GARFIELD COUNTY, UTAH

ZONING ORDINANCE
2019-36

ADOPTED: May 27, 2019 - April 14, 2003
23-2  Permitted Uses.......................................................... 9252
23-3  Conditional Uses...................................................... 9252
23-4  Modifying Regulations.............................................. 9252
Chapter 24.  ADOPTION...................................................... 9353
APPENDIX A..................................................................... 9554
APPENDIX B..................................................................... 10968
APPENDIX C..................................................................... 11120
Chapter 1.  GENERAL PROVISIONS........................................ 1
GARFIELD COUNTY, UTAH
ZONING ORDINANCE NO. 2019-65

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

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

Chapter 1. GENERAL PROVISIONS

1-1 Short Title.
This Ordinance shall be known as the "Uniform Zoning Garfield County, Utah," and may be so cited and pleaded.

1-2 Purpose.
This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Garfield County, Utah including among other things the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, utilization, protection of the tax base, securing economy in governmental expenditures, fostering the County's commercial and industrial growth, and the protection of custom, culture, heritage and associated resources, and both residential and nonresidential development.

1-3 Authorities.
2. Garfield County does not enforce Covenants, Conditions & Restrictions (CC&R’s) and Home Owner Association Regulations (HOA’s).

1-4 Interpretation.
In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements the purpose set forth.

1-5 Conflict.
This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

1-6 Severability.
If any section of this Ordinance should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless be carried into effect.

1-76 Definitions

Cross-check definitions with Jared’s Building Codes (add or subtract any)

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

1. Accessory Building or Use: A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.

2. Agricultural Use: Land shall be deemed to be in agricultural use when devoted to the raising of plants and animals useful to man, including but not limited to: forages and sod crops; grain and feed crops; dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding or grazing of any or all such animals; bees, fur animals, trees, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, and ornamental stock; or when devoted to and meeting requirements and qualifications for payment for other compensation pursuant to a cropland retirement program under an agreement with an agency of the state or federal government.

3. Agricultural Industry or Business: An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production and similar uses as determined by the Planning Commission.

4. Airport: Any area of land designated and set aside for the landing and taking off of aircraft plus maintenance and auxiliary facilities and building maintenance.

5. Alley: A public access way less than twenty-six (26) feet in width but not less than twelve (12) feet, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this Ordinance.

6. Alterations, Structural: Any change, addition or modification in the supporting members of a building, such as bearing walls, column, beams or girders.

7. Apartment: Any building or group of buildings which contain dwelling units, and also satisfies the definition of a motel, as defined in the Ordinance.
9. **Architectural Projection**: Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

10. **Automobile Sales Area**: An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

11. **Automobile Service Station**: A place where gasoline, or any other motor fuel or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery changing, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

12. **Basement**: A story whose floor is more than twelve (12) below the average level of the adjoining ground, but where no more one-half (½) of its floor-to-ceiling height is above the average contact level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement, and as a half-story for the purpose of yard determination.

13. **Basement House**: A residential structure without a full story structure above grade.

14. **Beginning of Construction**: The placing of concrete footings for building or structure.

15. **Bench Mark**: A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.

16. **Board of Adjustment**: A five (5) member board appointed Garfield County Commission to hear appeals by any person aggrieved by inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course administration or enforcement of the provisions of this Ordinance.

17. **Boarding House**: A dwelling where, for compensation, meals are provided for at least three (3) but not more than fifteen (15) persons.

18. **Body and Fender Shop**: A facility for major automobile, mobile home, recreational coach or recreation vehicle repairs to body, or fenders, and including rebuilding.

19. **Buildable Area**: The portion of a lot remaining after required yards have been provided.

20. **Building**: Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.

21. **Building Official**: The Official designated by the County Garfield County, by the County Commission the Building Official may also be the County

22. **Building, Main**: The principle building housing the principal use upon a lot.

23. **Building, Public**: A building owned and/or operated or owned and intended to be operated by a public agency.
24. **Carport:** A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

25. **Cellar:** A room or rooms wholly under the surface of the ground or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.

26. **Child Nursery:** An establishment for the instruction of six (6) or more children, for compensation, other than members of the family residing on the premises, but not including a public school.

27. **Church:** A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.

28. **Clinic, Medical or Dental:** A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

29. **Club, Private:** An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and business and does not include labor union organizations or similar labor or business organizations.

30. **Commission:** Unless otherwise indicated, the County Commission of Garfield County, Utah.

31. **Conditional Use:** A use of land for which a conditional use permit is required, pursuant to this Ordinance.

32. **Condominium:** An ownership structure established in accordance with the Utah Condominium Act.

33. **Construction Camp:** A camp or other residential area of a temporary nature established for a period of five (5) or more days for the housing of four (4) or more persons engaged in activities related to construction, mining and logging. Camps are established for hunting, fishing, recreation or agricultural purposes are excluded from the definition of a construction camp.

34. **Corral:** An enclosure, other than a building less than one (1) acre, used for the confinement of animals and fowl.

35. **County:** Unless otherwise indicated, Garfield County, Utah.

36. **Court:** An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on three (3) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured at right angles to its length. The length of a court is its least horizontal dimension measured at right angles to its width.

37. **Coverage, Building:** The percent of the total site area covered by buildings.
38. **Cul-de-sac**: A minor street having an open end and being terminated at the other end by a vehicle turnaround.

39. **Dairy**: A commercial establishment for the manufacture, processing, or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

40. **District**: A portion of the area of Garfield County, Utah shown on a Zoning Map (attached to this Zoning Ordinance) and given a zone classification as set forth in this Ordinance.

41. **Division of Agricultural Land for Agricultural Purposes**: A bona-fide division or partition of agricultural land into three (3) or more parcels of not less than six (6) acres of land for agricultural purposes as defined herein.

42. **Driveway**: A private roadway, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which the driveway is located.

43. **Dwelling**: Any building or portion thereof, designed or used as the more or less used, rented, leased, let or hired out to be occupied for living purposes.

44. **Dwelling, Mobile Home**: See "Mobile Home".

45. **Dwelling, Single Family**: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

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

47. **Dwelling, Group**: A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

48. **Dwelling, Multiple-Family**: A building arranged or designed to be occupied by more than two (2) families.

49. **Dwelling Unit**: One or more rooms in a dwelling or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one (1) family.

50. **Easement**: The acquired private or right-of-use or enjoyment which one or more persons may have in the land of another.

51. **Family**: An individual or two (2) or more persons related by blood, marriage, or adoption (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

52. **Fence**: A physical barrier to delineate, contain, or designate an area designed for a specific use, i.e. an enclosure for a dwelling unit, and areas of storage etc.
53. **Flood Hazard**: A hazard to land or improvements due to inundation.

54. **Forestry**: The planting, caring for or cultivating of a dense growth of trees. May include the gathering of wood for domestic fire use.

55. **Frontage**: All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

56. **Garage, Private**: A detached accessory building, or portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 ½) tons, and not including space for more than a total of four (4) such vehicles, unless on a bona fide agricultural tract of and.

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

58. **Garage, Repair**: A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers or boats, including general repair, rebuilding or reconstruction of engines, motor vehicles, recreation coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include individualized storage, care, washing, or sale of automobiles.

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

60. **Grade**: The vertical location of the ground surface.
   - **Jared**: For buildings adjoining one (1) street only, the elevation of the sidewalk at the wall adjoining the street.
   - **For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.**
   - **For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.**
   - **Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.**

61. **Health Department**: The Utah state Division of Environmental Health or local health agency having jurisdiction.
62. **Home Occupation:** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, occupying no more than twenty-five (25) percent of the dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not usually associated with residential use. Home occupation may include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer or professional person for consultation or emergency treatment. Home occupation includes the care of not more than five (5) children other than members of the family residing in the dwelling. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs and no employees employed.

63. **Hospital:** Institution for the diagnosis, treatment and care of the human illness or infirmity, but not including sanitariums and clinics.

64. **Hotel:** A building designed for or occupied as the more or less temporary abiding place of six (6) or more individuals who are, for compensation, lodged with or without meals.

65. **Household Pets:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

66. **Irrigated Land:** Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.

67. **Junk:** Any discarded material, including but not limited to scrap metal, one (1) or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and substructures.

68. **Junkyard:** Any place, establishment or business maintained, or operated for storage, buying and selling junk, including vehicles and salvage yards.

69. **Kennel:** Any premises where four (4) or more dogs older than four months are kept.

70. **Livestock Feed Yard:** A commercial operation on a parcel where livestock are kept in high density corrals or yards and fed.

71. **Local Attorney:** The Garfield County Attorney, who represents the County of Garfield.

72. **Local Building Inspector:** The Garfield County Building Inspector, also the zoning enforcement Officer.

73. **Local Engineer:** The engineer employed by or officially representing Garfield County.
55-74. **Local Health Officer:** The health officer or department employed by or officially the County of Garfield.

56-75. **Local Jurisdiction:** The County of Garfield.

52-76. **Lodging House:** A dwelling with not more than five (5) guest rooms where, for compensation, lodging is provided but does not include motels or hotels.

58-77. **Lot:** A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a longer tract into two (2) or more smaller units.

59-78. **Lot Coverage:** Lot coverage shall be calculated by taking the ground area of the main and accessory buildings and dividing that total by the area of the lot.

60-79. **Lot Corner:** Lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

61-80. **Lot Interior:** A lot other than a corner lot.

62-81. **Lot Depth:** The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

63-82. **Lot Line:** Property lines bounding the lot.

64-83. **Lot Restricted:** Any lot having particular problems in size, slope, contour or space requiring special action of the Board of Adjustment.

65-84. **Mobile Home:** A detached, single-family dwelling unit not less than forty-five (45) feet long, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels, containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems and ready for occupancy except for utility connections and other minor work. Pre-sectionalized modular, or prefabricated homes not placed on a permanent foundation, shall be regarded as mobile homes; if placed upon a permanent foundation such structures which meet all applicable building and housing codes shall not be considered as mobile homes but shall be regarded as conventional housing.

66-85. **Mobile Home Lot:** A lot within a mobile home park or subdivision, designed to be used for the accommodation of one (1) mobile home.

62-86. **Mobile Home Park:** A parcel designed and approved by the county for occupancy by mobile homes on a rental basis, meeting all requirements of the Garfield County plans and ordinances.

68-87. **Mobile Home Space:** Space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.
69. **Mobile Home Subdivision**: A subdivision designed and intended for residential use lots are to be individually owned or leased and occupied by mobile homes exclusively.

70. **Modular Home/Manufactured Home**: A permanent dwelling structure which conforms to applicable building codes, built in prefabricated units, which are assembled and erected on the site, or at another location, and brought as a unit to the site.

71. **Motel**: A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

72. **Natural Waterways**: Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the County Engineer, in which no buildings should be constructed.

73. **Nonconforming Building or Structure**: Building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all height, area and yard regulations herein prescribed in the zone in which it is located.

74. **Nonconforming Use**: Use which lawfully occupied a building or land at the time this Ordinance became effective, and which does not conform with the use regulations of the zone in which it is located.

75. **Nursing Home**: Institution providing residence and care for the aged or infirm.

76. **Off-Site Facilities**: Improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.

77. **OpenSpace**: Space reserved in parks, courts, playgrounds, golf courses and other similar open areas, and those areas reserved to meet the density requirements of Planned Unit Development.

78. **Parking Lot**: An open area, other than a street used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, customers or employees.

79. **Percent of Grade**: The percentage increase in elevation over a one hundred-hundred (100) foot horizontal distance. For example, a ten (10) percent grade would be a use in elevation of one (1) foot in ten (10) feet or ten (10) feet in one hundred (100) feet.

80. **Permanent Monument**: A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the County for permanent monuments.

81. **Planned Unit Development**: An integrated design for development of residential, commercial or industrial uses or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and
location, in accordance with a plan approved by the County Commission and the Planning Commission.

82.101. **Planning Commission**: Unless otherwise indicated, the Garfield County Planning Commission.

82.102. **Public Utilities**: These include every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation where the service is performed for the commodity delivered to the public or any portion thereof.

103. **Recreational Coach**: A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

84. **Recreational Park**: An area or tract of land where lots are rented or held for rent to (a) users of home park where lots are rented or held for rent to one (1) or more owners or users of recreational vehicles for a temporary time not to exceed one hundred-twenty (120) days.

86.105. **Roomer**: One who occupies a hired room in another's house.

106. **Sanitary Landfill**: An area set aside that meets all federal and state laws for the disposal of solid waste.

___

publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes. Also see the "Uniform Building Code International Building Code."

89.108. **Sign, Animated**: A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

90.109. **Sign Area**: The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.

94.110. **Sign, Free-Standing**: A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

92.111. **Sign**: Identification and Information. A sign displayed to indicate the means or nature of a building, or of a use.
93.112. **Sign, Illuminated:** A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

94.113. **Sign, Marquee:** Any sign attached to or made an integral part of a marquee.

95.114. **Sign, Projecting Wall:** A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

115. **Site Plan:** A plan required by, and providing the information required by Section 1-10 herein.

116. **Small Shed:** One-story detached accessory structure provided that the floor area does not exceed 200 sq. ft.

117. **Stable, Private:** A detached accessory building for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire or sale.

118. **Street:** A public thoroughfare which affords principal means access to abutting property with a minimum width of twenty-six (26) feet.

119. **Subdivision:** The division of any tract, lot or parcel of land into three (3) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease or of building development, provided that the term "subdivision" shall not apply to those divisions excepted or exempted in this ordinance. The word "subdivide" and any other derivative thereof shall have reference to the word "subdivision" as herein defined.

120. **Tiny Homes:**

121. **Transient:** Occupancy of a dwelling unit or sleeping unit for not more than thirty (30) days.

122. **Transient Rentals:** Any building or portion thereof, designed or used for commercial sleeping place of one (1) or more persons or families for not more than thirty (30) days.

123. **Use Accessory:** A use subordinate and incident to the main use of a building or land upon the same lot or parcel.

124. **Veterinary or Animal Hospital:** A building and runs where large and/or small animals are kept and/or treated by a licensed veterinarian.

125. **Yard:** A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

126. **Yard, Front:** A space on the same lot with a building, between the front line of building and the front lot line, extending across the full width of the lot. The "depth" of front yard is the minimum distance between the front lot line and the front line of the building.
404.127. **Yard, Rear**: A space on the same lot with a building, between the rear line of the lot and and line and extending the full width of the lot. The “depth” of the rear yard is minimum distance between the rear lot line and the rear line of the building.

405.128. **Yard, Side**: A space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard shall be the minimum distance between the side lot line and the side line of the building.

406.129. **Zone**: See “District”.

407—**Zoning Ordinance**: The Garfield County Zoning Ordinance.

1-82 **Building Permit Required.**

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

1-98 **Certificate of Occupancy Required.**

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

1-109 **Site Plans Required.**

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

1. Note of scale used

2. Direction of north point.

3. Lot lines, together with adjacent streets, roads, easements and rights-of-way.

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

5. Location of the proposed construction and improvements, including the location and dimensions of all signs.
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location.

7. Necessary explanatory notes.

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

9. All other information that may be required as is determined by the Building Official, pursuant to the most current edition of the Uniform Building Code International Residential Code adopted by Commission.
1-110 Inspection.

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

1-124 Enforcement.

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

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

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

1-143 Penalties.

Check w.

or permitting the violation of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a Class C Misdemeanor and shall be punished as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punished as herein provided.
1-154 Amendments.
The County Commission may from time to time amend the number, shape, boundaries or areas of any zoning district, or any regulation or any other provision of the Zoning Ordinance, but any such amendment shall not be made or become effective until after thirty (30) days’ notice and public hearing and unless the same shall have been proposed by or be first submitted to the Planning Commission for its recommendation which shall be returned within thirty (30) days. In the case of an application by a property owner or interested party for an amendment, the County Planning Commission and/or the Board of County Commissioners, as a prerequisite to the consideration of such application, may require that such applicant, at the applicants expense, furnish to such Commission and/or Board title evidence, in such form as such Commission or Board may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and may also require that notice of such proposed amendment be given to all parties claiming an interest in such property. Consultation of the tax rolls shall be made to insure sufficiency of notice to affected or interested property owners.

1-165 Hearing and Publication and Notice before Amendments.
Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least thirty (30) days’ notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County.

1-176 Licensing.
All departments, officials and public employees of Garfield County which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance, and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

1-187 Fees.
Fees may be charged applicants for building, occupancy, and conditional use permits design review, and Planned Unit Development approval, Planning Commission and Board of Adjustment hearings, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and shall be in amounts reasonably necessary to defray costs to the public.
Chapter 2. **Planning Commission**

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

The Board of County Commissioners of Garfield County is authorized by Utah code Annotated, Section 17-27-2 (check state statutes) to appoint an unpaid Planning Commission of seven members known as the Garfield County Planning Commission. One (1) member of the Commissioners shall be designated by the Garfield County Board of Commissioners as a voting ex officio member of the Planning Commission. Each of the other six (6) members of the Planning Commission shall be residents of Garfield County, and the owner of real property situated within the county, and at least four (4) of them shall hold no elected county or public office or position. The Board of County Commissioners may adopt rules and regulations to allow electronic participation in accordance with state law.

2-2 Terms of Office.

The term of appointed members of the Garfield County Planning Commission shall be three (3) years, and until their respective successors have been appointed.

2-3 Vacancies and Removals for Cause.

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

2-4 Compensation.

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

2-5 Officers.

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

2-6 Rules and Procedures.

The Garfield County Planning Commission shall adopt such rules and regulations in writing governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times.
2-7  **Quorum and Vote.**

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

2-8  **Employees; Expenditures.**

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

2-9  **Duties and Powers.**

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

### Chapter 3.  BOARD OF ADJUSTMENT

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

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

3-2  **Organization and Meetings.**

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

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

3-4 **Powers of Board.**

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

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by any administrative official or agency, based on or made in the enforcement of this Ordinance.

2. To hear and decide, in accordance with the provisions of this Ordinance, requests for special exceptions, or for interpretation of the zoning map or for decisions on other special questions on which such board is authorized by applicable law to pass.

3. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, on appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance of the County. Before any variance may be authorized, however, it shall be shown that:

   a. Adherence to the strict letter of the Zoning Ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of said Ordinance.

   b. Special circumstances exist which are attached to the property covered by the application which do not generally apply to the other, property in the same zone.

   c. Because of said special circumstances, property covered by the application is deprived of privilege possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. **To permit** Subject to the adopted building codes and other county ordinances, regulations for the enlargement of, addition to, or relocation of a nonconforming structure are nonconforming as to use regulations, as follows:

   a. For a nonconforming use located in a residential zone, the enlargement, addition, or relocation shall either: (i) comply with all the height, yard and area requirements for a single family dwelling in the zone in which the non-conforming building is located, or (ii) the proposed enlargement, addition or relocation will either (a) improve the area by increasing the off-street parking, or (b) improve the general appearance, convenience or safety of the area.
b. For a non-conforming use located in any zone other than a residential zone, the enlargement, addition, or relocation shall comply with all height, yard, and area requirements for a main building, other than dwellings, in the zone in which it is located.

c. Before granting a permit for any enlargement, addition, or relocation as provided above, the Board of Adjustment shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in Section 1-2 of the Ordinance more than does the existing nonconforming use.

5. The Board of Adjustment may allow those enlargements of, additions to, or relocation of buildings and structures, nonconforming as to yard, height or area regulations in those cases where an undue hardship will result to the owner of the land involved unless granted, and the attainment of the objectives listed in Section 1-2 of this Ordinance will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation will either: (1) improve the area by increasing needed off-street parking or (2) improve the general appearance, convenience or safety of the area.

6. Where a zone boundary line divides a lot in single ownership at the time of the establishment of said boundary the board may permit a use authorized on either portion of such lot to extend to the entire lot, provided such permission shall not authorize the use to extend more than thirty-five (35) feet beyond the district boundary line, or extend to an area greater than five thousand (5,000) square feet beyond the said boundary line.

7. Permit a nonconforming use to be changed to another use allowed in the same or in a more restrictive zone than the one in which the non-conforming use would be allowed; provided that the Board of Adjustment finds in its public hearing that such change will not hinder or obstruct the attainment of the objectives listed in Section 1-2 hereof more than does the existing nonconforming use.

8. Permit the construction and use of a dwelling upon a lot which does not have frontage on a dedicated right-of-way, but does have frontage on a private street.

3-5 Appeals.

Appeals to the Garfield County Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance. Appeals to the Board of Adjustment may be taken by any officer, department, board or bureau of the County affected by the grant or refusal of a building permit, or by other decisions of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this Ordinance. The time within which such appeal must be made, and the form or other procedure relating thereto, shall be not more than thirty (30) days from the date of decision as specified in the general rules of procedure adopted by the Board of County Commissioners; and, provided further, that said rules and regulations shall be available to the public at the office of the County Commission at all times.

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

The Garfield County Board of Adjustment shall fix a reasonable time for the hearing of the appeals, after giving public notice thereof as well as due notice to the parties in interest, and shall decide
the same within a reasonable time. Upon hearing, any party may appear in person, or by agent or by
3-7 Stay of Proceedings Pending Appeal.
An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Adjustment or by the district court, on application and notice and on due cause shown.

3-8 Decision on Appeal.
In exercising the above-mentioned powers, the Board of Adjustment may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

3-9 Vote Necessary for Reversal.
The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official to decide in favor of the appellant on any matter upon which it is required to pass under any ordinance, or to affect any variation in such ordinance.

3-10 Judicial Review of Board’s Decision - Time Limitation.
Garfield County or any person aggrieved by Adjustment may have and maintain a plenary action for relief therefrom any court of competent jurisdiction; provided, a petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the board.

3-11 Time Limitation on Variance.
In the event the Garfield County Board of Adjustment does grant a variance in accordance with the provisions of this Chapter, alterations in accordance with the variance must be activated within six (6) months after the date such variance is granted, or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the Board of Adjustment, only if the petitioner shows adequate cause to the board that circumstances necessitate a time extension.

3-12 Filing Fee.
Upon filing of any appeal or application to the Garfield County Board of Adjustment, the appellant or applicant shall pay to the County a fee prescribed by the County Commission. The said fee shall be collected by the officer in whose office said appeal is filed, and shall be deposited with the County Treasurer and credited to the general fund. No appeal or application shall be considered by the Board of Adjustment unless such fee has been paid.

3-13 Compensation of Members and Secretary.
Each member of the Garfield County Board of Adjustment and the secretary thereof shall be compensated by an amount established by the County Commission for each meeting of the board which he or she shall attend, and for actual expenses incurred, upon presentation of proper receipts and vouchers.
Chapter 4. SUPPLEMENTARY AND QUALIFYING REGULATIONS

4-1 Effect of Chapter.
The regulations hereinafter set forth in this Chapter qualify or supplement the zoning regulations, as the case may be, regulations.

4-2 Yard Space for One (1) Building Only.
No required yard or other open space around an existing building, shall be considered as providing a yard or open space for any other building. No yard or other required open space on an adjoining lot shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

4-3 Every Dwelling to be on a "Lot"
Every dwelling shall be located and maintained on a lot as defined in this Ordinance.

4-4 Separately Owned Lots -- Reduced Yards.
In any lot under separate ownership from adjacent lots and of record the time of passage of this Zoning Ordinance and such lot having a smaller width than required for the zone in which it is located, the side yards for a dwelling may be reduced to a width Garfield County Board of Adjustment.

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

4-6 Wall, Fence or Hedge.
No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two (42) inches in height. No fence within any required front yard setback or corner yard setbacks shall be more than three (3) feet in height and shall be allowed within thirty (30) feet of the intersection on any corner lot.

4-7 Minimum Height of Dwellings.
In all zones, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

4-8 Minimum Height of Dwellings.
No dwelling shall be erected to a height less than one (1) story entirely above grade.
4-9 Sale or Lease of Required Space.

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

4-10 Easements and Rights-of-Way.

Uses of easements and/or rights-of-way shall be permitted in or through any zone for the purpose of serving a permitted or approved conditional use in the same or any zone. For road standards, see rights-of-way may be used for uses similar to, but not limited to the following:

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

4-11 Sale of Lots Below Minimum Space Requirements

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

4-12 Additional Height Allowed.

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

4-134 Water and Sewer Requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system is not available, and in all cases where a connection to a public water system approved by the Board of Health is not available, the sewage disposal and the domestic water supply shall comply with the requirements of the State Board of Health of Utah, and the application for a building permit shall be accompanied by a certificate of feasibility from said board.
Chapter 5: NONCONFORMING USES

5-1 Maintenance Permitted.
The lawful use of any building, structure or land existing at the time of the passage of this title may be continued, though such use does not conform with the provisions of this title, subject to the controls and restrictions place thereon elsewhere in this Chapter.

5-2 Additions, Enlargements and Moving.
A building or structure nonconforming as to use, height, areas, or yard regulations shall not be added to, enlarged or moved in any manner unless such building or structure, including such additions and enlargements, is made to conform to all regulations of the zone in which it is located, except as permitted by the Planning Commission.

5-3 Repairs and Alterations.
Structural alterations may be made to a nonconforming building or to a building housing a nonconforming use, subject to the approval of the Planning Commission.

5-4 Alterations where Parking Insufficient.
A building or structure lacking sufficient automobile parking space in connection therewith, as required by this Ordinance may be altered or enlarged, subject to the approval of the Planning Commission, provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alterations or enlargements.

5-5 Restoration of Damaged Buildings.
A nonconforming building or structure or a building or occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind or act of God or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, which was existing at the time such damage or destruction, may be continued or resumed, provided that such restoration is started within period of one to completion.

5-6 Abandonment.
A nonconforming activity of a building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming activity shall be considered abandoned:

1. When the intent of the owner to discontinue the use is apparent;
2. When the characteristic equipment and the furnishings of the nonconforming activity have been removed and have not been replaced by similar equipment within one year;
3. When the building or premises is left vacant for a period of one (1) year or more; or
4. When the activity has been replaced by a conforming use.
5-7  **Termination of Use.**

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

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

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

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

5-10  **Expansion Permitted.**

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

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

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

---

**Chapter 6.  PARKING AND LOADING SPACE**

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

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

6-2  **Size.**

The dimensions of each off-street parking space shall be at least ten (10) feet by twenty (20) feet for diagonal or ninety-degree (90°) spaces; or ten (10) by twenty-three (23) feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty (20) parking spaces, the Planning Commission may approve a design allowing not more than twenty (20) percent of such spaces to be not less than seven and one-half (7 ½) feet be fifteen (15) feet to be marked and used for compact automobiles only. Handicap spaces shall be provided in accordance with the American Disabilities Act (ADA).

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

---
In all zones there shall be provided in a private garage, or carport or in an area properly located off-street, at least two (2) automobiles, or a future garage or carport parking for not less than two (2) automobiles.
6-4 Parking Space for Buildings or Uses other than Dwellings.

For a new building or for any enlargements or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one (1) permanently maintained all weather parking space.

For any new building or alteration of an existing building that increases seating capacity, floor area or guest rooms, additional off-street parking compatible with the following standards is required.

Handicap spaces shall be provided in accordance with the ADA.

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums, bowling alleys and other similar places of assembly at least one (1) parking space will be provided for every three (3) fixed seats provided in said buildings or structures or one hundred (100) square feet of assembly area, whichever is greater.

2. For hospitals and nursing homes, at least two (2) parking spaces for each bed, including infant cribs and children’s beds. For medical and dental clinics, at least fifteen (15) parking spaces, provided that three (3) additional spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.

2. For private medical and dental offices, at least one and a half (1 ½) spaces for each examination room and an additional space for each on-duty employee.

4. For hotels, motels and apartment complexes, and apartment motels, at least one (1) parking space for each guest bedroom or suite plus one (1) parking space for every three (3) employees customarily employed at one time.

5. For condominiums, town-homes and short-term rentals there shall be at least two (2) parking spaces per unit or dwelling area.

6. For boarding houses, lodging houses, dormitories, fraternities or sororities, at least one (1) parking space for each guest bedroom plus two (2) parking spaces for the resident family.

7. For restaurants or commercial establishments that serve food or drinks, lunches or drinks to patrons, either in their cars or in the building, for retail stores selling directly to the public and recreational places of assembly, at least one (1) parking space for every one hundred (100) square feet of floor space in the building and one (1) space for each two (2) employees working on the highest employment shift or five (5) parking spaces whichever requirement is greater.

8. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least ten (10) parking spaces.

9. For office buildings and banks, at least one (1) parking space for every one hundred fifty (150) square feet of floor area. Jared Building Code

10. For businesses or industrial uses not listed above, not providing customer services on the premises, at least one (1) parking space for each two (2) employees working on the highest permanent employment shift.
§11. For all uses not listed above, at least one (1) parking space for each employee working on
highest permanent employment shift, or one (1) space for every one-hundred (100) square feet of
floor area.

§12. For all uses not where parking requirements listed above is unreasonable listed above
parking and loading space shall be determined by the Planning Commission, based on the nearest comparable use standards.

6-5 Location of Parking Space.

Parking space as required above shall be on the same lot as the main building or, in the case of buildings
other than dwellings, may be located not further than two-five hundred (2500) feet therefrom.

6-6 Parking Lot Requirements.

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

6-7 Off-Street Loading Space.

All loading and docking shall be off-street on the premises where the goods are used or stored. On the
same premises with every building, structure or part thereof, erected and occupied or increased in
capacity after the effective date of this Ordinance, for manufacturing, storage, warehouse, goods display,
department store, grocery, hotel, hospital mortuary, laundry, dry cleaning or other use similarly involved,
the receipt or distribution by vehicle of materials or merchandise there shall be provided and maintained
on the lot including adequate space for public use of streets or alleys. All off-street loading spaces or
docking areas should be located at the rear of the building or structure and be appropriately screened from
adjacent residential zones.

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

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

Chapter 7 MOTOR VEHICLE ACCESS

7-1 Business Requiring Access.

Service stations, roadside stands, public parking lots and other businesses requiring motor vehicle access
shall meet the requirements as hereinafter provided, or as prescribed in the Utah State or County

29
Access to developments and subdivisions shall be via all-weather roads. Where developers choose not to improve access roads to an all-weather condition, a notation on conveyance and development/plat documents shall disclose that access is not maintained on a year-round basis.
7-32 **Roadways and Curbs.**

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

1. Access shall be by not more than two hundred (100) feet or fraction thereof of frontage on any street, and in no event shall such driveways exceed in width seventy (70) percent street frontage approved by the State or Local Highway Authority having jurisdiction. Appropriate Encroachment Permits are required.

2. No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet.

3. Each driveway shall be not more than thirty-six (36) feet in width, measured at right angles to the center line of the driveway, except as (a) increased by permissible curb return radii or (b) approved by the Garfield County Departmental Offices and the Planning Commission. The entire flare of any return radius shall fall within the right-of-way.

7-13 **Location of Gasoline Pumps.**

Gasoline pumps shall be set back not less than eighteen and ten (18) feet from any street line to which the pump island is vertical, and twelve (12) feet from any street line to which the pump island is parallel, and not less than twenty (20) feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.
Chapter 8. CONDITIONAL USES

8-1 Purpose.
To provide for the regulation of uses and their compatible integration in the zoning districts of Garfield County, Utah.

8-2 Conditional Use Permit.
An approved conditional use permit shall be required for each conditional use listed in this Ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee unless a conditional use permit has been recommended by the Garfield County Planning Commission and approved by the Garfield County Commission.

1. Application: Application for a conditional use permit shall be made at the office of the Garfield County Planning Commission on forms provided for that purpose.

2. Development Plan: The applicant shall prepare a site plan of the proposed buildings, fences, landscaping, parking and loading areas, other uses, and any information the Planning Commission may deem necessary.

3. Fees: The application or renewal for any conditional permit shall be accompanied by the appropriate fee, as determined by Garfield County Planning and Zoning Fee Ordinance.

4. Hearing: A public hearing need not be held; however, hearings may be held when the Planning Commission or County Commission deem it necessary or desirable to serve the public interest. Impacted property owners shall be advised through appropriate advertising or direct contact.

5. Planning Commission Action: The Planning Commission may recommend, modify or deny the conditional use application. In recommending any conditional use permit, the Planning Commission shall impose such regulations and conditions as are necessary to protect the public welfare. Conditional use applications recommended by the Planning Commission shall be heard by the Garfield County Commission for approval, rejection or modification within sixty (60) days of recommendation.

6. County Commission Action:
In approving a conditional use, the County Commission shall determine if the proposed use:

a. Is necessary or desirable and will contribute to the general well-being of the community.

b. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

c. Is in harmony with the intent of the County’s General Plan and the zoning district in which it is located.

The County Commission shall approve, modify or deny recommended conditional use applications within forty-five (45) days of public review.
7. **Appeals:** Appeal of Planning Commission decisions shall be to the Board of County Commissioners. Appeal shall be in writing and shall be filed at the office of the Board of County Commissioners not more than thirty (30) days after the decision by the Planning Commission. The Board of County Commissioners may affirm, modify, or reverse the decision of the Planning Commission. Appeal review by the Board of County Commissioners shall be recorded in an open public meeting. County Commission decisions will be final.

8. **Inspection:** The Building Official shall inspect applicable conditional uses during the course of construction to ensure compliance with the conditions of the permit.

9. **Time Limit:** Conditional use permits that are not permanent shall be valid until December 31st of a) the year issued or b) the year designated by the Commissions. Conditional use permits may be renewed for periods designated by the Planning or Garfield County Commissions unless a) the conditional use is no longer in the public interest, b) stipulations have been violated, or c) substantial work has not been accomplished toward its completion. Conditional use permits shall be renewed in accordance with 8-2-12 of this Ordinance. Renewals shall be completed prior to February 1st.

10. **Temporary Construction Camp:** A conditional use permit for a temporary construction camp may be issued for a time limit not exceeding the period of construction, plus six (6) months. In addition to the development plan submitted in accordance with 8-2-2 of this Ordinance, the applicant shall also submit plans for the water supply and sewage systems and shall obtain the approval of the Board of Health and Building Official.

11. **Revocation:**
   a. A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit or failure to comply with renewal requirements.
   b. Conditional use permits shall be suspended upon failure to renew any associated business licenses. Upon suspension, the Garfield County Planning Commission shall determine if the conditional use permit is to be renewed or revoked.
   c. The Planning Commission may initiate revocation proceedings when evidence indicates the conditional use permit is no longer in the public interest, or when directed by the Garfield County Commission. Conditional use permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.
12. **Renewal:** As directed by the Garfield County Planning Commission and Garfield County Commission, conditional uses shall be classified as:
   a. Permanent without need of renewal:
      i. e.g. home-based businesses, churches, communication towers, or other permanent uses, unless conditions of the permits are found to be in violation.
   b. Renewable on an annual basis:
      i. e.g. short-term rentals, temporary businesses, construction camps, temporary living quarters during construction, and other short-term uses.
   c. Renewable on regular basis as determined by the Commissions.
      i. e.g. gravel pits, mines, group homes, recreational facilities, etc.
   d. The examples in subparagraphs a - c above are for illustrative purposes only. Renewal classifications will be assigned by the Planning Commission and County Commission after examining site specific conditions and evaluating public interest.

**Chapter 8. CONDITIONAL USES**

9-1 **Purpose.**
The purpose of a Planned Unit Development is to allow for diversification of uses within a single property or development and to permit more flexibility in the use of such sites.

9-2 **Concept.**
Planned Unit Developments are integrated designs for a combination of uses normally allowed in various zoning districts. In Planned Unit Developments specific regulations are combined, waived or varied to allow flexibility of design and location, in accordance with requirements specified in this chapter.

9-3 **Planned Unit Development Permit.**
Planned Unit Developments may be allowed by recommendation of the Garfield County Planning Commission and approval of the Garfield County Commission in any zoning district. Compliance with the regulations of this Ordinance in no way excuses the developer from the applicable requirements of the Garfield County Zoning and Subdivision Ordinances, except as specifically documented and authorized in the approval process. An applicant shall follow the provisions outlined by the Planning Commission or their representative.

9-4 **Required Conditions.**
1. No Planned Unit Development shall have an area less than that approved by the Planning Commission as adequate for the proposed uses.
2. All Planned Unit Developments shall be approved by the Garfield County Commission, and plats meeting the requirements of the Garfield County Subdivision Ordinance shall be recorded in the office of the Garfield County Recorder.
3. The development shall be in single or corporate ownership at the time of approval or the subject of an application filed jointly by all owners of the property.
4. The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected:
   a. Dwelling unit and land use intensity shall be indicated.
   b. Where feasible, lowest height and least intensity of buildings and uses shall be arranged around the boundaries of the development.
   c. Lot area, width, yard, height, density and coverage regulations shall comply with the Intranational Building Code and shall be documented on the site development plan.
   d. Residential areas shall comply with Garfield County’s Zoning and Subdivision Ordinances.
5. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
   a. Dedication of the land as a system, public park or parkway system,
   b. Granting to the County a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational uses, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and by-laws which are satisfactory to the County Commission, or,
   c. Complying with the provisions of the Condominium Ownership Act (U.C.A.57-8), which provides for the payment of common expenses for the upkeep the common areas and facilities.
6. Landscaping, fencing and screening within the site shall be presented to the Planning Commission for recommendation, together with other required plans for the development.
7. The size, location, design and nature of signs, if any, and intensity and direction of area or flood-lighting shall be detailed in application. Night sky friendly lighting is encouraged.
8. A grading and drainage plan detailing easements, geologic and flood hazards shall be submitted to the Planning Commission with the application.
9. Prior to final approval, the Planned Unit Development applicant shall furnish and file with the Garfield County Clerk, a surety bond to assure that the actual construction of proposed public improvements is completed within specified time frames. Phase bonding shall be allowed for phase development. The form and bond shall be approved by the Planning Commission, Garfield County Commission and the Garfield County Attorney. Bonds may include, but are not limited to insurance, bonds, escrow deposits, irrevocable letters of credit, or other method approved by Garfield County.
9.5 Uses Allowed.
   Subject to review and approval of the Planning Commission, uses allowed in a Planned Unit Development shall conform to permitted uses allowed in Garfield County zoning districts. For the purposes of this chapter, Multiple Family Dwellings may be allowed in residential areas of the Planned Unit Development.
9.6 General Site Plan.
Applications shall be accompanied by a general site plan showing:

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

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

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

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

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

9.9 Construction Limitations

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

Chapter 10. MOBILE HOME PARKS

10-2 Mobile Home Location and Use

No mobile homes as herein defined shall be located, placed, used or occupied in any other district than within an approved mobile home park, where allowed by the Zoning Ordinance, except as otherwise provided.

Mobile Homes approved with a Conditional Use Permit by the Planning Commission may be located on bona fide agricultural lands as housing for families or employees of the farm or ranch operation.

10-3 Mobile Home Park Approval

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

1. Be developed according to approved plans.
2. Be limited in density to nine (9) units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre. The remaining land not contained in individual lots, roads or parking, shall be set aside and developed as parks, playground and service areas for common use and enjoyment of occupants of the development.
3. Have access from a principal public thoroughfare.
4. Have adequate sewer and water service, with hookups provided each mobile home space.
5. Have adequate fire protection. In isolated developments, on-site fire protection must be available with sufficient fire flow from available water sources.
10-4 Mobile Home Park Application.

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

   a. The topography of the site represented by contours, shown at intervals not greater than two (2) feet when required by the Planning Commission.

   b. The proposed reservations for parks, playgrounds, open space.

   c. The proposed street and mobile home space layout.

   d. Tabulations showing percent or area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and total area to be developed.

   e. Proposed locations of parking spaces

   f. Detailed landscaping and utility plan, including locations of sewer, water, electricity and fire hydrants

   g. Any other data the Planning Commission may require.

   h. The applicant for approval of plans for a mobile home park or mobile home

2. Subdivision shall pay to the planning Director/Building Official at the time of application a checking fee, in addition to all other required fees. The checking fee shall be established by the Garfield County Commission.

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

Chapter 11. RECREATIONAL VEHICLES AND VEHICLE PARKS

11-1 Purpose.

To permit development of recreational vehicle parks in appropriate districts and to require that recreational vehicle accommodations will be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and character of the districts contiguous to this in which recreational vehicle parks are located, and to protect other use values contiguous to or near recreational coach park uses.
11-2 Recreational Vehicle Location and Use.

1. No recreational vehicle as herein defined shall be located, placed, used or occupied for residential purposes in any district except within approved and licensed recreational vehicle parks, except as otherwise provided herein.

2. Recreational vehicle parks shall be generally located:
   a. Adjacent to or in close proximity to a major traffic artery or highway, or
   b. Near adequate shopping facilities, or
   c. Within or adjacent to a mobile home park.

3. Recreational vehicles may be stored, but not used for permanent quarters.

4. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in Commercial or Industrial Zone, when such use permitted, or with conditional Use permit.

5. Recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:
   a. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
   b. The recreational vehicle use area shall have direct access to a collector or arterial street.
   c. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.

11-3 Recreational Vehicle Park Approval.

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

1. Be in keeping with the general character of the district where it is proposed to be located.

2. Have at least ten (10) spaces completed and ready for occupancy before the first occupancy is permitted.

3. Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel and Resort Sanitation Regulations which are intended to apply to trailer camper and tent camps as defined in such Code.

4. Contain no more than twenty (20) units per acre. The spaces may be clustered, provided number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as
park, playground or service areas for the common use and enjoyment of occupants of the
development.

5. Have adequate sewer and water service with hookups provided to each recreational vehicle space.

6. Have adequate fire protection as approved by the Garfield County Planning Commission. In isolated developments, on-site fire protection must be available with sufficient water flow from available sources.

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

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

   a. The topography of the site, when required Commission, represented by contours shown at not greater than two (2) foot intervals.

   b. The proposed street and trailer or vehicle space pad layout

   c. Proposed reservations for parks playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of trailer spaces, and total area to be developed.

   d. Proposed location, number and design of parking spaces.

   e. Detailed landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants.

   f. Any other data the Planning Commission may require.

2. Applications for approval shall be in writing, submitted to the Planning Commission at its regular meeting and shall be granted or denied within thirty (30) days, unless an extension of time is approved by the Garfield County Planning Commission. An application denied by the Planning Commission may be appealed to the County Commission which appeal must be in writing within thirty (30) days after denial is made by the Planning Commission.
Chapter 12  CONSTRUCTION SUBJECT TO GEOLOGIC FLOOD, OR OTHER NATURAL HAZARDS

12-1  Requirements.

1. When the Garfield County Planning Commission or the Building Official deems it necessary, any application for a Conditional Use Permit, a Planned Unit Development approval, or a building or use permit shall be accompanied by a geologic and soils survey report for the land, lot, or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a registered or licensed geologist, soils engineer, or civil engineer, and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernable flood or earth-quake hazards.

2. Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazard, the applicant shall meet the special conditions required by the Garfield County Planning Commission and Building Official, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the applicant shall be denied.

Chapter 13. PERFORMANCE STANDARDS

13-1  Purpose.

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

13-2  General Provisions.

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

13-3  Performance Standards Procedure.

The Building Official may require performance standards review for any use in any district when there is reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards adopted by Garfield County.
Chapter 14. ZONES

14-1 Establishment of Zones.
For the purpose of this Ordinance, the following eight nine (9) zones are created as necessary to regulate the development of the land in Garfield County, Utah:

(1) Multiple Use Zone ........................................ MU
(2) Forest Zone ................................................ FR
(3) Agricultural Zone .......................................... A
(4) Residential Zone ........................................... R
(5) Residential Estates Zone ................................. RE
(6) Commercial Zone .......................................... C
(7) Light Industrial Zone ....................................... M-1
(8) Heavy Industrial Zone ..................................... M-2
(9) Wildlife/Habitat Zone ...................................... WH

14-2 Boundaries of Zones.
The boundaries of each of the said zones are established as hereby established as herein described herein, and as shown on the map entitled “Zoning Map of Garfield County Utah,” which map is attached by reference to this ordinance, and all boundaries, notations and other data shown thereon are made by this reference as much a part of this Ordinance as if fully described and detailed herein.

14-3 Filing of Ordinance and Map.
This ordinance and map shall be filed in the custody of the Garfield County Recorder of Garfield County, Utah and may be examined by the public, subject to any reasonable regulations established by the County Recorder’s Office.

14-4 Rules for Locating.
Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1. Whenever such boundary line of such zone is indicated as being overlays of any street, river, irrigation canal, or other water way, or private land, private/public land boundary or any section line, then in such case the center of the such street, river, irrigation canal, other water way, private/public land boundary or any section line street, stream, canal or waterway or the boundary lines of such private land, public land or such section line shall be deemed to be the boundary of such zone.

2. When the application of the above rules does not clarify the zone boundary location, the Board of Administrator shall interpret the map.
Chapter 15  MULTIPLE USE ZONE (MU)

15-1  Purpose.

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

15-2  Multiple Use Zones.

1. (MU) Minimum Lot Size: 40 Acres

15-3  Permitted Uses.

1. Agriculture, including grazing and pasturing of animals.

2. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.

3. Forestry, except forest industry.

4. Mining.

5. Recreation (primitive campgrounds, glamgrounds, open OHV areas)

15-4  Conditional Uses.

1. Accessory buildings and uses customarily incidental to permitted/conditional uses.

2. Single-family dwellings (one per 40 acres).

3. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.

4. Agriculture, business or industry, including feed lots.

5. Nursery or greenhouse, wholesale or retail.

6. Forest industries, such as sawmills, wood products plants, or others.

7. Planned Unit Development

9. Mine, quarry, gravel pit, and crusher, concrete batching plant or asphalt plant, oil wells or steam wells.


11. Private park or recreation grounds or private recreational camp or resort, including accessory or support dwelling complexes or commercial services, the uses of which are owned or managed by the recreational facility to which it is accessory.

12. Public stable, riding academy or riding ring, horse show barns and facilities.

13. Dams and reservoirs, radio and television transmitting stations and towers.


15. Utility easements.

15-16. Other uses deemed compatible with the purposes of the zone by the Garfield County Planning Commission and County Commission.

### Minimum Area, Width, and Yard Regulations

<table>
<thead>
<tr>
<th>District</th>
<th>Area</th>
<th>Width</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU</td>
<td>40 Acres</td>
<td>600 ft.</td>
<td>30 ft.</td>
<td>340 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

Other Provisions:

1. Planned Unit Development or Cluster Subdivision requirements, as specified by the Garfield County Planning Commission.

2. Accessory buildings shall be set back at least ten (10) feet in the rear of the main building.

3. Sewage disposal systems and water systems are subject to approval by the Board of Health.
Chapter 16. FOREST/RECREATION ZONE (FR)

16-1 Purpose.
The purpose of the Forest/Recreation Zone is to permit development of identified mountain forsted areas for recreation, seasonal residential living and other similar activities, to the extent compatible with the protection of the natural and scenic resources and of the areas for the benefit of present and future generations.

16-2 Permitted Uses.


2. The tilling of the soil, the raising of crops, horticulture and gardening.

3. Accessory buildings and permitted and conditional uses allowed uses customarily incidental to the permitted and conditional uses allowed herein, when bounded on 2 or more sides by a Multiple Use Zone.

4. Private, non-commercial, single-family recreation parks.

16-3 Conditional Uses.

1. Accessory buildings and uses customarily incidental to permitted uses.

2. Churches

3. Utility easements

4. Cluster subdivision of single family dwellings, provided that the residential density is not increased to allow more than one (1) dwelling for each parcel which is seventy-five (75) percent of the square feet required by the district for single-family dwellings, and that the total area of the subdivision cluster be not less than five (5) acres, and that at least one-third (1/3) of the total area of the subdivision be reserved or dedicated as a permanent open space for common use of the residents, under Planned Unit Development approval.

5. Golf courses

6. Home occupation-based businesses

7. Lodges, resorts and private commercial recreation facilities.

8. Short-term rentals


10. Accessory uses and buildings customarily incidental to the above.

11. Boys Homes, Group homes.

13. Other uses deemed compatible with the purposes of the zone by the Garfield County Planning Commission and County Commission.

16-4 Height Regulations.

No building shall be erected to a height greater than two and one-half (2 ½) stories unless thirty-five (35) feet, and no dwelling structure shall be erected to a height less than one (1) story, however, structures may be built below grade, provided the height shall be equal to one (1) story and a conditional use permit obtained above grade.

16-5 Minimum Area, Width, and Yard Regulations

<table>
<thead>
<tr>
<th>District</th>
<th>Area Width</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR-40</td>
<td>40,000 sq. ft.</td>
<td>120 ft.</td>
<td>250 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

16-6 Modifying Regulations.

1. Side Yards: Main buildings other than dwellings shall have a minimum side yard width of twenty feet (20) feet to the property line, and the total of the two (2) side yards shall be forty (40) feet. Private garages and other accessory buildings shall be located at least ten (10) feet from property lines, except that the street side yards of a corner lot shall be the same as the front yard setback required for that district.

2. Rear Yards: Private garages and accessory buildings located at least ten (10) feet behind the main building may have rear yard setbacks of two (2) feet minimum, provided that for a corner lot rearing on the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district.

3. Due to the presence of a potential wildfire hazard in the Forest Recreation Zone, all conditional uses listed in this chapter shall be reviewed by the Garfield County Building Inspector, Planning Commission and County Commission in relation to the standards outlined in the State of Utah, Department of Natural Resources, Division of Forestry and Fire Control publication titled "Wildfire Hazards and Residential Development: Identification, Classification and Regulation", dated 1978. The Planning Commission may require any appropriate standard described in the above-mentioned publication as a condition of approval as authorized in Chapter Eight of this Ordinance.
Chapter 17  AGRICULTURE ZONE (A)

17-1  **Purpose.**

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

17-2  **Permitted Uses.**

1. Single-family dwellings, provided that a second single-family dwelling for the household of a hired person, man, or seasonal laborer, or members of the owner’s family, may be allowed herein on the same lot, if it conforms to the size requirements stated herein, subject to approval of the sewage disposal system and water supply system by the State Board of Health of Utah.

2. Livestock grazing.

3. Poultry.


5. Accessory uses and buildings.

6. Fur farms, livestock feed yards, corrals, silage pits, poultry pens.

7. Dams and reservoirs.

8. Stands for the sale of produce grown on the premises.

9. Other agricultural uses.

17-3  **Conditional Uses.**

1. Public riding stables.

2. Radio and television transmitting stations or towers.


4. Plats for the slaughtering or packing of animals or poultry.

5. Other uses deemed compatible with the purposes of the zone by the Garfield County Planning Commission and County Commission.

17-4  **Height Regulations.**

No dwelling shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet.
### Minimum Area, Width, and Yard Regulations

<table>
<thead>
<tr>
<th>District</th>
<th>Area Width</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 17-6 Other Provisions

1. Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of one (1) foot except that where a corner lot's rear yard borders the side yard of an adjacent lot, the minimum rear yard for all buildings shall be ten (10) feet.

2. No building or structure or enclosure housing animals or fowl shall be constructed closer than one hundred (100) feet to a dwelling on the same or adjacent lots.
Chapter 18. RESIDENTIAL ZONE (R)

18-1 Purpose.
The purpose of the Residential Zone is to provide appropriate locations where residential dwellings and neighborhoods may be established, maintained and protected. The regulations also permit the establishment of properly controlled public and semi-public uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be incompatible with a residential neighborhood.

18-2 Permitted Uses.
2. Accessory uses and buildings.
3. Home occupation.
5. Parking lot for permitted uses.
7. Parks and playgrounds.
8. Public utilities.
10. Short-term rentals.
12. Multiple-family dwellings and apartment houses.
13. Planned Unit Development
15. Other uses deemed compatible with the purposes of the zone by the Garfield County Commission and County Commission.

18-4 Minimum Area, Width, and Yard Regulations.

<table>
<thead>
<tr>
<th>District</th>
<th>Area</th>
<th>Width</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-20</td>
<td>20,000 sq ft</td>
<td>100 ft</td>
<td>30 ft</td>
<td>20 ft, 10 ft</td>
<td>230 ft</td>
</tr>
</tbody>
</table>
When conditions permit as determined by Board of Health investigations.

No building shall be erected to a height greater than two and one-half (2 ½) stories and thirty-five (35) feet, and no dwelling structure shall be erected to a height less than one (1) story above grade.

No main building shall be erected to a height greater than thirty-five (35) feet or two and one-half stories (2 ½) stories, whichever is greater, and no accessory building shall be erected to a height greater than one (1) story or fifteen (15) feet; however, structures may be built below grade, provided the height shall be equal to one (1) story and a conditional use permit obtained.

Minimum lot area shall be at least twelve thousand five hundred (12,500) square feet for each dwelling unit, subject to the approval of the sewage disposal system by the board of health.

1. Private garages and other accessory buildings located at (10) feet behind the main buildings may have a side yard of one (1) foot, except that the street side yard of a corner lot shall be a minimum twenty (20) feet for main and accessory buildings.

2. Private garages and accessory buildings located ten (10) behind the main building may have a rear yard of one (1) foot, provided on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten (10) feet.
Chapter 19. RESIDENTIAL ESTATES ZONE (RE)

19-1 Purpose.
The purpose of the Residential Estates Zone is to provide for residential estate neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents.

1-2 Permitted Uses.
1. The raising of crops, horticulture, and gardening.
2. The keeping of livestock, except that the following conditions:
   3. No pigs shall be permitted.
   4. No livestock shall be raised for commercial purposes but shall be for family use only.
2.3 Single-family dwellings.
3.4 Accessory buildings and uses.
6.5 All uses permitted in the R (Residential) Zone.

19-3 Conditional Uses.
1. Museum, church, library, school.
   4. Church, school.
2.3 Short-term rentals.
3.4 Public utilities.
4.5 Public buildings.
8.8 Golf courses.
9.0 Planned unit Development.
8.10 Mobile home subdivision.
11. Mobile home park.
9.12 Other uses deemed compatible with the purposes of the zone by the Garfield County Planning Commission and County Commission.
19-4 **Minimum Area, Width, and Yard Regulations.**

<table>
<thead>
<tr>
<th>District</th>
<th>Area Width</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RE</td>
<td>1 Acre</td>
<td>150 ft.</td>
<td>30 ft.</td>
<td>240 ft.</td>
</tr>
</tbody>
</table>

19-5 **Modifying Regulations.**

1. Private garages located at least ten (10) feet behind the main building may have a ten (10) foot side yard requirement, except that the street side of a corner lot shall be a minimum of thirty (30) feet for all buildings.

2. Private garages located at least ten (10) feet behind the main building may have a rear yard of ten (10) feet, provided that for a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight (8) feet.

3. No building, structure or enclosure housing animals or fowl shall be constructed closer than one hundred (100) feet to a dwelling on the same or adjacent lots.

4. Individual water supply and/or sewage disposal systems shall be subject to the approval of the Board of Health, State of Utah.
Chapter 20. COMMERCIAL ZONE (C)

20-1 Purpose.

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

20-2 Permitted Uses.

1. Stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, business offices and other financial institutions and personal service enterprises.
2. Restaurants, theaters and similar enterprises, provided that all uses be conducted within buildings.
3. Garages for storage or repair of automobiles, commercial parking lots.
5. Accessory buildings and uses customarily incidental to the above.
7. Laundry, cleaning establishment.
8. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, mortuaries, and furniture upholstering shops, provided all uses shall be within an enclosed building.
10. Mobile home sales.
11. Nurseries and greenhouses.

20-3 Conditional Uses.

1. Bear, taverns, pool hall, lounge.
2. Automobile service stations.
3. Planned Unit Development.
5. Any commercial use abutting any residential zone.
40.7. Other uses deemed compatible with the purposes of the zone by the Garfield County Commission and County Commission.

20-4 Height Regulations.

No building shall be erected to a height greater than three and one-half (3 1/2) four (4) stories and forty-eight (48) five (5) feet, unless specifically approved by the Garfield County Planning Commission.

20-5 Minimum Area Regulations and Modifying Regulations.

1. Minimum Lot Areas:

1.a. Lots with both on-site water and on-site sewage disposal shall be larger than one (1) acre, subject to approval of the Board of Health State of Utah.

1.b. Lots with off-site sewage disposal shall not be less than one-half (1/2) acre, and shall be approved by the State of Utah, subject to approval of the Board of Health.

1.c. Lots smaller than one-half (1/2) acre may be approved with approval of water supply and waste water disposal from the State of Utah and the Garfield County Planning Commission.

1.d. Lots with off-site disposal and off-site water, of fifteen thousand (15,000) square feet.

3. Maximum Lot Coverage: Commercial structures exceeding thirty-five (35) percent of the lot area, shall obtain approval by the Garfield County Planning Commission, exclusive of parking, loading and circulation areas.

5.4. Jared on setbacks: Per IBC, all setbacks ten (10) feet or less shall require building department...
Chapter 21 LIGHT INDUSTRIAL ZONE (M-1)

21-1 Purpose.
The purpose of the Light Industrial Zone is to provide areas where light industries, necessary and beneficial to the local economy, may locate and operate.

21-2 Permitted Uses.
1. Any manufacturing, processing, research, wholesale or storage use not producing noise, odors, dust or other noxious materials or being visually objectionable.
2. Accessory buildings and uses incidental to the above uses.
3. Restaurants and service stations.
5. Convenience stores and gas stations.
7. Plants for the slaughtering or packing of animals or poultry.
8. Other uses deemed compatible with the purposes of the zone by the Garfield County Planning Commission and County Commission.

21-4 Height Regulations.
None, except that within one hundred fifty (150) feet of the boundary of any adjoining zone, no building shall exceed the height for such adjoining zone.

21-5 Minimum Area, Width, and Yard Regulations.
None, except for any parcel in the M-1 Zone having a lot line in common with a lot in an adjoining zone, or lying across the street or alley from such adjoining zone, the front, side, and rear yards as prescribed for such adjoining shall be maintained in the M-1 zone for such common lot lines or street/alley.
Chapter 22. HEAVY INDUSTRIAL ZONE (M-2)

22-1 Purpose.
The purpose of the Heavy Industrial Zone is to provide for industrial uses not allowed in any other zone.

22-2 Permitted Uses.
1. All uses permitted in the M-1 zone.
2. Manufacture of any of the following products from raw materials: acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, concrete, creosote, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics, Portland cement, potash synthetic resins and fibers.
3. Any of the following processes: distillation of wood or bones; nitrating of cotton or other materials; reductions, refining, smelting and alloying of metals or metal ore; refining of petroleum products; tanning of raw, green or salted hides or skins.
4. Electric generating stations.
5. Oil and gas refineries and similar installations for the conversion or processing of fuels or hydrocarbon products including the manufacture of plastics and other synthetic materials.
7. Accessory buildings, structures and other facilities incidental to the above uses.
8. Plants for the slaughtering or packing of animals or poultry.

22-4 Height, Area, Width, and Yard Regulations.
None, except that the height and yard restrictions pertaining to any adjacent zone will apply within one hundred (100) feet of the common boundary.

22-5 Modifying Regulations.
All hazardous areas or materials subject to this zone shall be completely enclosed by a secure fence or suitable barrier approved by the Planning Commission to prevent entrance by unauthorized persons and to protect the general public from accidental exposure.

Chapter 23. WILDLIFE/HABITAT (WH)

23-1 Purpose.
The purpose of the Wildlife/Habitat Zone is to provide for wildlife/habitat refuges, conservation areas, safe harbors and other uses for the protection of special status or otherwise designated species and habitat.

23-2 Permitted Uses.
1. Wildlife/habitat refuges.
2. Wildlife/habitat conservation areas.
4. Livestock grazing.
5. Other designations with the purpose of protecting wildlife, habitat or special status and/or designated species.

23-3 Conditional Uses.
1. All permitted and conditional uses of the Multiple Use Zone.
2. All permitted and conditional uses of the Agricultural Zone

23-4 Modifying Regulations.
All land areas subject to this zone shall have a conservation and management plan approved by the Planning Commission and County Commission. The plan shall include sections describing protection of adjacent land and existing uses, contribution to recovery efforts, historical species range, species condition, and other information reasonably required to make an informed decision. Minimum lot size shall be 10 acres. Areas containing special status/designated species or habitat shall be completely enclosed by a secure fence, suitable barrier or other method approved by the Planning Commission to prevent off site movement by the protected species. Land areas subject to a habitat conservation easement or agreement with local, State or Federal wildlife agencies shall be zoned Wildlife/Habitat.
Chapter 24. ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 28th day of May, 2019.

______________________________
Garfield County Commission, Chair
Leland F. Pollock

ATTEST:

______________________________
Garfield County Auditor/Clerk
Camille A. Moore

County Seal:
APPENDIX A

Chapter 15.20

CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS


(1) Preface. The provisions of this code were developed to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings.

This code is designed to be compatible with the International Existing Building Code. While the housing code is applicable only to residential buildings, the International Existing Building Code is designed to apply to all types of buildings and structures. The notices, orders and appeals procedures specified have been found to be workable and are referenced by the Uniform Building Code. If properly followed, the provisions of this code will provide the building official with the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

(2) Code for the Abatement of Dangerous Buildings.

Chapter 1

TITLE AND SCOPE

SECTION 101 — TITLE

These regulations shall be known as the Code for the Abatement of Dangerous Buildings, may be cited as such, and will be referred to herein as “this code.”

SECTION 102 — PURPOSE AND SCOPE

102.1 Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECTION 103 — ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the currently adopted edition of the International Existing Building Code.
Chapter 2
ENFORCEMENT

SECTION 201 — GENERAL

201.1 Administration. The building official is hereby authorized to enforce the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official’s authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 110 and 1701 of the currently adopted edition of the Oregon Structural Specialty Code and Section R109 of the currently adopted edition of the Oregon Residential Specialty Code.
SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

205.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Chapter 3
DEFINITIONS

SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

SECTION 302 — DANGEROUS BUILDING

For the purpose of this code any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered,

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one- and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or
characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Chapter 4
NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 — GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the building official.

3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is
reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.
SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition or any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

   1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

   1.2 The building shall be demolished at the option of the building owner; or

   1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 — NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

……of……

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

Chapter 5

APPEAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: “Before the board of appeals of the ……. of ……..”

2. A caption reading: “Appeal of …..,” giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Chapter 6

PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 — GENERAL
601.1 Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

601.2 Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

601.3 Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.

601.4 Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 Oaths – Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.6 Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 — FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before (the board of appeals or name of hearing examiner) at……on the …… day of ……, 2……, at the hour ……, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (board of appeals or name of hearing examiner).”

SECTION 603 — SUBPOENAS

603.1 Filing of Affidavit. The board or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

603.2 Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

603.3 Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.
SECTION 604 — CONDUCT OF HEARING

604.1 Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

604.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

604.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

604.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

604.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

604.6 Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

604.7 Official Notice.

604.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

604.7.2 Parties to be notified. Parties present at the hearing informed of the matters to be noticed, and these matters noted in the record, referred to therein, or appended thereto.

Chapter 7

ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

SECTION 701 — COMPLIANCE

701.1 General. After any order of the building official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the building official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or
refuse to obey such order, the building official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING
DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

SECTION 702 — EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official’s authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

SECTION 703 — INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code; whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in
performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

Chapter 8

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 — GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall, issue an order therefor to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 802 — REPAIR AND DEMOLITION FUND

802.1 General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director of public works to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

802.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

Chapter 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 — ACCOUNT OF EXPENSE, FILING OF REPORT

The director of public works shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 — NOTICE OF HEARING

Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice
of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner’s name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the director’s report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 — PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

SECTION 904 — HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

SECTION 905 — PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

905.2 Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

905.3 Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SECTION 906 — CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

SECTION 907 — AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST
The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of $500.00 or more shall be payable in not to exceed five equal annual installments. The legislative body’s determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

SECTION 908 — LIEN OF ASSESSMENT

908.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

908.2 Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR

If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor’s map books for the current year.

SECTION 911 — COLLECTION OF ASSESSMENT PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

SECTION 912 — REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.
APPENDIX B

GARFIELD COUNTY PLANNING AND ZONING FEES

RESOLUTION #2003-3

A Resolution to establish fee for planning and zoning activities in Garfield County.

WHEREAS, Garfield County has adopted ordinances relating to planning and zoning that provide for related fees; and

WHEREAS, Garfield County desires that a fair and equitable fee be charged for the cost of providing county review and monitoring of related projects in the county; and

NOW THEREFORE, be it resolved by the County Commission of Garfield County:

The following fees shall be charged for the designated services provided:

<table>
<thead>
<tr>
<th>SERVICE PROVIDED</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Conditional Use Permit Fee</td>
<td></td>
</tr>
<tr>
<td>a. Application Fee for Continuing and Temporary (Paid with Application)</td>
<td>$50.00</td>
</tr>
<tr>
<td>b. Continuing Conditional Use Annual Renewal Fee (Due annually on January 1 - Hearing not necessary unless complaints have been filed)</td>
<td>$50.00</td>
</tr>
<tr>
<td>c. Temporary Conditional Use Fee Renewal* (*As per ordinance Temporary Permits may only be extended for one (1) additional 12-month period and only after review by Planning Commission)</td>
<td>$50.00</td>
</tr>
<tr>
<td>d. Renewal After Breach of Conditions (This is only done after hearing and adequate security to justify renewal for 12 months only)</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

Authorization: Zoning Ordinance 8-2(3) and 1-17

All Temporary Conditional Use Permits are for 12 months and are issued subject to the issuance of a building permit. The Conditional Use Permit is not in effect until a building permit is issued and the fees paid. If a building permit is not obtained, the conditional use permit is null and void.
B2-398

2. **Zone Change Fee** $275.00  
   **Authorization:** Zoning Ordinance 1-17

3. **Subdivision Application Fee** $100 (first 5)  
   (Includes PUD’s and Mobile Home Subdivisions) $10.00 each over 5  
   **Authorization:** Subdivision Ordinance 9-2
   **Mobile Home Ordinance 4-3**

4. **Board of Adjustment Hearing Fee** $200.00  
   **Authorization:** Zoning Ordinance 3-12 and 1-17

5. **Annual Sign Permit Fee** $25.00 less than $1,000 cost  
   **Authorization:** Sign Ordinance 23-8-2-g  
   **$50.00 $1,000 - $5,000 cost**  
   **$10.00 $5,000 cost**  
   **$100 more than $50,000 cost**  
   **Authorization:** Sign Ordinance 23-8-2

6. **Commercial Plan Checking Fee** $100.00  
   (Includes Mobile Home Parks, RV Parks, Rest Homes, etc.)  
   **Authorization:** Mobile Home Park Ordinance 4-3
   **Zoning Ordinance 1-17**

Adopted this 14th day of July, 2003 by Garfield County Commission.

ATTEST:

Camille A. Moore, Clerk/Auditor

D. Maloy Dodds, Commission Chair

Del LeFevre, Commissioner

Clare Ramsay, Commissioner
GARFIELD COUNTY, UTAH
GLAMPING ORDINANCE
NO. 2019-2

ADOPTED MARCH 25, 2019
## GARFIELD COUNTY GLAMPING ORDINANCE

### TABLE OF CONTENTS

Chapter 1. GENERAL PROVISIONS

1-1 Purpose .............................................................. 1

1-2 Definitions .......................................................... 1

1-3 Location and Use .................................................. 2

1-4 Area Regulations and Modifying Regulations .................. 2

1-5 Glamping Approval ................................................ 3

Chapter 2. ADOPTION .................................................. 35
GARFIELD COUNTY, UTAH
GLAMPING ORDINANCE
NO. 2019-2

AN ORDINANCE TO REGULATE THE LOCATION, INSTALLATION AND USE OF
GLAMPING UNITS AND GLAMPGROUNDS IN GARFIELD COUNTY, UTAH.

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to enact
certain standards, rules and regulations regarding glamping units and glampgrounds located or to be
located in Garfield County, Utah in the interest of the health, safety and welfare of the citizens of Garfield
County, Utah.

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

Chapter 1. GENERAL PROVISIONS

1-1 Purpose.

1. To permit development of glamping units and glampgrounds in appropriate districts and to
require that glamping accommodations will be of such character as to promote the objectives and
purpose of this Ordinance;

2. To protect the integrity and character of the districts contiguous to or near glampgrounds; and

3. To protect other uses and values contiguous to or near glampgrounds.

1-2 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and
construction of this Ordinance. Words used in this ordinance but not defined herein shall have the
meaning as defined in any other ordinance adopted by Garfield County.

131. Glamping: A shorthand term for glamourous camping. In general, glamping is used to describe
canvas or similar-material structures located in areas that offer outdoor camping experiences
with amenities such as beds, electricity, heat and indoor plumbing usually not used when
camping traditionally.

132. Glamping Lot: A unit of land not less than two-thousand (2,000) square feet and consists of
not more that one (1) glamping unit.

133. Glamping Unit: A canvas-like structure designed to be used or occupied for transient and
recreational purposes. Canvas-like structures include, but are not limited to: tents, yurts,
teepees, covered wagons, etc.

134. Glampground: An area consisting of more than one (1) glamping unit.

135. Transient: Occupancy of a dwelling unit or sleeping unit for not more than thirty (30) days.
1-3 Location and Use,

No glamping unit or glampground as herein defined shall be located, placed, used or occupied for residential purposes.

6. Permitted Use Zones
   a. Commercial
   b. Multiple Use

7. Conditional Use Zones
   a. Forest/Recreation when bounded on two (2) or more sides by a campground, recreational vehicle park, or Multiple Use zone.

8. Glamping units and glampgrounds shall be generally located:
   a. Adjacent to, or in close proximity to a maintained road or highway;
   b. Near adequate recreation facilities;
   c. In areas accessible by emergency services.

1-4 Area Regulations and Modifying Regulations.

In addition to the requirements in this ordinance, all glamping units and sanitary facilities must be compliant with County and State Health and Safety requirements, which are covered as part of the building permitting process. In addition, all glamping units and sanitary facilities shall meet the Garfield County Climatic and Geographic Design Criteria.

1. Glamping Units and Glampergrounds shall comply with the following requirements:
   b. Minimum Lot Size Per Glamping Unit – 2,000 sq. ft.
   c. Maximum Glamping Unit Area/Lot Area Ratio – 1/2.
   d. Glamping Unit Size Requirements
      i. Minimum: 70 sq. ft. habitable space as per International Building Code (IBC)
      ii. Maximum: 1,000 sq. ft. habitable space as per IBC
      iii. Spacing of structures shall conform to the IBC spacing requirements, except that canvas wall structures shall be located not less than fifteen (15) feet to the individual glamping unit boundary.
   e. Platforms shall be engineered and shall comply with local building codes.
   f. Potable Water systems are required and shall comply with State and County requirements.
   g. Waste Water/Human Waste systems shall comply with Garfield County, Southwest Health Department and Department of Environmental Quality (DEQ).
   h. Glampgrounds shall have not less than one (1) eight (8) cubic yard covered dumpster for every twenty (20) glamping units or portion thereof. All solid waste will be disposed at an authorized disposal facility.
i. Each glamping unit shall have not less than two (2) ten (10) feet by twenty (20) feet parking spaces. All parking shall be off-street. Glampgrounds with group sites shall have adequate overflow parking as deemed necessary by the Planning Commission.

j. Glampgrounds shall have not less than one (1) glamping unit and sanitary facility readily accessible to and usable by individuals with disabilities, for every twenty-five (25) glamping units or portion thereof. The glamping units and sanitary facilities readily accessible to and usable by individuals with disabilities shall comply with the most recent version of the Americans with Disabilities Act (ADA) Standards for Accessible Design.

2. Sanitary Facilities
   c. Shall be not more than two-hundred (200) feet from any one glamping unit.
   d. Shall have at least two (2) parking spaces per sanitary facility.
   e. Pit toilets are not permitted. All sanitary facilities will meet local Health Department requirements.

3. Emergency Services
   a. Interior access roads shall have a roadway of not less than twenty-four (24) feet and shall be looped or contain a turn-a-round of not less than fifty (50) foot radius. Surfacing shall be all-weather. Road design features shall comply with American Association of State Highway and Transportation Officials for Resource Roads.
   b. All glampgrounds shall be accessed by a State Highway, Public Road or a Class B or Class C local road.
   c. Water storage and fire hydrants shall comply with State and Local requirements.

4. Fire Protection
   a. Interior fire protection for glamping units shall comply with all applicable Building Codes.
   b. Carbon monoxide, smoke alarms, gas detectors, fire exits and other fire protection devices shall comply with applicable Building Codes.
   c. Each unit shall contain at least one (1) appropriate fire extinguisher.

1-5 Glamping Approval.

A glamping unit or glampground may not be constructed unless recommended by the Planning Commission and approved by the County Commission, after review of plans for said glampground. Plans shall satisfy the Commissions that the proposed development will:

7. Be compatible with the general character of the district where it is proposed to be located.
8. Have at least three (3) spaces completed and approved for occupancy before the first occupancy is permitted in phase development.
9. Meet all requirements of the State of Utah Code of Camp, Hotel, Motel and Resort Sanitation Regulations which are intended to apply to tent camps as defined in such Code. Glamping units and glampgrounds shall also comply with all State and Local building code requirements.

10. Contain no more than ten (10) units per acre and no more than one hundred (100) units total. The remaining land not contained in individual glamping units, roads or parking, shall be set aside for undeveloped open space, parks, playgrounds or service areas for the common use and enjoyment of occupants of the development.

11. Have adequate sewer and water service with hookups provided to each glamping unit.

12. Have adequate fire protection as approved by the County Building Official, Planning Commission and Garfield County Commission.

1-6 Glamping Application.

3. An overall plan for development of a glamping unit shall be submitted to the Garfield County Planning Department for review. The plan shall be drawn to a scale no smaller than one (1) inch to forty (40) feet. At least one (1) electronic copy or eight (8) hard copies of the plan shall be submitted. The Plan shall show:

   a. The topography of the site when required, represented by contours shown at not greater than two (2) foot intervals.
   b. The proposed street, sanitary facility and individual glamping unit layout.
   c. Proposed reservations for parks, playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of glamping units, and total area to be developed.
   d. Proposed location, number and design of parking spaces.
   e. Detailed landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants if applicable.
   f. Any other data the Planning Department may require.

4. Applications for approval shall be in writing, submitted to the Garfield County Planning Department at least thirty (30) days prior to hearing at a regularly scheduled Planning Commission Meeting. Upon approval by Planning Department Staff, applications will be heard by the Garfield County Planning Commission and approved, denied or returned to staff for modifications within forty-five (45) days of hearing. Approvals by the Planning Commission will be scheduled for Public Hearing with the Garfield County Commission after not less than fourteen (14) calendar days public notice. An application denied by the Planning Commission may be appealed to the County Commission which appeal must be in writing within thirty (30) days after denial is made by the Planning Commission. Garfield County Commission decisions will be final.

1-7 Fees

An application fee of $100.00 is required with submittal to the Planning Department. No processing will be initiated until fees are paid.
Chapter 2.  ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 25th day of March, 2019.

Signatures and Vote:  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Garfield County Commission, Chair
Leland F. Pollock

Garfield County Commissioner
Jerry A. Taylor

Garfield County Commissioner
David B. Tebbs

ATTEST:

Garfield County Auditor/Clerk
Camille A. Moore

County Seal: