

Deweyville Town Land Management and Development Code

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Chapter 1 - General Provisions and Procedures

1.1 Short Title

This ordinance shall be known as the Deweyville Town Land Management and Development Code; and is referred to herein as the Code.

1.2 Statement of Purpose

After considerable public input, the Code was developed, designed, and enacted to implement the goals and objectives of Deweyville and to protect its special rural quality of life. More generally, the following goals and objectives define the major purposes of this Code:

- A. To promote the health, safety, and general welfare of the present and future inhabitants of the community.
- B. To encourage and facilitate the orderly growth and development of the community and to implement the goals and policies of the Town General Plan.
- C. To establish proper zoning regulations, to ensure the suitability of the land for particular uses, to preserve the value of property and buildings, and encourage the most appropriate use of land throughout the community.
- D. To preserve the rural agricultural quality of life enjoyed by the residents of Deweyville Town.

1.3 Conflict

The provisions of this Code are in addition to all other Town ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. This Code shall not supersede any private land use regulations in deeds or covenants which are more restrictive than this Code. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The State of Utah Code shall prevail over this Code when a conflict exists.

1.4 Effect on Previous Ordinances and Maps

This code is an update of the 2011 Code. The existing zoning ordinances of Deweyville Town, including the official zoning maps adopted with those ordinances, are hereby superseded and amended in their entirety to conform to the provisions of this Code, providing that this Code is a continuation of those existing ordinances, and not a new enactment, in so far as the substance of the old and new provisions are the same.

1.5 Adoption and Amendments to the Land Management Code and Zoning Map

A. Adoption

The Planning Commission shall provide notice and hold a public hearing on a proposed land use ordinance or zoning map and prepare and recommend to the Town Council a proposed land use ordinance and zoning map that represents the Planning Commission's recommendation for regulating the use and development of land within all or any part or area of the Town. The Town Council shall hold a public

hearing on the proposed land use ordinance or zoning map recommended to it by the Planning Commission. The Town Council shall provide reasonable notice of the public hearing as required by state law. The Town Council may adopt or reject the proposed land use ordinance or zoning map either as proposed by the Planning Commission or after making any revision that the Town Council considers appropriate.

B. Amendments

The Town Council may, from time to time, amend the number, shape, boundaries or areas of any zone, or any regulation of or within such zones or any other provisions of this title, but such amendments shall not be made or become effective unless the same shall have been proposed by or be first submitted to the Planning Commission for its recommendation. The Town Council shall hold a public hearing on the proposed land use ordinance or zoning map amendments recommended to it by the Planning Commission. The Town Council shall provide reasonable notice of the public hearing as required by State law. The Town Council may adopt or reject the proposed land use ordinance or zoning map either as proposed by the Planning Commission or after making any revision that the Town Council considers appropriate.

1.5.1 Requests for Amendments or Zone Change

A. Town Official Requested (Town Council or Planning Commission)

Amendments to the provisions of the Code may be drafted and proposed by the Planning Commission or Town Council, as originated in either body (although normally originated by the Planning Commission). Proposed amendments shall be presented to the public during a properly posted public hearing of the Planning Commission.

B. Public Requested

Amendments may be proposed by any individual or group to the text of this Code, and/or the zoning map by completing and filing an application for Zoning Change as defined in section 1.5.2.

1.5.2 Applications for Zone Change or Code Amendment – Legislative Actions

An application by the Public to change the zone of any land within Deweyville Town or to amend this Code shall be filed with the Town Clerk two (2) weeks prior to a scheduled Planning Commission meeting using an application form on file at the Town offices or on-line at the Town's website. The proposal shall be presented by the applicant to the Planning Commission for discussion and review prior to the Planning Commission holding a public hearing on the application.

1.5.3 Public Hearings on Land Management and Development Code Amendments

Public hearings on changes to the Land Management and Development Code must be held by the Planning Commission first and then the proposed changes shall be

forwarded to the Town Council for their action. After the Town Council public hearing, the amendment(s), as proposed, amended and/or rejected may be adopted on the day of the public hearing or at any time following the public hearing, provided they are adopted at a Town Council public meeting.

1.5.4 Hearings before the Planning Commission

The Planning Commission shall hold a public hearing on all proposals for zone changes and amendments to the Land Management and Development Code, whether requested by the Town officials or by public application. The Planning Commission shall receive and consider comments from citizens or property owners affected by the proposed changes. Notice of all Land Management and Development Code change hearings before the Planning Commission shall be given as set forth in Section 1.6 of this Code. The notice shall state generally the nature of the proposed amendment as outlined in 1.5.2 and the land affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information shall be available for public inspection at the Town Clerk's Office, or other specified location at the time the notice is published.

1.5.5 Action by Planning Commission

Following the hearing, the Planning Commission shall make a formal recommendation to be presented to the Town Council regarding the matter before it, approving, disapproving, or modifying the proposal. The Planning Commission shall act on the proposal at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the Commission fails to act within two (2) regularly scheduled meetings on the proposal, the proposal shall be deemed disapproved by the Planning Commission and the proposal shall be forwarded to the Town Council for their consideration with that recommendation.

1.5.6 Hearings before Town Council

The Town Council shall hold a public hearing on all applications for zone changes and all amendments to the Land Management and Development Code. Following the hearing, the Council shall approve, disapprove, or modify the recommendation of the Planning Commission. The hearing may be continued, if necessary, without republication of notice.

The recommendations of the Planning Commission are advisory only, and the Town Council may overrule the recommendations of the Planning Commission. Town Council action on amendments to the Code or to the zoning map require the affirmative vote of three or more Town Council members. The Town Council may act on the petition at the time of the hearing or at subsequently scheduled meetings.

1.6 Notices

Notice of hearings before the Town Council, Planning Commission and Appeal Authority concerning amendments to the General Plan, zoning and zone changes, amendments to the Land Management and Development Code, preliminary subdivision, and condominium plat approvals, appeals, variances and other requests of actions of the Appeal Authority shall be provided in accordance with this section. Notice of amendments to the General Plan, this Code and zoning actions shall be given at least ten (10) days before the date set for the hearing. Notice of amendments or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the date set for hearing, if a hearing is required under this code. See Table in Section 1.6.5 for a general summary matrix of the notice requirements. All notice required under this section shall be given as follows:

1.6.1 Posted Notice for a Public Hearing

The Town Clerk shall post or cause to be posted notice in at least three public places within the Town, stating that an application concerning the development of that property has been filed, and state that more detailed information concerning the application is available from the Town.

1.6.2 Published Notice

Published notice shall be given by publication in a newspaper having general circulation in Deweyville Town. Published notice shall state that an application has been filed affecting the subject property, or that an appeal has been requested, the nature of the application or action, and the time, place and date set for public hearing on the matter. The published date of the notice, not the date of submittal to the newspaper must meet any notification timing requirements designated in this Code for the meeting.

1.6.3 Courtesy Notice

The Planning Commission may require a courtesy notice with application for zoning map or zoning use changes. A courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Town Council, Appeal Authority, or the Planning Commission.

If a courtesy notice is required by the Planning and Zoning Commission, the applicant for the proposed zoning change shall provide the Town with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within 1000 feet from any boundary of the property subject to the application, together with a mailing list for those owners at least 10 days before the scheduled day of the public hearing. The addresses for adjacent owners shall be as shown on the most recently available Box Elder County tax assessment rolls.

The courtesy notice shall state that an application has been filed affecting the subject property, or that an appeal has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter.

1.6.4 Proof of Notice

Proof that notice was given pursuant to either subsection 1.6.1 or 1.6.2, above is prima facie evidence that notice was properly given. If notice given under Authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

1.6.5 Reviewing Bodies and Noticing Requirements

For each type of application, the following official roles and decision-making responsibility/authority is listed for each land use authority. In addition, the type of meeting by type of application is listed. Refer to the below paragraphs for the exact noticing requirements. The Appeal Authority (AA), the Planning Commission (PC), and the Town Council (TC) acting as Land Use Authorities each have the following primary authority to review and/or make a final decision on applications for compliance with this Chapter. “R” means a review or recommending authority and “D” means the body has the decision-making authority, as follows:

Type of Review	PC	TC	AA	Meeting Type
Concept Plan (s)	R*			Public Meeting
Permitted Use/Site Plan	D			Public Meeting
Lot Line Adjustment	D			Public Meeting
Preliminary Subdivision Plat	R			Public Meeting
Final Subdivision Plat		D		Public Meeting
Street and/or Easement Vacation	R	D		Public Hearing
Conditional Use/Site Plan	R	D		Public Meeting
New Business License	R	D		Public Meeting
Variance	R	D		Public Meeting
Appeals	R	R	D	Public Meeting
Plat Amendment/Vacation	R	D		Public Hearing unless all parties have signed the petition
Zoning map and/or text change	R	D		Each body holds a Public Hearing
General Plan Amendment	R	D		Planning Commission holds a Public Hearing. Town Council option to hold a Public Meeting or Public Hearing

* Required for all applications except a business license renewal.

1.6.6 Application Advertising/Noticing Requirements

A **public meeting** is a meeting that is open to the public, with public comment at the discretion of the land use authority (the reviewing body).

A **public hearing** is a meeting that is open to the public and public comment is encouraged. The type of meeting is determined by the type of application and the reviewing body/land use authority it is before, as listed in the above table.

A. General Public Meeting Notice (Planning Commission, Town Council, and Appeal Authority)

A general public meeting notice is required by Utah State Code. All public bodies must post their agendas 24 hours before the meeting giving the date, time, and place of meeting. Public notice requirements may be satisfied by posting written notice at the building where the meeting is to be held; on the Utah Public Meeting Notice website (<http://www.utah.gov/pmn>), and on Deweyville's website (<https://www.townofdeweyville.org>). Notify the applicant of the date, time, and place of the public meeting to consider the application; provide to each applicant a copy of any report and/or analysis or agency input regarding the pending application at least three business days before the public meeting; and notify the applicant of any final action on the application using written documentation.

B. Public Hearing and Public Meeting Notice for General Plan
(Planning Commission and Town Council)

Notice of Intent to prepare a General Plan or to amend a General Plan: In addition to the public meeting notice requirement above, notice of intent to prepare or adopt a General Plan or to make a General Plan amendment needs to be given to each affected entity which includes Box Elder County, the Town website, local districts, special service districts under Utah Code Title 17D, Chapter 1, Special Service District Act, the school district, any interlocal cooperation entity(s) established under Utah Code Title 11, Chapter 13, Interlocal Cooperation Act, specified public utilities, property owner (for specific amendments), property owners association (for specific amendments), the Utah Department of Transportation, Automated Geographic Reference Center; Box Elder Council of Governments (BECOG), and the Utah Public Meeting Notice website (<http://www.utah.gov/pmn>). In addition, the intent notice for the General Plan must be published in a local newspaper ten (10) days ahead of the hearing.

C. General Plan Public Hearings with the Planning Commission or Town Council

A public hearing before the Planning Commission (required) or Town Council for General Plan adoption or amendments to the General Plan requires the same intent notice requirements listed above.

D. Public Meeting Notices for General Plan Discussions

For a General Plan related public meeting, for example, a workshop, the same general public meeting notice (Utah Public Notice website (<https://www.utah.gov/pmn/index.html>) and the Deweyville Town website (<https://www.townofdeweyville.org>)) is required but a notice needs to be published by the local newspaper at least 24 hours ahead of the meeting.

E. General Public Hearings (Planning Commission and Town Council)

The Town Council is the legislative body and is the only land use authority that can impose land use ordinances and regulations, after a recommendation from the Planning Commission. Public hearings have the same requirements as General Public Meeting Notices, except the listing will be for a public hearing and needs to be posted (Utah Public Notice website (<https://www.utah.gov/pmn/index.html>) and the Deweyville Town website (<https://www.townofdeweyville.org>)) 10 days ahead of the public hearing, notice sent to affected entities, and in the local newspaper. When the Planning Commission sets a date for a public hearing (after a concept plan review), 17 days is allotted for this process; 14 days is the ‘ten business days with the weekend’, and then three business days are added for the time it takes the paper or Utah Public meeting notice website to publish the hearing. There are some exceptions as discussed below that will require setting a date for a public hearing, because of time requirements in State Code.

Under State Code, there are no requirements for notice to adjacent property owners except for amendments to or vacating a subdivision: “For an amendment to a subdivision, each city shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting.”

Courtesy notice is not given for administrative applications that are approved by the Planning Commission (see chart above).

Special Provisions for Amending Subdivisions: Courtesy notices shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.

Public hearings for vacating subdivisions, easements, roads, road rights-of-way, ordinances, or map amendments, have state code standards that require public hearing notice be given at least 10 business days in advance.

If the legal notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

F. Setting a Date for a Public Hearing or Meeting

Post public meetings and hearing as per the above chart on the web site in coordination with the Town Clerk. Such notices shall avoid jargon and provide plain language concerning the nature of the hearing or meeting. Such notices shall also describe the type of comment being sought.

G. Sample Notice of Public Hearing

The following is a sample Notice of Public Hearing. The Planning Commission in conjunction with the Town Clerk/Recorder is responsible for publishing notices.

The following is a sample notice for publication (without lines or extra line spacing):

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Deweyville Town Council (or Planning Commission) will hold a public hearing on Thursday, _____ at 7:00 PM, or shortly thereafter, in the Deweyville Town Hall, 10870 North Highway 38, Deweyville, Utah 84309. Regarding _____ and _____. Copies of the proposal may be viewed prior to the hearing in the Deweyville Town Hall (address above) or Town website: <https://www.townofdeweyville.org>. In compliance with the ADA, individuals needing special accommodation (including auxiliary communicative aids and services) during the meeting should notify the Town Clerk at 435-239-7312 at least 48 hours prior to the meeting.

Name of Town Clerk/Recorder
Town Clerk/Recorder
Published: month, date, year

1.7 Creation of Districts and Zone Map

To carry out the purposes of the Code, zone districts have been established as set forth in Chapters 5 through 8 of this Code. These zone districts are identified on the official zoning map, which is adopted as a part of this Code. In interpreting the zoning map, the Planning Commission shall consider the following standards:

- A. The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.
- B. Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map.
- C. Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes to 15% grade or in the case of waterways, the average centerline of the waterway.
- D. The Zones designated in the Code are (see Appendix 3):
 - 1. RR-35 – Rural Residential 35,000 Square Feet minimum (.80 Acre) lot size.
 - 2. RR-5 – Rural Residential 5-Acre minimum lot size.
 - 3. A-40 – Agricultural 40-Acre minimum parcel size.
 - 4. AG-40 – Agricultural/Grazing 40-Acre minimum parcel size.

1.8 Zoning Map

Boundaries of each of the districts of the Town which are hereby zoned and the zones therein are hereby established as shown on the map entitled Deweyville zoning map, or as hereinafter amended, which map or maps are attached and all boundaries, notations, and other data shown thereon are made by this reference as much a part of this title as if fully described in detail herein. The said map or maps shall be filed in the custody of the Town Clerk and may be examined by the public.

1.9 Penalties

Any person, firm, partnership, or corporation, or the principals or agents thereof violating or causing the violation of this Code shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment. In addition, the Town shall be entitled to bring an action to enjoin the continuation of the violation.

1.10 Licensing

All departments, officials and public employees of the Town who are vested with the duty or authority to issue permits or licenses, including business licenses shall conform to the provisions of this Code, and shall issue licenses and permits only in conformance with the provisions of this Code. Licenses issued in violation of this Code shall take no effect and are null and void.

1.11 Permit Procedure Under the Code

1.11.1 Building Permits

Site plans are required for all applications requesting a building permit. No building permit shall be issued for any building project unless the plans for the proposed structure have been submitted to and approved by the Planning Commission. Proposals submitted to the Planning Commission shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process. Upon issuance of final approval under either review process, the plans are forwarded to the Building Official for building permit processing under the provisions of the International Building Code, as adopted and/or amended by Deweyville Town.

1.11.2 Subdivision Approval

Subdivisions are initially reviewed in concept form, by the Planning Commission and further reviewed as a formal preliminary and then a final plat (see Chapter 13 - Subdivision Regulations). No planning review shall occur until all applicable planning application forms have been filled out completely and fees have been paid, and no final Town Council approval shall be effective until all other fees assessed by this Code or other ordinance, including applicable consulting and engineering fees have been paid.

1.12 Permitted Use Review Process

On any proposal to construct a building or other improvement to property which is defined by this Code as a permitted use in the zone in which the building or other improvement is proposed, the Planning Commission shall initially review the submission for completeness as per this ordinance and the application form requirements, and with a complete application and associated fees, review the site plan, building elevations, access, proposed landscaping, parking, and lighting to determine whether the proposal:

- A. Complies with the requirements of that zone for building height, setback, side and rear yards, and lot coverage.
- B. That the applicable parking requirements have been satisfied.
- C. The plan conforms to guidelines established for that zone or area.
- D. Has evidence that all utilities and special districts, have the ability to service the proposal.
- E. Has coordinated with the Town Engineer for storm drainage and required infrastructure improvements.
- F. The following standards shall be addressed as part of the application:

Standards for Water Delivery. The standards for adequate delivery of water shall be as applicable: the Deweyville Town Fire Flow Standards, the Central Box Elder Fire Special Service District Fire Flow Standards; the ISO or NFPA standards for fire flow, the Deweyville Town Design Standards, Construction Specifications and Standard Drawings, and the County and/or State Department of Health, Drinking Water Regulations as now constituted and as may be amended.

Standards for Site Drainage. The standards for adequate site drainage are the International Building Code Chapter 70, as adopted by Ordinance, or its successor, and the Deweyville Town Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be adopted or amended.

Standards for Access. The standards for access to the building or structure are the 1985 International Fire Code adopted by Ordinance, or its successor, the Streets Master Plan or Land Use Map, the Deweyville Trails Master Plan, if adopted, UDOT, and the Deweyville Town Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be adopted or amended.

Standards for Slope Retention. The standards for slope retention are the International Building Code Chapter 70, as adopted by Ordinance, or its successor and the Deweyville Town Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be amended.

Upon finding by the Planning Commission that the proposal complies with the applicable zoning requirements, and the proposal can be adequately serviced by existing utility systems or lines, the plans may be submitted for Building Code review.

If the permitted use application does not comply with the requirements of the zone, or cannot be served through existing utilities, districts or Town infrastructure, the Planning Commission shall so notify the owner of the project or his agent, if any, stating specifically what requirements of the zone have not been satisfied.

1.13 Conditional Use Review Process

1.13.1 Purpose and Intent

To allow the proper integration into the town uses which may be suitable only in certain locations in the town zoning district, or only if such uses are designed or laid out in the site in a particular manner.

1.13.2 Basis for Issuance

The Planning Commission or Town council shall not approve a conditional use permit unless evidence is presented by means of a site plan, if applicable, to establish:

- A. Compliance With Regulations and Conditions:** That the proposed use will comply with regulations and conditions specified in this title for such use; and
- B. Conformance To General Plan:** That the proposed use will conform to the intent of the general plan; and
- C. Use Not Detrimental:** That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and welfare of persons or injurious to property and improvements in the community and will be compatible with and complementary to the existing surroundings uses, buildings and structures.
- D. Standards for Approval:** No approval shall be granted unless the Planning Commission is satisfied that the applicant will meet all the conditions as set forth in this chapter and as stated below:
 - 1. The proposed use shall not generate enough traffic to be detrimental to the immediate neighborhood.
 - 2. The proposed development shall not overload the carrying capacity for which local streets were designed.
 - 3. Internal traffic circulation shall not adversely affect adjacent residential properties.
 - 4. Parking facilities location shall not adversely affect adjacent residential properties.
 - 5. Parking facilities shall be effectively screened from adjacent residential properties.
 - 6. The relationship of structures and parking shall be complementary to the aesthetics of the general area.

7. The proposed sign(s) shall not adversely affect the development itself or the overall aesthetics of the general area.
8. The proposed landscaping shall be sufficient to enhance the aesthetic acceptability of the development.

1.13.3 Residential Zones

A. Application Procedures

Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Commission. Any person seeking a conditional use permit shall first submit a complete application to the Planning Commission and pay the associated fees as stated in the consolidated fee schedule. An application shall be deemed complete when all documents required by the current applicable application form and checklist, including the fee, have been submitted to the Town Clerk.

B. Public Notification

The applicant shall provide a list of the names, addresses, and stamped and pre-addressed envelopes of all property owners within a three-hundred-foot radius (300') of the property on which the conditional use is to be located.

C. Application Review

1. The Planning Commission shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances, master plans (including water supply, septic systems, storm drainage, roadways) and for reasonably anticipated detrimental effects.
2. The application review procedure shall contain the following components:
 - a. Referral of the application to all affected entities and service providers.
 - b. A review of the proposed site plan, and associated documents for compliance with applicable sections of the zoning ordinance.
 - c. A review of the proposed use and site plan to ascertain potential reasonably anticipated negative impacts and whether conditions based on standards can be imposed to mitigate those impacts.
3. The application review procedure may include the following:
 - a. Referral of the application to governmental or regulating entities for recommendations.
 - b. A concept plan review meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review.
 - c. An on-site review of the proposal by the Planning Commission.

d. A requirement that the applicant submit impact studies or other technical studies regarding grading, infrastructure, drainage, traffic, parking, geologic hazards, etc.

D. Planning Commission

The Planning Commission shall recommend for approval as presented, recommend for approval with conditions, deny the conditional use, or table the issue to a future date and time. No recommendation for approval shall be granted unless the Planning Commission is satisfied that the applicant will meet all the conditions. Upon approval by the Town Council, a permit shall be issued which states the permitted conditional use and any special conditions that apply thereto.

E. Subsequent Permits/Licenses

Following the issuance of a conditional use permit, the Town Clerk shall ensure all applicable building permits and/or business licenses applications are provided and once received will ensure that the development is undertaken in compliance with both said permits/licenses and conditions set forth during final approval of the conditional use permit.

If the nature of the conditional use is such that it requires a town business license, a business license shall be maintained and renewed as required by code. Any business license which is allowed to expire and is not renewed within one year of its expiration shall be deemed to be abandoned, the conditional use permit shall expire, and the business shall cease operations if it has not already done so.

F. Time Limit

Unless the uses and conditions prescribed in the conditional use permit are implemented within a maximum period of one year from its issuance, the conditional use permit shall expire. If the nature of the conditional use is such that it requires a town business license and a business license has not been obtained for the conditional use within one year from the date of conditional use permit issuance, the permit shall expire. The original approving body may grant a maximum extension of six (6) months under extenuating circumstances out of the control of the applicant.

G. Temporary Uses

A conditional use permit for uses which are temporary in nature may only be issued for the duration of the temporary use as established by the approving body or one-year, whichever period of time is less. Extensions of six (6) months each may be granted by the original approving body under extenuating circumstances out of control of the applicant.

H. Appeals

In the event of disapproval or objection to any condition or limitation requirement made by the Planning Commission or Town Council as set forth in this Chapter respectively, appeal may be made in writing, addressed to the Appeal Authority and shall set forth specifically the matter objected to, and must be filed within

thirty (30) days from date of the meeting wherein the Planning Commission or Town Council rendered the decision.

I. Revocation of Conditional Use Permits

A conditional use permit may be revoked by the Planning Commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the Planning Commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

1.13.4 Non-Residential Zones

A. Application Procedure

Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Commission. Any person seeking a conditional use permit shall first submit a complete application to the Planning Commission and pay the associated fees as stated in the consolidated fee schedule. An application shall be deemed complete when all documents required by the current applicable application form and checklist, including the fee, have been submitted to the Town Clerk.

B. Public Notification

The applicant shall provide a list of the names, addresses, and stamped and pre-addressed envelopes of all property owners within a three-hundred-foot radius (300') of the property on which the conditional use is to be located.

C. Application Review

1. The Planning Commission shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances, master plans (including water supply, septic systems, storm drainage, roadways) and for reasonably anticipated detrimental effects.
2. The application review procedure shall contain the following components:
 - a. Referral of the application to all affected entities and service providers.
 - b. A review of the proposed site plan, and associated documents for compliance with applicable sections of the zoning ordinance.
 - c. A review of the proposed use and site plan to ascertain potential reasonably anticipated negative impacts and whether conditions based on standards can be imposed to mitigate those impacts.
3. The application review procedure may include the following:

- a. Referral of the application to governmental or regulating entities for recommendations.
- b. A concept plan review meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review.
- c. An on-site review of the proposal by the Planning Commission.
- d. A requirement that the applicant submit impact studies or other technical studies regarding grading, infrastructure, drainage, traffic, parking, geologic hazards, etc.

D. Planning Commission

The Planning Commission shall recommend for approval as presented, recommend for approval with conditions, deny the conditional use, or table the issue to a future date and time. No recommendation for approval shall be granted unless the Planning Commission is satisfied that the applicant will meet all the conditions. Upon approval by the Town Council, a permit shall be issued which states the permitted conditional use and any special conditions that apply thereto.

E. Subsequent Permits/Licenses

Following the issuance of a conditional use permit, the Town Clerk shall ensure all applicable building permits and/or business licenses applications are provided and once received will ensure that the development is undertaken in compliance with both said permits/licenses and conditions set forth during final approval of the conditional use permit.

If the nature of the conditional use is such that it requires a town business license, a business license shall be maintained and renewed as required by code. Any business license which is allowed to expire and is not renewed within one year of its expiration shall be deemed to be abandoned, the conditional use permit shall expire, and the business shall cease operations if it has not already done so.

F. Time Limit

Unless the uses and conditions prescribed in the conditional use permit are implemented within a maximum period of one year from its issuance, the conditional use permit shall expire. If the nature of the conditional use is such that it requires a town business license and a business license has not been obtained for the conditional use within one year from the date of conditional use permit issuance, the permit shall expire. The original approving body may grant a maximum extension of six (6) months under extenuating circumstances out of the control of the applicant.

G. Temporary Uses

A conditional use permit for uses which are temporary in nature may only be issued for the duration of the temporary use as established by the approving body or one-year, whichever period of time is less. Extensions of six (6) months each

may be granted by the original approving body under extenuating circumstances out of control of the applicant.

H. Appeals

In the event of disapproval or objection to any condition or limitation requirement made by the Planning Commission or Town Council as set forth in this Chapter respectively, appeal may be made in writing, addressed to the Appeal Authority and shall set forth specifically the matter objected to, and must be filed within thirty (30) days from date of the meeting wherein the Planning Commission or Town Council rendered the decision.

I. Revocation of Conditional Use Permits

A conditional use permit may be revoked by the Planning Commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the Planning Commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

1.13.5 Conditional Use Permit Required; Revocation

- A. A conditional use permit shall be required for all uses listed as conditional in the land use regulations.
- B. A conditional use permit may be revoked by the Town Council after a review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.
- C. An application for a conditional is permit is prohibited for two (2) years following the revocation of a conditional use permit at the same address and/or for the same applicant and/or for the same purpose.

1.14 Request for Variance

The Town Council may authorize, upon application, such variances from the terms of this title as will not be contrary to the public interest where, owing to special conditions, the literal enforcement of the provisions of this title will result in an unnecessary hardship; provided that the decisions of the Appeal Authority shall strictly adhere to the provisions of Utah Code Annotated section 10-9a-702, which includes the following standards of review:

- A. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest must first apply to the Planning Commission at a regularly scheduled meeting for a recommendation to the Town Council. All costs associated with this process will be at the applicant's expense.
- B. The Town Council may grant a variance only if:
 - 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the land use ordinance is observed and substantial justice done.
6. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
7. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
8. In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same zone.
 - c. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - d. Variances run with the land.
 - e. The appeal authority may not grant a use variance.
 - f. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - I. Mitigate any harmful effects of the variance; or
 - II. Serve the purpose of the standard or requirement that is waived or modified.

C. Applications for variance shall be filed with the Town Clerk. Said application shall contain the following information:

1. A description for the requested variance, together with a description of that ordinance provision for which relief is being requested and why such provision causes undue hardship or need for a variance.
2. An accurate plot plan, where appropriate, indicating the manner in which the variance will be applied and its effect on adjacent properties.
3. The minutes and record of decision of the Planning Commission and Town Council meeting where the application was heard, the associated application and any drawings/additional information that was submitted as part of that application.
4. A filing fee as set by the Town Council.

1.15 Severability and Validity Clause

If any chapter, section, sentence, clause, phrase, or part of this title is for any reason held invalid by a court of competent jurisdiction, such judgement shall not affect, impair, or invalidate the remaining provisions of this title but shall be confined in its operation to the specific chapter, section, subsection, sentence, clause or part of this title held invalid, and shall not affect the validity of the remaining portion of this title in any other instance.

1.16 Effect of Other Ordinances and Regulations

Whenever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance, or regulation than are established by the provisions of this title, the provisions of such other statute, ordinance, or regulation shall govern.

Chapter 2 - Planning Commission

2.1 Scope

The following matters shall be submitted to the planning commission for consideration and recommendation before action is taken thereon by the town council or other town official:

- A. The use and zoning of land for private or public purposes;
- B. The location, widening, narrowing, abandonment, extensions, or relocation of proposed or existing streets;
- C. The location of public buildings, parks or open spaces;
- D. The subdivision of land, including the location and extent of public or private utilities.

2.2 Powers and Duties

The Planning Commission is recognized as the Land Use Authority for Deweyville, as defined by Utah Code Annotated 10-9a-103; 10-9a-404, 10-9a-502, 10-9a-503, 10-9a-602, and 10-9a-608, or as otherwise required.

2.2.1 Entrance Upon Land

The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times with reasonable notice to make examinations and surveys, and place and maintain necessary monuments and marks thereon. The Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

2.2.2 Administrative Duties

The Planning Commission shall:

- A. Prepare and recommend a general plan and amendments to the general plan to the Town Council;
- B. Recommend Land Use Ordinances and maps, and amendments to Land Use Ordinances and maps, to the Town Council;
- C. Administer provisions of this land use title as specifically provided in this land use title which may contain but is not limited to the following:
 1. Permitted use processing
 2. Conditional use processing
 3. Concept and Preliminary Subdivision plats
 4. Temporary Uses
 5. Processing and making a recommendation to the Town Council on amendments to this Code
 6. Process and make a recommendation on all Annexation proposals
 7. Terminate any inactive projects and their approvals as per project termination ordinances in Chapter 1
 8. Apply the "Right to Farm" regulations to any development adjacent to an agricultural use.

- D. Recommend subdivision regulations and amendments to the Town Council;
- E. Recommend approval or denial of subdivision applications;
- F. Advise the Town Council on matters as directed by the Town Council;
- G. Hear and recommend conditional use permits as assigned by town code; and
- H. Exercise any other powers necessary to enable it to perform its function.

2.2.3 Public Hearings; Reports and Recommendations

The Planning Commission may hold public hearings and shall do so as required by law. It may make reports and recommendations relating to the plan and development of the Town to public officials and agencies, other organizations and citizens. It may recommend to executive or legislative officials, programs for public improvements.

2.3 Establishment of Planning Commission

There is hereby created a planning commission pursuant to section 10-9a-301, Utah Code Annotated, as amended, to carry out the provisions thereof, whose primary duties shall be to act as an advisory council to the Town Council on all matters pertaining to planning and zoning within and for the town, to be known as the Deweyville Planning Commission.

The Planning Commission shall adopt such bylaws, policies, and procedures for its own organization and for the transaction of business not in conflict with any town ordinances or state laws. All policies and procedures shall be approved by the Town Council before taking effect.

2.4 Planning Commission Members

The Town Planning Commission shall consist of five (5) members. Members shall be appointed by the Mayor with advice and consent of the Council. Two (2) alternate members may be appointed by the Mayor with advice and consent of the Council.

2.5 Eligibility, Terms of Office, Alternates, and Removal of Members

2.5.1 Eligibility

Members and Alternate Members of the Planning Commission shall be residents of Deweyville (whether they are property owners or not) and have resided within Deweyville Town for at least two (2) years prior to being appointed.

2.5.2 Terms of Office

- A. Members and Alternate Members (if appointed) of the Planning Commission shall serve terms of five (5) years.
- B. Each term shall begin on January 1 of the year of the appointment and shall end on December 31 of the year when the appointment expires or until a successor is appointed.

- C. The terms of Planning Commission members shall be staggered. A Planning Commission member may be appointed for a term of less than five (5) years to provide for staggered terms or to complete a vacated, unexpired term.
- D. A partial term shall count as one term for purposes of determining term limits if a Planning Commission member serves for eighteen (18) months or more of that partial term.

2.5.3 Alternate Members

Alternate Members participate in any discussions during all public meetings, public hearings, and work meetings of the Planning Commission. In the absence of a regular commission member, Alternate Members act as full members of the Planning Commission and are entitled to cast his or her vote as a member of the Commission.

2.5.4 Removal

A member of the Planning Commission or Alternate serves at the discretion of the Mayor and may be removed from appointment for the following reasons:

- A. Member no longer resides in Deweyville, regardless of property ownership.
- B. May be removed by the Mayor at any time.
- C. Member is absent without prior excuse, from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year.

2.6 Chair

Each year, at the first regularly scheduled meeting in January, the Planning Commission shall elect a Chair, or confirm a Chair elected in the previous year. The chair shall serve a term of two years, but may be re-elected for any succeeding consecutive terms. A person may not serve more than four consecutive terms (eight consecutive years) as Chair of the Planning Commission.

The Chair will direct all commission meetings, may participate in any discussions, and must cast his or her vote as a member of the Commission.

2.7 Vice Chair

Each year, at the first regularly scheduled meeting in January, the Planning Commission shall elect a Vice Chair, or confirm a Vice Chair elected in the previous year. The Vice Chair shall serve a term of two years, but may be re-elected for any succeeding consecutive terms. A person may not serve more than four consecutive terms (eight consecutive years) as Vice Chair of the Planning Commission.

The Vice Chair will direct all commission meetings and may participate in any discussions in the absence of the Chair. The Commissioner elected Vice Chair shall, at all times, be

entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chair.

2.8 Staff

In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of the Town Engineer, Town Building Inspector, the Town Attorney, and the various consultants approved by the Town Council from time to time. In addition, the Planning Commission may request recommendations from the various taxing districts, UDOT, and County officials on applications that are before them. The Town Council may appoint a secretary, or the Town Clerk to keep minutes and post agendas of meetings and/or hearings for the Planning Commission. The secretary may be paid for services rendered as agreed upon by the Town Council.

2.9 Meetings and Hearings

Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per section 1.6 for hearings and an annual meeting schedule will be posted on the Town's website and published at least once a year in a newspaper of general circulation in Deweyville Town.

2.10 Meeting Minutes

The minutes of each meeting of the Planning Commission shall be recorded and preserved in accordance with state law. Minutes of each meeting of the Planning Commission shall bear thereon its approval as attested to by the Chairperson. All meeting minutes shall be permanently stored with the Town Recorder and available for public inspection.

2.11 Decisions

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

2.12 Reporting

Report of official acts and recommendations of the Planning Commission shall be made by conveyance of the meeting minutes to the Town Council, which shall indicate how each individual member of the Planning Commission voted with respect to such act or recommendation.

A member of the Planning Commission may be requested to attend a Town Council meeting to make a verbal report on the Planning Commission's recommendations.

2.13 Voting

The Commission shall not conduct any business at a meeting unless a quorum consisting of at least three (3) of the appointed or alternate members of the Commission are present.

Actions of the Commission pass with three (3) affirmative votes. The Chair shall vote on all actions presented at that meeting. Voting to remove an item of business from the consent agenda shall require an affirmative vote of three (3) of the members present to pass, including the Chair. The Town Clerk will record all votes as aye, nay, or abstain. At the end of the meeting, the Chair may close the meeting, or a majority of those members present may vote to close any meeting.

A member shall recuse him or herself from voting on any action in which they have a personal (real or potential) interest or conflict. Recusal does not prohibit participation in discussion and debate concerning the matter, provided that the conflict or potential conflict is disclosed prior to the discussion or debate.

Chapter 3 - Appeal Authority

3.1 Established

The Mayor and Town Council will appoint an unbiased attorney with expertise in land use to act as the Appeal Authority (AA) for a preapproved fee.

3.2 Replacement of Appeal Authority

The Appeal Authority may be removed for cause by the Town Council, upon written charges filed against the Appeal Authorities' conduct or actions. The charges must be in written form and filed with the town clerk/recorder a maximum of 10 days after the hearing with the Appeal Authority. The Mayor and Town Council will review the charges at the next council meeting and determine if the charges are valid and if replacement of the Appeal Authority is deemed necessary.

3.3 Powers and Duties

The Appeal Authority shall act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of land use ordinances. The Appeal Authority shall hear and decide appeals from administrative decisions applying to land use ordinance. The Appeal Authority may not entertain an appeal of a matter in which any participating member of the Appeal Authority had first acted as the land use authority. Legislative decisions shall be appealed directly to a court of competent jurisdiction in accordance with State law.

3.4 Appeals

A. Application

1. The applicant, a board or officer of the town, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within thirty (30) days from the decision, appeal that decision to the Appeal Authority by alleging that there is an error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
2. An applicant who has appealed a decision of the land use authority is financially responsible for all costs.

B. Burden of Proof

The appellant has the burden of proving that the land use authority erred.

3.5 Decision by Appeal Authority

A. Written Decision

A decision of the Appeal Authority takes effect on the date when the Appeal Authority issues a written decision. A written decision constitutes a final decision.

B. No District Court Review Until Administrative Remedies Exhausted

In accordance with Utah code, no person may challenge in district court a municipality's land use decision until that person has exhausted the person's administrative remedies.

Chapter 4 – Zoning Administration and Enforcement

4.1 Effects of Chapter

This chapter effects this entire title with respect to the administration thereof and establishes the responsibility for such administration and penalties for violation of any provisions of this title.

4.2 Administration and Enforcement

4.2.1 Code Enforcement Responsibility

The provisions of this Ordinance or Code shall be administered by the Mayor. The Mayor shall, when evidence of zoning violations are present, recommend legal action to the Town Council in order to enforce this Code or other land use related ordinances or regulations. The Mayor, after conducting an investigation in consultation with the Planning Commission chair, shall determine when violations exist, when a development is in substantial non-compliance with this Code, or when strict compliance should be demanded, or other enforcement actions taken. The Town Council is responsible to take action or vote.

4.2.2 Building Official

The Building Official is appointed by the Mayor. The Building Official shall operate under the direction of the Mayor. The Building Official is charged with other related enforcement duties of this code. All building inspectors shall work under his/her direction.

4.2.3 Building Inspector

The Mayor appoints/contracts with a Building Inspector who is qualified to interpret the International Building Codes. The Building Inspector shall operate under the direction of the Town Building Official. The Building Inspector is charged with issuance, revocation and administration of building and occupancy permits as per this code and International Building Codes in effect. The Building Inspector performs building or use inspections.

4.2.4 Interpretation of Code

The failure of any person to correctly interpret or apply this Code or any provision of it shall not operate to waive or estoppel the Town from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building or subdividing under improperly issued permits or approvals do so at their own risk.

4.3 Permits and Licenses; Conformance Required

A. All departments, officials and employees of the town which are vested with the

duty or authority to issue permits and licenses shall conform to the provisions of this title, and shall issue no permit or license for use, building, or purpose where the same would be in conflict with the provisions of this title. All applicable permits and licenses shall be approved by the applicable enforcement officers. Any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

- B. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the International Building Code, shall not be commenced until site plan and permitted or conditional use approvals are given by the Planning Commission. Subsequent to Planning Commission approvals, a review and consideration of the application must be performed by the Building Official and Building Inspector to verify the application of the building request meets the International Building Code. When and if the application meets all requirements of this Code, a building permit shall be issued. Building permits are not required for repairs that do not require inspection under the International Building Code. Landscape elements do not require building permits. Buildings and structures that do not require a building permit under the International Building Code must meet other zoning requirements and must be approved by the Planning Commission.

4.4 Certificate of Occupancy

No land shall be changed in use or occupancy, except for the use of plans in conjunction with agriculture, and no building shall be changed in use or structurally altered until a certificate of occupancy shall have been issued by the building inspection department which has been approved by the proper enforcement officers. A like certificate shall be required for the purpose of maintaining, renewing, changing or extending a nonconforming use, and also prerequisite to the application and/or receipt of a business license.

A. Application

1. Application for a certificate of occupancy shall be made to the Building Inspector.
2. Certificates of occupancy either for the whole or part of a building or parcel of land, except land in conjunction with agriculture, shall be applied for before a new building is occupied, or land is used and before a license for contemplated change of use of buildings and/or land may be issued or before the use of land and/or buildings is changed.

B. Issuance

No certificate of occupancy shall be issued unless the contemplated use of the land and/or building for which said certificate is requested is in full compliance with the requirements of this title and such certificate bears thereon the approval of the Building Inspector or their authorized representative. Said certificate shall be issued upon request of the owner and/or occupant of the building or premises, or of a licensed contractor.

C. Limitations; Effective Certificates

1. Unless a certificate of occupancy shall have been issued or approval

otherwise given as provided for herein, it shall be unlawful for any person to make connection to or furnish water or electrical service for any new building, except for a temporary use incidental to construction.

2. After such certificate has been issued, unless proven to be in error within one year of date of issue, the building or part thereof to which it applies shall be deemed to be in full compliance with the requirements hereof.

D. Records

The Building Inspector shall maintain an accurate file and record of all building permits, all certificates of occupancy issued, and all nonconforming uses of buildings and/or land and the extent thereof.

4.5 Inspection

The Town, through its designated officials, shall, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

4.6 Plot Plan Required

- A. All applications for building permits shall be accompanied by a plot plan signed and dated by the applicant. A detailed plot plan shall be filed with the Town Clerk as part of any application for a building permit for a permitted use or conditional use.
- B. Such plot plan shall be drawn to scale and shall show the actual dimensions of the lot to be built upon, the size of the existing buildings, if any, the building to be erected, the location of driveways into the property, the location and plan for off street parking facilities, the location and name of abutting streets, the location and width and such other information as may be necessary to accurately locate the lot and to provide for the enforcement of this title.

4.7 Building Permit Time Limits

Permitted and conditional use approvals shall expire after 1 year of an approval by the Planning Commission if a building permit has not been issued. After a building permit has been issued and if construction has not commenced, within 1 year, the applications shall be null and void, unless an extension request is received by the Planning Commission.

4.7.1 Evidence of Progress

Evidence of progress shall be the construction of a foundation or pad for a building. Where no buildings are involved in a permit, evidence that the use has been established within 6 months of the approval, such as fruit trees/crops planted or farm animals grazing, validates the permit.

4.7.2 Extension Requests

Extension requests shall be based on a valid reason such as funding difficulties, lack of materials, insufficient labor force, etc. Such requests may be issued for up to one year by the Planning Commission.

4.8 Penalties and Enforcement

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the Town, or by affected property owners in the manner set forth below:

4.8.1 Criminal Citations

The Building Official or Building Inspector, when there is probable cause to believe that construction has occurred in violation of this ordinance, may issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the Town Council for such misdemeanor citations is not required.

4.8.2 Civil Actions

The Town, with the authorization of the Town Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Building Official, and the Mayor in consultation with Planning Commission chair, may recommend such actions at any time to the Town Council, provided that no civil proceeding shall be commenced without the specific authorization of the Town Council.

4.8.3 Third Party Actions

Individuals affected by zoning violations within Deweyville shall have the right to maintain private actions to enforce the Code without joining the Town as a party.

4.9 Violations

Violations of this Code are Class "C" misdemeanors and are punishable by a fine and/or imprisonment. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

Chapter 5 – RR-35 Residential Zone District

5.1 Purpose, Scope and Objectives

The regulations set forth in this chapter detail the RR-35 Residential Zone District and describe the various uses, both permitted and conditional. The RR-35 Residential Zone was created under this Code and may be referred to as the "RR-35 Residential Zone" or the "RR-35 zone".

RR-35 Zone:

The RR-35 Rural Residential Zone was established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one-family detached dwellings on individual lots and associated uses as hereinafter defined. This zone is characterized by attractively landscaped or naturally rural lots with lawns and shrubs and natural open spaces. The RR-35 zone is generally located along the following designated public highways or streets (refer to the Official Deweyville Town Zoning Map for details (see Appendix 3)):

- A. State Highway 38
- B. State Highway 102
- C. Town Road 10200 North
- D. Town Road 3000 West

5.2 RR-35 Residential Zone Location

The RR-35 zone begins at the lot/parcel property line that abuts the State Highway/public street and extends up to a depth of 280 feet or more. Refer to the Official Deweyville Town Zoning Map for details (see Appendix 3).

5.3 Prior Created Lots of Record

This code is an update of the 2011 Code. Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of the 2011 zoning ordinance shall not be denied a building permit solely for reason of non-conformance as to the lot/parcel requirements of the RR-35 zone and are declared non-conforming possibly for lot size, and lot dimensions, but not for the intended use if it complies with this Code. See section 9.4 Non-Conforming Uses, Structures, Lots.

5.4 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the RR-35 zone. Uses are listed as designated in this Code. Uses not listed are not permitted, unless an amendment to this Code is processed and approved. Detailed permitted uses and conditional uses are listed in the Zone District Land Use Table (see Appendix 2).

5.4.1 Permitted Uses

The following land uses, are permitted in the RR-35 zone as indicated by the following:

- A. Single-Family Dwellings - Detached
- B. Group Homes
- C. Attached Accessory Dwelling Unit
- D. Accessory Building
- E. Caretaker Boarding
- F. Manufactured home on a permanent foundation
- G. Religious Facilities
- H. Public Parks including Regional Facilities
- I. Home Business' as regulated by this Code (see Supplementary Regulations) and by the business license Ordinances of Deweyville
- J. Agriculture
 - 1. Animals and Livestock – horses, beef cattle, goats, sheep, or chickens.
 - 2. Crops – pasture, rangeland, fields, seed crops, truck crops, orchards or vineyards.
 - 3. Pens or corrals for animals and livestock.
- K. Temporary fruit and/or vegetable stand for the selling of farm products which are grown on the premise. Said stand shall not exceed 600 sq. ft. in area and be limited to one stand per lot.

5.4.2 Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the RR-35 zone as indicated by the following use classifications listed below:

- A. Temporary Mobile Homes or RVs while a permanent home is being constructed
- B. Guest House or Detached Accessory Dwelling Unit
- C. Bed and Breakfast
- D. Sanitariums, Convalescent, and Rest home facilities/services
- E. Pre-schools, day nurseries and child care activities within a residential dwelling unit (See Day Care Services section 9.10)
- F. Nursery, primary and secondary and higher education, including child care preschools and day-care (See Day Care Services section 9.10)
- G. Electric Substations
- H. Telecommunications Towers
- I. Water Reservoir/Storage Facility and/or Water Pumping Transfer Facilities
- J. Free-standing or Exterior Signage

5.5 Minimum Lot Area

The minimum area of any single lot or parcel of land in the RR-35 zone shall be: 0.80 contiguous acre lot (roughly 125'x280').

5.6 Dwellings/Main Buildings per Lot

A maximum of 1 single-family dwelling or main building is allowed per lot in the RR-35 zone.

5.7 Lot Frontage

Each lot/parcel of land located in RR-35 zone shall have a frontage that abuts along the right-of-way line of a designated public highway or public street for a minimum distance of 125 feet.

5.8 Flag Lots

Flag lots are not permitted in the RR-35 Zone.

5.9 Yard Requirements/Setbacks - Dwellings and Main Buildings

Setbacks define the area within the lot where the buildings and structures are allowed to be built. The following yard set-back requirements shall apply to all lots in RR-35 zone.

5.9.1 Front Yard - Interior and Corner Lots

The minimum front yard setback for all dwellings or main buildings shall be 30 feet from the front property line.

5.9.2 Front Yard Exceptions and Limitations

The area of a required front yard shall be open and unobstructed except for the following which are permitted:

- A. A wall or other obstructions not more than two feet in height.
- B. No fence over 6 feet in height. No fence shall be placed within 25 feet of a public street as measured from the edge of the pavement to fence line so as not to obstruct vehicle/pedestrian visibility.
- C. Any landscape elements such as trees, shrubs, flowers, etc. On any Corner Lot, no shrub or hedge over 2 feet shall be placed within 25 feet of a public street as measured from the edge of pavement to the landscape element so as not to obstruct vehicle/pedestrian visibility.
- D. Uncovered steps leading to the main building; provided, however, that they are not more than four feet in height and do not cause any danger or hazard to traffic by obstructing the view of the street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet above grade must maintain the required setback line.
- E. Eaves, cornices, cantilevered bay or box type windows projecting not more than three feet.

5.9.3 Side Yard - Interior and Corner Lots

- A. **Side Yards - Interior Lots:** The minimum side yard setback for dwellings or main buildings on interior lots shall be 15 feet.

- B. Side Yards - Corner Lots:** The minimum side yard setback for dwellings or main buildings on corner lots shall be 15 feet on the side adjoining another lot and 30 feet on the side adjoining the street for corner lots.

5.9.4 Side Yard Exceptions and Limitations

The area of a required side yard shall be open and unobstructed except for the following:

- A. The ordinary projections of windowsills, belt courses, cornices, and other ornamental features to the extent of not more than twelve inches.
- B. The projection of an eave not more than three feet.
- C. The projection of a step not over three feet.
- D. Awnings projecting over doorways and windows not more than three feet.
- E. Decks, Deck Roofs, or Patio Covers must meet the side yard setback requirements.
- F. Stairways, balconies, or fire escapes must meet the side yard setback requirements.
- G. A bay window or chimney projecting not more than two feet.
- H. A light or window well not to project over three feet.
- I. Necessary appurtenances for utility service.
- J. Planting boxes not exceeding 24 inches in height.
- K. Walls or fences not more than six feet in height. On any Corner Lot, no wall or fence shall be placed within 25 feet of a public street as measured from the edge of pavement to fence line so as not to obstruct vehicle/pedestrian visibility.
- L. A driveway leading to a properly located garage or parking area.
- M. A detached garage shall not be located in the required side yard setback.
- N. Hot tubs, decks or similar uses at ground level shall not be allowed in the required side yard setback.
- O. Any landscape elements such as trees, shrubs, flowers, etc. On any Corner Lot, no shrub or hedge over 2 feet shall be placed within 25 feet of a public street as measured from the edge of pavement to fence line so as not to obstruct vehicle/pedestrian visibility.

5.9.5 Rear Yard - Interior and Corner Lots

- A. Rear Yard - Interior and Corner Lots:** The minimum rear yard for dwellings or main buildings shall be 30 feet.
- B. Easements:** No permanent building of any kind shall be located within any platted easement area.

5.9.6 Rear Yard Exceptions and Limitations

The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

- A. A bay window or chimney long projecting not more than three feet.
- B. Window wells extending not more than four feet.

- C. The projection of an eave or cornice not more than three feet.
- D. Decks, Deck Roofs, or Patio Covers must meet the rear yard setback requirements.
- E. Necessary appurtenances for utility service.
- F. Planting boxes not exceeding 24 inches in height.
- G. Private swimming pools, basketball courts, and similar uses shall be allowed in a rear yard provided they are located at least ten feet from any property line.
- H. All-weather parking areas subject to the same location requirements of a garage.
- I. Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet from any property line and also that they conform to all requirements established by the Civil Defense Agency for approved shelters.
- J. Air conditioners.
- K. Fences not over eight feet in height.
- L. Hot tubs or similar uses shall be allowed in a rear yard provided they are located at least five feet from the property line.
- M. Any landscape elements such as trees, shrubs, flowers, etc.

5.10 Yard Requirements/Setbacks - Accessory Buildings

Accessory buildings may be located on lots in RR-35 zone according to the following requirements but only in conjunction with an existing dwelling or main building on the same lot:

- A. Side Yard Accessory Building:** An accessory building shall be located in a side yard no closer than fifteen (15) feet from the side property line and no closer than ten (10) feet from the dwelling or main building; except, that an accessory building may not be located in the required street side yard of a corner lot.
- B. Rear Yard Accessory Building:** An accessory building may be located in a rear yard no closer than ten (10) feet from the dwelling or main building and not closer than three (3) feet from the side or rear property lines in order to prevent rain runoff/drainage or snow to slide from roof onto neighboring property.
- C. Additional Setback Requirement:** In addition to the foregoing side yard requirements, accessory buildings exceeding ten (10) feet in height shall be located so that the horizontal distance measured from the property line to any point of the structure shall be 30% or more of the height of the structure at that point (horizontal distance/height=30% or more).
- D. Accessory Buildings for Animals:** Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any neighboring dwelling and four (4) feet from any property line.
- E. Easements:** No permanent building shall be located within any platted easement area.

5.10.1 Exceptions and Limitations – Accessory Buildings

Any protuberance or projection (such as an eave, porch, step, awning, etc.) from an accessory building shall become the point where the setback for the side yard and back yard setback requirements shall be measured.

5.11 Height and Building Location

No lot or parcel of land in the RR-35 zone shall have a building which exceeds a height of thirty-five (35) feet. The total height of the building shall be measured as the highest point of the roof. The center-line of the house or other structure at the original grade of the property before development activity is the reference point to determine height.

5.11.1 Height Exceptions and Limitations- All Buildings

Height exceptions:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to ten feet above the specified maximum height limit for the zone.
- B. Environmental and mechanical equipment may extend up to five feet above the specified maximum height limit.
- C. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated.

5.12 Permissible Lot Coverage

In the RR-35 zone, the area of the lot or parcel of land covered by buildings, structures or pavement shall not exceed 35 percent.

5.13 Parking and Access

See Parking Dimensions and Requirements Chapter 11

5.14 Other Requirements

5.14.1 Animal Limitations

The maintenance and keeping of animals and fowl on a lot or parcel of land in the RR-35 zone, where such use is permitted, shall have points prorated at 75 points per acre (i.e., 60 points per 0.80 acre) as determined from the chart below. All animals allocated on a lot or parcel of land must be contained by fencing upon said lot or parcel.

Animal Points:

- | | |
|--|------------------------------|
| A. Horses and Cattle | 20 Points per animal |
| B. Sheep, Goats | 10 Points per animal |
| C. Turkeys | 6 Points per animal |
| D. Chickens, roosters, ducks, geese | 1 Point per animal |
| E. Peacocks | limited to 1 Peacock per lot |
| F. Pigeons, rabbits, and other small animals | 0.5 Points per animal |

- | | |
|-------------------------------------|----------------------|
| G. Pigs - Wallows are not permitted | 10 Points per animal |
| H. Exotic Animals* | 10 Points per animal |

*Exotic animals (such as Snakes, Lizards, Exotic birds, etc.) are only allowed if kept inside of the lot owner’s residence in any of the zoning districts.

5.14.2 Landscaping

All open disturbed areas in front yards within the RR-35 zone, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be improved with live plant materials or xeriscaping. Shall be completed within two years after the issuance of the certificate of occupancy.

5.14.3 Fences, Walls, and Landscape Elements

- A. Fences: May be placed on the property line or anywhere within the lot. See height restrictions in Front, Side, and Rear yard exceptions sections above.
- B. Berms, Raised Planting boxes, etc.: Must be placed within the property line or anywhere in the side and rear yards as long as they do not obstruct vehicle/pedestrian visibility on corner lots.
- C. Shrubs, Hedges, Flowers, etc.: Must be planted so as growth will not pass across property lines and intrude on neighboring lots or overgrow and intrude on public sidewalks.
- D. All may be placed in platted easement areas.

5.14.4 Free-Standing or Ground Mounted Solar Panels

Any free-standing or ground mounted solar panels shall be treated as an accessory building. See section 5.10 Yard Requirements/Setbacks - Accessory Buildings.

5.14.5 Storage of Motorhomes, RVs, and Commercial Vehicles

Trucks, motor vehicles, RVs, Motorhomes, or commercial trailers having a registered weight exceeding 12,000 pounds may be stored or parked on any lot or parcel within the RR-35 zone, including contracting and/or earth-moving equipment. Notwithstanding the foregoing provisions, the vehicle(s) shall not obstruct the public sidewalk or trail nor create a safety or public health hazard, must be at least four (4) feet from any property line, and shall not be stored in the front yard unless on a designated driveway.

5.14.6 Temporary Mobile Homes

A Conditional Use Permit may be issued for residing in a RV/temporary mobile home which may be located on the rear portion of a lot in the RR-35 zone during the construction of a permanent dwelling on said lot up to one (1) year. The temporary conditional use permit may be renewed once. The owner may be in violation of this Code if the temporary mobile home is not removed by the expiration of the permit.

5.14.7 Trash and Waste Storage

All trash shall be placed in accepted and approved refuse receptacles (i.e., standard residential garbage cans, roll-ons, or dumpsters). No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public.

5.14.8 Non-Operative Vehicles or Machinery

- A. No unlicensed, wrecked, non-operational, or abandoned vehicles or equipment shall be stored in any front or side yard.
- B. The limit of four (4) unlicensed, wrecked, non-operational, or abandoned vehicles may be stored outside in a rear yard unless screened from public streets and adjacent property with a sufficiently high, opaque fence or wall.

Chapter 6 – RR-5 Residential Zone District

6.1 Purpose, Scope and Objectives

The regulations set forth in this chapter detail the RR-5 Residential Zone District and describe the various uses, both permitted and conditional. The RR-5 Residential Zone was created under this Code and may be referred to as the "RR-5 Residential Zone" or the "RR-5 zone".

RR-5 Zone:

The RR-5 Rural Residential Zone was established to provide areas where single-family residential use and associated uses, as hereinafter defined, may be harmoniously integrated with incidental agricultural pursuits. This zone is intended to allow the keeping of a higher number and/or density of animals in conjunction with single-family dwelling units. It is intended, at the same time, to retain land in parcels large enough to provide efficient and attractive development and to encourage natural or agricultural open spaces.

6.2 RR-5 Residential Zone Location

The RR-5 zone begins at the east property line of lots in the RR-35 zone along State Highway 38 and extends east to the East Hammonds irrigation canal. The RR-5 zone also begins at the west property line of lots in the RR-35 zone along State Highway 38 and extends west to the railroad tracks. The RR-5 zone also begins at the RR-35 property line of lots both to the north and south of 10200. The RR-5 zone also begins at the south property line of lots in the RR-35 zone along State Route 102. Refer to the Official Deweyville Town Zoning Map for details (see Appendix 3).

6.3 Prior Created Lots of Record

This code is an update of the 2011 Code. Lots/parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of the 2011 zoning ordinance shall not be denied a building permit solely for reason of non-conformance as to the lot/parcel requirements of the RR-5 zone and are declared non-conforming possibly for lot size, and lot dimensions, but not for the intended use if it complies with this Code. See section 9.4 Non-Conforming Uses, Structures, Lots.

6.4 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the RR-5 zone. Uses are listed as designated in this Code. Uses not listed are not permitted, unless an amendment to this Code is processed and approved. Detailed permitted uses and conditional uses are listed in the Zone District Land Use Table (see Appendix 2).

6.4.1 Permitted Uses

The following land uses, are permitted in the RR-5 zone as indicated by the following:

- A. Single-Family Dwellings - Detached
- B. Group homes
- C. Attached Accessory Dwelling Unit
- D. Accessory Building
- E. Caretaker Boarding
- F. Manufactured home on a permanent foundation
- G. Religious Facilities
- H. Public Parks including regional facilities
- I. Home Business' as regulated by this Code (see Supplementary Regulations) and by the business license Ordinances of Deweyville
- J. Agriculture
 - 1. Animals and Livestock – horses, beef cattle, goats, sheep, or chickens.
 - 2. Crops – pasture, rangeland, fields, seed crops, truck crops, orchards or vineyards.
 - 3. Pens or corrals for animals and livestock.
- K. Temporary fruit and/or vegetable stand for the selling of farm products which are grown on the premise. Said stand shall not exceed 600 sq. ft. in area and be limited to one stand per lot.

6.4.2 Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the RR-5 zone as indicated by the following use classifications listed below:

- A. Temporary Mobile Homes while a permanent home is being constructed
- B. Guest House or Detached Accessory Dwelling Unit
- C. Bed and Breakfast
- D. Sanitariums, Convalescent, and Rest home facilities/services
- E. Pre-schools, day nurseries and child care activities within a residential dwelling unit (See Day Care Services section 9.10)
- F. Nursery, primary and secondary and higher education, including child care preschools and day-care (See Day Care Services section 9.10)
- G. Private parks, recreational facilities, golf courses
- H. Kennels
- I. Electric Substations
- J. Telecommunications Towers
- K. Water Reservoir/Storage Facility and/or Water Pumping Transfer Facilities
- L. Public Facilities, Utility Shops, Storage Yards and Buildings
- M. Free-standing or Exterior Signage
- N. Agricultural Uses exceeding animal limitations

6.5 Minimum Lot Area

The minimum area of any single lot or parcel of land in the RR-5 Zone shall be: 5.0 contiguous acres.

6.6 Dwellings/Main Buildings per Lot

A maximum of 1 single-family dwelling or main building is allowed per lot in the RR-5 zone.

6.7 Lot Boundary

The shortest property boundary of a lot or parcel in the RR-5 zone shall be a minimum of 150 feet.

6.8 Flag Lots

All flag lots shall be approved by the Planning Commission. The Planning Commission may grant approval only if:

- A. The staff of the flag lot has a minimum width of twenty-four (24) feet.
- B. The flag lot, exclusive of the staff portion shall meet all of the RR-5 zoning requirements.
- C. The applicant for a flag lot has prepared a plan/plat showing the location of fire hydrants to serve the flag lot.
- D. Adjacent to the street an area is reserved for a mailbox and address.
- E. Drainage shall be contained on the flag lot.
- F. The staff portion of a flag lot shall be used only for ingress/egress. Non-driveway areas shall be maintained to prevent plant overgrowth. The road shall be accessed via a private lane. The private lane shall be 18' wide all-weather surface such as compacted road base gravel, concrete or asphalt. The private lane will be built and maintained by the property owner.
- G. All improvements to the flag lot, including installation of the road, utilities, and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.

6.9 Yard Requirements/Setbacks - Dwellings and Main Buildings

Setbacks define the area within the lot where the buildings and structures are allowed to be built. The following yard setback requirements shall apply to all lots in RR-5 zone. No permanent building of any kind shall be located within any platted easement area

6.9.1 Front Yard

The minimum front yard setback for all dwellings or main buildings shall be 30 feet. Front yard setback shall be measured from the front property line to the closest projection on the dwelling or building (such as steps, bay windows, porch, deck, roof, etc.).

6.9.2 Side Yard

The minimum side yard setback for dwellings or main buildings on interior lots shall be 15 feet. Side yard setback shall be measured from the side property line to the closest projection on the dwelling or building (such as steps, bay windows, porch, deck, roof, etc.).

6.9.3 Side Yard Exceptions and Limitations

The area of a required side yard shall be open and unobstructed except for the following:

- A. A driveway leading to a properly located garage or parking area.
- B. A detached garage shall not be located in the required side yard setback.
- C. Hot tubs, decks or similar uses at ground level shall not be allowed in the required side yard setback.
- D. Any landscape elements such as trees, shrubs, flowers, etc.

6.9.4 Rear Yard

The minimum rear yard setback for dwellings or main buildings shall be 30 feet. Rear yard setback shall be measured from the rear property line to the closest projection on the dwelling or building (such as steps, bay windows, porch, deck, roof, etc.).

6.9.5 Rear Yard Exceptions and Limitations

The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

- A. Private swimming pools, basketball courts, and similar uses shall be allowed in a rear yard provided they are located at least ten feet from any property line.
- B. All-weather parking areas subject to the same location requirements of a garage.
- C. Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet from any property line and also that they conform to all requirements established by the Civil Defense Agency for approved shelters.
- D. Fences not over eight feet in height.
- E. Hot tubs or similar uses shall be allowed in a rear yard provided they are located at least five feet from the property line.
- F. Any landscape elements such as trees, shrubs, flowers, etc.

6.10 Yard Requirements/Setbacks - Accessory Buildings

Accessory buildings may be located on lots in RR-5 zones according to the following requirements but only in conjunction with an existing dwelling or main building on the same lot:

- A. Side Yard Accessory Building:** An accessory building shall be located in a side yard no closer than 15 feet from the side property line and no closer than 10 feet from the dwelling or main building; except, that an accessory building may not be located in the required street side yard of a corner lot.
- B. Rear Yard Accessory Building:** An accessory building may be located in a rear yard no closer than 10 feet from the dwelling or main building and not closer than 3 feet from the side or rear property lines in order to prevent rain runoff/drainage or snow to slide from roof onto neighboring property.

C. Additional Setback Requirement: In addition to the foregoing side yard requirements, accessory buildings exceeding 10 feet in height shall be located so that the horizontal distance measured from the property line to any point of the structure shall be 30% or more of the height of the structure at that point (horizontal distance/height=30% or more).

D. Accessory Buildings for Animals: Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 50 feet (50') from any neighboring dwelling and 4 feet from any property line.

E. Easements: No permanent building shall be located within any platted easement area.

6.10.1 Exceptions and Limitations – Accessory Buildings

Any protuberance or projection (such as an eave, porch, step, awning, etc.) from an accessory building shall become the point where the setback for the side yard and back yard setback requirements shall be measured.

6.11 Building Height

No lot or parcel of land in the RR-5 zone shall have a building which exceeds a height of 35 feet. The total height of the building shall be measured to the highest point of the roof. The center-line of the house or other structure at the original grade of the property before development activity is the reference point to determine height.

6.11.1 Height Exceptions and Limitations- All Buildings

Height exceptions:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to ten feet above the specified maximum height limit for the zone.
- B. Environmental and mechanical equipment may extend up to five feet above the specified maximum height limit.
- C. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated.

6.12 Permissible Lot Coverage

In the RR-5 zone, the area of the lot or parcel of land covered by buildings, structures, or pavement shall not exceed 15 percent.

6.13 Parking and Access

See Parking Dimensions and Requirements Chapter 11

6.14 Other Requirements

6.14.1 Animal Limitations

The maintenance and keeping of animals and fowl on a lot or parcel of land in the RR-5 zone, where such use is permitted, shall have points prorated at 75 points per acre as determined from the chart below. All animals allocated on a lot or parcel of land must be contained by fencing upon said lot or parcel.

Animal Points:

A. Horses and Cattle	20 Points per animal
B. Sheep, Goats	10 Points per animal
C. Turkeys	6 Points per animal
D. Chickens, roosters, ducks, geese	1 Point per animal
E. Peacocks	limited to 1 Peacock per lot
F. Pigeons, rabbits, and other small animals	0.5 Points per animal
G. Pigs - Wallows are not permitted	10 Points per animal
H. Exotic Animals*	10 Points per animal

*Exotic animals (such as Snakes, Lizards, Exotic birds, etc.) are only allowed if kept inside of the lot owner's residence in any of the zoning districts.

6.14.2 Landscaping

All open disturbed areas in front yards within the RR-5 zone, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be improved with live plant materials or xeriscaping. Shall be completed within two years after the issuance of the certificate of occupancy.

6.14.3 Fences, Walls, and Landscape Elements

- A. Fences: May be placed on the property line or anywhere within the lot. See height restrictions in Front, Side, and Rear yard exceptions sections above.
- B. Berms, Raised Planting boxes, etc.: Must be placed within the property line or anywhere in the side and rear yards as long as they do not obstruct vehicle/pedestrian visibility on corner lots.
- C. Shrubs, Hedges, Flowers, etc.: Must be planted so as growth will not pass across property lines and intrude on neighboring lots or overgrow and intrude on public sidewalks.
- D. All may be placed in platted easement areas.

6.14.4 Free-Standing or Ground Mounted Solar Panels

Any free-standing or ground mounted solar panels shall be treated as an accessory building. See section 6.10 Yard Requirements/Setbacks - Accessory Buildings.

6.14.5 Storage of Motorhomes, RVs, and Commercial Vehicles

Trucks, motor vehicles, RVs, Motorhomes or commercial trailers having a registered weight exceeding 12,000 pounds may be stored or parked on any lot or parcel within the RR-5 zone, including contracting and/or earth-moving equipment.

Notwithstanding the foregoing provisions, the vehicle(s) shall not obstruct the public sidewalk or trail nor create a safety or public health hazard, must be at least four feet from any property line, and shall not be stored in the front yard unless on a designated driveway.

6.14.6 Temporary Mobile Homes

A Conditional Use Permit may be issued for residing in a RV/temporary mobile home which may be located on the rear portion of a lot in the RR-5 zone during the construction of a permanent dwelling on said lot up to 1 year. The temporary conditional use permit may be renewed once. The owner may be in violation of the Code if the temporary mobile home is not removed by the expiration of the permit.

6.14.7 Trash and Waste Storage

All trash shall be placed in accepted and approved refuse receptacles (i.e., standard garbage cans, roll-ons, dumpsters). No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public.

6.14.8. Non-Operative Vehicles or Machinery

- A. No unlicensed, wrecked, non-operational, or abandoned vehicles or equipment shall be stored in any front or side yard.
- B. The limit of four (4) unlicensed, wrecked, non-operational, or abandoned vehicles or equipment may be stored outside in a rear yard unless screened from public streets and adjacent property with a sufficiently high, opaque fence or wall.

Chapter 7 – A-40 Agricultural Zone District

7.1 Purpose, Scope and Objectives

The A-40 Agricultural Zone was established to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the Town. The character and essence of Deweyville Town relies on the A-Zones and all efforts to protect these areas should be encouraged. The A-Zone is intended to protect agricultural uses from encroachment of urban development. Uses permitted in the A-40 Zone, in addition to agricultural uses, must be incidental thereto and should not change the basic agricultural character of the zone. Conversion of the A-40 to zones allowing urban uses should be accomplished only in an orderly and careful manner following the General Plan, with no "leap-frog" encroachments of such urban or semi-urban uses or developments into the surrounding agricultural areas.

7.2 A-40 Zone Location

The A-40 zone begins on the west side of the West Hammonds irrigation canal and extends west to the east bank of the Bear River. Refer to the Official Deweyville Town Zoning Map for details.

7.3 Prior Created Lots of Record

This code is an update of the 2011 Code. Lots/parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of the 2011 zoning ordinance shall not be denied a building permit solely for reason of non-conformance as to the lot/parcel requirements of the A-40 zone and are declared non-conforming possibly for lot size, and lot dimensions, but not for the intended use if it complies with this Code. See section 9.4 Non-Conforming Uses, Structures, Lots.

7.4 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the A-40 zone. Uses are listed as designated in this Code. Uses not listed are not permitted unless an amendment to this Code is processed and approved. Detailed permitted uses and conditional uses are listed in the Zone District Land Use Table (see Appendix 2).

7.4.1 Permitted Uses

Permitted uses in the A-40 Agricultural Zone are as follows:

- A. Agriculture and related activities (except Animal Specialties and Exotic Animals, except household pets).
- B. Accessory Related Structures (i.e., barns, corrals, silos, corn cribs).

7.4.2 Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the A-40 zone as indicated by the following use classifications listed below:

- A. Single-Family Dwellings – Detached.
- B. Home occupations as regulated by this code.
- C. One Accessory Dwelling Unit per Detached Single-Family Dwelling.
- D. Religious Facilities.
- E. Group Homes.
- F. Manufactured home on permanent foundation.
- G. Cemetery.
- H. Riding academies, schools and accompanying stables.
- I. Exotic Animals.
- J. Animal Specialties.
- K. Caretaker Boarding.
- L. Non-habitable farm buildings over 35 feet.
- M. Temporary mobile homes while a permanent home is under construction.
- N. Kennels.
- O. Private commercial recreational facilities - parks, golf courses, fishing, walking, riding, or off-road tracks; trails.
- P. Guest House or Detached Accessory Dwelling Unit.
- Q. Electric Substations.
- R. Telecommunications Towers.
- S. Public Facilities, Utility Shops, Storage Yards and Buildings.
- T. Water Pumping/Water Reservoir/Storage Facility.
- U. Bed and Breakfast.
- V. Vacation Lodging.
- W. Recreational Activities (camping, ATV/Motorcycle riding, etc.).
- X. Commercial Farming/Agriculture Operation (dairy, feed lots, chicken/turkey farms ((within reasonable amounts for health, safety and personal welfare))).
- Y. Outside storage of more than eight (8) unlicensed, wrecked, non-operational or abandoned vehicles.
- Z. Free-standing or Exterior Signage.

7.5 Minimum Lot Area

The minimum area of any single lot or parcel of land in the A-40 zone shall be: 40.0 contiguous acres.

7.6 Main Buildings/Dwellings per Lot

A maximum of 1 main building or single-family dwelling may be allowed per lot in the A-40 zone.

7.7 Lot Boundary

The shortest property boundary of a lot or parcel of land located in the A-40 zone shall be a minimum of 150 feet.

7.8 Flag Lots

All flag lots shall be approved as a subdivision by the Planning Commission. The Planning Commission may grant approval only if:

- A. The staff of the flag lot has a minimum width of twenty-four (24) feet.
- B. The flag lot, exclusive of the staff portion shall meet all of the A-40 zoning requirements.
- C. The applicant for a flag lot has prepared a plan/plat showing the location of fire hydrants to serve the flag lot.
- D. Adjacent to the street an area is reserved for a mailbox and address.
- E. Drainage shall be contained on the flag lot.
- F. The staff portion of a flag lot shall be used only for ingress/egress. Non-driveway areas shall be maintained to prevent plant overgrowth. The road shall be accessed via a private lane. The private lane shall be 18' wide all-weather surface such as compacted road base gravel or concrete or asphalt. The private lane will be built and maintained by the property owner.
- G. All improvements to the flag lot, including installation of the road, utilities, and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.

7.9 Yard Requirements/Setbacks - Buildings

Setbacks define the area within the lot where the buildings and structures are allowed to be built. The following yard set-back requirements shall apply to all lots in A-40 zone. No permanent building of any kind shall be located within any platted easement area.

7.9.1 Front Yard

The minimum front yard setback for all buildings shall be at least 40 feet. Front yard setback shall be measured from the property line to the front face of the building.

7.9.2 Side Yard

The minimum side yard setback for buildings shall be 30 feet. Side yard setback shall be measured from the side property line to the closest face of the building.

7.9.3 Side Yard Exceptions and Limitations

The area of a required side yard shall be open and unobstructed except for the following:

- A. A driveway leading to a properly located garage or parking area.
- B. Any landscape elements such as trees, shrubs, flowers, etc.

7.9.4 Rear Yard

The minimum rear yard setback for dwellings or main buildings shall be 50 feet. Rear yard setback shall be measured from the rear property line to the face of the building.

7.9.5 Rear Yard Exceptions and Limitations

The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

- A. Corrals, pastures, feed lots, etc. shall only be located in the rear yard.
- B. Any landscape elements such as trees, shrubs, flowers, etc.
- C. Private swimming pools, basketball courts, and similar uses shall be allowed in a rear yard provided they are located at least ten feet from any property line.

7.9.6 Yard Requirements for Accessory Buildings

Accessory buildings may be located on lots in the A-40 zone according to the following requirements but only in conjunction with an existing dwelling or main building on the same lot:

- A. Accessory buildings must maintain a space no closer than 15 feet from another structure.
- B. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 50 feet from any neighboring dwelling and 4 feet from any property line.

7.10 Building Height

No lot or parcel of land in the A-40 zone shall have a building which exceeds a height of 35 feet. The total height of the building shall be measured to the highest point of the roof. The center-line of the house or other structure at the original grade of the property before development activity is the reference point to determine height.

7.10.1 Height Exceptions and Limitations - All Buildings

Height exceptions:

- A. Antennas, chimneys, flues, vents, or similar structures may extend up to ten feet above the specified maximum height limit for the zone.
- B. Environmental and mechanical equipment may extend up to five feet above the specified maximum height limit.
- C. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated.

7.11 Permissible Lot Coverage

In the A-40 zone the area of the lot or parcel of land covered by buildings, structures, or pavement shall not exceed 80,000 square feet.

7.12 Parking and Access

See Parking Dimensions and Requirements Chapter 11

7.13 Other Requirements

7.13.1 Exotic Animal Limitations

Exotic animals (such as Snakes, Lizards, Exotic birds, etc.) are only allowed if kept inside of the lot owner's residence in any of the zoning districts.

7.13.2 Fences, Walls, and Landscape Elements

- A. Fences: May be placed on the property line or anywhere within the lot.
- B. Berms, Raised Planting boxes, etc.: Must be placed within the property line or anywhere in the side and rear yards.
- C. Shrubs, Hedges, Flowers, etc.: Must be planted so as growth will not pass across property lines and intrude on neighboring lots.
- D. All may be placed in platted easement areas.

7.13.3 Free-Standing or Ground Mounted Solar Panels

Any free-standing or ground mounted solar panels shall be treated as an accessory building. See section 7.9 Yard Requirements/Setbacks - Buildings.

7.13.4 Storage of Motorhomes, RVs, and Commercial Vehicles

Trucks, motor vehicles, RVs, Motorhomes, or commercial trailers having a registered weight exceeding 12,000 pounds may be stored or parked on any lot or parcel within the A-40 zone, including contracting and/or earth-moving equipment. Notwithstanding the foregoing provisions, the vehicle(s) shall not obstruct the public sidewalk or trail nor create a safety or public health hazard, must be at least four feet from any property line, and shall not be stored in the front yard of a dwelling unless on a designated driveway.

7.13.5 Temporary Mobile Homes

A Conditional Use Permit may be issued for residing in a RV/temporary mobile home which may be located on the rear portion of a lot in the A-40 zone during the construction of a permanent dwelling on said lot up to 1 year. The temporary conditional use permit may be renewed once. The owner may be in violation of this Code if the temporary mobile home is not removed by the expiration of the permit.

7.13.6 Trash and Waste Storage

All trash shall be placed in accepted and approved refuse receptacles (i.e., standard residential garbage cans, roll-ons, dumpsters). No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public.

7.13.7 Non-Operative Vehicles or Machinery

A. No unlicensed, wrecked, non-operational, or abandoned vehicles or equipment shall be stored in any front or side yard of a dwelling.

B. The limit of four (4) unlicensed, wrecked, non-operational, or abandoned vehicles or equipment may be stored outside in a rear yard unless screened from public streets and adjacent property with a sufficiently high, opaque fence or wall.

Chapter 8 – AG-40 Agricultural Zone District

8.1 Purpose, Scope and Objectives

The AG-40 Agricultural Zone was established primarily as an area to encourage and support the raising of livestock and grazing of livestock herds within the Town. The character and essence of Deweyville Town relies on the AG-40 Zone and all efforts to protect this area should be encouraged. Additionally, the Town's water sources are contained within the AG-40 Zone, and as such there are significant water source protection limitations on building and development. The AG-40 Zone is intended to protect agricultural uses from encroachment of urban development. Uses permitted in the AG-40 Zone, in addition to agricultural uses, must be incidental thereto and should not change the basic agricultural character of the zone. The character, the topography, and the water source protection limitations within the AG-40 Zone generally discourage semi-urban or urban development, and therefore should be accomplished only in an orderly and careful manner following the Town General Plan and the State Water Source Protection guidelines.

8.2 AG-40 Zone Location

The AG-40 Zone begins on the east side of the East Hammonds irrigation canal and extends east to the BLM land. Refer to the Official Deweyville Town Zoning Map for details.

8.3 Prior Created Lots of Record

This code is an update of the 2011 Code. Notwithstanding denial of permits for water source protection issues, lots/parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of the 2011 zoning ordinance shall not be denied a building permit solely for reason of non-conformance as to the lot/parcel requirements of the AG-40 zone and are declared non-conforming possibly for lot size, and lot dimensions, but not for the intended use if it complies with this Code. See section 9.4 Non-Conforming Uses, Structures, Lots.

8.4 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the AG-40 zone. Uses are listed as designated in this Code. Uses not listed are not permitted, unless an amendment to this Code is processed and approved. Detailed permitted uses and conditional uses are listed in the Zone District Land Use Table (see Appendix 2).

8.4.1 Permitted Uses

Permitted uses in the AG-40 Agricultural Zone are as follows:

- A. Agriculture and related activities (except Animal Specialties and Exotic Animals, except household pets).
- B. Accessory Related Structures (i.e., barns, corrals, silos, corn cribs).

8.4.2 Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the AG-40 zone as indicated by the following use classifications listed below:

- A. Single-Family Dwellings – Detached.
- B. Home Occupations as regulated by this code.
- C. One Accessory Dwelling Unit per Detached Single-Family Dwelling.
- D. Religious Facilities.
- E. Group Homes.
- F. Manufactured home on a permanent foundation.
- G. Cemetery.
- H. Riding academies, schools and accompanying stables.
- I. Exotic Animals.
- J. Caretaker Boarding.
- K. Temporary mobile homes while a permanent home is under construction.
- L. Non-habitable farm buildings over 35 feet.
- M. Temporary mobile homes while a permanent home is under construction.
- N. Kennels.
- O. Private commercial recreational facilities such as parks, golf courses, fishing, walking, riding or off-road tracks; trails, etc.
- P. Sand and Gravel Pits (requires dust control plans [including workday times] and a progressive reclamation plan that anticipates transitioning to a different use, when the pit is depleted).
- Q. Guest House or Detached Accessory Dwelling Unit.
- R. Electric Substations.
- S. Telecommunications Towers.
- T. Water Pumping/Water Reservoir/Storage Facility.
- U. Bed and Breakfast.
- V. Vacation Lodging.
- W. Recreational Activities (camping, ATV/Motorcycle riding, etc.).
- X. Commercial Farming/Agriculture Operation (dairy, feed lots, chicken/turkey farms ((within reasonable amounts for health, safety and personal welfare)).
- Y. Outside storage of more than eight (8) unlicensed, wrecked, non-operational or abandoned vehicles.
- Z. Free-standing or Exterior Signage.

8.5 Minimum Lot Area

The minimum area of any single lot or parcel of land in the AG-40 zone shall be: 40.0 contiguous acres.

8.6 Main Buildings/Dwellings per Lot

A maximum of 1 main building or single-family dwelling may be allowed per lot in the AG-40 zone.

8.7 Lot Boundary

The shortest property boundary of a lot or parcel located in the AG-40 zone shall be a minimum of 150 feet.

8.8 Flag Lots

All flag lots shall be approved as a subdivision by the Planning Commission. The Planning Commission may grant approval only if:

- A. The staff of the flag lot has a minimum width of twenty-four (24) feet.
- B. The flag lot, exclusive of the staff portion shall meet all of the AG-40 zoning requirements.
- C. The applicant for a flag lot has prepared a plan/plat showing the location of fire hydrants to serve the flag lot.
- D. Adjacent to the street an area is reserved for a mailbox and address.
- E. Drainage shall be contained on the flag lot.
- F. The staff portion of a flag lot shall be used only for ingress/egress. Non-driveway areas shall be maintained to prevent plant overgrowth. The road shall be accessed via a private lane. The private lane shall be 18' wide all-weather surface such as compacted road base gravel or concrete or asphalt. The private lane will be built and maintained by the property owner.
- G. All improvements to the flag lot, including installation of the road, utilities, and fire hydrants, shall be performed at the applicant's expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.

8.9 Yard Requirements/Setbacks - Buildings

Setbacks define the area within the lot where the buildings and structures are allowed to be built. The following yard set-back requirements shall apply to all lots in AG-40 zone. No permanent building of any kind shall be located within any platted easement area

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8.10.1 Height Exceptions and Limitations- All Buildings

Height exceptions:

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- B. Environmental and mechanical equipment may extend up to five feet above the specified maximum height limit.
- C. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated.

8.11 Permissible Lot Coverage

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8.12 Parking and Access

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- C. Shrubs, Hedges, Flowers, etc.: Must be planted so as growth will not pass across property lines and intrude on neighboring lots.
- D. All may be placed in platted easement areas.

8.13.3 Free-Standing or Ground Mounted Solar Panels

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8.13.4 Storage of Motorhomes, RVs, and Commercial Vehicles

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8.13.5 Temporary Mobile Homes

A Conditional Use Permit may be issued for residing in a RV/temporary mobile home which may be located on the rear portion of a lot in the AG-40 zone during the construction of a permanent dwelling on said lot up to 1 year. The temporary conditional use permit may be renewed once. The owner may be in violation of this Code if the temporary mobile home is not removed by the expiration of the permit.

8.13.6 Trash and Waste Storage

All trash shall be placed in accepted and approved refuse receptacles (i.e., standard residential garbage cans, roll-ons, dumpsters). No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public.

8.13.7 Non-Operative Vehicles or Machinery

A. No unlicensed, wrecked, non-operational, or abandoned vehicles or equipment shall be stored in any front or side yard of a dwelling.

B. The limit of four (4) unlicensed, wrecked, non-operational, or abandoned vehicles or equipment may be stored outside in a rear yard unless screened from public streets and adjacent property with a sufficiently high, opaque fence or wall.

Chapter 9 – Supplementary Regulations

9.1 Purpose

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

9.2 Creation of New Lots

Creation of all new lots intended for residential or commercial construction shall meet all requirements established for the zoning district in which the lot is located. It shall also meet all Fire District, Health Department, International Building code and any other applicable requirements contained in this code.

No lot to be used for residential or commercial uses may be created from a larger parcel of land if the change to the original parcel will cause the original parcel to no longer meet the building lot requirements of the zone district in which it is located.

Any requirements for the new lot such as parking, driveways, roads, setbacks, easements, etc., except for approaches from a highway, to make the lot conform to the zoning requirements must be contained within a contiguous lot and not sold or leased from an adjoining lot, parcel or building.

9.3 Restricted Lots

A smaller parcel of land may be divided from a larger parcel for use as a non-residential non-commercial purpose such as agriculture as long as the original parcel shall still meet all requirements of the zoning district in which it is located. The new parcel shall be recorded as a Restricted Lot which prohibits any future residential or commercial building construction.

No residential or commercial building shall be approved for restricted lots until such future zoning district changes, if any, shall make the restricted lot conform to zoning district requirements in which the restricted lot is located.

The lot may have a building to be used for storage or agricultural uses as long as standard setbacks, International Building code, and all other applicable requirements contained in this code are met.

9.4 Non-Conforming Uses, Structures, and Lots

9.4.1 Non-Conforming Use and Non-Complying Structures Defined

As used in this Code, the following non-conformities are defined:

NON-CONFORMING USE: A use that legally existed prior to the adoption of this chapter, has been maintained continuously since the time this chapter was adopted,

and because of one or more subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.

NON-COMPLYING STRUCTURE: A structure that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions or other regulations, excluding those regulations which govern the use of land.

NON-CONFORMING LOT:

A lot that:

- A. Legally existed before its current land use (zoning) designation or were created by a preliminary or final plat approval prior to the application of the current zoning ordinance.
- B. Has been shown continuously on the records of the Box Elder County Recorder as an independently existing piece of property.
- C. Because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

OTHER NON-CONFORMITY: A circumstance governed by a land use ordinance other than a non-conforming use, or lot, or a non-complying structure, or use that:

- A. Legally existed before the current land use (zoning) designation of the lot where the non-conformity is located; and
- B. Because of subsequent zoning land use ordinance changes does not conform with the regulations that now govern the use of the land.

9.4.2 Owner Burden

In all cases, the property owner shall have the burden of proving by a preponderance of evidence that a lot, structure, use or other circumstance which does not conform to the provisions of this title was legally established.

A preponderance of evidence is evidence which is more credible and convincing than evidence offered in opposition to it.

Evidence offered to prove a lot, structure, use, or other circumstance was legally established may include, but is not limited to:

- A. The date when the circumstance was created.
- B. Copies of applicable Zoning, Building, or other code provisions in effect at the time of creation.
- C. Documents showing the nonconforming circumstance was authorized such as building permits, letters, and meeting minutes of governmental bodies where the circumstance was discussed and/or authorized.
- D. Property inspection reports which indicate the degree that the nonconforming circumstance complies with applicable codes in effect at the time of creation; and
- E. Affidavits of persons with personal knowledge of the circumstances of creation.

If a previously existing land use ordinance applied to a claimed nonconforming circumstance, and no provision of such ordinance would have allowed such circumstance, it shall be prima facie evidence that the nonconforming circumstance was not legally established.

If when established, a lot, structure, use or other circumstance did not conform to the provisions of applicable land use ordinance provisions, the fact that it has been occupied, used, or existed for a considerable period of time shall not be a factor in determining whether the circumstance should be deemed legally established.

9.4.3 Non-Conforming Use of Conforming Structures

Regulations:

- A. Continuation by Property Owner: A legal nonconforming use may be continued by the present or future property owner.
- B. Illegal Use: An illegal nonconforming use shall be terminated immediately without regard to this section.
- C. Extensions: A legal nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purposes of the extension.
- D. Involuntarily Destroyed: The Town may not terminate a nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the use has been abandoned.
- E. Termination: A nonconforming use of a structure shall terminate if:
 - 1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Planning Commission, after a recommendation by the Building Official, that the structure is uninhabitable and that the nonconforming use will be lost if the structure is not repaired or restored within six (6) months.
 - 2. The property owner has voluntarily demolished a majority of the building that houses the nonconforming use.
- F. A nonconforming use may only be changed to a use allowed in this title, for the zoning district in which the property is located by following the approval procedures for such new use, as required by this title.

9.4.4 Non-Complying Structures

Regulations:

- A. A non-complying structure may be continued by the present or future property owner.
- B. The Town may not prohibit the reconstruction or restoration of a non-complying structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure has been abandoned.
- C. Necessary maintenance and repairs may be made to a legal non-complying structure by following the procedures for any approval, permit, or license, including the issuance of a building permit, for such maintenance and repairs, as required by all land use ordinances, and

Building Code.

- D. A non-complying structure shall terminate if:
1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or building official, that the structure is uninhabitable and that the non-complying structure will be lost if the structure is not repaired or restored within six (6) months.
 2. The property owner has voluntarily demolished a majority of the non-complying structure.

9.4.5 Non-Conforming Lots

This section shall only apply to legal undeveloped lots or parcels.

A legal Non-Conforming Lot shall:

- A. Be eligible for a building permit authorizing the construction of one single-family dwelling, even though such lot or parcel may not conform to the requirements of the zoning district in which it is located, provided:
1. That such lot or parcel of land is located in a zoning district that allows single-family dwellings.
 2. The proposed construction can qualify for the issuance of a building permit for a single-family dwelling, as required by the Box Elder County Fire Marshal, Health Department, and Building Code.
 3. Meet the zoning district requirements for setbacks and height.

9.4.6 Other Nonconformities

This section shall apply to any other circumstance which does not conform to the requirements of this title including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking; and any other nonconformity not covered by this chapter as a nonconformity, as listed in the above paragraph, shall be brought into conformance upon the occurrence of any one of the following:

- A. Any action which increases the floor area of the premises by more than thirty percent (30%).
- B. Any action which, when combined with one or more previous expansions that have occurred over a period of time, causes the aggregate area of expansion to exceed thirty percent (30%) of the original floor area of the premises.

9.4.7 Change in Status of Non-Conforming Use

If a non-conforming use is abandoned, it may be succeeded by a less intensive/less impacting non-conforming use provided such change is affected within one (1) year. After a change to a less intensive/less impacting use is in effect that change shall be evidence that the original non-conforming use has been abandoned and thereupon

loses any vested right as such, and the degree of non-conformity may not subsequently be increased.

Abandonment: Any party claiming a non-conforming use has been abandoned shall have the burden of establishing the abandonment. Abandonment may be presumed to have occurred if:

- A. A majority of the primary structure associated with the non-conforming use has been voluntarily demolished without prior written agreement with the Town regarding an extension of the non-conforming use;
- B. The use has been discontinued for a minimum period of one year; or
- C. The primary building associated with the non-conforming use remains vacant for a minimum period of one year.

The property owner may rebut the presumption of abandonment made under this section and shall have the burden of establishing that any claimed abandonment under this section has not in fact occurred.

9.4.8 Reconstruction of Non-Conforming Structure Partially Destroyed

A non-conforming structure destroyed to the extent of not more than fifty (50) percent of its reasonable replacement value at the time of its destruction by fire, explosion, or other casualty or act of God or public enemy, may be restored and the occupancy or use of such structure or part thereof which existed at the time of such partial destruction may be continued subject to all of the provisions of this Code.

9.4.9 Appeal

Any person aggrieved by a decision of the Planning Commission regarding any matter related to a nonconforming use, non-complying structure, or other nonconformity may appeal the decision to the Appeal Authority designated in this title.

9.5 Highway Protection Areas, to Promote Safety, and Limited Access to Highways

All access points to a state highway are controlled by the Utah Department of Transportation. If a property has access points along a State Highway, lot approvals and building permits issued by Deweyville Town are dependent upon written approval by UDOT. The frontage along one or both sides of all State, and County roads are subject to special review for protection of the highway frontage and safety of access by roads and driveways. Such highway protection areas include the frontage along Highway 38 and Highway 102 (11300 North). Any building or development proposal along these sections of roads and highways are subject to additional review by the Town Planning Commission. The highway frontage review in these designated areas shall consider the following factors:

9.5.1 Consolidated Access

To the extent possible to minimize access points and driveways to the highways, access shall be from existing Town or Private streets that join with the highways rather than direct highway access. Common driveways between adjoining projects

shall be used when possible, and driveways that are required in order to provide access shall be placed where they create the least interference with traffic on the highways.

9.5.2 Pathways and Future Improvements

The Town shall review proposals for pedestrian and bicycling pathways through the frontage property, proposals for open space, and sensitive lands, and future road widening demands, where applicable.

9.5.3 Obstruction of View at Intersecting Streets

In all zones, no obstruction to public or private street views in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points 25 feet from the intersection of the street right-of-way lines, except for a fence four feet or less in height that does not obstruct the view of on-coming traffic and a reasonable number of trees pruned back to the trunk below 7' to permit automobile drivers an unobstructed view.

9.6 Public Utility Structures

Public utility structures may be permitted on less than the required size lots in any district as approved by the Planning Commission. These facilities are conditional uses.

9.7 Home-Based Business in Residential Zones (RR-35, RR-5)

A home-based business in a residential zone is lawful and permitted if it complies with the definitions and guidelines outlined in this section. The guidelines for, and regulation of, home-based businesses in residential zoning is to maintain the rural residential character, the quality of life, and property values of the residential zones or neighborhoods within the town.

- A. Home-based businesses within the town must not create a danger to the general health, safety, and well-being of the residents or property owners.
- B. Excessive or nuisance light, noise, smoke or dust, and odor are subject to zoning restrictions and must not create a danger to the general health, safety, and welfare of other residents or neighboring properties. The use and or disposal of chemical hazards, toxic substances, hazardous waste, and physical hazards are also subject to zoning restrictions.
- C. A resident of the home must own the business and may employ others not residing at the residence. Employees visiting or working with clients is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- D. A home-based business requires compliance with Town business licensing regulation in effect at the time of use.
- E. The business must provide parking for each employee vehicle on-site within the boundaries of the property. Customer on-site parking is required and must be within the boundaries of the property.

- F. Owners should conduct home-based business within a dwelling, accessory dwelling, or accessory building.
 - 1. Owners must receive approval by application to the Town Council for business activities conducted outside of a residence, accessory building, or accessory dwelling.
 - 2. A new accessory building associated with a home-based business must meet all permitting and zoning requirements.
- G. The extent and scope of the home-based business must not be such that the primary use of the property and home can no longer be considered residential.
 - 1. RR-35 Zone: A home-based business in the RR-35 Zone conducted in the primary residence, accessory dwelling or accessory building must not exceed 1500 square feet.
 - 2. RR-5 Zone: A home-based business in the RR-5 Zone conducted in the primary residence, accessory dwelling, or accessory building must not exceed 7500 square feet.
- H. A home-based business may include the sale of goods or merchandise directly from the home but must not create a high volume of traffic.
- I. The use of mechanical equipment shall be limited to those machines or tools whose use shall not generate noise, smoke, or odors perceptible beyond the premises of the dwelling or accessory building.
- J. In all cases, signage shall be limited to identifying the location of the business by appropriate window displays or signs of a size no greater than fifteen square feet. Free- standing signs shall be contained within the property lot.

9.8 Accessory Dwelling Units within Residential Dwellings

The purpose of permitting an internal accessory dwelling unit is to provide homeowners with a means of obtaining, through tenants in an accessory dwelling, rental income, companionship, security, and services.

9.8.1 Requirements for an Accessory Dwelling Unit

- A. Accessory dwelling units are allowed in all residential and agricultural zones.
- B. Accessory dwelling units shall be processed as permitted or conditional uses.
- C. Only one internal accessory dwelling unit shall be allowed within a single-family house.
- D. Building permit is required for all changes required to the building for the creation of an accessory dwelling unit.
- E. The design of the dwelling conforms to all applicable standards in the health, building and other codes. Certification by the health department must be issued stating that the waste disposal system is sized according to total available bedrooms in the house before a permit is granted.
- F. The owner(s) of the residence in which the internal accessory dwelling unit is created shall occupy at least one of the units in the dwelling, except for bona fide temporary absences for up to 2 years. Bona fide absences are granted for military, business, religious, and illness

absences.

- G. Each owner of the property shall record a document with the Box Elder County Recorder, stating that they will continue to live in the home, for the duration of the rental.
- H. The dwelling unit will be a separate housekeeping unit that can be isolated within the original unit. A single common meter for each utility is required to maintain the accessory nature of the apartment.
- I. The internal accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building.
- J. One additional parking space is required for an accessory dwelling unit.

9.8.2 Application and Transfer Procedures

- A. Application for a permit for an internal accessory dwelling unit shall be made to the Planning Commission in accordance with the permitted use permit procedures given in this code.
- B. The purchasers of a home that has a permitted use permit for an internal accessory dwelling unit who want to continue renting their apartment must demonstrate that all conditions requisite to maintaining the conditional use permit, in particular their residence in the home, are being met.
- C. Where appropriate, the Planning Commission may hold a special meeting to expedite approval prior to sale in order to protect continued residence by existing tenants.

9.9 Detached Accessory Dwelling Unit

The purpose of permitting a detached accessory dwelling unit is to provide homeowners with a means of obtaining, through tenants in an accessory dwelling, rental income, companionship, security, and services.

9.9.1 Requirements for a Detached Accessory Dwelling Unit

- A. Detached accessory dwelling units are allowed in all residential and agricultural zones.
- B. Detached accessory dwelling units shall be processed as a conditional use.
- C. The maximum size for a detached accessory dwelling unit shall be 1200 square feet.
- D. Building permit is required for all changes required to the building for the creation of an accessory dwelling unit.
- E. The design of the dwelling conforms to all applicable standards in the health, building and other codes. Certification by the health department must be issued stating that the waste disposal system is sized according to total available bedrooms in the house before a permit is granted.
- F. The owner(s) of the residence in which the detached accessory dwelling unit is created shall occupy at least one of the units in the dwelling, except for bona fide temporary absences for up to 2 years. Bona fide absences are granted for military, business, religious, and illness

absences.

- G. Each owner of the property shall record a document with the Box Elder County Recorder, stating that they will continue to live in the home, for the duration of the rental.
- H. The dwelling unit will be a separate housekeeping unit that can be isolated within the original unit. A single common meter for each utility is required to maintain the accessory nature of the apartment.
- I. The internal accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building.
- J. One additional parking space is required for an accessory dwelling unit.

9.10 Bed and Breakfast Inns and Vacation Lodging

A Bed and Breakfast Inn is a conditional use and includes the following standards:

- A. Bed and Breakfast Inns are limited to 5 guest bedrooms.
- B. No long-term rental of rooms shall be permitted. The maximum stay for lodgers shall be six (6) months.
- C. Supervision by an on-site manager or owner shall be required on a 24-hour per day basis.
- D. One (1) off-street parking space shall be provided per employee plus one (1) space per guest room, located out of the front yard setback. On-street curbside parking may be used to satisfy this requirement at the rate of two (2) spaces per sixty (60) feet of lot frontages on a dedicated street.
- E. Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities shall be allowed in guest rooms. Health Department inspection and permit required to serve meals.
- F. Such use shall conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.
- G. No alcoholic beverages shall be sold on the premises.
- H. No receptions, banquets, or catering shall be permitted other than for registered lodgers.
- I. Any commercial use shall be incidental to the Bed and Breakfast use, i.e., gift shop, etc. and shall be limited to 5% of the total square foot area of the main floor of the building.
- J. One identification sign not exceeding 20 square feet may be placed on an ornamental masonry wall, monument or structure that is complimentary to the design of the building. The freestanding sign shall not be higher than four (4) feet. If illuminated, only downward directed and shielded spot lighting is allowed, thus prohibiting back-lighted signs. In any case the sign must be approved by the Planning Commission prior to its construction.
- K. Care shall be taken to ensure that no exterior lighting shines directly into adjoining properties and all such lighting shall be shielded and downward directed.
- L. A Town business license shall be obtained as a condition of approval.

9.11 Day Care Services (Including Preschools)

- A. **Family Day Care** services are a conditional use and require a Conditional Use Permit, a Town business license, and must meet all State laws for licensing requirements. The provider must reside in the residence where services are provided. The provider is limited to four children.
- B. **Family Group Day Care** services are a conditional use and require a Conditional Use Permit, a Town business license, and must receive a license from the State of Utah within sixty (60) days after approval by the Town. The provider must reside in the residence where services are provided. The provider is limited to 12 children. The subject residence must conform to the International Building Code prior to operating the facility.
- C. **Child Day Care or Child Care Centers** services are a conditional use and require a Conditional Use Permit, a Town business license and must receive a license from the State of Utah within sixty (60) days after approval by the Town. All Centers must comply with the International Building Code prior to occupancy.

9.12 Temporary Uses of Buildings or Land

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore listed as regular permitted or conditional uses in any zone of the Town. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of the citizens of Deweyville. Any building or structure which does not meet the requirements of this Chapter shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes.

9.12.1 Uses Allowed

- A. Uses allowed on a temporary basis in accordance with provisions of this Chapter may include, but are not limited to, the following: carnivals, circuses, firework stands or displays, Christmas tree lots, promotional displays, tents, food stands, trucks or trailers for religious services, revivals, retreats, political rallies, or campaign headquarters. Uses shall be allowed for not more than forty-five (45) days and shall only be allowed along State Highway 38 and State Highway 102 (11300 North).
- B. A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of twelve (12) days in any calendar year and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

9.12.2 Prior Approval Required

Prior to the establishment of any of the above uses, or any qualifying temporary use, (except fireworks stands or fireworks displays, permits for which shall be

administered by the Fire Department), a temporary use permit, processed as a conditional use, must be obtained from the Planning Commission. Such permits may include requirements for additional setbacks, signs, parking, access, liability insurance, sanitation, traffic control measures, other safety related provisions, and as specified below. No public hearing is required. Any application for such permit shall meet any necessary requirements of this code and this section and shall be made by the property owner or his/her authorized agent.

9.12.3 Standards and Requirements

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

- A. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
 1. No indoor seating of patrons.
 2. Written evidence that a host structure will provide permanent sanitary facilities for any employees and that such facilities are conveniently located not more than three hundred (300) feet from the structure and will be accessible during all periods of operation of the use.
 3. Written evidence from the Town or County Health Department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.
- B. The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking places may be required depending on the use. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site. All parking shall meet the standards for off-street parking as specified in this chapter except that required parking may be provided on a gravel surface rather than a concrete or asphalt cement surface.
- C. The layout of the proposed use shall be compatible with the access, parking, circulation, and other significant elements of any other uses or structures existing on the site.
- D. All structures shall be securely anchored to the ground at not less than four (4) points as directed by the Building Official or Town Engineer.
- E. The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.
- F. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding forty-five (45) days. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within

- fifteen (15) days of the vacancy.
- G. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures according to the schedule established in a fee resolution passed by the Town Council.
 - H. A fee shall be charged for the application process.

9.12.4 Town Celebrations or Events

Any Town sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining a temporary use permit as described by this section.

9.12.5 Revocation of Permit

A permit may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use permit.

9.12.6 Business License Required

A temporary use permit is not a business license and the granting of said permit shall not relieve the permit applicant of any other license requirement of the Town or any other public agency.

9.13 Right to Farm Provisions

- A. Since Deweyville Town is an agricultural community and because the Town Council places such a high value on the protection and preservation of agricultural land uses, the Town has adopted the following right to farm provisions of this code.
- B. An impact analysis must be provided for all land that borders an agricultural area, contains within them an agricultural access and irrigation right-of-way or easement, and/or contains an agricultural open space.

9.13.1 Impact Analysis

Additional requirements shall be imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the subdivision process. This impact analysis shall be used to determine the impact(s) on associated orchards, agriculture, and/or livestock operations affected by the development, and suggest remediation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

The developer is responsible for the performance of the analysis with the input and review by the Town. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development and will stipulate requirements based on the impact study during the approval process to ensure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by

neighbors. All rights to farm are preserved to the best ability of the Town, taking into consideration practical land use applications and private property rights and concerns.

9.13.2 Impact Analysis Guidelines

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Impact solutions may be developed as subdivision approval conditions, restrictive covenants or agreements, and notes and restrictions on the recorded subdivision plat:

- A. Protection of irrigation access and maintenance of ditches and canals.
- B. Safety and protection of the public from ditches, canals, ponds, and drainage systems.
- C. Livestock movement corridor protections and safety concerns.
- D. Fencing safety (i.e., electrical, barb wire) and design.
- E. Hunting protection, access, and livestock safety concerns.
- F. Protection of farm equipment ingress and egress.
- G. Erosion and soil protection and conservation concerns.
- H. Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.
- I. Noxious weeds, pests, and pet (dog) controls in the subdivision.
- J. A recorded document or notice on the plat with provisions, acknowledgments, and understandings by new property owners (including hold harmless agreements if necessary) that farm work hours run late and begin early and that farm operations may contribute to noises, odors, and pesticide use that is objectionable to some subdivision residents.
- K. Screening provisions and landscaping designs to reduce noise or visual impacts on surrounding or conflicting land use.

9.14 Location of Portable/Movable Storage

- A. Any portable or moveable storage situated, placed, parked, located, stored, or positioned in any zone, either connected or not connected to the ground, shall meet the same distance and set back rules as outbuildings, garages, sheds, or agricultural structures connected to the ground by posts, concrete, or slab foundation, etc.
- B. No portable or moveable storage may be positioned within the front yard in any zone for longer than ninety (90) days.

Chapter 10 – Roads and Streets

10.1 Roads and Utility Easements

10.1.1 Definitions

- A. Road/Street:** The standard street that serves one or more lots or structures in the Town of Deweyville. Owned and maintained by the Town or UDOT. All zoning districts. See appendix 3 and 4.
- B. Public Use Road:** A road that is owned, by conveyance or dedicated plat and/or by operation of law, or a road that could be owned by right of use and may or may not be maintained by the Town of Deweyville. All zoning districts.
- C. Private Lane:** A privately owned and maintained road in the RR-5, AG-40, A-40 zoning districts that serves two or more single family dwellings.
- D. Single Home Driveway:** A privately owned and maintained driveway that serves one single-family dwelling in the RR-35 zoning district.
- E. Utility Easement:** A strip of land bordering on one or both sides of a Road/Street or Private Lane that is set aside to allow the burial of utilities that service the same lots/structures that the road services. All zoning districts.
- F. Easement:** Permission to use a road, lane, or driveway, but no ownership or maintenance by the Town of Deweyville. All zoning districts.

10.1.2 Road Requirements

- A. Road/Street:** All roads/streets in the Town of Deweyville require a 60 foot of Right of Way (ROW) consisting of 24 feet of improved driving space and 36 total feet of utility right of way (18 feet per side). The 24-foot improved driving surface shall be graded to have a three (3) inch minimum crown across the 24-foot span for drainage. The driving surface shall be a minimum of 12 inches of compacted gravel with a minimum of 6 inches of compacted road base gravel top surface. A hard surface with a minimum of 4 inches of asphalt or concrete paving shall be required if more than 3 lots or structures are serviced by the road/street. The 18-foot unpaved right of way shall be graded to allow for the collection and retention of water runoff with a swale having a minimum depth of 1 foot.
- B. Private Lane:** Private lanes shall have a Right of Way (ROW) consisting of a minimum width 24 feet with a minimum of 18' feet improved/all-weather surface. The driving surface shall consist of minimum of 6 inches of compacted gravel with a minimum of 4 inches of compacted road base

gravel top surface. Surfaces on both sides of the lane shall be graded to allow for collection and retention of water runoff from the lane.

- C. **Single Home Driveway:** Shall have a minimum width of 12 feet of driving surface. The driving surface shall consist of a minimum of 3 inches of compacted gravel and a minimum of 3 inches of compacted road base gravel.
- D. **Any Road/Street, Private Lane, or Driveway** that crosses a waterway or other obstruction shall have a culvert or bridge installed that can handle sufficient water flow as to not block or obstruct the flow of water down the waterway.
- E. **Anytime UDOT requires a consolidated access** that parallels a street or road, the Town requires a 15' (foot) easement and a 24' (foot) all-weather surface.

10.1.3 Access and Road Widths Through Existing Frontage Lots on State Road 38, Which May or May Not Have Existing Structures

- A. All roads, streets, and private lanes to parcels of land in the RR-5, A-40 and AG-40 zones which must cross through existing frontage lots with existing structures on State Road 38 or specified roads (Hwy 38, 10200 N and 3000 W) in the Town of Deweyville, must have a minimum access width of 24 feet of improved/all-weather surface, and shall not compromise the setbacks of the existing structures in the process of providing road width.
- B. Private lanes in the RR-5 zone must have a minimum ROW width of 24 feet (see 10.1.2 B). Roads and streets in subdivisions are required to have a minimum width of 60 feet (see 10.1.2 A).
- C. Future, denser, development in the RR-5, A-40 and AG-40 zones may require a 60-foot road off of State Road 38 due to UDOT, Fire Marshal, or Deweyville Town requirements. If this occurs, it is the responsibility of the developer to provide a 60-foot roadway. Existing structures on an existing lot shall retain the required setbacks, while providing a fully compliant 60-foot roadway.
- D. Non-conforming lots cannot be created in order to meet width requirements.
- E. No land owners will be required to provide or sell property in order to meet width requirements for access behind RR-35 properties fronting specified roads.

10.1.4 Maintenance of Utility Easement Areas in the RR-5, A-40 and AG-40 Zones

All property owners abutting a 60' ROW street shall maintain the areas adjacent to their property to the edge of the pavement in a weed free condition with a gravel surface.

10.1.5 Existing Non-Conforming Private Lanes and Roads

- A. Existing non-conforming private lanes and roads shall be accepted as legally non-conforming, until such a time as:
 - 1. A new subdivision of land shall occur either on the part of the property owner with the non-conforming private lane or road, or on the part of any other property owner, who must access his new subdivision of land using the non-conforming private lane or road.
 - 2. A new home or other non-agricultural structure is to be built on any property accessed by the non-conforming private lane or road.
- B. In either of the above cases, the property owners shall conform to the road width requirements as outlined in this ordinance, with the following two exceptions:
 - 1. The Planning Commission, pursuant to a subdivision application and an approval shall allow the subdivision of one parcel of land and the building of one residence to be accessed with a non-conforming private lane or road, which access shall be considered a private road.
 - 2. Agricultural buildings may be accessed through non-conforming private lanes, access strips or roads.

10.1.6 Extension of Streets to Boundary Lines

- A. All roads and road rights-of-way must extend to the boundary lines of the subdivision.
- B. If there are agricultural considerations, the right to farm potential conditions shall be utilized. The area reserved for the road right-of-way may thus be used for agricultural purposes until future development occurs beyond the boundary of the subdivision. No permanent outbuildings, landscaping or agricultural buildings are allowed in the area reserved for the future road rights-of-way.
- C. A stipulation on the subdivision plat shall be included which states that "the road must be completed to the boundary line of the subdivision, should development ever occur in the direction of the existing road."
- D. When further development arises, the expense and effort of extending the road to the boundary line of the subdivision of land is the sole responsibility of the current property owner, no matter how the road right-of-way has been used, and no matter how long the road right-of-way has been used for a purpose other than a road.
- E. The final plat of the subdivision shall not be approved without a written statement from the property owner recognizing this requirement to complete the road to the boundary line of the subdivision.

10.1.7 Termination with a Temporary Turnaround

All non-through streets shall be properly terminated with a temporary turn-around in accordance with Deweyville Public Works Construction Standards (see Appendix 5).

Chapter 11 - Parking Dimensions and Requirements

11.1 Dimensions, Mixed or Combined Parking Uses

TABLE OF PARKING LOT DIMENSIONS			
PARKING ANGLE	45°	60°	90°
Stall Width	12'	12'	12'
Stall Depth	16'	18'	18'6"
Bumper Overhang	2'	2'3"	2'9"
Driveway/aisle	13'	17'6"	25'

Compact spaces may reduce the length of the stall by 2'.

In the case of mixed uses on the same site the amount of off-street parking spaces required shall be the sum of the parking required under this ordinance for each use, less 20%. Handicap parking spaces must meet all State ADA requirements.

11.2 Parking Surfaces

All required parking areas in the RR-35 shall be surfaced with an all-weather surface as approved as to specifications by the Town Engineer.

11.3 Specific Requirements by Use

Minimum on-site and off-street parking spaces for individual or similar uses shall be interpreted by the Planning Commission for uses not specific to those listed in the following table:

USE	PARKING REQUIREMENT
RESIDENTIAL: Single-family dwelling Accessory Dwelling Unit	2 parking spaces 1 additional space
Recreational facilities, golf courses and similar recreation areas	Determined by specific review by Planning Commission based on a traffic/parking study provided by the applicant
Offices as Home Businesses	1 additional space for every two employees
Churches, auditoriums, assembly halls, theaters	1 space for 5 seats

Hospitals, schools, civic buildings	Determined by specific review by Planning Commission based on a traffic/parking study provided by the applicant.
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If the Planning Commission finds that reducing the parking spaces per unit requirement is not detrimental to the traffic circulation in the surrounding area and will enhance the proposed development, it may reduce these parking standards, based on, but not limited to, a traffic/parking study by a traffic engineer (paid for by the applicant but managed by the Town), and Planning Commission recommendations concerning existing and proposed road conditions and fire safety, subject to the provisions of this ordinance.

11.4 Access

Adequate ingress and egress to all uses shall be provided as follows: For the purpose of this section, “driveway” or “access” shall mean the width of the curb cut or the driveway approach. Where curb does not exist, this shall mean width of the hard surface driveway. Access for all uses except residential shall be by a maximum of one driveway for each 125 feet of frontage on a public street, such driveways to be not over 50 feet in width. Accesses for single family residential uses shall not exceed 36’ maximum driveway width. No residential driveway shall be closer than 20 feet measured along the property lines to the point of intersection of two property lines at any corner.

Height, location, structural specifications, maximum and minimum curb radii permitted, and minimum roadway approach angles to the centerline of the street are subject to APWA standards.

Chapter 12 - Drinking Water Source Protection

12.1 Purpose

The purpose of this Section is to ensure the provision of a safe and sanitary drinking water supply to the residents of Deweyville who receive water for culinary and domestic use from the public water system(s) in the Town by the establishment of drinking water source protection zones surrounding the wellheads and springs and by the designation and regulation of property uses and conditions that may be maintained within such zones.

12.2 Definitions

When used in this Section the following words and phrases shall have the meanings given in this Section:

- A. **Design Standard** means a control that is implemented by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.
- B. **Drinking Water Source Protection (DWSP) Zone** means the surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system through which contaminants are reasonably likely to move toward and reach such groundwater source.
- C. **Groundwater Source** means any well, spring, tunnel, ditches, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.
- D. **Pollution Source** means point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

The following definitions clarify the meaning of pollution source:

- 1. **Animal Feeding Operation** means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
- 2. **Animal Unit** means a unit of measurement for any animal

feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

3. **Extremely Hazardous Substances** means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011). A copy of this document may be obtained from: Section 313 Document Distribution Center, P.O. Box 12505, Cincinnati, OH 45212.
4. **Potential Contamination Source** means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.
5. **Public Water System** means a system, either publicly or privately owned, providing water for human consumption and other domestic uses, which has at least 15 service connections, or serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.
6. **Sanitary Landfill** means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
7. **Sanitary Sewer Line** means a pipeline that connects a residence or other building with a sanitary sewer.
8. **Septic Tank/Drain-Field System** means a system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.
9. **Spring** means the ground surface outlet of a natural underground spring including spring collection and control boxes, valves, piping and other attachments.
10. **Storm Water Infiltration Structure** means a structure that is

intended to discharge storm water so that it infiltrates groundwater.

11. Underground Storage Tanks means underground tanks used for the storage of gas, oil, or other hazardous substances.

12. Wellhead means the physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

12.3 Establishment of Drinking Water Source Protection Zones

There is hereby established the following four use districts to be known as drinking water source protection zones one, two, three, and four:

Zone One: The area within a 100-foot radius from the wellhead or margin of the collection area.

Zone Two: The area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the groundwater divide, whichever is closer.

Zone Three: The area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the groundwater divide, whichever is closer.

Zone Four: The area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the groundwater divide, whichever is closer.

12.4 Identification of Public Water Systems and Their Drinking Water Source Protection Zones in Deweyville Town

After a public water system in Deweyville submits its drinking water source protection plan to the Utah Division of Drinking Water pursuant to the Division's drinking water source protection regulations, as amended, and the Division provides written notice to the public water system of its approval of the plan, the public water system shall, at its sole cost and expense, provide Deweyville Town and the Box Elder County Building Permit and Surveyor's Office with a map, and any additional information required by the Office, identifying the four drinking water source protection zones the public water system designates for each of its sources of groundwater for drinking water in the plan approved by the Division.

The Town shall then incorporate this information on a map of the Town that it shall prepare and maintain which identifies each public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each source of groundwater.

The Box Elder County Building Permit and Surveyor's Office shall then incorporate this information on a map of the County that it shall prepare and maintain which identifies

each public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each source of groundwater. It shall be the duty of each public water system, at its sole cost and expense, to submit any updated information as necessary to the Box Elder County Building Permit and Surveyor's Office.

12.5 Permitted Uses

12.5.1

In Zones One, Two, Three, and Four, each use established before the effective date of the 2011 Code, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent jurisdiction to be a nuisance under the provisions of federal, state, and/or local laws or regulations.

12.5.2

In addition to the uses permitted under section 12.5.1 herein, the following uses, including uses incidental and accessory to that use, shall be allowed within the respective drinking water source protection zones:

A. Zone One

No uses in addition to that allowed under section 12.5.1 herein are allowed in Zone One.

B. Zone Two

Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance, provided that such uses are connected to a sanitary sewer system.

C. Zone Three

Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance.

D. Zone Four

1. Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance.
2. The tilling of the soil and the raising of crops, provided that the use of fertilizers and pesticides is accomplished within applicable federal, state, and/or local requirements.
3. The pasturing of livestock, provided all forage is raised on the pastured area.
4. In addition to the permitted uses specified in Sections 12.5.2(A) and 12.5.2(B) herein, certain of the uses prohibited in Zones Two, Three, and Four pursuant to Paragraph 6 herein may be allowed in Zones Two, Three, and Four, respectively, if design standards are implemented for the specific use that will prevent contaminated discharges to ground water.

12.6 Prohibited Uses

Subject to the above, the following uses are prohibited within the following drinking water source protection zones.

12.6.1 Zone One

All uses that fall within the definition in 12.2(D) of "pollution source" or "potential contamination source," including the following, are prohibited in Zone One:

- A. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- B. Sanitary landfills.
- C. Hazardous waste or material disposal sites.
- D. Septic tanks/drain field systems
- E. Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
- F. Underground storage tanks.
- G. Storm water infiltration structures.
- H. Any pollution source as defined herein or in Rule 309-113-101, as amended, of the Division of Drinking Water's drinking water source protection regulations.
- I. Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

12.6.2 Zone Two

- A. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- B. Sanitary landfills.
- C. Hazardous waste or material disposal sites.
- D. Septic tanks/drain field systems.
- E. Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
- F. Underground storage tanks.
- G. Storm water infiltration structures.
- H. Any pollution source as defined herein or in Rule 309-113-101, as amended, of the Division of Drinking Water's drinking water source protection regulations.
- I. Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

12.6.3 Zone Three

- A. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- B. Sanitary landfills.
- C. Hazardous waste or material disposal sites.
- D. Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

12.6.4 Zone Four

- A. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- B. Sanitary landfills.
- C. Hazardous waste or material disposal sites.

12.7 Drinking Water Source Protection Requirements

Except as provided herein, following the effective date of this Ordinance, no building permit or other form of approval from the Town to develop or use real property within the Town shall be issued until the applicant establishes that its proposed development or use of real property complies with the requirements of this Ordinance.

12.8 Administration

The policies and procedures or administration of any drinking water source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, variances and exceptions, and enforcement and penalties, shall be the same as provided in this Code or as amended from time to time.

Chapter 13 – Subdivision Regulations

13.1 General Provisions

13.1.1 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Deweyville Town or Chapter 13 of the Land Management and Development Code of Deweyville Town. The Deweyville Zoning Code and Subdivision Ordinance previously enacted by the Town of Deweyville are hereby amended and re-codified in their entirety to read as herein provided by this Deweyville Town Land Management and Development Code.

13.1.2 General Requirements/Concepts

A. Control and Jurisdiction

It is hereby declared to be the policy of Deweyville to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Deweyville, for the orderly, planned, efficient, and economical development of Deweyville.

B. Public Services and Health, Safety and Welfare Protection

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as streets and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision and/or development will not be approved.

C. Conformance with Town Plans and Standards

The existing and proposed public improvements shall conform and be properly related to the provisions and standards contained in the currently adopted International Building Code, the Land Management and Development Code, General Plan, Official Zoning Map, Deweyville Town Public Works Construction Standards, Deweyville Town Standard Culinary Water System Installation Standards and Specifications, and capital budget and infrastructure improvement program(s) of Deweyville Town as they may be adopted.

13.1.3 Purposes

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of Deweyville.

- B. To guide the future growth and development of Deweyville, in accordance with the Code.
- C. To provide for adequate light, solar access, open space, air, clean water, and privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the rural agricultural character (i.e., right to farm) and the social and economic stability of all parts of Deweyville and to encourage the orderly and beneficial development of all parts of the municipality.
- E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public requirements and facilities.
- F. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- G. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- H. To preserve the natural and rural agricultural beauty and topography of Deweyville and to insure appropriate development with regard to these valued natural and historical features.

13.1.4 Scope and Applicability

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Deweyville.

A. Existing Subdivisions

The Town Council does hereby exercise the power and Authority to consider and approve development in subdivisions of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

B. Undeveloped Subdivision Definition

The subdivision shall be considered to be entirely or partially undeveloped if:

1. said plat or subdivision has been recorded with the County Recorder's office without a prior approval by the Town Council, or
2. said plat or subdivision has been approved by the Town Council where the approval has been granted more than three (3) years prior to granting a building permit.

13.1.5 Requirements Prior to Subdividing

- A. No land shall be considered subdivided within the corporate limits of Deweyville until:
 1. Having been processed and obtained written approval of a concept plan, preliminary and final plat approvals by the Planning

- Commission and Town Council, as required by this Chapter; and,
2. The approved plat is filed with the County Recorder.

B. Permits Issued upon Conformity

1. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinance.
2. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable Town regulations.

13.1.6 Interpretation Conflict

A. Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict with Public and Private Provisions

1. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

13.1.7 Severability

If any part or provision of these regulations or application thereof to any person or circumstances is judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

13.1.8 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

13.1.9 Reservations and Appeals

Upon the effective date of these regulations according to law, the original Subdivision Ordinance of Deweyville, Utah, as previously adopted and as amended, is hereby repealed, except as to any design or construction standards and specifications not included or updated in this code and any other such sections expressly retained herein.

13.1.10 Amendments

For the purpose of providing the public health, safety, and general welfare, the Town Council may from time to time amend the provisions imposed by the subdivision regulations.

13.1.11 Vacation, Alteration or Amendment of Plats

The Town Council may, on its own motion, or pursuant to a petition, consider proposed vacations, alterations or amendments of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Section 10-9a-608 through 10-9a-609.5 of the Utah Code, Annotated (1953) as amended.

13.1.12 Enforcement, Violations, and Penalties

A. Enforcement

It shall be the duty of the Planning Commission, Building Inspector, Town Engineer, in conjunction with the Mayor to enforce these regulations and to bring to the attention of the Town Attorney and Town Council any violations or lack of compliance herewith.

B. Sale Restrictions

No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission and Town Council in accordance with the provisions of these regulations and filed with the County Recorder.

C. Evasion and Adjustments

The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. Except that the Town may approve metes and bounds descriptions for purposes of lot line adjustments, resolving conflicting boundary descriptions, bonified agricultural lot line adjustments where the adjusted lot sizes meet the greenbelt minimum lot sizes, and the recombination of old historically platted properties located within Deweyville. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

D. Violations and Penalties

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor.

E. Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

13.2 Subdivision Application Procedure and Approval Process

13.2.1 Approval Process

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

A. Concept Plan Submittal to the Planning Commission. The Planning Commission will review an application/concept drawing (available on-line and at the Town Office) in a public meeting. The Planning Commission may recommend changes and that the applicant obtain input from various agencies, prior to a preliminary plat submittal.

B. Preliminary Plat Submittal to the Planning Commission. The Planning Commission will review an application (available on-line and at the Town Office) for a preliminary plat in a public meeting. The Planning Commission shall compare the application to the Ordinances of Deweyville for compliance. If the application including the preliminary plat, subdivision improvement construction plans, and required supporting documents conform to the requirements of the ordinances, it shall be approved, but may be subject to specific revisions, based on the written ordinances of Deweyville, prior to submittal of the final plat application and required documents.

C. Final Plat Submittal to the Town Council. The Town Council will review an application (available on-line and at the Town Office) for final plat approval in a public meeting. The Town Council shall compare the

application to the Ordinances of Deweyville for compliance. If the application conforms to the requirements of the ordinances, it shall be approved, but may include specified revisions prior to recording of the final plat.

D. Recording of the Final Plat with the County Recorder. The Town Clerk/Recorder shall in conjunction with the developer oversee the recording of the final plat. Any costs incurred in the recording process shall be borne by the developer/subdivider. The final plat shall not be released for recording until appropriate financial surety (see section 13.3) is certified and in place to guarantee construction and performance of public on-site and off-site improvements required for the subdivision, or, until all of the public improvements have been completed to Town standards and accepted upon the recommendation of the Town Engineer.

13.2.2 Official Submission Dates

A schedule for submission of applications/plans shall be posted at the Town Hall.

13.2.3 Concept Plan

A. Application Procedure and Requirements

Prior to any process or procedure for subdividing land as contained in this code, an owner of the land or authorized representative shall file an application for approval of a concept plan. The application shall:

- 1. **Form:** Be made on a form available on-line and at the Town office.
- 2. **Delivery:** Be submitted to and received by Town Clerk/Recorder, who will check the submission for the required information, including required concept drawings. Incomplete submissions will not be accepted for review.
- 3. **Submission Date:** Be submitted to the Town Clerk/Recorder at least two (2) weeks prior to the next regular Planning Commission meeting in which it will be considered.
- 4. **Fee:** Be accompanied by a review fee in accordance with the adopted Fee Schedule of Deweyville in effect at the time the application is filed.
- 5. **Contact:** The application shall include an address, e-mail, and telephone number of the owner and/or authorized agent located within the State of Utah who shall be authorized to receive all notices required by these regulations.

B. Review of Application/Discussion of Requirements

The applicant will be expected to attend the Planning Commission meeting to present the application. If the applicant is not present, the application shall be tabled until the applicant can insure attendance at a regularly scheduled meeting.

The application and drawings will be presented to the Planning Commission as the first step for approval of a subdivision plat. The Planning Commission shall discuss with the applicant the associated specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of potential environmental impacts, and similar matters, as well as the availability of existing services.

No Approval of Concept plans will be made during the first submission discussion meeting. Approval decisions will be delayed until the next regularly scheduled planning meeting to allow for an extensive review of the submission and allow input from other agencies.

C. Planning Commission Review of Concept Plan

The Planning Commission shall have a minimum of four weeks (between scheduled Planning and Zoning meetings) to study the Concept Plan and any reports/input received during presentation at the scheduled meeting, taking into consideration the requirements of the Subdivision Ordinance and the best design of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided or developed, and the guiding provisions of the Official Zoning Map, General Plan, as adopted by the Town Council.

The Planning Commission may also advise the applicant, where appropriate, to further discuss the proposed subdivision with those agencies who must eventually approve their respective portions of the subdivision plat as per their jurisdictional responsibilities, such as, the Box Elder County Fire Marshal, and the various utility service providers, etc. Some agencies that have jurisdiction shall be notified through the process, such as the Box Elder School District and other taxing entities that do not have an approval responsibility.

D. Review Fees

The applicant shall be responsible for all application fees and any other fees incurred in any plan or development review process undertaken by the Town Engineers, Town Attorney and/or an outside agency or consultant.

E. Planning Commission Decision on Concept Plan

After reviewing and discussing the Concept Plan, the Planning Commission at the next scheduled Planning Commission meeting will advise the applicant of the specific changes or additions, if any, it suggests in the layout, and the character and extent of required improvements and reservations as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in preliminary and final form.

The Planning Commission shall decide on one of the following conditions:

1. **Approve:** Approve the concept plan. The Applicant may continue with the Preliminary phase of the subdivision process.
2. **Approve with Conditions:** Approve the concept plan with conditions/modifications detailed and returned to the Applicant. The Planning Commission may request the applicant to consult with other agencies or jurisdictions for further conditions/modifications. The Applicant may continue with the Preliminary phase of the subdivision process as long as the conditions/modifications are addressed in the Preliminary Plat.
3. **Disapprove:** Disapprove the concept plan based on a finding of facts of non-conformance to the subdivision requirement and regulations.

F. Expiration

The validity of the Concept Plan approval by the Planning Commission shall expire within one year unless a preliminary plat is filed, prior to that date.

13.2.4 Preliminary Plat

A. Application Procedure and Requirements

Based upon the approval by the Planning Commission of the Concept Plan, the applicant may file an application for a preliminary plat. The application shall:

1. **Form:** Be made on a form available on-line and at the Town office.
2. **Submission:** The Preliminary Plat, including all required improvement plans/drawings, shall include written comments from any relevant agencies having jurisdiction over required services. The preliminary plat shall incorporate to the greatest extent possible the considerations, and conditions/modifications of the Concept Plan approval. Only complete applications will be scheduled with the Planning Commission. The applicant will be expected to present the application at the public meeting.
3. **Submission Date:** The Preliminary Plat, including all required improvement plans/drawings, shall be submitted to the Town Clerk/Recorder at least four (4) weeks prior to the regular Planning Commission meeting.
4. **Delivery:** Be submitted to and received by Town Clerk/Recorder, who will check the submission for the required information in the application to determine if the application is complete.
5. **Fee:** Be accompanied by a review fee in accordance with the adopted Fee Schedule of Deweyville in effect at the time the application is filed.

6. **Contact:** The application shall include an address, e mail, and telephone number of the owner and/or authorized agent located within the State of Utah who shall be authorized to receive all notices required by these regulations.

B. Preliminary Review

The applicant will be expected to attend the Planning Commission meeting to present the application. If the applicant is not present, the application shall be tabled until the applicant can insure attendance at a regularly scheduled meeting.

The application and drawings will be presented to the Planning Commission as the second step for approval of a subdivision plat. The Planning Commission shall review with the applicant the preliminary plat and associated reports from relevant agencies, the Town Engineer, and contracted employees or consultants, the applicant shall be advised of any required changes and/or additions.

C. Preliminary Approval

One copy of the proposed preliminary plat shall be returned to the developer with the date and one of the following Planning Commission recommendations:

1. **Approved:** Applicant may proceed with the Final Plat phase of the subdivision process.
2. **Approved with Required Changes:** An updated preliminary plat which addresses the required changes shall be submitted with the Final Plat as a requirement for the Final Plat submittal to be considered complete. Such required changes shall be reviewed by the Town Engineer to determine completeness/readiness for submittal.
3. **Disapproved:** The application does not meet Town Standards. The applicant desiring to resubmit the preliminary plat, shall address the required changes or corrections in order for the Planning Commission to reconsider their disapproval of the previous preliminary plat. The resubmittal procedure shall follow the same procedure as the original preliminary plat process, but does not require a Concept Plan submittal.

D. Approval Exceptions

Before the Commission approves a preliminary plat showing land for public use (other than proposed public streets) proposed to be dedicated to Deweyville Town, the Planning Commission shall obtain preliminary approval of the park or land reservation from the Town Council.

E. Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the Town Council, Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and plat for preliminary approval subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

F. Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management and Development Code rendering the plat non-conforming as to bulk or use, provided the final approval is obtained within the one-year period.

13.2.5 Final Subdivision Plat

A. Application Procedure and Requirements

Following the approval of the Preliminary Plat, the applicant, may proceed with the subdivision, to file an application for final approval of a subdivision plat. The application shall include the following:

1. **Form:** Be made on a form available on-line and at the Town office.
2. **Submission:** The Final Plat, including all required improvement plans/drawings, shall include written comments from any relevant agencies having jurisdiction over required services. The Final Plat shall incorporate the considerations, and conditions/modifications of the Preliminary Plan approval. Only complete applications will be scheduled with the Planning Commission. The applicant will be expected to present the application at the public meeting.
3. **Submission Date:** Be submitted to the Town Clerk/Recorder, at least four (4) weeks prior to a regular meeting of the Planning Commission, in order that a public meeting may be scheduled and the required notice given in accordance with chapter 1 of the Land Management Code and Development.
4. **Delivery:** Be submitted to and received by Town Clerk/Recorder. The Town Clerk/Recorder shall coordinate with the Town Engineer before an assurance of completeness is made. The Town Clerk/Recorder will notify the applicant of the status of the submission.
5. **Fee:** Be accompanied by a review fee in accordance with the adopted Fee Schedule of Deweyville in effect at the time the application is filed.

6. **Contact:** The application shall include an address, e-mail, and telephone number of the owner and/or authorized agent located in the State of Utah who shall be authorized to receive all notices required by these regulations.
7. **County Recorder Review Process:** A copy of the final approved plat may be electronically submitted to the Box Elder County Recorder's office for review and any necessary corrections made to the plat per the County Recorder's office review comments. The plat shall be submitted with a certification from a representative of the said Recorder's Office that the plat has been duly reviewed by their department and found to be acceptable and in agreement with County records. The current contact and current contact info for the review at the County Recorder's office can be obtained from the Town Engineer.
8. **Scope and Highway Access:** Include the entire subdivision, or section thereof, which derives access from an existing state, county or local government highway.
9. **Compliance with Prior Submissions:** Comply in all respects with the preliminary plat, as approved, or modified as per Planning Commission recommendations, whichever is applicable.
10. **Dedications:** Be accompanied by all formal irrevocable offers of dedication to the public of all required streets, Town of Deweyville uses, utilities, parks, and easements, in a form approved by the Town Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:
 - a. The owner, or their representative, hereby irrevocably offers for dedication to the Town of Deweyville all the streets, land for local government uses, easements, parks and required water and sewer utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.
 - b. All such dedications shall be based on a current title report, signed by the developer and notarized. In addition, and in combination with this, the developer is required to submit a preliminary title report documenting that proposed dedications of land and easements under the certificate to Deweyville Town are free and clear of all liens and encumbrances on the premises.
 - c. If required by the Town Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording.
11. **Performance Guarantee:** Be accompanied by the performance guarantee (see section 13.3.1.B), if required, in a form satisfactory to the Town Attorney and in an amount estimated by the Sub-divider's

engineer and subsequently reviewed and approved by the Town Engineer and recommended for approval by the Town, in accordance with the provisions of the Land Management and Development Code, upon recommendation of the Town Engineer and shall include a provision that the principal of the guarantee shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Town Council and shall include, but not be limited to, the performance of all required subdivision public improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

12. Proof of Utility Service: Written will-serve letters shall be provided from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval.

13. Outstanding Obligations: Provide evidence that all property taxes are current and that no other Town debts or obligations are outstanding and that no liens or encumbrances are placed on the property that will impact the development or dedications.

14. Title Policy: Provide a title report or commitment for title insurance from a licensed title company and no older than thirty (30) days.

B. Planning Commission Meeting and Determination

At the next scheduled Planning Commission meeting the Planning Commission will do a final review of the Final Plat to determine if all requirements have been addressed and all requirements complete. The Planning Commission will make the final approval/rejection decision and pass their recommendations to the Town Council.

C. Town Council Meeting and Determination

At the next scheduled Town Council meeting the Town Council will review the Final Plat submission and the recommendations of the Planning Commission. The Town Council no later than the next scheduled meeting shall:

1. Approve, modify, and approve, or disapprove the subdivision application and shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval.
2. Stipulate the period of time when the performance guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary guarantees have been established in accordance with the Land Management and Development Code. In no event shall the period of time stipulated

by the Town Council for completion of required public improvements exceed two (2) years from the date of the final resolution.

3. Return one copy of the final subdivision plat to the subdivision applicant with the date of approval, modifications required prior to final approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

D. Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application and the receipt of final approval from the Town Council.

13.2.6 Signing and Recording of Subdivision Plat

A. Signing of Plat

1. When a guarantee of improvements is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the guarantee has been approved by the Town Engineer and the Town Council, and all the conditions of the resolution pertaining to the plats have been satisfied.
2. When installation of improvements is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed and inspected by the Town Engineer. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town as shown by a certificate signed by the Town Engineer and that the necessary dedication of public lands and improvements has been accomplished after a Town Attorney review.

B. Recording of Plat

1. The Chairman of the Planning Commission and the Mayor of Deweyville will sign three (3) reproducible Mylar originals of the subdivision plat with one to be returned to the applicant's engineer/surveyor and another given to the applicant's title company. Duplicate electronic copies of the signed Mylar plat shall be kept on file.

13.3 Assurance for Completion and Maintenance of Improvements

13.3.1 Improvements and Performance Guarantee

A. Completion of Improvements

Before the final plat is signed by the Chairman of the Planning Commission and the Mayor, all applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the Town Engineer, all the street, sanitary sewer (if required), water and other improvements (if required such items as storm drainage, trails, sidewalk,

curb, gutter, street signs, etc.), including public improvements on the individual lots of the subdivision as required, specified in the final subdivision plat, and as approved by the Planning Commission and the Town Council, and to dedicate all applicable public improvements to the local government(s) involved in the project, conservation easements or dedications of public lands to Land Trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated, except as provided below under Performance Guarantees.

B. Performance Guarantees

The Town Council may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an acceptable guarantee (in accordance with the supplementary regulations of this Code) at the time of application for final subdivision approval in an amount estimated by the Town Engineer as sufficient to assure to the Town the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees is in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all public lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements, currently allowed assessment is 110% of the public improvements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code.

The period within which required improvements must be completed shall be specified by the Town Council in the resolution approving the final subdivision plat and shall be incorporated in the guarantee and shall not in any event exceed two (2) years from date of final approval. Such guarantee shall be approved by the Town Council with surety and conditions satisfactory to them. The Planning Commission may, upon proof of difficulty, recommend to the Town Council extension of the completion date set forth in such guarantee for a maximum period of one additional year. The Town Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

In the event the applicant's ability to post an acceptable guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other Federal law or regulations, the Town Council may authorize plat approval and recordation upon receipt from the applicant of an executed and acknowledged agreement signed by all owners of fee, leasehold, contract and security interests in the subject property, in the form of a restrictive covenant that the applicant will not sell, lease or otherwise convey any lot, parcel or portion of a lot of the subject property unless, the foregoing requirements are satisfied. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall

be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the Town may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements have not been complied with within a specified time determined by the Town Council from the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the applicant or his successors with the provisions of this Code and the Agreement.

C. Costs of Improvements

All required improvements shall be made by the applicant, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

D. Other Governmental Units

Other Governmental units which develop within the Town, and to which these guarantees and contract provisions apply may file in lieu of said contract or guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Code.

E. Failure to Complete Improvement

For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified by the Town Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the local government may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default.

F. Acceptance of Dedication

Acceptance of dedication of streets, public areas, easements, and parks shall be by accomplished through notations, called the Owner's Dedication, on the final subdivision plat. Once the plat is recorded the dedications are final.

13.3.2 Inspection of Improvements

A. General Procedure and Fees

The Town Engineer, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the Town's fee ordinance, pay to the Town a basic/initial inspection fee and the subdivision plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the Town and no building permits or certificates of occupancy shall be issued until all fees are

paid. In addition, an estimated value of the development construction process inspections and administration thereof will be provided by the Town Engineer and shall be included in the value of the surety. Inspections and administration are to be based on an hourly rate and if difficulties are encountered with the contractor or the nature of the improvements result in exceeding the estimated deposit, the developer will be responsible for payment of the additional cost from other resources. Payments for inspection and administration will be on a periodic basis from the surety funds and not all upfront and not all at the end. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the developer shall first obtain a Notice to Proceed from the Town Engineer.

B. Release or Reduction of Performance Guarantee

1. Certificate of Satisfactory Completion

Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey improvements of the subdivision, indicating location, dimensions, materials, improvements and other information required by Final Subdivision plat approval and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision. Upon such approval and recommendation, the Town Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

2. Reduction of Performance Guarantee

A performance guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below the ten percent (10%) contingency estimate within the overall performance guarantee until total completion.

Lien releases from all contractors who worked on the public improvements are required.

13.3.3 Escrow Deposits or Letters of Credit for Public Lot Improvements

A. Acceptance of Escrow Funds

Whenever, by reason of the season of the year any public lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the Town Engineer for the cost of said improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

B. Procedures on Escrow Fund

All required improvements for which escrow moneys or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the Town Council to authorize the Town to proceed to contract out the work for the installation of the necessary improvements. Any amount over the escrow deposit or letter of credit will be charged to the developer. At the time of the issuance of the certificate of occupancy for which escrow moneys/letters of credit are being deposited with the Building Official, the applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

13.3.4 Maintenance of Improvements

A. Prior to Completion

The applicant shall be required to maintain all public improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town Council. If there are any certificates of occupancy on a street not dedicated to the Town, the Town may on twelve (12) hour notice plow the street or effect emergency repairs and charge same to applicant. The Town will assume responsibility for general maintenance when conditional acceptance of the public improvements has been granted and the guaranty period has commenced.

B. Warranty after Acceptance and Dedication

The applicant shall be required to file a maintenance guarantee with the Town, prior to acceptance, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Attorney, in order to assure

the satisfactory condition of the required improvements, for a period of one year after the date of their acceptance by the Town and dedication of same to the Town.

13.3.5 Waiver or Deferral of Required Improvements

A. Waiver

The Planning Commission may recommend that the Town Council defer or waive at the time of final approval, subject to appropriate conditions, the provision improvements that are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

B. Deferral

If deferral is deemed necessary by the Planning Commission and approved by the Town Engineer and Town Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Town prior to the signing of the final subdivision plat, or the applicant may post and record a guarantee insuring completion of said improvements upon demand of the Town.

13.3.6 Issuance of Building Permits and Certificate of Occupancy

A. Dedication before Certificate of Occupancy

Where a performance guarantee has been required for a subdivision, building permits may be issued after all utility and drainage improvements are complete and the crushed base course gravel proposed for the roads has been properly installed. Asphalt pavement of the roads and all appurtenant improvements associated with the roads (except for required seal coats) must be complete before a certificate of occupancy for any of the dwellings in the subdivision is granted.

B. Final Building Permits

No building permits shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the plat have been fully completed and dedicated to Deweyville, except for roadway seal coats which are typically applied one year after the asphalt pavement was completed.

13.3.7 Consumer Protection Legislation and Conflicts of Interest Statutes

A. Violations Prior to Permit Issuance

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with

respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

B. Revocation of Permits and Certificates of Occupancy

With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by Deweyville if so ordered, otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

C. Penalties for Violation

Violations of this section shall be subject to all of the penalties and proceedings as set forth in this Code.

13.4 Requirements for Improvements, Reservations, and Design

13.4.1 General Improvements

A. Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision developments shall comply with the following law, rules, adopted policy statements and regulations, as currently adopted, unless otherwise approved by Town Council:

1. All applicable statutory provisions.
2. The Land Management and Development Code, International Building and related Codes, Town design standards, Town public works construction standards and specifications, Town culinary water system standard installation plans and specifications, and all other applicable laws of the appropriate jurisdictions.
3. The Deweyville Town General Plan, Official Zoning Map, Public Utilities plans, and Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown in the General Plan as adopted or amended for the subdivision.
4. The special requirements of these regulations and any rules of the County Health Department, Box Elder County Fire Marshal, Box Elder School District and/or appropriate State or Federal Agencies that may have jurisdiction in the project. Compliance with these agencies regulations must be certified by letter to the Town or signature on the applicable plat(s) as provided for under this code.
5. The rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a State Highway or connects directly by a street.
6. The latest version of the APWA Standards Specifications and any amendments thereof as published by the Utah Chapter of the APWA as may be in force and in effect and any other standards and regulations proposed by the Town Engineer and adopted by

the Town Council.

7. Plat approval may be withheld if a subdivision is not in conformity with the above regulations.

B. Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or restrictive covenants may be recorded with the County Recorder.

C. Plats Straddling Municipal Boundaries, Annexations

Whenever a subdivision is proposed across land under County jurisdiction, the Planning Commission may require the annexation of the property involved. In general, lot lines and/or roads shall not be laid out so as to cross municipal boundary lines. The annexation may be enlarged after review by the Town to avoid creating unincorporated islands or peninsulas of incorporated territory that may be difficult to manage. All annexations must comply with the current annexation policy declarations in force at the time the annexation is proposed or a new annexation policy must be prepared and approved.

D. Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the Town Engineer.

1. Monuments shall be constructed in accordance with the Town of Deweyville Public Works Construction Standards at street centerline intersections, centerline PCs and PTs of curves, or as specified by the Town Engineer.
2. All monuments shall be properly set in asphalt pavement and certified by the Registered Land Surveyor who was the surveyor of record for the subdivision.

E. Character of the Land and Unsuitability

Land which the Planning Commission or Town Council finds to be unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes (20% grade or greater), rock formations, hydrologic features, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, Native American archeological sites or other natural features, shall be set aside and not be subdivided or developed. Such identified land features shall be avoided in the design process.

The development and land use may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified engineer hired by the developer and approval of the Town Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the

developer to establish the viability of development in these sensitive or unsuitable areas.

F. Subdivision Name and Street Names

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or in Box Elder County, Utah. The Town Council shall have final Authority to approve the name of the subdivision and to recommend and approve street names, both of which shall be proposed at the time of Concept Plan review. Street names shall also be assigned a grid address number designation based on the local or county address grid numbering system and both the street name and address number designation shall be included on street signs for the subdivision.

G. Ridge Line Development

The siting of homes and structures on ridges that rise 100' above the general grade of the land in an area, shall be avoided. Development on ridges which would be visible from prominent areas or designated vantage points in Deweyville shall be avoided.

H. Roads, Streets, Utility Lines and Concurrence

All improvements for existing, proposed, and future public and private streets shall be designed and constructed to conform with the Code and applicable Town standards, rules, and regulations administered by the Town Engineer. The standards, rules and regulations may be amended and modified from time to time.

1. No more than twenty (20) properties/lots may utilize a single road or street without an outlet access to another collector or arterial street.
2. Roads and all utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized. All roads and utilities, whether on or off site must be installed concurrently with the development.
3. Proposed streets which are in alignment with or constitute a continuation of existing streets shall bear the name of those existing streets. Public streets shall otherwise be named in accordance with the laws, rules, and regulations for the naming of public streets.
4. Roads and all utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized. All roads and utilities, whether on or off site, must be installed concurrently with the development.
5. All roads and road rights-of-way must extend to the boundary lines of the subdivision.
6. If there are agricultural considerations, the right to farm potential conditions shall be utilized. The area reserved for the road right-

of-way may thus be used for agricultural purposes until future development occurs beyond the boundary of the subdivision. No permanent outbuildings, landscaping, or agricultural buildings are allowed in the area reserved for the future road right-of-way.

7. A stipulation on the subdivision plat shall be included which states that “the road must be completed to the boundary line of the subdivision, should development ever occur in the direction of the existing road.”
8. When further development arises, the expense and effort of extending the road to the boundary line of the subdivision of land is the sole responsibility of the current property owner, no matter how the road right-of-way has been used, and no matter how long the road right-of-way has been used for a purpose other than a road.
9. The final plat of the subdivision shall not be approved without a written statement from the property owner recognizing this requirement to complete the road to boundary line of the subdivision.

I. Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or rights-of-ways should be maintained and designed around. Notification and/or Approval of Irrigation companies for development may be required in certain circumstances as determined by the Town if the development impacts irrigation works and/or access.

J. Soil Conditions

Consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements. Geotechnical studies are required and shall be submitted with the preliminary plat. Geotechnical studies are required and shall be submitted with the preliminary plat unless waived by the Town Engineer, due to recent adjacent studies showing soil consistency. Soils studies for feasibility of on-site wastewater disposal facilities are required without exception.

K. Trails and Sidewalks

As regional trail plans become adopted in the County, Deweyville shall consider participation and coordinate to promote access, trailheads, and connections for a continuous system.

L. Limits of Disturbance/Vegetation Protection

A separate plan which addresses limits of disturbance during construction and re-vegetation of disturbed areas is required during the Preliminary Plat submittal. This shall include all construction areas necessary for all project improvements such as roads and utilities. Building sites or envelopes shall be designed which minimize disturbance of existing vegetation.

13.4.2 Lot Improvements

A. Lot Arrangement

1. Lot dimensions, area, and setbacks shall comply with the requirements of the Code, as amended from time to time, for the zoning district in which the property is situated.
2. Lots shall not block any street extensions which have been set forth on the official map of the Town.
3. The lot arrangement shall be such that there will be no access difficulties, for reasons of topography/slope or other conditions, in securing building permits to build on all lots in compliance with the International Building Code, this Code, and in providing reasonable driveway access to buildings on such lots from an approved street.
4. In areas that are determined to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation. Fire breaks may be required where wildfire danger can be anticipated.
5. Side lot lines shall be approximately at right angles or radial to the right-of-way line of the street on which the lot faces unless unusual site conditions or topography justify an alternative alignment.
6. No remnants of property shall be left which do not conform to all lot requirements, unless such remnant parcels are dedicated to and accepted by the Town for public purposes.

B. Fire Sprinkling

Fire sprinkler systems may be required of all projects as determined by the Box Elder County Fire Marshal. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to Fire Department response time.

C. Staggered Front Setbacks

In new R-35 subdivisions, staggered front setbacks may be considered for long straight blocks with 10 or more homes. The minimum front setbacks shall vary with no more than two adjacent homes located at the same setback. To achieve the variation, setbacks shall exceed the minimum by 5' feet.

D. Lot Dimensions

Lot dimensions shall comply with the minimum standards of the Land Management and Development Code. Lots must be contiguous. The minimum lot size cannot be derived by combining two (2) non-contiguous parcels. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of

corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets.

E. Double Frontage Lots and Access to Lots

- 1. Double Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Where double frontage lots are accepted for a subdivision, the front of the lots shall be designated on the plat and a “no access” line designation shall be noted as a restriction on the plat for rear lot lines with solid non-transparent 6-foot-high fencing required along the back lot lines. Gates shall not be allowed when a double frontage lot backs onto a State Road.

- 2. Access from Major and Secondary Arterials.** Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary, the Planning Commission may require that several lots be served by a combined access drive in order to limit possible traffic hazard on such street or circular drives may be required. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors. Access onto State highways shall only be granted by an access permit applied for at the Region One Headquarters of the Utah Department of Transportation (UDOT) and the configuration of driveways accessing the State Highway must be approved by UDOT at the preliminary plat phase. UDOT approved access designations shall be shown and identified on the final plat. No assumption shall be made that if the property currently fronts on the State Highway that access is automatically granted. Any new access point, whether it be a new street or an individual driveway, requires a UDOT permit.

F. Soil Preservation, Grading, and Seeding

1. Top Soil Preservation and Final Grading

No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision improvement plans and the lots recovered, if top soil has been removed, with top soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the required front yard of the lot, except where the grade has not been changed or natural vegetation remains undamaged. Sod or grass seeding is recommended for front yards to prevent erosion.

2. Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings in accordance with the International Building Code and

individual lot drainage shall be coordinated with the general storm drainage system for the area. To the greatest extent possible all stormwater generated by the lot, buildings, and associated impermeable surfaces/drives shall be contained on the property.

G. Debris and Waste

Unless otherwise approved by the Town Engineer and Building Official, no cut trees, timber, vegetative debris, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance surety or dedication of public improvements, whichever is sooner.

H. Fencing

Each subdivider and/or developer in an R-35 zone shall be required to furnish and install fences wherever active agricultural use lies adjacent, especially including cultivated land or raising or grazing operations. The fences shall be constructed according to standards to be established by the Town Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

I. Water Bodies and Water Courses

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Town responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Land Management and Development Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert, bridge, or other structure, with design approved by the Town Engineer.

13.4.3 Roads

A. Frontage on Improved Roads

No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing or approved public or private street unless such street is:

1. An existing state or county highway; or
2. A street shown upon a plat approved by the Town Council and recorded in the County Recorder's office. Such street must be suitably improved as required by the Town regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and

right-of-way required by these subdivision regulations. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein above.

B. Grading and Improvement Plan

Roads shall be graded and improved and conform to the Deweyville Public Works Construction Standards as adopted and shall be approved as to design and specifications by the Town Engineer, in accordance with the construction plans required to be submitted prior to final plat approval. Prior to final plat approval, the Town shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat. All private streets shall be constructed to the Deweyville Public Works Construction Standards.

C. Topography and Arrangement

1. Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided.
2. Major and collector streets shall be limited to a maximum grade of 10%. Sustained grades greater than 600 feet in length shall be limited to 7%.
3. Minor streets shall be limited to a maximum grade of 10% with sustained grades greater than 200 feet in length shall be limited to 9% maximum slope.
4. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Deweyville Proposed Roads Map (Appendix 4) or Zoning Map (Appendix 3).
5. All thoroughfares shall be properly related to the pattern of existing, proposed, and future land uses.
6. Minor or local streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
7. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, is permissible where such use will result in a more functional and desirable layout.
8. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless a road extension is not anticipated for the future development of adjacent tracts.
9. Subdivisions shall be designed to provide adequate emergency access to and from the development. Based on the size of the

development, the Planning Commission may require more than one point of ingress and egress to better facilitate emergency access and escape. The Box Elder County Fire Marshal must approve the street design on subdivisions larger than 20 lots.

D. Blocks

1. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate width and length.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the local area, the terrain, and the type of development contemplated, but block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or ten (10) times the minimum lot width required in the zoning district, whichever is greater, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.
3. In blocks over 800', the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, and/or pedestrian traffic. Mid-block easements are deemed essential to provide circulation or access to schools, parks/playgrounds, trails, community facilities, and nearby roads.

E. Access to Highway, Arterial or Collector Streets

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

1. The subdivision of lots so that the back lot lines abut the highway, arterial or collector rights of way and front onto a parallel local street; no primary, direct access shall be provided to the Highway, and screening in the form of 6' fence, shall be provided in a strip of land along the rear property line of such lots. Secondary gates may access arterial or collector, as long as a primary access is established for a frontage on a local street.
2. A series of U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.
3. If no reasonable design alternative for access exists, a circular drive, a common drive, or similar design shall be used to prevent backing out onto the Highway, and arterial/collector streets. For State Roads and Highways, UDOT approval is required.

F. Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring each road sign required by the Town Engineer at all road intersections and at other locations. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to

be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the Town Engineer according to the Deweyville Public Works Construction Standards drawings.

G. Street Lights

Installation of energy efficient and/or LED street lights shall be required in accordance with the Town of Deweyville Public Works Construction Standards or as designated and located by the Town Engineer. All such streetlights shall be downward directed and shielded to promote “Dark Skies” to avoid unnecessary light pollution and cause minimal disturbance to residents. Such lights and their associated connections shall be coordinated with Rocky Mountain Power, furnished by the developer, and included in the engineer’s cost estimate and the funds secured from the developer to guarantee the subdivision improvements. Any subdivision with greater than three (3) lots shall require a light at the intersection with the State Highway.

H. Reserve or Protection Strips

The creation of reserve or protection strips may be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street, provided such a strip is clearly shown on both the preliminary and final subdivision plat.

I. Construction of Roads and Dead-End Roads

1. Construction of Roads

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary Dead-End streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

2. Dead-End Roads (Permanent)

Permanent dead-end roads shall include a cul-de-sac type asphalt turnaround conforming to the requirements of the Town of Deweyville Publics Works Construction Standards.

J. General Design Standards - Streets

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, emergency, and road-maintenance

equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the latest version of the APWA Standard Specifications published by the Utah Chapter of the APWA and amendments thereof or as may otherwise be determined by the Town Engineer and Planning Commission.

1. Streets

- a. All streets which are shown on the Deweyville Proposed Roads Map (Appendix 4), shall be developed according to the size and general location shown on the Zoning Map. All streets developed are to be dedicated to the Town as public streets, as per the 60' standard street section, as per Deweyville Public Works Construction Standards.
- b. Major and collector streets shall be limited to a maximum grade of 10%. Sustained grades greater than 600 feet in length shall be limited to 7%.
- c. Minor streets shall be limited to a maximum grade of 10%. Sustained grades greater than 200 feet in length shall be limited to 9% maximum slope.
- d. Vertical curves shall be no less than 100 feet in length on minor or local roads and shall be inserted where a change in vertical grade has a differential greater than 1%.
- e. Vertical curves of major and collector streets shall not be less than 200 feet in length and shall be inserted where a change in vertical grade has a differential greater than 1%.
- f. Vertical curves on arterial roads shall conform to the ASSHTO Manual of Geometric Design Guidelines for the speed limit associated with the road or as per UDOT design guidelines.
- g. The cross-slopes on all streets, including intersections shall be no less than two percent (2%) and no greater than three percent (3%). Cross slopes greater than three percent (3%) may be permitted on a limited or basis isolated transition area if approved by the Town Engineer but never greater than four percent (5%).
- h. The above standards may be amended from time to time to conform with Town of Deweyville Public Works Construction Standards, the latest version of the APWA Standard Specifications published by the Utah Chapter of the APWA and amendments thereof.

K. Road Surfacing and Improvement

After Sewer and Water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed

in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Type of pavement shall be determined by the Town Engineer and are shown in the 60' street standards. Adequate provision shall be made for culverts, drains and bridges. See Street Improvement Details (Appendix 5). Unless specified otherwise by the Town Engineer, a geotechnical study and report prepared by a qualified and licensed geotechnical engineer shall be required of the developer to determine the appropriate pavement subbase, base, and pavement thicknesses for new roads to be constructed and dedicated to the Town as public roads.

L. Excess Right-of-Way

Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the Town Engineer.

M. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new/existing streets from opposite directions shall not exceed an angle within ten (10) degrees of perpendicular. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet from the near edge of the right-of-way line of the intersecting street back to the end of any preceding curve. Not more than two (2) streets shall intersect with an existing or proposed street at any one point unless specifically approved by the Planning Commission and roundabouts may be required.
2. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous through the major street and regulated with stop signs. Intersections of new minor/local streets with major streets shall be at least eight hundred (800) feet apart.
3. Minimum radius of the pavement or back of curbs at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum asphalt edge and/or curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
4. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope for a distance of sixty (60) feet, measured from the nearest Right-of-Way line of the intersecting street.

5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public Right-of-Way within a 30' triangular clear zone formed by extending lines 30' from the intersection of the property lines at the corner and completing the triangle with a connecting line, the hypotenuse.

N. Bridges

Bridges of primary benefit to the applicant (75% or more), shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant will be fixed by development agreement between the Town Council and the applicant. Planning Commission shall make a recommendation for participation during the Preliminary Plat phase.

O. Road Dedications and Reservations

1. New Perimeter Streets

Street systems in new subdivisions shall be laid out so as to eliminate new perimeter half- streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street Right-of-Way width (60') per the Town of Deweyville Public Works Construction Standards drawings with the provision of a withholding strip and pioneering agreement allowed if the perimeter street abuts adjacent private property under separate ownership.

2. Widening and Realignment of Existing Roads

Where a subdivision borders an existing narrow local road or is shown on the Zoning Map and indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate at his/her expense such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Such frontage roads and streets shall be improved and dedicated by the applicant's expense to the full width as required by these subdivision regulations.

13.4.4 Drainage and Storm Sewers

A. General Requirements

The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or catch basins in their opinion. For major subdivisions the drainage plan shall be such that the stormwater remains within the subdivision until it can be reasonable accommodated through drain system. Plans shall be reviewed for compliance with the Town of Deweyville Public Works Construction Standards or other standards as may be adopted. The storm water drainage system shall be separate and independent of the

sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, using APWA standards, or other methods as approved by the Town Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

B. Location

The applicant may be required by the Planning Commission, upon the recommendation of the Town Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

C. Accessibility to Public Storm Sewers

1. It is anticipated that the drainage swales part of all roads in Deweyville will be sufficient for storm drainage that flows from the roads and the minor amounts generated by a development/subdivision. Stormwater should be controlled through the “dams” created by driveway accesses to lots, thus slowing the flow of the stormwater. Drainage from subdivision lots shall be retained on the property to the greatest extent possible. This means all hard surfaces on a subdivision lot retain their run-off water on the lot. See Town of Deweyville Public Works Construction Standards for specific designs and modeling of potential stormwater run-off.
2. If a connection to a public storm sewer is to be considered, as determined by the Town Engineer and the Planning Commission, the developer shall make arrangements for future storm water system connection, detention, and disposal through the public system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

D. Accommodation of Upstream Drainage Areas

A drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by this Code and the General Plan. The Town Engineer consider, suggest modification is needed, and then approve the design.

E. Effect on Downstream Drainage Areas

The Town Engineer shall also require the developer's qualified engineer to study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Town storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition as the Planning Commission and Town Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided through an approved drainage facility.

F. Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the Town Engineer, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the Town Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Development in areas of extremely poor drainage will not be allowed.

G. Flood Plain Areas

The Planning Commission may, upon recommendation of the Town Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, and a 25' peripheral buffer of undisturbed land be established parallel to the floodplain.

H. Dedication of Drainage Easements

1. General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. The drainage shall be maintained by an open channel with landscaped or undisturbed banks and adequate width for maximum potential volume of flow and include a 25' buffer of undisturbed land parallel to the drainageway.

2. Drainage Easements

- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- c. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and Town Engineer.
- d. Low-lying lands along watercourses and spring drainages, such as wetlands subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

13.4.5 Water Facilities

A. General Requirement

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water-supply capable of providing domestic water use and fire protection. All improvements whether on or off site shall be constructed and paid by the developer. The impact of the development on the Town's water system must be determined by the impact analysis process as outlined in Chapter One of this code.

As a condition of approval of the subdivision, the Town Council requires each developer to provide sufficient usable water for the development for landscape irrigation and culinary use.

B. Existing Systems

The subdivider shall connect to the nearest point of connection with the Deweyville culinary water system and install adequate water facilities (including fire hydrants) subject to the specifications of the Utah Division of Drinking Water and the Town of Deweyville Culinary Water System Standard Installation Drawings and Specifications. All water mains shall be at least eight (8) inches in diameter, unless specified to be larger size by the Town Engineer.

C. Approval

Plans of proposed water main extensions and water facilities improvements shall be approved by the Town Engineer and the Town Council as part of the final plat.

D. Guarantees

To facilitate the above, the location of all fire hydrants, all water storage and supply improvements, and the boundary lines of proposed improvement districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing the same, whether on or off the development shall be included in the performance guarantee to be furnished by the developer.

E. Ownership of Facilities

Except for the private water service laterals from the water meter to the individual dwelling or building, all culinary water facilities constructed by the developer and connected to the Town culinary system shall be owned and maintained by the Town of Deweyville. Public utility easements or easements dedicated solely for the culinary water facilities shall be provided on the subdivision final plat for any culinary water facilities owned and operated by the Town of Deweyville which are situated upon private lots or other private property.

F. Fire Hydrants

See the International Fire Code C102.1 Table (Appendix 6).

G. Landscaping

1. The amount of common and private area available for formal landscaping may be restricted. Agricultural uses of open space shall be encouraged using irrigation water for watering, not culinary water. The use of culinary water for irrigation creates a significant water demand, such areas shall be limited in the design of the subdivision.
2. If a property being subdivided already has irrigation water rights associated with it and the irrigation water accessible, development of a secondary water system is required in the subdivision to each lot to irrigate landscaped areas on the lots.

13.4.6 Sewerage Facilities General Requirements

All lots shall have on-site wastewater systems in accordance with a feasibility report provided by the local sanitarian of the Bear River District Health Department for the subdivision and the developer is responsible for having the feasibility performed and coordinated with said sanitarian. The feasibility report and approval by said health department shall be a part of the submittal documentation at the preliminary plat submittal and that preliminary plat submittal will not be considered complete nor will it be approved without a favorable report.

13.4.7 Sidewalks, Curbs, Hiking Trails, Bike Paths, Horse Trails

A. Location

Sidewalks are currently not required; however, future Code changes may require sidewalks on streets or roads.

B. Curbs

Concrete curbs are currently not required; however, future Code changes may require curbs on streets or roads.

C. Improvements

When and if sidewalks become a standard, they shall be improved as required in these regulations and shall be designed to best facilitate their type of use and serve the public interest and safety. Such sidewalks or trails shall be constructed to Code standards.

D. Pedestrian Paths

When and if a Trails Master Plan is adopted, walking, hiking, and biking trails and paths, may be required in the future.

13.4.8 Other Utilities

A. Location

For new subdivisions, utility facilities including but not limited to gas, electric power, telephone, and cable/fiber, shall be located underground outside of the ROW and dedicated on the subdivision plat wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Deweyville's streets and water/sewer personnel in the opinion of the Town Council. Underground service connections for water and sewer shall be installed within 15' of the ROW/front property line of each platted lot at the expense of the subdivider and the ends shall be marked on the surface, with 4" x 4" wood posts solidly buried in the ground or a similar marking method for all other underground utilities as determined by the Town Engineer.

B. Easements

1. Easements shall be provided for utilities (private and municipal); such easements shall be at least fifteen feet (15) feet wide and located adjacent to the front property line. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.
2. Other easements may be needed and required for secondary(irrigation) water systems, on-site storm drainage facilities, detention/retention facilities, trails, or other facilities serving the property and shall be located and shown on the subdivision plat as approved by the Town Engineer.

3. Where necessary to ensure proper access and maintenance, easement widths shall be increased, on a case-by-case basis, as required by the Town Engineer following Town Standards.

13.4.9 Parks, Playgrounds, Recreation Areas and Other Public Uses

A. Recreation Standards

The Planning Commission, in its review of each major subdivision with lots greater than 25, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations agreed upon by the Planning Commission and the developer or pay a fee-in-lieu based on the potential park for the subdivision as described below but determined to be not needed in that area. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate access for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas.

These improvements will be built to Town specifications.

When recreation areas are required per development size, the Planning Commission shall determine the number of acres to be reserved using the following formula as a minimum: providing one acre of recreation area for developments twenty-five (25) to fifty (50) single-family dwelling units and then at a rate of 10% of the gross acreage after fifty (50) lots. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to Town specifications. The Planning Commission may refer such proposed reservations to the Town official in charge of operating parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the Town as a condition of final subdivision plat approval.

B. Minimum Size of Park and Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. The Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

C. Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the Town standards required by the Planning Commission, which improvements shall be included in the performance guarantee. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Town official in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the Town for park purposes shall

have prior approval of the Town Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

D. Other Recreation Reservations

The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section. Trail construction, trailheads and trail access may be required and may qualify as a park/improvement to offset larger park requirements.

E. Other Public Uses

1. Plat to Provide for Public Uses

Whenever a tract to be subdivided includes a school, recreation uses, or other public use or any portion thereof, such space shall be suitably incorporated by the applicant into the Concept Plan. After proper determination of its necessity by the Planning Commission in coordination with the public agency involved in the acquisition and use of each such site and an agreement has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

2. Referral to Public Body

The Planning Commission shall refer the Concept Plan to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

3. Planning Commission Coordination

Upon receipt of an affirmative report, the Planning Commission shall coordinate with the property owner/agency involved and once acquisition is assured, shall designate on both the preliminary and final plats the area proposed to be acquired by the public body.

13.5 General Specifications for Documents to be Submitted

All plan requirements are further specified on the respective application forms that are available at the Town Office or on-line application forms.

13.5.1 Concept Plan

Concept Plans submitted to the Planning Commission, prepared in pen or pencil, or electronically, shall be drawn to an engineers' scale of not more than one hundred (100) feet to an inch and shall show the following information. These requirements are the minimum, other information may be required during the concept plan review by the Planning Commission, and on the application form which is on-line and at the Town Office.

A. Name

1. Name of subdivision if property is within an existing subdivision.
2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Box Elder County, Utah.
3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

B. Ownership

1. Name and address, including telephone number, of legal owner or agent of property, a property report, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
2. Citation of any existing legal rights-of-way or easements affecting the property.
3. Existing covenants on the property, if any.
4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

C. Description

Location of property by government lot, section, township, range and county, graphic scale, north arrow, and acres.

1. Location of property lines, existing easements, burial grounds, mine or known geologic hazards, railroad rights-of-way, water courses, and sensitive lands (see 10D.10); location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within one thousand (1000) feet of any perimeter boundary of the subdivision.
2. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
3. Approximate topography, at the same scale as the Concept Plan with at least 5-foot contour intervals.
4. The approximate location of proposed streets.
5. Preliminary proposals for connection with existing municipal water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.
6. The approximate location, dimensions, and areas of all proposed or existing lots.
7. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

8. The location of temporary stakes to enable the Planning Commission to find and appraise features of the Concept Plan in the field.
9. Whenever the Concept Plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street and trail system, and an indication of the probable future street and drainage system and phasing plans of the remaining portion of the tract. This requirement is to assure the orderly development of the remaining property and adjoining properties.
10. A vicinity map showing streets and other general development of the surrounding area. The Concept Plan shall show all school and improvement district Lines with the zoning districts properly designated.
11. Identify and sensitive lands and provide a design plan to avoid damaging such lands and designate limits of disturbance for each parcel and for subdivision improvements, such as utilities and roads.

13.5.2 Preliminary Plat

These preliminary plat requirements are the minimum, other information may be required and during the preliminary plat review by the Planning Commission, and on the application form which is on file at the Town Office.

A. General

The preliminary plat shall be prepared by a licensed land surveyor and/or engineer at an engineers' scale not more than one-inch equals one hundred (100) feet, may be prepared in pen, or electronically, and the sheets shall be numbered in sequence if more than one sheet is used but shall not be larger than 24" x 36".

B. Features

The preliminary plat shall show the following:

1. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets.
2. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
3. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or as determined by the Planning Commission.
4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-ways and building setback lines.
5. The location, dimensions, and areas of all proposed or existing lots.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and

- open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation, or reservation.
7. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
 8. The date of the map, approximate true north point, scale, and title of the subdivision.
 9. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, the location of all proposed monuments.
 10. Names of the subdivision and all new streets, subject to the approval of the Planning Commission.
 11. Indication of the use of any lot whether single-family, two-family, multi-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the subdivider.
 12. All lots in each block shall be consecutively numbered.
 13. All information required on Concept Plan should also be shown on the preliminary plat, and the following notation shall also be shown:
 - a. Explanation of drainage easements, if any.
 - b. Explanation of site easements, if any.
 - c. Explanation of reservations and conservation easements.
 - d. Owner's dedication, if any, for review prior to final plat preparation.
 14. Form for endorsements by Planning Commission Chairman, Mayor, and Town Recorder/Clerk as well as signature blocks for the Town Attorney, Town Engineer, and Bear River District Health Department.
 15. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or on accompanying engineering plans.
 16. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval or termination of processing until such information is included with or on the preliminary plat.
 17. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.

13.5.3 Construction Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one-inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. These requirements are the minimum, other information may be required by the Planning Commission in coordination with the Town Engineer. The following shall be shown:

- A. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one

hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

B. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

C. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, storm drains, water mains, secondary water/irrigation systems, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Deweyville Town Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.

D. Topography at the same scale as the Concept Plan with a contour interval of one (1) foot, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.

E. Typical street sections and pavement design per the Town of Deweyville Public Works Construction Standards and any geotechnical reports specifying the required road layer thicknesses.

F. All other specifications, details, and references required by Deweyville Public Works Construction Standards, appropriate APWA Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision, as per the Town Engineer's requirements.

G. Notation of approval by the Owner, Town Engineer and required agency signatures.

H. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.

I. A limit of disturbance and re-vegetation plan.

13.5.4 Final Subdivision Plat

A. Information Required

The final plat shall consist of a sheet of approved Mylar to the outside of trimline dimensions of twenty-four inches by thirty-six inches (24" x 36"). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margins on other sides. The plat shall be so drawn that the top of the drawing faces either north or east, whichever accommodates the drawing

best. All lines, dimensions and markings shall be made on the tracing linen or Mylar with approved waterproof blue ink or black India drawing ink. The plat shall be made to a scale large enough to clearly show all details and in any case not smaller than one-inch equals one hundred feet (1" = 100'). Surveying, calculations, angular data, linear dimensions and bearings shall be limited to an error of closure of not greater than one part in ten thousand (10,000). The workmanship on the finished drawing shall be neat, clean and readable. The final plat shall contain the following information:

1. Subdivision name, which must be approved by the Planning Commission, and the general location of the subdivision in bold letters at the top of the sheet.
2. North point, scale and graphic scale of the drawing and the date
3. Description of land to be included in the subdivision.
4. Accurately drawn boundaries, showing the bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines. When the plan is bounded by an irregular shoreline of a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan included all land to the water's edge as established on the date of the survey. Accurate angular and linear dimensions shall be shown for all lines, angles and curves used to describe boundaries, streets, lots, easements, areas to be reserved for public use and other important features. Parcels not contiguous shall not be included on one plat. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgement.
5. Lengths shown to hundredths of a foot, and angles and bearings shown to seconds of arc.
6. True angles and distances to the nearest established street lines or official monuments which are accurately described on the plat and shown by appropriate symbol.
7. Radius, internal angles, points of curvature, tangent lengths and bearings, long tangent and bearings, the length of all arcs and the lengths of each intercepted arc.
8. Accurate location of all monuments to be installed shown by an appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shown and preserved in precise position.
9. Bearings, distances and curve data of all perimeter boundary lines indicated outside the boundary line, not inside with the lot dimensions.
10. All lots and blocks numbered consecutively under a definite system approved by the planning and zoning commission. All proposed streets named or numbered in accordance with and in conformity with the adopted street naming and numbering system. All lot street addresses assigned thereto, with corner lots multiple addressed for each part of the lot having frontage on separate streets.
11. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any

area to be reserved by deed or covenant for common use of all property owners.

12. All lands within the boundaries of the plan which shall be accounted for as either lots, walkways, streets or reserved as excepted parcels. Excepted parcels shall be marked "not included in this development" and the boundary completely indicated by bearings and distances.

13. All streets, walkways and easements, designated as such. Streets shall be named and/or numbered as required by the Planning Commission.

14. A dedication to the Town of all streets, highways, easements and other lands intended for public use that are included in the proposed subdivision.

15. Street monuments shall be installed by the subdivider's land surveyor at such points designated on the final plat as are approved by the Town Engineer. Standard monuments will be furnished by the subdivider and placed as approved.

16. Pipes or other such iron markers shall be placed at each lot corner prior to final approval.

B. Instruments

The instruments to be included on the final plat are as follows:

1. The registered professional land surveyor's "certificate of survey"
2. The owner's certificate of dedication
3. A notary public's acknowledgement of the signatures on the dedication
4. The Town Engineer's approval and signature
5. Bear River Health Department's approval and signature
6. Box Elder County Fire Marshal's approval and signature
7. The Planning Commission's approval and signature of the Planning & Zoning Chairman
8. Town Council's approval
9. Signature of the Mayor and attestation by the Town Clerk/Recorder

Appendix 1 – Definitions

Definition Usage

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first. In some instances, words or terms that have a definition in this chapter may show in italics elsewhere in this Code.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; the word "code" means "this code".

A "person" includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Access: The provision of vehicular and/or pedestrian ingress and egress to structures or facilities.

Accessory Dwelling Unit: An independent dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of the occupants and located as an addition to or within a single-family home. May be attached or detached (see 9.8 and 9.9).

Accessory Building: A non-habitable building located upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to, and customarily found in connection with such principal building or use and (2) is operated and maintained for the benefit of convenience of the owners, occupants, employees, customers, or visitors of the lot with the principal use.

Accessory Use: Shall mean a use conducted on the same lot as the principal use or structure with which it is associated; and is a use which is clearly incidental to and is customarily found in connection with such principal use; and is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. No accessory use shall be allowed on any lot or parcel unless the permitted use is being actively utilized.

Agriculture: The tilling of the soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening, except household pets, and not including any agricultural industry or business such as fruit packing plants, animal hospitals or similar uses.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

All-Weather Surface: The surface of vehicle accessible roadway, lane, driveway or access constructed by manipulation of soils or additional composition, graded and/or graveled of equivalent materials that is passable by vehicles under both wet and dry conditions and is suitable for emergency vehicles to utilize regardless of weather.

Antenna: A device for sending and/or receiving radio, television, data or similar communication signals.

Apartment House: A multiple dwelling; see Dwelling, Multi-Family.

Applicant: The owner of land proposed to be subdivided and/or developed or his/her representative. Consent shall be required from the legal owner of the premises.

Application: A form or checklist supplied by the Town, indicating the data and information necessary to process the Applicants proposed project(s).

Arterial: A major road intended to allow regional through traffic.

Attached Building: Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

Bed and Breakfast Inns: A dwelling, including those dwellings of historical significance in which two to five rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad or utility rights-of-way, shorelines of water ways, or boundary lines of municipalities.

Buildable Area: The area that a principal building can be placed after the required front, rear, and side yards are excluded for building on a lot.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, Detached: Any building or structure separated from another building on the same lot by at least six feet.

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

Building, Public: Structures constructed by or intended for use by the general public such as libraries, museums, the municipal or public works buildings, etc.

Building Official: The certified building inspector for the Town.

Building Pad Line: The building pad line denotes that area in which the entire new structure must lie.

Canopy: A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

Capital Improvements Program: A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

Caretaker: A person who provides care for the owner of a home, maintenance of a home, or maintenance of the grounds and lives on the premises.

Child Care Center: A commercial center-based facility in which the provision of Child Day Care for 13 or more children occurs on a regular basis.

Child Day Care: The provision (day or night) of supplemental parental care, instruction, and supervision (a) for a non-related child or children; (b) on a regular basis; and for less

than 24 hours a day. As used in this Ordinance, the term is not intended to include baby-sitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child-care by a group of parents in their respective domiciles.

Collector Streets: A street intended to move traffic from local roads to arterials. A collector street serves a neighborhood or large subdivision.

Common Open Space: Facilities, land and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property owners within that project.

Conditional Use: A use requiring special consideration and review in the manner set forth in Chapter 1 of this Code.

Condominium: Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.

Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission or Town Engineer as a condition of the approval of the plat.

Convalescent Home: An institution other than a hospital wherein people may gradually recover from an illness (see Nursing Home).

Coverage: Lot area covered by a building.

Cul-de-sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as Fire Fighting and other public safety equipment.

Developer: The person, persons, corporation, firm or partnership owning the land proposed to be developed in any way, or a designated legal representative. Consent shall be required from the legal owner of the premises.

Dwelling, Multi-Family: A building arranged or designed to be occupied by two or more families living independently of each other in separate but attached dwellings.

Dwelling, Single-Family Detached: A building arranged or designed to be occupied by only one family; a detached structure having only one dwelling unit.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

Escrow: A deposit of cash with the Town or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

Family: An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit.

Family Day Care: The provision of child day care for four to six children, inclusive, including the provider's own children under the age of 18, if they are cared for in the same area of the structure designated for Family Day Care.

Family Group Day Care: The provision of Child Day Care for seven to 12 children, inclusive, including the provider's own children who are under the age of 18, if they are cared for in the same area of the structure designated for Family Group Day Care.

Fence: A structure constructed for reasons of privacy, security, or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flag Lot: A flag or L-shaped lot consisting of a staff portion, the driveway, contiguous with the flag portion, the staff portion having frontage on a dedicated street.

Flood Plain Area: An area adjoining a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the Department of Housing and Urban Development or the Federal Emergency Management Agency or any other agency of the United States Government or State and Local Government Agencies, including the Town of Deweyville.

Floor Area: The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door (including garage door) visible from public right-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the International Building Code.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side on a corner lot.

Garage, Private: A detached accessory building, or a portion of a main building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

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

General Plan: A Comprehensive or General Plan for development of the Town, prepared and adopted by the Planning Commission and Town Council, pursuant to State law, and including land use maps or other suitability maps and/or any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Geologic Hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure, flooding, or shifting of the earth.

Governing Body: The Governing body of the Town (Town Council of Deweyville) having the power to adopt, amend or rescind ordinances, including this code.

Grade: The slope of a road, street, or other public way, specified in percentage terms and calculated by dividing the difference in elevation between two points by the horizontal distance.

Grade, Natural: Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water. For the

purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs.

Group Home: a residence for persons requiring care or supervision.

Guarantee: Any form of security including a letter of credit, escrow agreement, bond or instrument of credit in an amount and form satisfactory to the Town

Guest House: A detached accessory building intended for use by paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.

Habitable Space (Room): Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable.

Hard-surfaced: Covered with concrete, asphalt or another impervious surface (see Paved).

Health Department and Health Officer: The agency and person designated by the Town to administer the health regulations of the Town and/or County or State. This may be the Box Elder County Health Department and Director or the applicable Department of Health and Director of the State of Utah.

Height: The vertical distance from natural undisturbed grade to the highest point of a roof

Home Based Business: See the Supplementary Regulations in chapter 9 for a detailed definition.

Impact Analysis: A determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.

In-Home Babysitting: The provision of child day care for fewer than four children.

Joint Ownership: Joint ownership among persons shall be construed as the same owner or "constructive ownership" for the purpose of imposing subdivision regulations.

Kitchen: A room or space within a room equipped with such electrical or gas hook-up services which would enable the installation of a range, oven, or like appliance using 220/240 volts or natural gas (or similar fuels) for the preparation of food.

Local Road: A road intended to provide access to other roads from individual properties and to provide a right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot: A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold, or a parcel or unit of land 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 larger tract into smaller units. A lot may not necessarily be buildable.

Lot, Corner: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Depth: The minimum distance measured from the front property line to the rear of same property boundary.

Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly guaranteed as provided in these regulations and the Code.

Lot Line, Front: The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel which borders a public or private

street right of way, unless a project with private streets has previously designated specific setbacks. See the Supplementary Regulation Chapter for specific setbacks on unusual lots.

Lot Line, Rear: The property line opposite the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The minimum distance between the side property lines.

Major Street Plan: See Deweyville Proposed Roads Map (Appendix 4).

Major Subdivision: All subdivisions not classified as minor subdivisions or any size subdivision requiring any new street or extension of the local governmental facilities, infrastructure, or the creation of any new public improvements. A major subdivision may also require a zone change or re-zone to be subdivided. The subdivider must agree to be bound by the current version of this code and the property must not contain sensitive lands.

Manufactured Home: Pre-built home transported to a site and placed on a foundation.

Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments: The agency performing reviews of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Boards to ensure the projects conform to regional and state needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

Minor Subdivision: Any subdivision fronting on an existing public or private street of adequate capacity, not involving any new street or road, or the extension of municipal infrastructure or facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property(s). A minor subdivision must also not require a zone change or re-zone to be subdivided. The subdivider must agree to be bound by the current version of this code and the property must not contain sensitive lands.

Model Home: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. The lots for such dwellings shall be identified on the preliminary plat.

Municipality: The Town of Deweyville, Utah.

Non-Conforming Use: The use of a building, structure, or land which does not conform to current use regulations for the district in which it is situated, but which was in conformity with prior regulations at the time of its establishment, or which was in existence prior to the establishment of use regulations for the district in which it is situated.

Non-Residential Zones: A zone whose intended use is other than residential, such as agricultural, commercial, or industrial. Such zones shall comply with the applicable provisions of this Code.

Nursery, Greenhouse: A place and or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

Nursing Home: An institution described also as a "rest home", or "convalescent home", other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment.

Off-site: Any premises not located within the area of the property to be developed.

Official Zoning and Annexation Area Map: The map established by the Town Council pursuant to law showing the streets, highways, and parks, theretofore laid out, annexation areas and zoning districts, adopted and established by law, and any amendments or additions thereto.

One Bedroom Apartment: A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

Open Space: Open space shall be defined as different separate types dependent upon occupancy, use, and control. All types of open space are referred to collectively as "open space" in this Code. Any of these types of open space could be public or private open space. They shall include:

Open Space, Agricultural: Open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood or community.

Open Space, Natural: Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over 30%, wetlands, stream corridors, trail linkages, or visual linkages. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission.

Ordinance: Any legislative action, however denominated, of the Town Council of Deweyville which has the force of law, including any amendment or repeal of any ordinance.

Overnight Lodging: The rental of a room, apartment, or house for a time period of less than six (6) months.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

Park, Neighborhood: Landscaped areas free of buildings, structures, and other substantial improvements.

Park, Regional: Parks and areas of active recreation use including neighborhood or community centers/clubhouses intended for use by residents of the development, neighborhood or community.

Parking, Public: A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

Parking Lot: An area other than a street used for the parking of more than four automobiles.

Parking Lot, Private: A lot used for the temporary parking of automobiles for compensation.

Parking Space: An area maintained for the parking or storage of an automobile or other vehicle, which is graded for proper drainage and is hard surfaced, porous paved or graded and compacted road-base/gravel where specially permitted.

Parking Structure: A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

Paved: Asphalt or concrete non-porous paving of a roadway surface.

Permitted Use: A use of land allowed by right under the provisions of this code.

Planning Commission: The Planning Commission of the Town of Deweyville, Utah established in accordance with law.

Plat Amendment: A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Also referred to as a "re-subdivision"

Porous Paving: A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers which provide at least 50% surface exposure suitable for the establishment of plant materials and

which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

Portable Storage: Any portable or moveable shipping container, storage container, semi-trailers, portable sheds (Tuff Sheds, Sturdy Built, Old Hickory, etc.) situated, placed, parked, located, stored, or positioned in any zone though not connected to the ground must meet the same distance and set back rules as outbuildings, garages, sheds, or agricultural structures connected to the ground by posts, concrete, or slab foundation.

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Primary Use: The primary or main use shall be the purpose for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Professional Office: A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, Realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

Property Line, Front: That part of a lot which abuts a public or private street or public right-of-way.

Public Improvement: Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be properly guaranteed and installed as per Town codes, specifications, and regulations.

Public Use: A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative, service facilities, and public utilities.

Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

Recreation, Commercial: Recreation facilities operated as business on private or public property and open to the public for a fee, such as a golf course, tennis court, equestrian center, skating rink, etc., and support facilities customarily associated with the development.

Recreation, Private: Recreation facilities operated on private property and not open to the public.

Recreation, Public: Recreation facilities operated by a public agency and open to the public with or without a fee.

Registered Engineer: An engineer properly licensed and registered in the State of Utah.

Registered Land Surveyor: A land surveyor properly licensed and registered in the State of Utah.

Re-Subdivision: See - Plat Amendment.

Restricted Lot: Restricted Lot means a parcel of land severed or placed in separate ownership after July 20, 2006 and which does not meet all area, width, yard and other requirements of this code for lot; or a parcel of land which does not meet all the

requirements of this Code for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard or coverage requirements, when such adjacent lot has a structure on it or a building permit issued for a structure to be constructed on it.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road, Dead End: A road or a portion of a street with only one vehicular traffic outlet.

Road Right-of-Way Width: The distance between property lines measured at right angles to the center line of the street.

Roads, Classification: See Public Works standards.

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

Screening: Either (a) a strip of at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will for a year-round period, will provide a dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Semi-Detached Building: Units connected on one side by an insulated common or party wall with separate exterior entrance for each unit.

Sensitive Area: Land containing environmentally and geologically sensitive elements which, if disturbed or encroached upon by urban or suburban land development (such as utilities, dwellings, streets, industrial, commercial, or certain types of agriculture) could be damaged beyond repairability, could cause damage or complete destruction to already existing public or private property within or adjacent to the Town, could cause loss of life or bodily harm, or could affect the purity, consistency or volume of the water supply for the Town or adjacent communities.

Setback: The distance between a building and the street line or road right-of-way, or nearest property line thereto.

Setback, Front: A front setback will be required for each side of a lot bordering a public street or other right of way.

Site Development Standards: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the underlying zoning district.

Subdivision Concept Plan: A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives and/or conditions of these regulations.

Street, Public: A thoroughfare which has been dedicated and accepted by the Council, which the Town has acquired by prescriptive right or which the Town owns, or accepted for dedication on an approved final plat, or a thoroughfare which has been dedicated or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards.

Structure: Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes an impervious material on or above the ground; definition includes "building". All structures must maintain the minimum set-backs for the district in which they are located, both above and below the ground.

Subdivider/Developer: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, site, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or another recorded instrument.

Subdivision Agent: Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision Plat: The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission and Town Council for approval and which, if approved, may be submitted to the Box Elder County Recorder for filing at the subdivider's expense.

Temporary Improvement: Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance guarantee.

Town: The Town of Deweyville, Utah.

Town Attorney: The licensed attorney designated by the Town to furnish legal assistance for the administration of these and other regulations.

Town Council: The Town Council of Deweyville, Utah.

Town Engineer: The State of Utah licensed engineer designated by the Town to furnish engineering assistance for the administration of these and other regulations.

Town Staff: The employee or employees of Deweyville charged with the duties of performing ministerial or administrative functions under this Code. When specific job titles are referred to in this Code, it is done for convenience in designating the person or department primarily responsible for that particular function.

Use, Intensity: The maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose.

Vacation Lodging: The renting out of a furnished apartment or residential property on a temporary basis to tourists as an alternative to a hotel.

Variance: An exception to any local zoning law.

Yard: A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein.

Yard, Front: A required minimum setback for a principal building of a defined depth, measured perpendicular to the public right of way line, encompassing the entire width of the front yard, which may vary by zone.

Yard, Rear: A required minimum setback for a principal building of a defined depth, measured perpendicular to the rear property line, encompassing the entire width of the rear yard, which may vary by zone.

Yard, Side: A required minimum setback for a principal building of a defined depth, measured perpendicular to the side property line, encompassing the entire length of the side yard, which may vary by zone.

Appendix 2 – Deweyville Zone District Land Use Table

**see Zone Chapters 5-8 for additional details and regulations

P = PERMITTED USE (P)

C = CONDITIONAL USE (C)

Uses not listed are not allowed. Absence of a “P” or a “C” means the use is not allowed in that Zone

Land Use Description	RR-35	RR-5	A-40	AG-40
Agricultural Uses, and Mining				
1. Agriculture – raising, grazing, crops, pasture/rangeland, orchards, etc. (see limitations 7.1.15)	P	P	P	P
2. Agricultural Accessory Building under 35’ height	P	P	P	P
3. Kennels, Private more than 2 dogs	C	C	C	C
4. Animal Specialties	P	P	P	P
5. Fruit and Vegetable stands	P	P		
6. Exotic animals			C	C
7. Non-habitable Farm Buildings over 35’ height			C	C
8. Sand and Gravel Pit				C
Residential Uses				
1. Dwelling, Single-Family	P	P	C	C
2. Home Occupations	P	P	C	C
3. Accessory Dwelling Unit	P	P	C	C
4. In-Home Daycare/Pre-School	C	C		
5. Group Homes	P	P	C	C
6. Accessory structures under 35’ height (non-habitable)	P	P	P	P
7. Temporary mobile homes	C	C	C	C

8. Guest house or Detached Accessory Dwelling Unit	C	C	C	C
9. Caretaker Boarding	P	P	C	C
10. Manufactured Home on a permanent foundation	P	P	C	C
Institutional/Instructional/Quasi- Public				
1. Cemetery			C	C
2. Religious facilities	P	P	C	C
3. Public Parks	P	P		
4. Private commercial recreation - parks, recreational facilities, tracks, trails, golf courses, fishing		C	C	C
5. Riding academies, including associated schools, and stables			C	C
6. Private/Quasi-Public/Charter School	C	C		
7. Sanitariums, Convalescent, Rest homes	C	C		
8. Electric Substation	C	C	C	C
9. Telecommunications Towers	C	C	C	C
10. Public Facilities, Utility Shops, Storage Yards and Buildings			C	
11. Water Reservoir/Storage Tank	C	C	C	C
12. Commercial nurseries, pre- schools, primary/secondary educational facilities	C	C		
Hospitality				
1. Bed and Breakfast	C	C	C	C
2. Vacation lodging			C	C

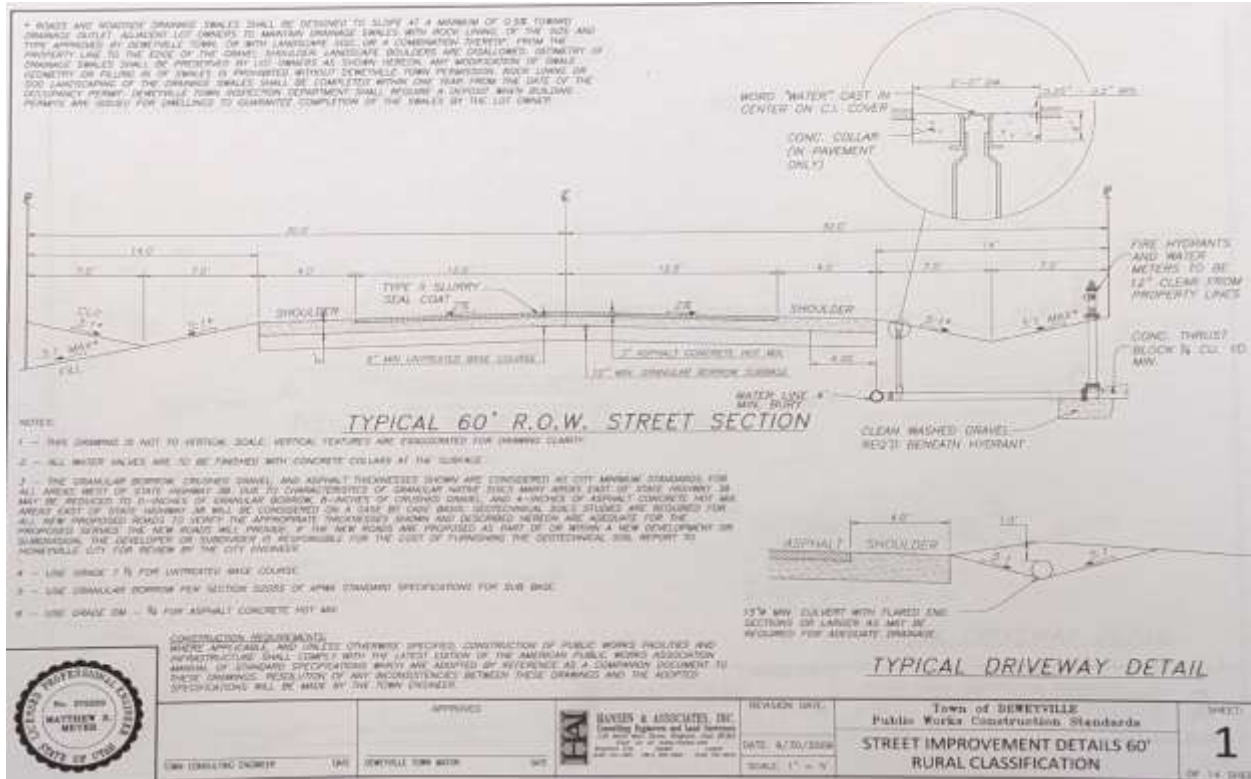
Appendix 3 – Deweyville Zoning Map



Appendix 4 – Deweyville Proposed Roads Map



Appendix 5 – Street Improvement Details



Appendix 6 – International Fire Code C102.1 Table

Required Number and Spacing of Fire Hydrants

Fire-Flow Requirement(gpm)	Minimum Number of Hydrants	Average Spacing Between Hydrants ^{a, b, c, f, g} (feet)	Maximum Distance from Any Point on Street or Road Frontage to a Hydrant ^{d, f, g}
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

1. a. Reduce by 100 feet for dead-end streets or roads.
2. b. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
3. c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
4. d. Reduce by 50 feet for dead-end streets or roads.
5. e. One hydrant for each 1,000 gallons per minute or fraction thereof.
6. f. A 50-percent spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 of the *International Fire Code*.
7. g. A 25-percent spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.2 or 903.3.1.3 of the *International Fire Code* or Section P2904 of the *International Residential Code*.