to overhang or project over the level building grade unless approved by the Planning Commission.

SECTION 40. COVENANTS. The By-Laws, and Protective and Restrictive Covenants of all developments shall provide:

That a single entity i.e. homeowners association are to receive the tax notice of all owners of timeshares and undivided interest in the lots or units therein.

That the single entity i.e. homeowner association have a power of attorney for all owners of timeshares and undivided interest in the lots or units therein to correct condemnation problems i.e. legal description and so forth.

For the first five years, the developers of all timeshares and undivided interests in lots or units shall be required to post a bond to cover all taxes and assessments from governmental entities. Following the first five years, the bylaws, and protective and restrictive covenants shall provide that the said single entity i.e. homeowner's association shall annually post bond to cover all taxes and assessments from governmental entities. Each bond shall:

Be in an amount determined by Planning and Zoning Commission and/or Board of County Commissioners based upon estimates of taxes and assessments to governmental entities over the first five years, and thereafter in the amount of the typical previous years tax assessments.

Be binding upon the approval of development.

Be executed by a surety company or companies duly authorized to do business in the state of Utah.

Payable to Rich County.

Filed in the office of Rich County Clerk.

Nothing herein shall be construed to limit the authority of Planning Commission and/or Board of County Commissioners to require additional performance bonds or security.

SECTION 41. FRONT, REAR AND SIDE YARD REGULATIONS. The minimum required front, rear and side yards for uses in various districts shall be in accordance with the schedule indicated on the space use chart, except that where a lawfully existing building at the effective

date of this ordinance has a similar front, rear or side yard than prescribed may be altered provided that such alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied, no front, rear or side yard may hereafter be reduced below the minimum requirement set forth.

SECTION 42. WIRELESS COMMUNICATION FACILITIES. To prevent the proliferation of wireless communication facilities around Rich County, co-location of new cellular phone panels at existing facilities is highly encouraged. Placement and/or erection of a new facility must show a strong compelling need for an additional tower. Maintenance on existing towers will be considered a permitted use unless maintenance would create an enlargement of the existing footprint or the tower would require additional structural reinforcement.

SPACE REQUIREMENT CHART

DIST-ZONE TRICT	A AGRICULTURE ZONE		FR FOREST REC ZONE	AR AGRICULTURAL RESIDENTIAL ZONE			R RESIDENTIAL ZONE	C COMMERCIAL ZONE	BD BEACH DEVELOPMENT ZONE	M MANUFACTURING ZONE
	A-10	A-20	FR-40	AR - 1	AR - 2	AR - 5	R	C	BD	M

MINIMUM LOT AREA, ST. FT.	10 ACRES	20 ACRES	40 ACRES	1 AC	2 AC	5 AC	1 ACRE (d)	(a)	1 ACRE (d)	(f)
MINIMUM SQ. FT. FOR EACH ADDITIONAL UNIT	10,000	10,000	40 ACRES	1 AC	2 AC	5 AC	1 ACRE (d)	(a)	(a)	(a)
MINIMUM LOT WIDTH, FT. MEASURED AT THE SETBACK LINE	250	250	600'	125	250	300	125	NONE	100 (d)	(f)
FRONTYARD, FT.	30	30	50	30	30	30	30	NONE	30 (e)	(f)
SIDEYARD (INTERIOR) FT.	12	12	12	12	12	12	8-10	(b)	8-10	(f)
SIDEYARD (ON STREET) FT.	12	12	12	12	12	12	12	(b)	12	(f)
REARYARD FT.	30	30	30	30	30	30	30 (g)	(c)	30 (e)	(f)
DISTANCE BETWEEN RESIDENTIAL STRUCTURES ON SAME LOT	100	100		100	100	100	(a)	(a)	(a)	(a)

SETBACKS: LOTS

HEIGHT:

PRINCIPAL USES, FT. MAX.	35	35	35	35	35	35	35	35	35	35
ACCESSORY USES, FT.	35	35	35	15	15	15	15	35	30	35

ACCESSORY USE:

FRONTYARD, FT.	30	30	50	30	30	30	30		30 (e)	(f)
SIDEYARD, (INT.) FT.	20(j)	20(j)	20(j)	20j	20j	20j	3-10 <u>5</u>	(i)	3-10 <u>5</u>	(f)
REARYARD FT.	(h)	(h)	(h)				3 (j)	(c)	3 (j)	(f)

Amended July 1, 1998

NOTES:

As set by Planning Commission per application.

None except 10 ft. where side yard abuts on agriculture or residential zone.

None, except 10 ft. where rear yard abuts residential or agriculture zone.

The requirements may be waived or modified by the Commission on areas which are served by a central sewage collection system. A minimum lot size of 10,000 sq. ft is then required.

30 ft. unless located on shoreline then 100 ft. No structure walls, fences, hedges or similar device, except those related to marinas, will be allowed within one hundred (100) ft. of the 5,923.65 ft. contour level surrounding Bear Lake which contour represents the high water level of the lake.

None, except any parcel in the M zone having a lot line in common with a lot in an adjoining or lying across the street or alley from such adjoining zone, the front, side and rear yards as prescribed for such adjoining zone shall be maintained in the M zone.

See Chapter 7, Section 14.

Rear yards-private garages and accessory buildings located at least 10 ft. behind the main building may have a rear yard of 3 ft. provided that on corner lots rearing on the side yard of 3 ft. provided that on corner lots rearing on side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

Side-none except 10 ft. where side yard abuts on agriculture or residential zone, and 20 ft. where side yard is adjacent to a street.

Side yards-buildings other than dwellings shall have a minimum side yard of 3 ft. and the total of the two side yards shall be 13 ft. and a set back of the 30 ft. adjacent to the public right-of-way.

The "line of sight" methodology will be used for determining setbacks for existing lots bordering the ordinary high water mark of Bear Lake (5923.65 pacificorp datum). The setback is determined by projecting a line between the nearest existing structures to the lake on either side of the proposed structure. The projected line will define the setback at that particular location.

CHAPTER 8. AMENDMENTS

SECTION 1. PLANNING COMMISSION RECOMMENDATIONS. The board of County Commissioners may from time to time amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provision of the Code. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval or disapproval of the Planning Commission. Any person seeking a written petition designating the change desired and the reasons therefore, and shall pay the filing fee. Upon receipt of the petition and the payment of the filing fee, the Planning Commission shall consider the request and shall certify its recommendations to the Board of County Commissioners with the respective request within thirty (30) days from the receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the Board of County Commissioners within said thirty (30) day period, shall be deemed to constitute a recommendation or approval unless a longer period is granted by the Board of County Commissioners. The fee required herein shall not be returned to the applicant. The Planning Commission or the Board of County Commissioners may initiate amendments to this code without the payment of the fee.

SECTION 2. COMPLIANCE WITH LAND USE GUIDE. All amendments to this Code shall be made in accordance with the Rich County Land Use Guide. It is hereby declared to be public policy that this code may not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary for the promotion of the purposes of said Land Use Guide or this Code.

SECTION 3. PUBLIC HEARING. Amendments to this Code may only be adopted after public hearing in relation thereto before the Planning Commission, at which parties in interest and citizens shall have the opportunity to be heard U.C. 17-27a-205. Notice of time and place of such hearing shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the date of the hearing. Written notice of the time and place in the form of a sign or poster placed on the affected property identifying the pending action, and posted at three locations within the county. Electronic submission will be provided to the county website and Utah Public Notice Website. Said notices shall contain a description of the proposal and the property affected thereby notice by posting and to adjacent property owners shall be given at least fifteen (15) days prior to the hearing(U.C. 17-27a-204). All evidence and testimony from the public hearing along with a recommendation from the Planning Commission will be forwarded to the Board of County Commissioners for consideration at their next meeting.

SECTION 4. PETITIONS. Petitions for amendments shall be submitted on such forms as provided by the Zoning Administrator and shall include:

A map showing the location of the property.

An exact legal description of the property with acreage listed.

Existing zoning, proposed zoning and use.

SECTION 5. PLANNING COMMISSION EVALUATION. The Planning Commission's purpose in evaluating all proposed amendments shall be to appraise whether or not the proposals will maintain the purpose and intent of this Code, and the Land Use Guide. Proposals which require amendments shall be evaluated on the basis of the following criteria:

Availability of public facilities and services to a proposed project. The Planning Commission shall consider each proposal with respect to (a), its impact upon public facilities and services (b), whether or not the proposed project can be serviced sufficiently and (c), the extent to which the needed services and facilities of the future inhabitants of the proposed project will be provided by the development itself. For the purpose of this section "public facilities and services" shall include but not be limited to water, sewer, fire protection, school, recreation, law enforcement. Ambulance, and road and maintenance facilities and services.

The Planning Commission shall consider compatibility of a proposed project with existing and planned uses in the general vicinity. The Planning Commission shall consider whether or not the neighboring landowners will be adversely affected by a proposed project.

Compatibility of a proposed project with the natural environment. The Planning Commission shall consider whether or not a proposed project can be developed harmoniously with the environment. In making determination, the Planning Commission shall take into account (a) the affect the development will have on erosion, wildlife, and the natural aesthetics, (b) suitability of soils for development, (c) the accessibility of the development to existing collector roads, (d) the impact of the proposed project on the public health, safety, and other welfare. Inasmuch as development on steep slopes increases the problems of erosion control, fire protection, traffic safety; and road maintenance, property in excess of thirty (30) percent grade shall generally not be considered developable unless it is known that with respect to the proposed project these concerns are of little or no significance.

Proposed amendments to the zoning map for proposed subdivisions, planned unit developments, mobile home parks, recreational vehicle parks, commercial or industrial parks and condominium projects and cluster projects shall be considered simultaneously with the application procedure for developments.

The Planning Commission shall not recommend a zone change or other amendment to the zoning map or Code unless such amendment is in accordance and harmony with the Land Use Guide. In the event a proposed amendment is not in accordance and harmony with the Land Use Guide, the Planning Commission shall consider amending the Land Use Guide before giving consideration to amending the Code or zoning map.

SECTION 6. BOARD OF COUNTY COMMISSIONERS ACTION. The Board of County Commissioners may affirm, reverse, alter, or remand for further review and consideration any action taken by the Planning Commission on a petition for amendment of the Code or Zoning Map. Denial of any amendment petition by the Board of County Commissioners shall be for one or more of the following reasons:

The proposed amendment will create a detriment to adjacent properties or to the general area and will not be in substantial harmony with the character of existing development or proposed developments or is in conflict with the Land Use Guide.

The proposed amendment will create increased hazards to the health, safety, or general welfare of the residents of the area covering the amendment proposal of adjacent area thereto.

The proposed amendment will (1) create a demand for government services, or (2) substantially diminish the quality of services, or (3) substantially increase the tax burden to the county taxpayer.

The proposed amendment has been submitted for a speculative purpose by the petitioner without an intention on the part of the petitioner to use the zoning amendment at the present time.

SECTION 7. EFFECTIVE DATE OF ZONING AMENDMENT. The necessary amendments for all developments listed in the Land Use Chart of this Code shall not become effective until such time as the Planning Commission has approved the final plat of the development and the Board of County Commissioners has reviewed and is willing to approve the same. Approved rezone requests will revert to the original zoning within two years of approval unless applicant has received preliminary plat approval. Extensions may be granted by the Planning Commission at their discretion. Extensions are reviewed by the Planning Commission and recommended to the Board of County Commissioners.

SECTION 8. PHASED DEVELOPMENT. If an owner or developer, of a long-term multi-phased project requests a change in zoning for his entire project and a project master plan has been approved by the Planning Commission pursuant

To Chapter 15 of this Code, the Board of County Commissioners, after holding a public hearing, may enter into an agreement to change the zoning for the entire project. If the Board of County Commissioners deems that the project as portrayed in the project master plan will not adversely affect the public health, safety, welfare, or violate the Land Use Guide; it may enter into such an agreement. After said agreement to change the zoning has been entered into, approval for the requested zoning change of each phase shall be granted by the Planning Commission upon written request of the developer and without the necessity of additional public hearings. Provided, however, the zone amendment for each phase shall not become effective until such time as the Planning Commission has approved the final plat thereof and the Board of County Commissioners has reviewed and is willing

to approve the same.

SECTION 9. RESUBMITTING ZONING ADMENDMENTS. Denial of any application to amend the zoning map to re-classify any parcel of property shall prohibit the filing of another application to amend the zoning map to re-classify the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final denial of the previous application unless the Planning Commission finds that there has been substantial change in the circumstances or sufficient new evidence since the denial of the previous application to merit consideration of a second application within the one year period.

SECTION 10. APPLICATION TO AMEND LAND USE GUIDE.

Application to amend the Land Use Guide shall be submitted to the Planning Commission on such forms as may be provided by the Zoning Administrator and shall include:

A map showing the location of the property and projected use thereof listing acreages proposed for each use.

Existing master plan designation and proposed designation.

The ownership status of the property.

The Planning Commission shall review the Land Use Guide and any proposed amendments thereto at least annually and communicate to the Board of County Commissioners any changes or additions in which it deems proper. Should the Planning Commission find that the changes are not advisable this finding shall be reported to the Board of County Commissioners.

SECTION 11. NAME OR RECORD OWNER. Petitions for amendments to the Code or zoning map shall include the name of the record owner of the real estate.

SECTION 12. EXCEPTIONS. The provisions of Sections 7 through 11 will not apply to amendments to Chapters 16 - 18 of this Code relating to plumbing codes, building codes, electrical codes, etcetera.

SECTION 13. APPEAL OF DENIAL OF ZONING AMENDMENTS. Any person shall have the right to appeal to the Board of County Commissioners a decision of disapproval of an amendment petition rendered by the Planning Commission by filing an appeal with the Board of County Commissioners within (10) days following the date upon which the decision is made by the Planning Commission. After receiving the appeal, the Board of County Commissioners may affirm the Planning Commission decision disapproving the application or may set a date for public hearing pursuant to Section 3.

SECTION 14. APPEALS TO DISTRICT COURT. The decision of the Board of County Commissioners can be appealed to district court within thirty (30) days of its decision.

CHAPTER 9. NON-CONFORMING USES

SECTION 1. PRE-EXISTING USES. The owner of land and buildings shall not be deprived of the use of any property for the purpose to which it is lawfully devoted at the time of the enactment of this Code. Non-conforming structures or uses of land may be continued to the same extent and character as that which is legally existed on the effective date of this Code. Repairs may also be made to a non-conforming structure or to a structure housing a non-conforming use. The addition of a solar energy device to such building shall not by itself necessarily be considered a structural alteration.

SECTION 2. ALTERATION OF NON-CONFORMING USES. A non-conforming use within a structure may be altered, but only within the same structure in which said non-conforming use is located, and provided:

That no structural changes are made in the structure.

That such alteration is required to comply with an order to improve issued by a health or safety official acting in his official capacity.

That the Board of Adjustment has approved such alterations.

SECTION 3. DAMAGED STRUCTURES. A non-conforming structure or a structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, or other calamity or act of nature may be restored and the structure or use of such structure or part thereof may be continued or resumed provided that such restoration is started within one year from the date of the destruction and is diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to non-conforming use or with that which existed at the time the structure became non-conforming.

SECTION 4. ABANDONMENT. A non-conforming structure or portion thereof or a lot occupied by a non-conforming use which is, or which herein after becomes abandoned or discontinued for a continuance period of one year or more shall not thereafter be occupied except by a use which conforms to this Code.

SECTION 5. CHANGE TO CONFORMING USE. Any non-conforming structure or use which has been changed to a conforming structure or use will not thereafter be changed back to the non-conforming structure or use.

SECTION 6. CHANGE TO NON-CONFORMING USE. A non-conforming use of a structure or lot shall not be changed to other non-conforming uses whatsoever. "Changes in use" shall be made only to a conforming use.

SECTION 7. AMENDMENT. The provisions pertaining to non-conforming uses of land and structures shall also apply to land and structures which hereafter become non-conforming due to an amendment of this Code or the zoning map.

SECTION 8. NON-CONFORMING LOT OF RECORD. The Building Inspector may issue a building permit for construction of a single family dwelling on any non-conforming lot of record without the necessity of Board of Adjustment approval, provided:

That one family dwellings are listed as permitted use in the zone, and that all setbacks, heights, building size and special provisions applicable supplementary regulations can be met.

SECTION 9. SUBDIVISION WITH PRELIMINARY APPROVAL. A subdivision which has received preliminary approval from the Planning Commission prior to the adoption of this Code shall be allowed, irrespective of zone requirements for lot size if the requirements for final approval in accordance with this Code have been met and the final plat approved within one year of the adoption of this Code.

SECTION 10. NON-CONFORMING PARKING. A building or structure lacking sufficient automobile parking space in connection therewith as required by this Code may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Code for such alteration and enlargement.

CHAPTER 10. CONDITIONAL USE PERMITS

SECTION 1. PURPOSE. Conditional Use Permits may be granted to allow certain uses which may be harmonious under special conditions and in specific locations within a zone, but would be improper under general conditions and in other locations to be properly integrated in Rich County. A Conditional Use Permit shall be required for all uses listed as conditional use in this Code and for temporary uses allowed in Chapter 12.

SECTION 2. APPLICATIONS. Application for a Conditional Use Permit shall be made by the property owner or certified agent thereof to the Planning Commission on such forms as provided. The applicant shall include detailed site plans drawn to scale, envelopes stamped and addressed to all owners of property abutting the location of the proposed conditional use, and other documents necessary to assist the Planning Commission in arriving at an appropriate decision. The request for a permit shall be accompanied by the required fee.

SECTION 3. NOTICE AND PUBLIC HEARING. Written notice of the time and place of the Planning Commission meeting to consider the Conditional Use Application shall be mailed to all abutting property owners at least five (5) days prior to such meeting. Notice of hearing shall be given by at least one publication in a newspaper of general circulation in the County at least five (5) days prior to the date of said hearing. Notice of time and place of the hearing will be posted on the applicant property at least (5) days prior to such meeting and posted at public locations in the general vicinity of the application.

SECTION 4. DETERMINATION. The Planning Commission may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this Code. In authorizing any conditional use, the Planning Commission may impose such requirements and conditions as are determined necessary for the protection of adjacent properties, the public welfare and to fulfill the intent of this Code. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish:

Such use in the opinion of the Planning Commission will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare or persons residing or working in the vicinity; and

The proposed use will comply with the regulations and conditions specified in this Code for such use; and

The proposed use will conform to the intent of the Rich County Land Use Guide.

SECTION 5. ISSUANCE OF BUILDING PERMIT. Following the issuance of a conditional use permit the Building Inspector may approve an application for a building permit, provided all other requirements of this Code are met.

SECTION 6. TIME LIMIT. Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its issuance, said permit shall expire. The Planning Commission shall determine the duration of Conditional Use Permits and may grant extensions as deemed in the public interest.

SECTION 7. APPEALS. Appeal of any decision of the Planning Commission shall be to the Board of County Commissioners.

Appeals shall be in writing and shall be filed at the Office of the County Clerk not more than ten (10) days after the decision of the Planning Commission. The Board of County Commissioners may affirm, modify or reverse the decision of the Planning Commission. However, the Board of County Commissioners shall present, in writing, the reason for its action.

SECTION 8. REVOCATION. A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

CHAPTER 11. SIGN REGULATIONS

SECTION 1. PERMIT. No sign shall be erected, relocated or enlarged until the plan for such sign has been approved and a permit issued by the Building Inspector. Provided, however, name plates, signs for sale of property, and temporary signs (in place for less than three months) conforming to the provisions of this Code may be erected without such approval or permit.

SECTION 2. NUMBER OF FREE STANDING SIGNS. The number of freestanding signs in all zones shall be as follows:

300 feet or less frontage. Lots with less than 300 feet of street frontage on one street shall be allowed one (1) sign.

300 feet or more frontage. Lots with more than 300 feet of street frontage on one street shall be allowed two (2) signs.

Lots with over two acres. Lots over two (2) acres shall be allowed one (1) sign for each 300 feet of continuous street frontage.

Corner lots under two (2) acres. A corner lot under two (2) acres and upon which only one building is located shall be allowed one (1) sign for each street frontage provided the signs are located at least one hundred (100) feet from the intersection of any two (2) street lot lines and the sign area of each sign does not exceed one-half (1/2) the minimum area allowed under Section 4.

SECTION 3. LOCATION OF FREE STANDING SIGNS. Freestanding signs shall be setback at least five (5) feet from any property or right-of-way line.

SECTION 4. SIZE OF SIGNS. One square foot of sign area shall be permitted for every two (2) feet of continuous linear street frontage of the lot upon which such sign is located with a maximum of one hundred (100) square feet.

SECTION 5. LIGHTING OF SIGNS. No spotlight, floodlight, luminous tubes or lighted sign shall be installed in any way which will permit the direct rays of such light to penetrate into any residential zone or onto any property used for residential purposes. No flashing lights will be permitted.

SECTION 6. GENERAL RESTRICTIONS. No light, sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words, "STOP", "LOOK", "DANGER", or any word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

SECTION 7. SIGNS ON PUBLIC PROPERTY. No sign shall be erected on or project over publicly owned land except signs erected by a public agency for the direction and safety of the general public.

SECTION 8. EXISTING SIGNS. No sign erected before the adoption of this Code shall be moved to a new location on the lot or building or enlarged or replaced unless it complies with the provisions of this Code.

SECTION 9. SIGNS ADVERTISING COMMERCIAL DISTRICTS. Signs advertising commercial districts may exceed the size limitations described above provided the following conditions are complied with:

No more than two signs shall be permitted at any one intersection or interchange of major highways within the county.

The design, content, size, and exact location of each sign shall be approved by the Planning Commission.

The signs shall be used only for the purpose of drawing attention to commercial district. In no way shall the signs be utilized for the purpose of advertising the products or services of specific business enterprises. Application for commercial district is located within a municipality wherein the commercial district is located must be submitted with the application.

SECTION 10. SIGNS ALLOWED.

The following described signs shall be allowed as indicated in the accompanying table.

See definitions	Maximum Size In Feet	Maximum Height in Feet*	ZONE		Type of Illumination
			Permitted Use	Conditional Use	
Advertising	8 x 12	18	M	C	Indirect
Business	8 x 20	35	C M		Indirect Flood Neon
Identification	3 x 4	8	All zones		Indirect
Name Plate	1 x 2	8	All zones		Indirect
Property-Sale Lease, trespass	2 x 3	8	All zones		None
Property-Other	8 x 16	16	All zones		None
Public Information	3 x 6	8		All zones	Indirect
Temporary	8 x 16	16	All zones		Mono

* The distance from the top of the sign to the ground supporting it.

SECTION 11. ANIMATED, FLASHING, INTERMITTENT SIGNS. Animated, flashing or intermittent signs are not allowed in any of the zones in this ordinance.

SECTION 12. CONSTRUCTION. Shall be approved by the Building Inspector. Before a sign is issued.

SECTION 13. ILLUMINATION. All signs, may be illuminated by indirect lighting, the source of which shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone or used for residential purpose.

SECTION 14. LOCATION OF SIGNS. All signs shall be so located in order to permit a clear view of intersecting streets as provided in this ordinance. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements.

SECTION 15. ROOF AND GROUND SIGNS. Roof signs shall be permitted only in the C zone. Ground signs shall not project above the roofline of the highest building located on the same premises.

CHAPTER 12.
RECREATIONAL VEHICLE OR
OVERNIGHT TRAILER PARKS

SECTION 1. PURPOSE. The purpose of this chapter is to establish standards and requirements which will insure safe and healthful occupancy of recreational vehicles during a limited period of time.

SECTION 2. LOCATION AND USE. Overnight Trailer Parks shall be allowed as a conditional use in the zones designated in the Land Use Chart.

SECTION 3. STANDARDS AND CONDITIONS. In addition to the requirements set forth in the Land Use Guide, Overnight Trailer Parks shall conform to the following minimum standards:

Area. No overnight trailer park facility shall be constructed on a parcel of property which has an area of less than two (2) acres.

Density. The overnight trailer park shall not have a gross density of more than fifteen (15) trailer spaces per acre. However, the spaces may be clustered, provided, the remaining land not contained in individual spaces, roads, or parking is set aside and developed as playground or service areas. Not more than one trailer shall be placed on a trailer vehicle space.

Site Width. Each trailer site width shall be a minimum of twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet.

When Occupancy Permitted. An overnight trailer park shall have approved sites completed before occupancy is permitted.

State Regulations. Service facilities shall comply with the Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulation of the Utah State Division of Health.

SECTION 4. PERIOD OF USE. No individual space in an overnight trailer park shall be used by any one individual for a period longer than thirty (30) consecutive days.

SECTION 5. LICENSE REQUIRED. Prerequisite to the operation of an overnight trailer park shall be the obtaining of an annual license which shall be issued only after inspection by the Bear River District Health Department and approval by the Planning Commission. The license shall be refused or revoked upon failure of the owner or operator to maintain the park in accordance with the standards and requirements set forth herein.

CHAPTER 13 MOBILE HOMES

SECTION 1. PURPOSE. The purpose of this Chapter is to establish standards and requirements which will insure safe and healthful occupancy of mobile homes with little or no loss to individual or community values.

SECTION 2. LOCATION AND USE. Mobile homes shall be located either in Mobile Home Parks and Mobile Home Subdivisions. However, mobile homes may be allowed on a temporary basis, provided that a conditional use permit is secured, which permit shall be valid for a period of one (1) year, subject to renewal, and provided further, a bond with conditions acceptable to the county in the amount of \$500.00 is posted with the county clerk to guarantee removal of the mobile home upon the expiration of the permit, as follows:

When temporarily located on a lot on which a dwelling or other structure is being constructed.

When temporarily located as a contractor's office on a construction site or as a sales office for real estate.

When located on agricultural ground for the housing of employees of the farm or ranch upon which the mobile homes are placed.

SECTION 3. STANDARDS AND CONDITIONS. In addition to the requirements set forth in Chapter 4 Section 3, Mobile Home Parks and Subdivisions shall conform to the following minimum standards:

Area. No Mobile Home Park or Mobile Home Subdivisions shall be constructed on a parcel of property which has an area of less than two (2) acres.

Density. The gross density of a Mobile Home Park or Subdivision shall be no more than five (5) mobile home spaces for each acre in the park.

Open Space. There shall be a twenty-five (25) foot buffer strip along all streets or roadways adjoining the park that shall be landscaped and onto which no mobile home or parking spaces shall be placed. Such buffer strips and all other common open space shall be maintained by the owner of a Mobile Home Park or association of lot owners of a Mobile Home Subdivision.

Minimum Setbacks. Minimum setbacks for individual lots shall be ten (10) feet on all sides, including front and rear, except for any side or rear abutting the project property line, in which case the minimum setback shall be fifteen (15) feet.

Lot Dimensions. For a single mobile home there shall be a minimum lot area of 5,000 square feet with a fifty (50) foot minimum width; for doublewide mobile

homes there shall be a minimum lot area of 5,500 square feet with a sixty (60) foot minimum width.

Height. No mobile home shall be permitted which has a ceiling height of greater than thirty (30) feet.

Parking. There shall be a minimum of two (2) occupant spaces for each mobile home lot and one (1) visitor space for each (3) mobile home lots.

Signs. Sign area shall be limited to two (2) signs of not greater than forty (40) square feet, each subject to Planning Commission approval.

Storage Space. A combined area of at least one hundred (100) square feet for each mobile home space shall be provided for the storage of boats, campers, etc. Said storage must be enclosed within a sight-obscuring fence of six (6) to eight (8) feet in height.

Recreation Area. Thirty percent (30%) of the total park area shall be devoted to recreational usages and facilities including open space buffer zone. No more than ten percent (10%) of the common area shall be covered by buildings. Use of such facilities shall be limited to park residents only and shall be completed prior to park occupancy.

Landscaping. The Mobile Home Park shall have a satisfactorily prepared landscape plan for open space and recreational areas which shall show the areas planted and maintained in lawn, shrubs, trees, with an approved wall or fence designed to afford privacy to the development. Landscape plans shall be approved by the Planning Commission.

Fire Protection. There shall be a fire hydrant located within 250 feet of any mobile home unit, service building, or other structures in the development.

M. Garbage Removal. Provisions acceptable to the Planning Commission must be made by the developer for the storage, collection, and disposal of solid waste.

SECTION 4. LIMIT PER SPACE. Only one mobile home shall be allowed on any one space. Travel trailers, campers, boats, and similar vehicles shall not be allowed on any mobile home space.

SECTION 5. COMMERCIAL USES. Commercial uses, if any, in Mobile Home Parks or Mobile Subdivisions shall be located in the interior of the park and shall be limited to uses which are primarily for the convenience of residents and may include such items as coin operated machines for laundry, soft drinks, and food.

SECTION 6. CONVENTIONAL DWELLING RESTRICTED. Mobile Home Parks or Subdivisions shall be restricted to mobile home; provided however, one

conventional dwelling shall be permitted as a residence for the manager of the park or subdivision.

SECTION 7. OWNERSHIP AND MAINTENANCE.

Mobile Home Parks. Prerequisite to the operation of any Mobile Home Park shall be the obtaining of an annual business license which shall be issued only after the inspection by the County Building Inspector. The license shall be refused or revoked upon failure of the owner or operator to maintain the park in accordance with the standards and requirements as herein set forth.

Mobile Home Subdivision. Lots within a Mobile Home Subdivision may be sold to individual or party owners provided that a lot owner's association is organized to ensure maintenance of the park according to the Articles of Association for Developments.

Transition from Mobile Home Park to Mobile Home Subdivision. An owner of a Mobile Home Park shall not sell off any lots without having such proposal approved as a Mobile Home Subdivision and recorded in the office of the County Recorder.

CHAPTER 14. PLANNED UNIT DEVELOPMENTS

SECTION 1. PURPOSE. The purpose of this section is to establish guidelines dealing specifically with design, construction and operation of planned unit developments. These provisions shall be supplemental and in addition to the general requirements for developments contained in Land Use Chart and Chapter 15.

SECTION 2. DEFINITION. Planned Unit Development for the purpose of this Code shall mean an integrated design for development of multiple uses or densities, in which one or more of the regulations of the zone in which the development is to be situated, is waived or varied to allow flexibility and innovation in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this Code. A Planned Unit Development may be;

The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common spaces for recreation, circulation, or aesthetic uses:

The conservation or development of desirable amenities not otherwise possible by typical development standards; or

The creation of areas for multiple use that are of benefit to the neighborhood.

SECTION 3. PERMITTED USES.

Any use permitted within the underlying zone subject to the regulations of that zone.

Common areas and recreational facilities including golf courses, swimming pools, tennis courts, clubhouses, recreational buildings, landscape parks, and similar recreation facilities for the use and enjoyment of residents.

Driveways, streets, fences, walls, utility systems and facilities, common storage areas, ponds, landscape features and similar uses and structures incidental to the main use.

SECTION 4. OWNERSHIP. The development shall be in single, partnership, or corporate ownership or under option to purchase by an individual or a corporate entity at the time of application or the application shall be filed jointly by all owners of the property.

SECTION 5. STANDARDS AND CONDITIONS. In addition to the requirements set forth in Land Use Chart and Chapter 15 Planned Unit Developments shall conform to the following minimum standards:

Area. No Planned Unit Development shall have an area of less than twenty (20) acres.

Structural Arrangement. Height and intensity of buildings and uses shall be arranged around the boundaries of the Planned Unit Development to be compatible with existing adjacent development or zones.

C. Density. The maximum number of lots or units shall be the number of developable acres of the project divided by the minimum lot size permitted by the requirements of the zone in which the PUD is located. Provided, however, when it can be shown that the intent of this Code and chapter will be maintained and the crowding of lots or units will not result density increases may be granted provided:

1. The PUD lends itself to economy of service delivery and minimization of public utility costs.

Provides for the recreational needs of the future PUD residents by providing improved recreational facilities of scale and size suitable for the projected size of the community.

Minimizes the impact of increased density on adjacent properties and major highways by providing adequate buffering through open space and landscaping.

Density Increases. Density increases allowed shall be expressed as a percentage increase over that density ordinarily allowed by the zone in which the PUD is located as computed above. This percentage shall be the same as the percentage of the developable acreage in the project that is dedicated and maintained as perpetual, open space. Provided, however, in no case shall the density increase allowed be greater than 50% above the normal density allowed by the zone.

In computing developable acreage of a project the following and other undevelopable lands shall be excluded:

Property which is in excess of 30% natural grade and under the terms of Rich County Land Use Guide or this Code, considered undevelopable.

Property located within natural drainage channels or 100 year flood zones as calculated by the County Engineer. Provided, however, the Planning Commission may allow credit for density increases when it has reviewed and approved a plan for the appropriate development and perpetual maintenance of lands so classified.

Additional increases in density may be granted when the developer of the PUD donates, at the request of a bona fide public agency, a site upon which said agency intends to construct a public facility to serve the residents of the PUD and/or surrounding vicinity. Such density increase shall be computed as follows:
 $B=4 (x/y)$

Where B = the density bonus in number of units

X = the acreage of the donated site

Y = acreage requirements for each unit of the zone in which the PUD is located.

Lot Requirements. Lot area, lot width, setback, yard, and coverage regulations shall be determined by approval of the site plan.

Landscaping. All areas not covered by buildings or by off-street space or driveways shall be planted into natural vegetation, lawn, trees, and shrub, and otherwise landscaped and maintained in accordance with good landscaping practices. Permanent sprinkler systems shall be installed when required by the Planning Commission to provide for irrigation of planted areas.

Garbage Removal. Provisions must be made by the developer for the storage, collection, and disposal of solid waste.

SECTION 6. SPECIAL PROVISIONS. Where the development is being developed for sale as a condominium the plans and documents shall also comply with the provisions of Chapter 15 and the approval process may be combined.

CHAPTER 15. SUBDIVISIONS

SECTION 1. PURPOSE. The purpose of this Chapter is to provide a systematic and orderly procedure for obtaining approval of developments and to promote responsible development through specific development standards. The requirements of this Chapter shall be in addition to requirements contained in other provisions of this Code.

New developments are encouraged adjacent to incorporated communities or existing developments to promote efficient transportation, minimize tax burden and preservation of open space

SECTION 2. APPLICATION. This chapter shall apply to all subdivisions; planned unit developments; mobile home parks, recreational vehicle parks, campgrounds, commercial or industrial parks; condominiums; cluster developments; the sale, offer to sell, or agreement to sell a lot that is to be platted; the sale, offer to sell, or agreement to sell a parcel of land which is part of a subdivision of a larger tract of land; the sale, offer to sell, or agreement to sell an undivided interest in land or interest in a business organization with the intent to give the owner of the interest the exclusive rights to a specific lot; and the subdivision of any tract of land; made within one (1) year period. However, this chapter shall not affect the dividing of land for agricultural purposes as defined in Chapter 6 with the definition of subdivision.

SECTION 3. APPROVAL AND RECORDING OF PLAT BEFORE CONVEYING, RECORDING CONVEYANCE, IMPROVING, CONSTRUCTING, OR OCCUPYING. The transactions, land and/or developments stated, Section 2, shall not occur nor the land and/or developments be conveyed, constructed, improved or occupied, nor shall any document be offered for recording to the County Recorder that evidences the said transactions until a final plat of the land and/or development has been approved by the Planning Commission, The Board of County Commissioners, and been recorded by the County Recorder.

SECTION 4. PLATTING EXEMPTIONS:

Agricultural Subdivision

The land use authority may approve the subdivision of unincorporated land into 10 lots or less without a plat by certifying in writing that:

- A. The county has provided notice by ordinance
- B. The proposed subdivision is not traversed by any public utilities as identified in the comprehensive plan or future acquisitions map and does not require the dedication of land for any street or other public purpose.
- C. Has culinary water and sewer approval.
- D. Meets minimum zoning density requirements.

E. Must qualify as agricultural land under section 59-2-502

F. Is not used and will not be used for any non-agricultural purposes.

G. The new owner of record completes, signs, and records with the county recorder a notice describing the parcel by legal description and stating that the lot or parcel is created for agricultural purposes and defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.

Agricultural Single Lot Subdivision

The land must be part of a contiguous 100 acres under the same ownership and must comply with the following:

Recordable deed containing the legal description of the minor subdivision lot

A notice referencing state statute 17-27a-505 and the owners declaration that the land divided is part of a minor subdivision

The lot must be no smaller than one (1) acre.

The new lot may not be within 1000 feet of another minor subdivision

The county may not deny a building permit to an owner of a single lot subdivision based on:

The lots status as a minor subdivision lot; or

SECTION 5. Single Lot Subdivision

1. Upon review and acceptance of a concept plan for a single lot subdivision, the Planning Commission can waive the requirements for preparation and approval of a preliminary and a final plat if it can be shown that:

a. The single lot subdivision does not require dedication of land for street or other public purpose;

b. The single lot subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and

c. The lots are not part of any subdivision.

2. Each of the lot in a single lot subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Board of Adjustment.

3. The Planning Commission may require as part of the acceptance of the concept plan for a single lot subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Code.

4. Administrative Review of Single-Lot Subdivisions.

A. Proposed single-lot subdivisions may be approved by the County Commission. after review and a positive recommendation for approval by the Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor, the Bear River Health Department, the County Fire Marshall, and the County Attorney as outlined in this section.

a. A single lot subdivision is a subdivision where no more than one new building lot will be created.

b. Planning Commission concept, preliminary, and final review and approval of the subdivision is waived subject to all other conditions and requirement of the Rich County Development Code, including requirements for concept, preliminary, and final approval being met.

c. The developer shall comply with all recommendations and requirements of reviewing agencies and individuals.

d. The Zoning Administrator, the County's Engineer, County's Surveyor, the County Roads Supervisor shall conclude that:

1. The subdivision does not require dedication of land for new streets or other public purposes;
2. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Official Map; and
3. The subdivision will not impede access to interior lands or hamper future road circulation.
4. The subdivision meets the minimum residential access road serving 1 lot as shown in the RICH COUNTY DEVELOPMENT CODE
5. Any reviewing agency or individual listed in this section may require Planning Commission review and approval.
6. Land separated as part of a single lot subdivision will not be allowed to be split again for 5 years.

Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created (U.C. 17-27a-605).

Section 5. Lot Line Adjustments

Applications for lot line adjustment will be considered by the administrator for purposes of exchanging land between adjacent neighbors within a legal subdivision and not creating additional lots. This process can also be used to merge two adjacent lots under single ownership for the purpose of a single larger lot. To adjust lot lines, a legal description must be produced showing existing and proposed lot lines, signature and address of both lot owners and acknowledgement of each grantors signature U.C. 57-1-45.

SECTION 4. PROCEDURE. Any land and/or development covered by Section 2 of this chapter, shall comply with the following procedural steps:

Pre-application. The applicant shall notify the Planning Commission of its development intention and become familiar with the requirements for development. Changes in the Comprehensive Plan, Zoning Map, or Development Code must be applied for pursuant to Chapter 8. The applicant shall file a pre-application form as required by the Zoning Administrator. For any placement, thereafter, on the Planning Commission agenda, all required information and plans shall be submitted to the Planning Commission and Zoning Administrator ten (10) days prior to meeting date.

Project Master Plan for Phase Projects. For multi-phased projects, the Planning Commission may require the submission of a professionally prepared master plan. The Planning Commission may only approve master plans of the developments which are harmonious with the Rich County Land Use Guide. The project master plan shall be of a scale not smaller than 1"= 500' and shall show the road plan, utilities plan, open spaces, the type(s) of structures, the proposed uses and densities of all areas encompassed in the plan, and the sequence in which the various phases of the project will be developed. The project master plan approval shall be valid for a period of not to exceed five (5) years. The approval of the project of the project master plan shall serve as the Planning Commissions intent to approve the phased plats pursuant to the design criteria of the project master plan and to recommend the appropriate amendments if necessary, to the Board of County Commissioners; provided however, that all the applicable provisions of this Code are adhered to. For long-term multi-phased projects which are expected to require more than five (5) years to complete, the Planning Commission may grant extensions of the project master plan approval for a period of time not to exceed five (5) years for each extension. Extension of project master plan approval shall only be granted upon showing that the development of the project at the time the

extension is applied for has proceeded in accordance with the project master plan and that there is reasonable cause for non-completion of the project. All requests for extension of the project master plan approval must be filed with the Planning Commission on or before the date the initial approved project master plan or any extension thereof expires. Such request must specify the reasons for non-completion of the project at the time of such request and the estimated time required to complete the development.

Preliminary Plat. See subdivision fee schedule for preliminary plat prior to being place on agenda. A preliminary plat shall be submitted to the Planning Commission on all types of projects as specified in Section 2, consisting of the following:

1. Preliminary Plat shall consist of the following:

Description. In a title block located in the lower right hand corner of the sheet, the preliminary plat shall show the following:

The proposed name of the subdivision approved by the County Recorder and the Planning Commission.

The location of the subdivision including the address and the section, township and range.

The names and addresses of the owner, subdivider other than the owner, and the engineer or designer of the subdivision.

Date of preparation, scale (minimum of 1" = 100 ft. in standard subdivisions) and north point.

Present zone designation.

Vicinity map (not to scale) showing project location and proximity to landmarks such as nearest intersection or highway.

2. Existing Conditions. The Plat shall show:

The location of the nearest survey control (horizontal & vertical).

The boundary of the proposed subdivision and the acreage included.

All property under the control of the subdivider, even though only a portion is being subdivided.

Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in the light of existing master street plans or other Planning Commission studies.

The location, width and names of all existing streets within two hundred (200) feet of the subdivision and of all prior platted streets or other public ways, railroad and utility right-of-ways, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within and adjacent to the tract.

The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a

distance of at least one hundred (100) feet beyond the tract boundaries.

Existing sewers, water mains, culverts or other under ground facilities within the tract to at least open waterways and proposed realignments.

Boundary lines of adjacent tracts of unsubdivided land, showing ownership.

Contours at vertical intervals of not more than two (2) feet. High-water levels of all watercourses, if any, shall be indicated in the same datum for contour elevations. Indicate areas that would be covered in the event of a one hundred (100) year flood.

3. Proposed Condition. The Plat Shall Show:

The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.

The layout, numbers and typical dimensions of lots.

Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

Building setback lines-including dimensions.

Easements for water, sewers, drainage, utility lines and other purposes.

Typical street cross-sections and street grades.

A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.

Location of fire hydrants.

Proposed irrigation system if separate from the domestic water system.

Tabulation showing the number of acres in the proposed development, the total number of lots or units acreage proposed as open space, total length of roadways, gross densities and net densities.

Location and size of proposed buildings and parking areas:

Preliminary landscaping plan (scaled 1"=50' min) showing: (1) Planting areas drawn to scale and with a list of the name, number, and size of all plants designated for each such area; (2) Location name, and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan; and (3) locations and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering system is encouraged).

Preliminary grading plan (scaled 1"=50' min.) with two (2) feet contour intervals) showing proposed

cuts and fills required by location of all structures, including roads.

Placement of receptacles for solid waste removal.

All proposed subdivision applicants will notify the local telecommunications office to coordinate trenching both to prevent disruption of existing services and to allow conduit to be installed for future expansion.

Documentation for the development consisting of the following:

A statement or documentation from the State Division of Water Rights indicating that domestic water rights are available to the development in sufficient quantity.

A letter from the State Health Department regarding the feasibility of water from a previously unapproved source.

Copies of agreements with adjacent property owners if required by the Planning Commission.

A preliminary report of title verifying that the owners to be listed in the Owner's Dedication Certificate of the final plat have sufficient control over the premises to effectuate said dedication without boundary exceptions and such title verification shall be by a licensed title company.

Applicant shall give fifteen (15) days written notice of the Planning Commission hearing for preliminary plat approval to the public utilities holding franchises to provide telephone, electrical, and natural gas service to the development.

Sewer District. Where buildings, subdivisions, planned unit developments, condominium projects, recreational vehicle parks and mobile home parks, campgrounds are to be used for industrial, commercial or residential purposes and are located within a special service, water/or a sewer district or could be served by said district by annexation into said district, the preliminary plat shall be submitted to said district to ask for review and approval or disapproval prior to preliminary approval by the Planning Commission.

Health Department Review. Where buildings, subdivisions, planned unit developments, condominiums, recreational vehicle parks, campgrounds and mobile home parks are to be used for industrial commercial, or residential purposes, the preliminary plat shall be required to be submitted for review and recommendations to the Bear River District Health Department and State Health Department prior to preliminary approval by the Planning Commission. All response shall be in writing, addressed to the Rich County Planning Commission.

Soil Conservation Service Review. Where buildings, subdivisions, planned unit developments, condominiums, recreational vehicle parks, campgrounds and mobile home parks are to be used for industrial, commercial, or residential purposes, the preliminary plan may be required to be submitted for review and recommendations to the area of soil Conservation Service prior to preliminary plat approval by the Planning Commission.

Area forester Review. Where buildings, subdivisions, planned unit developments, condominiums, recreational vehicle parks, campgrounds and mobile home parks are to be used for commercial, industrial, or residential purposes, the preliminary plat may be required to be submitted for review and

recommendation to the Area Forester of the Division of Forestry, Fire, and State Lands prior to preliminary plat approval by the Planning Commission. Developments adjacent to Federal Lands will be required to develop a Wildland Urban Interface fire plan in concert with agency personnel.

Geological Analysis. Where buildings, subdivisions, planned unit developments, condominiums, recreational vehicle parks, campgrounds and mobile home parks are to be used for industrial, commercial, or residential purposes, building and site plans should be done where certain geological or natural hazards such as but not limited to faults, shrink-swell soils, or landslide areas exist. The Planning Commission and the Zoning Administrator may require, upon evaluation of these hazards, additional geological studies to be completed by a competent professional prior to preliminary plat approval by the Planning Commission.

10. Fire District. Where buildings, subdivisions, planned unit developments, condominiums, recreational vehicle parks, campgrounds and mobile home parks are to be used for industrial commercial or residential purposes, preliminary plans shall be required from the applicant to be submitted for review and recommendation to the appropriate fire district for review and approval prior to preliminary plat approval or disapproval by the Planning Commission.

No approval shall be given unless all requirements of this Code have been met. Approval of the preliminary plan shall not constitute approval of the final plat. Approval shall be deemed an expression of approval of the layout as a guide to preparation of the final plat. If the final plat is not approved within one (1) year of preliminary plan approval, preliminary plan approval will automatically be revoked.

FINAL PLAT. See subdivision fee schedule for final plat and improvement plans (paid at time of recording). A final plat shall be submitted to the Planning Commission consisting of the following:

1. One ink tracing on mylar 24" x 36" scaled 1"=100' and four (4) copies thereof; a copy of the submitted plats for subdivision must also be provided on 18" x 18" mylar, scaled 1"=100' for plats containing one or more lots of less than two (2) acres; and 1"=200' for plats containing one or more lots of two (2) to five (5) acres; and 1"=400' for plats containing all lots of greater than five (5) acres. (all submitted 18" x 18" plats must conform to standard drawing as illustrated in drawing 15-A) The original 24"x 36" ink tracing shall contain the following information.

All applicable information required on the preliminary plat.

The name of the subdivision and the north points. The top of the map shall be north or east whichever best accommodates the drawing.

Accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other features as determined by the Planning Commission.

An identification system for all lots and names of streets. Lot lines shall show dimensions in feet and hundredths. Total area of each lot will also be shown to the nearest square feet.

True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol.

Radii, internal angles, points of curvature, points of tangency, length of long chords, chord bearings, tangent lengths, and lengths of all arcs.

The accurate location of all survey monuments to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position.

The dedication to the county in which the subdivision is located, all streets and highways included in the proposed subdivision which are identified by the Planning Commission to be dedicated. The County may at its discretion accept or reject said dedication.

Pipes or other such physical markers as shall be placed at each lot corner.

Markers at least three (3) feet high shall be metal (minimum 1" dimension).

Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.

Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in an approved form.

A registered land surveyor's "Certificate of Survey."
The owner's "Certificate of Dedication." Per Section 8.
A notary public's "Acknowledgement."

The appropriate Planning Commission's "Certificate of Approval."
The Utah State Board of Health's "Certificate of Approval."
The County Engineer's "Certificate of Approval."
The County Attorney's "Certificate of Approval."
A recording statement in the lower right hand corner of the drawing.
The State Health Department and/or Bear River District Health Departments formal approval of the water, sewer, and solid waste disposal facilities.
Not accepting snow removal.
County Commission "Certificate of Approval."

2. DOCUMENTS FOR FINAL PLAT APPROVAL.

Plans and specifications designed and stamped by a licensed engineer for water systems (including fire hydrants), sewer systems, roads, storm water drainage and flood protection.

Materials list and their estimated cost for all requirement improvements.

Articles of Incorporation for Home Owner's Association, and restricted covenants approved by the County Attorney.

The articles shall provide that:

All property owners in the development shall be required to be a member of the Homeowner's Association on incorporation.

(2) The Association shall be responsible for maintaining all common property, streets, roads, right-of-ways, open spaces, and other areas as the Planning Commission may determine.

(3) Sufficient funds will be generated for the maintenance of and generation of common property & facilities by levying fees and assessments against the homeowners and guaranteeing the payment of such by liens against the individual properties.
County Engineers. Statement that he has checked that each individual lot has been staked.

Accuracy of staking is responsibility of the developer. The inspection existence of the county engineer shall be billed directly to the developer by county clerk.

A signed contract between the developer and any sewer district or water district for those proposed developments which lie within the boundaries of any such districts. A letter of engineering review, approval and acceptance of plans and agreement for inspection on behalf of such district.

Copies of information brochures that will be used in the sales program.

An updated preliminary title report covering all property located within the proposed development. The report shall be prepared or be updated to within ten (10) days of the date of filing of the final plat.

Easements that are included in the preliminary title report must be shown on the final plat. If facilities to serve the development are to be constructed on property not included in the subdivision plat, appropriate easements and other appropriate parties continual

access to such improvements.

A Letter from the local fire protect district approving plans for fire protection measures.
A final landscaping plan (scaled 1"=50'). A final grading plan for all building structures, roadways, pedestrian paths, and open space in which recreational facilities are to be constructed (scaled 1"=50') as required.

Sign plans and illustrations of typical signs.

Building elevations and floor plans as designed for construction as required by the Planning Commission. (For condominiums, cluster developments, etc.)

Required Improvements. In addition to the improvements required in other sections of this Code, the following improvements shall be installed in all developments designated in Section 2. No improvements herein after listed shall be installed until the plans and specifications have been approved by the County Engineer and authorization to proceed given by the Planning Commission. All construction shall conform to applicable requirements of the Chapters 16-18, and County Engineering Standards.

1. Water and Sewer Systems

There shall be an approved central water system for all potential dwellings or lots within the developments. The developer shall submit proof that the proposed water system is capable of providing at least 1,600 gallons per dwelling per day where water is to be used for inside and outside use, and at least 1000 gallons per dwelling unit per day where water is to be used for inside use only. Subdivisions containing four lots or fewer are exempt from water system requirements per ordinance (03-0903)

Water storage facilities meeting the requirements of the State Health Department. Water storage facilities shall be located underground where practical.

Water and sewer mains and lateral shall be to each lot or units property line in accordance with the County's and the State Health Department's or Board of Health's standards; but in no case shall the water mains be less than 6" and the sewer laterals or central sewer systems less than 8".

Sanitary sewers shall be approved by the Utah State Board of Health. A storm water drainage system subject to the approval of the Planning Commission shall be provided, and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer.

Stormwater systems will be required to accommodate run-off associated with a 1 in 25-year storm event. Maintenance of stormwater conveyance and containment systems will be the responsibility of the Homeowners association or landowner. Natural drainages and bioswales will be used to collect and convey stormwater.

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal and

ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.

Manholes, water valves, and street signs will be placed as close to the property line as possible to minimize road obstructions.

2. Streets

Ingress/Egress. All developments adjacent to State Highways will be required to have a permit from the Utah Department of Transportation supporting the use of the land. All developments (5 lots or less) will be required to have two (2) access points to the development constructed to county standards with year round maintenance including snow removal. In phased developments, the second access must be completed in connection with phase two.

STREET WIDTHS. Arterial and collector streets shall conform to the width requirements on a major street plan when a development falls in an area for which a major street plan has been adopted width requirements on a major street plan when a development falls in an area for which a major street plan has been adopted.

For areas where such a street plan has not been completed at the time the minimum right-of-way shall be fifty (50) feet.

All roads shall be built to county standards and adopted by the county for maintenance at the discretion of the Board of County Commissioners unless otherwise specified.

For local streets, the minimum street width shall be twenty-four (24) feet and the minimum right-of-way shall be fifty (50) feet.

For collector streets, the minimum street width shall be forty-four (44) feet and the minimum right-of-way shall be sixty-six (66) feet.

For arterial streets, the minimum street width shall be fifty four (54) feet and the minimum right-of-way shall be eighty (80) feet.

All roadways will be composed of the following:

Twelve (12) inches of pit run (sub layer)

Six (6) inches of crushed gravel

Six (6) inches of asphalt compacted to five inches

Street Surface. Streets shall be hard surfaced except where lot frontages are one hundred twenty five (125) feet or greater. Gravel roads shall be constructed according to county specifications.

Walkways. Pedestrian walkways may be required by the Planning Commission when it is shown that such improvements shall be for the public safety or convenience. When so required, walkways shall be a minimum width of four (4) feet, shall be constructed of material suitable for use in the proposed area; and shall be located to provide efficient movement of pedestrians and maximum preservation of the character of the proposed

development.

Pedestrian pathways. Developments with property intersecting the proposed Bear Lake Heritage Pathway will be encouraged to dedicate and construct pathway to AASHTO Standards.

Cul-de-sacs. The maximum length of any cul-de-sac shall not exceed eight hundred (800) feet and must be terminated by a turn-around right-of-way of not less than one hundred twenty-five (125) feet in diameter. The turn-around shall be surfaced one hundred (100) feet in diameter and shall not exceed three (3) percent grade. Surface water must drain away from the turn-around, except where surface water cannot be drained along the street due to the grade, necessary catch basins and drainage easements shall be provided.

Curves. Where street lines within a block deflect from each other at any one point there shall be in accordance with standards by the County Engineer.

Intersections. Streets shall intersect each other as nearly as possible at right angles. Street shall approach other streets, other local streets, arterial, or collector streets at angles not less than eight (80) degrees for a distance of at least one hundred (100) feet. Street grades at intersections shall be no greater than four (4%) for at least fifty (50) feet.

Grades. Minimum street grades of 0.3 percent are required. The maximum grade for roads in all zones shall be eight (8) percent, provided however, the Planning Commission may grant variances to twelve (10) ten percent for short distances up to three hundred (300) feet over a continuous lineal length of two thousand (2,000) feet when conditions warrant that traffic safety and economy of road maintenance can be secured. All streets will be "crowned" with a maximum grade of .03%.

Street Signs. All streets shall be designated by name or number clearly discernible from the street. Street names shall not be duplicated. Street name signs, conforming to the design and specifications and in the number by the standards, rules and regulations of Rich County, shall be provided by the developer at all street intersections. Installation shall be made in accordance with adopted standards to insure uniformity. Street signs will be constructed of non-combustible materials and lettering will be of a reflective nature to ensure day and night visibility. Signs will be placed as close to the property line as possible. Alternatives considered will be an apron consisting of non-combustible hardscape and firewise landscaping surrounding the street sign of 40' in radius

Installation and location of required survey monuments shall be in accordance with county standards and as directed by the county engineer.

Bridges and Culverts. All bridges and culverts shall be constructed in accordance with County specifications issued by the County Engineer.

Dedications. At the discretion of the Board of County Commissioners, dedication of streets for public use may be accepted or declined.

Half Streets are prohibited.

Adjoining Streets. Streets in new developments shall make provisions for the continuation of existing streets to adjoining areas at the same or greater width (but in no case less than the required minimum width). Where the Planning Commission determines that it is desirable to provide for street access to adjoining property to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property.

Ditches. Buffer zones shall be required along all rivers, creeks, streams or other channels within or adjoining a subdivision. Buffer zones widths shall be determined on a case-by-case basis by the Planning Commission. The subdivider shall work with irrigation, drainage or ditch companies as to:

Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.

The size of pipe and culvers required.

The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes and culverts must be approved by the Planning Commission.

R. Solid Waste. The developer will work with the sanitation supervisor on the most appropriate location for solid waste removal. Solid waste removal sites will be screened to prevent fugitive debris using durable fencing material such as brick or cinderblock with an attractive capstone. Placement of dumpsters will be on concrete or asphalt. The area associated with the dumpsters shall be sloped to drain run-off away from the dumpsters and contained on site. Slope will be greater than 1% and not exceed 3%. Drought tolerant Landscaping is encouraged unless water is available for maintenance.

o.) Rules for Addressing in Rich County.

As Rich County has an adopted ordinance and plan requiring street names and addresses for all dwellings and places of business within Rich County, the following rules will be utilized in assigning street names and addresses.

Definitions

Addressing Authority. An individual who has been properly given the responsibility for assigning building and a lot addresses and for approving street names within Rich County.

Addressing Grid. An imaginary square grid extending outward from an origin used to define building and lot numbers with numbers increasing outward from the origin to the north, south, east, and west.

Addressing Grid, Rich County. An addressing grid with its origin located at the center of the four incorporated communities of Rich County.

Street, Looping. A short street no more than 1,320 ft. long which has no identifiable direction, turning, doubling back on itself, perhaps even coming back to intersect with the street from which it originated.

Street, Named. A street who's name is not numerical in nature. Examples would be N Bear Lake Blvd or S Chokecherry Dr.

Street, Numbered. A street who's name is numerical, representing the approximate distance of the street from the origin of the addressing grid. An example would be S 100 West St.

1. Designation of Street Numbers

Street numbers for dwelling units and places of business on all public and private streets shall be assigned by the Building Inspector in accordance with its rules for addressing.

The Building Inspector shall keep a record of all numbers assigned under this ordinance.

2. Posted of Designated Street Address

The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by the Building Inspection Office of the number assigned to the same at any time after the adoption of this ordinance.

Within Sixty (60) days after the receipt of such written notification from the Building Inspection Office, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place.

It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the Building Inspector.

Each principal building shall display the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance may display a separate number.

Building numbers are required to be posted on all buildings. Numbers shall be posted as soon as construction begins on a new building.

Exceptions: Posting of building number shall not be required for the following buildings.

Temporary structures that will not be used for more than 30 days.

Accessory buildings used for storage, private garages, or other similar accessory uses, provided the building has no more than 3,000 square feet in total floor space.

Buildings in a complex under one ownership for which a building number has been assigned for the complex rather than for individual buildings. In this case, the building number for the complex shall be posted on at least one building that is readily visible from the street. Ideally this should be the main office building.

Building numbers shall be posted in a location that is readily visible from the street from the direction of the front of the building.

3. Required Size and Color of Posted Numbers. Building numbers shall be posted using Arabic numerals at least 4" high. Where numbers are posted in a location that is more than 200 feet from the street numerals shall be large enough to be easily readable from the street. Numbers shall be black or dark on a white or very light background, or shall be white or very light on a black or very dark background.

4. New Structures. Numbers will be assigned to each proposed lot or tract on the surveyors' copies of Final Subdivision Plats by the Rich County Building Inspector.

No building permit shall be issued for any principal building until the owner or developer has procured from the Building Inspector of Rich County the official number of the premises. Final approval for a certificate of occupancy of any principal building erected or repaired after the effective date of this ordinance shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements of No. 2 above.

5. Penalties.

In the events that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this ordinance by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto will be in violation. Any person who violates any provision of this Chapter shall be punished by a fine not to exceed the sum of two hundred ninety-nine (299.00) dollars, or imprisonment in Rich County Jail not to exceed ninety (90) days, or by both such fine and imprisonment.

6. Effective Date.

This ordinance shall take effect and be in full force and effect upon its passage. All ordinances or parts of ordinances in conflict herewith are repealed.

7. Fire Protection.

Minimum fire protection storage shall not be less than 120,000 gallons. Minimum point flow shall not be less than 500 gallons per minute. Minimum fire hydrant size shall be

five (5) inches. No residence shall be more than 400 feet from any fire hydrant. Water storage requirements shall be in addition to the State Health Department or Board of Health storage requirements for culinary water. Prior to approval of the project the developers shall furnish evidence to the Planning Commission and the local fire protection district which indicates that a water company has been formed which shall be responsible for the perpetual and continual maintenance of the water system and all fire protection appurtenances according to local fire district standards, whether through the Home Owner's Association or otherwise.

A. Fire Fighting Equipment. If required by the Planning Commission, fire fighting equipment must be supplied by the developer and must include the following items:

1. One red metal box for every two (2) hydrants containing 400 feet of 2 1/2 inch hose, one hydrant wench, a 2 1/4 inch nozzle, and a 1 1/4 inch nozzle; or
2. One enclosed fire station complete with a four wheel drive vehicle pumper truck in operating condition, containing 1,000 feet of 2 1/4 inch fire hose, one fire hydrant wench and two 2 1/2 inch nozzle. The pumper must be capable of pumping at least 250 gallons of water per minute at 75 psi.

F. Additional Final Plat Requirements

1. Buildable Lots. All subdivision shall result in the creation of lots which are developable and capable of being built upon. No subdivision shall create lots and no building permits shall be issued for any lots which would make improvements and services impractical due to size, shape, steepness of terrain, location of water courses, problems in sewage or driveway grades, or other physical conditions.
2. Access to Streets. All lots or parcels created by the subdivision of land shall have access to a street improved to standards herein required. As part of the application of any subdivision including private streets the subdivider shall submit to the Planning Commission a plan providing for future ownership and maintenance of said street together with payment of taxes and other liability thereon; whether through the Homeowners Association or otherwise.
3. Utilities and Easements. All utilities shall be provided through underground services. Easements for utility and drainage purposes shall be provided within the subdivision as required by the Planning Commission. However, in no event shall such easement be less than seven (7) feet in width or five (5) feet in width on the front lot line.
4. Water Courses. The subdivider shall dedicate a right-of-way for storm drainage conforming, substantially with the lines of any natural water course or channel, street, creek or flood plain that enters or traverses the subdivision.
5. Parks and Open Space. Pursuant to the recreation or park elements, plans or standards set forth in the master plan or planned unit development, as a condition of final subdivision approval the subdivider shall be required to reserve land for parks and recreation purposes as determined by the Planning Commission. All required open space shall be platted. Where plats are part of an approved project master plan or planned unit development which requires open space dedication, such open spaces shall be included with each plat to be recorded in the same proportion as open space that has been

approved or required for the entire project.

6. Lot Design Standards. In subdivisions where proposed lots have an average slope of 10% or greater, the minimum lot area for said lot shall be increased if necessary in order to meet the following grading criteria:

Each individual lot shall be of dimensions to accommodate a level building site with minimum dimensions of forty (40) feet by thirty (30) feet that does not encroach upon the minimum front yard, rear yard, and side yards required by this Code. Lots in an approved development shall not be divided after final approval and recording.

The buildable area shall not include any of the required yard areas.

A transition slope area of varying dimensions shall be provided within the buildable area from the grade of the level building site to the grade of the natural or engineered finished grade of the required yard area. Said transition slope area shall be at a slope no greater than the maximum slope which the soil will support as certified by the County Engineer.

The front yard natural or engineered slope may be altered to the extent necessary to provide vehicle access at a maximum of 16% slope from the property line.

The developer shall submit to the Planning Commission a lot side calculation map showing in sufficient detail all necessary information to justify all lot boundaries, and shall be signed and certified by a licensed civil engineer or land surveyor.

Drainage Design and Erosion Prevention. Provisions for drainage design and erosion prevention shall be required in accordance with county engineering standards.

Landscaping. Approved landscaping shall be required for planned unit developments, recreation vehicle parks, mobile home subdivisions and parks, and condominium projects and cluster developments. Landscaping may be required of the developer of subdivisions.

Expiration of approvals. Except as otherwise provided all approvals given pursuant to this Chapter shall be valid for a period of two (2) years. Approvals which have not been followed by subsequent approvals or project plat filing within the time limit shall expire. Inspection. Inspection of construction for all improvements shall be made by the County Engineer. The cost for such inspections shall be billed directly to the developer.

As Built Drawings. Prior to final inspection a complete set of "As Built" drawings and specifications, certified by a registered engineer shall be submitted to and approved by the County Engineer prior to the Board of County Commissioners approval of a plat. Provided, however, if a bond or escrow account has been established to guarantee construction of improvements, such drawings shall be submitted to and approved by the County Engineer prior to final release of such bond or escrow.

Fees. Developers shall be liable for payment of reasonable fees as may be set by the Board of County Commissioners for the filing of required documents or plats, engineering reviews or inspections, and the administration of performance bonds, or escrow accounts. Failure of the developer to pay required fees shall justify the County in withholding further action on said developer's proposals.

Remnants. No remnants of property shall be left in the subdivision which do not conform

to lot requirements or are not required or more suitable for designation as common open space, private utility or public purposes.

Lot Numbers. Lot numbers shall begin with the number one (1) and shall continue consecutively through the subdivision plat, with no omission or duplications. No block designation shall be used.

Developable Area Limitation. The Planning Commission shall review each plot and may determine that certain areas within a proposed subdivision cannot be built upon, fenced and/or landscaped more extensively than its natural state. The Planning Commission shall require all undevelopable portions of proposed lots or other special conditions of said lots to be identified by shading and notation upon the final plat. Such limitation shall also be made a part of the subdivision restrictive covenants. The provisions may be invoked to protect, among other things, natural slope or vegetation, special natural topographical features, vaults, or visual factors. Areas which cannot be developed to meet drainage, flood control, slope, or areas needed for buffer zones, may be declared undevelopable by the Planning Commission.

Guarantee of performance. In lieu of the actual completion of the improvements required by this Code, the developer may file with the County a cash bond, security bond, or escrow agreement acceptable to the Board of County Commissioners to assure actual satisfactory contraction of such improvements within a period of two (2) years from the date of final plat approval. The amount of the guarantee performance shall be 120 percent of the county Engineer's estimate of the cost of the improvements. Upon completion of the improvements for which the guarantee of performance was filed, the developer shall call for inspection by the Building Inspector and the County Engineer. If the Inspector shows that the improvements have been completed in accordance with the approved plans and county specifications, the guarantee of performance shall be released, provided that ten (10) percent of the guarantee shall be retained as provided in Section 17.

Guarantee of Public Improvements. The County shall retain ten (10) percent of the guarantee of performance filed by the developer for a period of one (1) year of actual use of the improvements following the final inspection required by Section 16 as a contingency fund should the improvements prove to be defective during that one (1) year period of time.

In the event that a developer does not file a guarantee of performance as required by Section 16 because improvements have been installed, the developer shall file a guarantee of improvements in the form of a cash bond, surety bond, or escrow agreement acceptable to the Board of County Commissioners in the amount of twelve (12) percent of the County Engineer's estimate of the cost of improvements. Said guarantee shall be for a period of one (1) year following final inspection of the improvements by the County Engineer as a contingency fund should the improvements prove to be defective during that one (1) year period of time.

Planning Commission Review. The Planning Commission shall review the final plat, final engineering drawings and other required submissions and shall act (a) to approve the plan, (b) disapprove the plans, (c) table the plans pending modification. If disapproved, the Planning Commission shall state its reasons therefore to the developer.

Planning Commission Powers. The Planning commission is empowered to require additional, reasonable, improvements to mitigate any anticipated effects of a detrimental

nature to surrounding property and residents thereof and to safeguard the general welfare of the future inhabitants of the development.

The Board of County Commissioners takes action on final plat. Upon receipt of the final plat, bearing all required signatures and any other documents required by this Code, submission of evidence of posting of the performance guarantee or proof of final inspection, the Board of County Commissioners shall consider the plat and performance guarantee shall act to approve or disapprove the plat. If disapproved the Board of county Commissioners shall state their reasons for the denial therefore to the developer. If modifications are required, such modifications must first be referred to and accepted by the Planning Commission. If approved, the plat shall be signed by the Board of County Commissioners. The signature of the County Commission on the final plat shall constitute final approval.

Final plat recorded in Office of County Recorder. Upon receipt of the executed final plat and the receipt of the executed final plat and the receipt of all outstanding submissions and fees including recording fees and the plats required by section 20, the Developer shall submit the final plat, for recording in the Office of the County Recorder. Any covenants, additions, restrictions and Homeowner's Article of Incorporation required.

CHAPTER 19. ENFORCEMENT, VIOLATION, PENALTY

SECTION 1. BUILDING PERMIT TO COMPLY WITH CODE. From the effective date of this Code, no permit shall be granted for the construction or placement of any building, structure or mobile home or for the moving of a building, structure or mobile home onto a lot for the change of use of any land, building of structure is such construction, alteration, moving or change of use would be a violation of any of the provisions of this Code.

SECTION 2. CONSTRUCTION AND USE TO COMPLY WITH PERMIT. Permits issued on the basis of plans and specifications approved by the Building Inspector, the Planning Commission, and/or the Board of County Commissioners authorize only the use, arrangement, and construction set forth in such approved application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Code.

SECTION 3. PERMITS GRANTED PRIOR TO THIS CODE. Authorization granted by the County to construct a building or structure, or to change the use of land, shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand dollars (\$1,000) or more in replaceable value by the date on which this Code or an amendment thereto shall become effective. Provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the effective date of this Code. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices.

SECTION 4. LICENSE TO COMPLY WITH CODE. No business license or similar permit shall be issued which would not be in conformance with the provisions of this Code. Any permit so issued shall be null and void.

SECTION 5. RESPONSIBILITY FOR VIOLATION. It shall be the responsibility of the owner and any and all builders, contractors, sub-contractors, real estate agents and any other persons having to do with the establishment of any use of land or the erection, altering or relocation of any building and/or structure to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this Code.

SECTION 6. INJURED PERSON MAY RECOVER DAMAGES – County Not Liable. Any person purchasing a lot or parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent may recover damages from the seller of his agent by civil action. However, the County shall not be civilly liable for any damages that permit base upon such information.

SECTION 7. VIOLATION AND PENALTY.

1. Procedure for Violation. Whenever it becomes necessary to take action in order to obtain compliance with one or more provisions of this Code, the Building Inspector may issue a citation and/or take other appropriate action as provided under law. In addition, where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or where any building, structure or land is used or where a parcel of land is subdivided in violation of this Code, the County may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, to prevent any illegal act, conduct or business or sue and such any other remedy allowed by law.

2. Each Day a Separate Violation. Each person, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for each day during which violation of any provision of this Code is committed, continued, or permitted by such person, firm or corporation and shall be punished as provided by law as a separate offense.

3. Any firm, corporation, person or persons violating any of the provisions of this Code shall be guilty of a class "C" misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed two hundred ninety-nine (\$299.00) dollars or by imprisonment for any term not exceeding ninety (90) days or by both fine and imprisonment.

Rich County Fee Schedule

1. Master Plan	50 Acres or less All others	\$200.00 \$400.00
2. Preliminary Plat (paid prior to being placed on agenda)	Any plat to be recorded for sale, lease, or rent. Engineering checking fee Commercial/Industrial (minimum \$300/proposal	\$25.00/d.u. \$ at cost \$10.00/acre
3. Final Plat	Recording fee Final Plat fee GIS impact fee Engineering checking fee	\$check with recorder \$250.00 \$4.95/lot \$ At cost
4. Variance (paid prior to placement on agenda)		\$300.00
5. Conditional Use Permit		\$200.00
6. Zone change (per request)		\$300.00
7. Construction inspection		\$actual cost

8. Special meeting fee	\$300.00
9. Engineering review of Improvement plans and Specs.	\$ at cost
10. County road sign (installed by county)	\$ 100.00

All fees are to be paid to the Rich County Clerk Prior to the application being placed on the meeting agenda. No fees are refundable- regardless of action taken.

Please contact the county clerk prior to fee payment for any changes made after this schedule was printed.