

**MILLARD COUNTY, UTAH**

**LAND USE ORDINANCES  
ADMINISTRATIVE MANUAL**

**Effective January 1, 2013**

Prepared for Millard County, Utah by:

**PLANNING AND DEVELOPMENT SERVICES, LLC**  
Salt Lake County, Utah  
801-277-4435  
[pds@utahplanning.com](mailto:pds@utahplanning.com)

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**CHAPTER 1**  
**TITLE, PURPOSE, AND EFFECTIVE DATE**

**Section 101–Short Title:**

This document shall be known and may be referred to as the Millard County Land Use Ordinances Administrative Manual. The Millard County Land Use Ordinances Administrative Manual may, in subsequent chapters and sections, and in other documents be referred to as the “Administrative Manual,” “the Manual,” “this Manual,” or “Manual.”

**Section 102–Authority:**

- 1) The Board of County Commissioners of Millard County, Utah (hereinafter “BOCC”) adopts this Manual by Resolution. This Manual may be subsequently amended and revised from time to time by the BOCC by Resolution, as determined necessary by the BOCC.
- 2) As provided by Section 10-1-6, Millard County Zoning Ordinance, the BOCC may provide administrative guidelines, standards, reference materials, applications, forms, or other documents to assist the County Staff, County residents, and Applicant in providing and processing applications and interpreting and administering the County’s Land Use Ordinances. This Manual provides the administrative guidelines, standards, reference materials, applications, forms, or other documents, contemplated by Section 10-1-6 and is provided under such authority.
- 3) The Land Use Applications required by the County’s Land Use Ordinances shall be reviewed and approved or denied by the Land Use Authority, as applicable, and in compliance with all requirements and standards of the County’s Land Use Ordinances and all materials, applications, forms, or other documents, as applicable, and as may be provided by this Manual.

**Section 103–Purpose:**

- 1) This Manual provides guidance to Land Use Authorities, County Staff, and Applicants, and others in the administration and decision-making required by the Land Use Ordinances (“Ordinances”) of Millard County (the “County”).
- 2) This Manual establishes and provides the County’s procedures required for the processing and review of all Land Use Applications.
- 3) This Manual is intended to be a “User’s Guide” to the County’s Land Use Ordinances but is not intended to be a replacement for any of the requirements provided by the County’s Land Use Ordinances or to amend any Land Use Ordinance provisions.

- 4) In the event of a conflict between any provision or procedure provided by this Manual and the County's Land Use Ordinances the County Land Use Ordinances shall apply.
- 5) A digital version of this Administrative Manual may be available online at the County's website at <http://www.millardcounty.org/> or by contacting the County Planner/Zoning Administrator.

**Section 104–Conflict:**

Nothing in this Administrative Manual shall nullify any laws or Ordinances of the County, including the County's Land Use Ordinances.

**Section 105–Effective Date:**

This Administrative Manual shall take effect on January 1, 2013.

## CHAPTER 2 LAND USE APPLICATIONS AND PROCEDURES

### **Section 201–Applicability:**

A Land Use Application or a Building Permit Application shall be required for all uses, the expansion of all uses, and the construction or modifications for any building or structure proposed or existing, and located within the unincorporated areas of the County, unless exempt, as provided by the County’s Land Use Ordinances or the Building Codes, as adopted. All Land Use Applications and Building Permit Applications shall be presented to the County on the applicable application form(s), available from the County Planner/Zoning Administrator and/or Millard County Building Official.

### **Section 202–Application Forms and Procedures:**

The BOCC may provide Application Forms and may identify submittal requirements and procedures for the acceptance and filing of all Land Use Applications and Building Permit Applications. Submittal requirements and processing procedures for the acceptance and filing of Land Use Applications and Building Permit Applications may be provided in the various Chapters and Sections of this Administrative Manual.

### **Section 203–Land Use Application Procedures:**

The steps in the processing, review and consideration of the various Land Use Applications may be provided by the County with the applicable Application Form.

### **Section 204–Land Use Permit Required:**

No use, activity, or construction shall be established or commenced without the necessary approvals, permits, and licenses being issued in accordance with the provisions of the County’s Land Use Ordinances, and Building Codes, as applicable.

### **Section 205–Land Use Application Initiation:**

A Land Use Application for a required approval, permit, or license shall be initiated by submitting the appropriate Application(s) to the County Planner/Zoning Administrator (Figure 1).

### **Section 206–Determination of Application Completeness:**

- 1) All Land Use Applications required by the County’s Land Use Ordinances, including the Zoning Ordinance and the Subdivision Ordinance, shall be determined to be complete when the Land Use Application is provided in a form that complies with the requirements the



County's Land Use Ordinances and this Administrative Manual, and all fees have been paid, as determined by the County Planner/Zoning Administrator.

- 2) After the receipt of a Land Use Application the County Planner/Zoning Administrator shall determine if the Land Use Application is complete, as identified by Figure 1 herein. If the County Planner/Zoning Administrator determines that the application is incomplete the County Planner/Zoning Administrator shall notify the Applicant in writing, identifying the deficiencies of the application, and advising the applicant that no action will be taken by the Land Use Authority, as applicable, until the deficiencies have been corrected. A determination of an incomplete Land Use Application shall prohibit the Land Use Authority from considering any material, items or other information related to the Application.
- 3) If the Applicant fails to correct the identified Land Use Application deficiencies within thirty (30) calendar days from the date of notification by the County Planner/Zoning Administrator the Application shall be deemed withdrawn and the Land Use Application shall be returned to the Applicant, including all applicable fees (Figure 2).

#### **Section 207—Withdrawal of Application:**

An Applicant may withdraw a Land Use Application at any time prior to a decision on the Application. Application fees shall not be refundable if prior to withdrawal:

- 1) A review of the Land Use Application has commenced; or
- 2) Notice of a public hearing or public meeting to consider the Land Use Application has been mailed, posted, or published.

#### **Section 208—Amendment to Approved Land Use Applications and Permits:**

All proposed amendments to an approved Land Use Application and the associated permit or license shall be reviewed by the Land Use Authority, as applicable, in accordance with the procedures established for the approval of the original Land Use Application.

#### **Section 209—Reapplication Following Denial:**

If a Land Use Application is denied for failure to meet the requirements of a Land Use Ordinance, a Land Use Application for all or a part of the same property shall not be considered for a period of at least one (1) year from the date of denial by the Land Use Authority, as applicable, unless the subsequent Land Use Application is for an approval, permit, or license that is substantially different from the previously denied Application, the prior denial was based upon a mistake of fact, or by motion duly passed by the Land Use Authority to act immediately, and identifying a valid public purpose to do so.

**Section 210—Inspections:**

In order to review information relevant to a Land Use Application, the Land Use Authority members, the County Staff or other County Official(s) may, with the permission of the owner, enter upon private lands and/or premises and make an inspection thereof.

**Section 211—Fees for Processing Land Use Applications:**

- 1) The BOCC may establish, by Resolution, a fee schedule for the processing and review of all Land Use Applications to recover the actual costs of review and processing of the Application.
- 2) The fee schedule may be amended from time to time by Resolution of the BOCC. Land Use Application fees shall not be required for Land Use Applications initiated by a Land Use Authority.
- 3) The Applicant for a Land Use Application approval, permit, or license, required by the County's Land Use Ordinances, shall pay all costs that may be incurred by the County for the provision of services necessary to process, review and consider the Land Use Application. These services may include, but are not limited to engineering, land use planning, transportation engineering, economic analysis, geotechnical, hydrological, and other services.
- 4) The BOCC may provide that the Application Fee be comprised of several component fees for each Land Use Application.

Figure 1  
**LAND USE APPLICATION INITIATION**

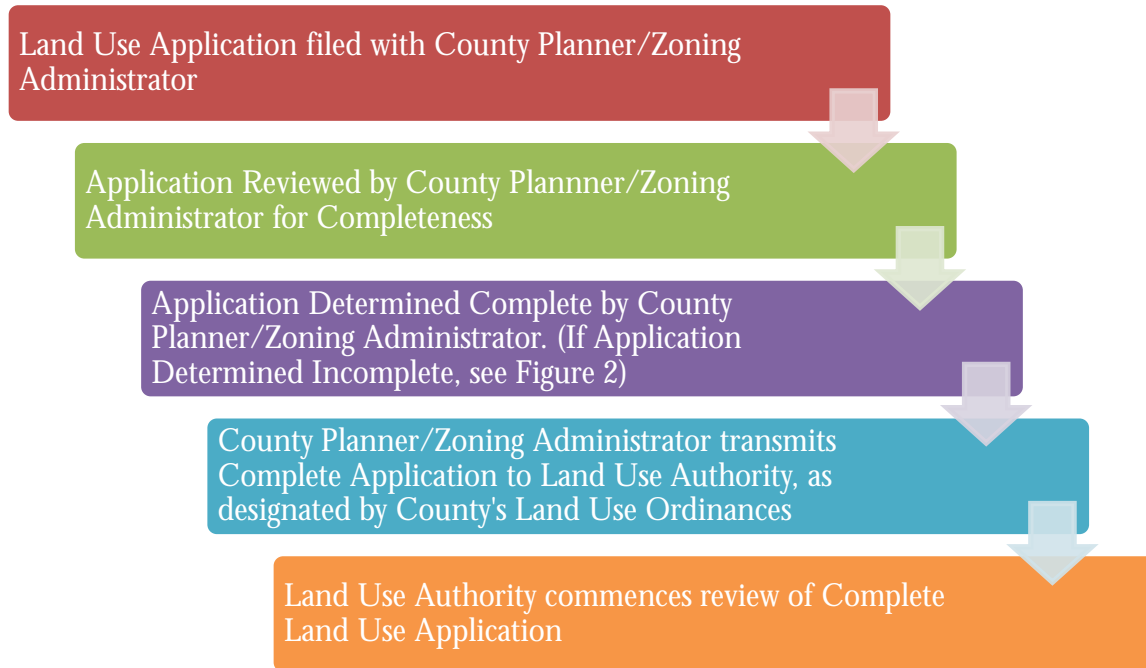
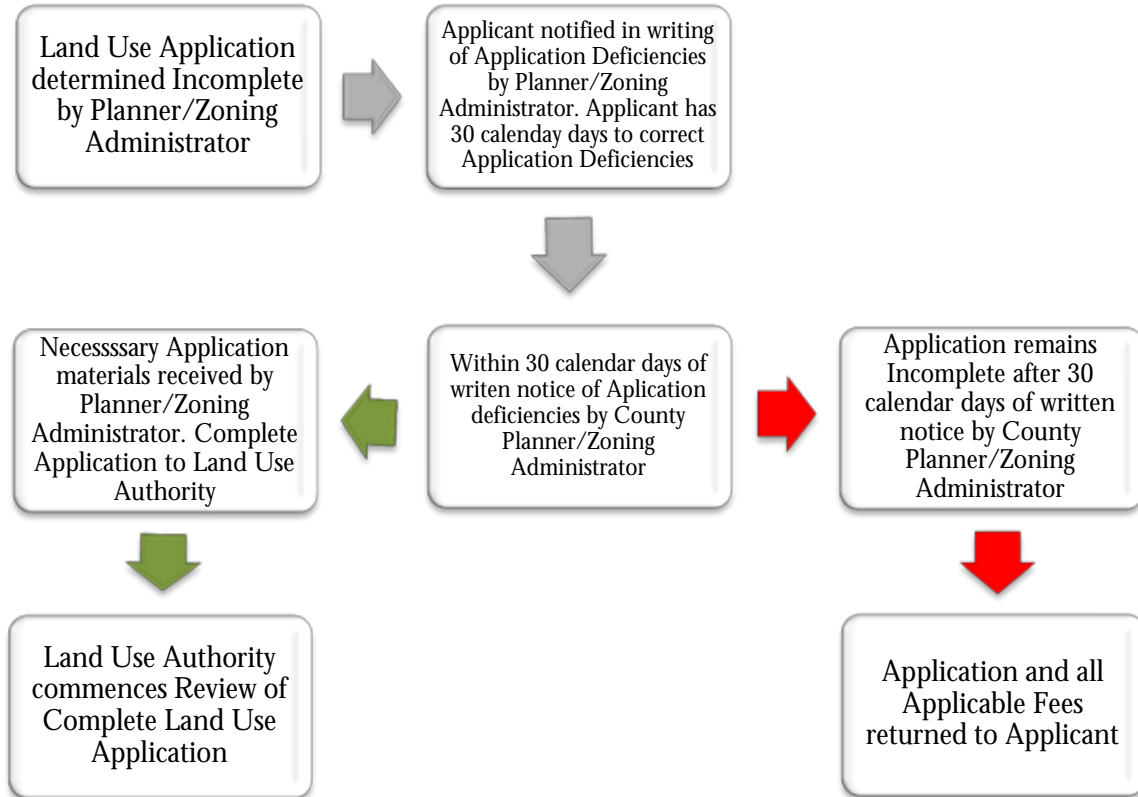


Figure 2  
**PROCEDURES FOR DETERMINATION OF LAND USE APPLICATION  
COMPLETENESS BY COUNTY PLANNER/ZONING ADMINISTRATOR**



## CHAPTER 3 MATTERS OF INTERPRETATION

### Section 301–Interpretation:

In interpreting and applying the provisions of the County’s Land Use Ordinances, the standards and requirements contained herein are declared to be the minimum standards and requirements for the purposes set forth by the County’s Land Use Ordinances and the State of Utah County Land Use, Development, and Management Act, as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended (U.C.A.) (hereinafter “the Act”). All interpretations required by the County’s Land Use Ordinances shall be:

- 1) Construed in favor of the County.
- 2) Deemed to neither limit nor repeal any powers granted by the Act or any other State or Federal statutes.
- 3) Applied as follows, except where the context clearly requires otherwise:
  - a) The words “shall” or “must” are mandatory.
  - b) The words “should” and “may” are permissive.
  - c) Words used or defined in one tense or form shall include other tenses or derivative forms.
  - d) Words used in the singular shall include the plural.
  - e) Words used in the plural shall include the singular.
  - f) Words referencing a gender shall be applied to the other gender and shall be considered gender neutral.
  - g) In the event of a conflict between the text of any Ordinance and any maps, illustrations, captions, figures, or other material, the text of the Ordinance shall apply.
  - h) The word “includes” shall not limit a term to the specified examples, but is intended to provide guidance and to be illustrative only.
  - i) The word “and” indicates that all connected items, conditions, provisions, or events shall apply.
  - j) The word “or” indicates that one (1) or more of the connected items, conditions, provisions, or events shall apply.

- k) The words “either or” indicates that the connected terms, conditions, provisions, or events shall apply singly but not in combination.

**Section 302–Computation of Time:**

All times, as identified by the County’s Land Use Ordinances, shall be computed using calendar days, unless expressly identified as business days, and except that if the last day is a Saturday, Sunday, or legal holiday observed by the County, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday observed by the County. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

**Section 303–Fractional Numbers:**

In determining compliance with the numerical requirements of the County’s Land Use Ordinances any computation or measurement resulting in a fractional number, except density calculations shall be rounded to the nearest whole number. Density calculations shall be rounded down to the nearest whole number.

**Section 304–Administrative Interpretations:**

To promote efficiencies in the administration and implementation of the County’s Land Use Ordinances, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement, this Section is provided to allow and to authorize the County Planner/Zoning Administrator to make interpretations of the County’s Land Use Ordinances, on an as required basis, and provided by Section 10-2-4.

**Section 305–Application Initiation:**

- 1) All requests for an Administrative Interpretation shall be made on the Administrative Interpretation Application.
- 2) A property owner(s), as identified on the assessment rolls of Millard County, may submit an Administrative Interpretation Application. An agent of the property owner(s) may submit an Administrative Interpretation Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Administrative Interpretation Application. All persons with a fee interest in the subject property shall be required to join in and sign the Administrative Interpretation Application.
- 3) The BOCC, Planning Commission (hereinafter, “Commission”), or other County Staff may submit an Administrative Interpretation Application.

**Section 306—Review Procedures for Administrative Interpretation Applications:**

The procedures for the review of an Administrative Interpretation Application by the County Planner/Zoning Administrator are identified by Figure 3.

**Section 307—Minimum Requirements and Standards for Administrative Interpretation Applications:**

The County Planner/Zoning Administrator shall apply the following standards in making an administrative interpretation:

- 1) The administrative interpretation shall not have the effect of adding or removing any Land Use Ordinance provision.
- 2) An administrative interpretation shall be consistent with the purposes of the Land Use Ordinance, as applicable, and any previously rendered administrative interpretation(s), based on similar facts.
- 3) An administrative interpretation concerning a use interpretation shall not have the effect to allow any use that is not identified as a Permitted Use (P-1 or P-2) or Conditional Use in the Zoning District, as applicable or other County Land Use Ordinance.
- 4) No administrative interpretation shall permit the establishment of any use that is a Prohibited Use.

**Section 308—Minimum Requirements and Standards for Determination of Zoning District Boundaries:**

In the event of the need to identify the location of a Zoning District boundary, or resolve any dispute concerning a Zoning District boundary, the County Planner/Zoning Administrator shall apply the following standards in making any Zoning District boundary determination:

- 1) The policies and development standards pertaining to such Zoning District(s).
- 2) In areas divided into lots, a Zoning District boundary shall follow the boundary of a lot, unless clearly intended to divide a lot for reasons of topography, landform, or other physical or man-made constraints.
- 3) In areas not subdivided into lots, wherever a Zoning District is indicated as a strip adjacent to and paralleling a right-of-way, the depth of such strip shall be in accordance with dimensions measured at right angles from the center line of the right-of-way, and the length of frontage

shall be in accordance with dimensions measured from section, quarter section, or division lines, or center lines of rights-of-way, unless otherwise indicated.

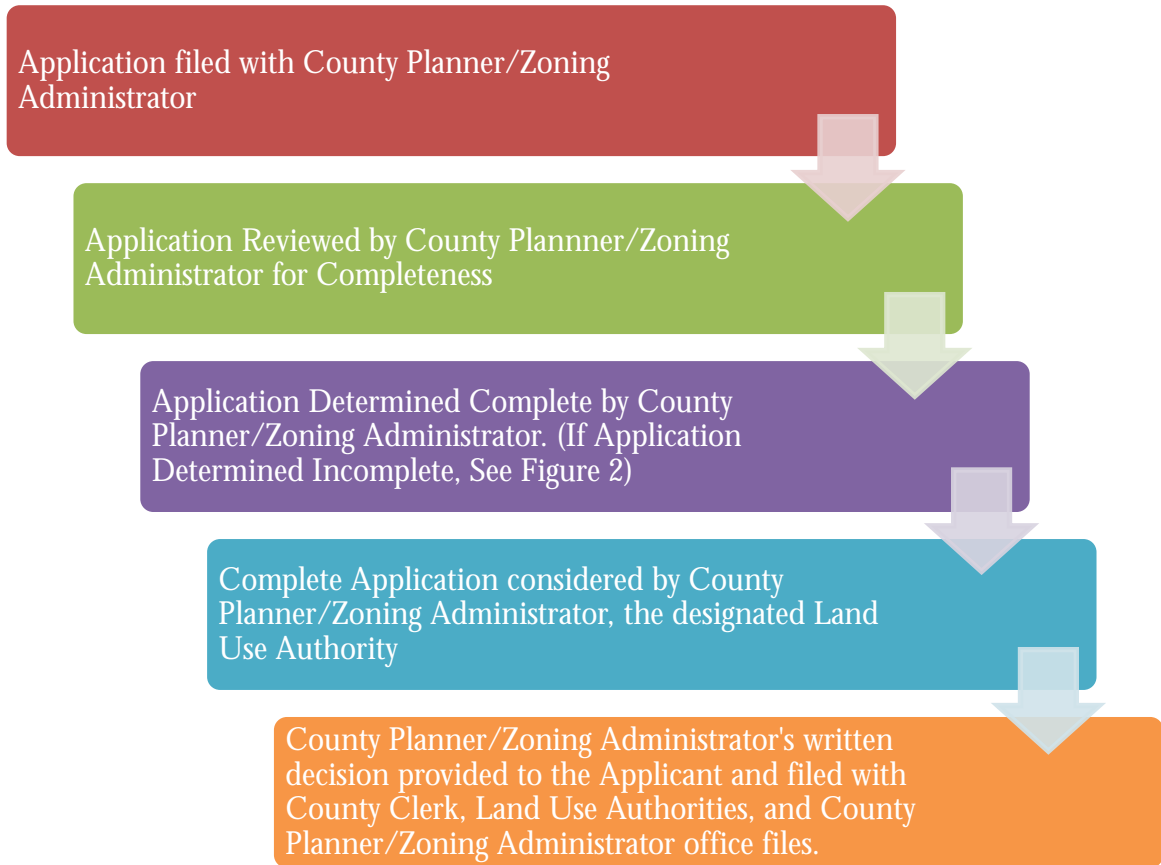
- 4) Where a Zoning District boundary follows a creek, stream, water course, drainage channel, flood way, or other natural or man-made feature such boundary shall be deemed to be the center line of such creek, stream, water course, drainage channel, flood way, or other natural or man-made feature.
- 5) Where a Zoning District boundary follows the right-of-way of any road, street, trail, or other public or private right-of-way or easement such boundary shall be deemed to be the center line of such road, street, trail, or other public or private right-of-way or easement, unless clearly intended to do otherwise for reasons of topography, landform, or other natural or man-made feature.

**Section 309—Effect of Approval and Appeals:**

- 1) An administrative interpretation shall apply only to the property for which an interpretation is given. An interpretation finding a use to be a Permitted Use or Conditional Use shall not authorize the establishment of such use but may authorize the filing of the Land Use Applications necessary for any approvals, permits or licenses as may be required by the County's Land Use Ordinances.
- 2) Any person adversely affected by an administrative interpretation rendered by the County Planner/Zoning Administrator may appeal the decision to the LUHO, as provided by Section 10-14-5, Zoning Ordinance.



Figure 3  
**ADMINISTRATIVE INTERPRETATION APPLICATION PROCEDURES**



## **CHAPTER 4**

### **PERMITTED USE AND PERMITTED SIGN APPLICATIONS**

#### **Section 401–Purpose:**

This Chapter identifies the procedures for the review of all Permitted Use Applications and Permitted Sign Applications and required to determine compliance with the County’s Land Use Ordinances, including the Zoning Ordinance.

#### **Section 402–Application Initiation:**

- 1) All requests for a Permitted P-1 Use Application approval shall be made by filing a Permitted P-1 Use Application.
- 2) All requests for a Permitted P-1 Sign Application approval shall be made by filing a Permitted P-1 Sign Application.
- 3) All requests for a Permitted P-2 Use Application approval shall be made by filing a Permitted P-2 Use Application.
- 4) All requests for a Permitted P-2 Sign Application approval shall be made by filing a Permitted P-2 Sign Application.
- 5) A property owner(s), as identified on the assessment rolls of Millard County, may submit a Permitted P-1 Use, Permitted P-1 Sign, Permitted P-2 Use, or Permitted P-2 Sign Application. An agent of the property owner(s) may submit a Permitted P-1 Use, Permitted P-1 Sign, Permitted P-2 Use, or Permitted P-2 Sign Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Permitted Use Application or Permitted Sign Application. All persons with a fee interest in the subject property shall be required to join in and sign the Permitted Use Application or Permitted Sign Application.

#### **Section 403–Review Procedures for Permitted Use and Permitted Sign Applications:**

- 1) The procedures for the review of a Permitted P-1 Use Application, by the County Planner/Zoning Administrator, are identified by Figure 4 herein.
- 2) The procedures for the review of a Permitted P-1 Sign Application, by the County Planner/Zoning Administrator, are identified by Figure 4 herein.
- 3) The procedures for the review of a Permitted P-2 Use Application, by the Commission, are identified by Figure 5 herein.

- 4) The procedures for the review of a Permitted P-2 Sign Application, by the Commission, are identified by Figure 5 herein.

**Section 404—Minimum Requirements and Findings and Standards for Approval of Permitted P-1 Use and P-2 Use Applications and Permitted P-1 and P-2 Sign Applications:**

- 1) Decision making standards, see Section 10-7-3, 10-7-4, and Section 10-7-5, Zoning Ordinance.
- 2) Required Findings, see Section 10-7-4, Zoning Ordinance.

**Section 405—Decision for a Permitted Use Application, Effect of Approval and Appeals:**

- 1) Effect of Approval, see Section 10-7-6, Zoning Ordinance.
- 2) Appeals, see Section 10-7-7, Zoning Ordinance.

**Section 406—Permitted Use Approval Amendment:**

See Section 208, herein.

**Section 407—Permitted Use Application Expiration:**

See Section 10-4-5, Zoning Ordinance and Appendix A for particular uses.

Figure 4  
**PROCEDURES FOR THE REVIEW OF A PERMITTED P-1 USE (AND PERMITTED P-1 SIGN) APPLICATIONS BY THE COUNTY PLANNER/ZONING ADMINISTRATOR**

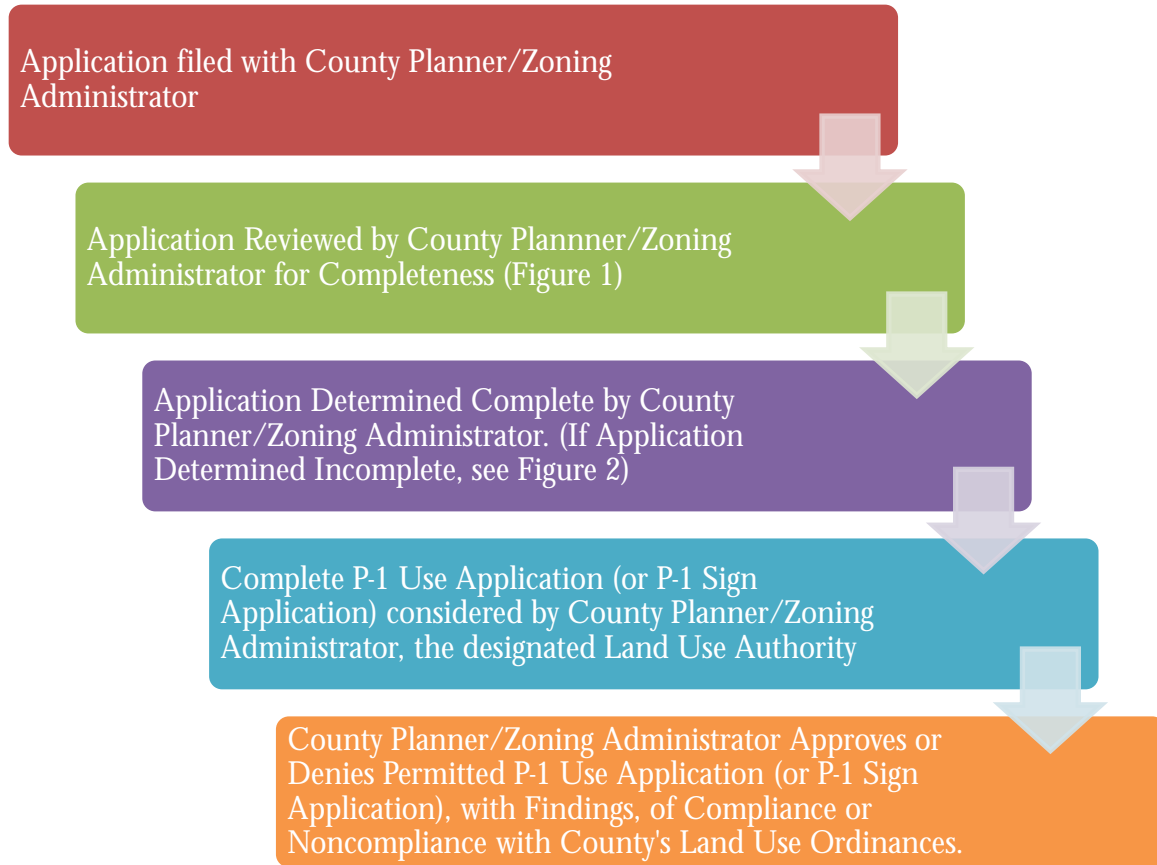
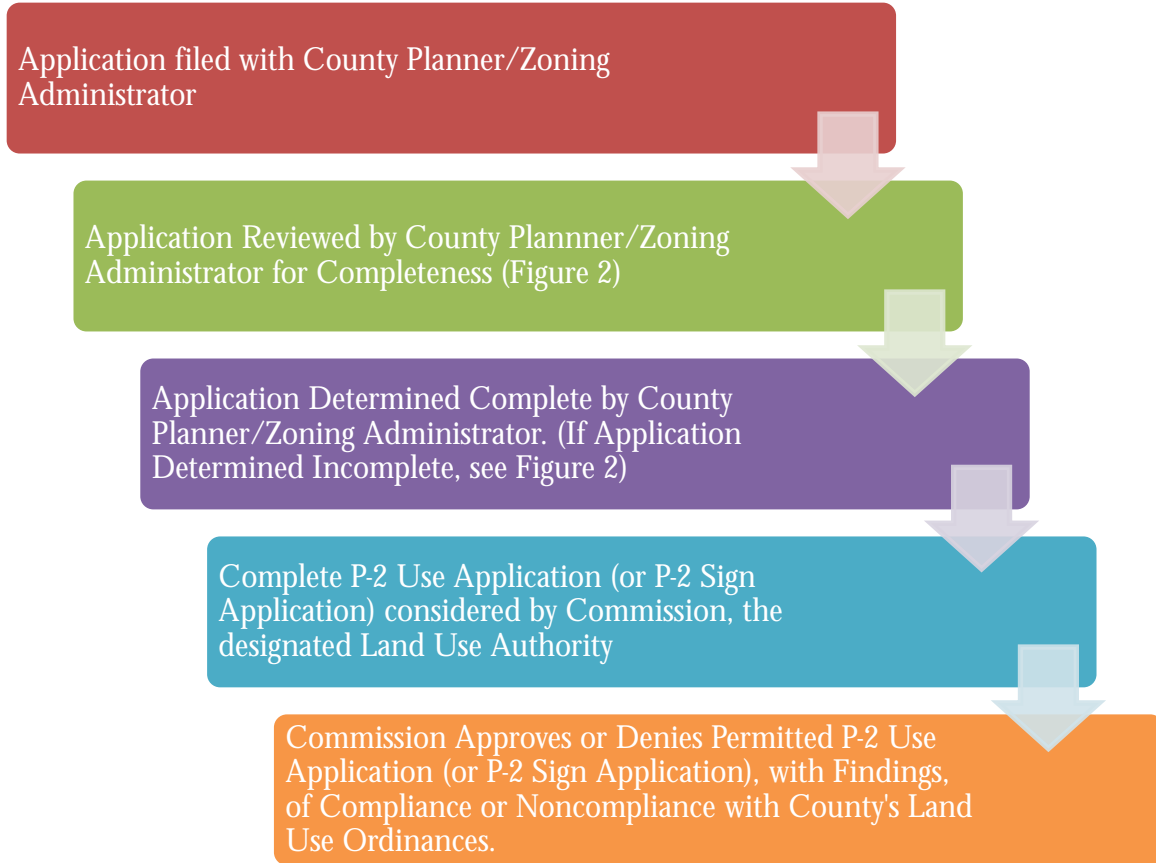


Figure 5  
**PROCEDURES FOR THE REVIEW OF A PERMITTED P-2 USE (AND P-2 SIGN)  
APPLICATIONS BY THE COMMISSION**



## CHAPTER 5

### CONDITIONAL USE AND CONDITIONAL SIGN APPLICATIONS

#### **Section 501–Purpose:**

This Chapter identifies and provides the procedures for the review of all Conditional Use Applications and Conditional Sign Applications and required to determine compliance with the County's Land Use Ordinances.

#### **Section 502–Application Initiation:**

- 1) All requests for a Conditional C-1 Use Application approval shall be made by filing a Conditional C-1 Use Application.
- 2) All requests for a Conditional C-2 Use Application approval shall be made by filing a Conditional C-2 Use Application.
- 3) All requests for a Conditional Sign Application approval shall be made by filing a Conditional Sign Application.
- 4) A property owner(s), as identified on the assessment rolls of Millard County, may submit a Conditional C-1 Use Application, Conditional C-2 Use Application or Conditional Sign Application. An agent of the property owner(s) may submit a Conditional C-1 Use Application, Conditional C-2 Use Application or Conditional Sign Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Conditional Use Application or Conditional Sign Application. All persons with a fee interest in the subject property shall be required to join in and sign the Conditional Use Application or Conditional Sign Application.

#### **Section 503–Review Procedures for Conditional Use Applications:**

- 1) The procedures for the review of a Conditional C-1 Use Application, by the Commission, are identified by Figure 6 herein.
- 2) The procedures for the review of a Conditional C-2 Use Application, by the BOCC, are identified by Figure 7 herein.
- 3) The procedures for the review of a Conditional Sign Applications, by the Commission, are identified by Figure 6 herein.

**Section 504—Minimum Requirements and Findings and Standards for Approval of Conditional Use Applications and Conditional Use Sign Applications:**

- 1) Decision making standards, see Section 10-8-3, Zoning Ordinance.
- 2) Required Findings, see Section 10-8-4, Zoning Ordinance.
- 3) Conditional Use decisions, see Section 10-8-6, Zoning Ordinance.

**Section 505—Reasonable Conditions Authorized:**

- 1) Reasonable conditions, see Section 10-8-5, Zoning Ordinance.

**Section 506—Decision for a Conditional Use Application, Effect of Approval and Appeals:**

- 1) Effect of Approval, see Section 10-8-7, Zoning Ordinance.
- 2) Appeals, see Section 10-8-9, Zoning Ordinance.

**Section 506—Conditional Use Application Amendment:**

See Section 208, herein.

**Section 507—Conditional Use Application Expiration:**

See Section 10-4-5, Zoning Ordinance and Appendix A for particular uses.

Figure 6  
**PROCEDURES FOR THE REVIEW OF CONDITIONAL C-1 USE APPLICATIONS, AND  
CONDITIONAL SIGN APPLICATIONS, BY THE COMMISSION**

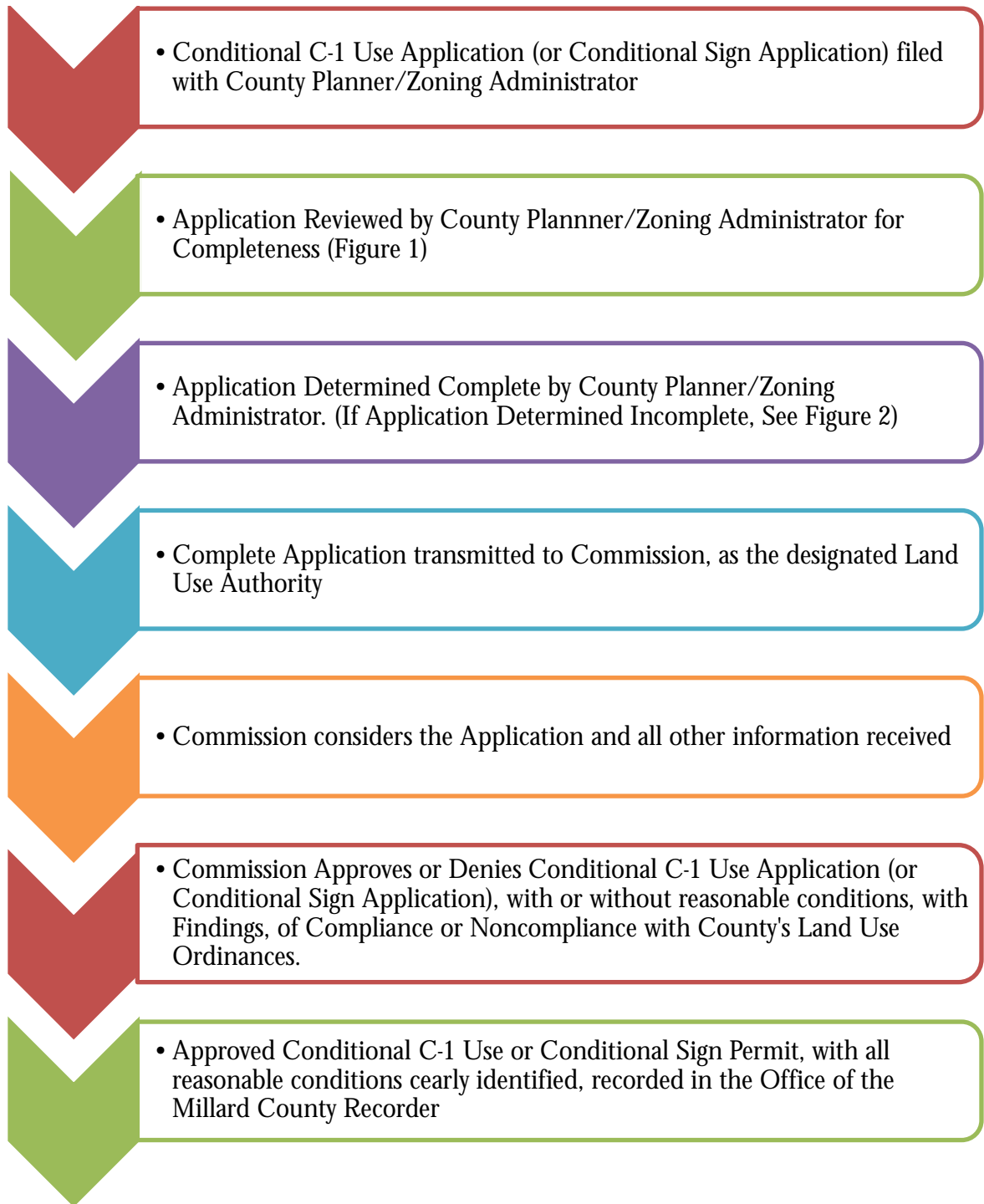
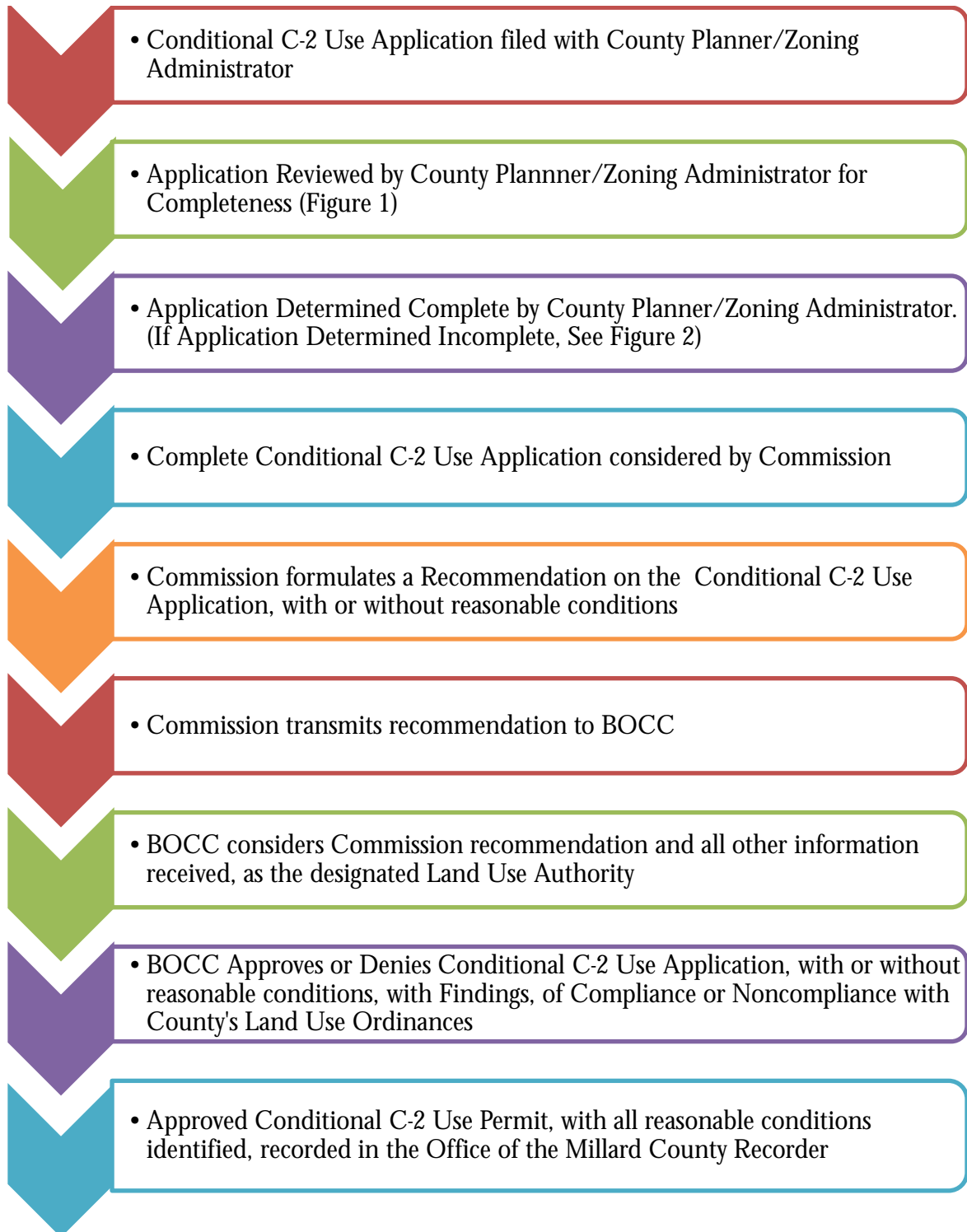




Figure 7  
**PROCEDURES FOR THE REVIEW OF CONDITIONAL C-2 USE APPLICATIONS BY  
THE BOCC**



**CHAPTER 6**  
**CONCEPT SUBDIVISION APPLICATIONS**  
**(RESERVED)**

Figure 8  
**CONCEPT SUBDIVISION APPLICATION PROCEDURES  
(RESERVED)**

**CHAPTER 7**  
**PRELIMINARY SUBDIVISION APPLICATIONS (MINOR OR MAJOR)**  
**(RESERVED)**

Figure 9  
**PRELIMINARY SUBDIVISION APPLICATIONS (MINOR OR MAJOR)  
(RESERVED)**

**CHAPTER 8**  
**FINAL SUBDIVISION APPLICATIONS (MINOR OR MAJOR)**  
**(RESERVED)**

Figure 10  
**FINAL SUBDIVISION APPLICATIONS (MINOR OR MAJOR)  
(RESERVED)**

## **CHAPTER 9 GENERAL PLAN AMENDMENT APPLICATIONS**

### **Section 901–Purpose:**

This Chapter identifies the procedures for the review of all General Plan Amendment Applications and required to determine compliance with the County’s Land Use Ordinances.

### **Section 902–Application Initiation:**

- 1) All requests for a General Plan Amendment shall be made on a General Plan Amendment Application.
- 2) A property owner(s), as identified on the assessment rolls of Millard County, may submit a General Plan Amendment Application. An agent of the property owner(s) may submit a General Plan Amendment Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the General Plan Amendment Application. All persons with a fee interest in the subject property shall be required to join in and sign the General Plan Amendment Application.
- 3) The BOCC, Commission, County Planner/Zoning Administrator, Zoning Administrator, or other County Staff may submit a General Plan Amendment Application.

### **Section 903–Review Procedures for General Plan Amendment Applications:**

The procedures for the review of a General Plan Amendment Application are identified by Figure 8 herein.

### **Section 904–Minimum Requirements and Findings and Standards for Approval of General Plan Amendment Applications:**

The Commission and BOCC shall comply with the requirements of Sections 503 and 504, Zoning Ordinance.

### **Section 905–Decision for a General Plan Amendment Application, Effect of Approval and Appeals:**

- 3) Decision making standards, see Section 10-5-3, Zoning Ordinance.
- 4) Required Findings, see Section 10-5-4, Zoning Ordinance.
- 5) Effect of Approval, see Section 10-5-5, Zoning Ordinance.



6) Appeals, see Section 10-5-6, Zoning Ordinance.

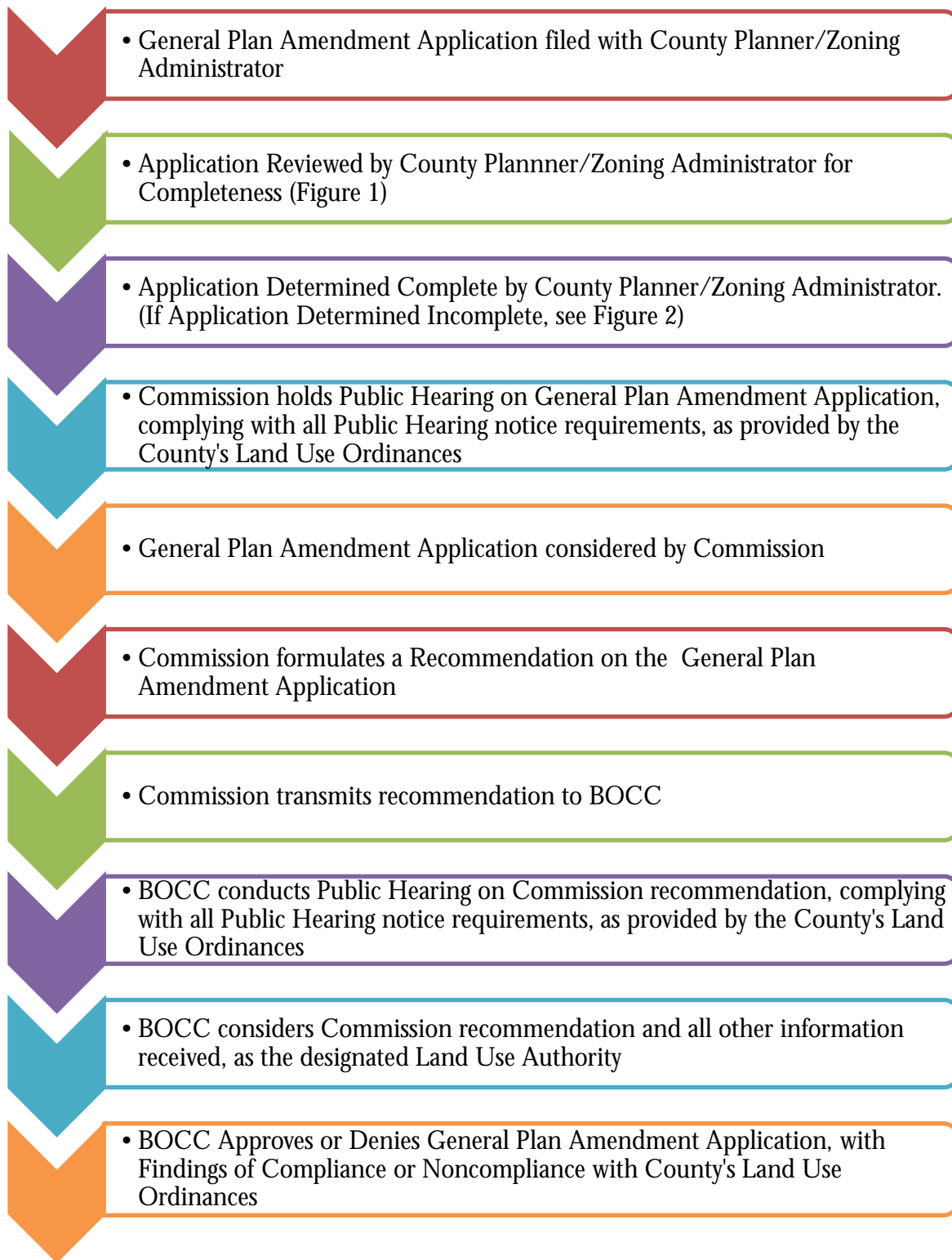
**Section 906—General Plan Amendment Application Amendment:**

See Section 208, herein.

**Section 907—General Plan Amendment Application Expiration:**

A General Plan Amendment Application approval shall not expire and shall be valid unless amended or modified by a subsequent General Plan Amendment Application approval.

Figure 8  
**GENERAL PLAN AMENDMENT APPLICATIONS**



## **CHAPTER 10**

### **LAND USE ORDINANCE AMENDMENT APPLICATIONS**

#### **Section 1001–Purpose:**

This Chapter identifies and provides the procedures for the review of all Land Use Ordinance Amendment Applications, including Applications to amend the Zoning Districts Map or Official Maps, and required to determine compliance with the County’s Land Use Ordinances.

#### **Section 1002–Application Initiation:**

- 1) All requests for a Land Use Ordinance Amendment shall be made on a Land Use Ordinance Amendment Application.
- 2) A property owner(s), as identified on the assessment rolls of Millard County, may submit a Land Use Ordinance Amendment Application. An agent of the property owner(s) may submit a Land Use Ordinance Amendment Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Land Use Ordinance Amendment Application. All persons with a fee interest in the subject property shall be required to join in and sign the Land Use Ordinance Amendment Application.
- 3) The BOCC, Commission, County Planner/Zoning Administrator, Zoning Administrator, or other County Staff may submit a Land Use Ordinance General Plan Amendment Application.

#### **Section 1003–Review Procedures for Land Use Ordinance Amendment Applications:**

The procedures for the review of a Land Use Ordinance Amendment Application are identified by Figure 9 herein.

#### **Section 1004–Minimum Requirements and Findings and Standards for Land Use Ordinance Amendment Applications:**

The Commission and BOCC shall comply with the requirements of Sections 603 and 604, Zoning Ordinance.

#### **Section 1005– Decision for a Land Use Ordinance Amendment Application, Effect of Approval and Appeals:**

- 1) Decision making standards, see Section 10-6-3, Zoning Ordinance.
- 2) Required Findings, see Section 10-6-4, Zoning Ordinance.

- 3) Effect of Approval, see Section 10-6-5, Zoning Ordinance.
- 4) Appeals, see Section 606, Zoning Ordinance.

**Section 1006—Land Use Ordinance Approval Amendment:**

See Section 208, herein.

**Section 1007—Expiration:**

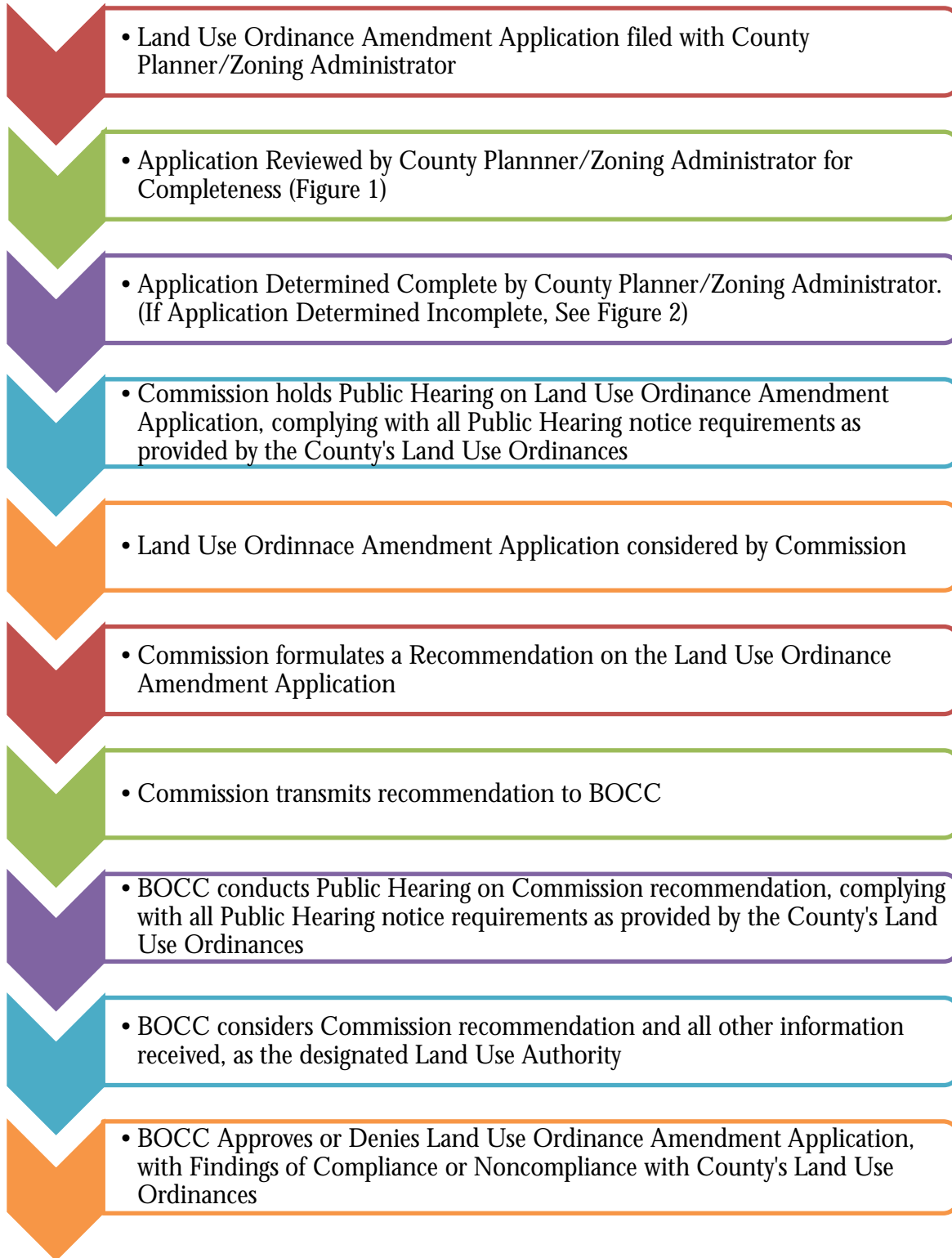
A Land Use Ordinance Amendment Application approval shall not expire and shall be valid unless amended or modified by a subsequent Land Use Ordinance Amendment Application approval.

**Section 1008—County Planner/Zoning Administrator May Provide Notice of Pending Land Use Ordinance or Official Map Amendments to Applicants:**

The County Planner/Zoning Administrator may provide applicants affected by a pending Land Use Ordinance Amendment Application or Temporary Zoning Ordinance notice that:

- 1) Identifies that a Land Use Ordinance Amendment is pending with the Commission and/or BOCC or a Temporary Zoning Ordinance is in effect.
- 2) The Land Use Application approval, permit, or license may be affected by the pending Land Use Ordinance Amendment, or Temporary Zoning Ordinance.
- 3) A copy of the pending Land Use Ordinance or Temporary Zoning Ordinance is available for inspection in the Office of the County Planner/Zoning Administrator.

Figure 9  
**LAND USE ORDINANCE AMENDMENT APPLICATIONS**



## **CHAPTER 11 VARIANCE APPLICATIONS**

### **Section 1101–Purpose:**

This Chapter identifies and provides the procedures for the review of all Variance Applications and required to determine compliance with the County’s Land Use Ordinances.

### **Section 1102–Application Initiation:**

- 1) All requests for a Variance shall be made on a Variance Application.
- 2) A property owner(s), as identified on the assessment rolls of Millard County, may submit a Variance Application. An agent of the property owner(s) may submit a Variance Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Variance Application. All persons with a fee interest in the subject property shall be required to join in and sign the Variance Application.
- 3) The BOCC, Commission, County Planner/Zoning Administrator, Zoning Administrator, or other County Staff may submit a Variance Application.

### **Section 1103–Review Procedures for Variance Applications:**

The procedures for the review of a Variance Application, by the Commission, are identified by Figure 10 herein.

### **Section 1104–Minimum Standards and Findings for Approval of a Variance Application:**

- 1) Review Standards, see Section 10-11-3, Zoning Ordinance.
- 2) Findings, see Section 10-11-4, Zoning Ordinance.

### **Section 1105–Decision for a Variance Application, Effect of Approval and Appeals:**

- 3) Effect of Approval, see Section 10-11-8, Zoning Ordinance.
- 4) Appeals, see Section 10-11-9, Zoning Ordinance.

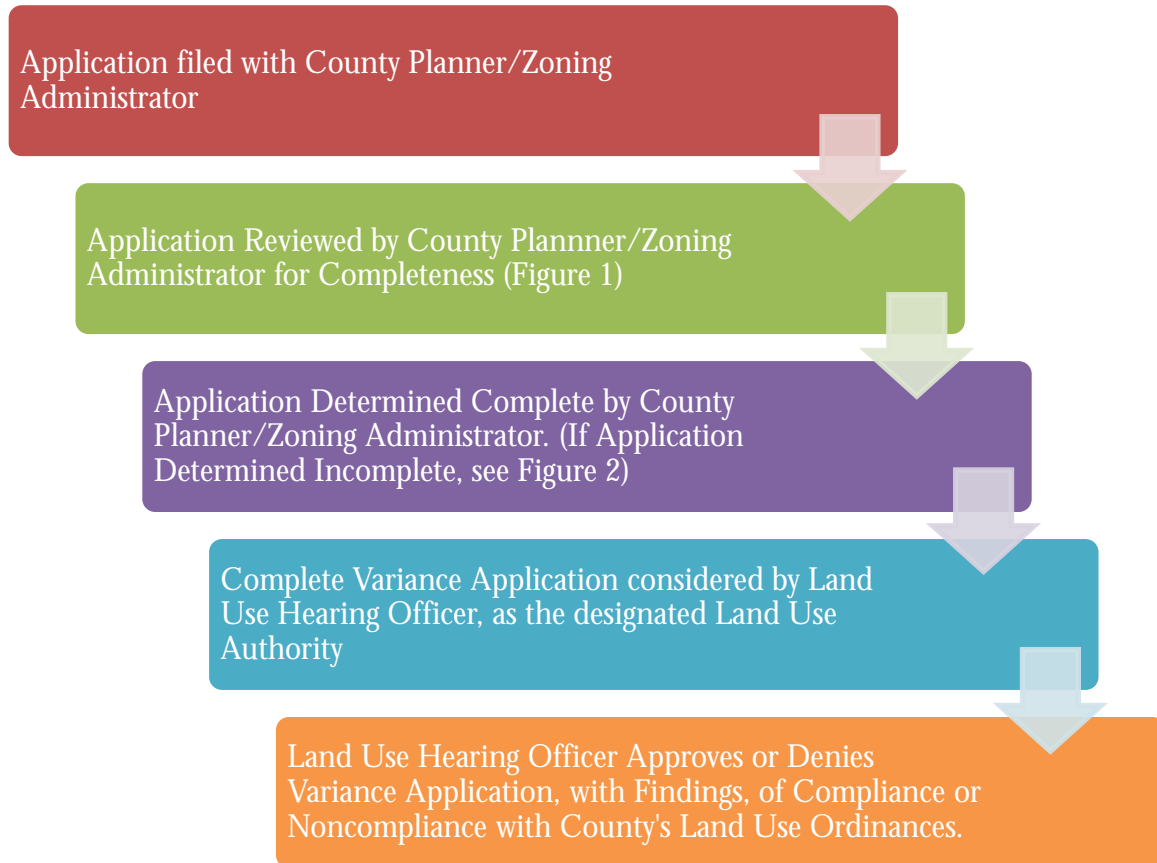
### **Section 1106–Variance Approval Amendment:**

See Section 208, herein.

**Section 1107–Variance Application Expiration:**

A Variance Application approval shall expire and shall be invalid unless a subsequent Land Use Application approval is granted by a Land Use Authority, as applicable, within one hundred eighty (180) calendar days from the date of Variance Application approval by the Commission.

Figure 10  
**VARIANCE APPLICATIONS**





**CHAPTER 12**

**NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER  
NONCONFORMITIES**

**Section 1201 – Purpose:**

This Chapter identifies and provides the procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs, (“Determination of Legal Nonconforming Use or Legal Noncomplying Structure”) and required to determine compliance with the County’s Land Use Ordinances.

**Section 1202–Application Initiation:**

- 1) All requests for a Determination of Legal Nonconforming Use or Legal Noncomplying Structure shall be made on the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.
- 2) A property owner(s), as identified on the assessment rolls of Millard County, may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application. An agent of the property owner(s) may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application. All persons with a fee interest in the subject property shall be required to join in and sign the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.
- 3) The BOCC, Commission, County Planner/Zoning Administrator, Zoning Administrator, or other County Staff may submit a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.

**Section 1203–Review Procedures for Determination of Legal Nonconforming Use or Legal Noncomplying Structure Applications:**

The procedures for the review of a Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application are identified by Figure 11 herein.

**Section 1204–Minimum Requirements and Findings and Standards for Approval of Determination of Legal Nonconforming Use or Legal Noncomplying Structure Applications:**

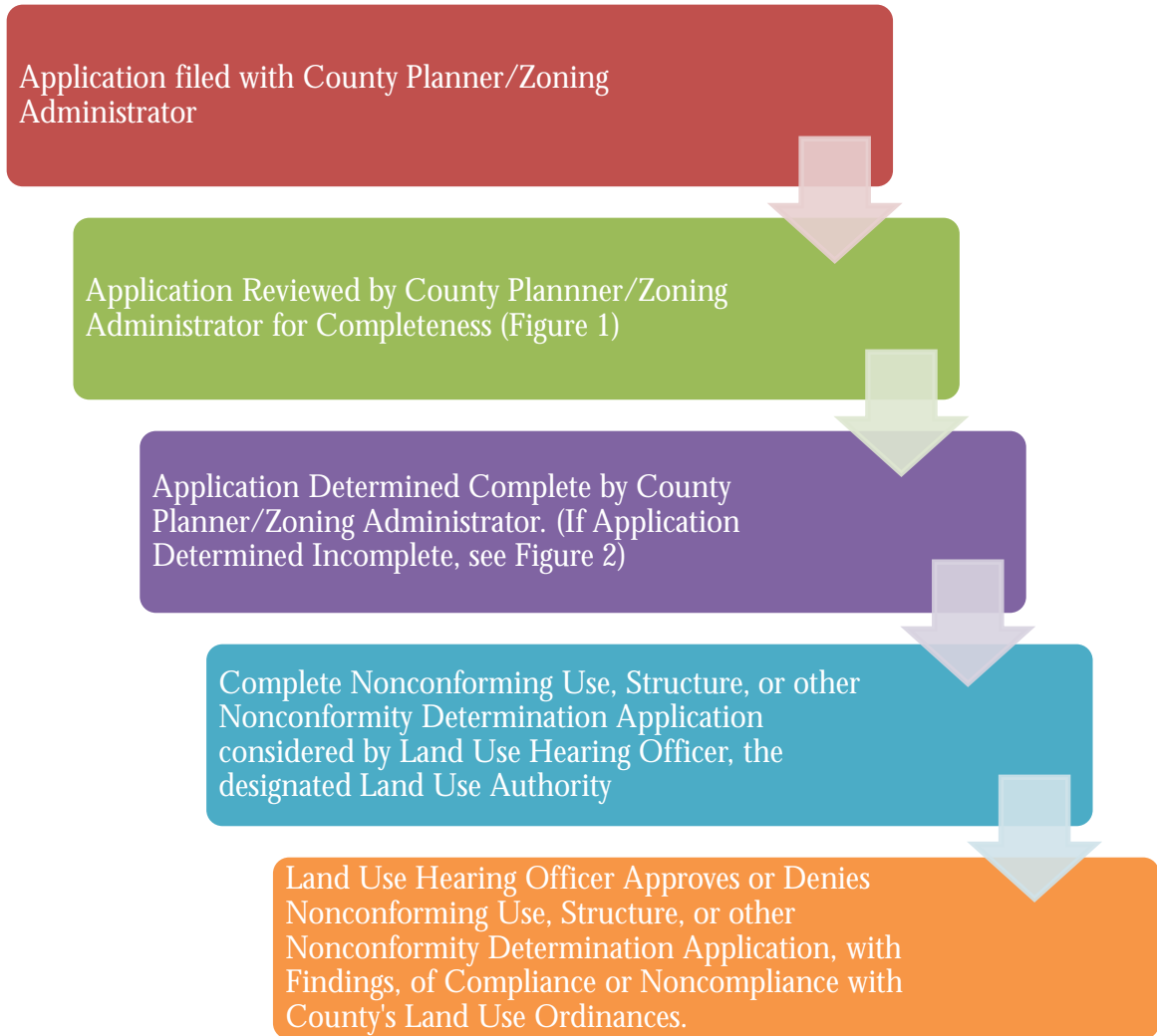
- 1) Review Standards, see Section 10-12-3, Zoning Ordinance.

- 2) Findings, see Section 10-12-4, Zoning Ordinance.
- 3) Effect of Approval, see Section 10-12-6, 10-12-7, 10-12-8, 10-12-9, 10-12-10, 10-12-11, Zoning Ordinance, as applicable.
- 4) Appeals, see Section 10-12-12, Zoning Ordinance.

**Section 1205—Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application Expiration:**

A Determination of a Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application approval shall not expire and shall be valid until the Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity fails to comply with all requirements of the County's Land Use Ordinances or the Act.

Figure 11  
**NONCONFORMING USE, NONCOMPLYING STRUCTURE, AND OTHER  
NONCONFORMITIES DETERMINATION APPLICATIONS**



## CHAPTER 13 CONSTITUTIONAL TAKINGS

### **Section 1301–Purpose:**

The policies of the County, favor the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending such issues. At the same time, the legitimate role of the County in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property, consistent with the Constitution. Consistent with these policies, this Chapter establishes a procedure for the review of actions that may involve the issue of constitutional takings, as well as providing guidelines for such considerations. This chapter is further intended and shall be construed to objectively and fairly review claims that a specific government action should require payment of just compensation, while preserving the ability of the County to lawfully regulate real property and fulfill its obligations, duties and functions.

### **Section 1302–Guidelines Advisory:**

The guidelines provided and decisions rendered pursuant to the provisions of this Chapter are advisory only, and shall not be construed to expand or limit the scope of the County's liability for a constitutional taking.

### **Section 1303–Application Initiation:**

- 1) All requests for a takings review shall be made on a Takings Review Application.
- 2) A property owner(s), as identified on the assessment rolls of Millard County, may submit a Takings Review Application. An agent of the property owner(s) may submit a Takings Review Application, provided such application is accompanied by a property owner(s) affidavit of authorization, identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Takings Review Application. All persons with a fee interest in the subject property shall be required to join in and sign the Takings Review Application.

### **Section 1304–Review Procedures for Takings Review Applications:**

- 1) The procedures for the review of a Takings Review Application are identified by Figure 12 herein.
- 2) The BOCC, or designee of the BOCC, shall immediately set a time to review the decision that gave rise to the Takings Claim.
- 3) A decision on a review of a Takings Claim shall be rendered within fourteen (14) days from the date the complete Takings Review Application has been received by the County Recorder.

The decision of the BOCC, or designee, regarding the results of the review shall be given in writing to the applicant and the Land Use Authority that rendered the decision that gave rise to the Takings Claim.

- 4) If the BOCC, or designee, fails to hear and decide the review within fourteen (14) calendar days, the decision appealed from shall be presumed to have been determined to be valid and the Takings Claim denied by the BOCC, or designee.

**Section 1305—Reviewing Guidelines:**

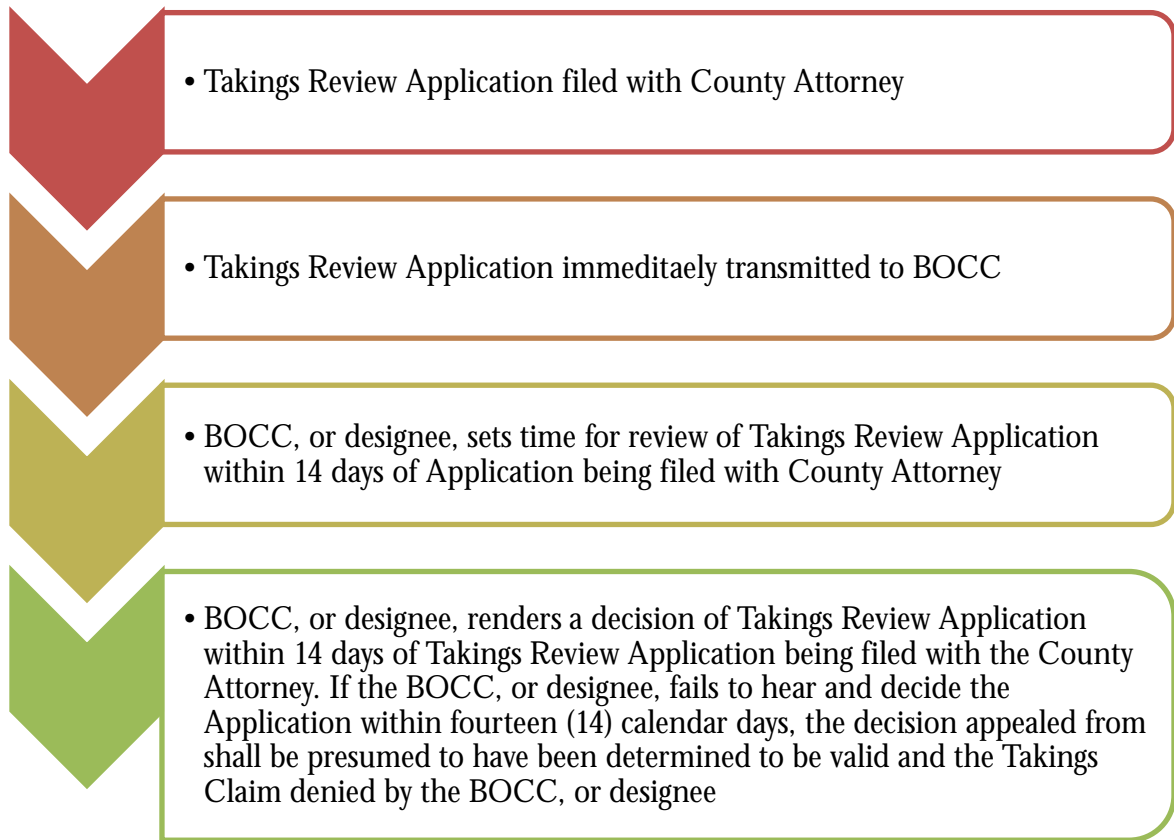
The BOCC, or the BOCC's authorized designee, shall review the facts and information presented by the applicant to determine whether or not the decision by the County's Land Use Authority constitutes a constitutional taking as defined by the Act. In doing so, they shall consider;

- 1) Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
- 2) Whether a legitimate governmental interest exists for the action taken by the County.
- 3) Is the property and exaction taken roughly proportionate and reasonably related, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed?

**Section 1306—Results of Review:**

After completing the review, the BOCC, or designee, shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the Land Use Authority that made the decision that gave rise to the constitutional takings claim. The BOCC, or designee, shall provide, in writing, the results of the takings review to the Applicant within ten (10) calendar days of the conclusion of the takings review by the BOCC, or designee.

Figure 12  
**PROCEDURES FOR TAKINGS REVIEW APPLICATIONS**



## CHAPTER 14 APPEAL APPLICATIONS

### **Section 1401–Purpose:**

This Chapter identifies and provides the procedures for the review of all Appeal Applications and required to determine compliance with the County’s Land Use Ordinances, including the Zoning Ordinance.

### **Section 1402–Application Initiation:**

All requests for an appeal of a final decision of a County Land Use Authority shall be made by filing an Appeal Application.

The Applicant, as identified on the Application provided to the County for a Land Use approval, permit, or license required by the County’ Land Use Ordinances, may submit an Appeal Application. All persons with a fee interest in the subject of the Appeal shall be required to join in and sign the Appeal Application.

### **Section 1403–Review Procedures for Appeal Applications:**

The procedures for the review of all Appeal Applications are identified by Figure 13 herein.

### **Section 1404–Minimum Requirements and Findings and Standards for Approval of Appeal Applications:**

- 1) Decision requirements, see Section 10-14-7, Zoning Ordinance.
- 2) Review standards, see Section 10-14-13, Zoning Ordinance.

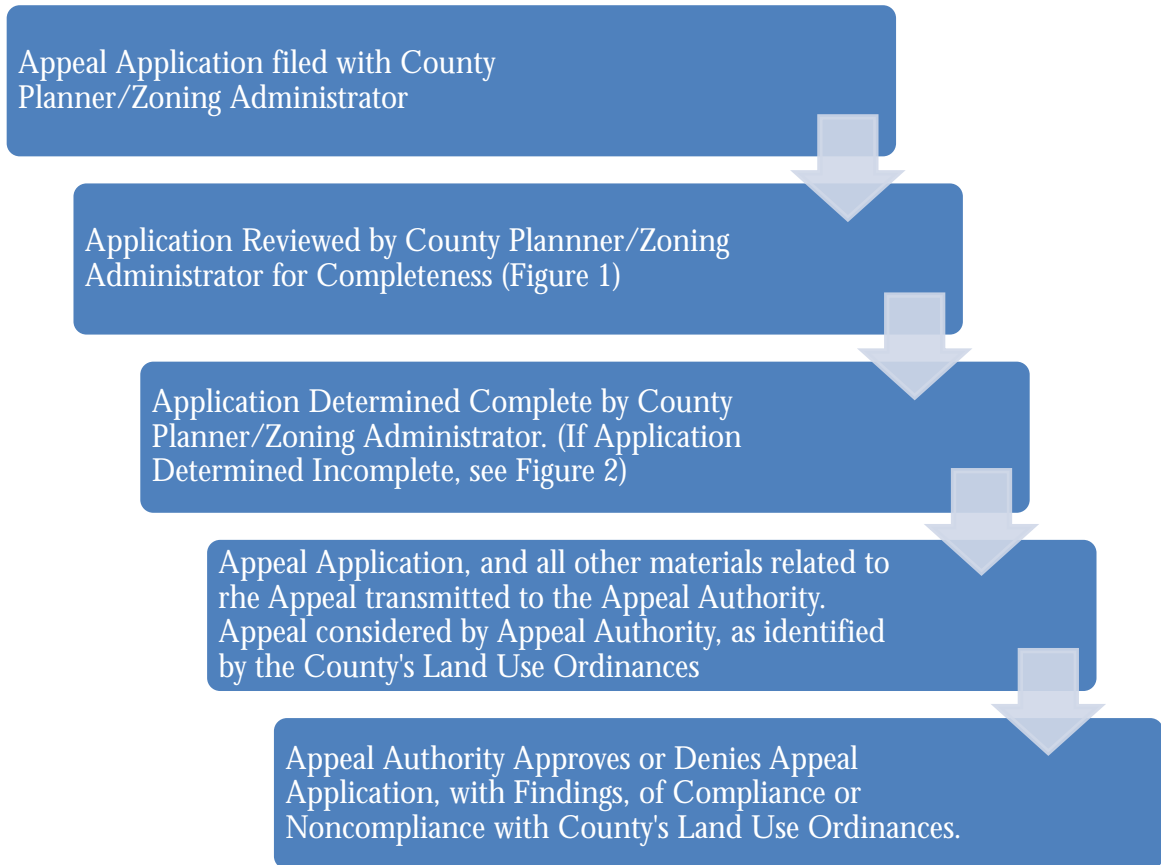
### **Section 1405–Maximum Time Allowed to File an Appeal Application:**

- 1) Time allowed to file an Appeal Application, see Section 10-14-6, Zoning Ordinance.

### **Section 1406–Decision Requirements:**

- 1) Decision making standards, see Section 10-14-7 and Section 10-14-13, Zoning Ordinance.

Figure 13  
**APPEAL APPLICATION PROCEDURES**





## **CHAPTER 15 APPLICATION FEES AND REVIEW FEES**

The BOCC may provide Application Fees and Review Fee for the various Land Use Applications required by the County's Land Use Ordinances. Such Application Fees and Review Fees shall be established by Resolution of the BOCC. Such fees may be amended from time to time, as determined necessary by the BOCC.

## **CHAPTER 16 APPLICATION FORMS**

- 1) The County may provide Application Forms for the various Land Use Applications required by the County's Land Use Ordinances. Such Application Forms shall be established by Resolution of the BOCC. Such Application Forms may be amended from time to time, as determined necessary by the BOCC.
- 2) The County Planner/Zoning Administrator, in consultation with the County Attorney, and others as necessary, shall formulate Application Forms for all Land Use Permit approvals, permits, and licenses required by the County's land Use Ordinances. Such Application Forms shall be established by Resolution by the BOCC before taking effect.
- 3) The County Planner/Zoning Administrator shall maintain copies of all Application Forms, which shall be provided by the County Planner/Zoning Administrator to Applicant(s), upon request, for the approvals, permits or licenses required by the County's Land Use Ordinances.
- 4) The Appendix provides information for the County Planner/Zoning Administrator and BOCC to consider and that may be included in the County's various Application Forms.

## CHAPTER 17 DEFINITIONS

### **Section 1701—Purpose and Conflicts:**

This Chapter provides definitions of general terms used throughout this County's Land Use Ordinances for which a definition is considered necessary. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this County's Land Use Ordinances, certain terms may be illustrated. If a conflict arises between an illustration and a definition, the definition shall apply.

**Access:** The provision of vehicular and/or pedestrian ingress and egress to lot, parcel, building, or structure.

**Access Right of Way:** A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

**Act:** Means the State of Utah County Land Use, Development, and Management Act, and as provided at §17-27a *et seq.* Utah Code Annotated, 1953, as amended.

**Active or Valid Building Permit:** A building permit that has not expired.

**Ad Valorem Taxes:** A tax "based on value" which applies to property taxes based on a percentage of the County's assessment of the property's value.

**Adjacent Property/Landowners:** A lot or parcel of property, or the owner of record of such, according to the records of the Millard County Recorder that has a common immediately contiguous boundary line.

**Affected Entity:** means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, Local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the county a copy of the entity's general or long-range plan; or (c) the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use County's Land Use Ordinances change.

**Agent:** The person with written authorization to represent an owner.

**Alcoholic Beverages:** Means and includes beer and liquor as those terms are defined in the Utah Alcoholic Beverage Control Act, as amended.

**Alteration:** Any change, addition, or modification in construction of a building or structure.

**Appeal Authority:** Means the person, board, commission, agency, or other body designated by a County Land Use Ordinance to decide an appeal of a decision of a Land Use Authority or review a Variance Application.

**Applicant(s):** Any person, partnership or corporation applying for any Land Use Application approval, permit or license required by this County's Land Use Ordinances.

**Application:** A written request, completed in a manner prescribed in this County's Land Use Ordinances, for review, approval, or issuance of an approval, permit, or license.

**Application, Complete:** An application that includes all information requested on the appropriate form and payment of all applicable fees.

**Application, Incomplete:** An application that lacks information requested on the appropriate form or the payment of all applicable fees.

**Architectural Projection:** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs or balconies.

**Authorized Officers:** Those persons authorized by the County to inspect businesses and enforce the provisions of this County's Land Use Ordinances, or other applicable regulations.

**Basement:** A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground.

**Beer:** As defined by the Utah Alcoholic Beverage Control Act, as amended.

**Berm:** A mound of earth.

**Best Management Practices (BMPs):** A practice, or combination of practices, determined to be the most effective (including technological, economic, and institutional considerations) means of preventing or reducing disturbance or disruption to the natural environment.

**Billboard:** A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

**Board of County Commissioners:** The duly-elected Board of County Commissioners of Millard County, Utah.

**Building:** Any structure, whether permanent or temporary, including but not limited to dwelling units, which are designed, intended or used for occupancy by any person, animals, possessions, or for storage of property or goods of any kind.

**Buildable Area:** That area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this County's Land Use Ordinances.

**Building Code:** The International Building Code, as adopted by the County.

**Building Facade:** That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

**Building Frontage:** The horizontal, linear dimension of that side of a building facing a street, a parking area, or other circulation area open to the public.

**Building, Height:** The vertical distance from the natural or finished grade to the highest point of the building or structure.

**Building Line, Front:** A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard setback and extending across the entire width of the lot or parcel.

**Building Line, Rear:** A line parallel to the rear lot line and at a distance there from equal to the required depth of the rear yard setback and extending across the entire width of the lot or parcel.

**Building Line, Side:** A line parallel to the side lot line and at a distance there from equal to the required depth of the side yard setback and extending between the front and rear building lines.

**Building Line:** The line circumscribing the buildable area of a lot.

**Building Official:** The official, or other person, charged with the administration and enforcement of the Building Code.

**Building Permit:** A permit required by the Building Code and issued by the Building Official authorizing a construction activity.

**Business:** Means and includes all trades, occupations, professions or activities engaged in within the unincorporated areas of the County and carried on for the purpose of gain or economic profit.

**Business License:** The license required by the Business License County's Land Use Ordinances of the County.

**Carport:** A roofed structure designed for the shelter of a motor vehicle and open on at least two sides and subject to all requirements prescribed for a private garage.

**Certificate of Occupancy:** A certificate issued by the Building Official authorizing occupancy of a building or structure requiring a building permit.

**Charter school:** means: (i) an operating charter school; (ii) a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or (iii) an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. Charter school does not include a therapeutic school.

**Clear View Area:** Areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this County's Land Use Ordinances.

**Cluster Development:** A design that concentrates buildings in specific areas on a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land areas.

**Commission:** The Planning Commission of Millard County, Utah.

**Common Area:** Facilities, land areas, and yards under common ownership.

**Common Open Space:** The land area reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the owners.

**Conditional Use:** As defined by the Act.

(8) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

**Conditional Use Permit:** The approval granted by a Land Use Authority to establish a Conditional Use, which may provide for reasonable conditions to establish such use.

**Constitutional Taking:** Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or (b) Utah Constitution Article I, Section 22.

**Construction:** The materials, architecture, assembly, and installation of a building or structure.

**Construction Activity:** All grading, excavation, construction, grubbing, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new primary or accessory structure on a lot or parcel.

**County:** The unincorporated area of Millard County, Utah.

**Cul-de-sac:** A street with only one (1) outlet and an area for the safe and convenient turning of vehicles.

**Culinary Water Authority:** Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

**Cut:** The process of lowering the natural grade for a portion of the development site, or the depth or the volume of such material removal. The reference for a cut shall be measured from natural to finished grade.

**Decibel (dB):** A unit of measure used to express intensity of noise.

**Declaration:** The legal instrument by which property is subjected to the provisions of the Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

**Dedication:** The setting aside of land by an owner for a public use or purpose.

**Demolish or Demolition:** Any act or process that destroys, in part or in whole, a building or structure.

**Density:** The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. Density is a function of both the number and type of dwelling units and/or non-residential square footage and the land area.

**Density Base:** The number of dwelling units per acre allowed in a Zoning District.

**Density, Gross:** The number of dwelling units per acre within a subdivision or other development based on the total area whether developable or not, including streets, public areas, water areas, open space areas, and sensitive lands.

**Density, Incentive:** The number of additional dwelling units per acre allowed in addition to base density.

**Density, Net:** The number of dwelling units per acre within a subdivision or other development and excluding all areas used for streets, public areas, water areas, open space areas, sensitive lands, or encumbered in any other way or any other purpose.

**Developer:** A person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this County's Land Use Ordinances or the Subdivision County's Land Use Ordinances.

**Development Activity:** Means: (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; (b) any change in use of a building or structure that creates additional demand and need for public facilities; or (c) any change in the use of land that creates additional demand and need for public facilities.

**Development Permit:** Any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

**Development Site:** The total area and perimeters of a tract, lot, or parcel of land intended to be used for a development activity.

**Disability:** Means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

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

**Dwelling Unit:** A building, or portion thereof, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, complying with all provisions of the Building Codes and County's Land Use Ordinances.

The definition of a dwelling unit shall include:

a. **Dwelling Unit, Manufactured.** A transportable factory built housing unit (dwelling unit) constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.



To meet the requirements of this County's Land Use Ordinances and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the International Building Code, as adopted by Millard County, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the International Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the International Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Manufactured dwelling Unit shall be identified as real property on the property assessment rolls of Millard County.

**b. Dwelling Unit, Mobile Home.** A transportable factory built housing unit (dwelling unit), constructed prior to June 15, 1976, not in accordance with the Federal Home Construction and Safety Standards Act of 1974 (HUD Code).

**Easement:** A portion of a lot or parcel reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above the lot or parcel.

**Educational Facility:** As defined by the Act.

**Elderly Person:** Means a person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

**Engaging in Business:** Includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

**EPA:** The U.S. Environmental Protection Agency.

**Escrow:** A deposit of cash or approved alternate in lieu of cash held to ensure a performance or a maintenance guarantee.

**Exaction:** the act of exacting, excessive or unjust demand.

**Excavation:** The removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

**External Illumination:** Lighting which illuminates a building or structure from a remote position, or from outside of the building or structure.

**Family:** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (a) Any number of people who are related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises; or (b) four [4] unrelated people; or (c) two unrelated people and any children related to either of them. "Family" does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

**Fence:** A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line. "Fence" includes hedges and walls.

**Fence, Open:** A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.

**Fence, Sight Obscuring:** A fence which permits no vision (0%) through any part of the fence at a more than eight (8) inches above the natural or finished grade.

**Fill:** Materials used to raise the natural grade, or the depth or the volume of material. The reference for a fill shall be measured from natural to finished grade.

**Final Action:** The final vote or decision on Land Use Application.

**Fire Authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

**Fiscal Impact Analysis:** An analysis that describes the current or anticipated effect upon the public costs and revenues imposed by a development activity.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM):** The official map of the County on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

**Flood Plain:** Means land that: (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

**Floor Area:** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

**Floor Area, Livable (Net Floor Area):** The sum of the footage contained within all buildings or structures on a site measured from the inside wall surfaces including basements but excluding, garages, porches, utility rooms, stairways, storage rooms, and unroofed balconies and patios.

**Floor Area, Total (Gross Floor Area):** The sum of the footage contained within all buildings or structures on a site measured from the outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

**Floor Area Ratio:** The total floor area of a building divided by the area of the lot on which it is located.

**Frontage:** All the property fronting on a street measured along the street line.

**Garage:** An accessory building, or a portion of the primary building, used for the storage of motor vehicles.

**Garage, Private:** An enclosed space or accessory building for the storage of one (1) or more motor vehicles; provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises.

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

**Gas Corporation:** Has the same meaning as defined in Section 54-2-1, Utah Code Annotated, 1953, as amended.

**General Plan:** As defined by the Act.

**Geologic Hazard:** As defined by the Act.

**Grade:** The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, an Engineer may establish the grade.

**Grading:** An excavation, cut or fill, or the act of excavating, either cutting or filling.

**Grade, Finished:** The finished elevation of the surface of the land after the completion of any development activity or other man-made disturbance, or grading.

**Grade, Natural:** The elevation of the surface of the land prior to any development activity or any other man-made disturbance, or grading.

**Gross Acreage:** The total area of a lot or parcel of land, including all rights of ways and easements.

**Groundwater:** Any water that may be drawn from the ground.

**Guarantee:** Any form of security including cash or an escrow agreement in an amount and form satisfactory to the County.

**Hard-Surfaced:** Covered with concrete, brick, asphalt, or other impervious surface.

**Hazardous Waste:** A material as defined by the United States Environmental Protection Agency.

**Health Department:** The Millard County Health Department.

**Home Occupation:** A commercial or other non-residential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes.

**Hookup Fee:** As defined by the Act.

**Identical Plans:** As defined by the Act.

**Illegal Building/Illegal Structure:** A building or structure, or portion thereof, established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances or Building Code, or their prior enactments.

**Illegal Lot:** A lot created for a development activity that has not received the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or their prior enactments.

**Illegal Use:** A use established without securing the necessary approvals, permits, or licenses, as required by the County's Land Use Ordinances, or prior enactments.

**Impact Analysis:** A determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc., upon the County.

**Impact Fee:** As defined by the Act.

**Impervious Material or Surface:** Material that is impenetrable by water.

**Improvements:** Curbs, gutters, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of the County's Land Use Ordinances.

**Improvement Assurance:** As defined by the Act.

**Improvement Assurance Warranty:** As defined by the Act.

**Incombustible Material:** Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature. Tests shall be made as specified in the building code.

**Intensity:** The degree of a quantitative or qualitative measurement associated with a use of land or building.

**Internal Lot Restriction:** As defined by the Act.

**Interstate Pipeline Company:** Means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

**Intrastate Pipeline Company:** Means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

**Land Use:** The manner in which land is occupied or used.

**Land Use Application:** As defined by the Act, but including an application required by the County's Land Use Ordinances.

**Land Use Authority:** As defined by the Act, but including a person, board, commission, agency, or other body designated by the County's Land Use Ordinances to act upon a Land Use Application.

**Land Use Ordinance:** As defined by the Act, but including a planning, zoning, development, or subdivision ordinances of Millard County, but does not include the General Plan.

**Land Use Permit:** As defined by the Act, including any written authorization from a Land Use Authority that authorizes the commencement of a development activity.

**Landscaping:** Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth.

**Legal Building/Legal Structure:** A building or structure, or portion thereof, complying with the requirements of the County's Land Use Ordinances and Building Code, as adopted or prior enactments.

**Legal Lot/Legal Lot of Record.** Any land parcel that existed, as recorded in the Office of the Millard County Recorder, with a separate property identification number as provided by the County Recorder and County Assessor, prior to the date of the enactment of the first Millard County Subdivision County's Land Use Ordinances, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of Millard County and the laws of the State of Utah after the date of the enactment of the first Millard County Subdivision County's Land Use Ordinances.

**Legal Nonconforming Building/Structure:** A building or structure, or portion thereof, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, which does not now conform to the regulations of the Zoning District in which it is located.

**Legal Nonconforming Lot:** A lot, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, whose width, area, or other dimension do not conform to the regulations of the Zoning District in which it is located.

**Legal Nonconforming Use:** A use, lawfully existing at the time of the County's Land Use Ordinances, or prior enactments, such use being maintained continuously, and which does not now comply with the use regulations of the Zoning District in which it is located.

**Legal Use:** A use complying with the requirements of the County's Land Use Ordinances.

**Legislative Body:** The Millard County Board of County Commissioners.

**Licensed Premises:** Any room, house, building, structure, or place occupied by any person licensed to sell alcoholic beverages on such premises.

**Licensee:** Includes the person, firm, corporation, or association to whom the license is issued, and also means and includes the licensee's manager, agents, servants and employees, and all other persons acting for him.

**Light Source:** A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

**Liquor:** As defined by the Utah Alcoholic Beverage Control Act, as amended.

**Local District:** As defined by the Act.

**Lot:** A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street.

**Lot Area:** The total land area of a lot or parcel.

**Lot Coverage:** The total horizontal area of a lot or parcel covered by any impervious surface, including buildings, structures, parking, driveways, etc.

**Lot Depth:** The mean horizontal distance from a front lot line to a rear lot line.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Irregular:** A lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

**Lot Line:** A line that divides one (1) lot or parcel from another, or from a street.

**Lot Line Adjustment:** Means the relocation of a lot line between two (2) adjoining lots with the consent of the owners and complying with all requirements of the Act.

**Lot Line, Front:** A lot or parcel line separating a lot or parcel from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line. For a corner lot, the lot or parcel lines adjoining both streets.

**Lot Line, Rear:** The lot line generally opposite and most distant from the front lot line.

**Lot Line, Side:** Any lot or parcel line that is not a front lot line or rear lot line. A side lot line separating one (1) lot or parcel from another is an interior side lot line.

**Lot Width:** For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

**Lot, Corner:** A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

**Lot, Double Frontage:** A lot or parcel abutting two parallel or approximately parallel streets.

**Lot, Illegal:** A separately delineated piece of real property, created for the purposes of a development activity, and which has not received the necessary approvals, as required by the County's Land Use Ordinances, including the Subdivision Ordinance, and State laws, and their prior enactments.

**Lot, Legal:** A separately delineated piece of real property, created for the purposes of a development activity, which: (a) Is shown on a recorded final subdivision plat that has received the necessary approvals, as required by the County's Land Use County's Ordinances, including the Subdivision County's Land Use Ordinances, and State laws, and their prior enactments, or (b) Is defined by some other legal instrument and has a separate property identification number according to the records of the Millard County Recorder, and was legally created, as required by the County's Land Use Ordinances, including the Subdivision Ordinance, State laws, and their prior enactments.

**Lot, Nonconforming:** A lot or parcel that: (a) Legally existed before its current zoning designation; and (b) Has been shown continuously on the records of the Millard County Recorder as an independent parcel since the time the zoning regulation governing the lot or parcel changed; and (c) Because of subsequent zoning changes does not conform with the lot size or other dimensional or property development standards applicable in the Zoning District in which the lot or parcel is located.

**Lumen:** A measurement of light output or the amount of light emitting from a luminaire.

**Manufactured Home:** A factory built structure which is constructed in compliance with the Federal manufactured housing construction and safety standards act of 1974, which became effective June 15, 1976; transportable in one or more sections; built on a permanent chassis; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.



**Map, Official:** Any map adopted by the Board of County Commissioners under the provisions of Utah Code Annotated, as amended.

**Mobile Home:** A factory built, moveable living unit which does not meet the requirements of the Federal manufactured housing construction and safety standards act of 1974, which became effective on June 15, 1976; transportable in one or more sections; eight feet (8') or more in body width and thirty two feet (32') or more in body length; built on a permanent chassis with wheels; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

**Moderate Income Housing:** As defined by the Act.

**Moderate Income Housing Plan:** A written document conforming to the requirements of the Act.

**Modular Home:** A factory built structure which is constructed in compliance with the county's or State's adopted building codes; transportable in one or more sections; built on permanent chassis; designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. A modular home meeting the requirements of chapter 9 of this title shall be classified as a dwelling.

**Monument:** A permanent survey marker established by the Millard County Surveyor and/or a survey marker set and referenced to Millard County survey monuments.

**Motor Home:** A self-propelled vehicular unit, other than a mobile home primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer and a van.

**Natural Features:** Non man-made land characteristics, including slopes, wetlands, streams, intermittent drainage channels, and native stands of shrubs or trees.

**Natural State:** Land that has not been subjected to grading, removal of vegetation or any development activity.

**Natural Vegetation:** Vegetation existing on a lot or parcel prior to any grading, development activity or plantings.

**Natural Waterways:** Those areas, varying in width, along streams, creeks, gully, springs or gashes which are natural drainage channels as determined by the community and economic development director and in which areas no buildings shall be constructed.

**Nominal Fee:** Means a fee that reasonably reimburses the County only for time spent and expenses incurred in: (a) verifying that building plans are identical plans; and (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

**Noncomplying Structure:** As defined by the Act but includes a structure that: (a) legally existed before its current land use designation; and (b) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

**Nonconforming Use:** As defined by the Act but includes the use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use County's Land Use Ordinances governing the land changed; and (c) because of one or more subsequent land use County's Land Use Ordinances changes, does not conform to the regulations that now govern the use of the land.

**Official Map:** As defined by the Act but means a map drawn by Millard County and recorded in a County Recorder's office that: (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and (c) has been adopted as an element of the General Plan.

**Official Street Map:** The map adopted by the Board of County Commissioners, which shows the location and alignment of existing and future roads and streets within the County.

**Official Zoning Map:** The map adopted by the Board of County Commissioners showing the geographic location of Zoning Districts.

**Off-Street:** Entirely outside of any right-of-way, street, access easement, or any private access drives.

**Open Space:** Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

**Operate or Cause to be Operated:** To cause to function or to put or keep in a state of doing business.

**Owner:** Any person who alone, jointly or severally with others has legal or equitable title to any property.

**Parcel:** A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same owner.

**Park:** A playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

**Park Strip:** The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

**Parking Area:** An enclosed or unenclosed area, other than a street, and used or designed for parking of vehicles.

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

**Parking Space:** Space within a building, lot, or parking lot for parking or storage of one automobile.

**Person:** Means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

**Pervious Material or Surface:** Material that is penetrable by water.

**Place of Business:** Each separate location maintained or operated by the licensee, whether or not under the same name, within the county from which business is engaged.

**Plan for Moderate Income Housing** Means a written document adopted by the Board of County Commissioners that includes: (a) an estimate of the existing supply of moderate income housing located within the county; (b) an estimate of the need for moderate income housing in the county for the next five years as revised biennially; (c) a survey of total residential land use; (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and (e) a description of the county's program to encourage an adequate supply of moderate income housing.

**Planning Commission ("Commission"):** The Planning Commission of Millard County, Utah.

**Plat:** Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 17-27a, Section 17-23-17, or Section 57-8-13, U.C.A.

**Potential Geologic Hazard Area:** As defined by the Act.

**Primary Building:** The principal building located on a lot or parcel designed or used to accommodate the primary use to which the premises are devoted.

**Primary Use:** The principal purpose for which a lot, parcel, or building is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of the County's Land Use Ordinances.

**Private Drive:** Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

**Property:** Any lot, parcel, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

**Property Line:** The boundary line of a lot or parcel.

**Public:** That which is under the ownership or control of the United States Government, Utah State, or any political subdivision of the State of Utah (or any departments or agencies thereof).

**Public Agency:** Means; (a) the federal government; (b) the state; (c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or (d) a charter school.

**Public Hearing:** Means a hearing at which member so the public are provided a reasonable opportunity to comment on the subject of the hearing.

**Public Improvement:** Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

**Public Meeting:** Means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

**Quasi-Public Use:** A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

**Reasonable Accommodation:** A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

**Receiving Zone:** Means an unincorporated area of Millard County that the county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

**Record of Survey Map:** Means a map of a survey of land prepared in accordance with Section 17-23-17, U.C.A.

**Recreational and Manufactured Home Standard:** A standard adopted by the American National Standards Institute or the National Fire Protection Association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the national manufactured housing construction and safety standards act of 1974 and as amended from time to time.

**Recreational Vehicle:** A vehicular unit primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.

**Residence:** A dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit.

**Residential Activity:** Any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot for residential purposes.

**Residential Facility for Elderly Persons:** Means a single-family or multiple-family dwelling unit that meets the requirements of the Act, but does not include a health care facility as defined by Section 26-21-2, U.C.A.

**Residential Facility for Persons with a Disability:** Means a residence: (a) in which more than one person with a disability resides; and (b) (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

**Right-of-Way:** Any dedicated area provided for conveying vehicle and pedestrian traffic, and other public use.

**Rules of Order and Procedure:** As defined by the Act.

**Sanitary Sewer Authority:** Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

**Sending Zone:** Means an unincorporated area of Millard County that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

**Setback or Required Yard Area:** The shortest distance on a lot or parcel between a building line and a property or designated right-of-way line excluding uncovered patios, decks and balconies not greater than two (2) feet in height from grade, and not less than 4 feet from the rear property line and 8 feet from the side property line, and chimney and roof overhangs protruding no greater than two (2) feet into the setback area.

**Sexually Oriented Business:** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment outcall service in the form of seminude dancing or exhibition, adult motion picture theater, adult theater, seminude model studio, or sexual encounter establishment.

**Sexually Oriented Entertainment Activity:** The sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specific sexual activity.

**Sign:** A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or a 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.

**Sign, Awning:** A sign attached flat against the surface of an awning.

**Sign, Canopy:** A sign attached to, or included in the constructed of a canopy, which may be located over a fuel island or drive through.

**Sign, Free-Standing Monument:** A sign attached to the ground or a foundation with no pole(s) brace(s), or other visible means of support other the attachment or foundation to the ground.

**Sign, Free Standing Pylon:** A sign attached to the ground or a foundation with a pole, or poles, or other visible means of support.

**Sign, Limited:** A sign associated with an established use and intended to be displayed for a maximum period of ninety (90) calendar days, such sign being removed after the expiration of Ninety (90) calendar days.

**Sign, Wall:** A sign displayed against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than twelve (12) inches horizontally from the face of the wall.

**Site Plan:** A schematic, scaled drawing of a lot or parcel which indicates, as may be required by the County's Land Use Ordinances, the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

**Slope:** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

**Special District:** Means an entity established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a County, municipality, school district, or unit of the State.

**Specified Public Agency:** Means: (a) the state; (b) a school district; or (c) a charter school.

**Specified Public Utility:** Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, U.C.A.

**Start of Construction:** The issuance date of a building permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first excavation on the site or the placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

**State:** Includes any department, division, or agency of the state.

**Story:** The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

**Street:** Means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

**Structural Alterations:** Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**Subdivision:** As defined by the Act.

**Subdivision (Major):** A subdivision that is not a Subdivision (Minor).

**Subdivision (Minor);** A subdivision, as defined herein, and limited further as follows;

- 1) The land proposed to be divided;
  - a) Does not require the dedication of any land for a road or street or for any other public purposes.
  - b) Has been approved by the culinary water authority and the sanitary sewer authority.
  - c) Is located in a zoned area.
  - d) Conforms to all applicable County Land Use Ordinances; and
  - e) Contains no more than four (4) lots, including any lot containing any remnant of the subject property.

**Subject Property:** Means any land, lot, parcel, or tract that is the subject of, and is identified in any Land Use Application.

**Substantial Action:** Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of the County's Land Use Ordinances or to exercise development rights authorized pursuant to such an approval.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 3) The term does not, however, include either:
  - a) Any project for improvement of a structure to comply with existing State or Local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - b) Any alteration of a structure listed on the national register of historic places or a State inventory of historic places.

**Swimming Pool:** Any artificial or semi-artificial container, whether indoors and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.



**Temporary Use:** A use allowed for a limited time with the intent to discontinue the use upon expiration of the period.

**Testacy:** A formal testacy proceeding is one conducted with notice to interested persons before a court.

**Transferable Development Right:** Means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

**Travel Trailer:** A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

- 1) Designed as a temporary dwelling for travel, recreational and vacation use; and
- 2) When factory equipped for the road, having a body width of not more than eight (8) feet and a body length of not more than forty (40) feet.

**U.C.A.** Means the Utah Code Annotated, as amended.

**Unincorporated:** Means the area outside of the incorporated area of any municipality located in Millard County.

**Use:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**Use Variance.** A modification to the Allowed Uses that allows a landowner to use a parcel or lot that is not permitted by the County's Land Use Ordinances.

**USGS:** The United States Geological Survey

**Utilities:** Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the County.

**Utility Easement:** The area designated for access to construct or maintain utilities on a lot or parcel.

**Variance:** A modification granted by the LUHO to a zoning requirement for height, bulk, area, width, setback, or other numerical or quantitative requirement for a building or structure or other site improvements, with a finding of hardship, as set forth in the County's Land Use Ordinances.

**Vehicle:** A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

**Vested Right (or Vested):** A right to develop property in a particular manner which cannot be abolished, modified or restricted by a Land Use County's Land Use Ordinances or regulations subsequently enacted.

**Violated or Violating:** There exists reasonable cause to believe that any County's Land Use Ordinances, code, statute, or law has been or is being violated and is not limited to pleas of guilty or convictions for violating said County's Land Use Ordinances, codes, statutes, or laws.

**Water Interest:** As defined by the Act.

**Wireless Telecommunication Facility:** An unmanned structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended.

**Yard:** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

**Yard, Front:** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

**Yard, Rear:** An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot; except, on corner lots, the rear yard shall not include the side yard bordering the street.

**Yard, Side:** An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the front line of the building (exclusive of steps) and extending from the side line of the building (exclusive of steps) to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building (exclusive of steps) to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

**Zoning Administrator:** The person appointed by the Board of County Commissioners to carry out the administrative responsibilities of the County's Land Use Ordinances.

**Zoning District:** An area of the unincorporated territory of the County which has been given a designation which regulates the construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land as set forth in the County's Land Use Ordinances.

**Zoning Map:** A map adopted as part of the County's Land Use Ordinances that depicts land use zoning districts or overlays.

**Zoning Ordinance:** The zoning ordinance of Millard County, Utah, as set forth in the County's Land Use Ordinances, as defined by the Act, and as amended from time to time.

## APPENDIX

### All Applications:

- 1) **Notarized Property Owner Affidavit.** Such Affidavit shall identify ALL property owners, as identified on the most recent records of the Millard County Recorder's Office, present the Land Use Application and that the statements contained therein and all information provided is true and correct in all respects; or
- 2) **Notarized Property Owner Agent Authorization Affidavit.** Such Affidavit shall identify ALL property owners, as identified on the most recent records of the Millard County Recorder's Office, agree that the agent identified is authorized to represent ALL property owners in all matters related to the Land Use Application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.
- 3) **Tax Clearance.** . A tax clearance from the Millard County Treasurer indicating that all taxes, interest, and penalties owing for the subject property have been paid to date.
- 4) **Accurate Property Description.** A complete and accurate survey, legal description, metes and bounds description, or other materials accurately describing the entire subject property, as provided by the Millard County Recorder's Office.
- 5) **Accurate Property Map.** A map, drawn to scale, that accurately identifies the location of the subject property, and the location of all adjoining properties.
- 6) **Title Report.** A Title Report for the entire subject property, provided by a title company and no older than ninety-(90) calendar days from the date of filing of the Application.
- 7) **Proposed Use or Activity.** The Applicant(s) shall clearly identify the proposed use or activity and proposed size.
- 8) **Evidence of Availability of Necessary Services.** The following information to establish the availability of required services to the subject property.
  - a) Written approval of the feasibility of the proposed culinary water system and culinary water sources from the Culinary Water Authority, as applicable.
  - b) Written approval of the feasibility of the proposed sanitary sewer system from the Sanitary Sewer Authority, as applicable.
  - c) Written recommendation of the proposed fire protection, suppression and fire access facilities from the Fire Authority, as applicable.

- d) Written recommendation of the proposed roads, streets, and accesses from the State of Utah Department of Transportation or Millard County Roads Department, as applicable.
  - e) Written recommendation from the Millard County Sheriff's Office on issues of public safety created by the proposed use or activity.
- 9) **Phasing Schedule.** If phasing is proposed a phasing schedule describing each phase, the approximate size in area of each phase, the order of phasing and the projected time for each phase.

**Permitted Use Application Requirements:**

- 1) A Permitted Use Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the County Planner/Zoning Administrator, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following:
  - a) The location and dimension of the property and all proposed uses and buildings, all existing uses, buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.
  - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
  - c) The location and dimension of all existing and proposed roads, streets, ingress and egress points, and total parking and loading spaces, and including any permits as required by Millard County or the Utah Department of Transportation, as applicable.
  - d) The required setbacks for the Zoning District and the exterior dimensions of all existing and proposed buildings and structures.
  - e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned.
  - f) Existing site grade, and the proposed finished grade, shown at a maximum contour interval of two (2) feet, or as required by the County Planner/Zoning Administrator.
- 3) Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the County Planner/Zoning Administrator for readability, the following information shall be provided:
  - a) The location and sizes of all existing water, sewer, storm drainage, power, gas, and telephone lines and facilities, and all other utility facilities.
  - b) The design plans for all new water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities, as applicable. Access points to all utilities and locations of utility connections shall be shown.

- c) The design and cross-section of all new roads and streets proposed, if any, meeting the design and construction requirements of the County, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the County Planner/Zoning Administrator.
  - d) Landscape plan(s) identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.
  - e) Fences and Walls. The location of all proposed fences and walls, identifying proposed height, materials, and colors shall be shown.
- 4) **Building Plans.**
- a) As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
  - b) The exterior elevations of every side of all proposed buildings and structures, clearly showing building materials and colors proposed. This information may include color chips and material samples.
  - c) The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
- 5) **Site and Building Lighting Plans.** Plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.
- 6) **Waste Collection.** The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed methods of screening.
- 7) **Erosion Control Plan(s).** Plans identifying proposed temporary and permanent erosion control measures.
- 8) **Construction Plan(s).** Plans' identifying all phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
- 9) **A Narrative,** accompanied by necessary tables and other information, describing the proposed uses and construction sufficient to assist the Land Use Authority review the proposed site plan, and including:
- a) A calculation, identifying all pervious and impervious areas.

- b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.

10) **Additional Information.** Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.



### **Permitted Sign Application Requirements:**

- 1) A Permitted Sign Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the County Planner/Zoning Administrator, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following:
  - a) The location and dimension of the property boundaries and all existing and proposed buildings or other structures located on the property.
  - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
  - c) The location and dimension of all existing and proposed roads, streets, ingress and egress points, and total parking and loading spaces, and including any permits as required by Millard County or the Utah Department of Transportation, as applicable.
  - d) The required setbacks for the Zoning District and the exterior dimensions of any proposed buildings and structures.
  - e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned.
- 2) Accurate scaled drawings or other illustration materials, sufficient to identify the location, dimensions, colors, materials, shape, design, height, and construction details of all proposed signs including:
  - a) The location of all existing and proposed signs, clearly identifying the location of all clear view areas, as required by the County's Land Use Ordinances.
  - b) Samples of all proposed sign materials and colors.
  - c) An accurate lighting plan which identifies the type of all proposed sign illumination devices, including the type of fixtures, lamps, bulb type, supports, color of light, installation and electrical details of all proposed sign lighting.
  - d) Details of proposed sign foundation and support structure(s).
  - e) Calculations identifying the proposed maximum total sign area for the site and individual buildings, and identifying separate individual calculations for the total sign area for each proposed sign.

- 3) **Necessary Building Plans.** As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- 4) **Additional Information.** Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

### **Conditional Use Application Requirements:**

- 1) A Conditional Use Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the County Planner/Zoning Administrator, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following:
  - a) The location and dimension of the property and all proposed uses and buildings, all existing uses, buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.
  - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
  - c) The location and dimension of all existing and proposed roads, streets, ingress and egress points, and total parking and loading spaces, and including any permits as required by Millard County or the Utah Department of Transportation, as applicable.
  - d) The required setbacks for the Zoning District and the exterior dimensions of all existing and proposed buildings and structures.
  - e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned.
  - f) Existing site grade, and the proposed finished grade, shown at a maximum contour interval of two (2) feet, or as required by the County Planner/Zoning Administrator.
- 3) Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the County Planner/Zoning Administrator for readability, the following information shall be provided:
  - a) The location and sizes of all existing water, sewer, storm drainage, power, gas, and telephone lines and facilities, and all other utility facilities.
  - b) The design plans for all new water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities, as applicable. Access points to all utilities and locations of utility connections shall be shown.

- c) The design and cross-section of all new roads and streets proposed, if any, meeting the design and construction requirements of the County, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the County Planner/Zoning Administrator.
  - d) Landscape plan(s) identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.
  - e) Fences and Walls. The location of all proposed fences and walls, identifying proposed height, materials, and colors shall be shown.
- 4) **Building Plans.**
- a) As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
  - b) The exterior elevations of every side of all proposed buildings and structures, clearly showing building materials and colors proposed. This information may include color chips and material samples.
  - c) The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
- 5) **Site and Building Lighting Plans.** Plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.
- 6) **Waste Collection.** The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed methods of screening.
- 7) **Erosion Control Plan(s).** Plans identifying proposed temporary and permanent erosion control measures.
- 8) **Construction Plan(s).** Plans' identifying all phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
- 9) **A Narrative,** accompanied by necessary tables and other information, describing the proposed uses and construction sufficient to assist the Land Use Authority review the proposed site plan, and including:
- a) A calculation, identifying all pervious and impervious areas.

b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.

10) **Proposed Mitigation Actions.** Actions and conditions, proposed by the Applicant, to mitigate any negative impacts of the proposed use or activity.

11) **Additional Information.** Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

### **Conditional Sign Application Requirements:**

- 1) A Conditional Sign Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the County Planner/Zoning Administrator, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following:
  - a) The location and dimension of the property boundaries and all existing and proposed buildings or other structures located on the property.
  - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
  - c) The location and dimension of all existing and proposed roads, streets, ingress and egress points, and total parking and loading spaces, and including any permits as required by Millard County or the Utah Department of Transportation, as applicable.
  - d) The required setbacks for the Zoning District and the exterior dimensions of any proposed buildings and structures.
  - e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned.
- 3) Accurate scaled drawings or other illustration materials, sufficient to identify the location, dimensions, colors, materials, shape, design, height, and construction details of all proposed signs including:
  - a) The location of all existing and proposed signs, clearly identifying the location of all clear view areas, as required by the County's Land Use Ordinances.
  - b) Samples of all proposed sign materials and colors.
  - c) An accurate lighting plan which identifies the type of all proposed sign illumination devices, including the type of fixtures, lamps, bulb type, supports, color of light, installation and electrical details of all proposed sign lighting.
  - d) Details of proposed sign foundation and support structure(s).

- e) Calculations identifying the proposed maximum total sign area for the site and individual buildings, and identifying separate individual calculations for the total sign area for each proposed sign.
- 4) **Necessary Building Plans.** As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- 5) **Proposed Mitigation Actions.** Actions and conditions, proposed by the Applicant, to mitigate any negative impacts of the proposed sign.
- 6) **Additional Information.** Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

### **Wind Energy System (Residential) Requirements:**

In addition to the requirements for a complete Conditional Use Application, the following additional information is required:

- 1) A Wind Energy System (Residential) Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Land Use Authority, plus six (6) 11 inch x 17 inch copies of a site plan identifying the following:
  - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.
- 3) Accurate scaled drawings or other illustration materials, sufficient to identify the location and construction details of all proposed Wind Energy System (Residential) Facilities including:
  - a) Distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
  - b) Engineering drawings of the proposed Wind Energy System (Residential) identifying:
    - i) Tower design, including its weight-bearing capacity.
    - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
- 4) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Residential) including the name and address of the manufacturer and model.
- 5) Emergency and normal shutdown procedures.
- 6) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
- 7) Evidence that the electrical service provider has been notified of the intent to install an interconnected electrical generator, unless the system will not be connected to the electricity grid.



- 8) As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.
- 9) Additional Information. Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

### **Wind Energy System (Commercial/Industrial) Requirements:**

In addition to the requirements for a complete Conditional Use Application, the following additional information is required:

- 1) A Wind Energy System (Residential) Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the Land Use Authority, and prepared by a licensed engineer or architect, plus six (6) copies of a 11 inch x 17 inch reduced copy of the site plan set identifying the following:
  - a) The location and dimension of the property and all proposed uses and buildings, all existing uses, buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.
  - b) The location and dimension of all existing natural features including, but not limited to wetlands, drainage ways, flood plains, and water bodies.
  - c) Existing site grade, and the proposed finished grade, shown at a maximum contour interval of two (2) feet, or as required by the Land Use Authority.
  - d) The proposed setbacks and exterior dimensions of all proposed buildings and structures.
  - e) The location of all roads and streets adjoining the site, or proposed to serve the site, and including any permits as required by the County or the Utah Department of Transportation, as applicable.
  - f) The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
  - g) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- 3) Located on the site plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Land Use Authority for readability, the following information may be provided:

- a) The location and sizes of all existing water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities.
  - b) The design plans for all new water, sewer, storm drainage, power, gas, and telephone lines, and other utility facilities, as applicable. Access points to all utilities and locations of utility connections shall be shown.
  - c) The design and cross-section of all new roads and streets proposed, meeting the design and construction requirements of the County, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the Land Use Authority.
  - d) Fences and Walls. The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
- 4) Accurate scaled drawings or other illustration materials, sufficient to identify the location and construction details of all proposed Wind Energy System (Commercial/Industrial) Facilities including:
- a) Elevations of the height, design and configuration of the Wind Energy System (Commercial/Industrial).
  - b) Distance to all existing structures, buildings, roads and streets, electrical lines, property and fence lines.
  - c) Engineering drawings of the proposed Wind Energy System (Commercial/Industrial) identifying:
    - i) Tower design, including its weight-bearing capacity.
    - ii) Foundation and anchor design and soil conditions and specifications for the soil conditions at the site.
- 5) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the proposed Wind Energy System (Commercial/Industrial) including the name and address of the manufacturer and model.
- 6) Emergency and normal shutdown procedures.
- 7) Electrical drawings identifying all electrical components and in sufficient detail to establish that the installation conforms to all applicable electrical codes.
- 8) As necessary, all information and materials required by the Building Code, as adopted, for a complete Building Permit Application, as applicable.

- 9) **Erosion Control Plan(s).** Plans identifying proposed temporary and permanent erosion control measures.
- 10) **Construction Plan(s).** Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
- 11) A narrative, accompanied by necessary tables and other information, describing the proposed uses and construction sufficient to assist the Land Use Authority review the proposed site plan, and including:
  - a) A calculation, identifying all pervious and impervious areas.
  - b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.
- 12) **Proposed Mitigation Actions.** Actions and conditions, proposed by the Applicant, to mitigate any negative impacts of the proposed use or activity.
- 13) **Additional Information.** Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

**General Plan Amendment Application Requirements:**

- 1) A General Plan Amendment Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate the rationale and basis for the proposed General Plan Amendment.
- 3) Written statements identifying how the General Plan, as adopted, is in error or deficient, and how the proposed General Plan Amendment will correct any error or deficiency.
- 4) Additional Information. Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

**Land Use Ordinance Amendment Application Requirements:**

- 1) A Land Use Ordinance Amendment Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate the rationale and basis for the proposed Land Use Ordinance Amendment.
- 3) Written statements identifying how the Land Use Ordinance, as adopted, is in error or deficient, and how the proposed Land Use Ordinance Amendment will correct any error or deficiency.
- 4) Additional Information. Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Land Use Application.

**Reserved for Concept Subdivision Application Requirements:**

**Reserved for Preliminary Subdivision Application Requirements:**



**Reserved for Final Subdivision Application Requirements:**

### **Variance Application Requirements:**

- 1) A Variance Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by County Planner/Zoning Administrator plus six (6) copies of a 11 x 17 inch of a site plan clearly identifying the following:
  - a) The location and dimension of the property boundaries and all existing and proposed uses, and existing and proposed buildings or other structures located on the property.
  - b) The required setbacks for the Zoning District and exterior dimensions of any proposed buildings and structures.
  - c) The location of all roads and streets serving the site, or proposed to serve the site.
  - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- 3) All information and materials, as determined necessary by the Applicant, sufficient to identify and demonstrate what the Applicant considers to be an unreasonable hardship.
- 4) All information and materials, as determined necessary by the Applicant, to establish the required review standards for the approval of a Variance Application can be met, as provided by the Zoning Ordinance.
- 5) Additional Information. Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Variance Application.

**Determination of Legal Nonconforming Use or Legal Noncomplying Structure  
Application Requirements:**

- 1) A Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) One (1) copy of a site plan, drawn at a scale of 1 inch = 50 feet, or as required by the County Planner/Zoning Administrator plus six (6) copies of a 11 x 17 inch site plan clearly identifying the following:
  - a) The location and dimension of the property boundaries and all existing uses, buildings or other structures located on the property.
  - b) The date of the creation of the lot or parcel and the date of establishment of all uses, and the date of construction of all buildings or structures located on the property.
- 3) All information and materials, as determined necessary by the Applicant, to identify and demonstrate that a legal nonconforming use, noncomplying structure, or other legal nonconformity exists and complies with the requirements of the County's Land Use Ordinances, or their prior enactments. Information, materials, and other evidence provided should include the source of such information. The Applicant shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided and required by the Act.
- 4) Additional Information. Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Land Use Authority to decide the Determination of Legal Nonconforming Use or Legal Noncomplying Structure Application.

### **Appeal Application Requirements:**

- 1) An Appeal Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) All information and materials, as determined necessary by the Applicant, that the Applicant considers necessary for the Appeal Authority to review the Appeal Application.
- 3) The Applicant shall clearly identify and provide all materials the Applicant considers necessary to identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of a County Land Use Ordinance. (Only those decisions in which a Land Use Authority has applied the requirements of a Land Use Ordinance to a particular Land Use Application, person, lot, or parcel may be appealed to an Appeal Authority.) Information, materials, and other evidence provided shall include the source of such information. The Applicant shall have the burden of proof of establishing the existence of an error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of a County Land Use Ordinance.
- 4) Additional Information. Following review of the application by the County Planner/Zoning Administrator, or Land Use Authority, additional information may be required for the Appeal Authority to decide the Application.

### **Takings Review Application Requirements:**

All Takings Review Applications shall be filed with the County Planner/Zoning Administrator within thirty (30) calendar days from the date of the decision by a County Land Use Authority that gave rise to the concern that a constitutional taking may have occurred. All Takings Review Applications may include and provide the following information:

- 1) A Takings Review Application, signed by the property owner(s), or authorized agent of the property owner(s), and including the payment of all required application fees.
- 2) Takings Review Application shall be accompanied by the following information:
  - a) The date of the decision by a County Land Use Authority that is the subject of the Takings Review.
  - b) A detailed description of the grounds for the claim that there has been a constitutional taking.
  - c) A description of the property alleged to have been taken.
  - d) Evidence and documentation as to the value of the property alleged to have been taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of the property before and after the alleged constitutional taking, the name of the party from whom purchased, if applicable, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired.
  - e) The nature of the property interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.
  - f) Terms (including sale price) or any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application.
  - g) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
  - h) The assessed value of and ad valorem taxes paid on the property for the previous three (3) years.
  - i) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance

- and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.
- j) All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
  - k) All studies commissioned by the Applicant, or agents of the Applicant, within the previous three (3) years concerning feasibility of development or utilization of the property.
  - l) Itemized income and expense statements from the property for the previous three (3) years.
  - m) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
  - n) The BOCC, or their designee, may request additional information identified to be necessary, in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.
- 3) A Takings Review Application may not be deemed to be complete until the BOCC, or designee, certifies to the applicant that all the materials and information required above, have been received by the County. The BOCC, or designee, shall notify the applicant of any missing information and identifying the materials and information necessary to correct the incomplete application.