

Land Use Ordinance

CENTRAL VALLEY TOWN

PLANNING & ZONING COMMISSION

**LAND USE MANAGEMENT AND DEVELOPMENT CODE
INDEX – amended 2021.**

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**LAND USE MANAGEMENT AND DEVELOPMENT CODE
ORDINANCE NUMBER 2005-010
November 2021 Amendment**

WHEREAS, the Central Valley Planning Commission and Central Valley Town Council identified a need to prepare a Land Use Management and Development Code; and

WHEREAS, it is necessary to establish official-wide planning goals and policies for future development in Central Valley Town to promote orderly growth, preserve property values, promote public safety and provide for the general welfare of Central Valley Town residents; and

WHEREAS, a public hearing to consider the amendment to the Land Use Management and Development Code was held on October 19, 2005; and

WHEREAS, additional public hearings to consider changes were held on April 18, 2007, July 18, 2007, January 9, 2008, June 18, 2008, July 15, 2009, December 2, 2009, April 21, 2010, March 7, 2012, March 7, 2012, February 4, 2015, July 18, 2017, July 12, 2018 and November 10, 2021;

NOW THEREFORE, be it hereby ordained by the Central Valley Town Council as follows:
Section 1700: Amendments to the General Plan, Land Use Ordinance and Zoning Maps, Application and Procedures - be added as a new section to the Land Use Management and Development Code by the Central Valley Town Council on November 17, 2021.

**CENTRAL VALLEY TOWN ZONING ORDINANCE
ZONING REGULATIONS AND PROVISIONS**

Section 1 - GENERAL PROVISIONS

1-100. Short title: This ordinance shall be known as the "**Central Valley Town Zoning Ordinance**" and may be so cited and pleaded.

1-200. Purpose: The purpose of this ordinance is to promote the general welfare of Central Valley Town, to protect the health of its inhabitants, to encourage the most appropriate use of land within the town, to insure the value of property, to lessen the congestion in the streets and ways, to avoid undue concentration of population, to provide an adequate supply of light and air by regulating the location, use, and height of buildings and the area of open spaces about them, to secure safety from fire and other dangers, to secure economy in governmental expenditures, and to foster the town's industrial, business, and residential development.

1-300. Effect of chapter: The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations and all other regulations appearing elsewhere in this ordinance. Applicable county ordinances may apply.

1-400. 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.

1-500. Conflict: This ordinance shall nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. Whenever other restrictions or provisions are adopted under state law, the most restrictive requirement shall govern.

1-600. Effect on previous ordinances and maps: The existing ordinances covering zoning, in their entirety, and 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 or maps, shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions or previous codes are 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, to questions of conforming or non conforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures become conforming or non-conforming.

Section 2 - DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this code. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure;" the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not 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. Words used in this code but not defined herein shall have the meaning as defined in any other ordinance adopted by Central Valley Town.

2-100. Accessory use or building: A use or building which is subordinate to the principal use of a building, or a principal use on the same lot, and serving a purpose customarily incidental to the use of the principal building or use.

2-101. Agriculture: The tilling of soil, raising of crops; horticulture and gardening, the keeping or raising of domestic animals, but not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, livestock feed yards, or similar uses.

2-102. Alley: A street or thoroughfare less than twenty (20) feet wide which affords only secondary access to abutting property.

2-103. Automobile repair, major: General repair, building or reconditioning of engines, motor vehicles or trailers; collision service including body or frame repairs;

2-104. Automobile repair, minor: Upholstering, replacement of parts and motor service to passenger cars or trucks not exceeding one and one-half (1 ½) tons capacity but not including operations named under "automobile repair, Major: Or similar thereto as determined by the planning commission.

2-105. Automobile service stations: A place of business where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and where deliveries are made directly into vehicles; and where services are performed which may include tire and tube repair, battery charging, storage of merchandise, lubricating of automobiles, automobile washing, and minor automobile repairs, but excluding major automobile repairs.

2-106. Building: Any structure having a roof supported by walls or columns, used or intended to be used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

2-107. Building height: The vertical distance from grade to the highest point of the roof of the building.

2-108. Building, main: A building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which it is situated.

2-109. Carport: A private garage not completely enclosed by walls or doors.

2-110. Child nursery: An establishment for the care and/or instruction of five (5) or more children other than members of the family residing on the premises.

2-111. Town council: The town council of Central Valley, Utah.

2-112. Conditional use: A use of land for which a conditional use permit is required pursuant to **Section 17** of this ordinance. A conditional use means a land use that because of its unique characteristics or potential impact on Central Valley Town, 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.

2-113. Constitutional taking: Final action(s) by the town involving the physical taking or exaction of private real property that require compensation to a private real property owner because of the mandates of the fifth or fourteenth amendments to the constitution of the United States, or, of Article I, Section 22, of the Utah Constitution.

2-114. Corral: A pen or enclosure for confining animals.

2-115. 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 as a dairy.

2-116. Developer: Any person, firm, partnership, corporation or association who causes improvements to be constructed and use to be changed, or land to be subdivided for himself/herself or others.

2-117. Development (Land): The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as a subdivision, planned unit development, mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

2-118. District (Also Zone or Zoning District): A portion of the territory of Central Valley Town established as a zoning district by this code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

2-119. Dwelling: Any building, or portion thereof, which is designed for use of residential purposes except hotels, motels, lodging houses, and nursing homes.

2-120. Dwelling, single family: A building containing only one (1) dwelling unit, designed to be occupied exclusively by one (1) family.

2-121. Dwelling, two-family: A building containing only two (2) dwelling units, designed to be occupied exclusively by two (2) families living independently of one another.

2-122. Dwelling, multi-family: A building containing more than two (2) dwelling units.

2-123. Dwelling unit: One or more rooms designed for use for residential purposes, constituting a separate and independent house-keeping unit with a single kitchen.

2-124. 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 who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

2-125. 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, boats, snowmobiles, etc.

2-126. Domestic Animals, Family Food Production and Equestrian Activities for Recreational and Agricultural Use: Domestic animals for pets or family food production are allowed as follows: one animal unit per five thousand (5,000) square feet of area. It shall be the property owner's responsibility to maintain fences and enclosures to protect all other property owners land from damage. It is unlawful to exceed the animal units by property owner or tenants, violations are a class C misdemeanor.

In addition: Wherever animals, including fowl and pigeons, may be tethered, corralled, confined and sheltered or fed, the premises shall be maintained in a neat and sanitary condition so that no **public nuisance** due to unsightliness, odor or pest breeding or harborage shall be caused by such animals on premises.

All barns or stables intended for or presently used to shelter livestock which are now erected, constructed, altered or repaired within the jurisdiction shall conform to the requirements of the applicable zoning ordinance, the building code and all other applicable laws of the jurisdiction.

Enclosures will be located behind the residence if practicable.

The Central Valley Town Council may approve a “Conditional Use Permit” to allow animal numbers to exceed the five thousand (5,000) square foot minimum requirement. However, any such “Conditional Use Permit” shall be revoked upon the Central Valley Town Council receiving a confirmed and legitimate nuisance complaint relating to or caused by the number of animals being confined.

All violations of this ordinance will be reviewed and confirmed by the Central Valley Town Council. Upon sustaining such violation/s, a written “Notice of Violation” will be sent to the property owner on record and/or the tenant having control of the premises specifying the violation/s and requiring the unlawful condition/s be remedied with thirty (30) days of such notice. Extensions of time for compliance may be granted for cause, but, should not exceed ninety (90) days. Violations are a class C misdemeanor.

Property owners and/or tenants having control of the premises are subject to having their animals rights revoked in aggravated situations that promote a public nuisance, or, for repeated violations of the applicable animal ordinances that are sustained by the Central Valley Town Council.

Reinstatement of animal rights for said tenant or property owner/s shall only be allowed under a conditional use permit formulated and reviewed by the Central Valley Town Council. Repeated violations shall be defined as more than three (3) violations in any five (5) year period.

Animal Unit Allowance per 5,000 Square Feet:

Horses and Cows: 6 months or older – allowed 1; less than 6 months – allowed 2.

Pigs: 3 months or older – allowed 1; less than 3 months – allowed 2

Sheep and Goats: 6 months or older – allowed 3; less than 6 months – allowed 5.

Geese and Turkeys: 6 months or older – allowed 3; less than 6 months - allowed 5.

Chickens and Ducks: 4 months or older – allowed 10; less than 4 months – allowed 20.

Rabbits: 4 months or older – allowed 5.

Any combination of the above mentioned animals is permissible providing the total does not exceed the square footage of lot area allowable when figured separately and that all animals and the facilities for their care and keeping are maintained in accordance with the rules and regulations of the state board of health.

2-127. Garage, public: A structure or portion thereof other than a private garage, used for the storage, sale, care, repair, or refinishing of self-propelled vehicles, trailers, or boats.

2-128. Home occupation: Any activity conducted entirely within the dwelling unit which is clearly incidental and secondary to the residential use of the building. A home occupation shall employ no one except members of the family who are residing in the dwelling and shall not physically change the building to the extent that it would alter the residential character of the building or the residential atmosphere of the local neighborhood. A business license is required for home businesses.

Advertising of home businesses shall be limited to a 3'x3' sign of quality construction and color tones that complement the area displayed. Signs will be displayed in a manner not to degrade from the residential atmosphere.

Adequate parking and lighting must be provided to ensure safety of residence and patronage.

2-129. Hospital: An institution for the diagnosis, treatment and care of human illness or infirmity, including sanitariums and clinics.

2-130. Household pets: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, including not more than three (3) dogs or three (3) cats, over four (4) months of age, and not more than six (6) animals in total. Household pets do not include animals, fowl, or reptiles inherently or potentially dangerous.

2-131. Junk: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, or other waste or salvage material; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

2-132. Junkyard or salvage yard: Any place, establishment, or business maintained, used, or operated for storing, keeping, buying or selling junk or salvage type materials.

2-133. Kennel: Any premises where four (4) dogs older than four (4) months are kept.

2-134. Lodging house: A building where lodging only is provided for compensation to three (3) or more persons, but not including motels or hotels.

2-135. Lot: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as required by this ordinance, having frontage upon a street or upon a right-of-way approved by the planning commission. Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.

2-136. Lot, corner: A lot abutting upon two (2) or more streets at their intersection or upon two 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.

2-137. Lot, depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

2-138. Lot, interior: A lot other than a corner lot.

2-139. Lot lines: The property lines bounding the lot:

1. **Lot line, front:** The line separating the lot from the street, in case a lot abuts on more than one (1) street, the lot owner may elect any street lot line, provided that such choice, in the opinion of the enforcement official will not be injurious to adjacent properties. Where a lot does not abut on a street or where access is by means of a right-of-way, the lot line nearest to and most nearly parallel to the street line is the front lot line.
2. **Lot line, rear:** Ordinarily that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.
3. **Lot line, side:** Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from the street side lot line.
4. **Lot, width:** The average horizontal distance between the side lot lines, measured at right angles to the line followed in measuring lot depth.

2-140. Manufactured home: Shall mean a transportable built housing unit constructed on or after June, 1976. It is in one or more sections. It is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation. It includes plumbing, heating, air-conditioning and electrical systems. All manufactured homes built after June, 1976 shall be identifiable by the manufacturer's data plate bearing the date the unit was built and a HUD Label attached to the exterior of the home certifying the home was manufactured to HUD standards.

2-141. Mobile home: Shall mean a dwelling unit designed to be transported after fabrication on its own wheels or on detachable wheels and which is ready for occupancy as an independent dwelling unit except for connection to utilities and/or location on a foundation, and moved into an area for use as permanent housing.

2-142. Modular unit: A structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to uniform building codes and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

2-143. Mobile home park: Any approved plot of ground which meets the requirements of the mobile home park zoning ordinance #6-400 upon which mobile homes occupied for permanent dwelling purposes are located.

2-144. Mobile home subdivision: A subdivision designed and intended for residential use where the lots are to be occupied by mobile homes exclusively and are owned individually.

2-145. Motor hotel, motel, hotel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units.

2-146. Non-conforming structure: A 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 erection.

2-147. Non-conforming uses: A use of a structure or land which does not conform to the use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

2-148. Nursing home: An institution other than a hospital for the care of human illness or infirmity in which care, rather than diagnosis or treatment constitutes the principal function. The term nursing home shall include rest home and convalescent home.

2-149. Package agency: Any outlet authorized by the Utah Liquor Control Commission to sell original package liquor or wine for consumption off the premises

2-150. Parking lot: An area, other than a street or alley, for, motor vehicle parking of four (4) or more parking spaces.

2-151. Parking space: A permanent area, enclosed or unenclosed, for the parking of a motor vehicle.

2-152. Planned unit development: (PUD) A development authorized under and meeting all the requirements of Section 18 of this zoning ordinance. An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus planned unit development regulations can be subdivision regulations, which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this code, to become effective only through the planned unit development approval process.

2-153. Public use: A use operated exclusively by public body, such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public schools, parks, playgrounds, and other recreational facilities; administrative, service facilities, and public utilities.

2-154. Quasi-public use: A use operated by a private non-profit, education, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

2-155. Right-of-way: That portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

2-156. Sign: Any writing, pictorial presentation, symbol, banner, or any other figure of a similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle or on any place whatsoever and which is visible from outside a building.

2-157. Structure: Anything constructed or erected which requires a fixed location on the ground, or attached to something having a location on the ground, including signs and billboards.

2-158. Travel trailer or recreation vehicle: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which is not more than eight (8) feet wide and is less than thirty (30) feet long.

2-159. Travel trailer and recreation vehicle park: Any area where one or more trailer lots are rented for a relatively short-term occupancy to users of travel trailers or camp cars.

2-160. Yard, front: An open space unobstructed from the ground upward extending along the full width of the lot measured between the building and the front lot line. The depth of the front yard is the minimum distance measured horizontally between the front lot line and the nearest front line of the building.

Note - on a corner lot there are two front yards.

2-161. Yard, rear: An open space unobstructed from the ground upward between a building and the rear lot line. The depth of the rear yard is the shortest distance measured horizontally between the rear lot line and the closest part of the main building.

2-162. Yard, side: An open space unobstructed from the ground upward extending from the front yard to the rear yard between a building and the nearest side lot line. The width of the side yard is the shortest distance measured horizontally between any part of the building and the nearest side lot line.

2-163. Zoning district: Any portion of the incorporated area of Central Valley Town in which the same zoning regulations apply.

Section 3 – AGRICULTURAL, EQUESTRIAN AND ATV ACTIVITIES DISCLOSURE STATEMENT, ATV & STORAGE CONTAINER REGULATIONS, PLANNING COMMISSION CREATION & RULES

3-100. Agricultural, Equestrian and ATV Activities Disclosure Statement:

Welcome to our Town of Central Valley

The Town of Central Valley values its rich agricultural heritage and values agricultural activities and family outdoor recreation as a component of the town's economic health, community fabric and quality of life. The Town of Central Valley places value on its agricultural area, outdoor recreation and desires to provide for the protection and preservation of these activities. It is the policy of the Town of Central Valley to reduce the occurrence of conflicts between these activities and non-agricultural/ATV/equestrian land uses and to protect the public health.

Therefore, developers and tenants of non-agricultural land within the scope of Central Valley Town's zone of interest are hereby given notice of the town's support for the preservation of recreational activities and agricultural operations. An additional purpose of this notification is to promote a good neighbor policy by informing prospective developers and tenants of non-agricultural land of the effects associated with living close to agricultural activities, equestrian and ATV activities and operations.

You are hereby notified that you may be subject to inconvenience or discomfort due to lawful agricultural, ATV and equestrian activities or operations. Discomfort and inconvenience may include, but may not be limited to, noise, odors, fumes, dust, smoke, chemical and pesticide spraying, burning, vibrations, insects, rodents, and/or operations of machinery (including aircraft) at any time during the day or night.

One or more of the inconveniences described may occur as a result of ATV, equestrian and agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near these areas you should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active outdoor and agricultural sector.

The Town of Central Valley's Agricultural, Equestrian and ATV's activities Disclosure Statement does not exempt farmers or others from compliance with law. Should a farmer or other person not comply with local, state, or federal laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

3-200. ATV regulations: All roads and routes within the boundaries of Central Valley Town will be designated as ATV routes under the following conditions:

1. ATV's are operated within the guidelines of Utah State Code 41-22-10 (off highway vehicles)

2. Alternating road to shoulder riding will be prohibited.
3. Minors under the age of 16 must be under the supervision of a parent or guardian who is 18 years of age or older.

3-300. Storage container regulations: Portable and/or metal storage containers may be allowed under the following conditions:

1. Container must be placed on a foundation near the rearmost portion of the lot minimizing street view.
2. Container must be painted and maintained in a uniform non-contrasting color and display no logo.
3. Container must be maintained in a good working order. Weeds and debris to be kept minimal.
4. Container owner must obtain a building permit and meet all necessary current town setback and building requirements.

3-400. Planning commission creation & rules: A planning commission shall be created, governed and function as follows:

1. **Creation, number of members and appointment:** The Central Valley Planning Commission shall consist of five (5) members, each to be appointed by the Central Valley Mayor with the advice and consent of the Central Valley Town Council. An advisory position, from the Central Valley Town Council, will be assigned by the mayor as a non-voting position with the advice and consent of the Central Valley Town Council. The Central Valley Town Council may designate, by resolution, the composition of the Central Valley Planning Commission. It is the intent of these by-laws that the Central Valley Planning Commission shall not consist of members, all of whom are from the same field of expertise. The five (5) members of the Central Valley Planning Commission shall be residents of Central Valley Town and owners of real property within the town. Members shall hold no other public office or position within Central Valley Town. The Central Valley Town Council may determine a need to and appoint alternate members to the commission.
2. **Term of office:** The terms of the appointed members of the Central Valley Planning Commission, with the exception of the Central Valley Town Council advisory position, shall be for five (5) years. All Central Valley Planning

Commission members terms shall be staggered so that no more than two (2) members terms shall expire at the same time. The planning commission existing at the time of passage of these bylaws shall continue to serve, and the terms of its members shall be fixed by the Central Valley Town Council in such a manner as to comply with the above provisions for staggering terms of service.

- 3. Vacancies and removals for cause:** Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the mayor with advice of the Central Valley Town Council. The Central Valley Mayor, acting upon the recommendation of the Central Valley Town Council, shall have the right to remove any member of the Central Valley Planning Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include attendance at less than seventy-five (75) percent of planning commission meetings during the course of a year, unless the absences are justifiable and excused with reasonable advance notification.
- 4. Compensation:** The Central Valley Planning Commission shall serve without compensation, except that the Central Valley Town Council shall provide for reimbursement of the planning commissioners for approved actual expenses incurred in the line of duty, including compensation of an appointed secretary of the commission, upon presentation of proper receipts and vouchers, or according to the regular town policy for the reimbursement of travel and expenditures, for prior approved actual expenses.
- 5. Officers:** The Central Valley Planning Commission shall elect a chairperson and a chairperson pro- tempore from among its members, whose term shall be for one (1) year; however, a chairperson may serve additional successive terms as governed by the members of the planning commission. The election shall occur during the first planning commission meeting of each calendar year.
- 6. Meetings:** The Central Valley Planning Commission shall conduct scheduled meetings as required to perform their duties as described in this document. All meetings of the planning commission shall be open to the public.
- 7. Rules and procedures:** The Central Valley Planning Commission shall adopt such rules and regulations governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the regulations shall be presented to the Central Valley Town Council for their approval or disapproval. Only after the formal approval of the town council shall the rules and regulations be enforceable.

8. Quorum and vote: A quorum shall consist of three (3) members. Evidence shall not be presented unless a quorum is present. At least three (3) votes shall be required in order to carry any motion.

9. Power and duties: The planning commission shall:

- a. Prepare and recommend a general plan and amendments to the general plan to the town council;
- b. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the town council;
- c. Administer provisions of the zoning ordinances, where specifically provided in this code;
- d. Recommend subdivision regulations and amendments to those regulations to the town council as provided in this code;
- e. Recommend approval or denial of subdivision applications as provided in this code;
- f. Advise the town council on matters as the town council directs concerning zoning and land use;
- g. Hear or decide any matters that the town council designates, including the approval or denial of; or recommendations to approve or deny, conditional use permits;
- h. Exercise any other powers that are necessary to enable it to perform its function or as delegated by the town council.

Section 4 - NON-CONFORMING BUILDINGS AND USES

4-100. Purpose: To control and regulate all non-conforming uses of land or buildings. It is also intended to control and regulate buildings which are non-conforming as to height and location regulations of the district within which they are located.

4-200. Continuation of use: Except as hereinafter specified, any use, building, or structure, lawfully existing at the time of enactment of this ordinance may be continued even though such use, building or structure does not conform with the provision of the ordinance for the district in which it is located.

4-300. Unsafe structures: Except as otherwise provided by law, any part of a building or structure declared unsafe by a proper public authority must be restored to a safe condition.

4-400. Conditional uses: Any use legally existing on the effective date of this ordinance which is listed as a conditional use in the district wherein located, shall be and remain a non-conforming use until a conditional use permit is obtained as provided in this ordinance.

4-500. Non-conforming uses: A non-conforming use shall not be enlarged, extended or changed unless the use is changed to a use permitted in the district in which it is located, and a non-conforming building shall not be reconstructed or structurally altered unless such alteration results in removing these conditions of the building which render it non-conforming, except as follows:

- 1. Extension:** A non-conforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became non-conforming.
- 2. Substitution:** When authorized by the Central Valley Town Council upon appeal, a non-conforming use which is determined to be of a more desirable nature may be substituted for another existing non-conforming use.
- 3. Enlargement or completion:** When authorized by the Central Valley Town Council/ Board upon appeal, a building devoted to a non-conforming use may be enlarged or completed upon the lot occupied by such building, provided that such enlargement or completion is necessary and incidental to the existing use of such building.

4-600. Change in use: Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

4-700. Abandonment: A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming

use shall be considered to be abandoned when the building or premises transfers to new ownership.

Section 5 - PARKING REGULATIONS

5-100. Purpose: To reduce street congestion and traffic hazards in Central Valley Town by incorporating adequate facilities for off-street parking and loading as an integral part of the use of land in the town.

5-200. Business and other off-street parking required: At the time any business, church, hospital is erected or enlarged or increased in capacity or any use is established, it shall be provided with off-street parking spaces for automobiles. The amount and size of the parking spaces required will be determined on an individual basis by the town council at the time the building permit application is made.

5-300. Dwelling off-street parking required: For each new dwelling erected in Central Valley Town, at least two (2) off-street parking spaces will be provided.

5-400. Vehicles parking on town property or public right of way: No commercial or large vehicle parking will be allowed on property, ie., park, ball field, community center or monument area. Parking on road right of ways or shoulders other than incidental deliveries or loading will not be allowed if it constitutes a hazard to public safety. Vehicle owners will be held liable for damage to public or private property, this is a misdemeanor offense. Large vehicles will be defined as any vehicle or combination of vehicles in excess of ten thousand (10,000) pounds gross weight.

5-500. Parking and occupying recreational vehicles: Recreational vehicles, including boats, travel trailers, motor homes, truck camper and similar vehicles may be located in the front yard for the purpose of loading and unloading for a period not to exceed seven (7) days.

A recreational vehicle may be occupied temporarily by family members or guests of the owner. However, no boat, trailer, motor home, travel trailer or similar recreational vehicle shall be occupied as a residence for a period greater than thirty (30) consecutive days and/or sixty (60) days within a six (6) month period.

SECTION 6: CONDITIONAL USES/STANDARD MITIGATION CHECKLIST/APPLYING FOR A PERMIT/TERMS AND CONDITIONS

6-100. Purpose and restrictions: The overall purpose of the conditional use ordinance is to protect the integrity of the zone in which a use is applied. A conditional use application shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the proposed use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use application shall be denied.

No person or entity shall operate or conduct a use designated as a conditional use within a zone without first obtaining a conditional use permit from the town.

All conditional uses must be in compliance with current Central Valley Town Conditional Use Standard Mitigation Checklist in order to demonstrate they fit into the area of proposed location. (See 6-200)

Conditions set forth in the Conditional Use Standard Mitigation Checklist will be the basis on which a conditional use permit may be granted. All conditional uses must be in compliance with the current Central Valley Town General Plan and Land Use Ordinance. Prohibited uses as stated in the currently established individual zoning district of the Land Use Ordinance do not qualify for a conditional use permit.

6-200. Standard Mitigation Checklist: The general criteria to be utilized in consideration of a conditional use land use application include:

- A. The conditional land use application complies with all applicable provisions of the current Central Valley Town Land Use Ordinance;
- B. The proposed use is consistent with the current Central Valley Town General Plan and Land Use Ordinance;
- C. Structures associated with the proposed land use are compatible with surrounding structures in terms of use, scale, mass and circulation patterns;
- D. The proposed land use is not detrimental to the public health, safety and welfare. Any potential or known detrimental impacts of the proposed land use shall be mitigated through the imposition of reasonable conditions placed on the proposed land use;
- E. Vehicle and pedestrian traffic conditions are not adversely affected by the proposed land use including the existence or need for dedicated turn lanes, pedestrian access and capacity of existing streets;
- F. Sufficient utility connectivity and capacity are demonstrated and confirmed;
- G. Sufficient emergency vehicle access to service the proposed land use;
- H. The location and design of off-street parking is included and the proposed land use is in compliance with off-street parking;
- I. Fencing, screening and landscaping to separate the proposed land use from adjoining land uses mitigate potential conflicts in uses is considered;
- J. Exterior lighting complies with adopted lighting standards and mitigates impacts;
- K. Within and adjoining the site, impacts to aquifers, slopes and flood potential have been mitigated and is appropriate to the topography of the site;
- L. Section M of this Standard Mitigation Checklist will be utilized in evaluation of the proposed land use.

M. Site Mitigation Compliance checklist:

1. Lighting at the site
2. Fencing at the site
3. Utility connections and capacity at the site
4. Traffic patterns existing and change anticipated
5. Ingress and egress from the site
6. Signage, type, location, style
7. Landscaping
8. Parking, on and off-street
9. Public infrastructure needed and/or in place
10. Need for public infrastructure development agreement
11. Need for building permit for renovation or new construction
12. State or Federal permits or licenses needed
13. Local business license needed or in place and past performance, if applicable
14. Storm water management issues
15. Geotechnical study IF needed or issues present
16. Meets State Health Department requirements
17. Meets Federal and State ADA requirements
18. Meets State building and fire safety codes
19. Environmental impacts and mitigations
20. Easements, encroachments or rights-of-way needed, in place or required
21. Notification of surrounding property owners adjacent to, or within 500 feet of activity at site
22. Variances or other adjustments needed or appropriate
23. Existing non-complying uses and structures
24. Garbage collection/disposal
25. Hours of operation

6-300. Conditional Use Application/Permit: A conditional use permit shall be required for all uses not listed as a permitted in the currently established individual zoning district.

The conditional use application shall be filed by the property owner or certified agent thereof with the town clerk. A non-refundable filing fee must be paid in full at time of (See current Central Valley Consolidated Fee Schedule)

The applicant shall include detailed site plans drawn to scale and other documents necessary to assist the planning commission and town council in arriving at an appropriate decision.

6-400. Public Hearing: A public hearing regarding any perceived impact to the community as a result of the proposed conditional use may be held if deemed necessary by either the planning commission or the town council.

6-500. Conditional Use Application/ Approval/Denial/Appeal Process:

A. Planning Commission Approval or Denial Process:

Approval: If the planning commission finds reasonable conditions are being proposed, or can be proposed, that mitigate the reasonably anticipated detrimental effects of the proposed use, as determined by the Standard Mitigation Checklist contained in this ordinance, the application will be forwarded to the town council for review and final approval.

Denial: If the planning commission finds that the anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance as established by this ordinance, the commission will make no recommendation of approval. Upon the planning commission's denial for recommendation for issuance the permitting process stops here, unless, the applicant or certified agent requests a review of the application before the town council. Review must be requested with 30 days of commission denial.

- B. Town Council Process:** After reviewing the completed conditional use application, and the planning commission's recommendation for approval, the town council will approve issuance of a permit based on full compliance with the Standard Mitigation Checklist.

Denial: If the town council makes a determination to deny the issuance of a conditional use permit based upon non-compliance with the Standard Mitigation Checklist, the applicant or certified agent has/have the right to file an appeal with the current Central Valley Town Appeal Authority of the council's decision.

- C. Appeal:** Application for appeal of the town council's decision must be filed with the Central Valley Town Clerk within 30 days of denial. A non-refundable filing fee must be paid in full at time of application. (See Section 16 – Appeal Authority, Procedures etc., of the current Central Valley Town Land Use Ordinance).

Person/s eligible to file an appeal: Anyone aggrieved with the decision of the town council may appeal the decision to the current Central Valley Town appeal authority. The appellant may be the applicant, neighboring property owner, an effected resident, or the town itself.

6-600: Public Input/Public Clamor: The recommendation of the planning commission and the decision of the town council must be based on substantial and relevant evidence showing compliance for approval or non-compliance for denial.

Public Input: Public comment (see definitions) shall be allowed during and preceding a public hearing whether submitted in writing or verbally at the public hearing, based on reasonably anticipated community impact. Public input should be fact-based, describing

conditions in verifiable terms, to assist the planning commission and town council in reaching a correct determination.

“Public clamor”: Also known as “hue-and-cry” (see definitions) shall not be considered evidentiary by the hearing body. Consideration of a conditional use is an administrative matter (17-1100), determined by whether or not the “use” impacts the community adversely or in a positive way as determined by the approved Standard Mitigation Checklist (see M 17-200).

6-700. Expiration. Unless there is substantial action taken to perform the conditional use, and/or to mitigate conditions imposed under the terms and conditions of the permit within one (1) year of its issuance, as determined by the town council, the conditional use permit shall expire. Under exceptional circumstances, the town council may grant a maximum extension of six (6) months. Only one (1) extension shall be granted. Time limits shall be adjusted by the town council based on the extent of mitigations required and the timeliness of completing them, on an individual conditional use basis, but if extended time is allowed originally, no further extension may be granted.

6-800. Implementation: The conditional use shall be considered to be implemented if the applicant either engages or participates in the conditional use or completes substantial construction on the project for which the permit was granted.

6-900. Time limits: A conditional use permit may be granted for a limited period of time if the planning commission or town council finds that a limited permit is reasonable based on the intent of the conditional use application, or other impacting factors involving health or safety of the community.

6-1000. Revocation: The town council may revoke the conditional use permit upon finding that the permittee has failed to comply with any of the conditions imposed at the time the permit was issued within the timeframes stipulated. The town council shall send notice of the intended revocation to the permittee. No conditional use permit shall be amended or revoked against the wishes of the permittee without first giving the permittee an opportunity to appear before the town council or planning commission and show cause as to why the permit should not be amended or revoked. If revocation is determined to be necessary based on permittee’s testimony, evidence of imminent harm to the community, immediate safety concerns which require swift action, the permittee shall immediately cease any use of the property which was based on the conditional use permit, or which violates safety, health, or environmental laws.

Any person/s who can show valid evidence that the conditional use has a direct harmful impact on his/their health or safety, may petition the town council for review of the conditional use permit.

Upon revocation, the permit holder shall have the right to appeal the town council decision by following the current appeal authority process (see Section 16 of the current Central Valley Town Ordinances).

6-1100. Abandonment: The town council may revoke the conditional use permit upon proof that the use has been abandoned for a period of one (1) year or more.

6-1200. Objective Permit: A conditional use is an objective permit as it *“runs with the land”*– it does not matter who owns the land, but only that the conditions are fulfilled. There is nothing about a change in ownership that creates a need to change the permit’s status unless the use has been revoked or abandoned or fails to comply with the current Central Valley Town Conditional Use Standard Mitigation Checklist.

A conditional use permit may be amended or revoked at the request of the holder of the permittee upon showing good cause. An additional fee may be required for amending the permit.

6-1300. Administrative Decision: Conditional use permits are “administrative decisions.” As such, the standard for review on appeal is whether there is substantial evidence in the record to support the decision. A conditional use permit is subject to the appeal process but not to referendum.

Section 7 - ESTABLISHMENT AND DESIGNATIONS OF ZONING DISTRICTS

7-100. Zoning districts: Central Valley Town is hereby divided into the following zoning districts with stipulation that all boundaries conform with the current Central Valley Town Zoning and Flood Damage Prevention Ordinance Maps.

1. **R-1: Residential District:** One-half (1/2) acre lot minimum, single family dwelling. Dwelling required for home occupations. Conditional use permit is required for home occupations located outside the dwelling.
2. **R-2: Agricultural/Residential District:** Two (2) acre lot minimum, single family dwelling. Dwelling required for home occupations. Conditional use permit is required for home occupations located outside the dwelling.
3. **R2-C: Residential/Commercial District:** Two (2) acre lot minimum. No dwelling required for a commercial business. Home occupations located outside of the dwelling will require a conditional use permit.

Zone land description – Point of beginning Center Street and HWY 118, thence East to approximately 375 W thence N 200 feet thence E 100 feet thence N to approximately 35 N thence E to Richfield Canal, follow canal west boundary to 400 N thence W to HWY 118 then S to point of beginning.

4. **FPZ-1: Flood Prone Zone District:** Property that is identified on the current Federal Emergency Management Agency Map (FEMA).

7-200. Zone change applications: Applications are restricted to:

- i. Property that currently borders property of the same zoning classification as the new desired zoning.
- ii. No “spot” or “island” zoning will be permitted.

7-300. Boundaries of zoning districts:

The boundaries of the aforesaid zoning districts are shown upon the current maps designated as the "Official Zoning Map of Central Valley Town" and "Flood Damage Prevention Ordinance." Said map or maps and all notations, references, date, and other information shown thereon shall be and are hereby adopted and made a part of this ordinance. The said map shall be filed in the custody of the

town clerk of Central Valley Town and may be examined by the public subject to any reasonable regulations established by the town clerk.

7-400. Boundary determination:

The location of boundaries of the zoning districts as shown on the zoning map of Central Valley Town and The Flood Damage Prevention Ordinance shall be determined as follows:

1. **Center lines:** Where zoning district boundaries are indicated as approximately following street or alley lines or the center lines thereof, the center lines of such streets or alleys shall be construed to be the zoning district boundaries.
2. **Lot lines:** Where zoning district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be the zoning district boundaries.
3. **Uncertain boundaries:** Where boundaries do not follow the lot or center line, the boundary shall be defined by current land use ordinances.

7-500. Regulations of districts: Except as hereinafter otherwise provided:

1. Without town council approval, no building or part thereof or other structure shall be erected, altered, added to or enlarged nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.
2. No yard or open space provided about any building, for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other building, and or yard or, other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

7-600. Interpretation and conflict:

In interpreting and applying the regulations of this land use ordinance, the regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but if this ordinance imposes a greater restriction, this ordinance shall regulate.

Section 8 - RESIDENTIAL DISTRICT: R-1

8-100. Purpose: To promote and preserve, in appropriate areas, conditions favorable to family life, family food production including the keeping of domestic animals if appropriate. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

8-200. Permitted uses:

1. Single family dwellings.
2. Domestic animals, farm structures, family food production.
3. Home occupations located inside the dwelling. Note: Home occupations located outside of the dwelling require a conditional use permit.
4. Public utilities.

8-300. Conditional uses: Conditions set forth in the Conditional Use Standard Mitigation Checklist of Section 6 of this land use ordinance shall be the basis on which a conditional use permit can be granted. All conditional uses must be in compliance with the current Central Valley Town General Plan and Land Use Ordinance.

1. Home occupations located outside of the dwelling.

8-400. Area requirements:

1. **Total area:** One-half (1/2) acre minimum.
2. **Street frontage:** For any one dwelling structure there shall be a total frontage of not less than one hundred (100) feet.
3. **Side yard:** For any family dwelling or other structure, there shall be a minimum ten (10) feet of side yard on each side and a total side yard requirement for two sides of not less than twenty (20) feet. A "special exception" may be considered by the town council if there is access to the rear yard on at least one side, and the utility easement is not disturbed.
4. **Front yard:** The minimum setback for any building shall be thirty (30) feet or an average of the setback of main buildings existing in abutting lots.

5. **Rear yard:** Private garages and accessory buildings located to the rear and at least ten (10) feet away from the main dwelling shall comply with the uniform building code requirements, and require a three foot (3) clearance, if constructed of combustible material, otherwise, such buildings may be built to the property line, provided that (A) the roof shall not project across the property line, (B) storm water runoff from the building shall not run onto adjacent property, and (C) building will not be built over right-of-way easements for utilities.
6. **Corner lots:** Corner lots shall maintain thirty (30) feet setbacks on all street sides.

8-500. Special regulations:

1. **Height:** No building or structure shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet.
2. **Parking:** Off-street parking and loading facilities shall be provided for all uses in accordance with the requirements of Section 5 of this land use ordinance.
3. **Storage containers:** All containers shall conform to the requirements of Section 3-300 of this land use ordinance.
4. **Temporary use of an RV/mobile home during construction:** An RV or mobile home may be used for temporary housing with prior town council approval during the time of construction of a conventional home.
5. **Corrals or farm structures:** Any building or structure in which animals or fowl (other than household pets) are maintained shall be at least fifty (50) feet from any dwelling; a fence or wall enclosing a pasture or other open area enclosing such animals or fowl shall be at least ten (10) feet from any dwelling. Enclosures will be constructed and maintained to prevent encroachment and damage to adjoining properties.

Section 9 - RURAL RESIDENTIAL/AGRICULTURAL DISTRICT: R-2

9-100. Purpose: To promote and preserve conditions favorable to family life, family food production and equestrian and domestic animal activities. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

9-200. Permitted uses:

1. Single family dwellings.
2. Agricultural activities, farm structures, domestic animals, family food production and equestrian activities for recreational and agricultural use.
3. Home occupations located inside dwelling. Note: Home occupations located outside of dwelling require a conditional use permit.
4. Public utilities.
5. Parks and public uses.

9-300. Conditional uses: Conditions set forth in the Conditional Use Standard Mitigation Checklist of Section 6 of this land use ordinance shall be the basis on which a conditional use permit can be granted. All conditional uses must be in compliance with the current Central Valley Town General Plan and Land Use Ordinance.

1. Home occupations located outside of the dwelling.

9-400. Area requirements:

1. **Total area:** Two (2) acres minimum.
2. **Street frontage:** For any one (1) dwelling or commercial business there shall be a total frontage of not less than one hundred (100) feet.
3. **Side yard:** For any family dwelling or other structure, there shall be a minimum of ten (10) feet of side yard on each side and a total side yard requirement for two sides of not less than twenty (20) feet. A "special exception" may be considered by the town council if there is access to the rear yard on at least one side, and the utility easement is not disturbed.

4. **Front yard:** The minimum setback for any building shall be thirty (30) feet or an average of the setback of main buildings existing in abutting lots.
5. **Rear yard:** Private garages and accessory buildings located to the rear and at least ten (10) feet away from the main dwelling shall comply with the uniform building code requirements, and require a three (3) feet clearance, if constructed of combustible materials, otherwise such buildings may be built to the property line, provided that (A) the roof shall not project across the property line, (B) storm water runoff from the building shall not run onto adjacent property, and (C) building will not be built over right-of-way easements for utilities.
6. **Corner lots:** Corner lots shall maintain thirty (30) feet setbacks on all street sides.

9-500. Special regulations:

1. **Height:** No building or structure shall be erected to a height greater than two and one-half (2 ½) stories or thirty-five (35) feet.
2. **Parking:** Off-street parking and loading facilities shall be provided for all uses in accordance with the requirements of Section 5 of this land use ordinance.
3. **Storage containers:** Buildings shall conform to applicable regulations for such buildings in accordance with the requirements of Section 3-300 of this land use ordinance.
4. **Temporary use of an RV/mobile home:** An RV or mobile home may be used for temporary housing with prior town council approval during the time of construction of a conventional home.
5. **Corrals or farm structures:** Any building or structure in which animals or fowl (other than household pets) are maintained shall be at least fifty (50) feet from any dwelling; a fence or wall enclosing a pasture or other open area enclosing such animals or fowl shall be at least ten (10) feet from any dwelling. Enclosures will be constructed and maintained to prevent encroachment and damage to adjoining properties.

Section 10 – RESIDENTIAL/COMMERICAL DISTRICT: R2C

10-100. Purpose: To provide areas for development of commercial business proposals that can be shown to be of high quality and not detrimental to other values established in the general plan. A conditional use permit will be granted when the applicant can demonstrate that the proposed business is suitable for area of location.

No dwelling required for a commercial business.

Zone land description – Point of beginning Center Street and HWY 118, thence East to approximately 375 W thence N 200 feet thence E 100 feet thence N to approximately 35 N thence E to Richfield Canal, follow canal west boundary to 400 N thence W to HWY 118 then S to point of beginning.

10-200. Permitted uses:

1. Single family dwellings.
2. Agricultural activities, farm structures, domestic animals, family food production and equestrian activities for recreational and agricultural use.
3. Home occupations located inside dwelling. Note: Home occupations located outside of the dwelling require a conditional use permit.
4. Public utilities.
5. Parks and public uses.

10-300. Conditional uses: Conditions set forth in the Conditional Use Standard Mitigation Checklist of Section 6 of this land use ordinance shall be the basis on which a conditional use permit can be granted. All conditional uses must be in compliance with the current Central Valley Town General Plan and Land Use Ordinance.

1. Home occupations located outside of the dwelling.
2. Commercial/industrial businesses.

10-400. Area Requirements:

1. **Total area:** Two (2) acres minimum.
2. **Street frontage:** For any one dwelling or commercial business, there shall be a frontage of not less than one hundred (100) feet minimum.

3. **Side yard:**

Family dwelling – For any family dwelling or other structure, there shall be a minimum of ten (10) feet of side yard on each side and a total side yard requirement for two sides of not less than twenty (20) feet. A “special exception” may be considered by the town council if there is access to the rear yard on at least one side, and the utility easement is not disturbed.

Commercial business: Fifteen (15) feet minimum per side.

4. **Rear yard:**

Family dwelling - Private garages and accessory buildings located to the rear and at least ten (10) feet away from the main dwelling shall comply with the uniform building code requirements, and require a three (3) feet clearance, if constructed of combustible materials, otherwise such buildings may be built to the property line, provided that (A) the roof shall not project across the property line, (B) storm water runoff from the building shall not run onto adjacent property, and (C) building will not be built over right-of-way easements for utilities

Commercial business: Fifteen (15) feet minimum per side.

5. **Corner lots:**

All corner lots shall maintain thirty (30) feet setbacks on all street sides.

10-500. Special regulations:

1. **Parking:** Off-street parking and loading facilities shall be provided for all uses in accordance with requirements of Section 5 of this land use ordinance.
2. **Storage containers:** All containers shall conform to regulations in Section 3-300 of the current Central Valley Town Land Use Ordinance.
3. **Temporary use of an RV/mobile home:** An RV or mobile home may be used for temporary housing with prior town council approval during the time of construction of a conventional home.
4. **Corrals or farm structures:** Any building or structure in which animals or fowl (other than household pets) are maintained shall be at least fifty (50) feet from any dwelling; a fence or wall enclosing a pasture or other open area enclosing such animals or fowl shall be at least ten (10) feet from any dwelling. Enclosures will be constructed and maintained to prevent encroachment and damage to adjoining properties.

Section 11 - SUPPLEMENTARY AND QUALIFYING REGULATIONS (Clear view of intersection streets; Height of fences and hedges; Location and special regulations pertaining to mobile homes, mobile home parks and youth homes)

11-100. Clear view of intersecting streets: In all zoning districts which require a front yard, no obstruction to view in excess of four (4) feet in height shall be placed or maintained on any corner lot within a triangular area formed by the block lines and a line connecting them at points forty (40) feet from the, block corner, except pedestal type identification signs, pumps at gasoline service stations, and a reasonable number of trees pruned as to permit unobstructed vision to automobile drivers. Any fence being constructed to this height must also allow visibility from any driveway or on any corner.

11-200. Maximum height of fences, walls and hedges:

1. Fences, walls and hedges may not exceed six (6) feet in height within any rear yard or interior side yard.
2. Notwithstanding any other provisions herein, no view-obscuring fence, wall or hedge exceeding four (4) feet in height shall be erected or allowed closer to any front property line than the required building set back line. Non view-obscuring fences or walls may be erected to a maximum height of four (4) feet within the front yard.
3. For the purpose of this section, single shrub planting should not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.
4. Where a fence, wall or hedge is located along a property line separating two 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.
5. There shall be no fence or hedge within two (2) feet of any fire hydrant.
6. All fences shall be constructed on private property, not on the town right-of-way.
7. Fence construction **will** require a building permit and must be constructed according town building regulations. The permit is to be obtained from the Sevier County Building Inspector.

8. Exceptions to the above regulations may be granted after application and review by the planning commission.

11-300. Area requirements for sanitary sewer: In any district where no public sanitary sewer exists or is accessible, regardless of any lot area or width elsewhere required for said district, no lot shall be built upon which has an area or width less than that required by the health department for the satisfactory functioning of a septic tank on the property.

11-400. Dwelling on separate lots: Each dwelling structure shall be located and maintained on a separate "lot" as defined in this ordinance.

11-500. Mobile Homes - location and special regulations:

1. **Location:** Single wide mobile homes can be located in a mobile home park or may be used for temporary housing with town council approval during the time of construction of a conventional home. Said mobile home must be removed within three (3) months of completion of the permanent structure.

Double Wide mobile homes will be permitted to be located in any zone within the Central Valley Town if the conditions of the special regulations are met.

2. Special regulations:

- a. Must obtain a building permit application from Central Valley Town; application must be signed by the appropriate town officials and be approved and completed by the Sevier County Building Inspector.
- b. Double wide mobile homes will be required to be placed on a permanent fire-proof masonry foundation within thirty (30) days. Placement lot must be sterilized for vegetation prior to placement.
- c. The undercarriage and tongue must be removed.
- d. Each double wide mobile home will have complete indoor sanitary facilities and meet state sanitation standards.
- e. Double wide mobile homes must be skirted with approved masonry skirting within thirty (30) days of placement.
- f. The double wide mobile home must be anchored properly.
- g. No more than one (1) double wide mobile home shall be placed on each lot or parcel of land except in a mobile home park.

- h. Meets all other applicable regulations of single family dwelling ordinance as to zone requirements, set-backs, parking, etc.

11-600. Mobile Homes and Parks – area requirements, location and special regulations:

1. Area requirements:

- a. **Area:** Not less than one-half (1/2) acre.
- b. **Street frontage:** For any one (1) dwelling structure there shall be a total frontage of not less than one hundred (100) feet.
- c. **Side yard:** For any family dwelling or other structure there shall be ten (10) feet of side yard on each side and a total side yard requirement for two (2) sides of not less than twenty (20) feet.
- d. **Front yard:** The minimum setback for any building shall be thirty (30) feet or an average of the setback of the main buildings existing in abutting lots.

2. Location: Occupied mobile homes and travel trailers shall not be permitted in Central Valley Town except under the following conditions:

- a. When located in an approved mobile home park.
- b. Unoccupied mobile homes shall not be stored, kept or maintained in any residential district, except within such mobile home park.
- c. Mobile Home Parks shall be permitted in designated and approved zone provided such mobile home parks shall:
 - 1. Have been first approved by the planning commission, after review of plans for the mobile home park which satisfy the commission that the proposed development will 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 of not less than ten (10) acres, or on two (2) or more parcels separated by a street or alley only, and totaling ten (10) acres.

3. Have at least eighteen (18) spaces completed, with one (1) acre open space, and ready for occupancy before the first occupancy is permitted.
4. Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper and tent camps, as defined by such code.
5. Double wide mobile homes in accordance with **Section 6-500** will be acceptable.

3. Special Regulations:

- a. **Development plat:** Mobile home parks and mobile home subdivisions anticipated for development in Central Valley Town must file a plat of development with the planning commission for approval.
- b. **Units per acre:** No more than **two (2) units** per acre.
- c. **Area and frontage requirements:** For proper sewage disposal and non-congestion of streets, each mobile home in the park or subdivision must meet the area and frontage requirements as outlined in this ordinance.
- d. **Parks and common areas requirements:** Land owner must set aside one (1) acre for parks and common area for every ten (10) acres.
- e. **Sanitation requirements:** Must meet state sanitation and sewer requirements and provide an approval letter to that effect.
- f. **Parking requirements:** Must provide two (2) spaces per unit for acceptable parking and traffic circulation pattern.
- g. **Storm drainage and landscaping requirements:** Must have provided acceptable storm drainage and be well landscaped.
- h. **Utility hookup requirement:** Must have approved utility hookups.
- i. **Section 6-500 requirement:** Mobile homes within the park or subdivision must meet the applicable requirements of **Section 6-500**.

- j. Town council requirements:** Any other reasonable regulations deemed appropriate by the town council that are considered to be important to the general health and welfare of the Central Valley Town citizens.
- k. Access roads:** Each mobile home park shall be provided with hard surface (concrete or asphalt) roads which are at a minimum of sixty-six (66) feet wide to serve each mobile home and common parking area. Cul-de-sacs shall maintain a fifty (50) foot radius. All interior roads are to be maintained by the park property owner.
- l. Public street access:** Access to all mobile home parks shall be from a dedicated public street at an approved access point or points. No mobile home space shall have direct vehicular access from a public street. Any access road connecting two or more public streets shall be arranged to prohibit through traffic.
- m. Off-street parking:** Hard surface (asphalt or concrete) parking space shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each mobile home space.
- n. Playground required:** Recreation space shall be provided for each mobile home park having ten (10) or more units and shall be restricted and maintained for such use. A minimum usable area of two thousand (2,000) square feet shall be set aside and developed for each mobile home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
- o. Maximum number of units:** Unit number shall not exceed a density of two (2) units per gross acre.
- p. Mobile home space:** Mobile home spaces shall have a minimum of one-half (1/2) acre and a minimum width of one hundred (100) feet.
- q. Pad or stand:** A mobile home stand or pad shall be provided for each mobile home unit. Said pad shall be free from weeds or debris, and soil shall be sterilized prior to locating mobile home and pad.
- r. Skirting:** All mobile homes shall be skirted with a masonry skirt matching the design and color of the mobile home, and all skirts shall be kept in place and in good repair at all times.
- s. Private ownership:** Private ownership of lots within the Mobile Home Park is not allowed.

- t. **Utilities required:** All sewage and liquid waste shall be required to make connection with public sewer facilities where available. If no public sewer is available, in the opinion of the planning commission, the sewage disposal system must meet Utah State Department of Health requirements for mobile home park development. Each mobile home space shall be provided with an approved public water supply and an electrical connection. All utilities shall be located underground. All buildings, electrical, plumbing and fire protection construction shall comply with state and town construction standard codes. The power and water meters shall be installed with the owner of the mobile park being responsible to the town for payments.
- u. **Fencing:** When a mobile home park abuts another residential zone, the mobile home park site shall be fenced with a six (6) foot sight restrictive barrier fence, subject to approval by Central Valley Town Council .

11-700. Youth Homes – definition, authorization and special regulations:

1. **Definition:** Youth home is defined as any residence, dwelling or other structure utilized for the domicile, residence, or sleeping accommodation for no more than four (4) children up to the age of 18 years or younger for more than one (1) week where such child is not related within three (3) degrees of consanguinity to the adult persons occupying the same residence or premises. The maximum number of youth allowed in each youth home will be handled on a case by case basis.
2. **Authorization:** A youth home will be permitted upon the following conditions:
 - a. Submission of application to the planning commission
 - a. Approval of a conditional use permit from the town council.
 - b. Submission of Proof of Compliance with all state and federal requirements and regulations.
 - c. Application for business license.
3. **Application to planning commission:** The application must contain the following information before it will be considered by the planning commission:
 - a. Name & address of applicant.

- b. Statement of ownership of the subject property executed by the owner or his agent under penalty of perjury.
- c. Description of property, including the legal description and address and common means of identification.
- d. Map of the boundaries of the parcel and each separate lot or parcel within three hundred (300) feet of the exterior boundaries thereof; together with a list of the names and addresses of the last known owners of public record of each parcel.
- e. A statement indicating the precise manner of compliance with each of the applicable provisions of this ordinance together with any other information pertinent to the findings prerequisite to the granting of a use permit, prescribed in this ordinance.
- f. A statement from the appropriate regulatory agency concerning availability of public utilities including culinary and irrigation water, power, sewage disposal and refuse disposal.
- g. A statement from the Sevier County School District indicating the availability of educational instruction and the impact of the proposed facility at the proposed location and the alternative, that education will be handled privately and designating the number of employees to be involved in education and the mandatory credentials required of such employees.
- h. A detailed written description of the anticipated ages and total number of occupants of the facility together with a diagram of the facility including all separate rooms and the intended use of each room
- i. A detailed description of the number of intended staff and job descriptions for such staff.
- j. A statement demonstrating the capability of the applicant, through insurance, bonding, or other means, to insure timely restitution to any member of the public suffering damage as a result of intentional, accidental or negligent conduct by members of the staff or residents of the facility.

4. **Fee:** The application must be accompanied by a receipt showing that the application fee of four hundred fifty dollars (\$450.00) has been paid to the Central Valley Town Clerk. If application is denied, two-thirds (2/3) of the fee will be returned to the applicant/s.
5. **Planning commission review:** The planning commission will review the application and request comment from potentially impacted public and private agencies and parties at a public hearing. The planning commission will, within sixty (60) days of receipt of the application, submit a recommendation to the town council.
6. **Public hearing:** If deemed appropriate, the town council shall have the option of holding a public hearing within forty-five (45) days of receipt of the recommendation of the planning commission.

Notice of the time, place and purpose of such public hearing shall be given as follows: At least fourteen (14) days prior to the date set for the hearing, and not more than forty-five (45) days prior to that date, the town clerk shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by Section 6-700, Subsection 3d above. The notice shall give the date, time and place of the hearing, the name of the applicant, the requested use, the identification of the property and such other information as may be prescribed by the town council in any individual case. The recorder shall also cause such notice to be mailed to all governmental entities providing services to the subject property and all municipalities with boundaries located within five miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above-described notice period.

7. **Use permit:** The town council shall grant the use permit provided that it is established that the proposed use is in accordance with the provisions of the general plan, this ordinance, and that the following qualifications have been met:
 - a. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.
 - b. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this ordinance.

- c. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
 - d. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the town.
8. **Conditions:** In approving any application for a use permit, the town council may require higher standards of site development than listed for such use in this ordinance, and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:
- a. Conformity to plans and drawings submitted with the application;
 - b. The provision of open spaces; buffer strips, screen walls, fences, hedges and landscaping;
 - c. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
 - d. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
 - e. Limits on time of day for the conduct of specified activities;
 - f. Guarantees as to compliance with the terms of the approval.
9. **Violations:** On violation of any of this or any other applicable ordinances by a holder of use permit, or on failure of the holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended automatically. A hearing shall be called within fifteen (15) days, and at the hearing the town council must be satisfied that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked, and the holder shall have a maximum of five (5) days to cease operations.
10. **Continuation of use:** Approved conditional use permits will be reviewed on a yearly basis at which time the user, in addition to delivering a business license fee, will supply a written confirmation that all conditions required by the initial approval of the use, continue to be satisfied and honored and will itemize in writing the date, time and status of persons, e.g., staff or resident, who have engaged in any criminal misconduct or in the damaging or destruction of private

property during the previous year and will confirm that restitution has been made to all victims of such occurrences.

Section 12 - FLOOD PRONE ZONE DISTRICT: FPZ-1

Boundaries of this district are to be determined by the current Flood Damage Prevention Ordinance map on file with the Central Valley Town Clerk.

All buildings in this district are to comply with the regulations contained in the current Flood Damage Prevention Ordinance.

12-100. Purpose: To assure that development is in accordance with proper flood management to prevent life and property from being subjected to a perilous condition.

12-200. Permitted uses:

Agriculture

12-300. Conditional uses: (All uses, other than agriculture, are conditional because of the location of the town well and the flood plain.)

1. Single family dwellings
2. Domestic Animals, Family Food Production and Equestrian Activities for Recreational and Agricultural Use
3. Farm buildings
4. Home occupations
5. Parks and public uses
6. Business signing of reasonable size in character with the zone and in accordance with regulations
7. Schools, libraries and churches
8. Other uses deemed appropriate by the town council to be in harmony with the purpose and intent of this zoning district .

12-400. Area requirements:

An area of not less than two (2) acres shall be required for each family dwelling to be constructed from the effective date of this ordinance.

A one-family dwelling shall include any permanent or temporary structure in which a single family is situated whether said unit is permanently attached to the land or situated in a mobile-type unit which can be moved from place to place.

A mobile home may be used for temporary housing with town council approval during the time of construction of a conventional home. Said mobile home must be removed within three (3) months of completion of the permanent structure.

Section 13 – DRINKING WATER SOURCE PROTECTION ORDINANCE

Section 13-1. Short Title and Purpose:

- A. This ordinance shall be known as the “Drinking Water Source Protection Ordinance.”
- B. To assure the safe and sanitary drinking water supply for the town by the establishment of drinking water protection source zones surrounding all well heads and springs which are the supply sources for the Central Valley Town public water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

Section 13-2. References:

- A. R309-600 – Drinking water source protection for ground-water sources – Utah code.
- B. SARA Title III (Superfund Amendments and Reauthorization Act) – “What is it?”
- C. SARA Title III – (Listing of hazardous chemicals that are subject to regulation under the Emergency Planning and Community Right-to-Know Act) “List of Lists.”
- D. Septic Tank/Drainfield System Fact Sheet – Utah Department of Environmental Quality. (A Potential Contamination Source Inventory List contained in this fact sheet is attached as an addendum to this ordinance)*
- E. Central Valley Town Drinking Water Source Protection Zone Maps
- F. Central Valley Town Drinking Water Source Protection Fact Sheets

A public assessable reference book titled “Central Valley Town Water Source Protection Ordinance” containing all documentation in regards to this ordinance shall be maintained and on file with the Central Valley Town Clerk’s office.

Section 13-3. Definitions: When used in this ordinance the following words and phrases shall have the meanings given in this section:

- A. **Best Management practices:** A practice or combination of practices determined by the State Division of Drinking Water to be an effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source.
- B. **Board of Public Health:** Central Utah Public Health Department.
- C. **Collection area:** Area surrounding a ground-water source underlain by collection pipes, tile, tunnels, infiltration boxes or other ground-water collection devices.
- D. **Council:** Central Valley Town Council.

- E. **Design standard:** A control which is implemented by a potential contamination source to prevent discharges to the ground-water. Spill protection is an example of a design standard.
- F. **Division of Drinking Water:** Utah Department of Environmental Quality, Division of Drinking Water.
- G. **Ground-water source:** Any well, spring, tunnel, or other underground opening from or through which ground-water flows or is pumped from subsurface water bearing formation into the town water system.
- H. **Land Management Strategy:** Zoning and non-zoning-controls which include, but are not limited to the following: zoning and subdivision ordinances, site plan reviews, operating and maintenance standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements and so forth.
- I. **Permitted uses:** A use, activity or practice allowed by this ordinance which does not create a risk of pollution or contamination in the specified protection zone of such significance so as to require the implementation of regulatory requirements, best management practices or engineered controls.
- J. **Pollution source:** Point where a source discharges contaminants to ground or surface water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: facilities that store liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than (10) ten animal units. The following clarify the definition of pollution source:
 - (1) **Animal feeding operation:** A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of (45) forty-five days or more in any (12) twelve month period, and crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(2) Animal unit: A unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 50 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 0.2.

(3) Extremely hazardous substances: Substances which are identified in the Sec. 302(EHS) column of "TITLE III LIST OF LISTS – Consolidated List of Chemicals subject to reporting under SARA Title III" (EPA 550-B-96-015).

G. **Potential contamination source:** Any facility or site which employs an activity or procedure which may potentially contaminate ground-water. A pollution source is also a potential contamination source. (A Potential Contamination Source Inventory List contained in Septic Tank/Drainfield System Fact Sheet – Utah Department of Environmental Quality is attached as an addendum to this ordinance)*

K. **Prohibited use:** Any use, activity or practice which creates a risk of pollution or contamination in the specified protection zone.

L. **Protected aquifer:** A producing aquifer in which the following conditions are met:

1. A naturally protected layer of clay, at least (30) thirty feet in thickness, is present above the aquifer;
2. The clay layer is demonstrated to be laterally continuous to the extent of zone two;
3. The public supply well is grouted with a grout seal that extends from the ground surface down to at least (100) one-hundred feet below the surface, and for a thickness of at least (30) thirty feet through the protective clay layer. **An aquifer not meeting these criteria is considered "unprotected."**

M. **Public Water System:** A system either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which has at least (15) fifteen service connections or serves at least (25) twenty-five individuals daily at least (60) sixty days out of the year and includes collection, treatment, storage or distribution facilities that have an approved Drinking Water Source Protection Plan from the Division of Drinking Water.

N. **UAC R309-500:** Utah Administrative Code – Well Approval Processes

- O. **UAC R309-600:** Utah Administrative Code – Drinking Water Source Protection for Ground-Water Sources
- P. **Unprotected aquifer:** Any aquifer not meeting the criteria for protected aquifer as defined herein is considered “unprotected.”
- Q. **Regulatory agency:** Any government agency with jurisdiction over hazardous waste or pollution sources, as defined herein.
- R. **Sanitary landfill:** A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- S. **Septic tank/drain-field systems:** A system which is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.
- T. **Sewer system:** A system of sewer pipes which collect sewage and takes it for treatment or disposal. Any future plans for development of a sewer system in Central Valley Town must comply with the current regulations of the Utah State Drinking Water Source Protection Codes, ie. UAC R309-600.
- U. **Source Protection Zone:** The specified surface and subsurface area surrounding a ground-water source supplying a public water system through which contaminants are reasonably likely to reach the ground-water source of drinking water.
- V. **Spring:** The ground surface outlet of a natural under-ground spring including spring collection and control boxes, valves, piping and other attachments.
- W. **Time of Travel “TOT”:** Time required for a particle of water to move in the producing aquifer from a specific point to ground-water source of drinking water.
- X. **Wellhead:** The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Section 13-4. Establishment of Drinking water source protection zones: There is hereby established use districts to be known as zones one, two, three and four of the drinking water source protection area, identified and described as follows:

- A. **Zone One:** The area within a (100) one hundred foot radius from the wellhead or margin of the collection area.

- B. **Zone Two:** The area with a (250) two hundred fifty day ground-water TOT to the wellhead or spring collection area, the boundary of the aquifer/s which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- C. **Zone Three:** The area within (3) three year ground-water TOT to the wellhead, margin of the collection area, the boundary of the aquifer/s which supplies water to the ground-water source, or the ground-water divide.
- D. **Zone Four:** The area within (15) fifteen year ground-water TOT to the wellhead, the boundary of the aquifer/s which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

Section 13-5. Permitted uses. The following uses shall be permitted within the current drinking water source protection zones:

- A. Any use established before the effective date of this ordinance and uses incidental and accessory to such use may be continued in the same manner thereafter, provided that such use is not in violation of any other ordinance, health regulation nor determined by a court of competent jurisdiction to be a nuisance under the provisions of federal, state and local laws or health regulations. All new land uses, change of uses or expansion of uses shall comply with this ordinance.
- B. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- C. Any open land use where any building located on the property is incidental and accessory to the primary open land use.

Section 13-6. Prohibited uses. The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 13-5 of this ordinance:

A. Zone One:

- 1. **Unprotected Aquifer:** The location of any pollution source as defined herein. No septic systems allowed.
- 2. **Protected Aquifer:** The location of any pollution source as defined herein. No septic systems allowed.

B. Zone Two:

1. **Unprotected Aquifer:** The location of a pollution source unless its contaminated discharges can be controlled with design standards. No septic systems allowed.

The following is a non-inclusive list of restricted uses: No residential structures, no septic systems; no use of or storage of fertilizers, pesticides or petroleum products; animal enclosures, pens or corrals.

2. **Protected Aquifer:** The location of a potential contamination source unless it can be controlled through land management strategies. Septic systems are allowed with health department approval.

C. Zone Three:

1. **Unprotected Aquifer:** No septic systems allowed.

The location of a potential contamination source unless it can be controlled through land management strategies.

Lot size: Must be a minimum of (2) two acres

2. **Protected Aquifer:** The location of a potential contamination source unless it can be controlled through land management strategies. Septic systems are allowed with health department approval.

D. Zone Four:

1. **Unprotected Aquifer:** The location of a potential contamination source unless it can be controlled through land management strategies. Septic systems are allowed with health department approval.

2. **Protected Aquifer:** The location of a potential contamination source unless it can be controlled through land management strategies. Septic systems are allowed with health department approval.

- E. Future development within a water source protection zone:** All water source protection zones must be clearly marked on any future plot maps, building permits or subdivision plats. Further, they must comply with all current Federal and State regulations and Central Valley Town subdivision and land use ordinances.

**ADDENDUM TO: CENTRAL VALLEY TOWN DRINKING WATER SOURCE PROTECTION
ORDINANCE**

Potential Contamination Source Inventory List

Septic Tank/Drainfield System Fact Sheet – Utah Department of Environmental Quality

<ol style="list-style-type: none"> 1. Active and abandoned wells 2. Agricultural pesticide, herbicide and fertilizer storage, use, filling and mixing areas. 3. Airport maintenance and fueling sites. 4. Animal feeding operations with more than ten animal units. 5. Animal watering troughs located near unfenced wells and springs that attract livestock. 6. Auto washes. 7. Beauty salons. 8. Boat builders and refinishers. 9. Chemical reclamation facilities. 10. Chemigation wells. 11. Concrete, asphalt, tar and coal companies. 12. Dry cleaners. 13. Farm dump sites. 14. Farm maintenance garages. 15. Feed lots. 16. Food processors, meat packers and slaughter houses. 17. Fuel and oil distributors and storers. 18. Furniture strippers, painters, finishers and appliance repairers. 19. Grave yards, golf courses, parks and nurseries. 20. Heating oil storers. 21. Industrial Manufacturers: chemicals, pesticides, herbicides, paper and leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceutical and electrical equipment, etc. 22. Industrial waste disposal or impoundment areas and municipal wastewater treatment plants, landfills, dumps and transfer stations. 23. Junk and salvage yards. 24. Laundromats. 25. Machine shops, metal platers, heat treaters, smelters, annealers and descalers. 26. Manure piles. 27. Medical, dental and veterinarian offices. 28. Mortuaries. 29. Mining operations. 30. Muffler shops. 	<ol style="list-style-type: none"> 31. Pesticide and herbicide storers and retailers. 32. Photo processors. 33. Print shops. 34. Radiological mining operations. 35. Railroad yards. 36. Research laboratories. 37. Residential pesticide, herbicide and fertilizer storage, use, filling and mixing areas. 38. Residential underground storage tanks. 39. Roads, highways and freeways. 40. Salt and sand-salt piles. 41. Sand and gravel mining operations. 42. School vehicle maintenance barns. 43. Sewer lines. 44. Single-family septic tank/drain – field systems 45. Sites of reported spills. 46. Small engine repair shops. 47. Stormwater impoundment sites and snow dumps. 48. Subdivisions using subsurface waste water disposal systems (large and individual septic tank/drain-field systems) 49. Submersible pumps used to pump wells. 50. Taxi cab maintenance garages. 51. Tire shops. 52. Toxic chemical and oil pipelines. 53. Vehicle chemical supply storers and retailers. 54. Vehicle dealerships. 55. Vehicle quick lubes. 56. Vehicle rental shops. 57. Vehicle repair, body shops and rust proofers. 58. Vehicle service stations and terminals. 59. Wood preservers.
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Section 14 – LOTS WITH ACCESS RIGHTS (FLAG LOTS)

Flag lots are not permitted within Central Valley Town.

Section 15 - WATER WAY PRESERVATION

15-100. Definition: Any natural or artificial stream, river, creek, ditch channel, canal, conduit, culvert, waterway, gully, ravine or wash in which water flows in definite direction or course, either continuously or intermittently and in a definite channel, bed, and banks and includes any adjacent area thereto subject to induction by reason of irrigation, overflow or flood water.

These shall be maintained and preserved until abandonment has been established by all parties with established or implied interest.

Section 16 – APPEAL AUTHORITY, APPEAL PROCEDURE, VARIANCES & PROCEDURE, and EXACTIONS

16a – Appeal authority

16a-100: Purpose: In order to provide for just and fair treatment in the administration of local land use ordinances, and to insure that substantial justice is done each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities to hear and decide requests for variances from the terms of the current land use ordinances.

16a-101: Organization:

- 1. Appointment:** Central Valley Town Mayor with the advice and consent of the town council shall appoint an individual to act in the capacity of an appeal authority pursuant to Section 10-9a-701 Utah Code annotated. The Mayor shall also appoint a qualified staff member to serve as secretary to the appeal authority.
- 2. Length of Term:** The appeal authority shall be appointed for a term of three (3) years. Term shall end on the 3rd year anniversary of appointment date. Upon the expiration of term, the authority's term may be extended for another 3 year period or a new appeal authority may be appointed by the mayor with advice and consent of the town council.
- 3. Absence and Removal:** The appeal authority may be removed by the mayor with the advice and consent of the town council. The appeal authority may also be removed by the mayor for cause if written charges are filed against the appeal authority by the town council.

16a-102: Meetings:

All meetings conducted by the town council acting as the appeal authority shall be in conformance with the Utah Open and Public Meetings Act.

The town clerk, mayor or city attorney must be present for the appeal authority to conduct business.

The appeal authority secretary shall keep an electronic recording of its appeals and proceedings showing its decisions on each question, and a record of the appeal authority's examination of evidence and other official actions.

The appeal authority secretary shall keep minutes of all meeting and proceedings. Minutes shall be filed with the town clerk upon adoption by the appeal authority and then be made available to the public.

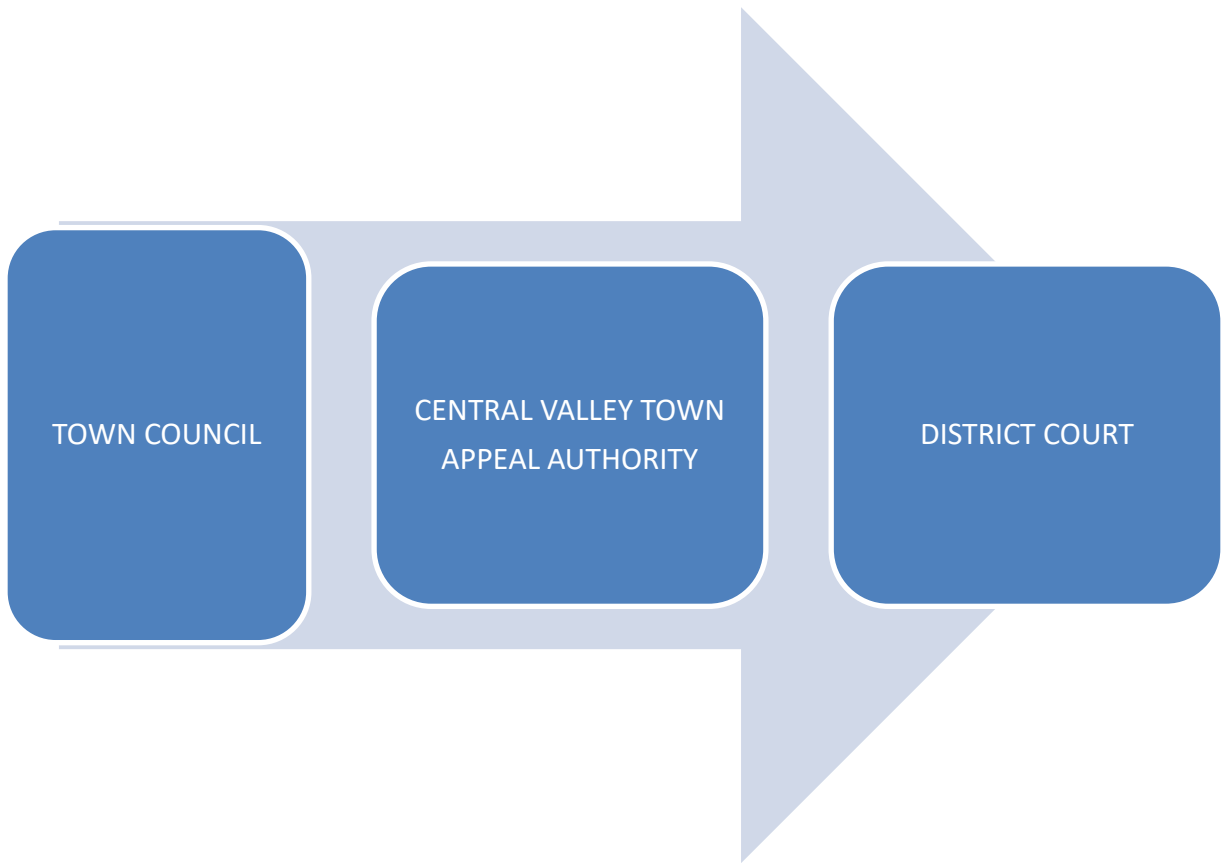
16a-103: Policies and Procedures:

The appeal authority may adopt rules of policy and procedure consistent with Section 10-9a-701 Utah Code annotated. The rules shall be submitted to the town council for approval and may be altered or amended in the same manner.

16a-104: Powers and Duties: The appeal authority shall call meetings as needed and may administer oaths and compel the attendance of witnesses. The appeal authority shall hear and decide:

1. **APPEALS** from final land use decisions applying to this title; and
2. **VARIANCES** from the terms of this title when appealed from town council decision.

Central Valley Town APPEAL FLOW CHART



Section 16b: APPEAL PROCEDURE, APPLICATION AND FLOW CHART

Current application is attached and subject to periodic updates and changes.

Any person or persons aggrieved by a final decision of a Central Valley Land Use Authority or any decision applying to the current Central Valley Land Use Ordinance, may make an appeal to the designated appeal authority; and shall be known as the “applicant/s”.

16b-100: Procedure: All appeals shall be made according to the following procedure:

1. The appeal shall be made within **thirty (30) days** of the action or decision being appealed by filing an “Appeal Application” with the town clerk.
2. The application shall specify all grounds for the appeal and circumstances related thereto. The application shall set forth in detail the action and grounds upon which the applicant/s or other interested parties deem themselves aggrieved. Any application failing to specify grounds for appeal may be summarily dismissed by the appeal authority;
3. All documents and exhibits constituting the record upon which the action appealed was made shall be presented to the town clerk along with the appeal application;
4. The appeal authority shall set the date for the hearing to be held within 30 days from appeal filing date. A written Notice of Appeal Hearing containing date and time shall be mailed to the applicant/s at least ten (10) days prior to the hearing date; any extension of time beyond 30 days must have town council approval.
5. The filing of the “Appeal Application” shall stay all proceedings and actions pending the decision of the appeal authority. The stay shall exist unless the appeal authority finds, after the application, that the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by an appropriate order issued by a court having jurisdiction.

16b-101: Scope of Review:

1. The appeal authority shall limit its review on appeal to the record upon which the original action was based, including, but not limited to the original application, written recommendations from the town staff, minutes, letters, petitions, reports or other technical data submitted by the applicant/s in furtherance of the application. The appeal authority’s scope of review shall

be limited to a determination as to whether the decision being appealed has a reasonable, factual basis apparent in the record.

2. The appeal authority shall allow the appealing party or designated representative the opportunity to present appropriate oral argument with regard to the issue being appealed. Such oral argument may be limited as appropriate by the appeal authority.
3. The appeal authority shall not receive or consider any new evidence in the form of exhibits, affidavits or testimony other than the oral argument provided under this section.

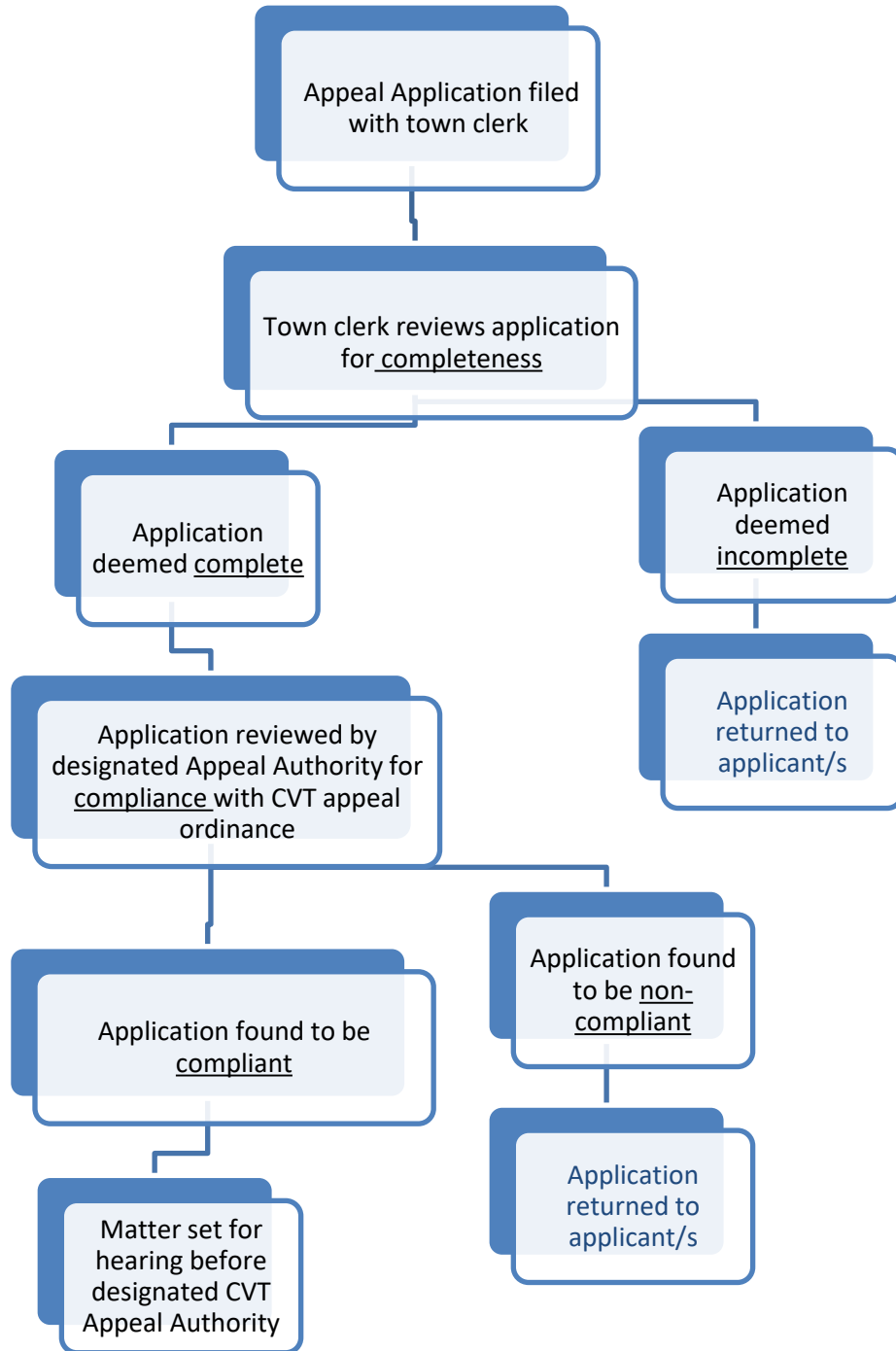
16b-102: Action Taken:

1. After hearing the appeal, the appeal authority may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination appealed, and may make such decision or determination as ought to be made and to that end shall have all the powers of the officer or body from which the appeal is made.
2. The appeal authority shall issue its decision in writing.

16b-103: Judicial Review of Decision Time Limitation: Any person or persons aggrieved by any decision by the appeal authority may file an action for relief there from in any court of competent jurisdiction with thirty (30) days after the filing of the decision of the appeal authority. A copy of said action for relief must be filed with the town clerk.

Central Valley Town

APPEAL PROCEDURE FLOW CHART



SECTION 16c: VARIANCE PROCEDURE, APPLICATION AND FLOW CHART

Current application is attached and subject to periodic updates and changes.

16c-100: Purpose: To provide the process to allow any person or persons or entity desiring a waiver or modification of the requirements of the Central Valley Town Land Use Ordinances, as applied to a parcel of property he/she/they own, lease, or in which they hold some other beneficial interest to apply to the applicable appeal authority for a variance from the terms of said ordinance. Said person or persons shall be known as “applicant/s”.

16c-200: Authority: The Central Valley Town Council is hereby identified and designated as the applicable appeal authority authorized to approve, approve with requirements, or deny any variance application.

16c-300: Initiation: All requests for a variance shall be initiated by filing a “Variance Application” in the Office of the Central Valley Town Clerk. A property owner may present a variance application for review and decision by the town council. An agent of the property owner, or a lessee of the property may present an application to the town council for review and decision, provided such application is accompanied by a property owner’s affidavit or authorization.

16c-400: Determination of Completeness Required: All variance applications shall comply with all requirements as written in this section. All applications shall be determined “complete” by the town clerk. Any application lacking any of the required information or material shall be determined “incomplete” by the town clerk and returned to the applicant/s.

16c-500: Application Requirements: All Variance Applications shall include and provide the following information:

1. A complete “Variance Application.”
2. The Variance Application fee of \$100.
3. Other information as determined by the applicant necessary to clearly establish the need for a variance.

16c-600: Burden of Applicant/s: As required by Utah State Law, the applicant for a variance shall bear the burden of proving that all conditions justifying a variance have been met.

16c-700: Review and Approval Procedures: The procedure for the review of a variance application is identified in the “Variance Procedure Flow Chart” as contained in this ordinance.

16c-800: Approval Standards: The appeal authority may grant a variance application request only if:

1. Literal enforcement of this ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district:
 - (a). granting the variance application is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 - (b). the variance will not substantially affect the current Central Valley Town General Plan and will not be contrary to the public interest; and
 - (c). the spirit of this ordinance is observed and substantial justice is done.

16c-900: Required findings for approval:

1. In determining whether or not enforcement of this ordinance would cause an unreasonable hardship, as required by Section 18-800(1), the appeal authority shall 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 and not from conditions that are general to the neighborhood.

2. In determining whether or not enforcement of this ordinance would cause an unreasonable hardship, as required by Section 18-800(1), the appeal authority shall not find an unreasonable hardship if the hardship is self-imposed or economic.

3. In determining whether or not there are special circumstances attached to the property, under Section 18-800(2), the appeal authority may find that special circumstances exist only if the special circumstances:

(a) relate to the hardship complained of; and

(b) deprive the property of privileges granted to other properties in the same zoning district.

16c-1000: Variance requirements authorized: In granting a variance application, the appeal authority may impose additional requirements on the applicant that will:

1. mitigate any harmful effects of the variance; or

2. serve the purpose of the standards or requirements that are waived or modified.

16c-1100: Approved variances run with the land: As required by state law, all variance applications granted by the appeal authority will run with the land.

16c-1200: Use variance prohibited: The appeal authority shall not approve any variance application that would have the effect of authorizing any use that is not allowed in a zoning district, or a use that is prohibited by this ordinance, as identified in the current Central Valley conditional use ordinance.

16c-1300: Effect of approval of a variance application: The approval of variance application by the appeal authority shall authorize such variance, subject to any requirements of approval. It shall not be deemed as an approval of any other application, permit or license.

16c-1400: Appeal: Any person or persons aggrieved by a variance decision of the current town council may appeal such decision to the current Central Valley Town Appeal Authority as provided in the current Central Valley Town Land Use Ordinance, Section 16-104.2 Appeal Authority and Flow Chart. Said person/s shall be known as applicant/s.

16c-1500: Revocation or amendment of a variance application approval:

1. A variance application approved in accordance with the provisions of this section may be revoked by the town council if any of the requirements of approval are not met, or if the permit is used to violate any law or ordinance.

2. The town clerk shall notify the approved variance holder by certified mail of any violation, or if violation exists in any requirements of approval. If no attempt to correct the violation is made with ten (10) days after notification, the variance approval may be revoked by the town council if it finds that one (1) or more of the following circumstances exist:

(a) the approval was obtained in a fraudulent manner; or

(b) one (1) or more of the requirements of the approval have **not** been met.

3. No variance application approval shall be amended. If an amendment to an approved variance application is require by the applicant, a new variance application shall be required to be filed with the Central Valley Clerk and approved by the town council.

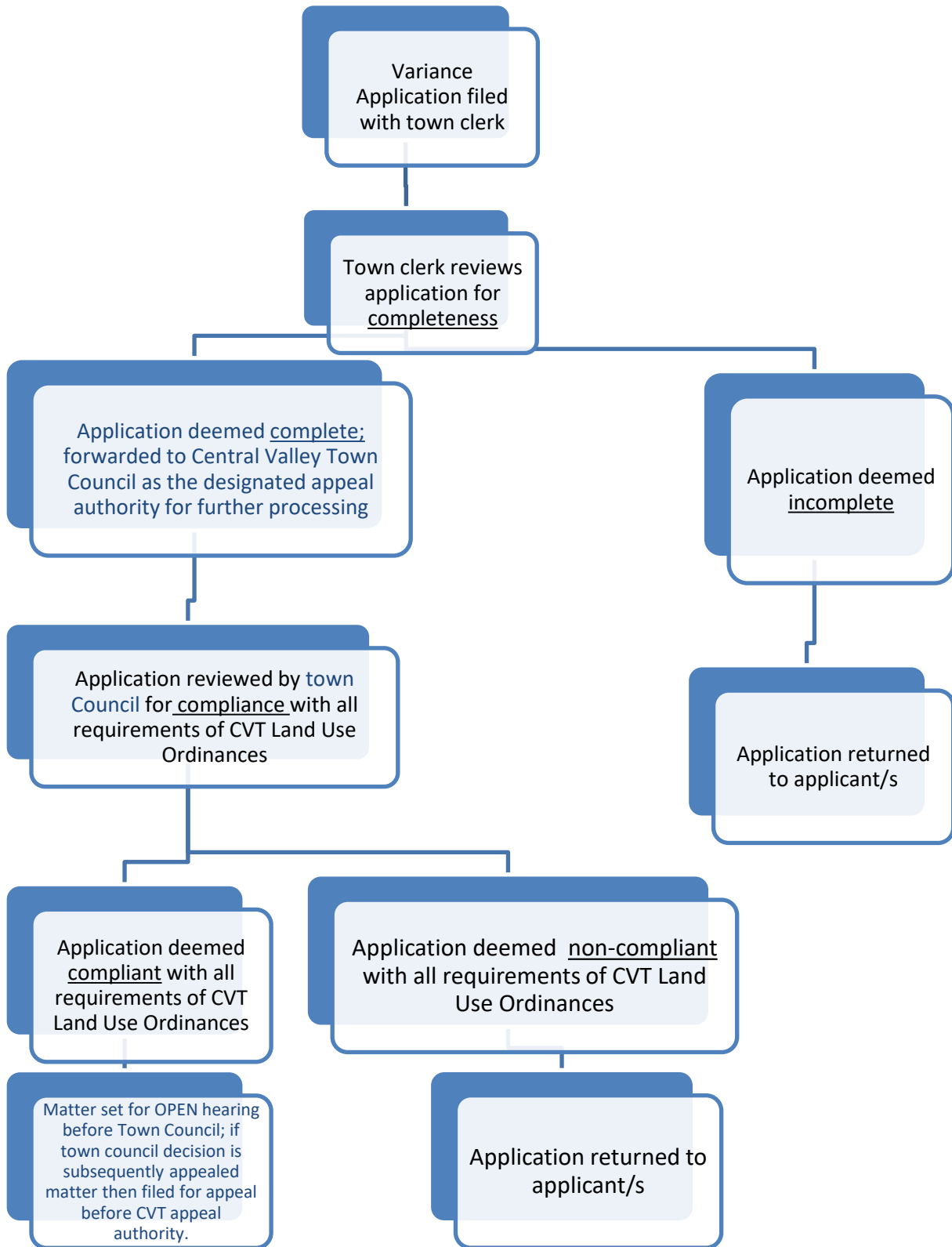
16c-1600: Expiration: As provided by law, the continuing validity of a variance application approval is conditioned up the applicant proceeding after approval to implement the approval with reasonable diligence. For the purposes of this ordinance, and this requirement, the approval of a variance application shall be effective for a period of one hundred eighty (180) calendar days, at the end of which time the applicant shall have proceeded to implement the variance approval. If the variance application approval is not commenced within one hundred eighty (180) calendar days from the date of approval by the town council the approval shall be rendered void.

Section 16D - CONSTITUTIONAL TAKINGS REVIEW AND APPEAL (Exactions)

16D-100: Purpose: To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation.

All actions and proceedings shall be conducted by the current Central Valley Attorney in the proper court jurisdiction.

Central Valley Town - VARIANCE PROCEDURE FLOW CHART



Section 1700: Amendments to The General Plan, Land Use Ordinance, and Zoning Maps: Application and Procedure

1700.001. Land Use Ordinance Amendment Applications Required to be Consistent with the General Plan:

The Town's General Plan, and its accompanying maps, shall be considered as an advisory policy guide for all land use decisions, the guidance of growth and development occurring in the Town, and the provision of required infrastructure and services provided by the town.

No Land Use Ordinance Amendment Application, including any amendment to this Ordinance, and the accompanying maps, Zoning Districts Map or Official Maps, may be recommended by the Planning Commission or approved by the Council, unless such Amendment Application is found to be consistent with the town's General Plan.

1700-002. Public Uses to Conform:

After the Council has adopted the Central Valley Town General Plan, with its accompanying maps, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it is found to conform to the General Plan, as adopted, including all maps.

1700-003. Amendments to Central Valley Town General Plan:

A proposed General Plan Amendment Application, including an amendment to any associated map, may be initiated by any property owner, any resident, any business owner, the Council, Planning Commission, Zoning Administrator by filing a General Plan Amendment Application. A General Plan Amendment Application shall be filed with the Town by presenting a General Plan Amendment Application to the Town Clerk who will forward the application to the planning commission and town council.

1700-004. Procedures for Amending the General Plan:

- 1. Procedures.** The procedures for the review and consideration of a General Plan Amendment Application are identified by Figure 5-1, herein.
- 2. Determination of Application Completeness.** A General Plan Amendment Application shall be reviewed and considered by the Town Clerk for application completeness.
- 3. Planning Commission Public Hearing Required.** Prior to recommending the adoption or denial of any General Plan Amendment Application to the Council, the Planning Commission shall hold a public hearing in accordance with the procedures of this Ordinance and shall provide a minimum of ten (10) calendar days' notice of such hearing.

4. **Planning Commission Recommendation.** Following the close of the Planning Commission public hearing and at the meeting when the hearing is conducted or at a subsequent meeting, the Planning Commission shall formulate a recommendation on the General Plan Amendment Application to the Council.

5. **Planning Commission Recommendation Transmitted to Council.** After the Planning Commission has considered the Application and made its recommendation, the Planning Commission shall transmit to the Council a copy of the Planning Commission's recommendation and the meeting minutes, and all other relevant materials of the proceedings before the Planning Commission. Following the receipt of a copy of the General Plan Amendment Application recommendation from the Planning Commission, and all other materials, the Town Clerk shall schedule a public hearing with the Council to consider the Planning Commission's recommendation on the General Plan Amendment Application.

6. **Council Public Hearing Required.** The Council shall consider the General Plan Amendment Application recommendation of the Planning Commission at a public hearing by providing legal notice.

7. **Council Action.** Following the close of the Council public hearing, the Council may approve the General Plan Amendment Application, as presented, revise the proposed General Plan amendment and approve the proposed amendment as revised, or deny the proposed General Plan Amendment. If the Council approves the proposed amendment as submitted, or as revised, the Council shall adopt the General Plan Amendment by Ordinance.

1700-005. Criteria for Approval of General Plan Amendments:

In considering a General Plan Amendment Application, the Planning Commission and Council shall consider the following:

1. The effect of the proposed General Plan amendment on the public health, welfare, and safety of Town residents.

2. The effect of the proposed General Plan amendment on the interests of the Town and its residents.

3. The location of the proposed General Plan amendment as suitable for the uses and activities allowed by the proposed amendment, and the Town, and all other service providers, as applicable.

4. All infrastructure and/or services required by the proposed uses and activities can be provided in a cost effective and efficient manner.

5. The compatibility of the proposed uses with nearby and adjoining properties.

6. The suitability of the properties for the uses proposed.

7. The effect of the proposed General Plan amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the town's Land Use Ordinances, including this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the General Plan amendment.
8. The community benefit derived from the proposed General Plan amendment.

1700-006. Effect of Approval of a General Plan Amendment:

The approval of a General Plan Amendment Application shall not authorize the development of any land(s). After a General Plan Amendment Application has been approved by the Council, no development shall occur until the required approvals, permits and licenses have been issued by the Land Use Authority, as applicable, consistent with all applicable Land Use Ordinances, including this Ordinance, and all other applicable Ordinances and requirements, as adopted.

1700-007. Amendments to Land Use Ordinances, Zoning Districts Map(s), or other Official Maps:

A proposed amendment to any Land Use Ordinance, Zoning Districts Map(s), or other Official Map(s), may be initiated by any property owner, any resident, any business owner, the Council, Planning Commission, by filing a Land Use Ordinance Amendment Application, Zoning Districts Map Amendment Application, or other Official Maps Amendment Application with the Town Clerk who will forward the application to the planning commission and town council.

1700-008. Procedures for Amending Land Use Ordinances, Zoning Districts Map(s), and other Official Maps:

1. **Procedures.** The procedures for the review and consideration of a Land Use Ordinance Amendment Application, Zoning Districts Map Amendment Application, or other Official Map Amendment Application are identified by Figure 5-2, herein.
2. **Determination of Application Completeness.** An application for a Land Use Ordinance Amendment Application, Zoning Districts Map Amendment Application, or other Official Map Amendment Application shall be reviewed and considered by the Town Clerk for application completeness.
3. **Planning Commission Public Hearing Required.** Prior to recommending a Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application to the Council, the Planning Commission shall hold a public hearing in accordance with the procedures of this Ordinance and shall provide a minimum of ten (10) calendar days notice of such hearing.
4. **Planning Commission Recommendation.** Following the close of the Planning Commission public hearing, and at the meeting when the hearing is conducted or at a subsequent meeting, the Planning Commission shall formulate a recommendation on the Land Use

Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application to the Council.

5. **Planning Commission Recommendation Transmitted to Council.** After the Planning Commission has considered the Application and made its recommendation, the Planning Commission shall transmit to the Council a copy of the Planning Commission's recommendation and the meeting minutes, and all other relevant materials of the proceedings before the Planning Commission. Following receipt of a copy of the Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application recommendation from the Planning Commission, and all other materials, the Town Clerk shall schedule a public hearing with the Council to consider the Planning Commission's recommendation on the Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application.
6. **Council Public Hearing Required.** The Council shall consider the Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application recommendation of the Planning Commission at a public hearing by providing legal notice.
7. **Council Action.** Following the close of the Council public hearing, the Council may approve the Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application, as presented, revise the proposed Amendment and approve the proposed amendment as revised, or deny the proposed Application. If the Council approves the proposed amendment as submitted or as revised, the Council shall adopt the Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application by Ordinance.

1700-009. Criteria for Approval of Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application:

In considering a Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application, the Planning Commission and Council shall consider the following:

1. The effect of the proposed Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application on the public health, welfare, and safety of Town residents.
2. The effect of the proposed Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map Amendment Application on the interests of the Town and its residents.
3. The consistency of the proposed amendment with the Town General Plan, including all associated maps.

4. The location of the proposed Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map amendment as suitable for the uses and activities allowed by the proposed amendment, and the Town, and all other service providers, as applicable.
5. The effect of the proposed Land Use Ordinance Amendment, Zoning Districts Map Amendment, or other Official Map amendment to implement the goals, objectives, and policies of the Town General Plan, and listing any revisions necessary to all Land Use Ordinances, including this Ordinance, and any other Ordinances required to fully implement the proposed amendment.
6. The location of the proposed amendment as suitable for the uses and activities allowed by the proposed amendment, and the Town, and all other service providers, as applicable.
7. All infrastructure and/or services required by the proposed uses and activities can be provided in a cost effective and efficient way.
8. The compatibility of the proposed uses with nearby and adjoining properties.
9. The suitability of the properties for the uses proposed.
10. The community benefit derived from the proposed amendment.

1700-010. Effect of Approval of a Land Use Ordinance, Zoning Districts Map, or other Official Map Amendment:

The approval of a Land Use Ordinance, Zoning Districts Map, or other Official Map Amendment Application shall not authorize the development of any land(s). After a Land Use Ordinance, Zoning Districts Map, or other Official Map Amendment Application has been approved by the Council, no development shall occur until the required approvals, permits, and licenses have been issued by the Land Use Authority, as applicable, consistent with all applicable Land Use Ordinances, including this Ordinance, and all other applicable Ordinances and requirements, as adopted.

1700-011. Temporary Land Use Regulations:

1. As provided by the Act, the Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing a Temporary Land Use Regulation for any part or all of the area within the Town if:
 - 1.1 The Council makes a discovery of public interest concerning land use; or
 - 1.2 The area of the Town is unregulated.
2. A Temporary Land Use Regulation under Subsection (1) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

3. A Temporary Land Use Regulation under Subsection (1) may not impose an impact fee or other financial requirement on building or development.
4. The Council shall establish a period of limited effect for the Ordinance not to exceed six (6) months.
5. The Council may, without prior Planning Commission consideration or recommendation, enact an Ordinance establishing a Temporary Land Use Regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
6. A regulation under Subsection (5):
 - 6.1 May not exceed six (6) months in duration;
 - 6.2 May be renewed, if requested by the State of Utah Transportation Planning Commission for up to two (2) additional six (6) month periods by Ordinance enacted before the expiration of the previous regulation; and
7. Notwithstanding Subsection 6.2 is effective only as long as the Environmental Impact Study or Major Investment Study is in progress.

Figure 5-1 General Plan Amendment Application Procedures

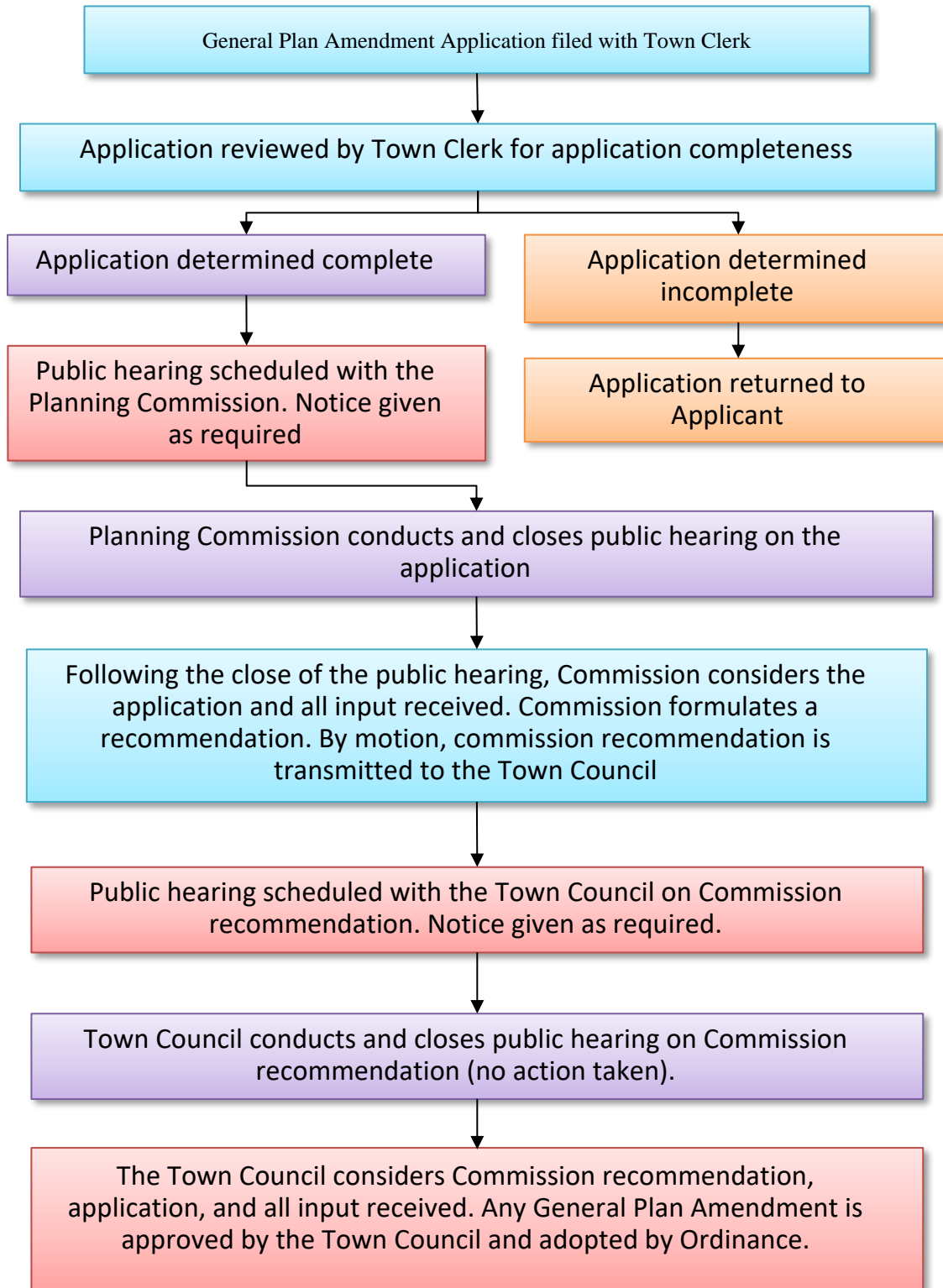
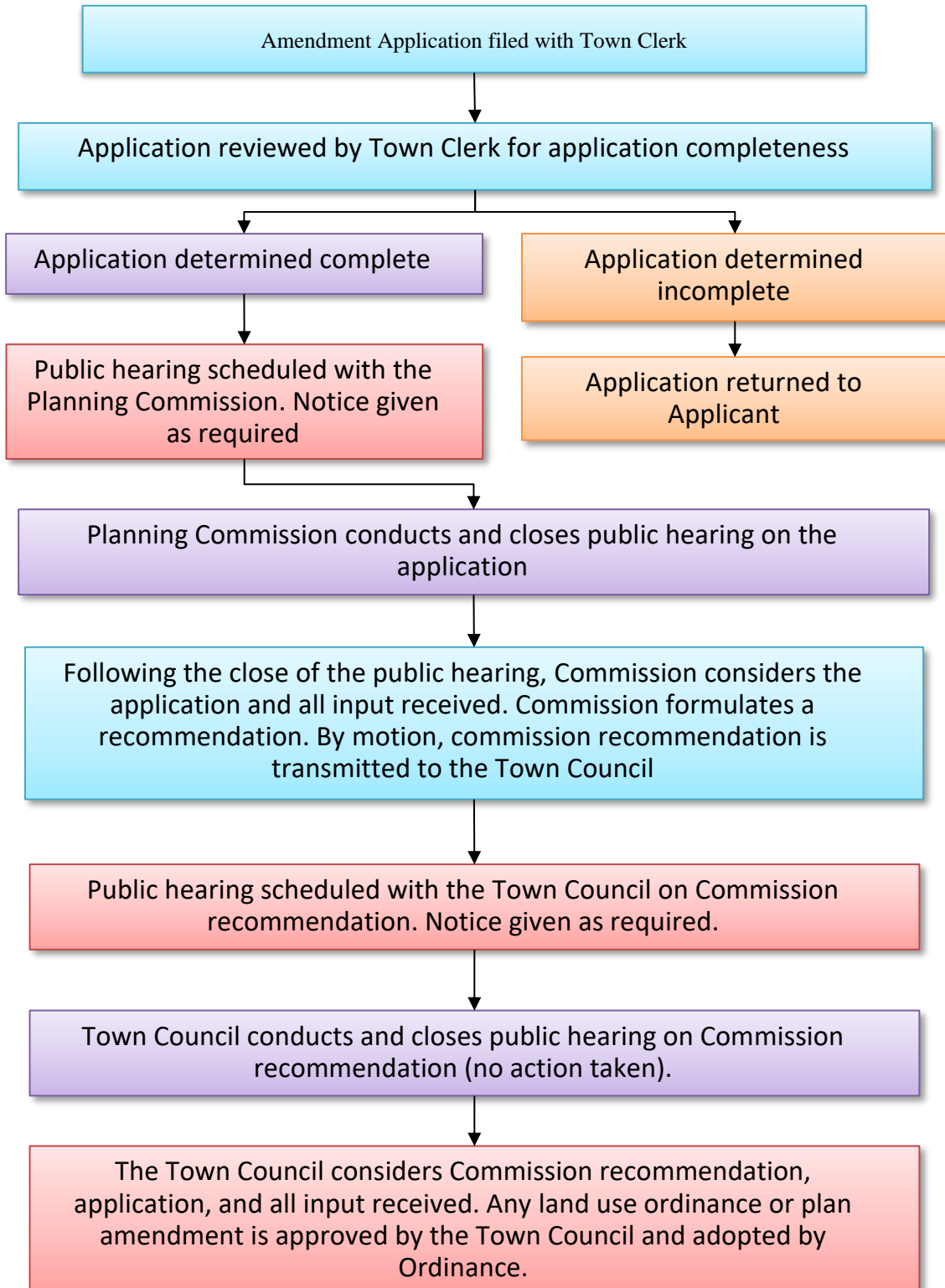


FIGURE 5-2 Land Use Ordinance, Zoning Map or Official Map, Amendment Application Procedures.



CENTRAL VALLEY TOWN

APPLICATION FOR AMENDMENT

TO

GENERAL PLAN & LAND USE ZONING MAP

SUBJECT PROPERTY INFORMATION				
Property Address:			Total acreage of parcel:	
Parcel ID's #: (Sevier County)	Current Zone: R1, R2, R2C	Proposed Zone: R1, R2, R2C		
Subject Property Owner Contact Information				
Name:				
Mailing Address		City:	State:	Zip:
Home/office phone:	Cell phone:	Email:		

The Planning Commission will consider the following items when considering this application:

1. *Is the change reasonably necessary?*
2. *Is it in the public interest?*
3. *Is it in harmony with the objectives and purposes of the future development of Central Valley Town?*
4. *Is this change consistent with the Central Valley Town General Plan?*
5. *Is this change consistent with current Central Valley Land Use Ordinance 7-200, ie. (1) Applications are restricted to property that currently border/s property of the same zoning classification as the new desired zone, (2) No 'spot or island zoning'.*

1. Explain how this proposal is reasonably necessary and in the public interest.

2. Explain how this proposal fits within the objectives and purposes of the future development of Central Valley Town and how it is consistent with the current Central Valley Town General Plan.

Owner Acknowledgement: I certify that the requested Rezoning request would comply with all required conditions and standards of the current Central Valley Land Use Ordinance. I hereby declare under penalty of perjury that this application form, and all information submitted as part of this application form is true, complete and accurate to the best of my knowledge.

(Notary)

My Planning Commission expires: _____

APPLICATION INSTRUCTIONS:

The property owner(s) shall complete this application including providing all items listed below and submit to the Clerk of Central Valley at the Town Hall, 50 W Center, Central Valley, Utah 84754.

1. Attach completed Affidavit of Property Ownership. Complete the Agent Authorization if desired.
2. Pay a non-refundable \$100 Rezoning Application fee.
3. Provide Legal Description of Property affected by the requested Zone Change.
4. Provide a Property Plat or Property map of the area of the requested Zone Change showing all lots and roads abutting the proposed area of change.
5. Names and Addresses of all Property Owners of Current Record, including your own, adjacent to the proposed project area, typed on mailing labels.
6. The application should be filed no later **than 3 weeks prior** to the desired hearing date before the Planning Commission. The Planning Commission meets the 2nd Wednesday of each month at 7:30 pm.
7. After careful consideration of the application, the Planning Commission shall schedule a public hearing to discuss the application.
8. Following the public hearing, the Planning Commission shall make a recommendation to the Town Council on the proposed change.
9. The Town Council shall schedule a public hearing to discuss the proposed General Plan or Land Use map amendment allowing for publication in a newspaper of general circulation at least 3 times prior to the proposed hearing date.
10. The Town Council, following the public hearing, will pass a motion either approving or denying the requested General Plan or Zone Change Amendment. Their decision is final. If the request is approved, an official Zoning Ordinance will be drawn up, signed and filed. The property applicant/property owner may then obtain a copy of the ordinance, if he so desires.

11. Re-submission. If an application for amendment is denied by the Planning Commission or Town Council, re-submission of an application for the same amendment shall not be allowed for a period of 12 months, unless totally new facts or information are presented.

The approval of a General Plan Amendment OR LAND USE ZONING MAP Application shall not authorize the development of any land(s). After a General Plan Amendment OR LAND USE ZONING MAP Amendment has been approved by the Council, no development shall occur until the required approvals, permits and licenses have been issued by the Land Use Authority, as applicable, consistent with all applicable Land Use Ordinances, including this Ordinance, and all other applicable Ordinances and requirements, as adopted.

Section 18 - PLANNED UNIT DEVELOPMENT

Planned Unit Developments are not permitted within Central Valley Town.

Section 19 - BUILDING PERMITS REQUIRED, CODE REQUIREMENTS, ENFORCEMENT AND PENALTIES

19-100. Building permit required: The use of land or 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, or proceeded with, except after the issuance of a written permit as established by the town as follows:

1. Every applicant for a permit for any construction, alteration or use of any building or land for which a permit is required by the law, shall, upon request of the town council, file such written information, plans, specifications, or other such data as shall be deemed necessary for the full and accurate exposition of the proposed construction, alteration, or use with relation to the regulations of this ordinance. Such material shall be kept on file in the town office.
2. From the time of the effective date of this ordinance, the town council shall not grant a permit for the construction, or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this ordinance.
3. Whenever such permit is refused because of the violation of some provision of this ordinance, the reason for such refusal shall be clearly stated in writing.

19-200. Code requirements: All construction coming under the provisions of this ordinance shall follow the specifications outlined **in all current codes used by the Sevier County Building Inspector.**

19-300. Enforcing official: An official appointed under the provisions of the building code of Central Valley Town, is hereby designated and authorized as the officer charged with the enforcement of this ordinance.

19-400. Powers and duties for enforcing officer: The enforcement official is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of

construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this ordinance.

19-500. Penalty: Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of the ordinance shall be guilty of a class C misdemeanor and punishable by law. Such person, firm, or corporation who intentionally violates this ordinance shall be deemed to be guilty of a separate offense for each and every day during which any violation of this ordinance is committed, continued, or permitted by such person, or corporation, and shall be punishable as herein stated.

19-600. Water requirements: All new buildings and residences are to acquire and be connected to Central Valley Town water system and available services. Current well sources will convey well rights to the town as a condition of hook-up.

Section 20 - AMENDMENTS

20-100. Powers of town council: It shall be lawful for the town council from time to time, as necessity may arise, to change or modify the boundaries of such districts, or any of them, or any regulations or restrictions with respect to zoning or buildings or use of land.

20-200. Application for Amendment – initiation: An application for amendment may be initiated by the town council. Amendments may also be initiated by an application of one or more property owners of property affected by the proposed amendment, in which case the application shall be accompanied by a fee of twenty (\$20) dollars, no part of which shall be returnable to the applicant. Unless initiated by the town council, no amendment shall be considered without evidence of acquiescence therein of the owners of the property/s involved.

20-300. Application for Amendment accompanying data: An application for amendment, executed in triplicate, shall be filed with the town clerk and shall be accompanied by the following:

1. Maps, drawings, and other data necessary to particularize the request.
2. An accurate legal description of the property, or property/s.

20-400. Referral to the town council: Upon receipt of an Application for Amendment, the enforcement official shall submit same to the town council for consideration and recommendation. The town council may or may not, in their discretion, give notice and hold a public hearing thereon. After due consideration, they shall make a recommendation no later than thirty (30) days after referral to it.

20-500. Public hearing and notice: Before any ordinance shall be passed by the town council making any change in the zoning ordinance or in the zoning map, a public hearing shall be held by the town council, notice of which shall be given to the public by at least one (1) publication in a newspaper published and of general circulation in Central Valley Town, at least seven (7) days prior to said hearing. Notice shall be posted, also, for seven (7) days prior to the hearing in a conspicuous location in (3) three places of public assembly.