

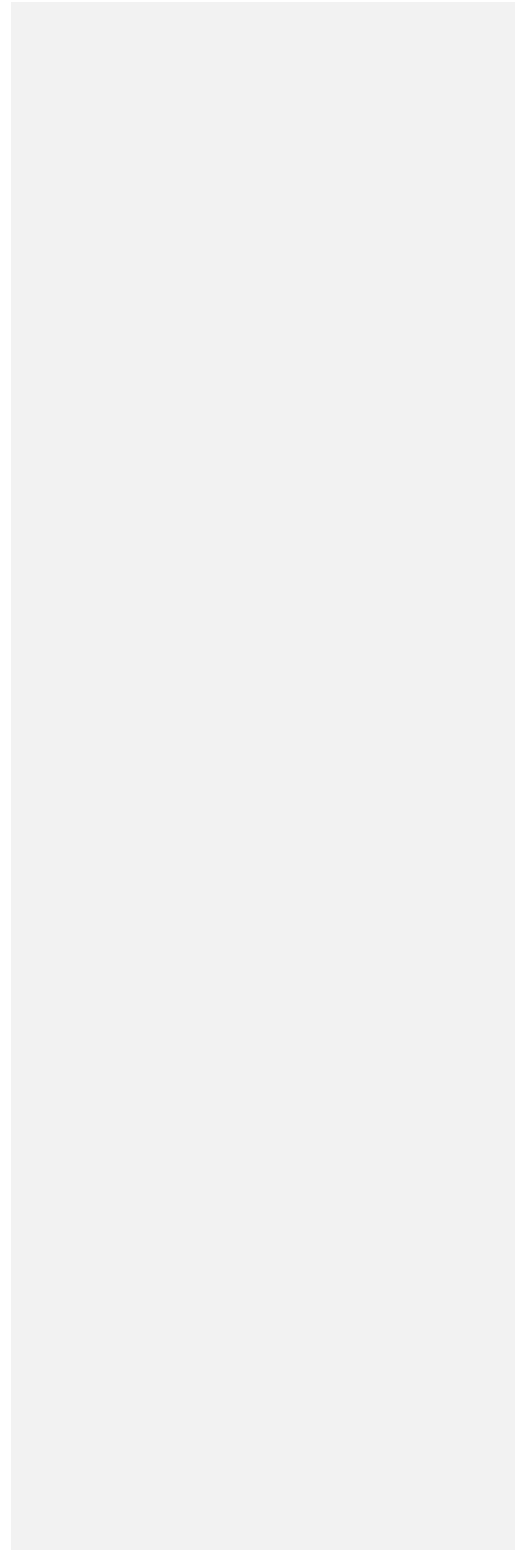
# MARYSVALE TOWN

STATE OF UTAH

## COMPREHENSIVE LAND USE ORDINANCE

TITLE 12 OF MARYSVALE TOWN CODE

DRAFT



**\*\*ORDINANCE ADOPTION\*\***

Adopted November 15, 2024

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**MARYSVALE TOWN, STATE OF UTAH**

**LAND USE ORDINANCE**

**AN ORDINANCE AMENDING A LAND USE ORDINANCE, REGULATING THE USAGE OF LANDS WITHIN THE INCORPORATED AREAS OF MARYSVALE TOWN, PIUTE COUNTY, STATE OF UTAH.**

**WHEREAS**, the Marysvale Town Council as the legislative body of Marysvale Town, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the Town, to amend the Town’s comprehensive land use ordinance.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Marysvale Town Council, State of Utah to amend the comprehensive land use ordinance for Marysvale Town, Piute County, State of Utah (Title 12 of Marysvale Town Code).

**ORDAINED AND ENACTED** by the Marysvale Town Council, State of Utah, on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Bill Davis  
Marysvale Town Mayor

ATTEST:

\_\_\_\_\_  
Karen Christensen  
Marysvale Town Clerk

Adopted November 15, 2024

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# MARYSVALE TOWN

STATE OF UTAH

## ZONING ORDINANCE

## **TITLE 12-100 GENERAL PROVISIONS**

### **12-100.1 SHORT TITLE.**

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

### **12-100.2 PURPOSE.**

This Title establishes and enacts regulations for the use and development of land in Marysville 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.**

This ordinance is enacted under the authority of the State of Utah Municipal Land Use, Development, and Management Act [hereinafter “LUDMA”] (UCA 10-9a).

### **12-100.4 APPLICABILITY.**

This ordinance shall govern and apply to the usage of all lands within the municipal boundaries of Marysville Town, Piute County, State of Utah (hereinafter the “Town”).

### **12-100.5 INTERPRETATION.**

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

### **12-100.6 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.

**12-100.7 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)

**12-100.8 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.

**12-100.9 APPEALS.**

Pursuant to Utah Law, no person shall challenge in District Court, the Town's land use decisions made consistent with Utah law, Marysvale Town Code, and this ordinance until said person has exhausted all administrative remedies as provided by the Town and by UCA 10-9a-7.

**12-100.10 LEGAL NONCONFORMING PROPERTIES.**

Utah law and Marysvale Town Code shall govern the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any approved nonconforming use and any approved noncomplying structure related to such use.

**12-100.11 DEFINITIONS.**

This ordinance shall be interpreted using the definitions provided in LUDMA (UCA 10-9a-103, UCA 10-9a-604.1, UCA 10-9a-604.2) in addition to, or as modified by the following:

**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.

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

**BUILDING OFFICIAL.** The officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for Marysvale Town, State of Utah.

**ADMINISTRATIVE LAND USE AUTHORITY (ALUA).** The individual, board, or commission formally appointed or employed by the Town, including staff or the Planning Commission. The ALUA does not include the Town Council or a member of the Town Council.

**COUNTY.** Piute County, State of Utah, United States of America.

**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.

**EASEMENT.** An interest in land belonging to another person, so that the easement owner has a limited right to use or enjoy the other person's property.

**LOCAL HEALTH DEPARTMENT.** The Central Utah Public Health Department.

**MOBILE HOME.** See Marysvale Town Mobile Home Ordinance.

**MANUFACTURED HOME.** See Marysvale Town Mobile Home Ordinance.

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**PERMANENT LIVING.** The condition of 1 or more persons occupying a recreational vehicle for longer than 30 consecutive days.

**PLANNING COMMISSION.** The Marysville Town Planning Commission.

**PRESCRIPTIVE EASEMENT.** A prescriptive easement is created when a person uses another person's property (even though the use was not expressly agreed to) for a prolonged period. Prescriptive easements recognize long-standing usage, especially if the use was relied upon for the enjoyment of property. To establish a prescriptive easement, the use must be:

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1. Open, or used in such a way that the property owner would be aware that the property is being used;
2. Notorious, or used in such a way that the general public would be aware that the property is being used;
3. Adverse to the owner's interest, or without permission or approval from the property owner; and
4. Continuously used for at least 20 years for private use; or
5. Continuously used for at least 10 years for public use.

**RECREATIONAL VEHICLE.** See Marysville Town Recreational Vehicle Ordinance.

**REVIEW CYCLE.** The occurrence of:

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1. the applicant's submittal of a complete subdivision land use application;
2. the Town's review of said subdivision land use application;
3. the Town's response to the subdivision land use application in accordance with this ordinance; and
4. the applicant's reply to the Town's response that addresses each of the Town's required modifications or requests for additional information.

**RIGHT-OF-WAY.** The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another owner.

**SHORT-TERM RENTAL.** See Marysville Town Short-Term Rental Ordinance.

**STATE.** The State of Utah, United States of America.

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**STATE HEALTH DEPARTMENT.** The State of Utah Department of Environmental Quality.

**SUBDIVISION IMPROVEMENT PLANS.** The civil engineering plans associated with required infrastructure required for a subdivision.

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**SUBDIVISION PLAN REVIEW.** A review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with Town Codes and applicable standards and specifications.

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

**TOWN.** Unless otherwise indicated, Marysvale Town, State of Utah.

**TOWN ATTORNEY.** The Marysvale Town Attorney appointed by the Town Council to prosecute individuals who commit any State public offense and Town criminal offense within Marysvale Town, and act as civil legal representation and offer legal advice on behalf of the Town and its officials.

**TOWN COUNCIL.** The Marysvale Town Council, State of Utah.

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

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**ZONING ADMINISTRATOR.** The individual designated by the Marysvale Town Council as the Zoning Administrator for Marysvale Town, State of Utah.

**ZONING MAP AMENDMENT.** May also be referred to as “Zone Change”.

## **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 5 members and up to 3 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 2 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 the Town.

### **12-200.4 VACANCIES AND REMOVAL FOR CAUSE.**

**12-200.4.1 Vacancies.** The Town Council may appoint members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason.

**12-200.4.2 Removal for Cause.** 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 QOURUM AND VOTE.**

A quorum shall consist of at least 3 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 Marysville Town Planning Commission.

**12-200.8 DUTIES AND POWERS.**

The Planning Commission shall review and make recommendations to the Town Council in accordance with **UCA 10-9a-302**.

**12-200.9 APPEALS.**

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 30 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.**

The Town Council shall exercise all legislative powers, have all legislative duties, and perform all legislative and executive functions of the Town in accordance with **UCA 10-3b-4**.

**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 may be appealed to the Appeal Authority.

Appeals shall be in writing and shall be filed with the Town Clerk's Office not more than 10 days after the decision by the Town Council. The Appeal Authority may affirm, modify or reverse the decision of the Town Council. Appeal review shall be recorded in an open public meeting. The Appeal Authority's decision shall be final at the local level.

## **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 or firm formally appointed by the Marysvale Town Council.

### **12-400.3 DUTIES AND POWERS.**

The Appeal Authority for Marysvale Town, State of Utah shall hear and decide requests for variances and appeals in accordance with **UCA 10-9a-701(1)(b)** and **UCA 63C-30-202**.

### **12-400.4 VARIANCES.**

Requests for variances from the terms of this Ordinance shall be made to the Appeal Authority. The Appeal Authority shall hear and decide requests for variances in accordance with **UCA 10-9a-702**.

### **12-400.5 APPEALS.**

Appeals from land use decisions applying any land use regulation of Marysvale Town, State of Utah and/or appeals from a fee charged in accordance with **UCA 10-9a-510** shall be to the Appeal Authority.

### **12-400.6 FEES.**

The land use applicant shall pay any applicable fee as authorized by 12-100.6 of this Title.

## **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 shall be 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 Marysville 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. 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.

**12-600.2.2 Potable Drinking 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 Disposal.** 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 Subdivisions.** No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

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**12-600.3 FENCING.**

**12-600.3.1 General.** Unless specifically approved by the Planning Commission and/or Building Official, any wall, fence, or other barrier shall not exceed the following:

MAX HEIGHTS	
YARD	HEIGHT (FEET)
Front	3.5
Side	6.0
Rear	6.0

**12-600.3.2 Fence Types.** Any wall, fence or barrier 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 not~~ may be constructed on a vacant lot or parcel if the following conditions are met: ~~in Marysville Town, and shall only be permitted when a primary building such as a single-family dwelling, commercial building, public building or other primary building is present. Agricultural buildings located in an Agricultural Zoning District shall be permitted.~~

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1. Fully developed site plan including:
  - a. location and size of future primary building;
  - b. location and size of accessory building; and
  - c. location of proposed utilities.
2. CUPHD approval for proposed wastewater disposal system that will accommodate all proposed structures and demand for wastewater disposal, including space for a replacement area;
3. affidavit of awareness and commitment to comply with Marysville Town Ordinances; and
4. proposed structures shall enhance appearance of the property and neighborhood(s).

**12-600.4.2 Setbacks.** *Accessory buildings* shall be setback a minimum of:

1. 10 feet from any dwelling, structure, or accessory building;
2. 30 feet from any front property line; and
3. 10 feet from any side or rear property line.

**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 1,250 square feet, whichever is less;
2. Require written approval from the local health department for the proposed new wastewater disposal demand. If demand exceeds current capacity, a new wastewater disposal system shall be required.
3. Require written approval from the Town Council for the proposed new culinary water system demand. If demand exceeds current capacity, the new water connection shall not be granted.
4. be setback a minimum of:
  - a. 10 feet from any dwelling, structure 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:

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

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**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:

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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:

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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. This shall include mining claims on Federal lands within the incorporated areas of Marysvale Town.

Mines, Quarries and Gravel Pits owned and operated by Federal, State or local government entities shall be exempt from the provisions of this section.

## **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 12-700.6 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 12-700.6 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.

**MARYSVALE TOWN, UTAH**  
**ORDINANCE NO. 2023-12-700.7**  
**SHORT-TERM RENTALS**

**AN ORDINANCE ESTABLISHING CERTAIN RULES AND REGULATIONS FOR SHORT-TERM RENTALS WITHIN THE AREA OF MARYSVALE TOWN, UTAH.**

**WHEREAS**, The Marysvale Town Council deem it necessary to enact certain standards, rules and regulations regarding Short-Term Rentals located in Marysvale Town, State of Utah in the interest of the health, safety and welfare of the Short-Term Rental occupants and the citizens of Marysvale Town.

Be it ordained by the Marysvale Town Council, State of Utah as follows:

**Section 1**     **SHORT TITLE**

This Ordinance shall be known as the "Short-Term Rental Ordinance."

**Section 2**     **SCOPE**

The provisions of this Ordinance shall apply to any residential dwelling unit, accessory dwelling unit or other structure operating and occupied as a Short-Term Rental within all zones and incorporated areas of Marysvale Town. The owner of the subject property shall be responsible for compliance with the provisions of this Chapter and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Chapter shall be deemed noncompliance by the owner.

**Section 2**     **PURPOSE**

The purpose of this Ordinance is to establish regulations for the use of Short-Term Rentals to protect local residents' quality of life, building safety and fire hazard mitigation, ensure proper collection and remittance of Transient Room Taxes and appropriate Sales and Use Taxes and to address negative impacts relating to noise, parking, traffic, garbage and other common occurrences resulting from Short-Term Rentals.

**Section 3**     **DEFINITIONS**

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. **APPLICANT**. The Owner of the Short-Term Rental unit or the Owner's authorized agent or representative.
2. **BUILDING OFFICIAL**. For the purposes of this Ordinance, the Building Official shall be the person or firm authorized by the Town to perform applicable inspections.
3. **GLAMPING UNIT**. A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structure include, but are not limited to: tents, yurts, teepees, covered wagons, etc. Glamping Units are regulated under the Marysvale Town Glamping Ordinance.

4. **LOCAL CONTACT PERSON** The person designated by the Owner or the Manager, for the purpose of: 1) responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental; and 2) taking remedial action to resolve any such complaints.
5. **MANAGER.** The Owner or the designated agent or representative of the Owner who is responsible for compliance with this Ordinance.
6. **OWNER.** The person(s) or entity(ies) that hold(s) legal and/or equitable title to a dwelling unit being operated, legally or not, as a Short-Term Rental.
7. **PROPERTY.** A legal lot or parcel of land on which a Short-Term Rental is located.
8. **SHORT-TERM RENTAL.** A dwelling unit, or any portion thereof, being used for transient accommodation purposes, including but not limited to, single-family dwellings, multiple family dwellings, accessory dwelling units (ADU's), glamping units or any other dwelling unit for a period typically less than thirty 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 Marysvale 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 Ordinance, even if the STR is rented out for a period longer than thirty days.
9. **TRANSIENT.** Occupancy of a dwelling unit for not more than thirty days.
10. **ZONING ADMINISTRATOR.** The person formally assigned by the Marysvale Town Council to enforce the provisions of this Ordinance.

#### **Section 4 SHORT-TERM RENTAL PERMIT REQUIREMENTS**

##### **4.1 Self Inspection.**

A self-inspection for compliance with the regulations set forth in Sections 8-10 of this Ordinance and the current International Building Code shall be performed at the Short-Term Rental property by the applicant prior to approval of the Conditional Use Permit and/or Business License. The applicant shall furnish evidence of compliance via pictures and documentation as required by Sections 8-10 of this Ordinance.

##### **4.2 Conditional Use Permit.**

1. Short-Term Rentals shall be a permitted use in Commercial zoning districts a conditional use in the following zoning districts:
  - a. Agricultural; and
  - b. Residential.
2. Short-Term Rentals shall be limited to one per parcel and may be approved as the main dwelling unit or the accessory dwelling unit, but not both.
3. No dwelling in any zoning district shall be occupied or used as a Short-Term Rental until the Owner has obtained an approved:

- a. Short-Term Rental Self-Inspection from the Town;
- b. Conditional Use Permit from the Town Council, if applicable; and
- c. Business License from the Town Council.

#### **4.3 Business License**

An approved business license shall be required for all Short-Term Rentals within the unincorporated areas of Marysville Town. The business license application shall include:

- 1. Contact Information;
- 2. Property Information;

The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The Town shall suspend all permits and licenses for Short-Term Rentals more than one year past due on applicable taxes until the Owner has paid all applicable taxes.

If a Manager or individual is managing more than one Short-Term Rental property in Marysville Town, a separate Conditional Use Permit and Business License shall be required for each Short-Term Rental property in Marysville Town, in addition to the Business License required for the Manager themselves.

#### **Section 5 FEES**

Appropriate fees shall be charged for Conditional Use Permit applications, Business License applications and renewals and any other services required by this Ordinance. Such fees shall be established by the Town Council and shall be referred to in the Marysville Town Planning and Zoning Fee Resolution.

#### **Section 6 AUTHORIZED MANAGER OR LOCAL CONTACT PERSON**

##### **6-1 Designation.**

An Owner may designate a Manager or Local Contact Person to be held responsible for compliance with the requirements of this Ordinance on behalf of the Owner. Notwithstanding this subsection, the Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short-Term Rental.

**6-2 Availability.**

While a Short-Term Rental is occupied or open for business, the Owner, Manager and/or Local Contact Person shall provide a phone number that shall be available 24/7 for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental.

**6-3 Manager Responsibility for Guest's Conduct.**

The Manager and/or Local Contact Person shall use reasonably prudent business practices to ensure that the occupants of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental.

**6-4 Manager Response to Complaint.**

The Manager and/or Local Contact Person shall, upon notification that any occupant of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental, respond within one hour to halt or prevent recurrence of such conduct.

**6-5 Failure to Respond.**

Upon failure of the Manager or Local Contact Person to respond to calls or complaints in one hour regarding the condition, operation or conduct of occupants of the Short-Term Rental, the Manager shall receive written notice from the Town. In the event that the Owner, Manager or Local Contact Person fail to respond to the complaints and or written notification from the Town, the Town Council may consider revocation of the Owner's Conditional Use Permit in a public meeting.

**Section 7 SALE OR TRANSFER OF PROPERTY**

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to amend the Conditional Use Permit and Business License within sixty days of the date of purchase or transfer. In the event that the purchaser or transferee fails to make necessary amendments within said sixty days, the license will be forfeited and the Owner shall be required to re-apply for all appropriate inspections, permits and licenses.

**Section 8 BUILDING STANDARDS**

At a minimum, any dwelling unit permitted as a Short-Term Rental shall conform to the standards listed in the Short-Term Rental Self-Inspection Checklist (See Appendix 1).

### **Section 9 PARKING REGULATIONS**

The Owner or Manager or any Short-Term Rental shall ensure appropriate off-street parking is provided for its occupants of the Short-Term Rental in accordance with the following:

1. Unless specifically approved by adjacent property owners, off street parking shall be provided on the same Property as the Short-Term Rental; and
2. The number of vehicles allowed for the occupants of a Short-Term Rental shall be restricted to the number of off-street parking spaces provided by the Owner.

### **Section 10 REQUIRED POSTING**

The following information shall be posted in a conspicuous location inside any dwelling unit licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental Business License;
2. The name and 24/7 phone number of the Owner, Local Contact Person or Manager and local emergency contact information;
3. The location of all fire extinguishers and emergency exits;
4. A map showing property boundaries and parking spaces;
5. The maximum occupancy of the dwelling unit and number of vehicles allowed;
6. Trash pick-up day, if applicable, and rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A list of all rules for the specific Short-Term Rental, if applicable.

### **Section 11 PREVENTION OF NOISE, NUISANCE OR TRESPASS**

The Owner or Manager of any Short-Term Rental shall ensure occupants of the Short-Term Rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding areas;
2. Disturb the peace of surrounding properties by shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets or engaging in outside recreational or other activities after 10:00 P.M and before 10:00 A.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
4. Allow pets or animals to create incessant noise, roam the streets without an owner present, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal.

### **Section 12 ENFORCEMENT PROVISIONS**

1. Any Owner who allows occupation of a dwelling unit as a Short-Term Rental in Marysville Town, as defined herein, without having first obtained the required approvals as outlined in Section 4 of this Ordinance shall:
  - a. Receive a request from the Town to come into compliance;
  - b. Upon failure to respond to the first request within thirty days, receive a formal noncompliance notice from the Town Attorney; and
  - c. Upon failure to respond to the second notice within fourteen days, the Owner may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
2. Any Owner or Manager of a Short-Term Rental in Marysville Town who refuses to cooperate with, or respond to the Zoning Administrator, Clerk's Office or any other Town Office or staff member after a period of 60 days from the initial notification concerning the provisions of this Ordinance may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
3. Any Owner or Manager of a Short-Term Rental in Marysville Town who, having first obtained the required approvals for use of said dwelling as a Short-Term Rental, thereafter operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
4. In the event of any one violation of this Ordinance committed by an Owner, Manager, Local Contact Person or occupant of the Short-Term Rental, the Town Council shall discuss said violation(s) in a public meeting and consider action, including possible fines or revocation of the Conditional Use Permit and/or Business License for the Short-Term Rental in accordance with the provisions of this Ordinance.

### **Section 13 APPEALS**

Any person or entity aggrieved by a decision of the Zoning Administrator, Planning Commission or any other Town Office or staff member regarding the provisions of this Ordinance shall have the right to appeal such decision to the Town Council if a written request for an appeal is filed with the Town Clerk's Office within fourteen days of verification that the aggrieved person or entity has been made aware of the decision.

### **Section 14 SEVERABILITY**

Should any portion of this Ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

**Section 15 ADOPTION**

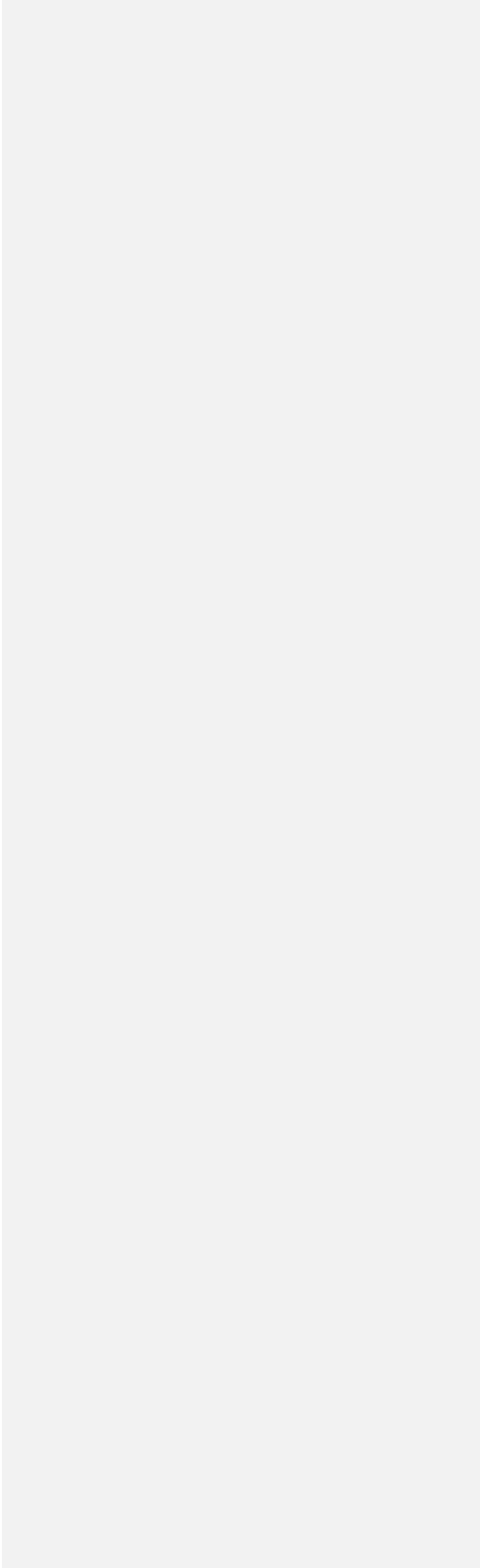
Passed and adopted by the Marysvale Town Council on this 17th day of January, 2023.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Mayor, Marysvale Town  
Ann Kennedy

ATTEST:

\_\_\_\_\_  
Marysvale Town Clerk  
Karen Christensen

Town Seal:





**Appendix 1 SHORT-TERM RENTAL INSPECTION CHECKLIST**



## SHORT-TERM RENTAL SELF-INSPECTION CHECKLIST

The following list includes the most common violations of Short-Term Rentals (STR's). Other life safety violations discovered during the Self-Inspection will be presented to the applicant in the Inspection Report.

- One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor) IRC 314.
- An operable carbon monoxide detector on each floor installed per the manufacture's specifications, when gas (i.e., furnace, stove, water heater, dryer, etc.) is utilized in the structure IRC 314.
- Gripable hand railing (1 ¼ inches to 2 inches) on all staircases IRC 311.7.8.
- GFCI plugs are required within 6 feet of all sinks/baths/toilets and all exterior outlets IRC E3902.
- Sleeping rooms must meet current International Residential Code (IRC) requirements for egress IRC R3111.
- Each Short-Term Rental unit shall have at least one operable fire extinguisher.
- Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.
- Short-Term Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Building Official prior to occupancy of the Short-Term Rental unit.
- Required Posting in the Short-Term Rental Unit
  - a. A copy of the Short-Term Rental Business License.
  - b. The name and phone number of the Owner, Local Contact Person or Manager and local emergency contact information.
  - c. The location of all fire extinguishers and emergency exits.
  - d. A list of all rules applicable for the specific Short-Term Rental.

- e. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed.
- f. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.
- g. A map showing property boundaries and parking spaces.

10.

## **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.**

**12-800.2.1 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.

**12-800.2.2 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/OR 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  
ZONING DISTRICTS**

**12-900.1 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:

ZONE	ABBREVIATION
Agricultural	A
Commercial	C
Industrial	I
Public	P
Residential-1	R-1
Residential-2	R-2

**12-900.2 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".

**12-900.3 FILING OF ORDINANCE AND MAP.**

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

**12-900.4 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 12-1000 AGRICULTURAL ZONES

### 12-1000.1 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.

### 12-1000.2 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.

### 12-1000.3 CONDITIONAL USES.

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

### 12-1000.4 BUILDING REGULATIONS.

**12-1000.4.1 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.

### 12-1000.4.2 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

**12-1000.4.3 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 12-1100 COMMERCIAL ZONES**

### **12-1100.1 PURPOSE.**

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

### **12-1100.2 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. 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.

### **12-1100.3 CONDITIONAL USES.**

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

### **12-1100.4 BUILDING REGULATIONS.**

**12-1100.4.1 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.

**12-1100.4.2 Area, Width and Yard Regulations.**

<b>ZONE</b>	<b>AREA</b>	<b>WIDTH</b>	<b>FRONT SETBACK</b>	<b>SIDE SETBACK</b>	<b>REAR SETBACK</b>
C	1 acre	30 feet	10 feet	10 feet	10 feet

**12-1100.4.3 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.



## **TITLE 12-1200 INDUSTRIAL ZONES**

### **12-1200.1 PURPOSE.**

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

### **12-1200.2 PERMITTED USES.**

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

### **12-1200.3 CONDITIONAL USES.**

1. Adult uses.
2. Temporary construction camps.

### **12-1200.4 BUILDING REGULATIONS.**

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

### **12-1200.5 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 12-1300  
PUBLIC ZONES**

**12-1300.1 PURPOSE.**

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

**12-1300.2 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.

**12-1300.3 CONDITIONAL USES.**

1. Temporary commercial activities for special events.

**12-1300.4 BUILDING REGULATIONS.**

**12-1300.4.1 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.

**12-1300.4.2 Area, Width and Yard Regulations.**

<b>ZONE</b>	<b>AREA</b>	<b>WIDTH</b>	<b>FRONT SETBACK</b>	<b>SIDE SETBACK</b>	<b>REAR SETBACK</b>
P	none	30 feet	10 feet	10 feet	10 feet

**12-1300.4.3 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.

**TITLE 12-1400  
RESIDENTIAL ZONES**

**12-1400.1 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.

**12-1400.2 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 below]

<b>LIVESTOCK POINTS PER ACRE</b>		
<b>TYPE OF LIVESTOCK</b>	<b>NUMBER OF POINTS PER STOCK UNIT</b>	<b>LIVESTOCK UNITS PER ACRE</b>
<b>LARGE LIVESTOCK</b>		
Horses and Cattle	25	4
Pigs	50	2
Sheep and Goats	10	10
<b>SMALL LIVESTOCK</b>		
Poultry, Rabbits and Other Small Animals	5	20

**12-1400.3 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.

**12-1400.4 BUILDING REGULATIONS.**

**12-1400.4.1 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.

**12-1400.4.2 Area, Width and Yard Regulations.**

<b>ZONE</b>	<b>AREA</b>	<b>WIDTH</b>	<b>FRONT SETBACK</b>	<b>SIDE SETBACK</b>	<b>REAR SETBACK</b>
R-1	1 acre	100 feet	25 feet	10 feet	20 feet
R-2	5 acres	100 feet	25 feet	10 feet	20 feet

**12-1400.4.3 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 12-1500**  
**MOBILE HOMES AND RECREATIONAL VEHICLES**

**12-1500.1 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.

**12-1500.2 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.

**12-1500.3 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 Marysville 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 Marysville 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.

**12-1500.4 LOCATION.**

**12-1500.4.1 Mobile Homes.** No occupied Mobile Home shall be located anywhere within the incorporated areas of Marysville Town without approval of the Planning Commission, Town Council and Building Official.

**12-1500.4.2 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.

**12-1500.4.3 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.

**12-1500.5 UTILITY CONNECTIONS.**

**12-1500.5.1 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.

**12-1500.5.2 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.

**12-1500.5.3 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.

**MARYSVALE TOWN**  
STATE OF UTAH  
**SUBDIVISION ORDINANCE**

## TITLE 12-1600 SUBDIVISIONS

Commented [TD2]: Not sure if I got his arrows right here.

### ~~Deleted: <#>Purpose~~

The purpose of this chapter is to promote the health, safety and general welfare of the community by: managing efficient and orderly growth in Marysville Town; establishing requirements and procedures which encourage growth to preserve the high quality of community environment and protect property values; and providing policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings and improvements within Marysville 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.

### ~~Scope~~

~~Applicability:~~ No person shall subdivide any parcel of land which is located wholly or in part in Marysville Town except in compliance with this Chapter.

~~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 Marysville Town Council as provided in this Chapter.

~~Compliance Prior To Occupancy:~~ There shall be no human occupancy of any building until the improvements have been accepted by Marysville Town and the building and lot fully comply with the provisions of this Title.

### ~~Approval Required~~

It shall be unlawful for any person to subdivide any tract of land within the municipal limits of Marysville 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 Marysville 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.

.....

### ~~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:

... [157]



## **GENERAL PROVISIONS**

### **12-1600.1 PURPOSE.**

This ordinance is established to provide for the orderly division of lands within the incorporated areas of Marysvale Town, to avoid incompatibilities in land use, and to secure the provision and long-term maintenance of necessary infrastructure and services in an efficient and economical manner for existing and future residents. This ordinance is also enacted to require that an application for the subdivision of lands in Marysvale Town comply with the provisions of this ordinance, Utah law (UCA 10-9a-6).

### **12-1600.2 SITE PREPARATION WORK PROHIBITED.**

No excavation, grading, or other improvement related to the development of the subdivision shall take place on any land within the proposed subdivision until:

1. the final subdivision plat or record of survey has been approved by the Town;
2. the subdivision plat has been filed or recorded at the office of the County Recorder;
3. applicable deeds have been recorded at the office of the County Recorder; and
4. all applicable fees have been paid.

### **12-1600.3 BUILDING PERMITS.**

No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

## **ADMINISTRATIVE LAND USE AUTHORITY**

### **12-1600.4 ESTABLISHMENT.**

This section hereby establishes the Marysvale Town Administrative Land Use Authority.

### **12-1600.5 APPOINTMENT.**

The ALUA to consider land use applications arising from subdivision applications within the incorporated areas of Marysvale Town shall be an individual or firm formally appointed by the Town Council.

### **12-1600.6 TERMS – REMOVAL FOR CAUSE.**

The Town Council shall contract with the individual or firm on an annual basis. At the end of each year, the Town Council may elect to continue the contract, or put the contract out to bid. The individual or firm may be removed from their position for cause by the Town Council. "Cause" includes, but is not limited to, failing to review, hear, and decide subdivision applications within the required timeframes or committing any act inimical to public service.

### **12-1600.7 COMPENSATION.**

The ALUA shall be compensated at a fixed amount agreed upon by the individual or firm and the Town Council. The costs derived from the review and decision of the ALUA shall be the responsibility of the applicant, not the Town.

### **12-1600.8 DUTIES AND POWERS.**

The ALUA shall consider land use applications arising from subdivision applications within the incorporated areas of Marysvale Town in accordance with this ordinance and **UCA 10-9a-604.1, 3(a)(b)**.

## **DESIGN STANDARDS**

### **12-1600.9 NATURAL CONDITIONS.**

All subdivisions shall meet the following minimum standards:

1. The design and development of subdivisions shall preserve insofar as possible, cultural or historic sites, natural terrain, natural drainage, existing topsoil, trees, hillsides, etc.
2. Land subject to hazardous conditions (i.e., slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, etc.) shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

### **12-1600.10 LOT STANDARDS.**

All lots in a subdivision shall meet the following minimum standards:

1. Lots and buildings shall meet the minimum area, width, and setback requirements of the Marysville Town Zoning Ordinance.
2. All lots shall have written approval from the local or state health department for onsite wastewater disposal.
3. All lots shall front a public or private street or road with legal access.
4. No single lot shall be divided by a Marysville Town and Piute County boundary line.
5. Lots on a cul-de-sac shall have a minimum 30' width at the front property line.

### **12-1600.11 STREET AND ROAD STANDARDS.**

All streets and street and roads in a subdivision shall meet the minimum standards of Marysville Town, in addition to the following:

1. Subdivision improvement plans shall be required for all proposed streets and roads.
2. Streets and roads must have at least 6 inches of pit run rock and 3 inches of gravel.
3. Streets and roads shall meet the minimum standard of the existing street or road they are connecting to, in addition to the requirements of this ordinance.
4. All streets and roads must be graded and drained with adequate crowning, pipe culverts, and barrow ditches.
5. All drainage and improvements must be accepted by the Town.
6. These standards are the minimum required, and in some cases may be enhanced.
7. Each road proposal shall be reviewed, inspected, and approved by the Town before any building permit is issued.

## **12-1600.12 PLANNED UNIT DEVELOPMENTS – OPEN SPACE.**

**12-1600.12.1 Purpose.** This section is provided as an alternative subdivision layout option to encourage the preservation and protection of open space and scenic, cultural, historic, and sensitive lands located within the Town. This subdivision layout option is designed to promote efficiencies in the delivery of required infrastructure, facilities, and services in subdivision development. The planned unit development also provides an opportunity to promote the desired goals and policies to enhance the community character of the Town.

**12-1600.12.2 Zoning Districts.** Planned Unit Developments may be allowed in the following zoning districts:

1. Agricultural (A); and
2. Commercial (C).

**12-1600.12.3 Application.** A planned unit development application shall be made as a preliminary subdivision application and a final subdivision application, and is subject to subdivision review and approval standards as provided by this ordinance for a preliminary and final subdivision application.

### **12-1600.12.4 General Requirements.**

1. **Lot Area.** In order to achieve the effect of clustering and provide desirable open space, the minimum lot area within a planned unit development may be smaller than the minimum size required in the zoning district, as approved by the ALUA.
2. **Lot Width and Frontage.** The minimum lot width and minimum lot frontage provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the ALUA.
3. **Setbacks.** The minimum front, side, and rear yard setback requirements provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the ALUA.

### **12-1600.12.5 Open Space.**

1. **Minimum Area.** A planned unit development shall provide for a minimum of 50% of the total acreage of the subdivision site as open space in accordance with the open space standards, maintenance and dedication requirements provided by this section. As practicable, the open space lands within a planned unit development shall be contiguous and shall provide connectivity to other open space areas.

2. **Preservation and Protection.** Open space areas provided in a planned unit development shall be identified as permanently restricted from any future development by a plat note, conservation easement, or other method of long-term protection and preservation. Open space protection and preservation methods shall be recorded concurrent with the recording of the final subdivision plat.
3. **Ownership.** The ownership of any open space areas shall be in a single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental agency or private individual, as approved by the Town Council.
4. **Maintenance Responsibility.**
  - a. All preliminary and final subdivision applications proposing a planned unit development shall provide an open space ownership and maintenance plan addressing the proposed ownership and permanent maintenance of the open space area within the planned unit development. The maintenance responsibility of open space areas shall be clearly stated by a plat note, recordable document, or other method approved by the ALUA in concurrence with the final approval of the subdivision plat.
  - b. Any amendments to an approved open space ownership and maintenance plan shall be approved by the ALUA.

**12-1600.12.6 Improvements Guarantee.** All preliminary and final subdivision applications proposing a planned unit development shall comply with all land use ordinances of the Town, including all on-site and off-site improvements and guarantee for the installation of subdivision improvements.

## IMPROVEMENT STANDARDS

### 12-1600.13 STREET AND ROAD IMPROVEMENTS.

1. **Minimum Standards.** Streets and street and roads shall be designed and built to the minimum standards of the Town and the Wildland Urban Interface Code. The designing engineer shall certify in writing that the minimum standards have been met prior to any site work or issuance of any building permits in the subdivision.
2. **Lot Frontage.** An application to subdivide lands shall not be considered unless all proposed lots and other areas to be subdivided have adequate frontage, either by minimum widths or appropriate accesses as required by this ordinance and the zoning ordinance. All lots in a proposed subdivision shall be accessed on a private or public street and road improved to the minimum standards of this ordinance.
3. **Rights of Way.** Marysville Town street and roadways shall have the following minimum right of way widths:

STREET AND ROAD TYPE	MINIMUM WIDTH
Major Collector	100 feet
Minor Collector	66 feet
Collector Street and road	66 feet
Major Street and road	66 feet
Minor or Frontage Street and road	66 feet
Private Street and road	32 feet

4. **Flag Lots.** Flag lots shall be prohibited for any new subdivision developments.
5. **Intersections.** Streets and street and roads shall intersect at 90-degree angles and no more than 4 streets and street and roads shall enter any intersection.
6. **Grades.** No street and road shall exceed an 8% grade unless specifically approved by the Town and certified by a licensed engineer.
7. **Signage.** Street and road name signs shall be required and shall be installed by the applicant. Signage shall conform to the minimum standards of the Town and provided where necessary for proper identification of all streets and street and roads.

**8. Dedication and Acceptance.**

- a. The applicant shall identify public streets and street and roads 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.
- b. The applicant shall bring public street and roadways and other improvements to the minimum standards of the Town and maintain them in that condition for a period of 1 year before maintenance as public facility may be requested. Only after inspection and approval shall the Town accept the facilities for public maintenance.
- c. Town services shall not be provided to the subdivision until maintenance responsibility for the public improvements is accepted, and the facilities are formally dedicated to the Town.
- d. In the event the Town does not accept maintenance responsibility of the proposed public improvements, the applicant shall be so advised in writing by the Town stating the reason for the rejection or 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.

**12-1600.14 SOURCE AND SUPPLY OF POTABLE DRINKING WATER.**

- 1. **Supply.** All subdivisions of a property approved by the Town of Marysvale shall provide a permanent supply of potable water available to each lot within the subdivided property.. It shall be the responsibility of each subdivider to comply with all engineering standards in the construction of a culinary water system, and each subdivided property's culinary system must be fully developed and properly engineered to adequately serve all lots located therein. Any person seeking to subdivide property shall provide and transfer to Marysvale Town a sufficient and adequate supply of acceptable culinary water to service all subdivided lots seeking to be served by the Town's water system. Hauling water to any lot as the primary culinary source shall be prohibited.
- 2. **Approval of Water Right.** Water quantity, quality, and distribution system plans shall be approved, in writing by Marysvale Town's engineer, and all plans shall comply with the State of Utah Department of Environmental Quality and Divisions of Drinking Water. All water supplied by any person subdividing property must be transferred to the Town through a change application filed with the Utah Division of Water Rights, and a written memorandum decision must be received authorizing the transfer prior to approval of the subdivision. In addition, all water must have an acceptable priority date as determined by Marysvale Town or the Utah Division of Water Rights. Marysvale Town requires , each developer or other person who has subdivided property to provide sufficient water to

address the impacts of the proposed development which shall be in such amounts per lot as are necessary and roughly proportionate to the impact caused by the proposed development as set forth hereafter in Section 3, Quantity Determination.

- 3. Quantity Determination.** Marysvale Town shall base the amount of water required to service a subdivided property, through calculating the projected water interest requirements by considering the Town's minimum system-wide sizing standards and the number of equivalent residential connections associated with the culinary water demand for the Town. The Town shall apply the lower exaction for development with the lower equivalent residential connections as demonstrated by the prior five years of usage data within Marysvale Town to determine the amount of water to be supplied to the Town. Marysvale Town shall make public the methodology used to determine the amount of water necessary to serve a lot within Marysvale Town and shall consider all additional information provided by a developer to ensure the water supply is properly assessed.

**Deleted:** A minimum of 1 acre-foot of water or shall be required for each lot in a proposed subdivision and shall have written approval from the Utah Division of Water and the Bullion Canyon Irrigation Company rights for such use. If outdoor water use is anticipated for irrigation, livestock, landscaping, recreation, etc., additional water rights shall be required for each lot and shall have written approval from the Utah Division of Water rights for such use.

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#### 12-1600.15 WASTEWATER DISPOSAL.

1. **System.** All subdivisions shall have a feasible wastewater disposal system available to each lot in the subdivision.
2. **Approval.** An onsite wastewater system feasibility application shall be approved in writing by the local health department for any proposed subdivision in Marysville Town.
  - a. **Onsite Septic Systems.** A subdivision application proposing individual septic systems for each lot shall include written approval from the health department for wastewater feasibility prior to consideration by the Town.
  - b. **Wastewater Treatment Facilities.** A subdivision application proposing a public or private wastewater treatment facility shall include written approval for wastewater feasibility, and an approved construction permit from the local health department or DEQ prior to consideration by the Town.

#### 12-1600.16 FIRE PROTECTION.

1. **Requirements.** All subdivisions shall have a fire protection plan prepared by a licensed engineer and approved by a State, County, or Town fire official prior to consideration by the ALUA.
2. **Compliance.** All fire flow, line size, and hydrant standards shall conform to the International Fire Code.
3. **Line Size.** Water distribution lines in all subdivisions shall be a minimum of 8 inches in diameter. Minimum line sizes may be increased to provide for required fire flow of at least 500 gallons per minute (GPM).
4. **Loops and Valves.** Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than 1,000 feet out of service during repairs.

#### 12-1600.17 STORM DRAINAGE.

1. **Requirements.** A stormwater drainage system shall be provided and shall be separate and independent of the wastewater disposal system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the Town prior to any site work or issuance of any building permits in the subdivision.
2. **Ditches and Canals.** No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users, for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. The applicant shall work with irrigation companies as to the responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts.

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In cases where canals or ditches cross public streets and street and roads or proposed public streets and street and roads, specifications and grades for pipe or culvert must be approved by the Town.

3. **Impact on Adjoining Properties Prohibited.** The development of a subdivision may not cause drainage from the subdivision to impact adjoining properties. The designing engineer shall prepare drainage plans to be inspected and approved by the Town. Holding and retention basins shall be the preferred method of retaining drainage.

**12-1600.18 FLOOD PLAINS.**

All lots in any proposed subdivision shall have sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zoning district in which the subdivision is located, can be met.

**12-1600.19 OTHER UTILITIES.**

Installation of utilities shall be provided through underground service in properly recorded easements or rights of way. The Town encourages existing overhead power lines within a proposed subdivision be relocated underground whenever feasible.

## **IMPROVEMENTS GUARANTEE**

### **12-1600.20 GUARANTEE REQUIRED.**

In lieu of the actual completion and acceptance of the improvements required by this ordinance and before approval of the final plat by the Town council, the applicant shall guarantee the installation and construction of the required improvements free from defective material or workmanship and in compliance with all Town standards.

### **12-1600.21 FORM OF GUARANTEE.**

Said guarantee shall be in the form of a cash bond or irrevocable letter of credit for an amount equal to 120% of the cost of improvements not previously accepted and as estimated by the developer's engineer and approved by the Town.

### **12-1600.22 REQUEST FOR FINAL INSPECTION.**

After the completion of all subdivision improvements, the applicant shall make a written request to the Town for a final inspection. Inspections shall be made within 8 days from the date of request by the Town supervisor. A letter of final inspection shall be written within 8 days by the Town specifying the acceptability of all subdivision improvements, or if rejected, a letter stating the deficiencies.

### **12-1600.23 RELEASE OF GUARANTEE.**

Once all improvements are approved by the Town, any guarantee filed with the Town therefor shall be released within 5 days from the date of approval. In any event, the applicant shall provide the Town with a letter of guarantee stating that all subdivision improvements will be maintained in a good state of repair and free from defective material or workmanship which becomes evident for one year from their request for final inspection, and will supply the bond as required in this section. A 2-year bond may be required pursuant to UCA 10-9a-604.5, as amended.

### **12-1600.24 INSTALLATION TIME PERIOD.**

All such improvements shall have been installed within a one-year time period unless extended by the Town council for one additional year.

**12-1600.25 PARTIAL RELEASE.**

1. A letter of credit or cash bond may be released in part, as progress payment for improvements, subject to the following conditions:
  - a. The developer shall submit to the county public works director, or other assigned county inspector, a request for payment against the letter of credit, showing to whom and for what amount the release is requested. Upon inspection by the county, and approval of the requested amount, the county will authorize the holder of the credit account to disperse the approved payments.
  - b. Said payment requests may be made upon completion of the various phases of development as follows:
    - i. Complete water system installation, including any required storage facility, wells, hydrants or other improvements, etc.
    - ii. Complete street and road construction, including all survey monuments, traffic control and street and road name signs. Street and road construction shall also include storm drainage systems.
    - iii. Complete waste disposal system, as required.
    - iv. Staking of lot corners and any other required survey field work.
    - v. Completion of utilities, including power, telephone, data transmission lines, and natural gas, if bonded by the developer.
2. Requests shall not be submitted more frequently than on a monthly basis. A minimum of 20% of each element shall be retained as required for the guarantee bond required in subsection G of this section.

**12-1600.26 RETENTION.**

In any event, 20% of the total amount of all improvements shall be retained until one year following completion of the project as a guarantee of quality of improvements. A cash bond or irrevocable letter of credit for 20% of the total amount of all improvements shall be filed prior to the release of the improvement bond.

**12-1600.27 COST ESTIMATE FOR IMPROVEMENTS.**

For a developer who proposes to install improvements prior to recording a final plat, as provided by this section, a cost estimate of improvements shall be submitted by the developer's engineer and approved by the Town prior to the start of construction, as the basis for determining the amount of the 20% guarantee bond that shall be posted upon final approval of the improvements by the Town.

## PROCESS FOR SUBDIVISION REVIEW AND APPROVAL

### 12-1600.28 CONCEPTUAL PLAN REVIEW

Pre-application meetings for subdivision land use applications are not required pursuant to UCA 10-9a-604.1, 4(a)(b). However, the Town strongly encourages a conceptual plan review meeting be scheduled with the applicant and the Town to provide recommendations and educate the applicant on the requirements of this ordinance. If an applicant requests a pre-application meeting, the Town shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

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At the pre-application meeting, the staff shall provide or have available on the Town website the following:

1. copies of applicable land use regulations;
2. a complete list of standards required for the project;
3. preliminary and final application checklists; and
4. feedback on the concept plan.

### 12-1600.29 ADMINISTRATIVE LAND USE AUTHORITY

Preliminary Plat. The ALUA shall complete a preliminary plat subdivision application review at staff level within 20 business days of submission of a complete preliminary application. If a preliminary plat subdivision application complies with the provisions of this ordinance and State code (UCA 10-9a-604.1), the ALUA shall approve the preliminary plat.

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**Concurrent Processing.** If the preliminary plat application is approved by the ALUA without modifications, it shall be considered the final plat.

**Final Plat.** The ALUA shall complete a final plat subdivision application review at staff level within 20 business days of submission of a complete final application. If a final plat subdivision application complies with the provisions of this ordinance and State code (UCA 10-9a-604.1), the ALUA shall approve the final plat.

### 12-1600.30 FINAL RECORDING.

The final subdivision plat shall be recorded by the applicant at the office of the County Recorder within 1 year of final approval by the ALUA. If the final plat is not recorded within the required timeframe, the final subdivision approval from Piute County shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

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## PRELIMINARY PLAT

### 12-1600.31 REQUIREMENTS.

Submission. Preliminary subdivision applications shall be found on the Town’s official website and/or the Town Office and shall be officially submitted to the Town. Applications shall only be deemed complete once all requirements of this section have been met.

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### 12-1600.32 REVIEW OF PRELIMINARY PLAT.

The ALUA shall review the preliminary plat application at staff level within 20 business days of submission of a complete preliminary application.

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1. In reviewing the preliminary subdivision land use application, the ALUA may require:
  - a. additional information relating to an applicant's plans to ensure compliance with Marysville Town Code and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current codes, applicable standards or specifications, or do not contain complete information.
2. The ALUA’s request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all Town codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

### 12-1600.33 CONSIDERATION – PRELIMINARY DECISION.

After the ALUA has reviewed the preliminary plat, the applicant shall be advised of any required changes and/or additions. The ALUA shall provide written notice to the applicant with the date of approval, required modifications, or denial and the justification for the decision.

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### 12-1600.34 EFFECTIVE PERIOD.

The approval of a preliminary plat shall be effective for a period of 1 year. If the final application is not submitted within the required timeframe, the preliminary application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

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### 12-1600.35 EXTENSIONS.

The applicant may request time extensions for the expiration of a preliminary plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

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## FINAL PLAT

### 12-1600.36 REQUIREMENTS.

If the preliminary application requires modifications and/or the installation of infrastructure improvements, said modifications and/or improvements shall be made prior to review and consideration of the final plat by the ALUA.

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### 12-1600.37 REVIEW OF FINAL PLAT.

The ALUA shall review the final plat application at staff level within 20 business days of submission of a complete final application.

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1. In reviewing the final subdivision land use application, the ALUA may require:
  - a. additional information relating to an applicant's plans to ensure compliance with Town Codes and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
2. The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all Town codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
3. If an applicant makes a material change to a plan set, the ALUA has the discretion to restart the review process at the 1<sup>st</sup> review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
4. If an applicant does not submit a revised plan within 20 business days after the ALUA requires a modification or correction, the ALUA shall have an additional 20 business days to respond to the plans.
5. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the ALUA's previous review cycle, the ALUA may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
  - a. In addition to revised plans, an applicant shall provide a written explanation in response to the ALUA's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
  - b. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

- c. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the ALUA may not begin until all comments are addressed.
6. If, on the 4<sup>th</sup> or final review, the ALUA fails to respond within 20 business days, the ALUA shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
- a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with **UCA 10-9a-508(5)(d) et seq.** to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
    - i. one licensed engineer, designated by the Town;
    - ii. one licensed engineer, designated by the land use applicant; and
    - iii. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (a) i and ii of this section.
  - b. A member of the panel assembled by the ALUA under Subsection i may not have an interest in the application that is the subject of the appeal.
  - c. The land use applicant shall pay:
    - i. 50% of the cost of the panel; and
    - ii. the ALUA's published appeal fee; or
7. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

**12-1600.38 CONSIDERATION – FINAL DECISION.**

If the final plat complies with the requirements of UCA 10-9a-604.1, this ordinance, and the preliminary subdivision approval, the ALUA shall approve the final subdivision application.

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**12-1600.39 EFFECTIVE PERIOD.**

The approval of a final plat shall be effective for a period of 1 year. If the required improvements are not installed and/or final plat is not signed and recorded within the required timeframe, the final application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

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**12-1600.40 EXTENSIONS.**

The applicant may request time extensions for the expiration of a final plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

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**12-1600.41 PHASE DEVELOPMENTS.**

1. The final platting of subdivisions may be done in phases. Each phase shall consist of a number of lots which can be completely developed with improvements within a period designated by the ALUA.
2. The intent is that improvements be completed within a reasonable period of time designated by the ALUA. If little to no work has been done within said time period, and there are no immediate plans for substantial work to be completed, the ALUA shall rule the plat null and void by reason of inactivity.
3. When the improvements have been completed and approved by the ALUA, the applicant may submit the next phase of the proposed development in accordance with the provisions of this ordinance.
4. A final plat shall be accepted only upon the submission of qualified evidence indicating that the applicant has the financial ability to complete the proposed improvements for all lots within the phase to be submitted.

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**12-1600.42 RECORDING.**

The final plat shall be recorded, by the applicant, at the office of the County Recorder within 1 year of final plat approval by the ALUA. The final subdivision plat shall only be recorded once the required improvements have been installed, inspected, and approved by the Town, and all required signature blocks have been appropriately signed. If the final plat is not recorded within the required timeframe, the final subdivision approval from the ALUA shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

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## **SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS**

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### **12-1600.43 SUBDIVISION PLAT.**

A subdivision plat submitted to the Town shall meet the minimum requirements of **UCA 10-9a-603(2)** in addition to the following:

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1. a title with a unique name not used anywhere else in Piute County, State of Utah;
2. signature blocks for:
  - a. surveyor's certificate;
  - b. administrative land use authority's certificate;
  - c. owner's certificate;
  - d. acknowledgement; and
  - e. certificate of recording.

### **12-1600.44 AMENDED PLAT.**

An amended subdivision plat submitted to the Town shall meet the minimum requirements of **UCA 10-9a-608** in addition to the following:

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1. a title distinguishing the amended plat from the original plat; and
  - a. (i.e., Marysvale Town Subdivision, 2<sup>nd</sup> Amended, etc.)
2. signature blocks for:
  - a. surveyor's certificate;
  - b. administrative land use authority's certificate;
  - c. owner's certificate;
  - d. acknowledgement; and
  - e. certificate of recording.

### **12-1600.45 RECORD OF SURVEY.**

A record of survey for an exempt subdivision submitted to the Town shall meet the minimum requirements of **UCA 17-23-17** in addition to the following:

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1. a title stating "Record of Survey for [the specific exempted subdivision]";
  - a. (i.e., Minor Lot Subdivision, Agricultural Land Exemption, etc.)
2. signature blocks for:
  - a. surveyor's certificate; and
  - b. administrative land use authority's certificate.

## EXEMPTIONS FROM PLAT REQUIREMENT

### 12-1600.46 MINOR-LOT SUBDIVISION. UCA 10-9a-605(1)

Parcel(s) created from the division of unincorporated land(s) are exempt from the subdivision plat requirements of this ordinance, if:

1. the record of survey has been reviewed by the ALUA and certified that the proposed development qualifies as a minor-lot subdivision as set forth herein. All survey's shall be reviewed by Town Engineer
2. the parent parcel is being subdivided into 5 or less parcels that all front an existing dedicated, accepted, and improved Marysvale Town right of way;
3. each proposed parcel shall conform to minimum area, width, and land use provisions of the current zoning district. An approved zone change in conjunction to the proposed minor-lot subdivision shall be required by the Town Council if the above conditions are not met. If the zone change request is denied by the Town Council, the minor-lot subdivision application shall be null and void.
4. the applicant shall provide the following:
  - a. Potable drinking water supply shall be required for minor-lot subdivisions.
  - b. **Supply.** All minor subdivisions of a property approved by the Town of Marysvale shall provide a permanent supply of potable water available to each lot within the subdivided property.. It shall be the responsibility of each subdivider to comply with all engineering standards in the construction of a culinary water system, and each subdivided property's culinary system must be fully developed and properly engineered to adequately serve all lots located therein. Any person seeking to subdivide property shall provide and transfer to Marysvale Town a sufficient and adequate supply of acceptable culinary water to service all subdivided lots seeking to be served by the Town's water system. Hauling water to any lot as the primary culinary source shall be prohibited.
  - c. **Approval of Water Right.** Water quantity, quality, and distribution system plans shall be approved, in writing by Marysvale Town's engineer, and all plans shall comply with the State of Utah Department of Environmental Quality and Divisions of Drinking Water. All water supplied by any person subdividing property must be transferred to the Town through a change application filed with the Utah Division of Water Rights, and a written memorandum decision must be received authorizing the transfer prior to approval of the subdivision. In addition, all water must have an acceptable priority date as determined by Marysvale Town or the Utah Division of Water Rights. Marysvale Town requires , each developer or other person who has subdivided property to provide sufficient water to address the impacts of the proposed development which shall be in such amounts per lot as are necessary and roughly

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proportionate to the impact caused by the proposed development as set forth hereafter in Section 3, Quantity Determination.

- d. **Quantity Determination.** Marysvale Town shall base the amount of water required to service a subdivided property, through calculating the projected water interest requirements by considering the Town's minimum system-wide sizing standards and the number of equivalent residential connections associated with the culinary water demand for the Town. The Town shall apply the lower exaction for development with the lower equivalent residential connections as demonstrated by the prior five years of usage data within Marysvale Town to determine the amount of water to be supplied to the Town. Marysvale Town shall make public the methodology used to determine the amount of water necessary to serve a lot within Marysvale Town and shall consider all additional information provided by a developer to ensure the water supply is properly assessed.

**Deleted:** A minimum of 1 acre-foot of water or shall be required for each lot in a proposed subdivision and shall have written approval from the Utah Division of Water and the Bullion Canyon Irrigation Company rights for such use. If outdoor water use is anticipated for irrigation, livestock, landscaping, recreation, etc., additional water rights shall be required for each lot and shall have written approval from the Utah Division of Water rights for such use.

A subdivision wastewater feasibility study performed by a licensed engineer, to be reviewed and approved by Town Engineer, .and approved by the Central Utah Public Health Department, if applicable; and improvement plans for other utilities to be provided and reviewed and approved by the Town Engineer, if applicable.

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5. A parcel created from a minor-lot subdivision shall not be further subdivided within 3 years of the filing and recording date of the minor-lot subdivision where the subject parcel was originally created.
6. Evidence of recordable deeds for each proposed parcel in the minor-lot subdivision.
7. The record of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the County Recorder within 60 calendar days of final approval by the ALUA. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the minor-lot subdivision approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

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**12-1600.47 AGRICULTURAL LAND EXEMPTION. 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 Chapter, if the lot(s):
  - a. qualify as land in agricultural use under **UCA 59-2-5 Farmland Assessment Act**;
  - b. are not used and will not be used for nonagricultural purposes; and
  - c. each have a minimum area of 6 acres.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a Record of Survey map and approved by the ALUA.
  - a. If the Agricultural Land Exemption lots are created via aliquot parts or by metes and bounds descriptions, the Record of Survey shall not be required.
  - b. Appropriate deeds shall be prepared to meet the requirements of this ordinance and the County Recorder's Office.
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 to comply with the related plat requirements of this ordinance.
4. Upon final approval from the ALUA, the developer shall file the Record of Survey with the County Surveyor's Office, if applicable, and record deeds with the County Recorder's Office.

**12-1600.48 METES AND BOUNDS SUBDIVISION 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 ALUA required by this ordinance. 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 and approved by the ALUA.

**12-1600.49 PROPERTY BOUNDARY ADJUSTMENTS. UCA 10-9a-523**

To make a property boundary adjustment (i.e., parcel boundary or lot line adjustment), a property owner shall meet the requirements of **UCA 10-9a-523**, in addition to the following:

1. if a parcel that is the subject of a property boundary adjustment contains a dwelling unit, the Town shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the property boundary adjustment, the Town shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

**12-1600.50 BOUNDARY LINE AGREEMENTS. UCA 10-9a-524**

Adjoining property owners executing a boundary line agreement, shall meet the requirements of UCA 10-9a-524, in addition to the following:

1. if a parcel that is the subject of a boundary line agreement contains a dwelling unit, the Town shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the boundary line agreement, the Town shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

**12-1600.51 SUBDIVISION AMENDMENT. UCA 10-9a-608**

The ALUA may consider an owner's petition for a subdivision amendment if:

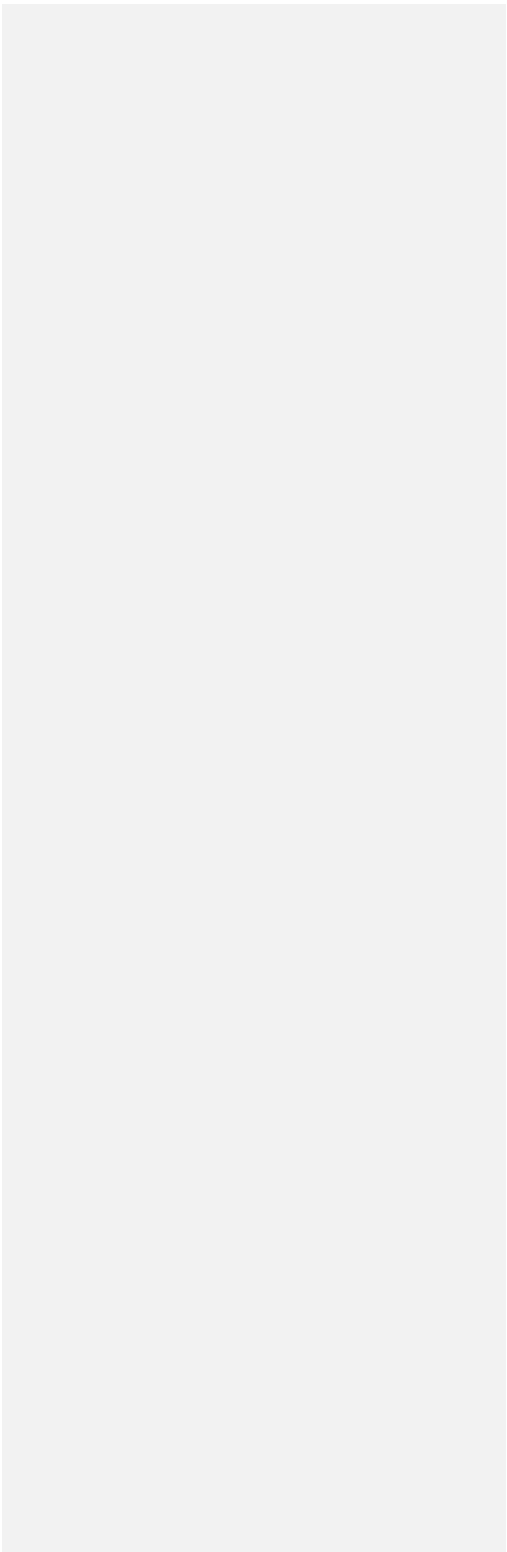
1. the petition seeks to:
  - a. join 2 or more of the petitioning fee owner's contiguous lots;
  - b. subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of this Ordinance or a development condition;
  - c. adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
  - d. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
  - e. alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
    - i. owned by the petitioner; or
    - ii. designated as a common area.

**12-1600.52 PUBLIC RIGHT OF WAY SUBDIVISIONS.**

A parcel of land divided by a public (Town, County, or State) right of way is exempt from the subdivision plat requirements of this Ordinance and the owner of real property may legally subdivide the property, only as it is currently portrayed, by recording deeds at the Office of the County Recorder. Prior to recording the deeds, the exemption shall be confirmed and approved by the ALUA prior to recording of deeds.

**APPENDICES**

**APPENDIX A      Marysvale Town Planning and Zoning Fee Schedule**



**APPENDIX A**

**Marysville Town Planning and Zoning Fee Schedule**

