

MARYSVALE TOWN, UTAH
ZONING ORDINANCE

TITLE 12 OF MARYSVALE TOWN ORDINANCES

Adopted: July 28, 2022

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TITLE 12-100 GENERAL PURPOSE AND SCOPE.....	1
12-100.1 Short Title	1
12-100.2 Purpose	1
12-100.3 Authority	1
12-100.4 Interpretation.....	1
12-100.5 Severability	2
12-100.6 Fees	2
12-100.7 Penalties	2
12-100.8 Definitions	2
TITLE 12-200 PLANNING COMMISSION	12
12-200.1 Establishment.....	12
12-200.2 Number and Terms of Members	12
12-200.3 Appointment of Members	12
12-200.4 Filling Vacancies and Removal from Office	12
12-200.5 Compensation	12
12-200.6 Officers	13
12-200.7 Quorum and Vote.....	13
12-200.8 Duties and Powers	13
12-200.9 Appeals and Hearings	14
TITLE 12-300 TOWN COUNCIL	15
12-300.1 Form of Government	15
12-300.2 Duties and Powers	15
12-300.3 Appeals	16
4-4 Officers	16
TITLE 12-400 APPEAL AUTHORITY.....	17
12-400.1 Establishment.....	17
12-400.2 Appointment	17
12-400.3 Duties and Powers	17
12-400.4 Officers	17

12-400.5	Variance Review Criteria.....	17
12-400.6	Appeals	19
TITLE 12-500 ZONING OFFICIALS.....		20
12-500.1	General.....	20
12-500.2	Zoning Administrator	20
12-500.3	Building Official	20
12-500.4	Liability.....	20
TITLE 12-600 GENERAL PROVISIONS.....		21
12-600.1	Parking and Loading Spaces.....	21
12-600.2	Building Permits	21
12-600.3	Fencing	22
12-600.4	Accessory Buildings	22
12-600.5	Easements and Rights-of Way	23
12-600.6	Special Regulations.....	23
TITLE 12-700 CONDITIONAL USES.....		25
12-700.1	General.....	25
12-700.2	Application.....	25
12-700.3	Determination	25
12-700.4	Expiration and Revocation.....	26
12-700.5	Amendments	26
12-700.6	Conditional Use Review Criteria	26
TITLE 12-800 NONCONFORMING USES.....		27
12-800.1	General.....	27
12-800.2	Discontinuance.....	27
12-800.3	Enlargements and Modifications	27
TITLE 12-900 SUBDIVISIONS		28
12-900.1	Purpose	28
12-900.2	Scope.....	28
12-900.3	Approval Required.....	28
12-900.4	Exemptions from the Plat Requirement	29
12-900.5	Preliminary Plat	31

12-900.6	Final Plat	32
12-900.7	Dedication, Acceptance and Maintenance Responsibility	33
12-900.8	Site Preparation and Building Permits Prohibited.	34
12-900.9	General Standards	34
12-900.10	Determination of Greenbelt Eligibility.	34
12-900.11	Lot Standards	35
12-900.12	Design Standards	35
12-900.13	Financial Responsibility	39
12-900.14	Compliance with Final Plat.....	40
12-900.15	Penalties	40
12-900.16	Fees	40
12-900.17	Planning Commission Approval.....	41
12-900.18	Town Council Approval.	42
TITLE 12-1000 MOBILE HOMES AND RECREATIONAL VEHICLES		43
12-1100.1	Purpose	43
12-1100.2	Interpretation.....	43
12-1100.3	Intent.	43
12-1100.4	Location	43
TITLE 12-1200 ZONING DISTRICTS.....		45
12-1200.1	Establishment of Zones.....	45
12-1200.2	Boundaries of Zones	45
12-1200.3	Filing of Ordinance and Map.....	45
12-1200.4	Rules for Locating	45
TITLE 12-1300 AGRICULTURAL ZONES		46
12-1300.1	Purpose	46
12-1300.2	Permitted Uses	46
12-1300.3	Conditional Uses.....	46
12-1300.4	Building Regulations	46
TITLE 12-1400 COMMERCIAL ZONES		47
12-1400.1	Purpose	47
12-1400.2	Permitted Uses	47

12-1400.3	Conditional Uses.....	47
12-1400.4	Building Regulations	47
TITLE 12-1500 INDUSTRIAL ZONES		49
12-1500.1	Purpose	49
12-1500.2	Permitted Uses	49
12-1500.3	Conditional Uses.....	49
12-1500.4	Building Regulations	49
12-1500.5	Modifying Regulations	49
TITLE 12-1600 PUBLIC ZONES		50
12-1600.1	Purpose	50
12-1600.2	Permitted Uses	50
12-1600.3	Conditional Uses.....	50
12-1600.4	Building Regulations	50
TITLE 12-1700 RESIDENTIAL ZONES		51
12-1700.1	Purpose	51
12-1700.2	Permitted Uses	51
12-1700.3	Conditional Uses.....	52
12-1700.4	Building Regulations	52
TITLE 12-1800 ADOPTION.....		53
APPENDICIES.....		54
APPENDIX A.....		55

TITLE 12-100

GENERAL PURPOSE AND SCOPE

12-100.1 Short Title

This Title shall be known and cited as the “Marysvale Town Zoning Ordinance” and may also be identified within this document as “this Title” or “Zoning Ordinance”.

12-100.2 Purpose

This Title establishes and enacts regulations for the use and development of land in Marysvale Town in order to execute the policies and objectives of the general plan. As such, it is the specific purpose of this Title to guide development within the Town in an orderly fashion, and thus protect the prosperity, health, safety and welfare for the Town for its present and future inhabitants. To this end, the following specific goals are identified:

1. To protect, preserve, restore and enhance the natural, historical and cultural resources.
2. To guide the growth and development of the Town to assure a suitable balance between desirable economic activity and the most satisfactory residential lifestyle.
3. To secure safety from flood, geological hazard and other danger.
4. To manage land use and construction to assure availability and capacity of public utilities and services during periods of growth and change.
5. To promote the most efficient relationship between land uses and buildings and the circulation of vehicular and pedestrian traffic to minimize congestion, accidents and noise.

12-100.3 Authority

Utah Code Annotated (UCA) Title 10, Chapter 9a.

12-100.4 Interpretation

In all interpretations of this Title, the provisions of this Title shall be held to be minimum requirements. This Title shall not affect the rights of private parties to enforce the more restrictive provisions of private covenants and agreements and shall not nullify the more restrictive provisions of other ordinances or laws, but this Title shall prevail and take precedence whenever such other ordinances or laws are less restrictive. In the event of ambiguity, uncertainty or conflict regarding the terms of this Title, an interpretation of the same shall be made according to the following procedure:

1. **Application:** Application for an interpretation of this Title shall be made in writing to Marysvale Town Council and shall include the interpretation sought and such other information and pertinent facts as may be required by Marysvale Town Council to facilitate the determination.

Marysvale Town Council may approve or deny the interpretation, or agree upon a different interpretation of the section in question.

2. **Standards:** In interpreting this Title, Marysvale Town Council shall make an interpretation which is in harmony with State law, this Title and other Town ordinances, as well as with the intent and purpose of the applicable section in question, and with the intent and purpose of the general plan.

12-100.5 Severability

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

12-100.6 Fees

Appropriate fees shall be charged for building permits and inspections, land use applications, Appeal Authority hearings or any other service required by this Title. Such fees shall be established by the Marysvale Town Council. (See Appendix A)

12-100.7 Penalties

Any civil offense against this Title shall be a Class C Misdemeanor, which shall be punishable by imprisonment up to 90 days and a maximum fine of \$750.

12-100.8 Definitions

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

ACCESSORY BUILDING OR USE. A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.

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

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

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

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

ALTERATIONS, STRUCTURAL. Any change, addition or modification in the supporting members of a building, such as bearing walls, column, beams or girders.

APARTMENT HOUSE. See Dwelling, Multiple Family.

APARTMENT. Any building or group of buildings which contain dwelling units, and also satisfies the definition of a motel, as defined in the Ordinance.

APPEAL AUTHORITY. The board formally appointed by the Marysville Town Council to hear appeals by any person aggrieved by inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course administration or enforcement of the provisions of this Title.

ARCHITECTURAL PROJECTION. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

AUTOMOBILE SALES AREA. An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

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

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor classifies as a first story as defined herein.

BASEMENT HOUSE. A residential structure without a full story structure above grade.

BEGINNING OF CONSTRUCTION. The placing of concrete footings for building or structure.

BENCHMARK. A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.

BODY AND FENDER SHOP. A facility for major automobile, mobile home, recreational coach or recreation vehicle repairs to body, or fenders, and including rebuilding.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING, MAIN. The principle building housing the principal use upon a lot.

BUILDING, PUBLIC. A building owned and/or operated or owned and intended to be operated by a public agency.

BUILDING OFFICIAL. The Official designated by the Town Council as the Building Inspector for Marysville Town.

CARPORT. A private garage not completely enclosed by walls or doors.

CHILD NURSERY. An establishment for the instruction of six or more children, for compensation, other than members of the family residing on the premises, but not including a public school.

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

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

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

CONDITIONAL USE. A use of land for which a Conditional Use Permit is required, pursuant to this Title.

CONDOMINIUM. An ownership structure established in accordance with the Utah Condominium Act.

CONSTRUCTION CAMP. A camp or other residential area of a temporary nature established for a period of five or more days for the housing of one or more persons engaged in activities related to construction, mining and logging. Camps established for hunting, fishing, recreation or agricultural purposes are excluded from the definition of a construction camp.

CORRAL. An enclosure, other than a building less than one acre, used for the confinement of animals and fowl.

COUNCIL. Unless otherwise indicated, the Town Council of Marysvale Town, Utah. May also be referred to as “Board” or “Town Board”.

TOWN. Unless otherwise indicated, Marysvale Town, Utah.

TOWN ATTORNEY. The Attorney officially appointed or designated by Marysvale Town.

COVERAGE, BUILDING. The percent of the total site area covered by buildings.

CUL-DE-SAC. A minor street having an open end and being terminated at the other end by a vehicle turnaround.

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

DISTRICT. A portion of the area of Marysvale Town, Utah shown on a Zoning Map (attached to this Zoning Ordinance and given a Zone classification as set forth in this Title.

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

DWELLING. A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING, SINGLE FAMILY. A building arranged or designed as one unit to be occupied by one family on a single lot or parcel.

DWELLING, TWO-FAMILY. A building arranged or designed as two attached units to be occupied by two families on a single lot or parcel, may also be referred to as a duplex.

DWELLING, MULTIPLE-FAMILY. A building arranged or designed as no more than four units total to be occupied by multiple famultimilies on a single lot or parcel.

DWELLING UNIT. One or more rooms in a dwelling or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one family.

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

FAMILY. An individual or two or more persons related by blood, marriage or adoption who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FENCE. A physical barrier to delineate, contain, or designate an area designed for a specific use, i.e., and an enclosure for a dwelling unit, and area of storage etc.

FLOOD HAZARD. A hazard to land or improvements due to inundation.

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

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

GARAGE, PRIVATE. A detached accessory building, or portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half tons, and not including space for more than a total of four such vehicles, unless on a bona fide agricultural tract of land.

GARAGE, PUBLIC. A building or portion thereof other than a private garage, designed or used for servicing, equipping, hiring, selling or storage of motor driven vehicles.

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

GEOLOGICAL HAZARD. A hazard inherent in or on the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure or shifting of the earth.

GRADE. The vertical location of the ground surface.

For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.

For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

Any wall parallel or nearly parallel to and not more than five feet from a street line is to be considered as adjoining the street.

HEALTH DEPARTMENT. The State of Utah Division of Environmental Quality or local health agency having jurisdiction.

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

HOSPITAL. Institution for the diagnosis, treatment and care of the human illness or infirmity, but not including sanitariums and clinics.

HOTEL, MOTEL. Any building containing six or more sleeping units intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests.

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

IRRIGATED LAND. Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.

JUNK. Any discarded material, including but not limited to scrap metal, one or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and substructures.

JUNKYARD. Any place, establishment or business maintained, or operated for storage keeping, buying and selling junk, including vehicles and salvage yards.

KENNEL. Any premises where six or more dogs older than four months are kept.

LIVESTOCK FEED YARD. A commercial operation on a parcel where livestock are kept in high density corrals or yards and fed.

LOCAL ENGINEER. The Engineer officially appointed or designated by Marysvale Town.

LOCAL HEALTH OFFICER. The health officer or department employed by or officially representing the Town of Marysvale.

LOCAL JURISDICTION. Marysvale Town.

LOT. A portion or tract of land considered as a unit, which was originally created by a subdivision of a larger piece of land.

LOT COVERAGE. Lot coverage shall be calculated by taking the ground area of the main and accessory buildings and dividing that total by the area of the lot.

LOT CORNER. Lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one-hundred thirty-five degrees.

LOT INTERIOR. A lot other than a corner lot.

LOT DEPTH. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

LOT LINE. Property lines bounding the lot.

LOT RESTRICTED. Any lot having particular problems in size, slope, contour or space requiring special action of the Appeal Authority.

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

MOBILE HOME LOT. A lot within a mobile home park or subdivision, designed to be used for the accommodation of one mobile home.

MOBILE HOME PARK. A parcel designed and approved by the Town for occupancy by mobile homes on a rental basis, meeting all requirements of the Marysville Town plans and ordinances.

MOBILE HOME SPACE. Space within a mobile home park, designed and to be used for the accommodation of one mobile home.

MOBILE HOME SUBDIVISION. A subdivision designed and intended for residential use where the lots are to be individually owned or leased and occupied by mobile homes exclusively.

MODULAR HOME/MANUFACTURED HOME. A permanent dwelling structure which conforms to applicable building codes, built in prefabricated units, which are assembled and erected on the site, or at another location, and brought as a unit to the site.

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

NATURAL WATERWAYS. Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the A licensed engineer, in which no buildings should be constructed.

NONCONFORMING BUILDING OR STRUCTURE. Building or structure or portion thereof, lawfully existing at the time this Title became effective, which does not conform to all height, area and yard regulations herein prescribed in the Zone in which it is located.

NONCONFORMING USE. use which lawfully occupied a building or land at the time this Title became effective, and which does not conform with the use regulations of the Zone in which it is located.

NURSING HOME. Institution providing residence and care for the aged or infirm.

OFF-SITE FACILITIES. improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.

OPEN SPACE. Space reserved in parks, courts, playgrounds, golf courses and other similar open areas.

PARCEL. A tract of land, which is not part of, nor created by a subdivision.

PARKING LOT. An open area, other than a street used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, customers or employees.

PERCENT OF GRADE. The percentage increase in elevation over a one-hundred-foot horizontal distance. For example, a ten percent grade would be a use in elevation of one foot in ten feet or ten feet in one-hundred feet.

PERMANENT MONUMENT. A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the Town for permanent monuments.

PERMANENT LIVING. The condition of 1 or more persons occupying a recreational vehicle for longer than 30 days in any 60-day period.

PLANNING COMMISSION. The Marysvale Town Planning Commission.

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

RECREATIONAL VEHICLE PARK. An area or tract of land or a designated section within a mobile home park where lots are rented or held for rent to one or more owners or users of recreational vehicles for a temporary time not to exceed one-hundred twenty days.

SANITARY LANDFILL. An area set aside that meets all federal and state laws for the disposal of solid waste.

SHORT-TERM RENTAL. Any dwelling unit, or any portion thereof, being used for transient accommodation purposes, including but not limited to, single-family dwellings, multiple family dwellings or any other dwelling unit for a period typically less than 30 consecutive days.

Additionally, any dwelling unit that 1) is listed on any accommodation website including, but not limited to Airbnb, Vrbo, HomeAway, Trip Advisor, etc.; 2) has (or should have) an approved Marysville Town Business License and Conditional Use Permit, if applicable, for a STR or 3) pays (or should pay) applicable Sales and Use and Transient Room Taxes for the STR, is hereby considered a Short-Term Rental and shall be subject to the regulations set forth in this Title, even if the STR is rented out for a period longer than 30 days.

SIGN. See “Sign” definitions in Chapter 16 “Sign Regulations” of this Title.

SITE PLAN. A plan required by, and providing the information required by Section 6-6 of this Title.

SMALL SHED. One-story detached accessory structure provided that the floor area does not exceed two-hundred sq. ft.

STABLE, PRIVATE. A detached accessory building for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire or sale.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the top most floor in the ceiling or roof above. If the finished floor level directly above a usable or unusable under-floor space is more than 6 feet above grade as defined herein or more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unusable under-floor space shall be considered to be a story.

STREET. A public thoroughfare which affords principal means access to abutting property with a minimum width of twenty-six feet.

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

TEMPORARY LIVING. The condition of 1 or more persons occupying a recreational vehicle for less than 30 days at a time.

TRANSIENT. Occupancy of a dwelling unit, sleeping unit, Recreational Coach or any other space for not more than thirty days.

TRANSIENT RENTAL. See Short-Term Rental.

TRAVEL TRAILER. See Recreational Vehicle.

UNIMPROVED PROPERTY. A vacant lot without a dwelling or structure.

USE ACCESSORY. A use subordinate and incident to the main use of a building or land located upon the same lot or parcel.

VETERINARY OR ANIMAL HOSPITAL. A building and runs where large and/or small animals are kept and/or treated by a licensed veterinarian.

YARD. A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Title.

YARD, FRONT. A space on the same lot with a building, between the front line of building and the front lot line and extending across the full width of the lot. The "depth" of front yard is the minimum distance between the front lot line and the front line of the building.

YARD, REAR. A space on the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

YARD, SIDE. A space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

ZONE. See "District".

ZONING ADMINISTRATOR. The Official designated by the Town Council as the Zoning Administrator for Marysvale Town.

ZONING ORDINANCE. The Marysvale Town Zoning Ordinance.

TITLE 12-200 PLANNING COMMISSION

12-200.1 Establishment

This Section hereby establishes a Planning Commission within the incorporated areas of Marysville Town. The establishment of the Planning Commission shall be in accordance with the policies and procedures as set forth in **UCA 10-9a-301**.

12-200.2 Number and Terms of Members

12-200.2.1 Number of Members. The Planning Commission shall consist of five members and up to three alternate members appointed by the Town Council. Alternate members may fill the position of any absent or excused regular member and shall have all the duties and powers of regular members when filling in. Alternates who are not filling in for regular members may still participate in planning commission meetings, but may not vote.

12-200.2.2 Terms of Members. The terms of office for the members of the Planning Commission shall be two years. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the Town Council, if such a hearing is requested.

12-200.3 Appointment of Members

Members shall be appointed and approved by the Town Council. The terms of office for the Planning Commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the Planning Commission shall be residents of Marysville Town.

12-200.4 Filling Vacancies and Removal from Office

The Town Council may appoint members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason. Planning Commission members may be removed from their position for cause by the Town Council. "Cause" includes, but is not limited to, moving out of the Town limits, failing to attend Planning Commission meetings or committing any act unfavorable to public service.

12-200.5 Compensation

The members of the Planning Commission, whether regular or alternate members, shall serve without compensation except for the reimbursement of actual expenses incurred as approved by the Town Council. The Town Council may elect to provide compensation to the chairperson.

12-200.6 Officers

The Planning Commission shall elect from its membership a chairperson and a vice chairperson. The Planning Commission shall establish and adopt rules and procedures for its organization and transaction of business and shall keep a public record of its proceedings.

A secretary to assist the Planning Commission shall be appointed by the Town Council. The secretary shall keep minutes of the Planning Commission meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of Planning Commission meetings to the Zoning Administrator and the Planning Commission. The Town Council may elect to provide compensation to the secretary.

12-200.7 Quorum and Vote

A quorum shall consist of at least three members. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present. If a majority vote cannot be obtained among the quorum, the item of business will be tabled until the next regular meeting of the Marysvale Town Planning Commission.

12-200.8 Duties and Powers

1. The Planning Commission shall, with respect to the incorporated areas of Marysvale Town, review and make a recommendation to the Town Council for:
 - a. a general plan and amendments to the general plan;
 - b. land use regulations, including:
 - i. land use regulations regarding the use of land within the Town; and
 - ii. amendments to existing land use regulations.
2. Before making a recommendation to the Town Council on an item described in this Section, the Planning Commission shall hold a public meeting and public hearing, if applicable, in accordance with **UCA 10-9a-2**.

3. **General Plan.** It shall be the duty of the Planning Commission, after holding public hearings, to assist in the creation of and recommend to the Town Council, a General Plan for Marysville Town, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the Town. The General Plan shall include at least the following elements:
 - a. official maps;
 - b. growth and land use;
 - c. commercial/industrial uses;
 - d. transportation and utilities;
 - e. community facilities;
 - f. housing;
 - g. environmental; and
 - h. geologic/natural hazards.

The Planning Commission shall be permitted to recommend amendments to the General Plan regarding the administration or maintenance of this Title.

4. **Zoning Ordinance.** It shall be the duty of the Planning Commission to assist in the development of and recommend to the Town Council, a Zoning Ordinance, in accordance with the guidelines of the General Plan, establishing zones within the Town. Such regulations shall be made in regard to the character of each District and the most appropriate use of land within the Town.
5. **Subdivisions.** It shall be the duty of the Planning Commission to develop and certify regulations governing the division of land in accordance with the adopted regulations.
6. **Conditional Uses.** It shall be the duty of the Planning Commission to review requests for Conditional Use Permits and make recommendations to the Town Council.
7. **Zoning Map.** It shall be the duty of the Planning Commission to assist in the development of and recommend to the Town Council, an official Zoning Map for all areas included within the Town.

12-200.9 Appeals and Hearings

Any person with standing aggrieved by any decision of the Planning Commission shall have the right to make such appeals as provided by this Title or State law. Such appeals shall be based on the record.

Appeal of Planning Commission decisions shall be to the Town Council. Appeals shall be in writing and shall be filed with the Town Clerk not more than thirty days after the decision by the Planning Commission. The Town Council may affirm, modify or reverse the decision of the Planning Commission. Appeal review by the Town Council shall be recorded in an open public meeting. Town Council decisions will be final.

TITLE 12-300 TOWN COUNCIL

12-300.1 Form of Government

The Town of Marysvale shall operate as a Five-Member Council Form of Government as described in **UCA 10-3b-4**.

12-300.2 Duties and Powers

1. The Town Council shall, with respect to the incorporated areas of Marysvale Town:
 - a. exercise all legislative powers, have all legislative duties and perform all legislative functions of the Town.
 - b. consider each land use application or regulation that the Planning Commission recommends.
 - c. provide notice as required by **UCA 10-9a-2** and hold a public meeting to consider the Planning Commission's recommendation.

2. The Town Council may, with respect to the incorporated areas of Marysvale Town:
 - a. take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by State statute.
 - b. approve a land use application or regulation as recommended by the Planning Commission.
 - c. approve a land use application or regulation with revisions, and/or conditions, or
 - d. deny the recommended a land use application or regulation.
 - e. consider the Planning Commission's failure to make a timely recommendation as a negative recommendation.
 - f. require onsite and offsite improvements, facilities and amenities if they are determined necessary to protect the health, safety and general welfare of the residents of the Town, and are found consistent with the intent of this and other related ordinances.

12-300.3 Appeals

Any person with standing aggrieved by any decision of the Town Council shall have the right to make such appeals as provided by this Title or State law. Such appeals shall be based on the record. Town Council decisions shall be final at the local level. Town Council decisions may be appealed beyond the local level by:

1. requesting arbitration and mediation through the Office of the Property Rights Ombudsman; and/or
2. filing a Petition for Review to the local State District Court.

Appeals shall be in writing and shall be filed with the Town Clerk's Office not more than thirty days after the decision by the Town Council. The Property Rights Ombudsman and/or local State District Court may affirm, modify or reverse the decision of the Town Council. Appeal review shall be recorded in an open public meeting. The Property Rights Ombudsman's and/or local State District Court's decision shall be final.

4-4 Officers

A secretary to assist the Appeal Authority shall be appointed by the Town Council. The secretary shall keep minutes of the Appeal Authority meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of meetings to the Appeal Authority.

TITLE 12-400 APPEAL AUTHORITY

12-400.1 Establishment

This Section hereby establishes an Appeal Authority within the incorporated areas of Marysvale Town. The establishment of the Appeal Authority shall be in accordance with the policies and procedures as set forth in **UCA 10-9a-701**.

12-400.2 Appointment

The Appeal Authority shall consist of one individual, to be formally appointed by the Marysvale Town Council.

12-400.3 Duties and Powers

The Marysvale Town Appeal Authority shall have the following duties:

1. To hear and decide:
 - a. requests for variances from the terms of land use ordinances;
 - b. appeals from decisions relating to land use ordinances; and
 - c. appeals from a fee charged in accordance with **UCA 10-9a-510**.

12-400.4 Officers

A secretary to assist the Appeal Authority shall be appointed by the Town Council. The secretary shall keep minutes of the Appeal Authority meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of meetings to the Appeal Authority.

12-400.5 Variance Review Criteria.

The Appeal Authority shall be permitted to approve, approve with conditions or deny a request for a variance.

1. Each request for a variance shall be consistent with the following criteria:
 - a. Limitations on the use of the property due to physical, topographical and geologic features.
 - b. The grant of the variance will not grant any special privilege to the property owner or the owner's authorized agent.
 - c. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
 - d. The grant of the variance is not based solely on economic reasons.

- e. The necessity for the variance was not created by the property owner or the owner's authorized agent.
 - f. The variance requested is the minimum variance necessary to allow reasonable use of the property.
 - g. The grant of the variance will not be injurious to the public health, safety or welfare.
 - h. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.
2. Subject to the adopted building codes and other Town ordinances, regulations for the enlargement of, addition to, or relocation of a nonconforming structure are as follows:
- a. For a nonconforming use located in any residential zoning district, the enlargement, addition, or relocation shall either:
 - i. comply with all the height, yard and area requirements for a single-family dwelling in the zone in which the non-conforming building is located, or
 - ii. the proposed enlargement, addition or relocation will either
 - A. improve the area by increasing the off-street parking, or
 - B. improve the general appearance, convenience or safety of the area.
 - b. For a non-conforming use located in any zone other than a residential zoning district, the enlargement, addition, or relocation shall comply with all height, yard, and area requirements for a main building, other than dwellings, in the zone in which it is located.
 - c. Before granting a permit for any enlargement, addition, or relocation as provided above, the Appeal Authority shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in Section 1-2 of this Title more than the existing nonconforming use.
3. The Appeal Authority may allow those enlargements of, additions to, or relocation of buildings and structures, nonconforming as to yard, height or area regulations in those cases where an undue hardship will result to the owner of the land involved unless granted, and the attainment of the objectives listed in Section 1-2 of this Title will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation will either:
- a. improve the area by increasing needed off-street parking; or
 - b. improve the general appearance, convenience or safety of the area.
4. Where a zone boundary line divides a lot in single ownership at the time of the establishment of said boundary the Board may permit a use authorized on either portion of such lot to extend to the entire lot.

5. Permit a nonconforming use to be changed to another use allowed in the same or in a more restrictive zone than the one in which the non-conforming use would be allowed; provided that the Appeal Authority finds in its public hearing that such change will not hinder or obstruct the attainment of the objectives listed in Section 1-2 hereof more than does the existing nonconforming use.
6. Permit the construction and use of a dwelling upon a lot which does not have frontage on a dedicated right-of-way but does have frontage on a private street.

12-400.6 Appeals

12-400.3.1 Notice of Hearing of Appeals Right of Appearance. The Appeal Authority shall schedule a reasonable time for the hearing of the appeals, after giving public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time. Any party may appear in person, by agent or by attorney.

12-400.3.2 Stay of Proceedings Pending Appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Appeal Authority, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Appeal Authority or by the District Court, on application and notice and on due cause shown.

12-400.3.3 Judicial Review of Board's Decision – Time Limitation. Marysvale Town or any person aggrieved by Adjustment may have and maintain a plenary action for relief in any court of competent jurisdiction; provided, a petition for such relief is presented to the court within thirty days after the filing of such decision with the Town Clerk.

12-400.3.4 Time Limitation on Variance. In the event the Appeal Authority does grant a variance in accordance with the provisions of this Chapter, alterations in accordance with the variance must be activated within six months after the date such variance is granted, or the variance becomes null and void. The time limit of the variance may be extended an additional six months by the Appeal Authority, only if the petitioner shows adequate cause to the Board that circumstances necessitate a time extension.

12-400.3.5 Filing Fee. Upon filing of any appeal or application to the Appeal Authority, the appellant or applicant shall pay the Town Appeal Authority a fee prescribed by the Town Council in the appropriate Fee Resolution. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the Town Clerk and credited to the general fund. No appeal or application shall be considered by the Appeal Authority unless such fee has been paid.

TITLE 12-500 ZONING OFFICIALS

12-500.1 **General**

This section establishes the duties and responsibilities for Zoning Officials within the limits of Marysvale Town, Utah with respect to the administration of this Title.

12-500.2 **Zoning Administrator**

1. The Zoning Administrator shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this Title.
2. The Zoning Administrator shall assist the Planning Commission in the amending, **preparing and adopting** the General Plan and land use regulations.
3. The Zoning Administrator, along with the Building Official, shall receive all applications for **site plan review** and review for completeness and prepare submittals for review by the Planning Commission and Town Council.
4. The Zoning Administrator shall receive all **land use applications** or other plans to be permitted or approved as required by this Title, review for completeness and prepare submittals for review by the Planning Commission and Town Council.
5. Requests for **amendments** or changes to land use regulations, the General Plan, this Title or map shall be submitted to the Zoning Administrator for processing.
6. The **interpretation** and application of the provisions of this Title shall be by the Zoning Administrator. An appeal of an interpretation by the Zoning Administrator shall be submitted to the Town Council, and such interpretation shall be considered to be final.

12-500.3 **Building Official**

Applications for building permits and amendments thereto shall be submitted to the Planning Commission and Town Council for review and approval prior to review and permit issuance from the Building Official. Each application shall include a set of building plans and all data necessary to show that the requirements of this Title are met. The Building Official is hereby authorized to enforce the provisions of this Title and any adopted building codes, such as International Building or Residential Code, when performing any building inspection within the limits of Marysvale Town.

12-500.4 **Liability**

The Zoning Administrator, Building Official or designee, charged with the enforcement of this Title, acting in good faith and without malice in the discharge of the duties described in this Title, shall not be personally, civilly or criminally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

TITLE 12-600
GENERAL PROVISIONS

12-600.1 Parking and Loading Spaces

12-600.1.1 General. Off-street parking shall be provided in compliance with this Section where any building is erected, altered, enlarged converted or increased in size or capacity.

The off-street parking spaces required for each permitted use in this Title shall not be less than that found in Table 12-600.1.

Table 12-600.1
Off Street Parking Requirements

Use	Number of Parking Spaces Required
Dwelling Unit	2 per dwelling unit
Hotel/Motel	1 per sleeping unit
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
Commercial	1 per 300 gross square feet
Industrial	1 per 500 gross square feet

12-600.1.2 Dimensions. A minimum width of 9 feet and a minimum length of 20 feet shall be provided for each parking stall. Handicap spaces shall be developed in accordance with the American Disabilities Act (ADA). For uses or occurrences where the parking requirements of this Title are found unreasonable, appropriate parking and loading space requirements shall be determined by the Planning Commission.

12-600.2 Building Permits

12-600.2.1 General. It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure greater than 200 square feet within the incorporated areas of Marysvale Town without approval of a building permit. The Town shall not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all regulations of this Title.

12-600.2.2 Water Connections. Any building permit requiring a new water connection shall require Town Water Authority approval prior to issuance of the building permit.

12-600.2.3 Wastewater Connections. Any building permit requiring a new wastewater system shall require Town approval prior to issuance of the permit from the local health department or DEQ.

12-600.2.4 Building Permit Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Title, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

12-600.3 Fencing

12-600.3.1 General. Unless specifically approved by the Planning Commission and/or Building Official, any wall, fence or hedge shall not exceed those found in Table 12-600.3.

Table 12-600.3
Maximum Wall, Fence or Hedge Heights

Yard	Height (feet)
Front	3.5
Side	6.0
Rear	6.0

12-600.3.2 Fence Types. Any wall, fence or hedge that is not primarily transparent (metal bar, chain link, etc.) shall not exceed 3.5 feet in height inside 25 feet from any front property line or side property line which fronts a street or road.

12-600.4 Accessory Buildings

12-600.4.1 General. *Accessory buildings* shall occupy the same lot as the main use or building and shall be located at least 10 feet from the main building or any other building.

12-600.4.2 Setbacks. *Accessory buildings* shall meet the same front setback requirements as the main building. However, the side and rear yard setbacks for any accessory building shall be 10 feet. An accessory building may be built on the side or rear property line upon approval from the Building Official as a fire proof structure (metal, block or cement).

12-600.4.3 Accessory Dwelling Units (ADUs). One ADU per lot or parcel shall be permitted in all zoning districts. The ADU shall:

1. not exceed 50% of the main dwelling or 750 square feet, whichever is less; and
2. be setback a minimum of:
 - a. 10 feet from any dwelling or accessory building;
 - b. 30 feet from any front property line; and
 - c. 10 feet from any side or rear property line.

12-600.5 Easements and Rights-of Way

Uses of easements and/or rights-of-way shall be permitted in or through any Zone for the purpose of serving a permitted use in the same or any Zone. Such easements or rights-of-way may be used for uses similar to, but not limited to the following:

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

12-600.6 Special Regulations

12-600.6.1 Home Occupations.

Classification. Home Occupations shall be classified as follows:

Class A: little to no impact on the Conditional Use Review Criteria listed in 12-700.7 of this Title (i.e., home offices, etc.).

Class B: clear impact on the Conditional Use Review Criteria listed in 12-700.7 of this Title (i.e., daycares, salons, retail, manufacturing, rentals, etc.).

Conditions. Home Occupations shall comply with the following conditions:

1. *Class A* Home Occupations shall be a permitted use in all zoning districts and an approved Conditional Use Permit shall not be required.
2. *Class B* Home Occupations shall be a conditional use in all zoning districts and an approved Conditional Use Permit shall be required.
3. A Town approved Business License shall be required for all Home Occupations.
4. The home Occupation, and all inventory, supplies and equipment shall not exceed or consume more than 50% of the primary structure.
5. Goods relating to the home occupation shall not be stored in the front yard of the lot
6. If necessary, additional parking spaces shall be provided to accommodate the Home Occupation. All parking shall be off-street.

12-600.6.2 Adult Uses. *Adult Uses* shall be permitted in Commercial zoning districts and shall be prohibited in all other zoning districts.

Conditions. Adult Uses shall comply with the following conditions:

1. Adult Use businesses shall not be located within 1,000 feet from any park, school, day care, library or religious institution.
2. Adult Use businesses shall not be located adjacent to any residential zone boundary.
3. Adult Use businesses shall only include those deemed legal by the State of Utah such as bars, taverns, pool halls, lounges, etc.

12-600.6.3 Mines, Quarries and Gravel Pits.

Extractions from deposits of rock, stone, gravel, sand, earth, minerals or construction materials shall be permitted in Industrial zoning districts and prohibited in all other zoning districts, including mining claims on Federal lands within the incorporated areas of Marysvale Town.

TITLE 12-700 CONDITIONAL USES

12.700.1 General

A Conditional Use Permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a Zone, but shall not be allowed under the general conditions of the Zone as stated in this Title.

An approved Conditional Use Permit shall be required for each Conditional Use listed in this Title. No building permit, other permit or license shall be issued for a Conditional Use by any officer or employee unless a Conditional Use Permit has been recommended by the Planning Commission and approved by the Town Council.

12-700.2 Application

Application for a Conditional Use Permit shall be available at the office of the Town Clerk or on the Town's Website. Conditional Use Permit applications shall be submitted to the Town as provided in this Title. Applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of this Title. An appropriate fee outlined in the Marysville Town Fee Resolution shall be collected at the time of submittal.

12-700.3 Determination

12-700.3.1 Planning Commission. The Planning Commission shall recommend approval, approval with modifications or deny the Conditional Use application. In recommending any Conditional Use Permit to the Town Council, the Planning Commission shall set conditions based on the standards listed in Section 7 of this Chapter.

12-700.3.2 Town Council Action. The Town Council shall approve, approve with modifications or deny recommended Conditional Use applications. In approving a Conditional Use Permit, the Town Council shall determine if the proposed use:

1. Has reasonable conditions proposed, or imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards listed in Section 7 of this Chapter.
2. Will not be detrimental to the health, safety or general welfare of persons residing or working in the area, or injurious to the property or improvements in the area.
3. Is in harmony with the intent of the Town's General Plan, Zoning Ordinance and the Zoning District in which it is located.

12-700.4 Expiration and Revocation

12-700.4.1 Expiration. A Conditional Use Permit shall be considered to be exercised when the application has been approved by the Town Council. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the Planning Commission, Town Council or Appeal Authority on appeal.

12-700.4.2 Revocation. A Conditional Use Permit shall be revoked where the applicant fails to comply with conditions imposed by the Town. Conditional Use Permits shall be suspended upon failure to renew any associated business licenses. Upon suspension, the Planning Commission shall determine if the Conditional Use Permit is to be reissued or revoked. The Planning Commission may initiate revocation proceedings when evidence indicates the Conditional Use Permit is no longer in the public interest, or when directed by the Marysville Town Council. Conditional Use Permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.

12-700.5 Amendments

An amendment to an approved Conditional Use Permit shall be submitted to the Zoning Administrator accompanied by supporting information. The Planning Commission or Town Council shall review the amendment and shall be permitted to approve, deny or amend such amendment and impose conditions deemed necessary.

12-700.6 Conditional Use Review Criteria

A request for a Conditional Use shall be approved, approved with modifications or denied. Each request for a Conditional Use approval shall be consistent with the criteria listed as follows:

The request:

1. is consistent with all applicable provisions of the General Plan.
2. shall not adversely affect adjacent properties.
3. is compatible with the existing or allowable uses of adjacent properties.
4. can demonstrate that adequate public facilities, including roads, drainage, potable water, wastewater systems and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. can demonstrate adequate provision for maintenance of the use and associated structures.
6. has minimized, to the degree possible, adverse effects on the natural environment.
7. will not create undue traffic congestion.
8. will not adversely affect the public health, safety or welfare.
9. conforms to all provisions of this Title and other applicable Town Ordinances.

TITLE 12-800 NONCONFORMING USES

12-800.1 General

Except as otherwise required by State law, a structure or use legally established prior to the adoption date of this Title be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

12-800.2 Discontinuance

8.2.1 Vacancy. Any lot or structure, or portion thereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 1 year shall not thereafter be occupied, except by a use that conforms to this Title.

8.2.2 Damage. If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value as determined by the Building Official, it shall not thereafter be reconstructed as such.

12-800.3 Enlargements and Modifications

12-800.3.1 Maintenance and Repair. Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

12-800.3.2 Changes of Nonconforming Use. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

12-800.3.3 Additions. Additions to nonconforming structures and parking areas shall conform to the requirements of this Title. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

12-800.3.4 Certificate of Occupancy Required. No building hereafter structurally altered or erected shall be used or changed in use for a nonconforming use until a Certificate of Occupancy has been issued by the Building Official, stating that the building or proposed use thereof or the use of the land, complies with the provisions of this Title for the renewing, changing or extending thereof.

TITLE 12-900 SUBDIVISIONS

12-900.1 Purpose

The purpose of this chapter is to promote the health, safety and general welfare of the community by:

1. managing efficient and orderly growth in Marysvale Town;
2. establishing requirements and procedures which encourage growth to preserve the high quality of community environment and protect property values; and
3. providing policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings and improvements within Marysvale Town, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and wastewater systems, dedication of land and streets, granting easements or rights of way and to establish fees and other charges for the authorizing of a subdivision.

12-900.2 Scope

1. **Applicability:** No person shall subdivide any parcel of land which is located wholly or in part in Marysvale Town except in compliance with this Chapter.
2. **Approval To Subdivide Required:** The boundaries of any lot shall not be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of Marysvale Town Council as provided in this Chapter.
3. **Compliance Prior To Occupancy:** There shall be no human occupancy of any building until the improvements have been accepted by Marysvale Town and the building and lot fully comply with the provisions of this Title.

12-900.3 Approval Required

It shall be unlawful for any person to subdivide any tract of land within the municipal limits of Marysvale Town, where the said transaction would result in the "subdivision" of land, as herein defined, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein which would amount to a "subdivision", as herein defined, unless he shall first make or cause to have made a plat thereof, which plat must receive final approval by Marysvale Town Council and recorded in the office of the County Recorder before such sale or exchange or purchase is affected. The approval of the final plat shall be obtained by complying with all applicable requirements of this Title and all other applicable laws and regulations.

12-900.4 Exemptions from the Plat Requirement

This section applies to the subdivision of lands within the incorporated areas of Marysville Town, that are not required to complete a formal preliminary or final plat process, but follow a simplified process as outlined herein. **UCA 10-9a-605**

12-900.4.1 Minor-Lot Subdivisions UCA 10-9a-605(1). A lot or parcel resulting from a division of incorporated land is exempt from the subdivision plat requirements of this Section, if:

1. the proposed subdivision:
 - a. is not traversed by the mapped lines of a proposed street as shown in the general plan unless the Town has approved the location and dedication of any public street, Town utility easement, any other easement, or any other land for public purposes as the Town's ordinance requires;
 - b. has been approved by the Town culinary water and sanitary sewer authorities;
 - c. is located in a zoned area; and
 - d. conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;
2. The Record of Survey has been reviewed by Town staff and is determined that the proposed development qualifies as a Minor-Lot Subdivision as set forth herein;
3. The property is being subdivided into 5 or less building lots that all front an existing, dedicated and improved Town street or road;
4. Each new lot created meets, or will meet with an appropriate zone change in conjunction with the proposed subdivision, the requirements of this Title;
5. A lot created from a previously approved Minor-Lot Subdivision shall not be further subdivided via Minor-Lot Subdivision within 3 years of the filing and recording date of the Minor-Lot Subdivision where the applicable lot was originally created;
6. The Planning Commission has considered the request and Record of Survey in a public meeting and has given its recommendations to the Town Council for final consideration;
7. Before the Minor-Lot Subdivision is to be considered by the Town Council in a public meeting, the developer shall furnish evidence of recordable deeds for each proposed lot in the subdivision. The Minor-Lot Subdivision shall not be presented to the Town Council for final consideration until evidence of recordable deeds have been provided; and
8. Upon final approval from the Town Council, the developer shall file the Record of Survey with the County Surveyor's Office and record the deeds with the County Recorder's Office.
9. Submitting a Minor-Lot Subdivision Record of Survey otherwise shall be null and void.

12-900.4.2 Agricultural Land Exemptions UCA 10-9a-605(2).

1. A lot or parcel resulting from a division of agricultural land is exempt from the subdivision plat requirements of this Section, if the lot(s):
 - a. Qualifies as land in agricultural use under **UCA 59-2-5 Farmland Assessment Act**;
 - b. Is not used and will not be used for nonagricultural purposes; and
 - c. Meets the minimum size of 6 acres.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a Record of Survey map that has received the approval of the Zoning Administrator, Building Official and Planning Commission.
3. If a lot or parcel exempted as agricultural land is used for nonagricultural purposes as defined by the Farmland Assessment Act, the Town shall require the lot or parcel to comply with the related plat requirements of this Section.
4. When the above requirements have been met, the property owner shall file the Record of Survey with the County Surveyor within 14 days of approval.
5. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates this Section or other ordinances of Marysville Town.

12-900.4.3 Metes and Bounds Subdivisions UCA 10-9a-605(3).

1. A person may not submit a document that subdivides property by metes and bounds unless it contains written approval from the Planning Commission required by this section. Recording a document otherwise shall be null and void.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a Record of Survey that has received the approval of the Sketch Plan Review Committee, Planning Commission and County Commission.

12-900.4.4 Other Exceptions.

A property owner may:

1. To make a property boundary adjustment (i.e., parcel or lot line adjustment), a property owner shall meet the requirements of **UCA 10-9a-523**.
2. To execute a boundary line agreement, a property owner shall meet the requirements of **UCA 10-9a-524**.

12-900.5 Preliminary Plat

A preliminary plat shall be finished for all proposed land divisions. Subdivision applications shall include all the items below.

1. **Completed Application:** Completed preliminary plat (Subdivision) application.
2. **Feasibility Study:** The subdivider shall be required to show the feasibility of the proposed water and sewage systems necessary to meet the requirements of this chapter, the local health officer and the state division of environmental health as indicated by letters of feasibility from such health officers.
3. **Summary Statement:** Summary statement containing the following:
 - a. Total area within the subdivision showing all phases.
 - b. Total area of each lot.
 - c. Total number of proposed dwelling units.
 - d. Estimated maximum drainage flow (100-year storm) through any natural courses lying within the area to be subdivided expressed in cubic feet per minute.
4. **Scaled Drawing:** A plan showing the proposed subdivision layout drawn at a scale of one-inch equals fifty feet, which shall meet the requirements of the County Surveyor (UCA 17-23) County Recorder (UCA 17-21) and UCA 10-9a-6.
5. **Preliminary Engineer Drawings:** Preliminary engineering drawings, including typical cross sections, and plans and/or written statements regarding width and type of proposed off-site and on-site water mains, sanitary wastewater systems, drainage facilities and other proposed improvements such as sidewalks, curbs and gutters, parks and fire hydrants. The proposed location of all of the aforementioned improvements, if such improvements are required, must be shown on the preliminary plat.
6. **Drainage Study:** A drainage study and report shall be prepared by a licensed professional civil engineer and shall be submitted with each application.
7. **Proof of Interest, Permission:** Sufficient documentation to show the subdivider has a vested interest in the subject property or has the owner's permission to subdivide must be presented with preliminary application.
8. **Irrigation Clearance:** For all subdivisions proposed through which an irrigation ditch, canal or other such waterway passes, the subdivider will need to obtain a letter of agreement from the owner of said ditch, canal or other waterway specifying any required improvements or possible relocation.
9. **Traffic Study:** If deemed necessary by the Planning Commission, the developer shall submit a traffic study prepared by a licensed engineer qualified in the area of traffic and circulation. Such study will incorporate safety issues for pedestrian, bicycle and vehicular traffic, as applicable.

10. **Disposal of Floodwater, Surface Water:** Disposal of surface water and disposition of flood hazards so as to protect lands located outside the boundaries of the subdivision due to impacts of the development of the subdivision.

11. **Other:** Any additional reports which are required by the associated Zoning District.

12-900.6 Final Plat

The subdivider shall prepare and submit a final plat, together with a completed application, the required fees and either a policy of title insurance or a preliminary title report showing proof of ownership or right to title, and to allow effective dedication of streets and easements within the subdivision without boundary exceptions. Fees shall be paid to Marysvale Town Clerk.

Subdivision plats shall be filed with the Piute County Recorder's Office in accordance with applicable Marysvale Town and Piute County ordinances and standards.

1. **Preparation of Plat:** A final plat shall be prepared for all subdivisions. Said plat shall be drawn on a sheet of vellum or mylar having outside or trim line dimensions of twenty-four inches by thirty-six inches. The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches on the left-hand side of the sheet for binding, and at least one-half inch on the other three sides of the sheet. The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing better. All lines, dimensions and markings shall be made on the tracing linen with waterproof black ink. The actual map shall be made with a minimum scale of one-inch equals fifty feet. Details and the workmanship on finished drawings shall be clear and readable. A poorly drawn, incomplete or illegible plat is sufficient cause for rejection.
2. **Final Plat Application:** A final plat shall be furnished for all proposed land divisions and shall meet the requirements of the County Surveyor, County Recorder and Marysvale Town.
3. **Final Decision; Signatures Required:** The chairman of the Planning Commission and the Mayor shall both sign the final plat, noting the final decision of Marysvale Town Council.
4. **Filing and Recording:** After the map or plat has been duly certified and approved by Marysvale Town Council, the developer shall file and record the approved final plat in the Office of the County Recorder. Such recording shall be completed within 30 days from the date of the final approval.
5. **Phasing of Plats:** The final platting of subdivisions may be done in phases. Each phase shall consist of the number of lots which can be completely developed with off-site improvements within period approved by the Planning Commission and Town Council. If the roads and utilities are not established within the approved time period, the plat shall be considered null and void and subject to reapplication by the subdivider unless an extension has been approved by the Planning Commission and Town Council.

12-900.7 Dedication, Acceptance and Maintenance Responsibility

12-900.7.1 Definitions

ACCEPTANCE. Actions of the Town to take ownership of rights of way dedicated to public use as shown on the subdivision plot or other recordable downward.

DEDICATION. Action of the Developer to transfer ownership and control of rights of way shown on the subdivision plot or other recordable elements from private to public ownership.

MAINTENANCE RESPONSIBILITY. The obligation and responsibility of keeping road, street, or improvement in a condition that provides responsible use.

12-900.7.2 Dedication and Acceptance.

1. The Subdivider shall identify public roads, streets, and improvements that are to be transferred to public ownership on the subdivision plat or other recordable document. Dedication shall not occur until widths, alignments, location and design features of the proposed rights of way are approved by the Town.
2. After approval by the Town, the final subdivision plat or recordable document defining roads, streets and public improvement that are dedicated to the public may be accepted by the Town, at the Town's discretion. A legal description of accepted improvements will be filed in the office of the Piute County Recorder and the Town shall take ownership as of the date of recording.
3. The Subdivider shall bring public streets, easements and other public improvements to Marysvale Town standards and maintain them in that condition for a period of one year before maintenance as public facility may be requested. Only after inspection shall the Town Council consider the facilities for public maintenance; however, the developer will be required to maintain said improvements until such time as the Town decides to accept maintenance responsibility for streets and other improvements dedicated to Marysvale Town.
4. At the time the Town decides to accept maintenance responsibility it will do so only when it finds that the Subdivider has constructed, installed, and maintained the required public improvements to the minimum standards and requirements of the Town at the time the project was approved for completion.
5. Town services will not be provided to the subject area until maintenance responsibility for the public improvements is accepted, and the roads are formally dedicated.
6. In the event the Marysvale Town Council does not accept maintenance responsibility of the dedicated public improvements, the Subdivider shall be so advised in writing by the Town Attorney stating the reason for the non-acceptance and necessary corrective actions. If the needed corrections are not made within a reasonable time, as so stated in the notice, the Town may have the improvements completed and paid for out of the security deposits for the subdivision.

12-900.8 Site Preparation and Building Permits Prohibited.

No excavation, grading or other improvement shall take place on any land and no building permits shall be issued within the proposed subdivision until:

1. the final subdivision application has been approved by the Marysville Town Council in a public meeting;
2. the subdivision plat has filed at the office of the County Surveyor;
3. applicable deeds have been recorded at the office of the County Recorder; and
4. all applicable fees have been paid.

12-900.9 General Standards

1. **Preservation In Design, Development:** The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees and vegetation. Land which is subject to hazardous conditions such as landslides, mud flows, rock falls, ground subsidence, shallow water table, open quarries, floods and polluted water supply shall be identified and evaluated by a certified engineer.
2. **Control Of Water, Storm Runoff:** During grading or construction on any property, including off site construction, the developer shall control both waters used for construction and storm runoff in such a manner as to not affect any adjoining properties, nor add silt or debris to any existing storm drain, wash, channel or roadway.

12-900.10 Determination of Greenbelt Eligibility.

1. A private parcel of land shall be determined **eligible** for the Greenbelt Tax Exemption if *all* of the following conditions are met:
 - a. The qualifying parcel or lot shall:
 - i. consist of at least 5 acres of bona fide farmland and at least one acre of land set aside for the Greenbelt homesite for a minimum lot or parcel area of six acres; and
 - ii. meet the qualifications for agricultural use assessment as set forth in **UCA 59-2-503**.
2. A private parcel or lot of land shall be determined **ineligible** for the Greenbelt Tax Exemption if *any* of the following conditions are met:
 - a. The parcel or lot:
 - i. has been divided into lots smaller than six acres; or
 - ii. is changed from bona fide Agricultural to any other use including, but not limited to residential subdivisions; commercial developments; industrial uses; etc.

When a qualified parcel of land is determined **ineligible** for the Greenbelt Tax Exemption, due to the result of a new land use application, or any other reason, the owner of said land shall be required to pay the 5-year rollback tax at the Office of the County Treasurer and furnish evidence of payment to the Zoning Administrator before the land use application is to be considered by the Planning Commission or County Commission.

12-900.11 Lot Standards

1. All lots shall conform in dimension and acreage requirements of the zone in which they are located.
2. Lots shall meet the minimum requirements of this Title and the Local Health Department for wastewater disposal.
3. All lots shall abut a dedicated street, a public street, a street which has become public by right of use or a private street maintained by a maintenance agreement.
4. The travel surface for streets shall be at least 24 feet wide. In the event a lot abuts a public right-of-way created by use, the subdividers shall improve the right-of-way to the standards required by this Title.
5. Corner lots shall have extra width sufficient for maintenance of required building lines and setbacks on both streets.
6. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.
7. No single lot shall be divided by a Marysville Town or County boundary line.
8. A lot shall not be divided by a road, alley or other lot.
9. No wedge-shaped lot shall be less than thirty feet in width at the front property line.

12-900.12 Design Standards

12-900.12.1 Natural Conditions Protected. All subdivisions shall comply with the following standards:

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.
2. Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

12-900.12.2 Street Standards. All Town streets and roads shall be designed and built to the minimum standards of Marysvale Town. The designing engineer shall certify in writing that this is the case when the preliminary plats are submitted for approval.

1. Stub streets with approved turn-arounds shall be provided where needed to connect to adjacent undeveloped land, and new streets shall be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than three lots shall front stub streets, except where a temporary cul-de-sac turnaround is provided.
2. Intersections of minor streets with major streets shall be kept to the minimum possible.
3. Streets and roads, at a minimum, shall meet the regulations of Marysvale Town.
4. Maintenance of private streets is the responsibility of the land owner(s). If the street is to ever become a public street, it shall be brought up to Town Road standards prior to the Town accepting maintenance responsibility.
5. If the private property owners that the road serves request that the road become a public road, they shall pay the cost of doing so. If the Town or some other public entity requests that the road become a public road, the costs of bringing the road to Town standards may be negotiated.
6. The Town shall not take a private road right of way against a private property owner's will for public use without due process and fair compensation.
7. All Town roadway travel surface widths shall be consistent with Town Standards for the use and speed to be traveled on said roads as determined by the designing engineer and approved by the Town.
8. Minimum 10-foot shoulders shall be provided where there are no curbs installed.
9. No half-streets are permitted, except if required to complete a half-street already existing and approved by the Planning Commission and the Town Council.
10. Dead-end streets and or street stubs shall have approved temporary turn- arounds and/or shall be built to accommodate future access to adjoining properties.
11. Approved permanent cul-de-sac streets shall serve no more than six lots and extend not more than 500 feet with the cul-de-sac having a minimum radius of 50 feet or more, and the outside curb or pavement edge radius as required by fire code.
12. No more than four streets shall enter an intersection.
13. Streets shall intersect at 90 degrees.
14. Two streets meeting a street from opposite sides shall meet at the same point, or their center lines shall be offset at least 200 feet.
15. Streets shall have the names of existing streets which are in alignment or which connect directly to the end of a street. There shall be no duplication of street names within the area. All street names shall be approved by the Planning Commission. Permanent signs shall be installed by the developer at his expense at the time of installation of other off-site public improvements.

16. Curvature and Alignment:

- a. All horizontal curves shall comply with Town standards for desired speeds.
- b. All vertical curves shall comply with Town standards for desired speeds.
- c. Where a subdivision abuts a highway, frontage roads may be required for the safety of the public.

17. Roadbed Construction: Minimum roadbed grading and paving for Town streets and roads shall be according to Town standards.

18. Road Grades: All road and street grades shall be designed in compliance with Town standards.

19. Block Standards: Block lengths shall provide for safe, convenient access and circulation for the general public and emergency vehicles as per fire code.

12-900.12.3 Easement Standards.

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties except where the gradient or terrain may require additional space for working or maintenance of the easement.
2. Where front-line easements are required, a minimum of 15 feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen feet in width, extending throughout the peripheral area of the development, if required by the Marysvale Town Planning Commission.
3. All easements shall be designed so as to provide efficient installation of utilities, design features or street planning.
4. The Marysvale Town Planning Commission may require the exterior perimeter of any subdivision to be fenced if the need is apparent to protect the health, safety, and welfare of the residents or others.

12-900.12.4 Alleys. The Planning Commission may approve service access to the interior of blocks in certain instances, in which case alleys shall be indicated on the plan and plat.

12-900.12.5 Culinary Water System Standards.

1. Culinary water systems shall meet the requirements of the local health department and the State of Utah.
2. Prior to final subdivision approval, the proposed culinary water system plans and specifications (improvement drawings), including water quantity and quality, shall be approved by the local health department or the Department of Environmental Quality (DEQ), as applicable.
3. Hauling water to a proposed subdivision to meet the water and fire protection requirements of this Title is prohibited and shall not be accepted by Marysvale Town as a method of providing any subdivision with water and fire protection services.

4. The Subdivider shall provide a piped, public or private culinary water supply to the property line of every lot in any full subdivision in Marysvale Town.
5. Said system shall be designed and built to safe drinking water standards as evidenced by written approval from the State of Utah.
6. The culinary water system and plans shall also be approved by the local health department, DEQ, Fire Marshall and Building Official before approval is issued.

12-900.12.6 Wastewater System Standards.

1. The local health department and/or DEQ shall review and approve the proposed wastewater treatment method and submit its approval in writing with the application for preliminary plat approval. It shall be the responsibility of the applicant to provide information and materials as required by the local health department or DEQ, as applicable, necessary to evaluate the proposed sewage treatment method.
2. For all proposed subdivisions, or subdivision phases, where onsite wastewater disposal systems are proposed, the preliminary subdivision application shall include written approval from the health department for each lot proposed.
3. When individual on-site wastewater systems are proposed, the lot owner shall install such facilities at the time the principal building is constructed, and no building permit shall be issued until such installation is assured and approved by the Building Official.
4. In all other cases, wastewater disposal facilities shall be provided for every lot or parcel that is to be used for residential or commercial building.
5. Written approval from the local health department or DEQ shall be required for all forms of wastewater disposal.

12-900.12.7 Flood Plain Standards.

1. All subdivisions and buildings within a flood plain shall be the responsibility of the Subdivider and not the Town of Marysvale.
2. Flood plains shall be determined according to the latest FEMA flood maps.

12-900.12.8 Storm Drainage Standards.

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage system for each phase indicated.
2. All proposed surface drainage structures shall be indicated on the plans.
3. All appropriate designs, details, and dimensions needed to explain clearly proposed construction materials and elevations shall be included in the drainage plans.

4. The Subdivider shall be responsible for the results and performance of the drainage system.

12-900.12.9 Fire Protection

1. All subdivisions shall have a fire protection plan prepared by qualified individuals and approved by the State, County, or Community Fire Officials as the case may be prior to approval of any subdivision or development within Marysvale Town.
2. The fire protection plan shall apply to all lands that are to be developed as well as any properties adjacent to and that might otherwise be impacted by the possibility of fire.
3. The following shall be a minimum to be included in the plans:
 - a. Fire flow needs to protect all properties to be located in the development to a minimum fire protection rating.
 - b. Source, availability, amount, and delivery of water necessary to meet fire flow requirements.
 - c. Written approval of the fire protection plan of all related Fire Officials.
4. The Fire Protection Plan shall be submitted with the preliminary plat application and be considered as an integral part of the subdivision plat approval process.
5. In the case of remote cabin sites, a minimum of one thousand gallons of water storage shall be required for fire protection for each dwelling during and following construction. It shall be the responsibility of the respective property owners to ensure that this provision is met.
6. Marysvale Town shall not be liable for any action taken by the Subdivider as a result of this chapter.

12-900.13 Financial Responsibility

12-900.12.1 Guarantee. To ensure that improvements are installed as required by this Title, and before Final Plat approval by the Marysvale Town Council, the Subdivider shall guarantee the installation thereof by one or a combination of one or more of the methods specified as follows:

Performance Bonds. The Subdivider shall furnish and file with the Town Clerk, a corporate surety bond, to assure that the actual construction of such improvements is completed within a period of two years immediately following the approval of the Final Plat and subdivision by the Town Council, which bond shall be approved by the Town Council and the Town Attorney.

Escrow Deposit. The Subdivider shall deposit in escrow with an escrow holder approved by the Town Council an amount of money, under an interest-bearing escrow agreement conditioned upon the installation of said improvements within two years from the approval of the Final Plat and subdivision. The escrow agreement aforesaid shall be approved by the Town Council and the Town Attorney and shall be filed with the Piute County Recorder.

12-900.14 Compliance with Final Plat

Every approved subdivision shall be constructed, developed or otherwise completed according to the provisions of this Title, in conformance to the approved final plat and supplementary documents pertaining to such subdivision. It shall be the responsibility of the subdivider to ensure that such provisions are correctly constructed, installed or otherwise completed. Failure to comply with this provision shall constitute grounds for immediate termination of all work activity associated with such subdivision. Before resumption of work activity, the subdivider shall agree, in writing, to reconstruct, at their cost, those items not in conformance with the provisions of the title before the release of the security guaranteeing improvements.

12-900.15 Penalties

Any plat of a subdivision filed or recorded without the approvals required by this chapter shall be null and void. Any owner or agent of the owner of any land located in a "subdivision", as defined in this chapter, who offers for sale or who transfers or sells any land in that subdivision or any possessory interest therein before a final plat of the subdivision has been approved and recorded as required in this chapter, shall be guilty of a Class C Misdemeanor and subject to penalty as provided in 1-7 of this Title. A description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation or from the penalties or remedies provided in this Title.

12-900.16 Fees

The Subdivider shall be required to pay all application and subdivision related fees as determined by the Marysvale Town Fee Resolution. In addition, the subdivider shall reimburse Marysvale Town for any attorney and engineer costs related to the subdivision platting, recording and inspection of subdivision improvements. The application fee shall not be refundable, whether the subdivision proposal is approved or denied.

12-900.17 Planning Commission Approval.

The Marysvale Town Planning Commission shall:

1. provide notice as required by **UCA 10-9a-2**.
2. hold a public meeting on a proposed Subdivision application.
3. approve recommendations for only those Preliminary Plats which it finds have been developed in accordance with the standards and criteria specified in this Title and all other ordinances of Marysvale Town including, but not limited to, this Title, major road plans, the Marysvale Town General Plan, building codes and other applicable rules and regulations.
4. consider the application and all materials submitted, as well as any input or comments received.

The Marysvale Town Planning Commission may:

1. recommend onsite and offsite improvements, facilities and amenities if they are determined necessary and accompanied by a finding of the Planning Commission that such onsite and offsite improvements, facilities and amenities are required to protect the public health, safety and welfare of the residents of the subdivision, or the residents of Marysvale Town.
2. recommend approval of the preliminary subdivision application as presented, recommend approval with revisions and/or conditions or recommend denial of the preliminary subdivision application.

The determination of the Marysvale Town Planning Commission shall be accomplished by findings of fact. The recommendations of the Planning Commission shall be made in writing to the Town Council.

12-900.18 Town Council Approval.

The Town Council shall:

1. consider each Subdivision application that the Planning Commission recommends.
2. provide notice as required by **UCA 10-9a-2** and hold a public meeting.
3. hold a public meeting to consider the Planning Commission's recommendation no later than 6 months after the recommendation was made by the Planning Commission in a public meeting.

The Town Council may:

1. approve the preliminary subdivision application as recommended by the Planning Commission.
2. approve the preliminary subdivision application with revisions, and/or conditions, or
3. deny the preliminary subdivision application.
4. consider the Planning Commission's failure to make a timely recommendation as a negative recommendation.
5. require onsite and offsite improvements, facilities and amenities if they are determined necessary to protect the health, safety and general welfare of the residents of the Town, and are found consistent with the intent of this and other related ordinances.

Approval of the preliminary subdivision application by the Town Council shall:

1. **not** constitute final approval of the subdivision by the Town but allows the applicant to proceed with the preparation of the final subdivision application and all required documents.
2. **not** authorize the development of land or the issuance of any building permit for the subdivision site or any proposed lots.
3. be effective for a period of one year from the date the preliminary subdivision application is approved by the Town Council. If a final subdivision application is not submitted for approval within the one-year period, the preliminary subdivision approval shall be void, and the applicant shall be required to submit a new preliminary subdivision application for review and approval, subject to the related Town and State rules and regulations in effect at that time.

TITLE 12-1000
MOBILE HOMES AND RECREATIONAL VEHICLES

12-1100.1 Purpose

To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environments, adequate facilities, adequate services and safety of its citizens.

12-1100.2 Interpretation

The interpretation, application and provisions of this Title shall be held to be the minimum regulations required for the protection or preservation of public health, safety and welfare.

12-1100.3 Intent.

1. To permit variety and flexibility in land development for residential purposes by allowing the use of Mobile Homes and Recreational Vehicles in certain districts within Marysvale Town.
2. To require that Mobile Home and Recreational Vehicle developments will be of such character as to promote the objectives and purposes of the Marysvale Town Zoning Ordinance; to protect the integrity and characteristics of the districts contiguous to those in which Mobile Home Parks and Recreational Vehicle Parks are located; and to protect other land use values contiguous to or near mobile home or Recreational Vehicle developments.

12-1100.4 Location

12-1100.4.1 Mobile Homes. No occupied Mobile Home shall be located anywhere within the incorporated areas of Marysvale Town without approval of the Planning Commission, Town Council and Building Official.

12-1100.4.2 Recreational Vehicles. No Recreational Vehicle as herein defined shall be located, placed, used or occupied for permanent living purposes in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein. Each person residing in a recreational vehicle in violation of this Section and each property owner permitting persons to reside in a recreational vehicle on the owner's property shall be guilty of a Class C Misdemeanor. Each day of residence shall be a separate offense.

12-1100.4.3 Storage. Recreational Vehicles which are unoccupied for living purposes may be unoccupied and stored on a private lot or parcel of land, provided they do not violate any required setbacks for front, rear or side yards.

12-1100.4.4 Utility Connections.

12-1100.4.4.1 Vacant Properties

On a vacant lot or parcel, no Recreational Vehicle shall be connected to any permanent utility in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein.

12-1100.4.4.2 Developed Properties.

On a developed lot or parcel, a Recreational Vehicle may be temporarily connected to the dwelling unit's utilities, but permanent occupancy shall be prohibited.

12-1100.4.4.3 Exceptions.

1. Self-contained infrastructure or utilities that are affixed to, or part of the Recreational Vehicle do not apply to this section.
2. Permanent infrastructure or utilities may be temporarily extended to Recreational Vehicles with an approved Conditional Use Permit by the Planning Commission and Town Council for uses such as a Construction Camp. Evidence of an approved Building Permit shall be required as one of the conditions in the Conditional Use Permit.
 - a. The CUP shall be valid during the period of construction or work relating to the Construction Camp and shall expire 30 days after the applicable work is completed.
 - b. After the work is completed, the temporary mobile home or structure shall be removed from the premises and the recreational vehicle or travel trailer may either be a) removed from the premises or b) disconnected from all infrastructure and utilities and stored on the property, not to be occupied for permanent living purposes.

TITLE 12-1200 ZONING DISTRICTS

12-1200.1 Establishment of Zones

For the purpose of this Title, the following Zones are created as necessary to regulate the development of the land in Marysvale Town, Utah:

1. Agricultural (A)
2. Commercial (C)
3. Industrial (I)
4. Public (P)
5. Residential-1 (R-1)
6. Residential-2 (R-2)

12-1200.2 Boundaries of Zones

The boundaries of each of the Zones are established as described herein, and as shown on the map entitled “Zoning Map of Marysvale Town Utah”.

12-1200.3 Filing of Ordinance and Map

The Marysvale Town Ordinance and Zoning Map shall be filed in the Office of the Marysvale Town and may be examined by the public, subject to any reasonable regulations established by the Town.

12-1200.4 Rules for Locating

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

1. Whenever a boundary line of a Zone overlays any street, river, irrigation canal, other water way, private/public land boundary or any section line, the center of the street, river, irrigation canal, other water way, private/public land boundary or any section line shall be deemed to be the boundary of such Zone.
2. When the application of the above rules does not clarify the Zone boundary location, the Zoning Administrator shall interpret the map.
3. This section applies to locating boundary lines for zoning purposes and shall not determine the legal boundary line between adjoining properties.

TITLE 12-1300 AGRICULTURAL ZONES

12-1300.1 Purpose

To identify and preserve land for agricultural activity or that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land also includes property owned by a governmental entity, or parcels for which a scenic or conservation easement has been granted to a governmental entity, land trust or conservation organization.

12-1300.2 Permitted Uses

1. Single-family dwellings, one per parcel.
2. Accessory buildings and uses.
3. Accessory-dwelling units, one per parcel.
4. Livestock keeping and grazing.
5. Crop production.
6. Stands for the sale of produce grown on the premises.

12-1300.3 Conditional Uses

1. Home occupations.
2. Short-term rentals.
3. Temporary commercial activities for special events.
4. Transmitting stations and towers.

12-1300.4 Building Regulations

12-1300.4.1 Height. No dwelling or accessory building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1300.4.2 Area, Width and Yard Regulations. See Table 12-1300.4.

Table 12-1300.4
Agricultural Minimum Area, Width and Yard Regulations.

Zone	Area	Width	Front Setback	Side Setback	Rear Setback
A	6 acres	200 feet	25 feet	10 feet	20 feet

12-1300.4.3 Other Provisions. No building, structure or enclosure housing any animals shall be located or constructed closer than 100 feet from any dwelling on the same or adjacent lot.

TITLE 12-1400 COMMERCIAL ZONES

12-1400.1 Purpose

To provide for a large range of commercial uses. A mix of uses is encouraged including shops, restaurants, offices, banking and hotels.

12-1400.2 Permitted Uses

1. Single-family dwellings, one per parcel.
2. Accessory buildings and uses.
3. Accessory-dwelling units, one per parcel.
4. Mixed-use buildings.
5. Accommodation & food services, except that the following uses shall be prohibited:
 - a. Recreational vehicle parks;
 - b. Glamping; and
 - c. Dry campgrounds.
6. Finance & insurance.
7. Health care & social assistance.
8. Information.
9. Management companies & enterprises.
10. Professional, scientific & technical services.
11. Public administration.
12. Real estate, rental & leasing.
13. Retail trade.
14. Short-term rentals.
15. Wholesale trade.

12-1400.3 Conditional Uses

1. Two-family dwelling units, one per parcel.

12-1400.4 Building Regulations

12-1400.4.1 Height. No Commercial building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1400.4.2 Area, Width and Yard Regulations. See Table 12-1400.4.

Table 12-1400.4
Commercial Minimum Area, Width and Yard Regulations.

Zone	Area	Width	Front Setback	Side Setback	Rear Setback
C	1 acre	30 feet	10 feet	10 feet	10 feet

12-1400.4.3 Other Provisions. Any Commercial building may be built on the front, side or rear property line upon approval from the Building Official as a fire proof structure (metal, block or cement).

TITLE 12-1500 INDUSTRIAL ZONES

12-1500.1 Purpose

To provide areas where certain industries necessary and beneficial to the local economy may locate and operate.

12-1500.2 Permitted Uses

1. Accommodation & food services.
2. Construction.
3. Manufacturing.
4. Mining.
5. Transportation & warehousing.
6. Utilities.
7. Waste management services.
8. Wholesale trade.

12-1500.3 Conditional Uses

1. Adult uses.
2. Temporary construction camps.

12-1500.4 Building Regulations

The height and yard restrictions pertaining to any adjacent Zone shall apply within one-hundred feet of the common property boundary.

12-1500.5 Modifying Regulations

All hazardous areas or materials subject to this Zone shall be completely enclosed by a secure fence or suitable barrier approved by the Building Official to prevent entrance by unauthorized persons and to protect the general public from accidental exposure.

TITLE 12-1600 PUBLIC ZONES

12-1600.1 Purpose

To provide appropriate locations for community centers, schools, churches, libraries, fire stations, parks or similar public facilities.

12-1600.2 Permitted Uses

1. Community centers and facilities.
2. Educational institutions.
3. Emergency services.
4. Public buildings and facilities.
5. Religious institutions.
6. Transmitting stations and towers.

12-1600.3 Conditional Uses

1. Temporary commercial activities for special events.

12-1600.4 Building Regulations

12-1600.4.1 Height. No building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1600.4.2 Area, Width and Yard Regulations. See Table 12-1600.4.

Table 12-1600.4
Public Minimum Area, Width and Yard Regulations.

Zone	Area	Width	Front Setback	Side Setback	Rear Setback
P	none	30 feet	10 feet	10 feet	10 feet

12-1600.4.3 Other Provisions. Any building or structure may be built on the front, side or rear property line upon approval from the Building Official as a fire proof structure (metal, block or cement).

TITLE 12-1700 RESIDENTIAL ZONES

12-1700.1 Purpose

To preserve appropriate areas for primarily single-family detached residential lots and/or estate type lots with restricted agricultural and ranching uses. Large animals such as horses may be permitted, but the number and types are limited. Public uses such as churches, schools, parks and trails may be in or adjacent to these areas.

12-1700.2 Permitted Uses

1. Single-family dwellings, one per parcel.
2. Accessory buildings and uses.
3. Accessory-dwelling units, one per parcel.
4. The keeping of livestock, with the following conditions:
 - a. Livestock shall be kept for private, non-commercial purposes.
 - b. Unless otherwise authorized by adjacent property owners, livestock shall be contained in an appropriate manner on the permitted lot or parcel and shall not roam freely onto adjacent properties.
 - c. The quantity of livestock units permitted on a lot or parcel shall be determined on the basis of 100 points per vacant acre (e.g., 0.50 acres x 100 = 50 points; or 1.45 acres x 100 = 145 points). 100 points shall be allowed for both small and large livestock (e.g., one vacant acre = 100 small + 100 large). [See Table 18-1]

Table 12-1700.2
Livestock Points per Acre

Type of Livestock	Number of Points per Livestock Unit	Livestock Units per Acre
Large Livestock		
Horses and Cattle	25	4
Pigs	50	2
Sheep and Goats	10	10
Small Livestock		
Poultry, Rabbits and Other Small Animals	5	20

12-1700.3 Conditional Uses

1. Home occupations.
2. Short-term rentals.
3. Two-family dwelling units, one per parcel.
 - a. Two-family dwelling units shall be a conditional use in R-1 zoning districts and prohibited in R-2 zoning districts.

12-1700.4 Building Regulations

12-1700.4.1 Height. No dwelling or accessory building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1700.4.2 Area, Width and Yard Regulations. See Table 12-1700.4.

Table 12-1700.4
Residential-1 Minimum Area, Width and Yard Regulations.

Zone	Area	Width	Front Setback	Side Setback	Rear Setback
R-1	1 acre	100 feet	25 feet	10 feet	20 feet
R-2	5 acres	100 feet	25 feet	10 feet	20 feet

12-1700.4.3 Other Provisions. Residential lots with onsite wastewater (septic) and potable drinking water (well) shall have a minimum lot size of 1 acre per Local Health Department standards.

**TITLE 12-1800
ADOPTION**

APPENDICIES

APPENDIX A Marysvale Town Planning and Zoning Fee Schedule

APPENDIX A

Marysvale Town Planning and Zoning Fee Schedule