

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 984**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY  
DEVELOPMENT CODE CHAPTER 11-1 (RURAL AGRICULTURE PROTECTION  
PROGRAM), CHAPTER 11-3 (ZONING DISTRICTS AND REQUIREMENTS),  
CHAPTER 11-4 (DEVELOPMENT REVIEW PROCESSES AND PROCEDURES),  
CHAPTER 11-6 (GENERAL REGULATIONS), AND APPENDIX A (DEFINITIONS)**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-503(1) provides that counties can amend any regulation of or within the zoning district or any other provision of a land use regulations; and,

**WHEREAS**, Section 11-5-3 of the Eastern Summit County Development provides that the County Council may from time to time amend, supplement, or repeal the provisions and regulations of such Code; and,

**WHEREAS**, part of the Community Development Department’s 2024 workplan is to update outdated regulations in the Eastern Summit County Development Code and to make processes and procedures consistent with the Snyderville Basin Development Code and UCA; and,

**WHEREAS**, Staff determined these amendments are primarily administrative in nature, intended to clarify and clean up certain items; and,

**WHEREAS**, the amendments do not affect existing land uses, density, or other substantive development standards; and,

**WHEREAS**, the proposed amendments to not remove any existing restrictions; and

**WHEREAS**, the proposed amendments apply to the entire Eastern Summit County Planning Area; and,

**WHEREAS**, the Eastern Summit County Planning Commission held a public hearing on August 15, 2024 and unanimously forwarded a positive recommendation to the Summit County Council for the proposed amendments with a few minor adjustments as stated in the staff report; and,

**WHEREAS**, the Summit County Council held a public hearing on September 25, 2024; and,

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1. EASTERN SUMMIT COUNTY DEVELOPMENT CODE** The Eastern Summit County Development Code is amended as depicted in Exhibit A.

**Section 2. Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this 25<sup>th</sup> day of September 2024.

ATTEST:

Evelyn Furse

Evelyn Furse  
Summit County Clerk

SUMMIT COUNTY COUNCIL

Malena Stevens

Malena Stevens, Chair

APPROVED AS TO FORM

David L. Thomas

David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Hanson	<u>Aye</u>
Councilmember Robinson	<u>Absent</u>
Councilmember Harte	<u>Aye</u>
Councilmember Armstrong	<u>Aye</u>
Councilmember Stevens	<u>Aye</u>



# EXHIBIT A

## CHAPTER 1 RURAL AGRICULTURE PROTECTION PROGRAM

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### ~~11-1-4: CLUSTER BONUS/AGRICULTURE PRESERVATION INCENTIVE SUBDIVISION:~~

~~The cluster bonus/agriculture preservation incentive subdivision is hereby created to promote the retention of agricultural land and operations in Eastern Summit County. It is specifically intended to assist those actively engaged in farming and ranching and to increase opportunities for residents and local workers to live in Eastern Summit County. A density bonus shall be awarded to property owners within the agriculture protection (AP) zone district only if it results in the preservation of actively used agricultural lands. The cluster bonus/agriculture preservation subdivision shall be applicable for legally created lots/parcels in the AP zone district, which constitute the heaviest concentration of agricultural enterprises and is located within the primary county infrastructure and service area. Chapter 4 of this title defines the procedures related to the cluster bonus/agriculture preservation subdivision. (Ord. 708, 12-10-2008)~~

### ~~11-1-5: COMMUNITY PRESERVATION INCENTIVE:~~

~~The minor subdivision of property and cluster bonus minor subdivision provisions are hereby created with the intent of increasing opportunities for residents and local workers to afford a place to live in Eastern Summit County. The minor subdivision of property and the cluster bonus minor subdivision provisions shall be applicable only in the AP and HC zone districts, which constitute the areas where the county's primary infrastructure and services are located. These provisions shall apply to any legally created lot/parcel. Chapter 4 of this title defines the procedures related to the minor subdivision of property and cluster bonus minor subdivision provisions. (Ord. 708, 12-10-2008)~~

### ~~11-1-64: PRESERVING AND PROMOTING BUSINESS ENTERPRISES~~

A. Existing Enterprises: There are many viable rural business enterprises in Eastern Summit County that are being encroached upon by new residential development. These business operations remain viable; some need to expand. These operations require protection from the effects of new residential development, in much the same way as agricultural lands and operations. Business enterprises that existed on the effective date hereof, so long as they were lawfully established under previous zoning regulations, shall hereunder be considered a "permitted use" within the zone district in which they are located.

B. Expansion Of Existing Enterprises: The expansion of lawfully established business enterprises shall require a "conditional use" approval, as described in section 11-4-7 of this title. The intent of the conditional use approval shall be to ensure compatibility with surrounding uses to the extent practical and reasonable. They shall be allowed to undertake appropriate expansion when they reasonably mitigate potential impacts on nearby residential land uses. Provisions for mitigation are described in chapter 2 of this title. (Ord. 708, 12-10-2008)

C. Promoting New Enterprises: New business enterprises, and jobs within the tax base that will result, are crucial to the future of Eastern Summit County. It is difficult to identify locations for such activities without a specific proposal to consider. Therefore, a procedure has been incorporated in this title that allows the County the flexibility to consider these uses

in the future. The specially planned area offers business operators, who desire to locate in Eastern Summit County, the opportunity to work with the Planning Commission and County Council to foster any business that is generally consistent with the goals and objectives of the General Plan and is compatible with its surroundings. (Ord. 708, 12-10-2008; amd. Ord. 799, 3-6-2013)

**11-1-75: EXPECTATIONS FOR PUBLIC INFRASTRUCTURE AND SERVICES:**

A. Memorandum Of Understanding Required: Although the County endeavors to provide reasonable and appropriate infrastructure and services which adequately serve allowed land uses in Eastern Summit County, certain new buildings/structures and developments, because of location, will not be easily served by the County or special districts. If a person chooses to construct a new residential or commercial structure, or obtain development approval in areas removed from the County's primary infrastructure and service area, the developer/owner shall acknowledge in writing (titled "memorandum of understanding") at the time of development approval, or in the instance of a previously platted lot at the time of building permit issuance for a new structure, the following:

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale and frequency of public services and infrastructure for all existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.

B. Recording: This acknowledgment shall be deemed to run with the land and, as such, shall be recorded at the developer/owner's expense in the records of the County Recorder to provide notice to future property owners regarding service level expectations. (Ord. 708, 12-10-2008)

**CHAPTER 3 ZONING DISTRICTS AND REQUIREMENTS**

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**11-3-16: CHART OF ALLOWED AND PERMITTED USES USE TABLE**

A. The following chart titled "Chart Of Allowed And Permitted Uses Use Table" defines allowed, conditional and low impact uses for the various zone districts. Those uses designated by the letter "A" shall be considered allowed uses in the particular zone district; the letter "C" shall represent those uses that require conditional use approval and the letter "L" shall represent those uses that require low impact permit approval. If there is no letter designated for a use in a particular zone, or if a particular use is not listed on the use table chart of allowed and permitted uses, it is prohibited.

CHART OF ALLOWED AND PERMITTED USES USE TABLE

Permitted Uses	R-2.5	AG-5	AG-10	AG-20	AG-40	AG-80	CA	C	LI	I	Additional Reference
Agricultural employee dwelling unit	-	€	€	€	€	€	-	-	-	-	Section <del>11-6-5</del> of this title
Agricultural employee facility for the purpose of providing shelter for more than 1 family	-	-	€	€	€	€	-	-	-	-	-
Building integrated solar energy system	A	A	A	A	A	A	A	A	A	A	Section 11-6-22 of this title
Contractor's yard			C	C	C	C			C	C	Section 11-6-23 of this title
Dwelling Unit, <del>one</del> Single-Family Detached	A	A	A	A	A	A	A	L			
Ground mounted solar energy system	L	L	L	L	L	L	L	A	A	A	<del>11-4-8</del> , Section 11-6-22 of this title
Ground mounted solar energy system, large scale		C	C	C	C	C		C	C	C	<del>11-4-7</del> , Section 11-6-22 of this title

Off-site parking lot for event centers or guest ranchers		C	C	C	C	C					Section <u>11-6-24</u> of this title
Oil wells, natural gas wells and steam wells					C	C				C	Subsection <u>11-4-7(l)</u> of this title
Open space, recreational (motorized) <u>Recreation, Commercial/Public (Motorized)</u>				C	C	C					
Open space, recreational (nonmotorized) <u>Recreation, Commercial/Public (Non-Motorized)</u>	C	L	L	L	L	L	L	L			
Residential care facilities		C	C	C	C	C			C		Section <u>11-6-18</u> and <del>appendix A</del> of this title
Roof mounted solar energy system	A	A	A	A	A	A	A	A	A	A	Section <u>11-6-22</u> of this title

## CHAPTER 6: GENERAL REGULATIONS

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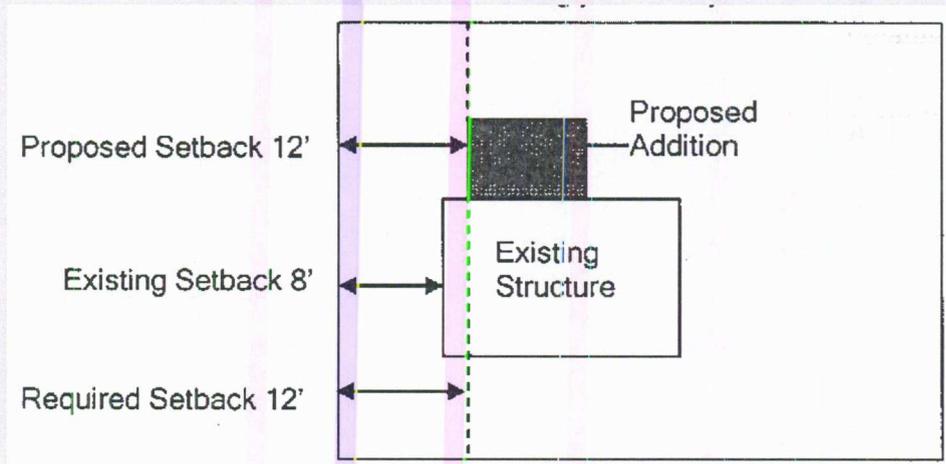
### 11-6-2: NONCONFORMING USES, STRUCTURES AND LOTS:

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H. Enlargement Of A Nonconforming Residential, Agricultural, Or Accessory Structure: A nonconforming residential, agricultural, or accessory structure may be enlarged according to the following criteria:

1. Building Permit Required: Any portion of a nonconforming residential or accessory structure that complies with the setback requirements for the zone district in which the structure is located may be enlarged through the building permit process only, if the enlargement will further comply with all applicable zoning requirements. See figure 1 of this section.

FIGURE 1



Addition proposed that complies with the zone required setbacks. Building permit required.

2. Agricultural Structure: Any portion of a nonconforming agricultural structure that complies with the setback requirements for the zone district in which the structure is located may be enlarged through the building permit process or if applicable, the agricultural use exemption, if the enlargement will further comply with all applicable zoning requirements. See figure 1 of this section.
3. Low Impact Permit Required: Any portion of a nonconforming residential, agricultural, or accessory structure that does not comply with the setback requirements for the zone district in which the structure is located may be enlarged through the low impact permit process described in section 11-4-168 of this title and according to the following criteria:

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**11-6-3: HOME OCCUPATIONS:**

A. Purpose: The purpose of this section is to ensure that the owners of ~~one~~Single-Family ~~Dwelling~~ Units may undertake occupations on the premises, so long as the home occupation is not intrusive to surrounding land uses or will not alter the essential character of the neighborhood. Home occupations may be established, maintained and expanded, so long as they are consistent with the standards described below. Home occupations that meet these standards do not require further approval by the county, but the operator may be required to obtain and maintain a valid business license.

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**11-6-5: ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS, AND LIVE/WORK DWELLING UNITS:**

A. Accessory Dwelling Units: Accessory Dwelling Units are incidental to and on the same Lot as a ~~One~~Single-Family Detached Dwelling Unit.

1. Location: Accessory Dwelling Units may be established:

- a. within the footprint of a ~~One~~Single-Family Detached Dwelling Unit;
- b. attached to a ~~One~~Single-Family Detached Dwelling Unit;
- c. within or attached to a larger Accessory Structure (such as a barn or garage);
- d. on the same Lot as a ~~One~~Single-Family Detached Dwelling Unit; or
- e. built as a standalone structure on the same Lot as a ~~One~~Single-Family Detached Dwelling Unit.

2. General Standards: All Accessory Dwelling Units shall conform to the following standards:

- a. Size: Accessory Dwelling Units shall be limited to a maximum Floor Area of one thousand (1,000) square feet, notwithstanding the definition of Floor Area as defined in Appendix A of this Title, measured from the inside face of the perimeter wall to the inside face of the perimeter wall. Included within the floor area shall be all wall partitions, mechanical rooms, hallways, and stairwells.

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## APPENDIX A DEFINITIONS

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HEIGHT: For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of a flat or pitched roof or other portion of a structure. This measurement shall occur at any point within the exterior walls of the building or structure. Roof vents, chimneys, furnace vents, plumbing vents, screened mechanical equipment, antennas and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) or International Residential Code (IRC) requirements, as applicable. Vertical architectural features on houses of worship, such as steeples which are associated with the religious function of the building, may be constructed two and one-half (21/2) times the height of the building.

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DRIVEWAY: A means of access to one (1) but not more than five (5) ~~one Single-Family Detached~~ Dwelling Units. Without assurances that only five (5) dwellings will use a driveway, it shall otherwise be designated as a local road.

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DWELLING UNIT, ACCESSORY: An Accessory Dwelling Unit is a type of Accessory Use that includes a residential unit with cooking, sanitation, and sleeping facilities, and is located on the same Lot Grandfathered Parcel as ~~the One Single-Family Detached~~ Dwelling Units or associated commercial use. Unless it is otherwise allowed as part of a Development, Settlement, or Consent Agreement, a guest house shall be considered an Accessory Dwelling Unit.

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DWELLING UNIT, ~~ONE SINGLE-FAMILY DETACHED~~: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one (1) family and its guests. Only one of these dwelling units is permitted for each Lot or Grandfathered Parcel when identified as a permitted or conditional use, unless otherwise stated in this title. May be referred to as a single family dwelling unit.