

# **GARFIELD COUNTY, UTAH ZONING ORDINANCE**

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# GARFIELD COUNTY ZONING ORDINANCE

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# **GARFIELD COUNTY, UTAH ZONING ORDINANCE NO. 2019-10**

**AN ORDINANCE TO REGULATE BY DISTRICT OR ZONE THE LOCATION, HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOTS WHICH MAY BE OCCUPIED; THE SIZE OF LOTS AND OTHER SPACES; THE DENSITY AND DISTRIBUTION OF POPULATION; AND THE LOCATION AND USE OF BUILDINGS AND STRUCTURES FOR TRADE, INDUSTRY, RESIDENCE, RECREATION OR OTHER PURPOSES.**

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

## **Chapter 1. GENERAL PROVISIONS**

### **1-1 Short Title.**

This Ordinance shall be known as the "Garfield County Zoning Ordinance" and may be so cited and pleaded.

### **1-2 Purpose.**

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

### **1-3 Authorities.**

Utah Code Annotated Title 17, Chapter 27a.

### **1-4 Interpretation.**

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

### **1-5 Conflict.**

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

### **1-6 Severability.**

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



## 1-7 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future: the singular tense shall include the plural and the plural the singular. The word "building" shall include the term "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not discretionary, the word "may" is permissive; the word "person" includes affirm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel". Words used in this ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by Garfield County.

1. **Accessory Building or Use:** A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.
2. **Agricultural Use:** Land shall be deemed to be in agricultural use when devoted to the raising of plants and animals useful to man, including but not limited to: forages and sod crops; grain and feed crops; dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding or grazing of any or all such animals; bees, fur animals, trees, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, and ornamental stock; or when devoted to and meeting requirements and qualifications for payment for other compensation pursuant to a cropland retirement program under an agreement with an agency of the state or federal government.
3. **Agricultural Industry or Business:** An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production and similar uses as determined by the Planning Commission.
4. **Airport:** Any area of land designated and set aside for the landing and taking off of aircraft plus maintenance and auxiliary facilities and building maintenance.
5. **Alley:** A public access way less than twenty-six (26) feet in width but not less than twelve (12) feet, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this Ordinance.
6. **Alterations, Structural:** Any change, addition or modification in the supporting members of a building, such as bearing walls, column, beams or girders.
7. **Apartment House:** See Dwelling, Multiple Family.
8. **Apartment:** Any building or group of buildings which contain dwelling units, and also satisfies the definition of a motel, as defined in the Ordinance.

9. **Architectural Projection:** Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.
10. **Automobile Sales Area:** An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.
11. **Automobile Service Station:** A place where gasoline, or any other motor fuel or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery changing, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.
12. **Basement:** A story whose floor is more than twelve (12) below the average level of the adjoining ground, but where no more one-half (½) of its floor-to-ceiling height is above the average contact level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement, and as a half-story for the purpose of yard determination.
13. **Basement House:** A residential structure without a full story structure above grade.
14. **Beginning of Construction:** The placing of concrete footings for building or structure.
15. **Bench Mark:** A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.
16. **Board of Adjustment:** A five (5) member board appointed Garfield County Commission to hear appeals by any person aggrieved by inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course administration or enforcement of the provisions of this Ordinance.
17. **Boarding House:** A dwelling where, for compensation, meals are provided for at least three (3) but not more than fifteen (15) persons.
18. **Body and Fender Shop:** A facility for major automobile, mobile home, recreational coach or recreation vehicle repairs to body, or fenders, and including rebuilding.
19. **Buildable Area:** The portion of a lot remaining after required yards have been provided.
20. **Building:** Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.
21. **Building Official:** The Official designated by the County Commission as the Inspector for Garfield County.

22. **Building, Main:** The principle building housing the principal use upon a lot.
23. **Building, Public:** A building owned and/or operated or owned and intended to be operated by a public agency.
24. **Carport:** A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport shall be subject to all the regulations prescribed of a private garage.
25. **Cellar:** A room or rooms wholly under the surface of the ground or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.
26. **Child Nursery:** An establishment for the instruction of six (6) or more children, for compensation, other than members of the family residing on the premises, but not including a public school.
27. **Church:** A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.
28. **Clinic, Medical or Dental:** A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.
29. **Club, Private:** An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business and does not include labor union organizations or similar labor or business organizations.
30. **Commission:** Unless otherwise indicated, the Board of County Commissioners of Garfield County, Utah.
31. **Conditional Use:** A use of land for which a Conditional Use Permit is required, pursuant to this Ordinance.
32. **Condominium:** An ownership structure established in accordance with the Utah Condominium Act.

33. **Construction Camp:** A camp or other residential area of a temporary nature established for a period of five (5) or more days for the housing of one (1) or more persons engaged in activities related to construction, mining and logging. Camps established for hunting, fishing, recreation or agricultural purposes are excluded from the definition of a construction camp.
34. **Corral:** An enclosure, other than a building less than one (1) acre, used for the confinement of animals and fowl.
35. **County:** Unless otherwise indicated, Garfield County, Utah.
36. **Court:** An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on three (3) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.
37. **Coverage, Building:** The percent of the total site area covered by buildings.
38. **Cul-de-sac:** A minor street having an open end and being terminated at the other end by a vehicle turnaround.
39. **Dairy:** A commercial establishment for the manufacture, processing, or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.
40. **District:** A portion of the area of Garfield County, Utah shown on a Zoning Map (attached to this Zoning Ordinance) and given a Zone classification as set forth in this Ordinance.
41. **Division of Agricultural Land for Agricultural Purposes:** A bona-fide division or partition of agricultural land into three (3) or more parcels of not less than six (6) acres of land for agricultural purposes as defined herein.
42. **Driveway:** A private roadway, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which the driveway is located.
43. **Dwelling:** A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
44. **Dwelling, Mobile Home:** See "Mobile Home".
45. **Dwelling, Single Family:** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

46. **Dwelling, Two-Family:** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
47. **Dwelling, Group:** A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.
48. **Dwelling, Multiple-Family:** A building arranged or designed to be occupied by more than two (2) families.
49. **Dwelling Unit:** One or more rooms in a dwelling or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one (1) family.
50. **Easement:** The acquired private or right-of-use or enjoyment which one (1) or more persons may have in the land of another.
51. **Family:** An individual or two (2) or more persons related by blood, marriage, or adoption (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.
52. **Fence:** A physical barrier to delineate, contain, or designate an area designed for a specific use, i.e. and an enclosure for a dwelling unit, and area of storage etc.
53. **Flood Hazard:** A hazard to land or improvements due to inundation.
54. **Forestry:** The planting, caring for or cultivating of a dense growth of trees. May include the gathering of wood for domestic fire use.
55. **Frontage:** All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
56. **Garage, Private:** A detached accessory building, or portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 ½) tons, and not including space for more than a total of four (4) such vehicles, unless on a bona fide agricultural tract of land.
57. **Garage, Public:** A building or portion thereof other than a private garage, designed or used for servicing, equipping, hiring, selling or storage of motor driven vehicles.
58. **Garage, Repair:** A structure or portion thereof, other, than a private garage, used for the repair of self-propelled vehicles, trailers or boats, including general repair, rebuilding or

reconstruction of engines, motor vehicles, recreation coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Conditional Use Permit. A repair garage may also include individualized storage, care, washing, or sale of automobiles.

59. **Geological Hazard:** A hazard inherent in or on the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure or shifting of the earth.
60. **Grade:** The vertical location of the ground surface.
- a. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
  - b. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.
  - c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.
  - d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.
61. **Health Department:** The State of Utah Division of Environmental Quality or local health agency having jurisdiction.
62. **Home Occupation:** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, occupying no more than twenty-five (25) percent of the dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not usually associated with residential use. Home occupation may include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer or professional person for consultation or emergency treatment. Home occupation includes the care of not more than five (5) children other than members of the family residing in the dwelling. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs and no employees employed.
63. **Hospital:** Institution for the diagnosis, treatment and care of the human illness or infirmity, but not including sanitariums and clinics.
64. **Hotel:** A building designed for or occupied as the more or less temporary abiding place of six (6) or more individuals who are, for compensation, lodged with or without meals.

65. **Household Pets:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.
66. **Irrigated Land:** Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man- made improvements.
67. **Junk:** Any discarded material, including but not limited to scrap metal, one (1) or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and substructures.
68. **Junkyard:** Any place, establishment or business maintained, or operated for storage keeping, buying and selling junk, including vehicles and salvage yards.
69. **Kennel:** Any premises where four (4) or more dogs older than four months are kept.
70. **Livestock Feed Yard:** A commercial operation on a parcel where livestock are kept in high density corrals or yards and fed.
71. **Local Attorney:** The Garfield County Attorney.
72. **Local Building Inspector:** The Garfield County Building Inspector; also the zoning enforcement Officer.
73. **Local Engineer:** The engineer employed by or officially representing Garfield County.
74. **Local Health Officer:** The health officer or department employed by or officially representing the County of Garfield.
75. **Local Jurisdiction:** Garfield County.
76. **Lodging House:** A dwelling with not more than five (5) guest rooms where, for compensation, lodging is provided but does not include motels or hotels.
77. **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 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 longer tract into two (2) or more smaller units.
78. **Lot Coverage:** Lot coverage shall be calculated by taking the ground area of the main and accessory buildings and dividing that total by the area of the lot.

79. **Lot Corner:** Lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one-hundred thirty-five (135) degrees.
80. **Lot Interior:** A lot other than a corner lot.
81. **Lot Depth:** The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.
82. **Lot Line:** Property lines bounding the lot.
83. **Lot Restricted:** Any lot having particular problems in size, slope, contour or space requiring special action of the Board of Adjustment.
84. **Mobile Home:** A detached, single-family dwelling unit not less than forty-five (45) feet long, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels, containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems and ready for occupancy except for utility connections and other minor work. Pre-sectionalized modular, or prefabricated homes not placed on a permanent foundation, shall be regarded as mobile homes; if placed upon a permanent foundation such structures which meet all applicable building and housing codes shall not be considered as mobile homes but shall be regarded as conventional housing.
85. **Mobile Home Lot:** A lot within a mobile home park or subdivision, designed to be used for the accommodation of one (1) mobile home.
86. **Mobile Home Park:** A parcel designed and approved by the county for occupancy by mobile homes on a rental basis, meeting all requirements of the Garfield County plans and ordinances.
87. **Mobile Home Space:** Space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.
88. **Mobile Home Subdivision:** A subdivision designed and intended for residential use where the lots are to be individually owned or leased and occupied by mobile homes exclusively.
89. **Modular Home/Manufactured Home:** A permanent dwelling structure which conforms to applicable building codes, built in prefabricated units, which are assembled and erected on the site, or at another location, and brought as a unit to the site.



90. **Motel:** A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
91. **Natural Waterways:** Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the County Engineer, in which no buildings should be constructed.
92. **Nonconforming Building or Structure:** Building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all height, area and yard regulations herein prescribed in the Zone in which it is located.
93. **Nonconforming Use:** use which lawfully occupied a building or land at the time this Ordinance became effective, and which does not conform with the use regulations of the Zone in which it is located.
94. **Nursing Home:** Institution providing residence and care for the aged or infirm.
95. **Off-Site Facilities:** improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.
96. **Open Space:** Space reserved in parks, courts, playgrounds, golf courses and other similar open areas, and those areas reserved to meet the density requirements of Planned Unit Developments.
97. **Parking Lot:** An open area, other than a street used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, customers or employees.
98. **Percent of Grade:** The percentage increase in elevation over a one-hundred (100) foot horizontal distance. For example, a ten (10) percent grade would be a use in elevation of one (1) foot in ten (10) feet or ten (10) feet in one-hundred (100) feet.
99. **Permanent Monument:** A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the County for permanent monuments.
100. **Planned Unit Development:** An integrated design for development of residential, commercial or industrial uses or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the Planning Commission the County Commission.
101. **Planning Commission:** Unless otherwise indicated, the Garfield County Planning Commission.

102. **Public Utilities:** These include every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation where the service is performed for the commodity delivered to the public or any portion thereof.
103. **Recreational Coach:** A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.
104. **Recreational Vehicle Park:** An area or tract of land or a designated section within a mobile home park where lots are rented or held for rent to one (1) or more owners or users of recreational vehicles for a temporary time not to exceed one-hundred twenty (120) days.
105. **Roomer:** One who occupies a hired room in another's house.
106. **Sanitary Landfill:** An area set aside that meets all federal and state laws for the disposal of solid waste.
107. **Sign:** A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes. Also see the "International Building Code."
108. **Sign, Animated:** A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.
109. **Sign Area:** The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.
110. **Sign, Free-Standing:** A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.
111. **Sign, Identification and Information:** A sign displayed to indicate the means or nature of a building, or of a use.
112. **Sign, Illuminated:** A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.
113. **Sign, Marquee:** Any sign attached to or made an integral part of a marquee.

114. **Sign, Projecting Wall:** A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.
115. **Site Plan:** A plan required by, and providing the information required by Section 1-10 herein.
116. **Small Shed:** One-story detached accessory structure provided that the floor area does not exceed 200 sq. ft.
117. **Stable, Private:** A detached accessory building for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire or sale.
118. **Street:** A public thoroughfare which affords principal means access to abutting property with a minimum width of twenty-six (26) feet.
119. **Subdivision:** The division of any tract, lot or parcel of land into three (3) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease or of building development, provided that the term "subdivision" shall not apply to those divisions accepted or exempted in this ordinance. The word "subdivide" and any other derivative thereof shall have reference to the word "subdivision" as herein defined.
120. **Transient:** Occupancy of a dwelling unit or sleeping unit for not more than thirty (30) days.
121. **Transient Rentals:** Any building or portion thereof, used for commercial purposes, as the sleeping place of one (1) or more persons or families for not more than thirty (30) days.
122. **Use Accessory:** A use subordinate and incident to the main use of a building or land located upon the same lot or parcel.
123. **Veterinary or Animal Hospital:** A building and runs where large and/or small animals are kept and/or treated by a licensed veterinarian.
124. **Yard:** A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.
125. **Yard, Front:** A space on the same lot with a building, between the front line of building and the front lot line and extending across the full width of the lot. The "depth" of front yard is the minimum distance between the front lot line and the front line of the building.

126. **Yard, Rear:** A space on the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.
127. **Yard, Side:** A space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.
128. **Zone:** See "District".
129. **Zoning Ordinance:** The Garfield County Zoning Ordinance.

#### **1-8 Building Permit Required.**

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

#### **1-9 Certificate of Occupancy Required.**

Certificate of occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building or structure or part thereof, shall have been completed in conformity with the provisions of this Ordinance.

**1-10 Site Plans Required.**

A detailed site plan, drawn to scale (scale and sheet size to be determined by the Building Official) shall be filed as part of any application, prior to consideration for any building permit. The site plan shall show, where pertinent:

1. Note of scale used.
2. Direction of north point.
3. Lot lines, together with adjacent streets, roads, easements and rights-of-way.
4. Location of all existing structures on subject property and adjoining property (completely dimensioned, including, utility lines, poles, etc.).
5. Location of the proposed construction and improvements, including the location and dimensions of all signs.
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location.
7. Necessary explanatory notes.
8. Name, address and telephone number of builder and owner.

All other information that may be required as is determined by the Building Official, pursuant to the most current edition of the International Residential Code adopted by the Garfield County Commission.

**1-11 Inspection.**

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

**1-12 Enforcement.**

1. The Zoning Ordinance will be enforced in all unincorporated areas of Garfield County.
2. Garfield County does not enforce Home Owner's Association (HOA) Covenants, Conditions and Restrictions (CC&R's).

The Building Official is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. He shall enforce all the provisions of this Ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violations of such provisions. The County Commission may, by resolution or ordinance, from time to time entrust the administration of this Ordinance, in whole or in part, to any other officer of Garfield County, without amendment to this Ordinance. Such officers may include a Planning and Zoning Administrator or others.

**1-13 Nuisance and Abatement.**

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Ordinance and any use of land, building or premises established, constructed or maintained contrary to the provisions of this Ordinance shall be declared to be unlawful and a public nuisance. The County Attorney shall, upon request of the County Commission, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law and take other steps and apply to such courts as may have jurisdiction to grant such relief as provided by law. The remedies provided for herein shall be cumulative and not exclusive. (See Appendix A)

**1-14 Penalties.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a Class C Misdemeanor and shall be punished as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punished as herein provided.

**1-15 Amendments.**

The County Commission may amend the number, shape, boundaries or areas of any Zoning District, or any regulation or any other provision of the Zoning Ordinance. In the case of an application by a property owner or interested party for an amendment, the County Planning Commission and/or the Board of County Commissioners, as a prerequisite to the consideration of such application, may require that such applicant, at the applicants expense, furnish to such Commission and/or Board title evidence, in such form as such Commission or Board may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and may also require that notice of such proposed amendment be given to all parties claiming an interest in such property. Consultation of the tax rolls shall be made to ensure sufficiency of notice to affected or interested property owners.

**1-16 Hearing and Publication and Notice before Amendments.**

Before finally adopting any such amendment, the County Commission shall hold a public hearing with at least fourteen (14) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County.

**1-17 Licensing.**

All departments, officials and public employees of Garfield County which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance, and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

**1-18 Fees.**

Fees may be charged to applicants for building, occupancy, Conditional Use Permits, design review, Subdivision approval, Planned Unit Development approval, Zone Changes, Board of Adjustment hearings, and such other services required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and shall be in amounts reasonably necessary to defray costs to the public. **(See Appendix B)**

## **Chapter 2. PLANNING COMMISSION**

### **2-1 Planning Commission, Number of Members, Appointment.**

1. The Board of County Commissioners of Garfield County is authorized by Utah code Annotated, Section 17-27a-301 to appoint an unpaid Planning Commission of seven (7) members, to be known as the Garfield County Planning Commission.
2. One (1) member of the Garfield County Board of Commissioners shall be designated by the Garfield County Board of Commissioners as a non-voting member of the Planning Commission.
3. Each of the other six (6) members of the Planning Commission shall be a resident of Garfield County, and the owner of real property situated within the County, and at least four (4) of them shall hold no elected County position.
4. The Board of County Commissioners may appoint alternate members of such board, and in the event that any regular member is temporarily unable to act owing to absence from the County, illness, interest in a case before the board or any other cause, his or her place may be taken during such temporary disability by an alternate member designated for that purpose.
5. The Planning Commission may elect to adopt rules and regulations to allow electronic participation in accordance with state law.

### **2-2 Terms of Office.**

The term of appointed members of the Garfield County Planning Commission shall be four (4) years, and until their respective successors have been appointed.

### **2-3 Vacancies and Removals for Cause.**

The Board of the Garfield County Commissioners shall provide for the filling of vacancies in the membership of the Planning Commission and for the removal of a member for nonperformance of duty or misconduct.

### **2-4 Compensation.**

The members of the Garfield County Planning Commission shall serve without compensation except that the Board of County Commissioners shall provide for reimbursement of the members of the Planning Commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

### **2-5 Officers.**

The Garfield County Planning Commission shall elect from its appointed members, a chairman, whose term shall be for one (1) year, and the Planning Commission may create and fill other such offices as it may determine.



**2-6 Rules and Procedures.**

The Garfield County Planning Commission shall adopt such rules and regulations in writing governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times.

**2-7 Quorum and Vote.**

A quorum shall consist of at least four (4) members. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present. If a majority vote cannot be obtained among the quorum, the item of business will be deferred until the next regular meeting of the Garfield County Planning Commission.

**2-8 Employees and Expenditures.**

The Garfield County Planning Commission shall have the power and authority to employ experts and a staff, and to pay such expenses as may be deemed reasonable and necessary for carrying out its responsibilities, upon presentation of proper receipts and vouchers, but not in excess of such sums as may be appropriated by the Board of County Commissioners.

**2-9 Duties and Powers.**

The Garfield County Planning Commission shall have the duty to exercise all powers and functions conferred upon it by the statutes of the State of Utah and the ordinances of Garfield County including the granting of special exceptions.

## **Chapter 3. BOARD OF ADJUSTMENT**

### **3-1 Appointment Term and Removal.**

The Garfield County Board of Adjustment shall consist of five (5) members, each to be appointed by the Board of County Commissioners for a term of five (5) years, provided that the terms of the members of the first board so appointed shall be such that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant in the same manner as in the case of original appointments. One (1) member, but not more than one (1), of the Planning Commission shall be a member of the Board of Adjustment. The Board of County Commissioners may appoint alternate members of such board, and in the event that any regular member is temporarily unable to act owing to absence from the County, illness, interest in a case before the board or any other cause, his or her place may be taken during such temporary disability by an alternate member designated for that purpose.

### **3-2 Organization and Meetings.**

The Garfield County Board of Adjustment shall organize and elect a Chairman and adopt rules in accordance with the provisions of this Ordinance. Meetings of the board shall be held at the call of the Chairman and at such other times as the board may determine. The Chairman, or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

### **3-3 Quorum.**

A quorum shall be considered three (3) members of the board, and no evidence shall be presented unless a quorum is present.

### **3-4 Powers of Board.**

The Garfield County Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by any administrative official or agency, based on or made in the enforcement of this Ordinance.
2. To hear and decide, in accordance with the provisions of this Ordinance, requests for special exceptions, or for interpretation of the zoning map or for decisions on other special questions on which such board is authorized by applicable law to pass.

3. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of this Ordinance, or by reason on of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, on appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the County. Before any variance may be authorized, however, it shall be shown that:
  - a. Adherence to the-strict letter of the Zoning Ordinance will cause difficulties and hardships, the imposition of which- upon the petitioner is unnecessary in order to carry out the general purpose of said Ordinance;
  - b. Special circumstances exist which are attached to the property covered by the application which do not generally apply to the other, property in the same Zone; or
  - c. Because of said special circumstances, property covered by the application is deprived of privilege possessed by other properties in the same Zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zone.
4. Subject to the adopted building codes and other county ordinances, regulations for the enlargement of, addition to, or relocation of a nonconforming structure are as follows:
  - a. For a nonconforming use located in a residential Zone, the enlargement, addition, or relocation shall either: (i) comply with all the height, yard and area requirements for a single family dwelling in the Zone in which the non-conforming building is located, or (ii) the proposed enlargement, addition or relocation will either (a) improve the area by increasing the off-street parking, or (b) improve the general appearance, convenience or safety of the area.
  - b. For a non-conforming use located in any Zone other than a residential Zone, the enlargement, addition, or relocation shall comply with all height, yard, and area requirements for a main building, other than dwellings, in the Zone in which it is located.
  - c. Before granting a permit for any enlargement, addition, or relocation as provided above, the Board of Adjustment shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in Section 1-2 of the Ordinance more than does the existing nonconforming use.
5. The Board of Adjustment may allow those enlargements of, additions to, or relocation of buildings and structures, nonconforming as to yard, height or area regulations in those cases where an undue hardship will result to the owner of the land involved unless

granted, and the attainment of the objectives listed in Section 1-2 of this Ordinance will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation will either: (1) improve the area by increasing needed off-street parking or (2) improve the general appearance, convenience or safety of the area.

6. Where a Zone boundary line divides a lot in single ownership at the time of the establishment of said boundary the board may permit a use authorized on either portion of such lot to extend to the entire lot, provided such permission shall not authorize the use to extend more than thirty-five (35) feet beyond the district boundary line, or extend to an area greater than five-thousand (5,000) square feet beyond the said boundary line.
7. Permit a nonconforming use to be changed to another use allowed in the same or in a more restrictive Zone than the one in which the non-conforming use would be allowed; provided that the Board of Adjustment finds in its public hearing that such change will not hinder or obstruct the attainment of the objectives listed in Section 1-2 hereof more than does the existing nonconforming use.
8. Permit the construction and use of a dwelling upon a lot which does not have frontage on a dedicated right-of-way but does have frontage on a private street.

### **3-5 Appeals.**

Appeals to the Garfield County Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance. Appeals to the Board of Adjustment may be taken 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 administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this Ordinance. The time within which such appeal must be made, and the form or other procedure relating thereto, shall be not more than thirty (30) days from the date of decision.

### **3-6 Notice of Hearing of Appeals Right of Appearance.**

The Garfield County Board of Adjustment shall fix a reasonable time for the hearing of the appeals, after giving public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time. Any party may appear in person, by agent or by attorney.

### **3-7 Stay of Proceedings Pending Appeal.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Adjustment or by the district court, on application and notice and on due cause shown.

**3-8 Decision on Appeal.**

In exercising the above-mentioned powers, the Board of Adjustment may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

**3-9 Vote Necessary for Reversal.**

The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official to decide in favor of the appellant on any matter upon which it is required to pass under any ordinance, or to affect any variation in such ordinance.

**3-10 Judicial Review of Board's Decision – Time Limitation.**

Garfield County or any person aggrieved by Adjustment may have and maintain a plenary action for relief therefrom any court of competent jurisdiction; provided, a petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the board.

**3-11 Time Limitation on Variance.**

In the event the Garfield County Board of Adjustment does grant a variance in accordance with the provisions of this Chapter, alterations in accordance with the variance must be activated within six (6) months after the date such variance is granted, or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the Board of Adjustment, only if the petitioner shows adequate cause to the board that circumstances necessitate a time extension.

**3-12 Filing Fee.**

Upon filing of any appeal or application to the Garfield County Board of Adjustment, the appellant or applicant shall pay the County a fee prescribed by the County Commission. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the County Treasurer and credited to the general fund. No appeal or application shall be considered by the Board of Adjustment unless such fee has been paid. (See Appendix B)

**3-13 Compensation of Members and Secretary.**

Each member of the Garfield County Board of Adjustment and the secretary thereof shall be compensated by an amount established by the County Commission for each meeting of the board which he or she shall attend, and for actual expenses incurred, upon presentation of proper receipts and vouchers.

## **Chapter 4. SUPPLEMENTARY AND QUALIFYING REGULATIONS**

### **4-1 Effect of Chapter.**

The regulations hereinafter set forth in this Chapter qualify or supplement the zoning regulations.

### **4-2 Yard Space for One (1) Building Only.**

No required yard or other open space around an existing building, shall be considered as providing a yard or open space for any other building. No yard or other required open space on an adjoining lot shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

### **4-3 Every Dwelling to be on a "Lot".**

Every dwelling shall be located and maintained on a lot as defined in this Ordinance.

### **4-4 Separately Owned Lots – Reduced Yards.**

In any lot under separate ownership from adjacent lots and of record the time of passage of this Zoning Ordinance and such lot having a smaller width than required for the Zone in which it is located, the side yards for a dwelling may be reduced to a width Garfield County Board of Adjustment.

### **4-5 Yards to be Unobstructed – Exceptions.**

Every part of a required yard shall be open to the sky, unobstructed, except for vegetation and accessory buildings in a yard. The ordinary projection of skylights, sills, cornice, roof overhang, chimneys, flues and other ornamental features which project into a yard not more than four (4) feet, and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard, not more than five (5) feet or as required by the International Building Code.

### **4-6 Wall, Fence or Hedge.**

No fence or wall or other similar structure shall be erected in any required rear or side yard to a height in excess of eight (8) feet. No fence within any required front yard setback or corner yard setbacks shall be more than three (3) feet in height and shall be allowed within thirty (30) feet of the intersection on any corner lot.

### **4-7 Clear View of Intersecting Streets.**

In all Zones, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

#### **4-8 Minimum Height of Dwellings.**

No dwelling shall be erected to a height less than one (1) story entirely above grade.

#### **4-9 Sale or Lease of Required Space.**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for a lot or building may be sold or leased apart from such lot or building.

#### **4-10 Easements and Rights-of-Way.**

Uses of easements and/or rights-of-way shall be permitted in or through any Zone for the purpose of serving a permitted use in the same or any Zone. Such easements or rights-of-way may be used for uses similar to, but not limited to the following:

1. Roads, streets, highways.
2. Railroads, tramways, cableways and conveyor systems.
3. Pipelines for the transmission of water, waste water, materials, fuels or products.
4. Overhead and underground transmission or distribution lines, including poles, towers and conductors.
5. Uses not requiring continuous routes along the ground such as radio, television or microwave relay stations and towers.
6. Structures and facilities incidental to the above.

#### **4-11 Sale of Lots Below Minimum Space Requirements.**

No parcel of land which has less than the minimum width and area requirements for the Zone/district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of selling, building or developing a lot.

#### **4-12 Exceptions to Height Limitations.**

Height regulations shall not apply to permitted public, quasi-public, agriculture, manufacturing or industrial uses if approved by the Planning Commission. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, subject to a Conditional Use Permit but no space above the height limit shall be allowed for additional floor space.

**4-13 Water and Sewer Requirements.**

In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system is not available, and in all cases where a connection to a public water system approved by the local Board of Health is not available, the sewage disposal and the domestic water supply shall comply with the requirements of the State of Utah, and the application for a building permit shall be accompanied by a certificate of feasibility from said board.



## **Chapter 5: NONCONFORMING USES**

### **5-1 Maintenance Permitted.**

The lawful use of any building, structure or land existing at the time of the passage of this title may be continued, though such use does not conform with the provisions of this title, subject to the controls and restrictions place thereon elsewhere in this Chapter.

### **5-2 Additions, Enlargements and Moving.**

A building or structure nonconforming as to use, height, areas, or yard regulations shall not be added to, enlarged or moved in any manner unless such building or structure, including such additions and enlargements, is made to conform to all regulations of the Zone in which it is located, except as permitted by the Planning Commission.

### **5-3 Repairs and Alterations.**

Structural alterations may be made to a nonconforming building or to a building housing a nonconforming use, subject to the approval of the Planning Commission.

### **5-4 Alterations Where Parking Insufficient.**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged, subject to the approval of the Planning Commission, provided additional automobile parking, space is supplied to meet the requirements of this Ordinance for such alterations or enlargements.

### **5-5 Restoration of Damaged Buildings.**

A nonconforming building, structure or a building occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, act of God or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, which was existing at the time such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year to completion.

### **5-6 Abandonment.**

A nonconforming activity of a building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming activity shall be considered abandoned;

1. When the intent of the owner to discontinue the use is apparent;
2. When the characteristic equipment and the furnishings of the nonconforming activity have been removed and have not been replaced by similar equipment within one-year;
3. When the building or premises is left vacant for a period of one (1) year or more; or
4. When the activity has been replaced by a conforming use.

**5-7 Termination of Use.**

The occupancy of a building or structure or conforming use, existing at the time this Ordinance terminated when so ordered by the Board of County Commissioners shall specify the period or conforming use shall cease or shall provide a of a nonconforming use shall be so fixed as amortization of the investment of the use. Utah Code Annotated Section 17-27-18.

**5-8 Occupation Within One Year.**

A vacant building, structure or parcel of land may be occupied by nonconforming use for which the building or structure was designed or intended, subject to the approval of the Planning Commission if occupied within a period of one (1) year after the use became nonconforming.

**5-9 Change of Use.**

The nonconforming use of a building may be changed to conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

**5-10 Expansion Permitted.**

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming subject to the approval of the Planning Commission.

**5-11 Certificate of Occupancy Required.**

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use for a nonconforming use until a certificate of occupancy shall have been issued by the Building Official, stating that the building or proposed use thereof or the use of the land, complies with the provisions of this Ordinance for the renewing, changing or extending thereof.

## **Chapter 6.           PARKING AND LOADING SPACE**

### **6-1    Off-Street Parking Required.**

There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in the capacity not less than the minimum off-street parking space, with required provisions of ingress and egress by standard sized automobiles.

### **6-2    Size.**

The dimensions of each off-street parking space shall be at least ten (10) feet by twenty (20) feet for diagonal or ninety-degree (90°) spaces; or ten (10) by twenty-three (23) feet for parallel spaces, exclusive of access drives or aisles. Handicap spaces shall be provided in accordance with the American Disabilities Act (ADA).

### **6-3    Parking Space for Dwellings.**

In all Zones there shall be a private garage, carport or an off-street area for parking that accommodates at least two (2) vehicles. A minimum parking space shall be at least ten (10) feet by twenty (20) feet.

### **6-4    Parking Space for Buildings or Uses other than Dwellings.**

For any new building or alteration of an existing building that increases seating capacity, floor area or guest rooms, additional off-street parking compatible with the following standards is required. Handicap spaces shall be provided in accordance with the ADA.

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums, bowling alleys and other similar places of assembly at least one (1) parking space will be provided for every three (3) fixed seats or one-hundred (100) square feet of assembly area, whichever is greater.
2. For hospitals and nursing homes, at least two (2) parking spaces for each bed, including infant cribs and children's beds. For medical and dental clinics, fifteen (15) parking spaces, provided that three (3) additional spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
3. For private medical and dental offices, at least one and a half (1 ½) spaces for each examination room and an additional space for each on-duty employee.
4. For hotels, motels and apartment complexes, at least one (1) parking space for each individual sleeping unit, living unit, guest bedroom or suite plus one (1) parking space for every three (3) employees customarily employed at one time.
5. For condominiums, town-homes and short-term rentals there shall be at least two (2) parking spaces per unit or dwelling area.
6. For boarding houses, lodging houses, dormitories, fraternities or sororities, at least one (1) parking space for each guest bedroom plus two (2) parking spaces for the resident family.

7. For restaurants or commercial establishments that serve food or drinks to patrons, either in their cars or in the building, for retail stores selling directly to the public and recreational places of assembly, at least one (1) parking space for every one-hundred (100) square feet of floor space in the building and one (1) space for each two (2) employees working on the highest employment shift or five (5) parking spaces whichever requirement is greater.
8. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least ten (10) parking spaces.
9. For office buildings and banks, at least one (1) parking space for every one-hundred (100) square feet of floor area.
10. For businesses or industrial uses not listed above, not providing customer services on the premises, at least one (1) parking space for each two (2) employees working on the highest permanent employment shift.
11. For all uses not listed above, at least one (1) parking space for each employee working on the highest permanent employment shift, or one (1) space for every one-hundred (100) square feet of floor area.
12. For all uses where parking requirements listed above is unreasonable, parking and loading space shall be determined by the Planning Commission.

**6-5 Location of Parking Space.**

Parking space as required above shall be on the same lot as the main building or, in the case of buildings other than dwellings, may be located not further than two-hundred (200) feet therefrom.

**6-6 Parking Lot Requirements.**

Every parcel of land hereafter used as a parking lot shall conform to Garfield County standards as approved by the Garfield County Planning Commission and shall have appropriate bumper guards where needed as determined by the Building Official. Any parking lot adjacent to a residential Zone shall be appropriately screened by a fence, wall or hedge of the materials approved by the Planning Commission, and lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises.

**6-7 Off-Street Loading Space.**

All loading and docking shall be off-street on the premises where the goods are used or stored. All off-street loading spaces or docking areas should be located at the rear of the building or structure and be appropriately screened from adjacent residential Zones.

**6-8 Submittal of Parking, Loading and Circulation Plans for Commercial Uses.**

Detailed plans for off-street parking, loading, docking, circulation, landscaping and screening shall be submitted to the Garfield County Departmental Offices for approval. Said plans shall be compliant with all standards and provisions set forth in this Ordinance and applicable standards and shall receive written approval of the Garfield County Departmental Offices and the Planning Commission prior to the issuance of a building permit. Appropriate filing fees shall be determined by the Garfield County Departmental Offices the Planning Commission and submitted with each plan.

## **Chapter 7            MOTOR VEHICLE ACCESS**

### **7-1    Business Requiring Access.**

Service stations, roadside stands, public parking lots and other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided, or as prescribed in the State or County Transportation manuals describing Regulations for the Control and Protection of Highway Rights-of-Way (whichever requirements are the greater).

### **7-2    Access.**

Access to developments and subdivisions shall be via all-weather roads. Where developers choose not to improve access roads to an all-weather condition, a notation on conveyance and development/plat documents shall disclose that access is not maintained on a year-round basis.

### **7-3    Roadways and Curbs.**

Access to businesses under this chapter or other structure or parking lot shall be controlled as follows:

1. Access shall be approved by the State or Local Highway Authority having jurisdiction. Appropriate Encroachment Permits are required.
2. No driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet.
3. Each driveway shall be not more than thirty-six (36) feet in width, measured at right angles to the center line of the driveway, except as (a) increased by permissible curb return radii or (b) approved by the Garfield County Departmental Offices and the Planning Commission. The entire flare of any return radius shall fall within the right-of-way.

### **7-4    Location of Gasoline Pumps.**

Gasoline pumps shall be set back not less than ten (10) feet from any street line, and not less than twenty (20) 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.

## Chapter 8.        **CONDITIONAL USES**

### **8-1    Purpose.**

To provide for the regulation of uses and their compatible integration in the Zoning Districts of Garfield County, Utah.

### **8-2    Conditional Use Permit.**

An approved Conditional Use Permit shall be required for each Conditional Use listed in this Ordinance. No building permit, other permit or license shall be issued for a Conditional Use by any officer or employee unless a Conditional Use Permit has been recommended by the Garfield County Planning Commission and approved by the Garfield County Commission.

1. **Application:** Application for a Conditional Use Permit shall be available at the office of the Garfield County Planner or on the County's Website. A development plan may be required with the application if applicable.
2. **Fees:** The application fee for a Conditional Use Permit shall be accompanied by the appropriate fee identified in the Planning and Zoning Fee Resolution. (**Appendix B**)
3. **Hearing:** A public hearing need not be held; however, hearings may be held when the Planning Commission or County Commission deem it necessary or desirable to serve the public interest. Impacted property owners shall be advised through appropriate advertising or direct contact.
4. **Planning Commission Action:** The Planning Commission shall recommend approval, approval with modifications or deny the Conditional Use application. In recommending any Conditional Use Permit, the Planning Commission shall set conditions based on the standards listed in Section 11 of this Chapter. Conditional Use applications recommended by the Planning Commission shall be heard by the Garfield County Commission for approval, rejection or modification within sixty (60) days of recommendation.
5. **County Commission Action:** The County Commission shall approve, approve with modifications or deny recommended Conditional Use applications within forty-five (45) days of public review. In approving a Conditional Use Permit, the County Commission shall determine if the proposed use:
  - a. Has reasonable conditions proposed, or imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards listed in Section 11 of this Chapter.
  - b. Will not be detrimental to the health, safety or general welfare of persons residing or working in the area, or injurious to the property or improvements in the area.
  - c. Is in harmony with the intent of the County's General Plan, Zoning Ordinance and the Zoning District in which it is located.

6. **Appeals:** Appeal of Planning Commission decisions shall be to the Board of County Commissioners. Appeal of County Commission decisions shall be to the Board of Adjustment. Appeals shall be in writing and shall be filed at the appropriate office not more than thirty (30) days after the decision by the governing body. The appeal authority may affirm, modify or reverse the decision of the governing body. Appeal review by the Board of County Commissioners or Board of Adjustment shall be recorded in an open public meeting. Appeal authority decisions will be final.
7. **Inspection:** The Building Official shall inspect applicable Conditional Uses during the course of review or construction to ensure compliance with the conditions of the permit.
8. **Time Limit:** Approved Conditional Use Permits shall be valid until a) the Conditional Use is no longer in the public interest, b) stipulations have been violated, or c) substantial work has not been accomplished toward its completion.
9. **Temporary Construction Camp:** A Conditional Use Permit for a temporary construction camp may be issued for a time limit not exceeding the period of construction, plus six (6) months. In addition to the development plan submitted in accordance with 8-2-1 of this Ordinance, the applicant shall also submit plans for the water supply and sewage systems and shall obtain the approval of the State or local Health Department and Building Official.
10. **Revocation:**
  - a. A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit or failure to comply with related Ordinance requirements.
  - b. Conditional Use Permits shall be suspended upon failure to renew any associated business licenses. Upon suspension, the Garfield County Planning Commission shall determine if the Conditional Use Permit is to be renewed or revoked.
  - c. The Planning Commission may initiate revocation proceedings when evidence indicates the Conditional Use Permit is no longer in the public interest, or when directed by the Garfield County Commission. Conditional Use Permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.



11. **Standards:** Garfield County elects to allow certain Conditional Uses in various Zoning Districts. Below are the standards (bolded) and non-exhaustive examples of conditions.

a. **The Safety of People and/or Property.**

- i. Traffic control.
- ii. Parking regulations.
- iii. Requiring fencing or other types of protection.
- iv. Requiring additional setbacks or land area.

b. **Health and Sanitation.**

- i. Control of outdoor storage.
- ii. Requiring sewer connections.
- iii. Proper disposal of waste.

c. **Environmental Concerns.**

- i. Controlling dust, smoke and other types of air pollution.
- ii. Mitigating run-off issues.
- iii. Protection of water, aquifers, etc.
- iv. Controlling the disposal of hazardous materials.

d. **Lighting.**

- i. Light trespassing.
- ii. Light pollution.
- iii. Special events.

e. **Hours of Operation.**

- i. Noise.
- ii. Special events.

f. **The General Plan and/or Zoning Ordinance.**

- i. Protecting the quality of the underlying zone.
  - 1. Esthetics/landscaping.
  - 2. General use and design.

## **Chapter 9. PLANNED UNIT DEVELOPMENTS**

### **9-1 Purpose.**

The purpose of a Planned Unit Development is to allow for diversification of uses within a single property or development and to permit more flexibility in the use of such sites.

### **9-2 Concept.**

Planned Unit Developments are integrated designs for a combination of uses normally allowed in various Zoning Districts. In Planned Unit Developments, specific regulations are combined, waived or varied to allow flexibility of design and location, in accordance with requirements specified in this chapter.

### **9-3 Planned Unit Development Permit.**

Planned Unit Developments may be allowed by recommendation of the Garfield County Planning Commission and approval of the Garfield County Commission in any Zoning District. Compliance with the regulations of this Ordinance in no way excuses the developer from the applicable requirements of the Garfield County Zoning and Subdivision Ordinances, except as specifically documented and authorized in the approval process. An applicant shall follow the provisions outlined by the Planning Commission or their representative.

### **9-4 Required Conditions.**

1. No Planned Unit Development shall have an area less than that approved by the Planning Commission as adequate for the proposed uses.
2. All Planned Unit Developments shall be approved by the Garfield County Commission, and plats meeting the requirements of the Garfield County Subdivision Ordinance shall be recorded in the office of the Garfield County Recorder.
3. The development shall be in single or corporate ownership at the time of approval or the subject of an application filed jointly by all owners of the property.

4. The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
  - a. Dwelling unit and land use intensity shall be indicated.
  - b. Where feasible, lowest height and least intensity of buildings and uses shall be arranged around the boundaries of the development.
  - c. Lot area, width, yard, height, density and coverage regulations shall comply with the International Building Code and shall be documented on the site development plan.
  - d. Residential areas shall comply with Garfield County's Zoning and Subdivision Ordinances.
5. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
  - a. Dedication of the land as a system, public park or parkway system,
  - b. Granting to the County a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational uses, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and by-laws which are satisfactory to the County Commission, or,
  - c. Complying with the provisions of the Condominium Ownership Act (U.C.A.57-8), which provides for the payment of common expenses for the upkeep the common areas and facilities.
6. Landscaping, fencing and screening within the site shall be presented to the Planning Commission for recommendation, together with other required plans for the development.
7. The size, location, design and nature of signs, if any, and intensity and direction of area or flood-lighting shall be detailed in application. Night sky friendly lighting is encouraged.
8. A grading and drainage plan detailing easements, geologic and flood hazards shall be submitted to the Planning Commission with the application.
9. Prior to final approval, the Planned Unit Development applicant shall furnish and file with the Garfield County Clerk, a surety bond to assure that the actual construction of proposed public improvements is completed within specified time frames. Phase bonding shall be allowed for phase development. The form and bond shall be approved by the Planning Commission, Garfield County Commission and the Garfield County Attorney. Bonds may include, but are not limited to insurance, bonds, escrow deposits, irrevocable letters of credit, or other method approved by Garfield County.

**9-5 Uses Allowed.**

Subject to review and approval of the Planning Commission, uses allowed in a Planned Unit Development shall conform to permitted uses allowed in Garfield County Zoning Districts.

**9-6 General Site Plan.**

Applications shall be accompanied by a general site plan showing:

1. The uses, dimensions, sketch elevations and locations of proposed structures.
2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping and other open spaces.
3. Drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.
4. Such other pertinent information, including residential density, coverage and open space characteristics, as necessary.

**9-7 Review by Planning Commission.**

Prior to recommendation of the Planning Commission, the following provisions shall be met, upon request. Proponents of the Planned Unit Developments shall:

1. Demonstrate financial ability to carry out the project.
2. Submit an intended phasing schedule and shall start construction within one (1) year of approval.
3. Apply for all necessary permitting and shall proceed with construction in a timely manner in accordance with applicable building codes.
4. Complete the construction of approved phases within a reasonable time from the date construction begins.

**9-8 Scope of Planning Commission Action.**

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

1. A licensed surveyor shall be used to survey all properties for the Planned Unit Development.
2. The Planning Commission may recommend or disapprove an application for a Planned Unit Developments. If recommended, the Planning Commission may attach such conditions as deemed necessary to protect the public interest. The denial by the Planning Commission of an application for a Planned Unit Development may be appealed to the County Commission.
3. The County Commission shall review Planned Unit Developments recommended by the Planning Commission and may approve, deny or modify to protect the public interest. County Commission decisions will be final.

**9-9. Construction Limitations.**

1. Upon approval of a Planned Unit Development, constructions shall proceed only in accordance with the plans and specifications recommended by the Planning Commission and shall conform with any conditions of County Commission approval.
2. Amendments to approved plans and specifications shall be obtained only by following procedures for an initial Planned Unit Development.
3. No permit shall be issued for any proposed building, structure or use within the Planned Unit Developments unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

## **Chapter 10. MOBILE HOME PARKS**

### **10-1 Purpose.**

1. Permit development of mobile home parks in appropriate districts;
2. Require that mobile home accommodations be of such character as to promote the objectives and purposes of the districts contiguous to those in which mobile home parks are located; and
3. Protect other values contiguous to or near mobile home parks.

### **10-2 Mobile Home Location and Use.**

1. No mobile homes as herein defined shall be located, placed, used or occupied in any other district than within an approved mobile home park, where allowed by the Zoning Ordinance, except as otherwise provided.
2. Mobile Homes approved with a Conditional Use Permit by the Planning Commission may be located on bona fide agricultural lands as housing for families or employees of the farm or ranch operation.

### **10-3 Mobile Home Park Approval.**

Mobile home parks may not be constructed unless development plans are first approved by the Planning Commission and County Commission. Such proposals will:

1. Be developed according to approved plans.
2. Be limited in density to nine (9) units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre. The remaining land not contained in individual lots, roads or parking, shall be set aside and developed as parks, playground and service areas for common use and enjoyment of occupants of the development.
3. Have access from a principal public thoroughfare.
4. Have adequate sewer and water service, with hookups provided each mobile home space.
5. Have adequate fire protection. In isolated developments, on-site fire protection must be available with sufficient fire flow from available water sources.

**10-4 Mobile Home Park Application.**

1. An overall plan for development of a mobile home park shall be submitted to the Planning Commission for review. The plan shall be drawn to a scale no smaller than one(1) inch to fifty (50) feet. At least eight (8) copies of the plan shall be submitted. The plan shall show:
  - a. The topography of the site represented by contours, shown at intervals not greater than two (2) feet when required by the Planning Commission.
  - b. The proposed reservations for parks, playgrounds, open space.
  - c. The proposed street and mobile home space layout.
  - d. Tabulations showing percent or area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and total area to be developed.
  - e. Proposed locations of parking spaces.
  - f. Detailed landscaping and utility plan, including locations of sewer, water, electricity and fire hydrants.
  - g. Any other data the Planning Commission may require.
  - h. The applicant for approval of plans for a mobile home park or mobile home.
2. Subdivision shall pay to the planning Director/Building Official at the time of application a checking fee, in addition to all other required fees. The checking fee shall be established by the Garfield County Commission.
3. Applications for approval shall be in writing, submitted to the Planning Commission at its regular meeting and shall be granted or denied within thirty (30) days after the last meeting, unless an extension of such time is approved by the Garfield County Planning Commission. An application denied by the Planning Commission may be appealed to the County Commission; which appeal must be made in writing within thirty (30) days after the denial by the Planning Commission.

# **Chapter 11. RECREATIONAL VEHICLES AND VEHICLE PARKS**

## **11-1 Purpose.**

To permit development of recreational vehicle parks in appropriate districts and to require that recreational vehicle accommodations will be of such character as to promote the objectives and purposed of this Ordinance, to protect the integrity and character of the districts contiguous to this in which recreational vehicle parks are located, and to protect other use values contiguous to or near recreational coach park uses.

## **11-2 Recreational Vehicle Location and Use.**

1. No recreational vehicle as herein defined shall be located, placed, used or occupied for residential purposes in any district except within approved and licensed recreational vehicle parks, except as otherwise provided herein.
2. Recreational vehicle parks shall be generally located:
  - a. Adjacent to or in close proximity to a major traffic artery or highway, or
  - b. Within or adjacent to a mobile home park.
3. Recreational vehicles may be stored, but not used for permanent quarters.
4. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in Commercial or Industrial Zone, when such use permitted, or with Conditional Use Permit.
5. Recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:
  - a. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
6. The recreational vehicle use area shall have direct access to a collector or arterial street.
7. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.



### **11-3 Recreational Vehicle Park Approval.**

A recreational vehicle park may not be constructed unless first approved by the Planning Commission, after review of plans for said park which satisfy the Commission that the proposed development will:

1. Be in keeping with the general character of the district where it is proposed to be located.
2. Have at least ten (10) spaces completed and ready for occupancy before the first occupancy is permitted.
3. Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel and Resort Sanitation Regulations which are intended to apply to trailer camper and tent camps as defined in such Code.
4. Contain no more than twenty (20) units per acre. The spaces may be clustered, provided number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as park, playground or service areas for the common use and enjoyment of occupants of the development.
5. Have adequate sewer and water service with hookups provided to each recreational vehicle space.
6. Have adequate fire protection as approved by the Garfield County Planning Commission. In isolated developments, on-site fire protection must be available with sufficient water flow from available sources.

### **11-4 Recreational Vehicle Park Application.**

An overall plan for development of a recreation vehicle park shall be submitted to Planning Commission for review. The plan shall be drawn to a scale no smaller than one (1) inch to fifty (50) feet. At least eight (8) copies of the plan shall be submitted. The Plan shall show:

1. The topography of the site, when required Commission, represented by contours shown at not greater than two (2) foot intervals.
2. The proposed street and trailer or vehicle space pad layout.
3. Proposed reservations for parks playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of trailer spaces, and total area to be developed.
4. Proposed location, number and design of parking spaces.
5. Detailed landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants.
6. Any other data the Planning Commission may require.

7. Applications for approval shall be in writing, submitted to the Planning Commission at its regular meeting and shall be granted or denied within thirty (30) days, unless an extension of time is approved by the Garfield County Planning Commission. An application denied by the Planning Commission may be appealed to the County Commission which appeal must be in writing within thirty (30) days after denial is made by the Planning Commission.

## **Chapter 12      CONSTRUCTION SUBJECT TO GEOLOGIC FLOOD, OR OTHER NATURAL HAZARDS**

### **12-1    Requirements.**

1. When the Garfield County Planning Commission or the Building Official deems it necessary, any application for a Conditional Use Permit, a Planned Unit Developments approval, or a building or use permit shall be accompanied by a geologic and soils survey report for the land, lot, or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a registered or licensed geologist, soils engineer, or civil engineer, and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernable flood or earth-quake hazards.
2. Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazard, the applicant shall meet the special conditions required by the Garfield County Planning Commission and Building Official, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the applicant shall be denied.

## **Chapter 13. PERFORMANCE STANDARDS**

### **13-1 Purpose.**

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion, based solely on the characteristics of uncontrolled production in this type of use in the past.

### **13-2 General Provisions.**

No land or building, in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes: or other substance, condition or element in such a manner or such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing is hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this section in addition to the regulations set forth for the district in which such use is situated.

### **13-3 Performance Standards Procedure.**

The Building Official may require performance standards review for any use in any district when there is reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards adopted by Garfield County.

## **Chapter 14. ZONES**

### **14-1 Establishment of Zones.**

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

1. **Multiple Use Zone.....(MU)**
2. **Forest/Recreation Zone .....(FR)**
3. **Agricultural Zone.....(A)**
4. **Residential Zone.....(R)**
5. **Residential Estates Zone.....(RE)**
6. **Commercial Zone.....(C)**
7. **Industrial Zone.....(I)**
8. **Wildlife/Habitat Zone.....(WH)**

### **14-2 Boundaries of Zones.**

The boundaries of each of the Zones are established as described herein, and as shown on the map entitled “Zoning Map of Garfield County Utah,” which map is attached by reference to this Ordinance; and all boundaries, notations and other data shown thereon are made as much a part of this Ordinance as if fully described and detailed herein.

### **14-3 Filing of Ordinance and Map.**

This ordinance and map shall be filed in the custody of the Garfield County Recorder and may be examined by the public, subject to any reasonable regulations established by the County Recorder’s Office.

### **14-4 Rules for Locating.**

Where uncertainty exists as to the boundary of any Zone, the following rules shall apply:

1. Whenever a boundary line of a Zone overlays any street, river, irrigation canal, other water way, private/public land boundary or any section line, the center of the street, river, irrigation canal, other water way, private/public land boundary or any section line shall be deemed to be the boundary of such Zone.
2. When the application of the above rules does not clarify the Zone boundary location, the Planning Administrator shall interpret the map.

## **Chapter 15      MULTIPLE USE ZONE (MU)**

### **15-1    Purpose.**

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

### **15-2    Permitted Uses.**

1. Single-family dwellings; one per 40 acres, unless specifically approved by the Garfield County Planning Commission and County Commission.
2. Accessory buildings and uses.
3. Agriculture, including grazing and pasturing of animals.
4. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.
5. Forestry, except forest industry.
6. Recreation (campgrounds, glampgrounds, open OHV areas, etc.)
7. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **15-3    Conditional Uses.**

1. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.
2. Agriculture business or industries, including feed lots.
3. Nurseries or greenhouses, wholesale or retail.
4. Forest industries, sawmills, wood product plants, or others.
5. Mines, quarries, gravel pits, crushers, concrete batching plants or asphalt plants, oil wells or steam wells.
6. Power generation.

7. Private parks or recreation grounds or private recreational camps or resorts, including accessory or support dwelling complexes or commercial services, the uses of which are owned or managed by the recreational facilities to which it is accessory.
8. Radio and television transmitting stations and towers.
9. Utility easements.
10. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

**15-4 Height Regulations.**

No building shall be erected to a height greater than two and one-half (2 ½) stories and thirty-five (35) feet, unless specifically approved by the Garfield County Planning Commission and Building Official.

**15-5 Minimum Area, Width, and Yard Regulations.**

<u>District</u>	<u>Area</u>	<u>Width</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
MU	40 Acres	600 ft.	30 ft.	30 ft.	30 ft.

**15-6 Other Provisions.**

1. Planned Unit Developments or Cluster Subdivision requirements, as specified by the Garfield County Planning Commission.
2. Accessory buildings shall be set back at least ten (10) feet in the rear of the main building.
3. Sewage disposal systems and water systems are subject to approval by the Board of Health.

## **Chapter 16. FOREST/RECREATION ZONE (FR)**

### **16-1 Purpose.**

The purpose of the Forest/Recreation Zone is to permit development of identified forested areas for recreation, seasonal residential living and other similar activities, to the extent compatible with the protection of the natural and scenic resources and for the benefit of present and future generations.

### **16-2 Permitted Uses.**

1. Single-family dwellings.
2. Accessory buildings and uses.
3. Crop production.
4. Private, non-commercial, single-family recreation parks.
5. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **16-3 Conditional Uses.**

1. Parking lots.
2. Public and quasi-public buildings and uses.
3. Parks and playgrounds.
4. Utility easements.
5. Home-based businesses.
6. Short-term rentals.
7. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **16-4 Height Regulations.**

No building shall be erected to a height greater than two and one-half (2 ½) stories and thirty-five (35) feet, unless specifically approved by the Garfield County Planning Commission and Building Official.



**16-5 Minimum Area, Width, and Yard Regulations.**

<u>District</u>	<u>Area</u>	<u>Width</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
FR	22,000 sq. ft.	90 ft.	30 ft.	20 ft.	20 ft.

**16-6 Modifying Regulations.**

1. **Side Yards:** Buildings other than dwellings shall have a minimum side yard width of twenty feet (20) feet to the property line. Private garages and other accessory buildings shall be located at least ten (10) feet from property lines, except that the street side yards of a corner lot shall be the same as the front yard setback required for that district.
2. **Rear Yards:** Private garages and accessory buildings located at least ten (10) feet behind the main building may have side & rear yard setbacks of two (2) feet minimum, provided that for a corner lot rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the Zoning District.
3. Due to the presence of a potential wildfire in the Forest Recreation Zone, all Conditional Uses listed in this chapter shall be reviewed by the by the Garfield County Building Inspector, Planning Commission and County Commission in relation to the standards outline in the State of Utah, Department of Natural Resources, Division of Forestry and Fire Control publication titled "Wildfire Hazards and Residential Development; Identification, Classification and Regulation", dated 1978. The Commissions may require any appropriate standard described in the above-mentioned publication as a condition of approval as authorized in Chapter Eight (8) of this Ordinance.
4. Individual water supply and/or sewage disposal systems shall be subject to the approval of the State of Utah or the local health department.
5. Residential lots with onsite wastewater (septic) and drinking water (well) shall have a minimum lot size of one (1) acre per local health department requirements.

## **Chapter 17      AGRICULTURE ZONE (A)**

### **17-1    Purpose.**

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

### **17-2    Permitted Uses.**

1. Single-family dwellings, provided that a second single-family dwelling for a hired person, seasonal laborer or members of the owner's family, may be allowed on the same lot, if it conforms to the size requirements stated herein, subject to approval of the sewage disposal system and water supply system by the State of Utah.
2. Accessory buildings and uses.
3. Livestock grazing.
4. Poultry.
5. Crop production.
6. Fur farms, livestock feed yards, corrals, silage pits, poultry pens.
7. Stands for the sale of produce grown on the premises.
8. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **17-3    Conditional Uses.**

1. Public riding stables.
2. Radio and television transmitting stations or towers.
3. Utility easements.
4. Plants for the slaughtering or packing of animals or poultry.
5. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **17-4    Height Regulations.**

No dwelling shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet, unless specifically approved by the Garfield County Planning Commission and Building Official.

**17-5 Minimum Area, Width, and Yard Regulations.**

<b><u>District</u></b>	<b><u>Area</u></b>	<b><u>Width</u></b>	<b><u>Front Setback</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback</u></b>
A	6 Acres.	400 ft.	30 ft.	20 ft.	20 ft.

**17-6 Other Provisions.**

1. Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of one (1) foot except that where a corner lot's rear yard borders the side yard of an adjacent lot, the minimum rear yard for all buildings shall be ten (10) feet.
2. No building or structure or enclosure housing animals or fowl shall be constructed closer than one-hundred (100) feet to a dwelling on the same or adjacent lots.

## **Chapter 18. RESIDENTIAL ZONE (R)**

### **18-1 Purpose.**

The purpose of the Residential Zone is to provide appropriate locations where single-family dwellings and neighborhoods may be established, maintained and protected. The regulations also permit the properly controlled establishment of public and semi-public uses such as churches, schools, libraries, parks and playgrounds. The regulations are intended to prohibit those uses that would be incompatible with a residential neighborhood.

### **18-2 Permitted Uses.**

1. Single-family dwellings.
2. Multiple-family dwellings (apartments, condos, etc.).
3. Accessory buildings and uses.
4. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **18-3 Conditional Uses.**

1. Parking lots.
2. Public and quasi-public buildings and uses.
3. Parks and playgrounds.
4. Utility easements.
5. Home-based businesses.
6. Short-term rentals.
7. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **18-4 Height Regulations.**

No building shall be erected to a height greater than two and one-half (2 ½) stories and thirty-five (35) feet, unless specifically approved by the Garfield County Planning Commission and Building Official.

**18-5 Minimum Area, Width, and Yard Regulations.**

<b><u>District</u></b>	<b><u>Area</u></b>	<b><u>Width</u></b>	<b><u>Front Setback</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback</u></b>
R-12	12,500 sq. ft.	80 ft.	30 ft.	10 ft.	20 ft.
R-20	20,000 sq. ft.	100 ft.	30 ft.	10 ft.	20 ft.

**18-6 Modifying Regulations.**

1. Minimum lot area shall be at least twelve thousand five-hundred (12,500) square feet for each dwelling unit, subject to the approval of the sewage disposal system by the board of health.
  - a. Private garages and other accessory buildings located at (10) feet behind the main buildings may have a side yard of one (1) foot, except that the street side yard of a corner lot shall be a minimum twenty (20) feet for main and accessory buildings.
  - b. Private garages and accessory buildings located ten (10) behind the main building may have a rear yard of one (1) foot, provided on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten (10) feet.
2. Individual water supply and/or sewage disposal systems shall be subject to the approval of the State of Utah or the local health department.
3. Residential lots with onsite wastewater (septic) and drinking water (well) shall have a minimum lot size of one (1) acre per local health department requirements.

## **Chapter 19. RESIDENTIAL ESTATES ZONE (RE)**

### **19-1 Purpose.**

The purpose of the Residential Estates Zone is to provide for residential estate neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents.

### **1-2 Permitted Uses.**

1. Single-family dwellings.
2. Multiple-family dwellings (apartments, condos, etc.).
3. Accessory buildings and uses.
4. Crop production.
5. The keeping of livestock, except that the following conditions:
  - a. No pigs shall be permitted.
  - b. Livestock shall be raised be for family use only and not for commercial purposes.
6. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **19-3 Conditional Uses.**

1. Public utilities.
2. Public buildings and riding stables.
3. Home-based businesses.
4. Short-term rentals.
5. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **19-4 Height Regulations.**

No building shall be erected to a height greater than two and one-half (2 ½) stories and thirty-five (35) feet, unless specifically approved by the Garfield County Planning Commission and Building Official.

**19-5 Minimum Area, Width, and Yard Regulations.**

<b><u>District</u></b>	<b><u>Area</u></b>	<b><u>Width</u></b>	<b><u>Front Setback</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback</u></b>
RE	1 Acre	150 ft.	30 ft.	20 ft.	20 ft.

**19-6 Modifying Regulations.**

1. Private garages located at least ten (10) feet behind the main building may have a ten (10) foot side yard requirement, except that the street side of a corner lot shall be a minimum of thirty (30) feet for all buildings.
2. Private garages located at least ten (10) feet behind the main building may have a rear yard of ten (10) feet.
3. No building, structure or enclosure housing animals or fowl shall be constructed closer than one-hundred (100) feet to a dwelling on the same or adjacent lots.
4. Individual water supply and/or sewage disposal systems shall be subject to the approval of the State of Utah or the local health department.

## **Chapter 20. COMMERCIAL ZONE (C)**

### **20-1 Purpose.**

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

### **20-2 Permitted Uses.**

1. Single-family dwellings.
2. Mixed-use buildings.
3. Stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, business offices and other financial institutions and personal service enterprises.
4. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, mortuaries, and furniture upholstering shops, provided all uses shall be within an enclosed building.
5. Restaurants, theaters and similar enterprises, provided that all uses be conducted within buildings.
6. Garages for storage or repair of automobiles, commercial parking lots.
7. Commercial storage unit facilities.
8. Hotels and motels.
9. Short-term rentals.
10. Public and quasi-public uses.
11. Laundry, cleaning establishments.
12. Car dealers.
13. Mobile home sales.
14. Nurseries and greenhouses.
15. Bowling alleys, dance halls, skating rinks.
16. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.



**20-3 Conditional Uses.**

1. Recreational vehicle parks.
2. Mobile home parks.
3. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

**20-4 Height Regulations.**

No building shall be erected to a height greater than four (4) stories and forty-eight (48) feet, unless specifically approved by the Garfield County Planning Commission and Building Official.

**20-5 Minimum Area Regulations and Modifying Regulations.**

1. Minimum Lot Areas:
  - a. Lots with on-site waste water disposal shall not be less than one (1) acre, and shall be approved by the State of Utah.
  - b. Lots with off-site waste water disposal shall not be less than one-half (½) acre, and shall be approved by the State of Utah.
  - c. Lots smaller than one-half (½) acre may be approved with further approval of water supply and waste water disposal from the State of Utah and the Garfield County Planning Commission.
  - d. For any lot having a lot line in common with a residential Zone, the front yard shall be thirty (30) feet, the side yard shall be twenty (20) feet, and the rear yard shall be ten (10) feet.
2. Maximum Lot Coverage: Commercial structures exceeding thirty-five (35) percent of the lot area, shall obtain approval by the Garfield County Planning Commission.
3. Per IBC, all setbacks ten (10) feet or less shall require building department approval.

## **Chapter 21. INDUSTRIAL ZONE (I)**

### **21-1 Purpose.**

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

### **21-2 Permitted Uses.**

1. Any manufacturing, processing, research, wholesale or storage use.
2. Accessory buildings and uses.
3. Electric generating stations.
4. Oil and gas refineries and similar installations for the conversion or processing of fuels or hydrocarbon products including the manufacture of plastics and other synthetic materials.
5. Sawmills.
6. Plants for the slaughtering or packing of animals or poultry.
7. Restaurants and service stations.
8. Body and fender shops.
9. Convenience stores and gas stations.
10. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **21-3 Conditional Uses.**

1. Mines (either surface or underground), quarries or gravel pits.
2. Temporary construction camps.
3. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **21-4 Height, Area, Width, and Yard Regulations.**

The height and yard restrictions pertaining to any adjacent Zone will apply within one-hundred (100) feet of the common boundary, unless specifically approved by the Garfield County Planning Commission and Building Official.

### **21-5 Modifying Regulations.**

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

## **Chapter 22. WILDLIFE/HABITAT (WH)**

### **22-1 Purpose.**

The purpose of the Wildlife/Habitat Zone is to provide for wildlife/habitat refuges, conservation areas, safe harbors and other uses for the protection of special status or otherwise designated species and habitat.

### **22-2 Permitted Uses.**

1. Wildlife/Habitat refuges.
2. Wildlife/Habitat conservation areas.
3. Wildlife/Habitat safe harbors.
4. Livestock grazing.
5. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **22-3 Conditional Uses.**

1. All permitted and Conditional Uses of the Multiple Use Zone.
2. All permitted and Conditional Uses of the Agricultural Zone.
3. Other uses deemed compatible with the purposes of the Zone by the Garfield County Planning Commission and County Commission.

### **22-4 Modifying Regulations.**

All land areas subject to this Zone shall have a conservation and management plan approved by the Planning Commission and County Commission. The plan shall include sections describing protection of adjacent land and existing uses, contribution to recovery efforts, historical species range, species condition, and other information reasonably required to make an informed decision. Minimum lot size shall be 10 acres. Areas containing special status/designated species or habitat shall be completely enclosed by a secure fence, suitable barrier or other method approved by the Planning Commission to prevent off site movement by the protected species. Land areas subject to a habitat conservation easement or agreement with local, State or Federal wildlife agencies shall be Zoned Wildlife/Habitat.

## **Chapter 23.      ADOPTION**

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 16<sup>th</sup> day of December, 2019.

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Garfield County Commission, Chair

Leland F. Pollock

ATTEST:

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Garfield County Auditor/Clerk

Camille A. Moore

County Seal:

# **APPENDIX A**

## **CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

## **APPENDIX B**

### **GARFIELD COUNTY PLANNING AND ZONING FEE RESOLUTION**

# **APPENDIX C**

## **GARFIELD COUNTY GLAMPING ORDINANCE**

## **APPENDIX D**

### **GARFIELD COUNTY SHORT-TERM RENTAL ORDINANCE**