

**ZONING ORDINANCE
OF
BEAVER COUNTY**

April 1993

ZONING ORDINANCE UPDATE 6/2010

This certifies that the attached 1993 Beaver County Zoning Ordinance has been duly adopted by the Beaver County Commission by Resolution No. _____ dated _____, 1993.

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TABLE OF CONTENTS

| | |
|--|----|
| <u>CHAPTER 10.02 GENERAL PROVISIONS</u> | 1 |
| 10.02.010 Short Title | 1 |
| 10.02.020 Purpose. | 1 |
| 10.02.030 Interpretation. | 1 |
| 10.02.040 Conflict. | 1 |
| 10.02.050 Effect on Previous Ordinances and Maps. | 1 |
| 10.02.060 Definitions. | 2 |
| 10.02.070 Building Permit Required. | 18 |
| 10.02.080 Site Plans Required. | 18 |
| 10.02.090 Inspection. | 19 |
| 10.02.100 Enforcement. | 19 |
| 10.02.110 Nuisance and Abatement. | 20 |
| 10.02.120 Penalties. | 20 |
| 10.02.130 Amendments. | 20 |
| 10.02.140 Hearing and Publication and Notice before Amendment. | 21 |
| 10.02.150 Licensing. | 21 |
| 10.02.160 Fees. | 21 |
| 10.02.170 Severability. | 21 |
| | |
| <u>CHAPTER 10.03 PLANNING COMMISSION</u> | 21 |
| 10.03.010 Planning Commission, Number of Members, Appointment. | 21 |
| 10.03.020 Terms of Office. | 22 |
| 10.03.030 Vacancies and Removals for Cause. | 22 |
| 10.03.040 Compensation of Members and Secretary. | 22 |
| 10.03.050 Officers. | 22 |
| 10.03.060 Rules and Procedures. | 22 |
| 10.03.070 Quorum and Vote. | 22 |
| 10.03.080 Employees; Expenditures. | 23 |
| 10.03.090 Duties and Powers. | 23 |
| | |
| <u>CHAPTER 10.04 BOARD OF ADJUSTMENT</u> | 23 |
| 10.04.010 Appointment, Term and Removal. | 23 |
| 10.04.020 Organization and Meeting. | 23 |
| 10.04.030 Quorum. | 24 |
| 10.04.040 Powers of Board. | 24 |
| 10.04.050 Variances. | 26 |
| 10.04.055 Appeals. | 27 |
| 10.04.060 Notice of Hearing of Appeal - Right of Appearance. | 27 |
| 10.04.070 Stay of Proceedings Pending Appeal. | 27 |
| 10.04.080 Decision on Appeal. | 28 |

| | | |
|---|--|--------|
| 10.04.090 | Vote Necessary for Reversal. | 28 |
| 10.04.100 | Judicial Review of Board's Decision - Time | 28 |
| 10.04.110 | Time Limitation on Variance. | 28 |
| 10.04.120 | Filing Fee. | 28 |
| 10.03.130 | Compensation of Members and Secretary. | 28 |
| <u>CHAPTER 10.05 SUPPLEMENTARY AND QUALIFYING REGULATIONS</u> | | 29 |
| 10.05.010 | Effect of Chapter. | 29 |
| 10.05.020 | Substandard Lots at Time of Ordinance Passage. | 29 |
| 10.05.030 | Lot Standards. | 29 |
| 10.05.040 | Every Dwelling to be on a Lot - Exceptions. | 29 |
| 10.05.050 | Yard Space for One Building Only. | 29 |
| 10.05.060 | Sale or Lease of Required Space. | 30 |
| 10.05.070 | Sale of Lots Below Minimum Space Requirements. | 30 |
| 10.05.080 | Yards to be Unobstructed - Exceptions. | 30 |
| 10.05.090 | Area of Accessory Buildings. | 30 |
| 10.05.100 | Additional Height Allowed. | 30 |
| 10.05.110 | Exceptions to Height Limitations. | 30 |
| 10.05.120 | Minimum Height of Main Buildings. | 30 |
| 10.05.130 | Maximum Height of Accessory Buildings. | 30 |
| 10.05.140 | Clear View of Intersecting Streets. | 31 |
| 10.05.150 | Maximum Height of Fences, Walls, and Hedges. | 31 |
| 10.05.160 | Water and Sewer Requirements. | 31 |
| 10.05.170 | Curbs, Gutters and Sidewalks. | 31 |
| 10.05.180 | Lots and Buildings on Private Streets - Special Provisions | 32 |
| 10.05.181 | Lots and Buildings on Public Streets - Special Provisions | 32 |
| <u>CHAPTER 10.06 NONCONFORMING USES</u> | | 32 |
| 10.06.010 | Maintenance Permitted. | 32 |
| 10.06.020 | Repairs and Maintenance. | 32 |
| 10.06.030 | Extension, Alteration, and Expansion. | 32 |
| 10.06.040 | Alterations Where Parking Insufficient. | 32 |
| 10.06.050 | Restoration of Damaged Buildings. | 32 |
| 10.06.060 | One Year Vacancy. | 33 |
| 10.06.070 | Continuation of Use. | 33 |
| 10.06.080 | Occupation Within One Year. | 33 |
| 10.06.090 | Change of Use. | 33 |
| 10.06.100 | Nonconforming Use of Land. | 33 |
| <u>CHAPTER 10.07 OFF-STREET PARKING REQUIREMENTS</u> | | 33 |
| 10.07.010 | Off-Street Parking Required. | 33 |

| | | |
|----------------------|---|----|
| 10.07.020 | Size. | 33 |
| 10.07.030 | Access to Individual Parking Space. | 34 |
| 10.07.040 | Number of Parking Spaces. | 34 |
| 10.07.050 | Access Requirements. | 35 |
| 10.07.060 | Location of Gasoline Pumps. | 35 |
| 10.07.070 | Maintenance of Parking Lots. | 35 |
| | | |
| <u>CHAPTER 10.08</u> | <u>CONDITIONAL USES</u> | 36 |
| 10.08.010 | Purpose. | 36 |
| 10.08.020 | Conditional Use Requirement. | 36 |
| 10.08.030 | Application. | 36 |
| 10.08.040 | Conditional Uses for Agricultural and Commercial Operations. | 37 |
| 10.08.050 | Development Plan. | 37 |
| 10.08.060 | Fee. | 37 |
| 10.08.070 | Public Hearing. | 38 |
| 10.08.080 | Determination. | 38 |
| 10.08.090 | Publication. | 39 |
| 10.08.100 | Appeal of Decision. | 39 |
| 10.08.110 | Inspection. | 39 |
| 10.08.120 | Revocation of Conditional Use Permit. | 39 |
| 10.08.130 | Transfer of Conditional Use Permit. | 40 |
| 10.08.140 | Temporary Construction Camp. | 40 |
| 10.08.150 | Temporary Worker Housing Facilities. | 40 |
| | | |
| <u>CHAPTER 10.09</u> | <u>PLANNED UNIT DEVELOPMENT</u> | 41 |
| 10.09.010 | Purpose. | 41 |
| 10.09.020 | Definition. | 41 |
| 10.09.030 | Planned Unit Development Permit. | 41 |
| 10.09.040 | Required Conditions. | 41 |
| 10.09.050 | Permitted Uses. | 43 |
| 10.09.060 | General Site Plan. | 43 |
| 10.09.070 | Review by Planning Commission. | 43 |
| 10.09.080 | Scope of Planning Commission Action. | 44 |
| 10.09.090 | Construction Limitations. | 44 |
| | | |
| <u>CHAPTER 10.10</u> | <u>MOBILE HOMES AND MOBILE HOME PARKS</u> | 45 |
| 10.10.010 | Purpose. | 45 |
| 10.10.020 | Approval. | 45 |

| | | |
|---|---|----|
| 10.10.030 | Application. | 46 |
| 10.10.040 | Manufacture and Modular Housing | 47 |
| <u>CHAPTER 10.11 TRAVEL TRAILERS AND TRAVEL TRAILER PARKS</u> | | 49 |
| 10.11.010 | Purpose. | 49 |
| 10.11.020 | Location and Use. | 49 |
| 10.11.030 | Approval. | 50 |
| 10.11.040 | Application. | 51 |
| <u>CHAPTER 10.12 PERFORMANCE STANDARDS</u> | | 51 |
| 10.12.010 | Purpose. | 51 |
| 10.12.020 | General Provisions. | 51 |
| 10.12.030 | Performance Standards Procedure. | 52 |
| <u>CHAPTER 10.13 CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS.</u> | | 52 |
| 10.13.010 | Requirements | 52 |
| <u>CHAPTER 10.14 SIGNS</u> | | 52 |
| 10.14.010 | Signs Allowed. | 52 |
| 10.14.020 | Construction. | 53 |
| 10.14.030 | Illumination. | 53 |
| 10.14.040 | Location of Signs. | 53 |
| 10.14.050 | Roof Signs. | 54 |
| <u>CHAPTER 10.15 ZONES</u> | | 54 |
| 10.15.010 | Establishment of Zoning Districts. | 54 |
| 10.15.020 | Rules for Locating Boundaries. | 54 |
| <u>CHAPTER 10.16 MULTIPLE USE DISTRICT (MU-20)</u> | | 55 |
| 10.16.010 | Purpose. | 55 |
| 10.16.020 | Permitted Uses. | 55 |
| 10.16.030 | Conditional Uses. | 55 |
| 10.16.040 | Area Regulations. | 57 |
| 10.16.050 | Width, Frontage, Yard, and Height Regulations. | 57 |
| 10.16.060 | Qualifying Regulations. | 57 |

| | |
|--|----|
| <u>CHAPTER 10.17 AGRICULTURAL DISTRICT (A)</u> | 59 |
| 10.17.010 Purpose. | 59 |
| 10.17.020 Permitted Use. | 59 |
| 10.17.030 Conditional Uses. | 59 |
| 10.17.040 Height Regulations. | 61 |
| 10.17.050 Area, Width, and Yard Regulations. | 61 |
| 10.17.060 Qualifying Regulations. | 61 |
| | |
| <u>CHAPTER 10.18 RESIDENTIAL ESTATES DISTRICT (RE)</u> | 62 |
| 10.18.010 Purpose. | 62 |
| 10.18.020 Permitted Uses. | 62 |
| 10.18.030 Conditional Uses. | 63 |
| 10.18.040 Height Regulations. | 63 |
| 10.18.050 Area, Width, and Yard Requirements. | 64 |
| 10.18.060 Modifying Regulations. | 64 |
| 10.18.070 Other Provisions. | 64 |
| | |
| <u>CHAPTER 10.19 RESIDENTIAL DISTRICT (R)</u> | 64 |
| 10.19.010 Purpose. | 64 |
| 10.19.020 Permitted Uses. | 64 |
| 10.19.030 Conditional Uses | 65 |
| 10.19.040 Height Regulations. | 66 |
| 10.19.050 Area, Width, and Yard Regulations. | 66 |
| 10.19.060 Modifying Regulations. | 66 |
| | |
| <u>CHAPTER 10.20 FOREST/RECREATION RESIDENTIAL DISTRICT (FR)</u> | 67 |
| 10.20.010 Purpose. | 67 |
| 10.20.020 Permitted Uses. | 67 |
| 10.20.030 Conditional Uses. | 67 |
| 10.20.040 Height Regulations. | 68 |
| 10.20.050 Area, Width, and Yard Regulations. | 68 |
| 10.20.060 Modifying Regulations. | 68 |
| | |
| <u>CHAPTER 10.21 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)</u> | 69 |
| 10.21.010 Purpose. | 69 |
| 10.21.020 Permitted Uses. | 69 |
| 10.21.030 Conditional Uses. | 69 |
| 10.21.040 Height Regulations. | 71 |

| | | |
|--|--|-----|
| 10.21.050 | Area, Width, and Yard Regulations. | 71 |
| 10.21.060 | Modifying Regulations. | 71 |
| <u>CHAPTER 10.22 COMMERCIAL AND INDUSTRIAL DISTRICTS</u> | | 72 |
| 10.22.010 | Purpose | 72 |
| 10.22.020 | Codes and Symbols: | 73 |
| 10.22.030 | Use Regulations: | 73 |
| 10.22.031 | Qualifying Regulations. | 89 |
| 10.22.040 | Height Regulations. | 89 |
| 10.22.050 | Area, Width, Frontage, Yard and Coverage Regulations | 90 |
| 10.22.060 | Improvements Required to be Completed or in Progress Before a Building Permit May Be Issued. | 90 |
| 10.22.070 | Special Conditional Use Requirements for Manufacturing and Business Park: | 91 |
| <u>CHAPTER 10.23 PLANNED DISTRICT ZONE (P)</u> | | 93 |
| 10.23.010 | Purpose | 93 |
| 10.23.020 | Use Regulations | 93 |
| 10.23.030 | Permitted Uses | 93 |
| 10.23.040 | Conditional Uses | 93 |
| 10.23.050 | Site Design Regulations | 94 |
| 10.23.060 | Height Regulations | 94 |
| 10.23.070 | Area Width and Yard Regulations | 94 |
| <u>CHAPTER 10.24 AIRPORT INFLUENCE DISTRICT, (AI)</u> | | 94 |
| <u>CHAPTER 10.25 SENSITIVE AREA DISTRICT, (SA)</u> | | 106 |
| 10.25.010 | Purpose and Intent. | 106 |
| 10.25.020 | Permitted Uses. | 106 |
| 10.25.030 | Conditional Uses. | 106 |
| <u>CHAPTER 10.26 (FLOODPLAIN OVERLAY) DISTRICT (FP)</u> | | 106 |
| 10.26.010 | Purpose. | 106 |
| 10.26.020 | Definitions. | 107 |
| 10.26.030 | General Provisions | 110 |
| 10.26.040 | Administration. | 111 |
| 10.26.050 | Provisions for Flood Hazard Reduction. | 112 |

| | | |
|-----------|--|-----|
| 10.26.060 | Floodways | 115 |
| 10.26.070 | Mud Slide (i.e., Mud Flow) - Prone Areas. | 115 |
| 10.26.075 | Flood-Related Erosion-Prone Areas. | 116 |
| 10.26.080 | Appeals and Variances. | 117 |

CHAPTER 10.02 GENERAL PROVISIONS

10.02.010 Short Title

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

10.02.020 Purpose.

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Beaver County, including, among other things, the lessening of congestion of the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classifying land uses and distributing land development and protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development.

10.02.030 Interpretation.

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

10.02.040 Conflict.

This Ordinance shall not nullify the more restrictive provisions, covenants, agreements, ordinances or laws that affect land or land use under this ordinance, but shall prevail notwithstanding such provisions which are less restrictive.

10.02.050 Effect on Previous Ordinances and Maps.

The existing zoning ordinances covering zoning, including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings, and to questions as to the dates upon which such uses or buildings, became conforming or nonconforming.

10.02.060 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure" and the word "structure" shall include the word "building"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be leased; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot or parcel.

- (1) Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (2) Agriculture. The science and art of raising and producing plants and animals useful to man and/or industry, including the preparation of plants and animals for human use and disposal by marketing or otherwise. Agriculture shall include but not be limited to: forages and sod crops; grain and feed crops; dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats; the breeding, grazing, raising, producing and marketing of any or all such animals; bees, fur animals, trees, fruits of all kind, including grapes, nuts and berries; vegetables, nursery, floral and ornamental stock; or when devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a cropland retirement program under an agreement with an agency of the state or federal government.
- (3) Agricultural Industry or Business. An industry or business involving agricultural or agricultural products in manufacturing, processing, treatment, sales, feeding or storage, including but not limited to animal feed yards or facilities, fur farms, food processing or processing plants, water processing or processing plants, commercial livestock, poultry or egg production and similar uses as determined by the Planning Commission.
- (4) Airport. Any area of land designed and set aside for the landing and taking off of aircraft plus maintenance and auxiliary facilities and buildings for maintenance.
- (5) Alley. A public access way, less than twenty-six (26) feet in width, but not less than twelve (12) feet, which is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street, for the purpose of this Ordinance.
- (6) Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- (7) Animal Waste. The excrement and discharge from an animal, or animal carcasses, tissues or any other substance or material capable of transmitting disease or disease carrying agents.

- (8) Apartment, Hotel, Motel. Any building which contains dwelling units and also satisfies the definition of a hotel or motel.
- (9) Architectural Projection. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a structure, but not including signs.
- (10) Automobile or Trailer Sales Area. An open area used for display, sale, or rental of new or used vehicles or trailers in operable condition and where no repair work is done.
- (11) Automobile Service Station. A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major automobile repair.
- (12) Basement. A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side yard determination.
- (12a) Bed and Breakfast. An owner-occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and Breakfast may have no more than five (5) guest rooms or serve no more than ten (10) guests per night and must be located to be served by adequate existing public services, specifically fire hydrant location. Must provide off street parking at one (1) per guest room and shall be surfaced with asphaltic or portland cement or other binder pavement so as to provide a dustless surface. Parking to be graded so as to dispose of all surface water.
- (13) Beginning of Construction. The placing of concrete footing for a building or structure.
- (14) Bench Mark. A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.
- (15) Board of Adjustments. A five (5) member board appointed by the Beaver County Commission as provided in this ordinance to hear appeals by any person aggrieved by his/her inability to obtain a building permit under this ordinance or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance.

- (16) Boarding House. A building with not more than five (5) guest rooms where, for compensation, meals are provided for not more than fifteen (15) persons.
- (17) Body and Fender Shop. A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame or fenders, and including rebuilding.
- (17a) Bulk LPG Facility. Means any facility at a fixed location whose activities include filling, refilling, or commercial handling or commercial storage of LPG for distribution by truck to consumers for use. Does not allow retail sale to the public.
- (18) Buildable Area. The portion of a lot remaining after setbacks have been provided.
- (19) Building. Any structure used or intended to be used for the shelter, or enclosure, of persons, animals, or property.
- (20) Building, height of. The vertical distance from the average finished grade surface to the highest point of any building roof or coping.
- (21) Building Official. The official designated by the County Commission as the Beaver County Building Inspector. The Building Official may also be the County Zoning Administrator, if so designated.
- (22) Building, Main. The principal building or one (1) of the principal buildings upon a lot, or the building or one (1) of the buildings housing a principal use upon a lot.
- (23) Building, Public. A building owned and/or operated by a public entity or public agency or intended to be used by the public.
- (24) Carport. A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all regulations prescribed for a private garage.
- (25) Campground. A parcel of land designated and approved by the County for occupancy by persons using tents, trailers, motor homes or campers on a temporary basis regulated by this Ordinance.
- (26) Cellar. A room or rooms wholly under the surface of the ground or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.
- (27) Child Nursery. An establishment, excluding a public school, for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.

- (28) Church. A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.
- (29) Clinic, Dental or Medical. A building in which a group of dentists, physicians, and related professionals and their staff are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operating rooms for major surgery.
- (30) Club, Private. An organization, group, association or corporation supported by the members thereof, the sole purpose of which is to render service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.
- (31) Conditional Use. A land use that because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (32) Condominium. An ownership structure established in accordance with the Utah Condominium Act.
- (33) Convenience Store. A one-story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchased only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Circle K," "7-11" and "Maverick" chains.
- (34) Commission. Unless otherwise indicated, the County Commission of Beaver County, Utah.
- (35) Corral. A space other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.
- (36) Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is surrounded on three (3) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.
- (37) Coverage, Building. The percent of the total site area covered by buildings.

- (38) Cul-de-sac. A minor street having an open end and being terminated at the other end by a vehicle turnaround.
- (39) Dairy. A commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.
- (40) District. A portion of the area of Beaver County, Utah shown on a Zoning Map (attached to this Zoning Ordinance) and given a zone classification as set forth in this Ordinance.
- (41) Division of Agricultural Land for Agricultural Purposes. A bona fide division or partition of agricultural land into three or more parcels of not less than six (6) acres of land for agricultural purposes as defined herein.
- (42) Driveway. A private entrance, the use of which is limited to persons residing, employed or otherwise using or visiting the premises on which the driveway is located.
- (43) Dwelling. Any building or portion thereof designed or used primarily as a residence or sleeping place of one or more family members, but not including a tent, travel trailer, hotel, motel, hospital, or nursing home.
- (44) Dwelling, Mobile Home. See "Mobile Home".
- (45) Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- (46) Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- (47) Dwelling, Group. A group of two (2) or more detached buildings used as dwellings.
- (48) Dwelling, Multiple-family. A building arranged or designed to be occupied by more than two (2) families.
- (49) Dwelling Unit. One (1) or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one (1) family.
- (50) Easement. The acquired private or public right-of-way, use or enjoyment which one (1) or more persons may have in the land of another.
- (51) Elderly Person. A person who is 60 years or older who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

- (51a) Electric Substation. An assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity in amounts of one hundred fifteen thousand volts or more.
- (51b) Electric transmission line. A series of three or more structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transit electric energy in voltages or one hundred fifteen thousand volts or more.
- (51c) Energy related products. Oil, Gas, Steam, & Geothermal Resources.
- (52) REMOVED
- (53) Family. An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.
- (54) Family Food Production. The keeping of not more than one (1) horse, one (1) cow, two (2) sheep, one (1) pig, two (2) goats, twenty (20) rabbits, twenty-five (25) chickens, fifty (50) pheasants, ten (10) turkeys, ten (10) ducks, ten (10) geese, and twenty (20) pigeons, provided that an additional number of animals equal to two (2) times the number listed above and an additional number of fowl equal to five (5) times the number listed above may be kept in each one-half acre in the lot over and above the minimum number of square feet required for a single-family residential lot in the zone and provided that not more than three (3) of the above-listed kinds of animals and fowl are permitted at any one time on any lot smaller than one (1) acre.
- (55) Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, i.e. an enclosure for a dwelling unit, an area of storage, etc.
- (56) Floor Area. Area included within surrounding walls of a building, or portion thereof, exclusive of vents, shafts and courts.
- (57) Flood Hazard. A hazard to land or improvements due to inundation.
- (58) Forest Industry. An industry which uses forest products, such as sawmill, pulp or paper plant, wood products, plant, and similar uses.
- (59) Forestry. The raising and harvesting of trees, including retail sales, the storing, processing and selling of firewood, fence posts and Christmas trees.
- (59a) Foster Care. Accommodation provided children under the age of eighteen (18) in a dwelling unit licensed by the Utah Division of Family Services for either (a) basic, (b)

specialized, or (c) structured care, standards for the same being known to the County. Accommodation provided children in a dwelling unit licensed by any agency or organization other than the Division of Family Services shall not automatically be considered to be foster care, but must obtain a conditional use permit as a group home in order give the County opportunity to review the placement and applicable standards of the placing organization.

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

(61) Garage, Private. A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers or boats, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles, trailers or boats for each dwelling unit on the premises.

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

(63) Garage, Repair. A structure or portion thereof other than a private garage, used for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor repairs or overall automobile or truck painting.

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

(65) Grade.

- a. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b. For buildings adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.
- d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

(66) Handicapped Person. A person who:

a. Has a severe, chronic disability attributable to mental or physical impairments, that is likely to continue indefinitely and that results in a substantial functional limitation in three or more of the following areas of major life activity:

1. capacity for independent living;
2. Economic self-sufficiency;
3. learning;
4. mobility;
5. receptive and expressive language;
6. self-care;
7. self-direction; and

b. Requires a combination or sequence to special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

(67) Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

(68) Home Occupation. Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, said use occupying no more than twenty-five (25) percent of the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not normally associated with residential use. Home occupation may include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional person for consultation or emergency treatment, but not for the general practice of his trade or profession. Home occupation shall include the care of not more than six (6) children other than members of the family residing in the dwelling. In all cases where a home occupation is engaged in, there shall be no on premise advertising of said occupation, no window displays, or signs and no permanent employees other than family members.

(69) Hospital. An institution for the diagnosis, treatment and care of human illness or infirmity, including sanitariums and clinics.

(70) Hotel. A building that furnishes lodging, food, etc. to travelers or other guests, for compensation.

(71) Household Pets. Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, but not including a sufficient number of dogs to

constitute a kennel, as is defined in this Ordinance, but not including the keeping of normally dangerous animals, such as lions, tigers, or bears.

(72) Intensive Livestock Operation. Any location or operation where livestock are kept in such weight or number as to require a pollution discharge elimination system permit or a groundwater discharge permit or for which any federal or state permit is required for the protection of surface water or groundwater or for pollution control.

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

(74) Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris or other waste or salvage materials; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

(75) Junk Yard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or other scrap, discarded material or junk; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

(76) Kennel. Any premises where three (3) or more dogs older than four months are kept.

(77) Livestock. Cattle, sheep, goats, swine, horses, mules, poultry, or any other domestic animals.

(78) Livestock Feed Yard. A commercial operation on a parcel or parcels of land where livestock are kept in places such as, but not limited to corrals, structures, and yards.

(79) Local Attorney. The County Attorney or a deputy county attorney who represents Beaver County.

(80) Local Building Inspector. The Beaver County Building Inspector; also the zoning enforcement officer.

(81) Local Engineer. The engineer employed by or officially representing Beaver County.

(82) Local Health Officer. The health officer or department employed by or officially representing Beaver County.

(83) Local Jurisdiction. The County of Beaver.

(84) Lodging House. A building where lodging only is provided for compensation to at least three (3) but not more than fifteen persons, but not including motels or hotels.

- (85) Lot. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership; or a unit of land shown as a lot or parcel on a recorded subdivision map; or a unit of land shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.
- (86) Lot Coverage. Lot coverage shall be calculated by taking the ground area of the main and accessory buildings and dividing that total by the area of the lot.
- (87) Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- (88) Lot, Interior. A lot other than a corner lot.
- (89) Lot, Depth. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.
- (90) Lot Line. Property lines bounding the lot.
- (91) Lot, Restricted. Any lot having particular problems in size, slope, contour or space requiring special action of the Board of Adjustment.
- (92) Lot, Width. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.
- (93) Mobile Home. A detached single-family dwelling unit not less than sixty (60) feet long, designed for long-term occupancy and to be transported on its own wheels, or on flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work; removal of such wheels or placing such dwelling unit on a foundation shall not remove the unit from the mobile home category, unless the building meets the dwelling standards of the Building Code.
- (94) Mobile Home Lot. A lot within a mobile home park or subdivision, designed and to be used for the accommodation of one mobile home.
- (95) Mobile Home Park. Any plot of ground upon which three (3) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.
- (96) Mobile Home Space. Space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

- (97) Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be occupied by mobile homes exclusively.
- (98) Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site.
- (99) Motel. A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
- (100) Natural Waterways. Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the County Engineer, in which no buildings should be constructed.
- (101) Non-conforming Building or Structure. A building or structure which does not conform to the regulations for height, coverage or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its construction.
- (102) Non-conforming Use. The use of land that: legally existed before its current zoning designation; has been maintained continuously since the time the zoning regulation governing the land changed; and because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.
- (103) Nursing Home. An institution, other than a hospital, for the care of human illness or infirmity whereby the care, rather than diagnosis or treatment of the illness or infirmity, constitutes the principal function. The term "nursing home" shall also include "rest home" and convalescent home."
- (104) Off-site Facilities. Improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.
- (105) Open Space. Space reserved in parks, courts, playgrounds, golf courses and other similar open areas, and those areas reserved to meet the density requirements of Planned Unit Development.
- (106) 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 accommodation for clients or customers.
- (107) Parking Space. A permanently surfaced area, enclosed or un-enclosed, for the parking of one (1) motor vehicle.

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

(108a) Petroleum Refining. An industrial process plant where crude oil is processed and refined into petroleum products, such as gasoline, diesel fuel and other products.

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

(110) Planned Unit Development. An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

(111) Planning Commission. The Beaver County Planning Commission.

(111a) Public use. Is a use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities and public utilities, including water and sewer lines and facilities, gas and electricity lines and facilities but excluding prisons and animal control facilities.

(112) Public Utilities. Common carriers, pipeline corporations, gas corporations, electrical corporations, telephone corporations, telegraph corporations, water corporations and other similar corporations or cooperatives where service is performed and/or a commodity delivered to the public or any portion thereof.

(113) Reasonable notice. The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three public places within the jurisdiction and notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction, if one is available, or if actual notice of the hearing or meeting is given.

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

(115) Recreational Vehicle Park. An area or tract of land or a designated section within a mobile home park where lots are rented or held for rent to one (1) or more owners or users of recreational vehicles for a temporary time not to exceed one hundred twenty (120) days.

(116) Sanitary Landfill. An area set aside that meets all federal and state laws for the disposal of solid waste.

(117) Setback. The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

(118) Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

(119) Sign, Animated. A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

(120) Sign, Advertising. A sign which advertises a business, profession, commodity, service, or entertainment conducted, sold, or offered other than on the premises where the sign is displayed, or a sign in which more than twenty-five (25) percent of the area of the sign is devoted to advertising a use or product which does not constitute the principal activity or product of the establishment of the premises.

(121) Sign, Area. The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one exposed exterior surface; should the sign have more than one surface, the sign area shall be the aggregate of all surfaces measured as above.

(122) Sign, Business. A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold, or manufactured upon the same lot. A sign advertising a particular product or line of products sold on the premises but not constituting the principal activity of the establishment may be included, provided that not more than twenty-five (25) percent of the area of the sign is devoted to such advertising.

(123) Sign, Freestanding. A sign located directly on the ground, or on any support other than a building, whether or not the principal purpose of such support is to display the sign.

(124) Sign, Identification and Information. A sign displayed to indicate the means or nature of a building, or of a use.

(125) Sign, Illuminated. A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

(126) Sign, Marquee. Any sign added to or made an integral part of a marquee.

(127) Sign, Protecting Wall. A sign which is affixed to an exterior wall or structure and which projects more than eighteen inches from the building or structure wall, and which

does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

(128) Sign, Residential. A sign which gives notice of the name or the address of a residential building, the name or occupation of the resident thereof, or conditions of use of parking facilities serving a residential use.

(129) Sign, Wall, Flat. A sign affixed to or painted on the wall of a building in such a manner that the surface of the sign is parallel with the prevailing surface of the wall upon which the sign is displayed, and which does not project beyond such surface more than ten (10) inches, nor above the roof or cornice line of such building.

(130) Site Plan. A plan containing the information required by Section 10.02.080 herein.

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

(132) Story. That portion of a building included between the surface of any floor and the floor or ceiling next above it.

(133) Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor next immediately below it, provided, however, that any partial story used for one (1) or more dwelling units shall be deemed a full story.

(134) Street, Public. A thoroughfare which has been dedicated or abandoned to the public and accepted by a proper public authority, or a thoroughfare not less than twenty-five (25) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

(135) Street, Private. A right-of-way or easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites.

(136) Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground.

(137) Subdivision.

a. "Subdivision" means any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other divisions of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

b. "Subdivision" includes the division or development of land whether by deed, meets and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

c. "Subdivision" does not include a bona fide division or partition of agriculture land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing or industrial purposes.

(138) Swine Husbandry Unit. A planned structure or group of structures used or designed for use in breeding, raising, slaughtering, processing or marketing swine, whether for research or commercial purposes, where more than twenty thousand (20,000) pounds of swine are maintained.

(138a) Telecommunication site/facility. Means facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment which has an effective radiated power of one hundred watts or less. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

(139) Travel, Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreational/vacation uses, which is not more than eight (8) feet wide.

(140) Travel, Trailer Park. Any area where one or more travel trailer lots are rented for a relatively short-term occupancy to users of travel trailers or recreational vehicles.

(141) Troubled Youth. A person under the age of eighteen (18) years who:

a. is dysfunctional as the result of psychological and/ or attitudinal conditions evidenced by a pattern of social adjustment difficulties, unlawful activities, disruptive behavior, or a combination of each, to a degree that has caused an agency of the State of Utah or Beaver County to intervene by ordering the physical separation of that person from a previous environment coupled with a process of rehabilitation, informal or otherwise; and

b. is ordered to reside in a residential care facility or similar residential setting as the consequences of his/her own actions and behavior and not because of the actions or behavior of parents or others; and

c. is determined by the Utah Division of Family Services as being in need of "structured care" as defined by the categories and standards of that agency. [Section 10.02.060 (141) added 5-4-98, amended 7-6-98]

(142) Truck Stop. An occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted automobile service stations.

(143) Use, Accessory. A use subordinate and incident to the main use of a building or land located upon the same lot or parcel.

(144) Veterinary or Animal Hospital. A building or group of buildings together with runs, where large and/or small animals are kept and/or treated by a licensed veterinarian.

(144a) Waste Tire. Means a pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage or defect.

(144b) Waste Tire Processing Facility. Means a site used for the shredding, slicing, producing, or manufacturing of usable materials from waste tires including incidental temporary storage activity. Processing does not include the retreading of waste tires or the burning of tires or the waste from tires.

(145) Yard. A required open space on a lot, other than a court, which open space is unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

(146) Yard, Front. A space on the same lot with a building, between the front line of a building 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.

(147) Yard, Rear. A space on the same lot with a building, between the rear line of the building and the rear lot line, extending across the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

(148) Yard, Side. A space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. the "width" of the side yard is the minimum distance between the side lot line and the side line of the building.

(149) Zone. See "District".

(150) Zoning Ordinance. The Beaver County Zoning Ordinance.

10.02.070 Building Permit Required.

The construction, alteration, repair, or removal of any building or structure, or any part thereof, as provided or as restricted in this Ordinance, shall not be commenced until the Building Inspector has issued the appropriate permit. If work is not started on a structure or building within 180 days from issuance of a permit, a new permit will be required.

(1) Pursuant to the issuance of a building permit in Beaver County, the applicant shall submit to the Building Inspector evidence of having an approved culinary water supply and an approved method of waste disposal. Both the water supply and the method of waste disposal shall be approved in writing by the County Health Department prior to the issuance of a building permit. Applicants that meet County Health Department standards for an approved culinary water supply and an approved method of human waste disposal shall be given a permit or other certificate by the County Health Department evidencing compliance with such County Health Department standards.

(2) Setbacks in all zoning districts are as described in such district, plus twenty three feet for future road improvements, as determined by the Board of County Commissioners.

10.02.080 Site Plans Required.

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

- (1) Note of scale used.
- (2) Direction of north point.
- (3) Lot lines, together with adjacent streets, roads, and rights-of-way.
- (4) Location of all existing structures on subject property and adjoining properties (completely dimensioned including utility lines, poles, etc.)
- (5) Location of the proposed construction and improvements including the location and dimensions of all signs.
- (6) Motor vehicle access, including individual parking spaces, circulation patterns, curb, gutter, and sidewalk location.
- (7) Necessary explanatory notes.
- (8) Name, address, and telephone number of builder and owner.
- (9) All other information that may be required as is determined by the Building Inspector.

10.02.090 Inspection.

The Building Inspector is hereby authorized to inspect or to cause to be inspected all buildings and structures in the course of construction, modifications or repair and to inspect land

uses to determine compliance with the provisions of the Zoning Ordinance. The Building Inspector or any authorized employee of Beaver County shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; provided, that such entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court of competent jurisdiction.

10.02.100 Enforcement.

(1) Enforcement. The Zoning Enforcement Official appointed by the Board of County Commissioners is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. It shall be the duty of Zoning Enforcement Official, peace officers or Building Inspector to enforce the provisions of this Ordinance. The Zoning Enforcement Official, in addition to certified peace officers, shall have authority to issue citations as provided under the Utah Criminal Code for violations of any provision of this Ordinance.

(2) Filing of Complaints. Any person discovering a violation of this Ordinance may file a written complaint with the Zoning Enforcement Official stating fully the facts supporting the alleged violation. The Zoning Enforcement Official shall promptly record such written complaint and investigate and undertake appropriate enforcement action. The Zoning Enforcement Official may be assisted by law enforcement personnel, the Building Inspector or other departments of Beaver County.

(3) Relationship to Other Ordinances. No business license, building permit, occupancy permit, street encroachment permit, health permit, water connection, sewer connection or other permits, licenses or services provided by Beaver County shall be granted to any person whose use of land, use of structures or whose construction of buildings or other structures is in violation of this Ordinance, except those uses for which a valid order of the Board of Adjustment or a court of competent jurisdiction has been issued.

(4) Violation Under Previous Ordinances. The adoption of this Ordinance shall not void or abate any violations occurring under the Beaver County Zoning Ordinance as heretofore in effect, nor any prior zoning ordinance providing for zoning of property within Beaver County, nor shall it affect any debt or fee which has accrued, any debt imposed, any penalty incurred, any action or proceeding commenced under or by virtue of such ordinances.

(5) Extraordinary Remedies. Beaver County, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions or proceedings to prevent, enjoin, abate or remove the unlawful building, use or act carried on in violation of this Ordinance.

10.02.110 Nuisance and Abatement.

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

10.02.120 Penalties.

Violation of any of the provisions of this Ordinance shall, upon conviction, be punishable as a Class "C" Misdemeanor. Each day of knowing violation of any provision of this Ordinance shall be a separate offense.

10.02.130 Amendments.

The County Commission may from time to time amend the number, shape, boundaries or areas of any district, or any regulation or any other provision of the Zoning Ordinance, but any such amendment shall not be made or become effective until the same shall have been proposed by or be first submitted to the Planning Commission for its recommendation.

In the case of an application by a property owner or other citizen for an amendment, the County Planning Commission and/or the Board of County Commissioners, as a pre-requisite to the consideration of such application, may require that such applicant, at the applicant's expense, furnish to such Commission and/or Board title evidence, in such form as such Commission or Board may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and may also require that notice of such proposed amendment be given to all parties claiming an interest in such property.

10.02.140 Hearing and Publication and Notice before Amendment.

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon. Reasonable notice of the public hearing shall be given at least fourteen (14) days before the date of hearing.

10.02.150 Licensing.

All departments, officials and public employees of Beaver County which are vested with duty or authority to issue permits or licenses shall comply with the provisions of this Ordinance and shall not issue a permit or license for uses, buildings, or purposes where the same would be in

conflict with the provisions of this Ordinance, and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

10.02.160 Fees.

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

10.02.170 Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such holding shall not effect the validity of the remaining portion or portions of this Ordinance.

CHAPTER 10.03 PLANNING COMMISSION

10.03.010 Planning Commission, Number of Members, Appointment.

The Beaver County Planning Commission shall consist of seven (7) members appointed by the chairman of the Board of County Commissioners with the advice and consent of the Beaver County Board of County Commissioners. All applications for appointment to the Planning Commission shall be reviewed by the Planning Commission prior to submission to the Board of County Commissioners. The seven (7) members of the Planning Commission shall be residents of Beaver County, and the owner of real property situated within the county.

10.03.020 Terms of Office.

The terms of appointed members of the Beaver County Planning Commission shall be three (3) years, and until their respective successors have been appointed. Provided, that the term of the members of the first Planning Commission so appointed shall be such that the terms of two (2) members shall expire each year.

10.03.030 Vacancies and Removals for Cause.

The Board of the Beaver County Commissioners shall provide for the filling of vacancies in the membership of the Planning Commission and for the removal of a member for non-performance of duty or misconduct.

10.03.040 Compensation of Members and Secretary.

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

10.03.050 Officers.

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

10.03.060 Rules and Procedures.

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

10.03.070 Quorum and Vote.

A quorum shall consist of four (4) members. Evidence shall not be presented unless a quorum is present. A majority vote shall consist of at least a majority of members present.

10.03.080 Employees; Expenditures.

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

10.03.090 Duties and Powers.

The Planning Commission shall have the duty to exercise all powers and functions conferred upon it by the statutes of the State of Utah and the ordinances of Beaver County relating to planning and zoning, including the granting of special exceptions, and the approval of conditional use permits as provided herein.

CHAPTER 10.04 BOARD OF ADJUSTMENT

10.04.010 Appointment, Term and Removal.

The Beaver County Board of Adjustment shall consist of five (5) members, each to be appointed by the Chairperson or Executive Officer of the Board of County Commissioners with the advice and consent of the legislative body. Each member shall serve a term of five (5) years, provided that the term of the members of the first board so appointed shall be such that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant in the same manner as in the case of original appointments. One (1) member, but not more than one (1), of the Planning Commission shall be a member of the Board of Adjustment. The Board of County Commissioners may appoint alternate members of such board, and due to absence from the County, illness, interest in a case before the board or any other cause, his or her place may be taken during such temporary disability by an alternate member designated for that purpose. Provided no more than two (2) alternate members may sit at any meeting of the Board of Adjustment at one time.

10.04.020 Organization and Meeting.

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

10.04.030 Quorum.

A quorum shall consist of four (4) members of the board, and no evidence shall be presented unless a quorum is present.

10.04.040 Powers of Board.

The Beaver County Board of Adjustment shall hear and decide the following:

- (1) Appeals from Zoning decisions applying the zoning ordinance;
- (2) Special exceptions to the terms of the zoning ordinances;
- (3) Variances from the terms of the zoning ordinance; and

(4) Determinations of non conforming buildings and uses:

a. To permit the enlargement of, addition to, or relocation of a building or structure, nonconforming as to use regulations, as follows:

1. For a nonconforming use located in a residential zone the enlargement, addition or relocation shall either: (i) comply with all the height, yard and area requirements for a single-family dwelling in the zone in which the nonconforming building is located, or (ii) the proposed enlargement, addition or relocation will either (a) improve the area by increasing the off street parking, or (b) improve the general appearance, convenience or safety of the area.
2. For a nonconforming use located in any zone other than a residential zone, the enlargement, addition, or relocation shall comply with all height, yard and area requirements for a main building, other than dwellings, in the zone in which it is located.
3. Before granting a permit for any enlargement, addition, or relocation as provided above, the Board of Adjustment shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in Section 10.02.020 of this Ordinance more than does the existing nonconforming use.
4. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;
5. That granting the Variance does not allow a use or activity which is prohibited by the regulations governing the subject parcel; and
6. That granting the Variance will not be inconsistent with the General Plan.

b. The Board of Adjustment may allow those enlargements of, additions to, or relocation of buildings and structures, nonconforming as to yard, height or area regulations in those cases where an undue hardship will result to the owner of the land involved unless granted, and the attainment of the objectives listed in Section 10.02.020 of this Ordinance

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

c. Where a zone boundary line divides a lot in single ownership at the time of the establishment of said boundary, the board may permit a use authorized on either portion of such lot to extend more than thirty-five (35) feet beyond the district boundary line, or extend to an area greater than five thousand (5,000) square feet beyond the said boundary line.

d. Permit a nonconforming use to be changed to another use allowed in the same or in a more restrictive zone than the one in which the nonconforming use would be allowed; provided that the Board of Adjustment finds in its public hearing that such changes will not hinder or obstruct the attainment of the objectives listed in Section 10.02.020 hereof more than does the existing nonconforming use.

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

f. Permit the splitting of a lot wherein such lot split creates a lot which does not have the required width of the zone in which the lot is located; provided, the created nonconforming lot meets the area requirements of the zone, and the structure placed on the lot meets all required site standards of the zone; and furthermore that before building permits are issued for the nonconforming split lot, the lot split shall be reviewed and approved by the Planning Commission.

10.04.050 Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.

(2) a. Except as provided in Subsection (3), the board of adjustment may grant a variance only if:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

2. There are special circumstances attached to the property that do not generally apply to other property in the same district;

3. Granting the variance is essential to the enjoyment of a substantial property in the same district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the zoning ordinance is observed and substantial justice done.

b.

1. In determination whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (2)(a), the board of adjustment may not find an unreasonable hardship unless the alleged hardship:

- (a) Is located on or associated with the property for which the variance is sought; and

- (b) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

2. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (2)(a), the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

- c. In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the board of adjustment may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of: and

2. Deprive the property of privileges granted to other properties in the same district.

- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

- (4) Variances run with the land.

- (5) The board of adjustment and any other body may not grant use variance

- (6) In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:

- a. Mitigate any harmful affects of the variance: or

- b. Serve the purpose of the standard or requirement that is waived or modified.

10.04.055 Appeals.

Appeals to the Beaver County Board of Adjustments may be taken by any person or entity adversely affected by a zoning decision administering or interpreting a zoning ordinance by alleging that there is error in the order, requirement, decision or determination made by an official or agency in the administration or interpretation of the zoning ordinance.

An appeal must be filed, in writing, with the Beaver County Clerk, within 45 days of the date the appealed order, requirement, decision or determination was ordered, imposed, or made.

10.04.060 Notice of Hearing of Appeal - Right of Appearance.

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

10.04.070 Stay of Proceedings Pending Appeal.

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

10.04.080 Decision on Appeal.

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

10.04.090 Vote Necessary for Reversal.

The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any ordinance, or to effect any variation in such ordinance.

10.04.100 Judicial Review of Board's Decision - Time Limitation.

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

10.04.110 Time Limitation on Variance.

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

10.04.120 Filing Fee.

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

10.04.130 Compensation of Members and Secretary.

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

CHAPTER 10.05 SUPPLEMENTARY AND QUALIFYING REGULATIONS

10.05.010 Effect of Chapter.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this Ordinance.

10.05.020 Substandard Lots at Time of Ordinance Passage.

Any lot held in separate ownership at the time of passage of this Ordinance which lot is below the requirements for lot area or lot width for the district in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two (2) yards be less than five (5) feet or a total width of the two (2) yards be less than thirteen (13) feet.

10.05.030 Lot Standards.

Except as otherwise provided in this Chapter, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right-of-way approved by the Planning Commission.

10.05.040 Every Dwelling to be on a Lot - Exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the Planning Commission, may occupy one (1) lot for each multi-structure complex.

10.05.050 Yard Space for One Building Only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purposes of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

10.05.060 Sale or Lease of Required Space.

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

10.05.070 Sale of Lots Below Minimum Space Requirements.

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

10.05.080 Yards to be Unobstructed - Exceptions.

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, the ordinary projection of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features which project into a yard not more than two and one-half (2½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

10.05.090 Area of Accessory Buildings.

No accessory building nor group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.

10.05.100 Additional Height Allowed.

Public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by Conditional Use Permit.

10.05.110 Exceptions to Height Limitations.

Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

10.05.120 Minimum Height of Main Buildings.

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

10.05.130 Maximum Height of Accessory Buildings.

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than twenty (20) feet.

10.05.140 Clear View of Intersecting Streets.

In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

10.05.150 Maximum Height of Fences, Walls, and Hedges.

(1) Fences, walls, and hedges may be erected or allowed to the permitted building height when located within the buildable area, provided that any physical structure over six (6) feet in height shall require a building permit.

(2) Fences, walls, and hedges may not exceed six (6) feet in height unless required by the Beaver County Planning Commission, within any required rear yard or interior side yard.

(3) Fences, walls and hedges may not exceed two (2) feet in height within any required front yard or side street side yard.

(4) Notwithstanding any other provisions herein, no fence, wall, or hedge exceeding two (2) feet in height shall be erected or allowed closer to any street line than the required building setback line.

(5) For purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.

(6) Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two (2) sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

10.05.160 Water and Sewer Requirements.

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

10.05.170 Curbs, Gutters and Sidewalks.

The installation of curb, gutter and sidewalks of a type approved by Beaver County may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters and sidewalks may be required as a condition of building or use permit approval.

10.05.180 Lots and Buildings on Private Streets - Special Provisions.

Lots or buildings with frontage on private streets only shall be allowed by conditional use permit or Planned Unit Development procedure only, and subject to all applicable requirements of this Ordinance and the Subdivision Ordinance.

10.05.181 Lots and Buildings on Public Streets - Special Provisions.

Any building or lot created, that fronts or has a sideyard on a public street or road that is part of the future transportation corridor must deed to Beaver County one half of the required width plus one half of the existing street or road from fence to fence if applicable.

CHAPTER 10.06 NONCONFORMING USES

10.06.010 Maintenance Permitted.

A nonconforming building or structure may be maintained.

10.06.020 Repairs and Maintenance.

Repairs and maintenance may be made to a nonconforming building or to a building housing a nonconforming use.

10.06.030 Extension, Alteration, and Expansion.

No extension, alteration or expansion to a nonconforming building or to a building housing a nonconforming use may be made without appeal to the Board of Adjustment.

10.06.040 Alterations Where Parking Insufficient.

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

10.06.050 Restoration of Damaged Buildings.

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

10.06.060 One Year Vacancy.

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

10.06.070 Continuation of Use.

The occupancy of a building or structure by a nonconforming use, existing at the time this Ordinance became effective, may be continued.

10.06.080 Occupation Within One Year.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

10.06.090 Change of Use.

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

10.06.100 Nonconforming Use of Land.

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

CHAPTER 10.07 OFF-STREET PARKING REQUIREMENTS

10.07.010 Off-Street Parking Required.

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the following requirements:

10.07.020 Size.

The dimensions of each off-street parking space shall be at least ten (10) feet by twenty (20) feet for diagonal or ninety degree spaces; or ten (10) by twenty-three (23) feet for parallel spaces.

10.07.030 Access to Individual Parking Space.

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

10.07.040 Number of Parking Spaces.

The number of off-street parking spaces required shall be as follows:

(1) Business or professional offices. One (1) parking space for each two hundred (200) square feet of floor area.

(2) Churches with fixed seating. One (1) parking space for each 3.5 fixed seats, or one (1) parking space for each seven (7) feet of linear pew, whichever is greater.

(3) Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms. One (1) parking space for each 3.5 seats of maximum seating capacity.

- (4) Dwellings. Two (2) parking spaces for each dwelling unit.
- (5) Furniture and Appliance Stores. One (1) parking space for each six hundred (600) square feet of floor area.
- (6) Hospitals. Two (2) parking spaces for each bed.
- (7) Hotels, Motels, Motor Hotels. One (1) space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.
- (8) Nursing Homes. Four (4) parking spaces, plus one (1) space for each five (5) beds.
- (9) Restaurants, Taverns, Private Clubs, and all other similar Dining and/or Drinking Establishments. One (1) parking space for each 3.5 seats or one (1) parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.
- (10) Retail Stores, Shops, except as provided in No. 5 above. One (1) parking space for each two hundred (200) square feet of retail floor space.
- (11) Wholesale Establishments, Warehouses, Manufacturing Establishments, and all Industrial Uses. As determined by conditional use permit or by Planned Unit Development requirements, if applicable, or by the planning Commission, but in no case fewer than one (1) space for each employee projected for the highest employment shift.
- (12) Shopping Centers or Other Groups of Uses not Listed Above. As determined by conditional use permit or Planned Unit Development procedure, if applicable, or by the Planning Commission.
- (13) All other uses not listed above. As determined by the Building Inspector, based on the nearest comparable use standards.

10.07.050 Access Requirements.

- (1) Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.
- (2) No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet.
- (3) Each driveway shall be not more than thirty-five (35) feet in width, measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- (4) No driveway shall be closer than ten (10) feet to the point of intersection of two (2) property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.

(5) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two (2) ends and street side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the County Engineer.

10.07.060 Location of Gasoline Pumps.

Gasoline pumps shall be setback not less than twenty (20) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

10.07.070 Maintenance of Parking Lots.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

(1) Surfacing. Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

(2) Screening. The sides and rear of any off-street parking lot which face or adjoin a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than four (4) or more than six (6) feet in height.

(3) Landscaping. Each parking lot shall be adequately landscaped and permanently maintained.

(4) Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any R or A district, and then from street traffic.

CHAPTER 10.08 CONDITIONAL USES

10.08.010 Purpose.

(1) To provide for the regulation of certain uses to insure their compatible integration in the land use pattern of Beaver County, Utah.

10.08.020 Conditional Use Requirement.

An approved conditional use permit shall be required for each conditional use listed in this Ordinance prior to commencement of such use. When a conditional use permit is required,

no building permit or other permit or license shall be issued by any officer or employee of Beaver County, unless a conditional use permit shall first have been issued by the Beaver County Planning Commission or Beaver County Zoning Administrator. The Zoning Administrator may only issue Conditional use permits for the type of conditional uses previously authorized by the planning commission. As required in this chapter, conditional uses involving a total project valuation of \$150,000, or greater, except single family dwellings, must be approved by the Board of County Commissioners.

10.08.030 Application.

Application for a conditional use permit shall be made at the office of the Beaver County Planning Commission on forms provided for that purpose. The application for a conditional use permit shall require, but shall not be limited to, the following information:

- (1) The name, business name and address of the applicant.
- (2) The name and address of the manager or contact person for the applicant.
- (3) Two (2) copies of a plot plan with a legal description.
- (4) The present zone classification for the property.
- (5) A description of the proposed project and use of the land.
- (6) An estimate of the number of employees and the type of equipment and buildings to be used.
- (7) An estimate of the total project valuation.
- (8) An estimate of the time required for construction of the project, including the time required for construction of each phase if construction is to be made in phases.
- (9) A listing of all permits that may be required by state or federal agencies, with copies of such permits to be submitted to the Beaver County Planning Commission, as soon as they are available.
- (10) A listing of all utilities which will be in place before, during and after construction.
- (11) Such other pertinent information as needed by the Zoning Official or the Beaver County Planning Commission to evaluate the application.

10.08.040 Conditional Uses for Agricultural and Commercial Operations.

In addition to those minimum requirements set forth in 10.08.030, applications for conditional use permits for agricultural or commercial purposes shall set forth:

- (1) A description of transportation needs and proposed routes.
- (2) A proposed plan for disposition of waste product, including a legal description of lands that will be used for animal waste disposal.
- (3) An estimate of the number of livestock, if any, to be used in the proposed operation.
- (4) A proposed disposition of dead animals, if any, other than those to be slaughtered and processed for sale.
- (5) Such other pertinent information, as needed by the Zoning Official or Planning Commission to evaluate the application.

10.08.050 Development Plan.

The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Planning Commission may deem necessary to evaluate the proposed uses and the physical relationship of the uses.

10.08.060 Fee.

The application for any conditional use permit shall be accompanied by the appropriate fee, as set by Resolution of the Board of County Commissioners.

10.08.070 Public Hearing.

The Planning Commission may grant an application for a conditional use permit without first holding a public hearing. A hearing may be held, however, when the Planning Commission shall deem it to be necessary or desirable to serve the public interest.

10.08.080 Determination.

(1) The Planning commission may approve or deny a conditional use application. The Planning Commission shall impose such regulations and conditions as are necessary to protect the public welfare, to accomplish the purposes of the Beaver County General Plan and this Zoning Ordinance, and to contribute to the general well-being of the community. If an applicant meets those conditions imposed by the Planning Commission, the Planning Commission shall issue conditional use permit subject to the conditions so imposed.

Following a hearing, the Commission shall record the decision in writing and shall recite therein the findings upon which such decision is based. The Commission may approve and/or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if the applicant has certified that the proposed use complies with the following findings:

- a. The proposed use is conditionally allowed within the subject land use district and complies with all of the applicable provisions of this Code;
- b. The proposed use would not impair the integrity and character of the land use district;
- c. The subject site is physically suitable for the type of use which is being proposed;
- d. The proposed use would be compatible with existing and future land uses within the general area;
- e. The proposed use is compatible in scale, mass, coverage, and density with all adjacent land uses;
- f. Are there adequate provisions for water, sanitation, public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- g. Will there be harmful effects upon desirable area characteristics;
- h. Is the proposed use needed at the prescribed location, as demonstrated in the market/feasibility study, if required;
- i. The proposed use will not have a significant or harmful effect upon environmental quality and natural resources;
- j. The negative impacts of the proposed use are mitigated; and
- k. The proposed location, size, design, and operating characteristics will not be detrimental to public interests, health, safety, convenience, or welfare of the County.

(2) In approving a conditional use permit, the Planning Commission shall find that the proposed use is in harmony with the intent of the General Plan and the zone in which it is located.

(3) In denying a conditional use permit, the Planning Commission shall set forth specifically in writing the reasons for such denial and provide the applicant with a copy of the Planning Commission's written decision.

(4) Applications for conditional use permits indicating a total project value of \$150,000, or greater, are automatically appealed to the Board of County Commissioners for final approval.

10.08.090 Publication.

Notice of conditional use permit applications may be published at such times or in such manner as deemed necessary by the Planning Commission.

10.08.100 Appeal of Decision.

Appeal of any decision of the Planning Commission shall be to the Board of County Commissioners. Appeal shall be in writing, and shall be filed at the office of the Board of County Commissioners not more than thirty (30) days after the decision by the Planning Commission. The Board of County Commissioners may affirm, modify, or reverse the decision of the Planning Commission. However, the Board of County Commissioners shall present, in writing, the reasons for its action.

10.08.110 Inspection.

The Building Official shall inspect the lot on which a conditional use permit is issued during construction of any improvements, to insure that all improvements comply with the conditions of the conditional use permit.

10.08.120 Revocation of Conditional Use Permit.

The Planning Commission may, after notice and hearing before the Planning Commission, revoke a conditional use permit if the applicant fails to comply with the conditions imposed upon the original approval of such conditional use permit or any amendment thereto. Furthermore, the Planning Commission may revoke a conditional use permit one (1) year after issuing the permit unless, in the judgement of the Planning Commission, substantial work shall have been accomplished toward the implementation of the conditional use.

10.08.130 Transfer of Conditional Use Permit

A conditional use permit is not generally transferable and applies to the owner and property described in the original application or permit. However, a person who purchases property for the purpose of continuing a conditional use previously granted, may be allowed to transfer the permit under the same conditions upon approval of the planning commission.

10.08.140 Temporary Construction Camp.

A conditional use permit for a temporary construction camp may be issued by the Planning Commission for a time limit not exceeding the period of construction, plus six (6) months. The applicant, in addition to submitting the development plan in accordance with 10.08.050 of this Ordinance, shall also submit plans for the water supply and sewage systems, and shall obtain the approval of the Board of Health and Building Official.

10.08.150 Temporary Worker Housing Facilities.

A landowner may apply for a conditional use permit for a temporary worker housing

facility for an agricultural operation, fitting the description of Intensive Livestock operation. Either the Planning Commission or by the Board of County Commissioners, depending on the total project valuation, may issue a conditional use permit under the criteria set out in Section 10.08.020 and this section.

(1) The application for a temporary worker housing facility conditional use permit shall address the requirements of Sections 10.08.030 and 10.08.040.

(2) The application shall include a development plan. The development plan shall include the following information:

- a. A site plan for the entire housing facility showing the size and location of each housing unit, the location of any public or private streets used for access to the housing, and other significant features of the facilities;
- b. The maximum number of workers to be housed at any time;
- c. The water supply system; with approval letter from Southwest Utah Health Dept.
- d. The sewer system; with approval letter from Southwest Utah Health Dept.
- e. The period of time during which the workers will be housed;
- f. A list of any permits required from local, state, or federal agencies in order to build and operate the housing facilities; and
- g. Other information necessary for the Planning Commission to evaluate the development plan.

(3) Manufactured housing can be used in a temporary worker housing facility, provided that such housing was constructed or manufactured in accordance with all applicable codes.

(4) Temporary worker housing facilities may be located only in the Multiple Use District (MU-20) and in the Agricultural District (A-20).

CHAPTER 10.09 PLANNED UNIT DEVELOPMENT

10.09.010 Purpose.

The purpose of this Chapter is to allow diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the use of such sites.

10.09.020 Definition.

An integrated design for development of residential, commercial, or industrial uses, or combinations of such uses, in which one (1) or more of the regulations, other than use regula-

tions, of the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this Chapter.

10.09.030 Planned Unit Development Permit.

Planned Unit Developments may be allowed by Planning Commission approval in any zoning district. No such Planned Unit Development permit shall be granted unless the Planned Unit Development will meet the use limitations of the zoning district in which it is to be located, including Planned Unit Developments in planned districts, and meet the density and other limitations provided by this Chapter or by district regulations. Compliance with the regulations of this Ordinance does not excuse the developer from the applicable requirements of the Subdivision Ordinance, except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development.

10.09.040 Required Conditions.

(1) No Planned Unit Development shall have an area less than one (1) acre in a commercial or industrial district, or less than five (5) acres in a residential or agricultural district.

(2) A Planned Unit Development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a Planned Unit Development which allows residential uses and shall be governed by density, design, and other requirements of the Planned Unit Development permit.

(3) The development shall be in single, corporate or partnership ownership at the time of application or the subject of an application filed jointly by all owners of the property.

(4) The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected:

a. Density or land use intensity shall in no case be more than twenty-five (25) percent higher than allowed in the zoning district, except not more than ten (10) percent higher in all residential districts.

b. Where feasible, height and intensity of buildings and uses shall be arranged around the boundaries of the development.

c. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

(5) Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

a. Dedication of the land as a public park or parkway system, or,

b. Granting to Beaver County, Beaver City, Milford, or Minersville a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owner's association established with articles of association and by-laws which are satisfactory to Beaver County, or,

c. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

(6) Landscaping, fencing and screening related to the several uses within the site, and as a means of integrating the proposed development into its surroundings, shall be planned and presented to the Planning Commission for approval, together with other required plans for the development.

(7) The size, location, design and nature of signs, if any, and the intensity and direction of area or flood-lighting shall be detailed in the application.

(8) A grading and drainage plan shall be submitted to the Planning Commission with the application.

(9) A planting plan, showing proposed tree and shrubbery planting, shall be prepared for the entire site to be developed.

(10) The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

(11) It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the Planned Unit Development.

10.09.050 Permitted Uses.

Subject to the review and approval of the Planning Commission, uses permitted in a Planned Unit Development shall be those uses which are permitted in the planned district or other zoning district in which the Planned Unit Development is located; provided, that for the purposes of this Chapter and Ordinance, multiple-family dwellings may be permitted in a Planned Unit Development approved in a single-family zoning district, provided that the overall density of the development does not exceed ten (10) percent higher than the density normally allowed for single-family dwellings in such district.

10.09.060 General Site Plan.

Application shall be accompanied by a general site plan showing, where pertinent:

- (1) The use or uses, dimensions, sketch elevations and locations of proposed structures.
- (2) Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian traffic, parking, public uses such as schools and playgrounds, landscaping and other open spaces.
- (3) Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.
- (4) Such other pertinent information, including residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

10.09.070 Review by Planning Commission.

In order that it may approve a Planned Unit Development, the Planning Commission shall have authority to require that the following conditions be met by the applicant:

- (1) That the proponents of the Planned Unit Development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed project.
- (2) That the proponents intend to start construction within one (1) year of the approval of the project and apply for any necessary zoning change, and intend to complete the construction, or approved phases thereof, within a reasonable time from the date construction begins.
- (3) That application for Planned Unit Development in planned districts meets the requirements of such districts, including the requirements of the general development plan.
- (4) That the development is planned as one (1) complex land use rather than an aggregation of individual and unrelated buildings and uses.
- (5) That the development as planned will accomplish the purpose outlined in Section 10.08.010.

10.09.080 Scope of Planning Commission Action.

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

- (1) It is the intent of this Chapter that site and building plans of a Planned Unit Development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission may require the applicant to engage such a qualified designer or design team.

(2) It is not the intent of this section that control of the design of a Planned Unit Development by the Planning Commission be so rigidly exercised that individual initiative is stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this Chapter.

(3) The Planning Commission may approve or disapprove an application for a Planned Unit Development. In an approval, the Planning Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 10.08.010. The denial of an application for a Planned Unit Development by the Planning Commission may be appealed to the Board of County Commissioners.

10.09.090 Construction Limitations.

(1) Upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and in conformity with any conditions attached by the Planning Commission to its approval.

(2) Amendments to approved plan and specifications for a Planned Unit Development shall be obtained only by following the procedure here outlined for first approval.

(3) The Building Inspector shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

CHAPTER 10.10. MOBILE HOMES AND MOBILE HOME PARKS

10.10.010 Purpose.

The purpose of this Chapter is to require that mobile home parks or mobile home subdivisions be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which the mobile home parks are located, and to protect other use values contiguous to or near mobile home park uses.

10.10.020 Approval.

Mobile home parks and mobile home subdivisions may only be constructed in the Residential District (R) and Multi-Family Residential Districts (RM), and may not be constructed unless first approved by the Planning Commission, after review of plans for said mobile home park which satisfy the Planning Commission that the proposed development will:

(1) Be in keeping with the general character of the district within which the proposed development will be located.

(2) Be located on a parcel of land containing not less than five (5) acres, or on two (2) or more parcels separated by a street or alley only, and totaling at least ten (10) acres.

(3) Contain no more than seven (7) units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads or parking, shall be set aside and developed as parks, playground and/or service areas for the common use and enjoyment of occupants of the development and visitors thereto.

(4) Mobile Home Parks or Mobile Home Subdivisions shall be constructed in the following manner:

- a. Individual mobile home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:
 1. Front - 10 feet
 2. Side - 5 feet on each side
 3. Rear - 10 feet
 4. Structural separation - 10 foot minimum between dwelling units.
- b. Maximum mobile home space coverage (mobile home and its accessory structure) shall be 75%.
- c. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade.
- d. All on-site utilities shall be installed underground.
- e. The mobile home park shall be provided with parking as required by Chapter 10.07 (Off-street Parking Requirements).
- f. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in 1 common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space.
- g. All exterior boundaries of the mobile home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device 6 feet in height, with a minimum 6 foot wide landscaped area provided along the inside of the perimeter screen.
- h. All mobile home park or subdivision developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of

amenities shall be approved by the Planning Commission and provided according to the following schedule:

| <u>Units</u> | <u>Amenities</u> |
|--------------|------------------|
| 0-9 | 0 |
| 10-50 | 1 |
| 51-100 | 2 |
| 101-200 | 3 |
| 201-300 | 4 |

Add 1 amenity for each 100 additional units or fraction thereof.

10.10.030 Application.

(1) An overall plan for development of a mobile home park shall be submitted to the Planning Commission for review. The plan shall be drawn to a scale. At least three (3) copies of the plan shall be submitted. The plan shall show:

- a. The topography of the site, when required by the Planning Commission, represented by contours, shown at not greater intervals than two (2) feet when required by the Planning Commission.
- b. The proposed street and mobile home space layout including points of ingress and egress.
- c. Proposed reservations for parks, playgrounds, and open spaces.
- d. Tabulations showing the percentage of area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and the total area to be developed.
- e. Proposed location, number and design of parking spaces.
- f. Generalized landscaping and utility plan, including locations of water, electricity, gas lines and fire hydrants.
- g. Any other data the Planning Commission may require.

10.10.040 Manufacture and Modular Housing

An ordinance of Beaver County, State of Utah, allowing the placement of these homes, built in accordance with the standards of the U.S. Department of Housing and Urban Development, on lots zoned for single family dwellings; establishing the criteria and standards for the placement of manufactured homes, which comply with standards making such housing eligible for FHA-VA financing or equivalent insured alternated financing; and, built in accordance with the standards of the U.S. Department of Housing and Urban Development, on lots zoned for single family dwellings.

Therefore it is hereby ordained by the Beaver County Commission of Beaver County, State of Utah that:

Upon application and payment of a fee, a building permit may be issued for a placement of a new manufactured home certified as meeting the National Mobile Home Construction and Safety Standards Act of 1974 (effective June 15, 1976) of the Department of Housing and Urban Development, on a lot zoned for single family dwellings. Application for any such permit shall be made to the Beaver County Building Inspector, which shall issue the same as a Manufactured Housing permit, upon evidence of compliance, to the satisfaction of the inspector, with the following terms and conditions:

1. Said manufactured house be placed on a permanent foundation, as would comply with the Uniform Building Code; and said manufactured house be installed on said foundation in accordance with the manufacturer's instructions. Each manufactured home shall be installed with or without a basement on a site-built, permanent foundation system that meets or exceeds applicable requirements of the building codes. This shall include permanent masonry/cement perimeter enclosures for each manufactured home installation and shall conform to the building code as specified for foundation walls. This shall include removal of towing hitches and running gear, which includes tongues, axles, brakes, wheels, lights and other parts of chassis that operate only during transport.
2. The lot upon which said manufactured house is to be placed shall comply in all respects with the then existing zoning requirements for the district in which it lies, including but not limited to: lot size, building setback, access, enclosures, yard requirements and the length of the structure facing the street or roadway to which it will be addressed.
3. The said manufactured house shall be used in accordance with the allowed purposes, for which such structures may be used in the district in which the applicant seeks to have it lie; and shall be compatible with the then existing structures in the district in which the applicant seeks to have it lie.
4. The said manufactured house shall have received an insignia of approval by the U.S. Department of Housing and Urban Development, have been constructed after July 1, 1976 and shall not have been altered in violation of the standards of the U.S. Department of Housing and Urban Development.
5. The said manufactured house shall have a minimum width of 24 feet, with width being the smallest dimension, and be multi-sectional or multi-modular. The width (sides) shall face the side yards and in no case face the street to which the structure shall be addressed.
6. The said manufactured house shall have an exterior covering material customarily used on conventional dwellings. Exterior siding and trim materials shall consist of durable, weather resilient materials approved for dwelling construction in the

building codes such as masonry, stucco, woods, composition, glass, vinyl, steel or aluminum residential sidings. in no case may corrugated metal, fiberglass, or typical trailercoach or recreational vehicle-type coverings be used.

7. Said manufactured house shall have a roof with a pitch of not less than 3 inches of vertical rise for each 12 inches of horizontal run, and be engineered to withstand the required snow load (live load) plus the dead load for the area in which placement will occur. Roofing materials shall be composition asphalt shingles or other shingle materials pre-approved by the building department. In addition the roof shall have a minimum eave overhang of not less than 8 inches to provide for run off and 4 inch overhang where the roof line is not parallel to the base of the unit (9 inches includes rain gutter).
8. Any and all appendages for accessory uses such as steps and stoops, carports or garages, storage units, antennas, satellite dishes, patios and awnings or additions and alterations shall conform to existing applicable codes. Main entry steps, stoops and porches shall be concrete or masonry and shall have required handrails if appropriate.
9. Permanent connection of all services to local utilities (local authority approval required). This shall include two hose bibbs when not contained with the manufactured home.

The owner of said manufactured house shall cause the document of title, as soon as the same is received from the manufacturer, to be delivered to the Beaver County Assessor and said house shall thereafter be subject to local taxation as real property.

Nothing in this ordinance is intended, nor should be construed as intended to limit or exclude the construction or placement of a permanent dwelling on a lot zoned for single family dwelling as heretofore may have been permitted by the existing legislation.

CHAPTER 10.11 TRAVEL TRAILERS AND TRAVEL TRAILER PARKS

10.11.010 Purpose.

The purpose of this Chapter is to permit development of facilities for travel trailers in appropriate districts and to require that travel trailer accommodations be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which travel trailer parks are located, and to protect other use values contiguous to or near travel trailer park uses.

10.11.020 Location and Use.

(1) No travel trailer shall be located, placed, used or occupied for residential purposes in any district except within approved and licensed travel trailer parks, except as otherwise provided herein.

- (2) Travel trailer parks generally shall be located:
 - a. Adjacent to or in close proximity to a major traffic artery or highway.
 - b. Near adequate shopping facilities.
 - c. Within or adjacent to a mobile home park.

(3) No individual space in a travel trailer park shall be used by one (1) individual trailer for more than one hundred eighty (180) consecutive days, nor shall such space be rented or leased to any one (1) individual for a period longer than one hundred eighty (180) days.

- (4) Travel trailers may be stored, but not used for permanent living quarters.

(5) Travel trailers may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in a commercial or manufacturing district, when such use is a permitted or a conditional use.

(6) Travel trailers may be accommodated in an approved and licensed mobile home park, provided that:

- a. The travel trailer park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
- b. The travel trailer area shall have direct access to a collector or arterial street.
- c. Separate ingress and egress shall be provided for travel trailers when required by the Planning Commission.

(7) Travel Trailers may be used as a temporary residence in the Agricultural, Multiple Use, Residential Estate, Residential, Forest Recreation/Residential, and Multiple Residential Zoning Districts by the property owner. A Temporary Use Permit may be granted only between May 1 and Oct. 31; such permit may not exceed 180 days each calendar year, and must be issued each year. A Temporary Use Permit, may be issued by the County Building Inspector, only when all of the following findings can be made:

- a. Approved septic tank as per State Department of Environmental Quality and County Building Inspector standards.
- b. Adequate fire protection, as required by the Beaver County Fire District.
- c. Approved culinary water source.
- d. Adequate power source as approved by the Beaver County Building Inspector.

10.11.030 Approval.

A travel trailer park may not be constructed unless first approved by the Planning

Commission after review of plans for said travel trailer park which satisfy the Planning Commission that the proposed development will:

- (1) Be in keeping with the general character of the district with which the proposed development will be located.
- (2) Be located on a parcel of land containing not less than two (2) acres, unless attached to a mobile home park, in which case no minimum area is required.
- (3) Have at least ten (10) spaces completed and ready for occupancy before the first occupancy is permitted.
- (4) Meet all requirements of this Ordinance and of the Travel Trailer Park Ordinance of Beaver County.
- (5) Meet all state requirements relating to Camp, Trailer, Hotel, Motel and Resort Sanitation Regulations which are intended to apply to trailer, camper and tent camps as defined in such Code.
- (6) Be designed by a qualified architect, landscape architect, or urban planner, or team which includes one (1) or more of such professionals. Determination of qualifications of any such required professional individuals or firms shall be made by the Planning Commission.
- (7) Contain not more than twenty (20) units per acre. The spaces may be clustered, provided that the total number of spaces does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual spaces, roads or parking, shall be set aside and developed as parks, playgrounds and/or service areas for the common use and enjoyment of occupants of the development and visitors thereto.

10.11.040 Application.

- (1) An overall plan for development of a travel trailer park shall be submitted to the Planning Commission for review. The plan shall be drawn to scale. At least three (3) copies of the plan shall be submitted. The plan shall show:
 - a. The topography of the site, when required by the Planning Commission, represented by contours shown at not greater than two (2) foot intervals.
 - b. The proposed street and trailer space pad layout, including points of ingress and egress.
 - c. Proposed reservations for parks, playgrounds and open spaces.
 - d. Tabulations showing the percent of area to be devoted to parks, playgrounds and open spaces, the number of trailer spaces, and the total area to be developed.

- e. Proposed location, number and design of parking spaces.
- f. Generalized landscaping and utility plan, including location of water, electricity, gas lines and fire hydrants.
- g. Any other data the Planning Commission may require.

CHAPTER 10.12 PERFORMANCE STANDARDS

10.12.010 Purpose.

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

10.12.020 General Provisions.

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

10.12.030 Performance Standards Procedure.

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

CHAPTER 10.13 CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD,
OR OTHER NATURAL HAZARDS.

10.13.010 Requirements.

(1) When the Planning Commission or the Building Inspector deems it necessary, any application for a conditional use permit, a Planned Unit Development approval, or a building or use permit shall be accompanied by a geologic and soils survey report for the lot for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the

proposed construction as well as any discernible flood or earthquake hazards.

(2) Whenever a geologic and soils survey report indicates that a lot is subject to unusual potential or actual hazard, the applicant shall meet the special conditions required by the Planning Commission and the Building Inspector to reduce or eliminate such hazard. If such conditions cannot be met, or will not be met, the application shall be denied.

CHAPTER 10.14 SIGNS

10.14.010 Signs Allowed.

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

| Type of Sign See definitions | Maximum Size in Feet | *Minimum Height in Feet | Zone | | Illumina- tion Type of |
|--|-------------------------|-------------------------------|-----------------------|--------------------|------------------------------|
| | | | Permitted Use | Conditional Use | |
| Advertising | **25 x 60 | *** | I-1 | HC | Indirect |
| Business | 8 x 20 | 50 | CN C-3, HC, I-1 | Above 50; | Indirect |
| Name Plate | 1 x 2 | 8 | All Zones | | Indirect |
| Property-- Sale, Lease, Rent or Trespass | 2 x 3 | 6 | All Zones | | None |
| Public Info. | 3 x 6 | 8 | | All Zones | Indirect |
| Temporary | 8 x 12 | 16 | | All Zones | None |

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

** Maximum area is 1,000 square feet.

*** The bottom of the sign need not be lower than the traveled portion of the roadway from which the sign is viewed.

All signs must conform to State Regulations.

10.14.020 Construction.

All signs in commercial zones shall have a surface of noncombustible material; provided, however, that combustible structural trim may be used thereon.

10.14.030 Illumination.

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

10.14.040 Location of Signs.

No sign shall interfere with the view from intersecting streets as provided in this Ordinance and no sign shall be less than nine (9) feet high over adjacent right-of-ways. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements.

10.14.050 Roof Signs.

Roof signs shall be permitted only in the C-3 zone.

CHAPTER 10.15 ZONES

10.15.010 Establishment of Zoning Districts.

For the purposes of this Ordinance, the territory of Beaver County to which this Ordinance applies is divided into the following eleven (11) zoning districts:

- (1) Multiple Use District MU
- (2) Agricultural District A
- (3) Residential Estates District RE
- (4) Residential District R
- (5) Forest/Recreation Residential District FR
- (6) Multiple Family Residential District RM
- (7) Commercial and Industrial District C
- (8) Planned District P
- (9) Airport Influence District AI
- (10) Sensitive Area District SA

- (11) Floodplain Overlay District FP

10.15.020 Rules for Locating Boundaries.

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

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

(2) Whenever the district boundary is indicated as being approximately at the boundary of any stream, river, canal or other waterway or railroad right-of-way, or public park or other public land, or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way, or the property line of such public park or other public land or such section line shall be deemed to be the boundary of such district.

(3) Where such district boundary lines cannot be determined by the above rules, their location may be found by use of the scale appearing upon the map.

(4) Where the application of the above rules does not clarify the district boundary location, the Planning Commission shall interpret the map.

CHAPTER 10.16 MULTIPLE USE DISTRICT (MU-20)

10.16.010 Purpose.

The purposes of Multiple Use Districts are to establish areas in mountains, hillsides, canyons, mountain valleys, deserts, and other open and generally underdeveloped lands where human habitation would be limited in order to protect land and open space resources and to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland and to promote the health, convenience, order, prosperity and general welfare of the inhabitants of Beaver County.

10.16.020 Permitted Uses.

- (1) Agriculture and pasturing of livestock, except swine.
- (2) Forestry, except forest industry.

- (3) Crop production, including pipelines for crop irrigation and Livestock watering.

10.16.030 Conditional Uses.

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Summer homes or cabins.
- (4) Airports
- (4a) Drilling for any Energy Related Products
- (5) Dude ranches; family vacation ranches.
- (5a) Electric Substation.
- (5b) Electric transmission line.
- (6) Forest industries, such as a sawmills, wood products plants, or others.
- (7) Golf courses.
- (8) Livestock and agricultural industries and businesses.
- (9) Hydro-electric dams or facilities.
- (9a) LPG Gas, bulk distribution.
- (10) Mines, quarries, Gravel pits, and crushers, concrete batching plants or asphalt plant, oil wells or steam wells.
- (10a) Petroleum refining and related activities.
- (10b) Below Grade Pipelines for transporting various energy related products to markets, including accessory uses associated to the pipeline.
- (11) Private parks or recreational grounds or facilities, and private recreational camps or resorts, including accessory or supporting dwellings or dwelling complexes which are owned or managed by the recreational facility to which they are accessory or are under unified control.
- (12) Public uses

- (12a) Public Utilities
- (13) Radio or television transmitting and relay station and towers.
- (13a) Rail Offloading sites.
- (14) Reservoirs.
- (14a) Telecommunication site/facility.
- (15) Temporary buildings for uses incidental to construction work, including living quarters for guards or night watchmen, which buildings must be removed upon completion or abandonment of the construction work.
- (15a) Tire Recycling Facility, provided a facility is not located closer than one mile to a habited dwelling, unless the owner or tenant gives Permission in writing for a lesser distance. These requirements may be modified by the Planning Commission upon Conditional Use Permit Application.
- (16) Plants for the production of electricity, powered by whatever power source is available.
- (17) Accessory buildings and uses customarily incidental to the above.
- (18) Kennels
- (19) Keeping, raising, slaughtering or marketing swine.
- (20) Swine Husbandry Units.
- (21) Intensive livestock operations.
- (22) Other uses similar to the above and judged by the Planning Commission to be in harmony with the character and intent of this zone.
- (23) Temporary worker housing facilities as provided in Section 10.08.150

10.16.040 Area Regulations.

The minimum lot area for any dwelling shall be twenty (20) acres in the MU-20 zone.

10.16.050 Width, Frontage, Yard, and Height Regulations.

Width, frontage, yard and height regulations shall be as required by conditional use permit or by Planned Unit Development approval, provided that no such requirement shall be less restrictive than is required to meet the purposes of this Chapter.

10.16.060 Qualifying Regulations.

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

(2) No building, structure or enclosure housing animals or fowl shall be constructed closer than one hundred (100) feet to a dwelling on the same or adjacent lots. Structures, buildings, waste storage or treatment facilities servicing a swine husbandry unit or intensive livestock operation shall not be constructed closer than 750 feet from the nearest dwelling, provided, however, if the owner, or tenant of the dwelling is also the owner of the swine husbandry unit or intensive livestock operation, such structures, buildings, waste storage or treatment facilities may be constructed not closer than one hundred (100) feet from such dwelling.

(3) No swine or animal waste from swine shall be allowed or disposed of within one (1) mile or any structure of structures used in conjunction with a swine husbandry unit, without first obtaining permission, in writing, from the owner of the swine husbandry unit.

(4) All swine husbandry units or intensive livestock operations shall be constructed and operated so as to minimize odor, dust and the transmission of disease.

(5) All swine husbandry units or intensive livestock operations shall be located at least two (2) miles from the territorial limits or any incorporated city or town.

(6) Conditional Use Permits shall only be issued for a gravel pit in a M.U. 40 Zone after a bond for reclamation is posted with the Beaver County Treasurer as per Chapter 8 of the Beaver County Subdivision Ordinance in the amount of \$.10 per cubic yard as determined by the dimensions of the proposed gravel pit by the Conditional Use Permit application.

(7) Notice of a conditional use permit issued pursuant to this Chapter may be made by publication in a newspaper of general circulation in the local jurisdiction at least fourteen (14) days prior to the issuance of said conditional use permit.

(8) All Conditional Use Permits for rail offloading sites for transport of radioactive materials shall be approved by the Beaver County Planning Commission and the Beaver County Commission.

(9) The Beaver County Commission may impose impact fees to pay for training and any equipment to detect the release of radioactive materials and to protect or treat the inhabitants of Beaver County from accidents or other events associated with the proposed operation.

(10) Any person who is required to obtain a radioactive material licence under the Radiation Control Act found in Section 19-3-101 Et. Seq. Utah Code Annotated, as amended, 1953 for a facility to be located in the unincorporated area of Beaver County shall also be required to obtain a Conditional Use permit from the Beaver County Planning Commission.

CHAPTER 10.17 AGRICULTURAL DISTRICT (A)

10.17.010 Purpose.

The purposes of Agriculture Districts are to preserve appropriate areas for permanent and temporary agricultural and open space uses. Uses normally and necessarily related to agriculture are permitted and uses adverse to the continuance of agricultural activity are not allowed.

10.17.020 Permitted Use.

- (1) Grazing livestock, excluding swine.
- (2) Crop production, including pipelines for crop irrigation and Livestock watering.
- (3) Accessory uses and buildings.
- (4) Dams and reservoirs.
- (5) Nursery and/or greenhouses.

10.17.030 Conditional Uses.

- (1) Single-family dwellings, provided that a second dwelling for the household of an employee or seasonal laborer, or members of the owner's family, may be allowed on the same lot. All structures shall conform to height, setback and health requirements.
 - (1a) Drilling for any Energy Related Products
 - (1b) Electric Substation.
 - (1c) Electric transmission line.

- (2) Public riding stables.
- (3) Kennels.
- (4) Radio and television transmitting stations or towers.
- (5) REMOVED
- (6) Stands for the sale of produce grown on the premises.
- (7) Forestry.
- (8) Fur farms, livestock feed yards, corrals, silage pits and poultry pens.
- (9) Keeping, raising, slaughtering or marketing swine.
- (9a) LPG Gas, bulk distribution. Only in an Agriculture (A-20) zone.
- (10) Swine Husbandry Units.
- (11) Intensive Livestock operations.
- (12) Retail sales of nurseries and/or greenhouses.
- (13) Public use
- (14) Gravel Pits
- (15) Screens and/or crushers and similar machinery, for a period of approval no longer than six (6) consecutive months. Screens/crushers etc. shall not be located closer than one and one half (1 ½) miles to a residence, unless the home owner agrees in writing to the operation of the screen/crusher etc. Applicant must notify all property owners via letter who are within two miles of the proposed location, and must secure a road agreement with the County Commission, to compensate the County for additional wear on the roads.
- (16) Agricultural Industry or Business.
- (16a) Plants for the production of electricity, powered by whatever power source is available, provided electrical generating wind turbines shall be located no closer than 2640 feet from a habited dwelling, unless the owner or tenant gives permission by letter for a lesser distance, other plants may require a greater distance by Conditional Use Permit.

- (16b) Telecommunication site/facility.
- (17) Temporary worker housing facilities in the A-20 district as provided in Section 10.08.150
- (17a) Below Grade Pipelines for transporting various energy related products to markets, including accessory uses associated to the pipeline.
- (18) Other uses similar to the above and judged by the Planning Commission to be in harmony with the character, and intent of this zone.

10.17.040 Height Regulations.

No building shall be erected to a height greater than thirty-five (35) feet.

10.17.050 Area, Width, and Yard Regulations.

| DISTRICT | AREA | WIDTH | Yards in Feet | | |
|-----------|----------|---------|---------------|------|------|
| | | | FRONT | SIDE | REAR |
| A-5 | 5 acres | 300 ft. | 30 | 20 | 25 |
| A-10 | 10 acres | 300 ft. | 30 | 20 | 25 |
| A-20 | 20 acres | 300 ft. | 30 | 20 | 25 |
| A-20 F.M. | 20 acres | 300 ft. | 30 | 20 | 25 |

10.17.060 Qualifying Regulations.

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

(2) No building or structure or enclosure housing animals or fowl shall be constructed closer than one hundred (100) feet to a dwelling on the same or adjacent lots. Structures, buildings, waste storage or treatment facilities servicing a swine husbandry unit or intensive livestock operation shall not be constructed closer than 750 feet from the nearest dwelling, provided, however, if the owner, or tenant of the dwelling is also the owner of the swine husbandry unit or intensive livestock operation, such structures, buildings, waste storage or treatment facilities shall not be constructed closer than one hundred (100) feet from such dwelling.

(3) No swine or animal waste disposal from swine shall be allowed or disposed of within one (1) mile of any structure or structures used in conjunction with a swine husbandry unit, without first obtaining permission, in writing, from the owner of the swine husbandry unit.

(4) All swine husbandry units and intensive livestock operations shall be constructed and operated so as to minimize odor, dust and the transmission of disease.

(5) All swine husbandry units or intensive livestock operations shall be located at least two (2) miles from the territorial limits of any incorporated city or town.

(6) No swine husbandry units, intensive livestock operations will be permitted in a A-20 F.M. District, swine husbandry units, intensive livestock operations shall not be located closer than 1/4 mile of an existing home in any district adjoining a A-20 F.M. district.

(7) Conditional Use Permits shall only be issued for a gravel pit in an Agricultural Zone after a bond for reclamation is posted with the Beaver County Treasurer as per Chapter 8 of the Beaver County Subdivision Ordinance in the amount of \$.10 per cubic yard as determined by the dimensions of the proposed gravel pit by the Conditional Use Permit Application.

(8) Notice of a conditional use permit application pursuant to this Chapter shall be made by letter to all property owners within a half mile of the conditional use requested before any action is taken by the planning commission. A map showing property owners names, address shall be the responsibility of the applicant.

CHAPTER 10.18 RESIDENTIAL ESTATES DISTRICT (RE)

10.18.010 Purpose.

The purposes of the Residential Estates District are to promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. This district is intended to be primarily residential in character and protected from encroachment by commercial, industrial and commercial agricultural uses.

10.18.020 Permitted Uses.

- (1) Single-family dwellings.
- (2) Raising of animals and fowl for recreation or for the production of family food for the use of the person living on the premises, except no livestock shall be raised for commercial purposes, but shall be for family use only.

- (3) Household pets.
- (4) Tilling soil, raising crops, horticulture and gardening.
- (5) Private stables, corrals, chicken coops, or pens.
- (6) Accessory uses and buildings customarily incidental to the above.

10.18.030 Conditional Uses.

- (1) Parks and Playgrounds.
- (2) Churches and Schools.
- (2a) Electric substation.
- (3) Home Occupations.
- (4) Kennels.
- (5) Nurseries or greenhouses, excluding any building or structure for retail sales separate from the greenhouse growing facility.
- (6) Grazing livestock.
- (7) Ranch buildings and structures.
- (8) Public stables.
- (9) Public uses.
- (10) Radio or television transmitters and relay station or tower.
- (11) Riding academies or riding rings.
- (12) Accessory uses and buildings customarily incidental to the above.
- (13) Other uses similar to the above and judged by the Planning Commission to be in harmony with the character and intent of this zone.
- (14) Raising livestock for 4-H or F.F.A. type projects.
- (15) Bed and Breakfast

10.18.040 Height Regulations.

No building shall be constructed to a height greater than thirty-five (35) feet and no dwelling structure shall be less than one (1) story.

10.18.050 Area, Width, and Yard Requirements.

| DISTRICT | AREA | WIDTH | Yards in Feet | | |
|----------|----------|---------|---------------|---------|------|
| | | | FRONT | SIDE | REAR |
| RE-.5 | .5 acres | 100 ft. | 25 | 15 & 15 | 25 |
| RE-1 | 1 acres | 100 ft. | 25 | 15 & 15 | 25 |
| RE-5 | 5 acres | 160 ft. | 25 | 15 & 15 | 25 |

10.18.060 Modifying Regulations.

- (1) Side Yards. On corner lots, the side yard which faces on a street shall be not less than twenty-five (25) feet.
- (2) Rear Yards. All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and shall have a rear yard of ten (10) feet.

10.18.070 Other Provisions.

Any stable, corral, chicken coop, or pen in which animals or fowl are maintained shall be at least one hundred (100) feet from any street, dwelling, public use.

Animals in a RE-.5 shall be limited to not more than (2) of the following: horses, cattle, sheep and goats, all others must receive conditional use permit approval from the Beaver County Planning Commission.

CHAPTER 10.19 RESIDENTIAL DISTRICT (R)

10.19.010 Purpose.

To provide areas for medium and low density, single-family neighborhoods of spacious and uncrowded character.

10.19.020 Permitted Uses.

- (1) Single-family dwellings

- (2) Household pets
- (3) Tilling the soil, raising crops, horticulture and gardening.
- (4) Accessory buildings and uses customarily incidental to the permitted uses allowed herein.

10.19.030 Conditional Uses

- (1) Cemetery
- (2) Child day care or nursery
- (3) Church
- (4) Cluster subdivision of single-family dwellings, provided that the residential density is not increased to allow more than one (1) dwelling for each parcel which is 75 percent of the square feet required by the district for single-family dwellings, and that the total area of the subdivision cluster be not less than five (5) acres, and at least one-third (1/3) of the total area of the subdivision be reserved or dedicated as a permanent open space for common use of the residents, under planned unit development approval.
- (5) Golf course
- (6) Home occupation
- (7) Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made
- (8) Public uses
- (9) Residential facility for troubled youth, providing it meets the following;
 - a. conforms to current applicable health, safety, and building codes;
 - b. is capable of use as a residential facility for included youth without structural or landscaping alterations that would change the structure's residential character;
 - c. is occupied on a 24 hour-per-day basis by two or fewer included youth in a family-type arrangement under the supervision of a house family or manager;
 - d. includes only occupants from a placement agency or organization who will

cooperate with the head law enforcement agent or other mutually agreeable representative of the County in making confidential disclosure on an ongoing basis of the identity and/or background of all occupants where such information is requested by the Planning Commission or County Commission in order to assist it in any decision regarding a conditional use permit hereunder.

e. is not occupied by any youth who has previously been found guilty as a juvenile of a moral turpitude or sex-related offense;

f. is not located within three-quarters mile of another existing facility for troubled youth, elderly, handicapped, or within three-quarters mile of a public or private school, church, public library, public playground, or park, measured in a straight line from the nearest entrance of the proposed home to the nearest property boundary of the other existing facility, school, church, library, playground or park;

g. provides 24 hour-per-day supervision of the residents by a qualified adult of the same sex and at least 10 years older than the oldest youth resident.

(10) Accessory uses and buildings customarily incidental to the above

10.19.040 Height Regulations.

No building shall be erected to a height greater than thirty-five (35) feet, and no dwelling structure shall be erected to a height less than one (1) story.

10.19.050 Area, Width, and Yard Regulations.

| DISTRICT | AREA | WIDTH | Yards in Feet | | |
|----------|----------------|-------|---------------|---------|------|
| | | | FRONT | SIDE | REAR |
| R-10 | 10,000 sq. ft. | 80' | 25 | 8 & 10 | 10 |
| R-12 | 12,000 sq. ft. | 80' | 25 | 8 & 10 | 10 |
| R-20 | 20,000 sq. ft. | 100' | 30 | 10 & 10 | 20 |

10.19.060 Modifying Regulations.

Side Yards - Main buildings other than dwellings shall have a minimum side yard of 20 feet and the total of the two side yards shall be not less than 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side yard of two feet except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.

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

CHAPTER 10.20 FOREST/RECREATION RESIDENTIAL DISTRICT (FR)

10.20.010 Purpose.

The purposes of Forest/Recreation Residential Districts are to permit development of identified mountain areas for recreation, seasonal residential living and other activities, to the extent compatible with the protection of the natural and scenic resources of the area for the benefit of present and future generations.

10.20.020 Permitted Uses.

- (1) Single-family dwellings.
- (2) Household pets.
- (3) Tilling the soil, raising crops horticulture and gardening.
- (4) Accessory uses and buildings customarily incidental to the above.

10.20.030 Conditional Uses.

- (1) Cluster subdivisions of single-family dwellings, provided that the residential density is not increased to allow more than one (1) dwelling for each lot which is seventy-five (75) percent of the square feet required by the district for single-family dwellings, and that the total area of the subdivision cluster is not less than five (5) acres, and that at least one-third (1/3) of the total area of the subdivision is reserved or dedicated as a permanent open space for common use of the residents, under Planned Unit Development approval.
- (2) Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made.

- (3) Public use
- (4) Other uses similar to the above and judged by the Planning Commission to be in harmony with the character and intent of this zone.

10.20.040 Height Regulations.

No building shall be erected to a height greater than thirty (30) feet, and no dwelling structure shall be erected to a height less than one (1) story.

10.20.050 Area, Width, and Yard Regulations.

| DISTRICT | AREA | WIDTH | Yards in Feet | | |
|----------|--------|-------|---------------|---------|------|
| | | | FRONT | SIDE | REAR |
| FR-1 | 1 acre | 120' | 25 | 15 & 15 | 20 |

10.20.060 Modifying Regulations.

(1) Side Yards. Main buildings other than dwellings shall have a minimum side yard of twenty (20) feet, and the total of the two (2) side yards shall be not less than forty (40) feet. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet, except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.

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

(3) Due to the presence of a potential wildfire hazard in the Forest-Recreation zone, all uses listed in this chapter shall be reviewed by the Building Official in relation to the standards outlined in the State of Utah, Department of Natural Resources, Division of Forestry and Fire Control publication titled "Wildfire Hazards and Residential Development; Identification, Classification and Regulation", dated 1978 or subsequent edition. The Building Official may require any appropriate standard described in the above mentioned publication as a condition of approval as authorized in Chapter Seven of this Ordinance. The Building Inspector shall review all building permit applications to assure compliance with the above publication.

CHAPTER 10.21 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)

10.21.010 Purpose.

The purposes of the Multi-Family Residential Districts are to provide areas for high residential density with the opportunity for varied housing styles and character.

10.21.020 Permitted Uses.

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Household pets.
- (4) Accessory uses and buildings customarily incidental to the above.

10.21.030 Conditional Uses.

- (1) Three-family dwellings.
- (2) Four-family dwellings.
- (3) Other multiple-family dwellings.
- (4) Cluster subdivisions, subject to Planned Unit Development approval.
- (5) Churches.
- (6) Home occupations.
- (7) Mobile home parks.
- (8) Public use
- (9) Other uses similar to the above and judged by the Planning Commission to be in harmony with the character and intent of this zone.
- (10) Accessory uses and buildings customarily incidental to the above.
- (11) Residential facility for troubled youth, providing it meets the following;
 - a. conforms to current applicable health, safety, and building codes;

- b. is capable of use as a residential facility for included youth without structural or landscaping alterations that would change the structure's residential character;
- c. is occupied on a 24 hour-per-day basis by two or fewer included youth in a family-type arrangement under the supervision of a house family or manager;
- d. includes only occupants from a placement agency or organization who will cooperate with the head law enforcement agent or other mutually agreeable representative of the County in making confidential disclosure on an ongoing basis of the identity and/or background of all occupants where such information is requested by the Planning Commission or County Commission in order to assist it in any decision regarding a conditional use permit hereunder.
- e. is not occupied by any youth who has previously been found guilty as a juvenile of a moral turpitude or sex-related offense;
- f. is not located within three-quarters mile of another existing facility for troubled youth, elderly, handicapped, or within three-quarters mile of a public or private school, church, public library, public playground, or park, measured in a straight line from the nearest entrance of the proposed home to the nearest property boundary of the other existing facility, school, church, library, playground or park;
- g. provides 24 hour-per-day supervision of the residents by a qualified adult of the same sex and at least 10 years older than the oldest youth resident.

(12) Residential facilities for the elderly as per Section 17-27-502 of the Utah Code, as amended.

(13) Residential facilities for handicapped as per Section 17-27-602 of the Utah State Code, as amended.

(14) Residential facility for foster children, other than those placed in a dwelling unit licensed by the Utah Division of Family Services for either basic or specialized care, as referred to in Chapter 10.02 (59a) of this Ordinance, provided it meets the following criteria:

- a. conforms to all applicable health, safety, and building codes;
- b. is capable of use as a residential facility for foster children without structural or landscaping alterations that would change the structure's residential character;

- c. is occupied on a 24 hour-per-day basis by three or fewer foster children in a family-type arrangement under the supervision of a house family or parent;
- d. is not occupied by trouble youth coming within the definition of 141.
- e. is operated under contract with an agency certified by the Utah Department of Human Services with standards of placement and supervision acceptable to the County;
- f. placement is not a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution;
- g. supervision is provided by a qualified adult member of the family on a 24-hour basis.

10.21.040 Height Regulations.

No building shall be erected to a height greater than seventy-five (75) feet, and no dwelling structure shall be erected to a height of less than one (1) story.

10.21.050 Area, Width, and Yard Regulations.

| DISTRICT | AREA | WIDTH | Yards in Feet | | |
|----------|---------------|-------|---------------|--------|------|
| | | | FRONT | SIDE | REAR |
| R-M | 8,000 sq. ft. | 70' | 25 | 8 & 10 | 20 |

10.21.060 Modifying Regulations.

(1) Area. The minimum lot area shall be eight thousand (8,000) square feet for each one-family dwelling, with three thousand (3,000) square feet for each additional dwelling unit.

(2) Side Yards. Private garages and other accessory buildings located at least ten (10) feet behind the main buildings may have a side yard of two (2) feet except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.

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

CHAPTER 10.22 COMMERCIAL AND INDUSTRIAL DISTRICTS

10.22.010 Purpose

(1) Central Development District, CD. To provide areas in appropriate locations for high intensity public, commercial, office, and multiple-family uses which may center in harmonious relationships based on planned development for mutual benefit.

a. Any parcel larger than one (1) acre at the time of passage to this code may be divided or developed only under planned unit development approval.

b. Every conditional use permit and every planned unit development approval shall be based primarily on how the development, as proposed in the application, will contribute to compatibility and mutual private and public benefits from existing, proposed, and potential buildings and uses in the area; the efficient, effective, and aesthetic use of land, buildings, landscaping, and amenities; and the improvements to be made in land use, building construction and appearance, traffic safety and control, landscaping, and drainage.

(2) Neighborhood Commercial District C-N. To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.

(3) Shopping Commercial District C-S. To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.

(4) Highway Commercial District C-H. To provide areas in appropriate location adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected.

The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.

(5) General Commercial District C-G. To provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.

(6) Manufacturing - Distribution M-D. To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

(7) Manufacturing - Distribution - Business Park MD-B. To provide areas in appropriate locations where administrative offices, professional service, light manufacturing, industrial processes and warehousing can locate. Also providing for retail sales areas incidental to the types of uses allowed in the MD-B zone. The regulations of this district area intended to protect the environment and quality of life of our citizens. The MD-B zone is to provide for smaller lots, lower the ratio between open land area and building area, and provide for business park environment.

(8) General Industrial District M-G. To provide for area in appropriate location where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

10.22.020 Codes and Symbols:

In following sections of this chapter, uses of land or buildings which are allowed in various districts are shown as "permitted uses," indicated by a "P" in the appropriate column, or a "conditional uses," indicated by a "C" in the appropriate column, "conditional uses of retail sales of items manufactured and wholesaled at business location these retail items are incidental to the business not the primary business", indicated by a "*" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by a letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

10.22.030 Use Regulations:

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts except as provided in this Ordinance uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district.

| | | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|-----|---|-----|-----|-----|-----|-----|-----|-----|------|
| (1) | Agricultural | | | | | | | | |
| a. | Agricultural industries | - | - | - | - | C | C | C | C |
| b. | The tilling of the soil, the raising of crops, horticulture and gardening | C | P | P | P | P | P | P | P |
| (2) | Commercial | | | | | | | | |
| a. | Residential, Hotels, tourist courts and motels | - | C | P | C | - | - | C | - |
| | Recreation Vehicle Parks | - | C | P | C | - | - | C | - |
| | Rooming & Boarding Houses | - | C | C | C | - | - | C | - |
| b. | Industrial-Commercial Contract Printing | - | - | - | P | P | P | P | P |
| c. | Transportation Bus terminals, stations, etc. | C | C | P | P | P | P | P | P |
| | Hard surface parking, commercial | - | C | C | C | P | C | C | P |
| | Marine terminals | C | C | C | C | - | C | C | - |
| | Private garage | C | C | C | C | C | C | C | C |
| | Railroad terminals and operations yard | - | - | - | C | P | P | C | P |
| | Structure parking | - | C | C | C | C | C | C | C |
| d. | Communication - Radio and television communication facilities | - | C | C | P | - | - | C | C |
| e. | Retail trade - Antiques and secondhand merchandise - retail | - | P | - | P | - | - | P | * |
| | Antiques & secondhand merchandise - retail | - | P | - | P | - | - | P | * |
| | Auto/Truck/Implement sales | - | P | - | P | - | P | P | * |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| Bakeries - retail | - | P | - | P | - | - | P | * |
| Books and stationery retail | - | P | - | P | - | - | P | * |
| Candy, nuts and confectionery - retail | - | P | - | P | - | - | P | * |
| Children's and Infant's wear - retail | - | P | - | P | - | - | P | * |
| Custom tailoring | - | P | - | P | - | - | P | * |
| Dairy products - retail | - | P | - | P | - | - | P | * |
| Department stores retail | - | P | - | P | - | - | P | * |
| Direct selling organization - retail | - | P | - | P | - | - | P | * |
| Drinking places (alcoholic beverages) | - | C | - | P | - | - | P | - |
| Drive-in restaurants | C | C | P | P | C | P | C | - |
| Drug and proprietary | C | P | - | P | - | - | C | - |
| Eating places (food consumed on premises) | C | P | P | P | * | P | P | * |
| Electrical goods - retail | - | P | - | P | - | - | P | * |
| Family clothing - retail | C | P | - | P | - | - | P | * |
| Farm and garden supplies - retail | C | P | - | P | - | P | C | * |
| Fruits and vegetables retail | - | P | P | P | - | - | P | * |
| Furniture, home furnishings and equipment - retail | - | P | - | P | - | - | P | * |
| Furriers and fur apparel | - | P | - | P | - | - | P | * |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| Gasoline service stations | C | C | P | C | C | P | C | - |
| Groceries (with or without meat) - retail | C | P | P | P | - | - | P | * |
| Farm equipment - retail | - | P | - | P | * | - | C | * |
| Heating and plumbing equipment - retail | - | - | - | P | * | - | P | * |
| Household appliance retail | - | P | - | P | - | - | P | * |
| Ice Cream establishments | - | P | P | P | - | - | P | * |
| Jewelry - retail | - | P | - | P | - | - | P | * |
| Limited price variety stores - retail | - | P | - | P | - | - | P | - |
| Liquor - retail - package | - | P | - | P | - | - | C | - |
| Lumber and other building materials - retail | - | P | - | P | * | C | C | * |
| Mail order house | C | P | - | P | - | - | P | * |
| Meats and fish - retail | - | P | - | P | - | - | P | * |
| Men's and boy's clothing and furnishing - retail | - | P | - | P | - | - | P | * |
| Merchandise vending machine operators retail | C | P | P | P | * | P | P | * |
| Motor vehicles - retail see Auto | - | P | - | P | * | P | C | * |
| Paint, glass and wallpaper - retail | - | P | - | P | * | - | P | * |
| Radios, television and music | | | | | | | | |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|--|-----|-----|-----|-----|-----|-----|-----|------|
| supplies - retail | - | P | - | P | * | - | P | * |
| Shoes - retail | - | P | - | P | - | - | P | * |
| Sporting goods and bicycles - retail | - | P | - | P | - | - | P | * |
| Tires, batteries and accessories - retail | - | P | P | P | * | P | P | * |
| Women's accessory and specialties retail | - | P | - | P | - | - | P | * |
| Women's ready to wear retail | - | P | - | P | - | - | P | * |
| Other retail trade apparel and accessories | - | C | - | C | - | - | P | * |
| Other retail trade - i.e. automotive, marine craft, aircraft and accessories | - | C | - | C | * | - | C | * |
| f. Services: | | | | | | | | |
| Administration office services | - | P | - | P | P | - | P | P |
| Advertising services | - | C | - | P | * | - | P | P |
| Animal clinics and hospitals | - | P | - | P | - | C | C | * |
| Apparel repair, alteration and cleaning, pickup services, shoe repair services | C | P | - | P | P | P | P | * |
| Automatic car wash, truck wash | C | C | P | P | - | P | C | - |
| Automobile/truck/implement repair and services | C | C | P | P | * | P | C | * |
| Banking and bank-related functions | - | P | P | P | - | - | P | P |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| Beauty and barber shops | C | P | P | P | - | - | P | P |
| Carpeting and other floor coverings | - | C | - | - | P | - | P | * |
| Comprehensive health care facilities (centers) | - | C | - | P | - | - | C | - |
| Consumer and mercantile credit reporting | - | C | - | P | - | - | P | * |
| Credit services (other than banks) | - | P | - | P | * | P | P | C |
| Dental laboratory services | - | P | - | P | * | P | P | P |
| Duplicating mailing services stenographic services | - | - | - | P | C | P | P | C |
| Dwelling and other building maintenance | - | C | - | P | - | - | P | * |
| Electrical services | - | C | - | P | P | P | P | * |
| Employment services | - | P | - | P | - | - | P | P |
| Funeral and crematory services | - | C | - | P | - | - | P | - |
| General contract construction services | - | - | - | P | C | P | C | C |
| Holding and investment services | - | P | - | P | - | - | P | P |
| Insurance carriers, agents, brokers and services | - | P | - | P | - | - | P | P |
| Laundering, dry cleaning, and dyeing services | C | P | C | P | C | P | P | C |
| Medical clinics out patient services | - | P | - | P | - | - | C | - |
| Medical laboratory services | - | - | - | P | C | P | C | C |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| News syndicate services | - | - | - | P | - | - | P | C |
| Painting, wall coverings and decorating services | - | C | - | P | P | P | P | * |
| Photographic services | C | P | C | P | * | C | P | * |
| Plumbing, heating, and air conditioning services | - | C | - | P | * | P | P | * |
| Private clubs | - | C | - | P | - | - | C | - |
| Professional health and care offices and clinics | C | P | - | P | - | - | C | C |
| Medical offices | C | P | - | P | - | - | P | C |
| Dentist offices | C | P | - | P | - | - | P | C |
| Real estate agents, brokers, and management services | - | P | - | P | - | - | P | * |
| Construction builders | - | - | - | P | P | P | C | C |
| Real estate subdividing and land developing services | - | P | - | P | P | P | P | C |
| Roofing and sheet metal service | - | C | - | P | * | P | P | * |
| Security services and commodity brokers, dealers exchanges and services | - | - | - | P | - | - | C | * |
| Schools (commercial) | C | C | - | P | - | - | C | C |
| Storage units (non-hazardous materials) | - | - | C | - | C | C | C | C |
| Other personal services | C | C | - | C | - | - | C | * |
| Other professional services | - | C | - | C | - | - | C | * |

C-N C-S C-H C-G M-D M-G C-D MD-B

g. Entertainment:

| | | | | | | | | |
|------------------------------|---|---|---|---|---|---|---|---|
| Drive-in theaters | - | C | C | P | - | - | C | - |
| Legitimate theaters | - | - | - | P | - | - | C | - |
| Motion picture theaters | - | P | C | P | - | - | C | - |
| Race tracks (commercial) | - | - | - | P | - | - | C | - |
| Sports activities facilities | C | C | C | P | C | - | C | C |
| Other sports assembly | - | - | - | C | - | - | C | - |

(3) Industrial:

a. Food products manufacturing:

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Baker products - manufacturing | - | C | C | C | * | C | C | * |
| Beverage - manufacturing | - | - | - | - | * | C | C | * |
| Canning and preserving of fruits vegetables, meat and seafood. | - | - | - | - | * | C | C | * |
| Confectionery and related products | - | C | C | C | * | C | C | * |
| Dairy products manufacturing | - | C | C | C | * | C | C | * |
| Grain mill products manufacturing | - | - | - | - | * | C | C | * |
| Meat products manufacturing | - | - | - | - | * | C | C | * |
| Sugar - manufacturing | - | - | - | - | * | C | C | * |

b. Fabricated textile products:

| | | | | | | | | |
|--|---|---|---|---|---|---|---|---|
| Manufacturing Broad & narrow woven fabrics & other small wares (cotton, man- made fibers, silk and wool) manufacturing | - | - | - | - | * | C | C | * |
|--|---|---|---|---|---|---|---|---|

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| Dyeing and finishing of textiles (except wool fabrics and knit goods) | - | - | - | - | * | C | C | * |
| Knit goods manufacturing | - | - | - | - | * | C | C | * |
| Wearing apparel and accessories manufacturing | - | - | - | - | * | C | C | * |
| Yarns and threads manufacturing | - | - | - | - | * | C | C | * |
| c. Furniture products - manufacturing: | | | | | | | | |
| Furniture - manufacturing | - | - | - | - | * | C | C | * |
| Partitions, shelving, lockers, office and store fixtures - manufacturing | - | - | - | - | * | C | C | * |
| Wooden containers manufacturing | - | - | - | - | * | C | C | * |
| d. Paper products manufacturing | | | | | | | | |
| Bookbinding and related industrial - manufacturing | - | - | - | - | * | C | C | * |
| Books: publishing and printing | - | - | - | C | * | C | C | * |
| Building paper and building board - manufacturing | - | - | - | - | * | P | C | * |
| Converted paper and paperboard products (except containers and boxes) - manufacturing | - | - | - | - | * | C | C | * |
| Newspapers: publishing and printing - | - | - | C | * | C | C | * | |
| Paperboard containers and boxes - manufacturing | - | - | - | - | * | C | C | * |
| Periodicals: publishing and printing | - | - | - | C | * | C | C | * |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|--|-----|-----|-----|-----|-----|-----|-----|------|
| Printing trade services | - | C | - | C | C | C | C | C |
| e. Precision instrument and jewelry: manufacturing | | | | | | | | |
| Costume jewelry, costume novelties, buttons and misc. notions (except precious metals) - manufacturing | - | - | - | - | C | C | C | C |
| Jewelry, silverware and plated ware | - | - | - | - | C | C | C | C |
| Musical instruments and parts - manufacturing | - | - | - | - | C | C | C | C |
| Ophthalmic goods - manufacturing | - | - | - | - | C | C | C | C |
| Optical instruments and lenses - manufacturing | - | - | - | - | C | C | C | C |
| Pens, pencils and other office and artists' materials - manufacturing | - | - | - | - | C | C | C | C |
| Photographic equipment and supplies - manufacturing | - | - | - | - | C | C | C | C |
| Surgical, medical and dental instruments & supplies - manufacturing | - | - | - | - | C | C | C | C |
| Toys, amusements, sporting goods and athletic goods - manufacturing | - | - | - | - | C | C | C | C |
| Watches, clocks, clockwork operated devices and parts - manufacturing | - | - | - | - | C | C | C | C |
| f. Other products manufacturing | | | | | | | | |
| Motion picture production | - | - | - | C | C | C | C | C |
| Pottery and related products - manufacturing | - | C | - | C | C | C | C | C |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|--|-----|-----|-----|-----|-----|-----|-----|------|
| g. Wood and paper manufacturing | | | | | | | | |
| Millwork, veneer, plywood & pre-fabricated structural wood products - manufacturing | - | - | - | - | C | C | C | C |
| Paper (except building paper) - manufacturing | - | - | - | - | C | C | C | C |
| Paperboard - manufacturing | - | - | - | - | C | C | C | C |
| Pulp manufacturing | - | - | - | - | - | C | C | - |
| Sawmills and planing mills | - | - | - | - | - | C | C | - |
| h. Chemical and plastics manufacturing: | | | | | | | | |
| Agricultural chemicals - manufacturing | - | - | - | - | C | C | - | - |
| Drug manufacturing | - | - | - | - | C | C | C | C |
| Industrial inorganic chemicals - manufacturing | - | - | - | - | - | C | C | - |
| Miscellaneous plastic products - manuf. | - | - | - | - | C | C | C | - |
| Paints, varnishes, lacquers, enamels all allied products - manufacturing | - | - | - | - | C | C | C | - |
| Plastics materials and synthetic resins, synthetic and other man-made fibers(except glass) - manufacturing | - | - | - | - | C | C | C | - |
| Soap, detergents and cleaning preparations, perfumes, cosmetic and other toilet preparations - manufacturing | - | - | - | - | C | C | C | - |
| i. Petroleum products manufacturing: | | | | | | | | |
| Paving and roofing materials - manufacturing | - | - | - | - | - | C | C | - |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| Petroleum refining | - | - | - | - | - | C | - | - |
| Rubber footwear | - | - | - | - | - | C | C | - |
| Tires and inner tubes- manufacturing | - | - | - | - | - | C | C | - |
| j. Non-metallic products manufacturing: | | | | | | | | |
| Abrasive and miscellaneous non-metallic mineral products - manufacturing | - | - | - | - | C | C | - | - |
| Cement (hydraulic) - manufacturing | - | - | - | - | C | C | - | - |
| Concrete, gypsum and plaster products - manufacturing | - | - | - | - | C | C | - | - |
| Glass and glassware (pressed or blow) - manufacturing | - | - | - | - | C | C | C | - |
| Plate glass manufacturing | - | - | - | - | C | C | - | - |
| Structural clay products - manufacturing | - | - | - | - | C | C | - | - |
| k. Metallic products manufacturing: | | | | | | | | |
| Blast furnaces, steel works and the rolling finishing of ferrous metals, etc. | - | - | - | - | - | C | - | - |
| Iron and steel foundries | - | - | - | - | - | C | - | - |
| Nonferrous foundries | - | - | - | - | - | C | - | - |
| Primary smelting and refining of nonferrous metals | - | - | - | - | - | C | - | - |
| Rolling, drawing and extruding nonferrous metals | - | - | - | - | C | C | - | - |
| Secondary smelting and refining of nonferrous metals and alloys | - | - | - | - | - | - | - | - |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|--|-----|-----|-----|-----|-----|-----|-----|------|
| 1. Machine products manufacturing: | | | | | | | | |
| Electrical machinery, equipment and supplies - manufacturing | - | - | - | - | - | - | - | - |
| Engineering, laboratory & scientific & research instruments & associated equipment manufacturing | - | - | - | - | C | C | C | C |
| Instruments for measuring, controlling & indicating physical characteristics - manuf. | - | - | - | - | C | C | C | C |
| Machinery (except electrical) - manuf. | - | - | - | - | C | C | C | C |
| Ordinances and accessories | - | - | - | - | C | C | C | - |
| Transportation equipment - manuf. | - | - | - | - | C | C | C | C |
| m. Transportation: | | | | | | | | |
| Staging for trucking, local and long distance | - | - | - | - | C | C | C | C |
| n. Wholesale trade and warehousing: | | | | | | | | |
| Drugs, chemicals, and allied products | - | - | - | - | C | C | C | C |
| Dry goods and apparel | - | - | - | - | C | C | C | C |
| Electrical goods | - | - | C | - | C | C | C | C |
| Farm products | - | - | - | - | C | C | C | C |
| Groceries and related products | - | - | - | - | C | C | C | C |
| Hardware, plumbing, heating, equipment, and supplies | - | - | - | - | C | C | C | C |
| Machinery, equipment and supplies | - | - | - | - | C | C | C | C |
| Motor vehicles and automotive equipment | - | - | - | - | C | C | C | C |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|--|-----|-----|-----|-----|-----|-----|-----|------|
| Research and development | - | - | - | - | C | C | C | C |
| Warehousing and storage service | - | - | C | - | C | C | C | C |
| o. Industrial services: | | | | | | | | |
| Concrete services and batch plants | - | - | - | - | C | C | C | C |
| General contract construction services | - | - | - | - | C | C | C | C |
| Masonry, stonework, tile setting, and plastering services | - | - | - | - | C | C | C | C |
| Roofing and sheet metal services | - | - | - | - | C | C | C | C |
| Water and well drilling services | - | - | - | - | C | C | C | C |
| p. Mining: | | | | | | | | |
| Chemical and fertilizers (mineral) mining | - | - | - | - | - | C | - | - |
| Coal mining | - | - | - | - | - | C | - | - |
| Crude petroleum and natural gas | - | - | - | - | - | C | - | - |
| Dimension stone | - | - | - | - | - | C | - | - |
| Land excavations | C* | C* | C* | C* | C* | C* | - | C* |
| Metal ore mining (* see qualifying regulations) | - | - | - | - | - | C | - | - |
| Sand and gravel - quarrying | - | - | - | - | - | C* | C* | - |
| Other mining and quarrying of non- metallic minerals (except fuels) | - | - | - | - | - | C | - | - |
| Outdoor storage auto wrecking yards | - | - | - | - | - | C | - | - |
| Wrecking yards | - | - | - | - | - | C | - | - |

(4) Institutional (non profit):

a. Residential:

Religious quarters C - - C - - C -

Retirement homes and orphanages - - - C - - C -

b. Health services:

Hospital services - C - C - - C -

Sanitariums, convalescent, and rest home services - - - C - - C -

c. Government services:

Correction institutions - - - C C C - C

Executive, legislative and judicial functions C C C C C C C C

Postal services C C C C C C C C

Protective functions & related activities C C C C C C C C

d. Educational services:

Special training and schooling C C - C C C C C

e. Religious and welfare services:

Churches, synagogues, and temples C C C C C C C C

Welfare and charitable services C C C C C C C C

f. Public:

Art galleries - P - C - - C -

Fairgrounds - - - - - - C -

Libraries P P - C - C C -

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|---|-----|-----|-----|-----|-----|-----|-----|------|
| Museums | - | - | - | C | - | - | C | - |
| Nature exhibitions | - | - | - | C | - | - | C | - |
| Public Assembly, misc. purposes | - | - | - | - | - | - | C | - |
| Public Assembly, misc. purposes | - | - | - | - | - | - | C | - |
| Public information centers | - | P | P | P | C | - | C | C |
| g. Entertainment, recreation and open space group or organized camps: | | | | | | | | |
| Gymnasiums and athletic clubs | C | C | - | P | - | - | C | - |
| Marinas | C | - | C | - | - | - | C | - |
| Parks - General recreation | P | P | P | C | - | - | C | - |
| Parks - Leisure and ornamental | P | P | P | P | C | P | C | - |
| Playgrounds | C | C | C | C | - | - | C | - |
| Play lots or tot lots | C | C | C | C | - | - | C | - |
| Racetracks | - | - | - | - | - | - | C | - |
| Recreation centers (general) | C | C | C | C | - | - | C | - |
| Swimming pools | C | C | C | - | - | - | C | - |
| h. Streets: | | | | | | | | |
| Alleys | C | C | C | C | C | C | C | C |
| Freeways | C | C | C | C | - | C | C | - |
| Streets, public | C | C | C | C | C | C | C | C |
| Streets, private | C | C | C | C | C | C | C | C |

C-N C-S C-H C-G M-D M-G C-D MD-B

(5) Land developments:

| | | | | | | | | |
|---------------------------|---|---|---|---|---|---|---|---|
| Subdivision | C | C | C | C | C | C | C | C |
| Planned unit developments | C | C | C | C | C | C | C | C |

(6) Utilities:

a. Communication:

| | | | | | | | | |
|-----------|---|---|---|---|---|---|---|---|
| Telephone | C | C | - | - | C | - | C | C |
| Telegraph | C | C | - | - | C | - | C | C |

b. Utilities - lines and rights-of-way

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Culinary water | - | - | - | - | P | P | C | P |
| Electricity (substations or facilities for) | - | - | - | - | P | P | C | P |
| Industrial Pre-Treatment | | | | | C | | | C |
| Irrigation water | - | - | - | - | P | P | C | P |
| Natural gas | - | - | - | - | P | P | C | P |
| Pipelines (oil and gas transmission) | - | - | - | - | - | P | C | - |
| Sewage disposal | - | - | - | - | - | C | - | - |
| Solid waste disposal | - | - | - | - | - | C | - | - |

(7) Kennels.

| | | | | | | | | |
|--|---|---|---|---|---|---|---|---|
| | - | - | - | - | - | - | C | - |
|--|---|---|---|---|---|---|---|---|

10.22.031 Qualifying Regulations.

(1) Conditional Use Permits shall only be issued for sand and gravel - quarrying and land excavations in any Commercial or Industrial Zone after a bond for reclamation is posted with the Beaver County Treasurer as per Chapter 8 of the Beaver County Subdivision Ordinance in the amount of \$.10 per cubic yard as determined by the dimensions of the proposed quarrying operation by the Conditional Use Permit Application.

10.22.040 Height Regulations. The maximum height for all buildings and structures in districts regulated by this chapter shall be:

| | | | | | | | | |
|----------------------|----------|----------|----------|----------|----------|----------|--------|----------|
| In feet | 35 | 35 C | 35 C | 35 C | 35 | C C | 35 | 35 |
| In number of stories | 2.5 - | 2.5 C | 2.5 C | 2.5 C | 2.5 - | 2.5 C | C - | 2.5 - |

10.22.050 Area, Width, Frontage, Yard and Coverage Regulations. The minimum depth and/or length for yards in the districts regulated by this chapter shall be:

| | | | | | | | | |
|------------|------|--------|----|----|----|----|----|----|
| Front yard | 20 | C* | 20 | C* | C* | C* | C* | C* |
| Rear yard | C* | C* | C* | C* | C* | C* | C* | C* |
| Side yard | C* | C* | C* | C* | C* | C* | C* | C* |
| Area | .5ac | 20Ksq' | C* | C* | C* | C* | C* | C* |

(*Based on configuration and placement of building on lot)

10.22.060 Improvements Required to be Completed or in Progress Before a Building Permit May Be Issued. Improvements are to be in compliance with standards adopted by the Local Jurisdiction.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Street grading | A | A | A | A | A | A | A | A |
| Street base | A | A | A | A | A | A | A | A |
| Street dust treatment(oil or similar treatment) | A | A | A | A | A | A | A | A |
| Street paving | A | A | A | A | A | A | A | A |
| Curb and gutter | A | A | A | A | A | A | A | A |
| Sidewalk | A | A | A | A | A | A | A | A |
| Surface drainage facilities | A | A | A | A | A | A | A | A |
| Waste Water disposal facilities | A | A | A | A | A | A | A | A |
| Culinary water facilities | A | A | A | A | A | A | A | A |
| Fire fighting facilities | A | A | A | A | A | A | A | A |

| | C-N | C-S | C-H | C-G | M-D | M-G | C-D | MD-B |
|------------------------------------|-----|-----|-----|-----|-----|-----|-----|------|
| Street name signs | A | A | A | A | A | A | A | A |
| Street monuments | A | A | A | A | A | A | A | A |
| Survey monuments boxes | A | A | A | A | A | A | A | A |
| Shade trees (along public streets) | A | A | A | A | A | A | A | A |
| Street lights | A | A | A | A | A | A | A | A |
| Address numbers | A | A | A | A | A | A | A | A |

10.22.070 Special Conditional Use Requirements for Manufacturing and Business Park:

These requirements must be adhered and/or considered for construction inside the commercial and manufacturing Districts, and are required in the M-D and MD-B zones.

(1) Mechanical Equipment: mechanical equipment must be screened from adjacent properties and public streets.

(2) Building materials: similar building materials to be used on all sides of the building. The objective is to eliminate a "front door" and a "back door" image.

(3) Outdoor Storage: all outdoor storage of equipment and materials, if allowed, must be screened from adjacent properties and public streets.

(4) Multi-Tenant Design: multi-tenant speculative building must be designed to accommodate tenant signage

(5) Metal Buildings: plans that provide for metal clad buildings shall be approved only at the discretion of the Redevelopment Agency. They will not detract from the general aesthetics of the business park.

(6) Utilities: all utilities are or will be underground, and each developer or owner is responsible for having all utilities for future development underground.

(7) Noise: no use shall emit or cause the admission of sound from a stationary source, such that one hour equivalent south level (L subheading EQ) of the resulted sound measurement at the lot line of the establishment or use exceeds by 6 dBA, or more than one hour equivalent south (L subheading EQ) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-

77-1008 Highway Traffic Noise prediction Model, or by other techniques at least as accurate as those set out in FHWA-RD-77-108. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement shall be compatible with that according to ANSI S1.13-1971, with the following adjustments.

a. Adjustment for the temporal and tonal quality such as a whine, screech, buzz, or hum, or if the sound has an audible sickly variation in sound level, such as the beating or other amplitude modulation, 5 dBA shall be added to the measured sound level to allow for the increased subjective response to the sound.

b. Steady impulsive sound. Where the sound is of a repetitive impulse nature, so that a steady reading is obtained using the "slow response" setting on the sound level meter, then 10 dBA shall be added to the measured value to allow for the increased subjective response to the sound.

c. An adjustment may be made only one of the paragraphs stated above. In the case where both paragraphs apply, then paragraph 2 takes effect. No use shall emit or cause or permit the emission of sound of any impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of 80 dBA or in a one hours equivalent level (L subheading EQ) exceeding that one hour equivalent level (L subheading EQ) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 or the equivalent method.

(8) Vibration: no vibration (other than from transportation facilities or temporary construction work) shall be permitted which is noticeable without instruments.

(9) Odors: no emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of 1 volume of odorous air to 4 volumes of clean air at the points of measurements taken at the lot line of the use or establishment. Any process which may involve the creation or emission will be maintained if the primary safeguard system shall fail.

(10) Air Pollution: no particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

(11) Liquid or Solid Waste: no discharge at any point into a public sewer, public waste disposal system, private sewer or stream, or into the ground, contrary to the Utah State Water Pollution Control Act, its amendments, subsequent waste water disposal regulations or the Utah Code of Solid Waste Disposal regulations.

(12) Landscape Guidelines and Requirements: it is the intent of the Master Plan that property landscaping be maintained at the high level of quality. To do so required that cooperation and good faith of all tenants, developers, landscape architects, engineers and above all owners.

a. Tree Distribution: in order to maintain the park-like atmosphere intended for the business park, it is recommended that approximately 30 trees to an acre of landscaped area should be used as a minimum standard of developing planting plans. A judicious mix of evergreens and deciduous trees is recommended. Tree sizes shall conform to the table.

b. No deciduous trees of less than 1.5" caliber will be acceptable, nor will evergreen trees less than 6' in height be acceptable. It is recommended that a 30' front yard set back be required, that 5% of the lot area, minimum, shall be landscaped and that signage should be limited to building signs attached to the surface of the building, or if they are free standing signs, they are the monument type, no higher than 4 feet which may be located in the front yard setback. There shall be no free standing pole signs or billboards in the business park. Exemption would be directional signs, informational signs and traffic control signs that are sized appropriately for the task.

(13) Building Setbacks: (these are conditional based on configuration and placement of the building on the lot).

a. Front Yard: 30'-0" including parking areas as well as buildings. (100'-0" if loading docks face front yard).

b. Side Yard: 25'-0" for buildings, 0'-0" for parking and/or paved areas.

c. Rear Yard: 25'-0" for buildings, 0'-0" for parking and/or paved areas.

d. From Creek: 25'-0" for buildings, 10' for parking or paved areas.

e. Building Coverage: 70%

CHAPTER 10.23 PLANNED DISTRICT ZONE (P)

10.23.010 Purpose

To allow diversification of land uses as they relate to each other in a physical and environmental arrangement, at the same time, insuring compliance with the provisions of this ordinance. This zone is only to be used in conjunction with the Planned Unit Development regulations.

10.23.020 Use Regulations

None.

10.23.030 Permitted Uses

None.

10.23.040 Conditional Uses

- (1) Forest/Recreation Uses Including:
 - a. Commercial Recreation Uses
- (2) Residential Uses Including:
 - a. Apartments
 - b. Town Houses
 - c. Condominiums
- (3) Neighborhood Commercial Uses Including:
 - a. Restaurants
 - b. Motels
 - c. R.V. Parks
 - d. Recreation Equipment & Clothing Sales and Rentals.
- (4) Recreation and open space uses.
- (5) Any combination of the above uses or other uses that may be determined by the Planning Commission to be in harmony with each other according to the designated and approved development plan.

10.23.050 Site Design Regulations

Refer to Chapter 10.09 of this ordinance. (Planned Unit Development)

10.23.060 Height Regulations

Refer to Chapter 10.09 of this ordinance. (Planned Unit Development)

10.23.070 Area Width and Yard Regulations

Refer to Chapter 10.09 of this ordinance. (Planned Unit Development)

CHAPTER 10.24 AIRPORT INFLUENCE DISTRICT, (AI)

An Ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of Municipal Airports by creating the appropriate zones and establishing the boundaries thereof, providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Municipal Airport Height Restriction and Compatible Land Use Overlay Drawings which are incorporated in and made a part of this ordinance; providing for enforcement; establishing a board of adjustment; and imposing penalties.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Municipal Airports and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at Municipal Airports; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Municipal Airports and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Municipal Airport.
- (2) That the encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein below may endanger the health, safety, and welfare of the owners, occupants, or users of the land; and
- (3) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (4) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- (5) That Municipal Airports fulfill an essential community purpose.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of construction are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

It is hereby ordained by Beaver County as follows:

**SECTION I
SHORT TITLE**

This Ordinance shall be known and may be cited as the Beaver County Airport Overlay Zoning Ordinance for Municipal Airports.

**SECTION II
DEFINITIONS**

As used in this Ordinance, unless the context otherwise requires:

- (1) **AIRPORT** - Municipal Airport.
- (2) **AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 5042 feet MSL (NAVD 1988) as of the date of this ordinance.
- (3) **APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height

limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

- (4) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section III of this Ordinance.
- (5) BOARD OF ADJUSTMENT - A Board consisting of _____ members appointed by the County Commissioners.
- (6) CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (7) HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (8) HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (9) HELIPORT PRIMARY SURFACE - The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (10) HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (11) LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- (12) NAVD 88 - North American Vertical Datum 1988. All elevations in this ordinance are referenced to the 1983 North American Datum. (To convert elevations referenced from the NAVD 88 to the 1929 National Geodetic Vertical Datum (NGVD 29), subtract 3.5 feet from the NAVD 88 elevation.)
- (13) NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- (14) NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
- (15) OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.

- (16) PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (17) PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR), or a Global Positioning System (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (18) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (19) RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (20) STRUCTURE - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
- (21) TRANSITIONAL SURFACES - these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- (22) TREE - Any object of natural growth.
- (23) UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (24) VISUAL RUNWAY - a runway intended solely for the operation of aircraft using visual approach procedures.

**SECTION III
AIRPORT HEIGHT RESTRICTION ZONES**

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to Municipal Airports. Such zones are shown on the Municipal Airport Height Restriction Overlay Zoning Map. Two copies (2) original, official, and identical copies of the Airport Height Restriction

Overlay Zoning Map reflecting the boundaries of the Airport Height Restriction Overlay Zoning districts of Beaver County, Utah are hereby adopted, and the County Commissioners are hereby authorized to sign and attest each map as the official Airport Height Restriction Overlay Zoning Map of Municipal Airports, Beaver County, Utah, and such maps shall be filed and maintained as follows:

- (1) One (1) copy shall be filed for permanent record in the office of the County Planning & Zoning Department and shall be designated as "Exhibit 1".
- (2) One (10 copy shall be filed in the office of the Airport Manager and shall be designated as "Exhibit 2".

An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach surface expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway. This criteria applies to Runway 16.
- (2) Non Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone begins at the edge of the primary surface and expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway. This criteria applies to Runways 34.
- (3) Transitional Zones - The transitional begins at the edge of the primary surface and approach surface and extends horizontally perpendicular to the runway centerline to the point where its vertical height reaches 150 feet above the airport elevation.
- (4) Horizontal Zones - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (5) Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

**SECTION IV
AIRPORT ZONE HEIGHT LIMITATIONS**

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet and continues on for a distance of 40,000 feet at a slope of forty (40) feet outward for each foot upward along the extended runway centerline.
2. Non Precision Instrument Runway Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet.
3. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
4. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 5192 feet above mean sea level (MSL).
5. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (5192 feet MSL) and extending to a height of 350 feet (5392 feet MSL) above the airport elevation.

**SECTION V
COMPATIBLE LAND USE REGULATIONS**

1. Airport Compatible Land Use Overlay Zoning Districts Established - For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the Controlled Area of Municipal Airports is divided into four (4) Airport Compatible Land Use Overlay Zoning districts. The four (4) Airport Compatible Land Use Overlay Zoning districts established herein shall be known as:

| Abbreviated Designation | Zoning District Name |
|-------------------------|------------------------|
| AIA | Airport Influence Area |
| TPA | Traffic Pattern Area |
| AZ | Approach Zone |
| RPZ | Runway Protection Zone |

2. Airport Compatible Land Use Overlay Zoning Map -
 - (A) The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Airport Compatible Land Use Overlay Zoning District Map for Municipal

Airport, Beaver County, Utah, said Airport Compatible Land Use Overlay Zoning District Map being adopted by reference and made a part of this Chapter as fully as if the same were set forth herein in detail.

- (B) Two (2) original, official, and identical copies of the Airport Compatible Land Use Overlay Zoning District Map reflecting the boundaries of the Airport Compatible Land Use Overlay Zoning districts of Municipal Airports, Beaver County, Utah are hereby adopted, and the County Commissioners hereby authorized to sign and attest each map as the official Airport Compatible Land Use Overlay Zoning District Map for Municipal Airports, Beaver County, Utah, and such maps shall be filed and maintained as follows:
 - (1) One (1) copy shall be filed for permanent record in the office of the County Engineer and shall be designated as "Exhibit 1".
 - (2) One (1) copy shall be filed in the office of the Airport Manager and shall be designated as "Exhibit 2".

3. Airport Compatible Land Use Overlay Zoning District Boundaries -

- (A) The Airport Compatible Land Use Overlay Zoning District boundary lines shown on the official Airport Compatible Land Use Overlay Zoning District Map shall be located and delineated along contour lines established for Municipal Airports. Where uncertainty exists as to the boundaries of the Airport Compatible Land Use Overlay Zoning Districts as shown on the official Map, the following rules shall apply:
 - (1) Boundaries shall be scaled from the nearest physical feature shown on the map.
 - (2) Boundaries may be scaled from the nearest platted lot line as shown on the map.
 - (3) Distances not specifically indicated on the original Airport Compatible Land Use Overlay Zoning District Map shall be determined by a scaled measurement on the map.
- (B) Where physical features on the ground differ from the information shown on the Official Airport Compatible Land Use Overlay Zoning District Map or when there arises a question as to how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section V-3.(A), the property shall be considered to be classified as the most restrictive Airport Compatible Land Use Overlay Zoning District.
- (C) Where a parcel of Land lies within more than one (1) Airport Compatible Land Use Overlay Zoning District, the zone within which each portion of the property is located shall apply individually to each portion of the development.

4. Use of Land and Buildings -

- (A) Within the Airport Compatible Land Use Overlay Zoning Districts as defined herein, no land shall hereafter be used and no structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in Beaver County Zoning. Additional land uses are prohibited in the Airport Compatible Land Use Overlay Zoning Districts, regardless of underlying zoning, as set forth in the Compatible Land Use Table adopted, hereby referenced at “Figure A” and made a part of this Chapter as fully as if the same were set forth herein in detail.
- (B) Where any use of prohibited land and buildings set forth in Section V-4.(A) conflicts with any use of land and buildings set forth in the Beaver County Zoning Ordinance as an allowed use on the Zoning District Map, this Chapter shall apply.
- (C) Where the official Airport Compatible Land Use Overlay Zoning District Map indicates an area as being outside the limits of Beaver County, Utah, the prohibited uses, as set forth in Section V-4.(A), shall apply as though the area is within Beaver County, Utah and no structure or object shall be erected, altered, converted, or modified except to comply with uses not prohibited by this Chapter.
- (D) Section V-4 does not apply to property within the official boundaries of the Airport. The approved airport layout plan shall depict approved land uses on airport property.
- (E) Where specified on the Airport Compatible Land Use Table, the property owner shall dedicate, in advance of receiving a building permit, an aviation easement to Beaver County, Utah. The purpose of this easement shall be to establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on, or at, public airport facilities.

5. Additional Land Use Regulations -

- (A) Within Beaver County, Utah the more restrictive of the Beaver County Zoning Ordinance or Section V-4.(A), shall apply to the development of all property covered by the Airport Compatible Land Use Overlay Zoning District Map.
- (B) On property within the Airport Compatible Land Use Overlay Zoning District Map Jurisdiction, but outside the county limits of Beaver County, Utah, Section V-4.(A) shall apply to the property to establish the prohibited uses, but no other provisions of the Beaver County Zoning Ordinance, shall apply to this property.
- (C) When a provision of this Section conflicts with any airport, Height Hazard Restrictions, the most restrictive provision shall apply.
- (D) Notwithstanding any other provisions of this Chapter or other Chapters of the Beaver County Zoning Regulations, no use may be made of land, water, or Structures within any zone established by this

Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, or result in glare in the eyes of pilots using the Airport; impair visibility in the vicinity of the Airport; create bird strike Hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the Airport.

- (E) When a subdivision plat is required for any property within an Airport Compatible Land Use Overlay Zoning District or within an area shown on the Airport Height Restriction Overlay Zoning Map for Municipal Airports, the property owner shall dedicate an navigation easement to the County over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near Municipal Airports.

SECTION VI NONCONFORMING USES

1. Regulations Not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Beaver County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Municipal Airport.

SECTION VII PERMITS

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, Notice of Proposed Construction or Alteration shall accompany each application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VII,4.

- (a) In the area lying within 20,000 feet of a runway, no permit shall be required by this Ordinance for any tree or structure less than 200 feet above ground level which is also lower than an imaginary surface extending outward and upward at a slope of 100 feet horizontal for each 1 foot vertical beginning at the closest point of the closest runway.
- (b) In the area lying beyond 20,000 feet of a runway, no permit shall be required by this Ordinance for any tree or structure less than 200 feet above ground level.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

- 2. Existing Uses - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- 3. Nonconforming Uses Abandoned or Destroyed - Whenever Beaver County determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- 4. Variations - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to Beaver County for advice as to the aeronautical effects of the variance. If the County does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

- 5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may be modified to require the owner to permit the Municipal Airport at its own expense, to install, operate, and maintain the necessary markings and lights.

**SECTION VIII
ENFORCEMENT**

It shall be the duty of Beaver County to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the County upon a form published for that purpose. Applications required by this Ordinance to be submitted to the County shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by Beaver County.

**SECTION IX
BOARD OF ADJUSTMENT**

1. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirements, decision, or determination made by Beaver County in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Board of Adjustment shall consist of members appointed by the Beaver County Commission and each shall serve for a term of ____ years until a successor is duly appointed and qualified. Of the members first appointed one shall be appointed for a term of ____ years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustments shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each questions; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall immediately be filed in the office of the Beaver County Engineering Department and on due cause shown.
4. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order requirement, decision, or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of Beaver County or decide in favor of the application on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

**SECTION X
APPEALS**

1. Any person aggrieved, or any taxpayer affected, by any decision of Beaver County made in the administration of the Ordinance, may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with Beaver County a notice of appeal specifying the grounds thereof. Beaver County shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceeding in furtherance of the action appealed from unless Beaver County certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of Beaver County cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to Beaver County and on due cause shown.
4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed form and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

**SECTION XI
JUDICIAL REVIEW**

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of _____ as provided in Section ____ of Chapter ____ of the Public Laws of _____ .

**SECTION XII
PENALTIES**

Each violation of this Ordinance or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than _____ dollars or imprisonment for not more than _____ days or both; and each day a violation continues to exist shall constitute a separate offense.

**SECTION XIII
CONFLICTING REGULATIONS**

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

**SECTION XIV
SEVERABILITY**

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held

invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

CHAPTER 10.25 SENSITIVE AREA DISTRICT, (SA)

10.25.010 Purpose and Intent.

The purpose of the SA District is to designate and describe those areas within the Local Jurisdiction that possess physical and/or environmental characteristics which require special public consideration of use applications which might affect the structure of the land; the management of surface or subsurface water; safety of future land occupants due to increased fire, earthquake, or storm hazards from the proposed development; or the uneconomic extension of public facilities and services. Of specific concern is development in flood-prone areas, earthquake zones, land-slide areas, areas of steep slope or unstable soils, and other sensitive areas requiring careful assessment prior to alteration.

It is the intent of these regulations to permit the widest possible latitude in the use of property, while at the same time requiring design solutions which will avoid detrimental impacts on sensitive natural areas, as well as provide protection from adverse natural forces and hazards.

10.25.020 Permitted Uses.

The following uses are permitted in the SA District:

- (1) Tilling soil;
- (2) Raising crops; and
- (3) Horticulture and gardening, excluding agricultural industries.

10.25.030 Conditional Uses.

The SA District is an overlay district whose sole effect is to require additional review of proposed uses in the underlay districts. To this end, any permitted use in a district overlaid by an SA District, with the exception of those uses permitted in Section 25-2 above, is a conditional use. Conditional uses authorized in districts overlaid by the SA District remain Conditional uses.

CHAPTER 10.26 (FLOODPLAIN OVERLAY) DISTRICT (FP)

10.26.010 Purpose.

The purpose of overlay district is to protect the public health, safety, and general welfare, and to minimize hazards due to flooding in specific areas as identified by the latest adopted Flood Insurance Rate Maps, in addition to the following:

- (1) To minimize expenditure of public money for costly flood control projects;

- (2) To minimize the need for the rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (3) To minimize prolonged business interruption;
- (4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (5) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (6) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (7) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion of flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will un-naturally divert flood waters or which may increase flood hazards in other areas.

10.26.020 Definitions.

In addition to those terms defined in Section 10.01.060, the following definitions shall apply:

Appeal. A request for a review of the County Engineer's interpretation of any provision of this Chapter.

Area of shallow flooding. A designated AO, AH, or CP Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood-related erosion hazard. The area of subject to severe flood-related erosion losses. The area is designated as Zone E on the Flood Insurance Rate Map (FIRM).

Area of special flood hazard. See "Special flood hazard area."

Area of special mud slide (i.e. mud flow hazard). The area subject to severe mud slides (i.e. mud flows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood").

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters, the unusual and rapid accumulation or run-off of surface water from any source, and/or the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood Boundary and Floodway Map. The official map on which at the General Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain or flood-prone area. The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. Development code, building codes, health regulations, special purpose ordinances (i.e. grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel or a river or other watercourse and the adjacent land areas that must be reserved in order

to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. Also referred to as "Regulatory floodway".

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for sale or rent.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction. For floodplain management purposes, structures for which the "state of construction" commenced on or after the effective date of this Development Code.

One hundred year flood. A flood which has a 1% annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout this chapter.

Remedy a violation. To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Development Code or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard areas (SFHA). An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, CO, C1-V30, VE, or V.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (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. The term does not, however, include either:

- (1) 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
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

10.26.030 General Provisions

(1) This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards and areas of mud slide (i.e. mud flow) hazards within the jurisdiction of the County.

(2) The areas of special flood hazard, areas of flood-related erosion hazards and areas of mud slide (i.e. mud flow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration on a Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this Chapter. This Flood Insurance Study is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Council by an engineer designated as the "County Engineer."

(3) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the County from taking such lawful action as is necessary to prevent or remedy any violation.

(4) This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and any other code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more restrictive restrictions shall prevail.

- (5) In the interpretation and application of this Chapter, all provisions shall be:
- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(6) The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards and areas of mud slide (i.e., mud flow) hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

10.26.040 Administration.

(1) A Flood Control Development Permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood-related erosion hazards or areas of mud slide (i.e., mud flow) established in Section 10.26.030. An application for a Flood Control Development Permit shall be made on forms furnished by the County Building Inspector, County Planning Commission or an engineer designated by the County Commission, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of same. Specifically, the following information is required:

- a. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in zone AP or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
- b. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- c. All appropriate certifications listed in Section 10.26.050 of this Chapter; and;
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(2) The County Commission, County Building Inspector, or a professional engineer designated by the County Commission, acting in the capacity as the County Engineer is hereby appointed to administer and implement this Chapter by granting or denying Flood Control Development Permits in compliance with its provisions.

(3) The duties and responsibilities of the County Commission, County Building Inspector or the County Engineer, as related to this Chapter, shall include, but not be limited to:

- a. Permit Review
 - 1. Review all Flood Control Development Permits to determine that the permit requirements of this Chapter have been satisfied;
 - 2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding;
 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but the floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point.
- b. When base flood elevation data has not been provided in compliance with Section 10.26.030 the County Commission, County Building Engineer, or County Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 10.26.050. Any such information shall be submitted to the County Commission for adoption.
 - c. Whenever a watercourse is to be altered or relocated, the County Commission or County Engineer shall:
 1. Notify adjacent communities prior to the alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration;
 2. Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.
 - d. Secure and maintain for public inspection and availability the certifications, appeals and variances identified in Section 10.26.050 and Section 10.26.080.
 - e. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mud slide (i.e., mud flow) (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.26.080.
 - f. Take action to remedy violations of this Chapter.

10.26.050 Provisions for Flood Hazard Reduction.

In all areas of special flood hazards the following standards shall apply:

(1) Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of Section 10.26.050(6).

(2) Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. Require within Zones AH, AO, or VO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and Floodproofing.

a. New construction and substantial improvement of structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures shall meet the standards in Section 10.26.050(3)(C). Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer to be properly elevated. The certification or verification shall be provided to the County Commission or County Engineer.

b. New construction and substantial improvement of any structure in Zone AH, AO, or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least 2 feet if no depth number is specified. Nonresidential structures shall meet the standards in Section 10.26.050(3)(C). Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer, or verified by the building inspector to be properly elevated. The certification or verification shall be provided to the County Engineer.

c. Nonresidential construction shall either be elevated in conformance with Section 10.26.050(3)(A)(B) or (D) or together with attendant utility and sanitary facilities:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. The certifications shall be provided to the County Commission or County Engineer.

d. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

1. Either a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters; or

2. Be certified to comply with a local floodproofing standards approved by the Federal Insurance Administration.

e. Manufactured homes shall also meet the standards in Section 10.26.050(6).

(4) Standards for Utilities.

a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

b. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(5) Standards for Subdivisions.

a. Identify the flood hazards area and the elevation of the base flood.

b. All Final Maps shall provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be verified by a registered engineer or surveyor and provided to the County Commission or the County Engineer.

c. All proposals shall be consistent with the need to minimize flood damage.

d. All proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

e. All proposals shall provide adequate drainage to reduce exposure to flood hazards.

(6) Standards for Manufactured Homes.

All new and replacement manufactured homes and additions to manufactured homes shall be constructed in the following manner:

- a. Be elevated so that the lowest floor is at or above the base flood elevation; and
- b. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements include:
 1. Over-the-top ties be provided at each of the 4 corners of the manufactured homes, with 2 additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring 1 additional tie per side;
 2. Frame ties be provided at each corner of the home with 5 additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring 4 additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 4. Any additions to the manufactured homes be similarly anchored.

10.26.060 Floodways.

(1) Located within areas of special flood hazard established in Section 10.26.030(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 10.26.060 (1) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 10.26.050.

10.26.070 Mud Slide (i.e., Mud Flow) - Prone Areas.

(1) The County Building Inspector or County Engineer shall review permits for proposed construction or other development to determine if it is proposed within a mud slide area.

(2) Permits shall be reviewed to determine that the proposed development is reasonably safe from mud slide hazards. Factors to be considered in making this determination shall include but are not limited to:

- a. The type and quality of soils;
- b. Evidence of ground water or surface water problems;
- c. The depth and quality of any fill;
- d. The overall slope of the site; and
- e. The weight that any proposed development will impose on the slope.

(3) Within areas which have mud slide hazards, the following requirements shall apply:

- a. A site investigation and further review shall be made by persons qualified in geology and soils engineering.
- b. The proposed grading, excavation, new construction and substantial improvements shall not aggravate the existing hazard by creating either on-site or off-site disturbances; and
- c. Drainage, planting, watering and maintenance shall not endanger slope stability.

(4) Within Zone M on the Flood Insurance Rate Map, excavation, grading and drainage shall be constructed in compliance with Chapter 70 of the Uniform Building Code. The following information shall be provided:

- a. The location of foundation and utility systems of new construction and substantial improvements;
- b. The location, drainage, and maintenance of all excavations, cuts and fills, and planted slopes;
- c. Protective measures including but not limited to retaining walls, fills, subdrains, diverter terraces, benchings, etc; and
- d. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports.

10.26.075 Flood-Related Erosion-Prone Areas.

(1) The County Building Inspector or the County Engineer shall require permits for proposed construction and other development within all flood-related erosion-prone areas identified within the County.

(2) The permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

(3) If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, the improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

10.26.080 Appeals and Variances.

(1) The Board of Adjustment shall hear and decide appeals and requests for flood control variances from the requirements of this Chapter.

a. The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the County Commission or County Engineer in the enforcement or administration of this Chapter.

b. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and;

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger of life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the County;
5. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. the compatibility of the proposed use with existing and anticipated development;
7. the relationship of the proposed use to the General Plan and floodplain management program for that area;
8. the safety of access to the property in time of flood for ordinary and emergency vehicles;
9. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
10. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

- c. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this Section.
- d. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 10.26.050 through 16-8 have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.
- e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- f. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- g. Flood control variances shall only be issued if:
 - 1. there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;
 - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public.
- h. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Section 10.26.050 through 10.26.050 are satisfied and that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- i. Upon consideration of the factors in this Section and the purposes of this Chapter, the Commission may impose conditions to the granting of flood control variances as it deems necessary to further the purposes of this Chapter.
- j. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the County Engineer, County Building Inspector, or the County Commission in the office of the Beaver County

Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

k. The County Commission, County Building Inspector, or County Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

