

**CIRCLEVILLE TOWN, UTAH**

**ORDINANCE NO. 2024 - 01**

**AN ORDINANCE OF CIRCLEVILLE TOWN  
ADOPTING NEW LAND USE ORDINANCES AND CREATING PROCEDURES FOR APPROVAL AND  
DEVELOPMENT STANDARDS UNDER A NEW SUBDIVISION CODE**

**WHEREAS**, Circleville Town is a municipal corporation duly organized and existing under the laws of the State of Utah;

**WHEREAS**, the Circleville Town Council finds that the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

**WHEREAS**, the Town is authorized to enact and amend ordinances regarding land use for the purposes outlined in Utah Code Ann. § 10-9a-102;

**WHEREAS**, a public hearing concerning the proposed adoption of new land use ordinances and the creation of a Subdivision Ordinance was held before the Town Planning Commission, after proper notice, on December 11, 2024 and before the Town Council, after proper notice, on December 11, 2024; and

**WHEREAS**, the Town Council, after receiving a recommendation from the Town Planning Commission and public comment, determined that the adoption of new land use ordinances and the establishment of a new Subdivision Ordinance will further the health, safety, and welfare of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CIRCLEVILLE, PIUTE COUNTY, UTAH, AS FOLLOWS:**

CIRCLEVILLE TOWN, UTAH  
CIRCLEVILLE TOWN LAND USE ORDINANCES

Adopted: December 2024

## TABLE OF CONTENTS

GENERAL PURPOSE AND SCOPE	4
PLANNING COMMISSION	15
TOWN COUNCIL	18
APPEAL AUTHORITY	20
ZONING OFFICIALS	23
GENERAL PROVISIONS	24
CONDITIONAL USES	28
NONCONFORMING USES	30
SUBDIVISIONS	31
MOBILE HOMES AND RECREATIONAL VEHICLES	56
ZONING DISTRICTS	58
RESIDENTIAL ZONE	59
ADOPTION	60

**TITLE 1**  
**GENERAL PURPOSE AND SCOPE**

**1.1 Short Title**

This Title shall be known and cited as the “Circleville Town Land Use Ordinances” and may also be identified within this document as “this Title” or “Land Use Ordinances”.

**1.2 Purpose**

This Title establishes and enacts regulations for the use and development of land in Circleville 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 hazards and other dangers.
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.

**1.3 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).

**1.4 Interpretation**

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

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

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

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

### **1.5 Severability**

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

### **1.6 Fees**

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

### **1.7 Penalties**

### **1.8 Definitions**

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

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

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

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

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

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

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

**APARTMENT HOUSE.** See Dwelling, Multiple Family.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CARPOR.** A private garage not completely enclosed by walls or doors.

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

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

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

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

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

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

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

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

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

**TOWN.** Unless otherwise indicated, Circleville Town, Utah.

**TOWN ATTORNEY.** The Attorney that is officially appointed or designated by Circleville Town.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**GRADE.** The vertical location of the ground surface.

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

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

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

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

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

**HOME OCCUPATION.** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, occupying no more than twenty-five percent of the dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not usually associated with residential use.

Home occupation may include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer or professional person for consultation or emergency treatment. Home occupation includes the care of not more than five children other than members of the family residing in the dwelling. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs and no employees employed.

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

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

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

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

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

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

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

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

**LOCAL ENGINEER.** The Engineer officially appointed or designated by Circleville Town.

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

**LOCAL JURISDICTION.** Circleville Town.

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

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

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

**LOT INTERIOR.** A lot other than a corner lot.

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

**LOT LINE.** Property lines bounding the lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SIGN.** See "Sign" definitions in Chapter 16 "Sign Regulations" of this Title.

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

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

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

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

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

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

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

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

**TRANSIENT RENTAL.** See Short-Term Rental.

**TRAVEL TRAILER.** See Recreational Vehicle.

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

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

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

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

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

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

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

**ZONE.** See "District".

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

**ZONING ORDINANCE.** The Circleville Town Zoning Ordinance.

## TITLE 2 PLANNING COMMISSION

### 2.1 Establishment

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

### 2.2 Number and Terms of Members

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

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

### 2.3 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 to provide continuity in policy and personnel. Members of the Planning Commission shall be Full-time residents of Circleville Town.

### 2.4 Filling Vacancies and Removal from Office

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

### 2.5 Compensation

Members of the Planning Commission, whether regular or alternate, shall be compensated for meetings they attend and reimbursed for actual expenses incurred, as approved by the Town Council.

### 2.6 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 records and conduct all correspondence, including the notification of decisions. The secretary shall certify records.

The secretary shall prepare and submit the minutes of the Planning Commission meetings to the Planning Commission. The Town Council may elect to provide compensation for the secretary.

## 2.7 Quorum and Vote

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

## 2.8 Duties and Powers

1. The Planning Commission shall, with respect to the incorporated areas of Circleville Town, review and make a recommendation to the Town Council for:
  - a. a general plan and amendments to the general plan;
  - b. land use regulations, including:
    - i. land use regulations regarding the use of land within the Town; and
    - ii. amendments to existing land use regulations.
2. Before making a recommendation to the Town Council on an item described in this Section, the Planning Commission shall hold a public meeting and public hearing, if applicable, in accordance with **UCA 10-9a-2**.
3. **General Plan.** It shall be the duty of the Planning Commission, after holding public hearings, to assist in the creation of and recommend to the Town Council, a General Plan for Circleville Town, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the Town. The General Plan shall include at least the following elements:
  - a. official maps;
  - b. growth and land use;
  - c. commercial/industrial uses;
  - d. transportation and utilities;
  - e. community facilities;
  - f. housing;
  - g. environmental; and
  - h. geologic/natural hazards.

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

4. **Zoning Ordinance.** It shall be the duty of the Planning Commission to assist in the development of and recommend to the Town Council a Zoning Ordinance, in accordance with the guidelines of the General Plan, establishing zones within the Town. Such regulations shall be made regarding the character of each District and the most appropriate use of land within the Town.
5. **Subdivisions.** It shall be the duty of the Planning Commission to develop and certify



regulations governing the division of land in accordance with the adopted regulations.

6. **Conditional Uses.** It shall be the duty of the Planning Commission to review requests for Conditional Use Permits and make recommendations to the Town Council.
7. **Zoning Map.** It shall be the duty of the Planning Commission to assist in the development of and recommend to the Town Council, an official Zoning Map for all areas included within the Town.

## **2.9 Appeals and Hearings**

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

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

## TITLE 3 TOWN COUNCIL

### 3.1 Form of Government

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

### 3.2 Duties and Powers

1. The Town Council shall, with respect to the incorporated areas of Circleville Town:
  - a. exercise all legislative powers, have all legislative duties and perform all legislative functions of the Town.
  - b. consider each land use application or regulation that the Planning Commission recommends.
  - c. provide notice as required by **UCA 10-9a-2** and hold a public meeting to consider the Planning Commission's recommendation.
2. The Town Council may, with respect to the incorporated areas of Circleville Town:
  - a. take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by State statute.
  - b. approve a land use application or regulation as recommended by the Planning Commission.
  - c. approve a land use application or regulation with revisions, and/or conditions, or
  - d. deny the recommended land use application or regulation.
  - e. consider the Planning Commission's failure to make a timely recommendation as a negative recommendation.
  - f. require onsite and offsite improvements, facilities and amenities if they are determined necessary to protect the health, safety and general welfare of the residents of the Town, and are found consistent with the intent of this and other related ordinances.

### **3.3 Appeals**

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

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

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

### **3.4 Officers**

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

## **TITLE 4 APPEAL AUTHORITY**

### **4.1 Establishment**

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

### **4.2 Appointment**

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

### **4.3 Duties and Powers**

The Circleville Town Appeal Authority shall have the following duties:

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

### **4.4 Officers**

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

### **4.5 Variance Review Criteria.**

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

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

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

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

## **4.6 Appeals**

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

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

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

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

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

## **TITLE 5 ZONING OFFICIALS**

### **5.1 General**

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

### **5.2 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 Circleville Town.

### **5.3 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 6 GENERAL PROVISIONS

### 6.2 Building Permits

**6.2.1 General.** It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure greater than 1200 square feet within the incorporated areas of Circleville 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.

**6.2.2 Water Connections.** Any building permit requiring a new water connection shall require Town Water Authority approval prior to issuance of the building permit. A Developer or property owner shall bear the cost to extend the water line to existing Town Infrastructure if necessary.

**6.2.3 Septic Requirement.** Any building permit requiring a new Septic system shall require Town approval prior to the issuance of the permit from the local health department or DEQ.

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

### 6.3 Fencing

**6.3.1 General.** Unless specifically approved by the Planning Commission and/or Building Official, any wall, fence or hedge shall not exceed those found in Table 6.3.

Table 6.3  
Maximum Wall, Fence or Hedge Heights

Yard	Height (feet)
Front	3.5
Side	6.0
Rear	6.0

**6.3.2 Fence Types.** Any solid wall, fence, or hedge (excluding primarily transparent designs like metal bar or chain link) should generally not exceed 3.5 feet in height within 15 feet of a front property line. For corner lots, this height guideline applies within 15 feet of property lines fronting a street or road, but may be adjusted as necessary to maintain safety and visibility.

### 6.4 Accessory Buildings

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

**6.4.2 Setbacks.** *Accessory buildings* shall meet the same front setback requirements as the main building.



However, the side and rear yard setbacks for any accessory building shall be 10 feet. An accessory building may be built on the side or rear property line upon approval from the Building Official as a fireproof structure (metal, block or cement).

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

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

## 6.5 Easements and Rights-of Way

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

3. Roads, streets, highways.
4. Railroads, tramways, cableways and conveyor systems.
5. Pipelines for the transmission of water, wastewater, materials, fuels or products.
6. Overhead or underground transmission or distribution lines, including poles, towers and conductors.
7. Uses not requiring continuous routes along the ground such as radio, television or microwave relay stations and towers.
8. Structures and facilities incidental to the above.
9. A Public Utility Easement is required on all lots. An 8' side and rear PUE is required, with a 12' PUE on any street fronting a public right of way.

## 6.6 Special Regulations

### 6.6.1 Home Occupations.

Classification. Home Occupations shall be classified as follows:

**Class A:** little to no impact on the Conditional Use Review Criteria listed in 7.6 of this Title (i.e., home offices, etc.).

**Class B:** clear impact on the Conditional Use Review Criteria listed in 7.6 of this Title (i.e., daycares, salons, retail, manufacturing, rentals, etc.).

Conditions. Home Occupations shall comply with the following conditions:

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

**6.6.2 Adult Uses.** *Adult Uses* shall be permitted as a conditional use.

Conditions. Adult Uses shall comply with the following conditions:

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

**6.6.3 Mines, Quarries and Gravel Pits.**

Extractions from deposits of rock, stone, gravel, sand, earth, minerals or construction materials shall be permitted as a conditional use, including mining claims on Federal lands within the incorporated areas of Circleville Town.

## TITLE 7 CONDITIONAL USES

### 7.1 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.

### 7.2 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 Circleville Town Fee Resolution shall be collected at the time of submittal.

### 7.3 Determination

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

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

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

## **7.4 Expiration and Revocation**

**7.4.1 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.

**7.4.2 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 Circleville Town Council.

Conditional Use Permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.

## **7.5 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.

## **7.6 Conditional Use Review Criteria**

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

The request:

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

## TITLE 8 NONCONFORMING USES

### 8.1 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.

### 8.2 Discontinuance

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

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

### 8.3 Enlargements and Modifications

**8.3.1 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.

**8.3.2 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.

**8.3.3 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.

**8.3.4 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 9 SUBDIVISIONS

### Section 9.1.101 Purpose

The purposes of this chapter are:

1. To promote the health, safety, and general welfare and preserve the quality of life of the residents in the Town of Circleville.
2. To ensure the efficient and orderly development of land within the Town of Circleville.
3. To avoid poorly planned development that:
  - a. Does not comply with the Circleville General Plan or Circleville Town Ordinances;
  - b. Cannot be adequately served by existing utilities, infrastructure, or services; and
  - c. May be dangerous or unsafe.
4. To provide for:
  - a. Design standards for and construction of public improvements, facilities, and utilities;
  - b. Access to public rights-of-way, including, but not limited to, easements; and
  - c. The dedication of land deemed necessary for the proper development of the subdivision;

### Section 9.1.102 Definitions

The following words and phrases used in this chapter shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context. Unless the context clearly indicates to the contrary, words used in the plural number include the singular and vice versa.

**Administrative Land Use Authority:** Means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission. It does not include a municipal legislative body or a member of a municipal legislative body. For a Final Plat it does not include a Planning Commission.

**Applicant:** An individual, group of individuals, or entity submitting an application for a subdivision. An applicant shall demonstrate either ownership or authorization to represent the owner, in writing, of all properties included in the subdivision.

**Half Streets:** These are proposed streets with half the required right-of-way width for its functional classification, located on the bounding edge of a parcel proposed for development, in any subdivision.

Open Space: Common Useable Open Space shall be defined as planned common outdoor improved landscaped areas suitable for relaxation and recreation. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.

Planning Commission: The term "planning commission" means the Circleville Town Planning Commission, unless another planning commission is specifically named.

Property: The word "property" means any tract, lot, parcel, or several of the same collected together for purposes of subdividing.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application; (ii) the municipality's review of that subdivision land use application; (iii) the municipality's response to that subdivision land use application, in accordance with this section; and
- (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

Simple Lot Subdivision: A residential metes and bounds division of land by means of a record of survey as outlined in this Title and Utah State Code 10-9a-605(1).

Subdivider: The word "subdivider" means an individual or entity having record title in any tract, lot, or parcel of land to be subdivided; or an agent of such individual or entity when such individual or entity has provided written consent and acknowledgement for such agent to act in behalf of the owner and has outlined the scope of agent authority.

Subdivision: The word "subdivision" is defined as the division of property into two or more parts for the purpose, whether immediate or future, of sale or of building development; provided, that if any one person within one calendar year divides any property into ten or fewer lots, such land shall be deemed a simple lot subdivision within the meaning of this chapter. A subdivision shall not include a bona fide division or partition of agricultural land in parcels of more than one acre for other than developmental purposes, if such division or petition meets the requirements of Utah Code Ann. §10-9a-605(2), as amended.

Subdivision Improvement Plans: Means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

Subdivision Ordinance Review: Means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

Subdivision Plan Review: Means 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 municipal ordinances and applicable standards and specifications.



### **Section 9.1.103 Authority to Impose Conditions**

This chapter is designed to inform the subdivider and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property is unique and has its own set of circumstances, and because there are some aspects of subdivision development that cannot easily be articulated, it is not possible to cover every possible condition. Therefore, the planning commission has the authority to impose exactions upon a subdivider in addition to the standards and requirements contained herein, including but not limited to exactions regarding water.

### **Section 9.1.104 Considerations**

1. The Circleville General Plan shall guide the use of all land within the boundaries of the Town. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the greatest extent possible to the land uses shown and the objectives established in the General Plan.
2. The subdivider shall make application as provided herein and prepare a plat consistent with the standards and requirements contained herein and any other standards adopted by the Town and shall pay for the design, construction, and inspection of the required public improvements. The Town shall process the plat in accordance with the regulations set forth herein. The subdivider shall not alter or remove any vegetation from the proposed subdivision site or engage in any site development until they have obtained the necessary approvals contained in this Chapter. In cases where standards contained herein conflict with any other standards adopted by the Town the stricter standard shall apply.

### **Section 9.1.105 Subdivision Standards and Procedure**

Subdivision Standard:

1. Except for authorized divisions of land through a record of survey, no person shall subdivide any tract of land which is located wholly or in part within the corporate limits of Circleville Town, nor shall any person sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision of a large tract of land nor shall any person record any deed conveying such a parcel of land or any interest therein, unless he or she shall first obtain approval of a final plat, which shall be recorded before such sale or exchange or purchase is effected, and which shall be in accordance with all of the requirements of this chapter. Failure to follow the requirements herein will result in an illegal subdivision.

## Pre-Application Meeting

1. An applicant for a subdivision may request a pre-application meeting with the Town. At this meeting, the Town will provide information on accessing applicable land use ordinances, a complete list of standards required for the project, preliminary and final application checklists, and feedback on the concept plan.
2. With regard to a pre-application meeting, the following shall apply:
  - a. The applicant shall submit a concept plan for staff review
  - b. The municipality shall, within fifteen (15) business days after the request, schedule the meeting to review the concept plan and give initial feedback
  - c. At the pre-application meeting, the Town shall provide or have made available on the municipal website the following:
    - i. Copies of the applicable land use regulations
    - ii. A complete list of standards required for the project
    - iii. Preliminary and Final Plat checklist
  - d. Pre-application review of a concept plan does not create any vested rights and feedback on the concept plan does not grant or infer any official standing or approval. The applicant is responsible to adhere to the ordinance.
3. The Concept Plan shall include the following:
  - a. The general location of the subdivision and the property boundaries of the proposed subdivision area, showing:
    - i. overall project acreage
    - ii. the general layout of the proposed subdivision and its relationship to the adjacent properties
    - iii. the location, size, width, and frontage of each proposed lot
    - iv. the location, width and general configuration of proposed roads in the subdivision
    - v. waterways located within or near the proposed subdivision
  - b. Topographic contours from available data, e.g. USGS maps, if located on a slope
  - c. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those who review the proposals.
    - i. Current and proposed zoning
    - ii. Proposed use of the property
    - iii. Manner for complying with the improvement guarantee, irrigation system, and any other public improvements
  - d. Feasibility:
    - i. Review of available water resources and water and sewer connections
  - e. Any phasing plan, if applicable

### **Section 9.1.106 Preliminary Plat Filing and Review**

This chapter outlines the process to submit and review preliminary plans and the accompanying subdivision improvement plan. The intention is for the definitions and process for application, review, and approval to follow Utah State Code 10-9a-604, et seq.

1. **Prior Approvals:** If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to submittal of the preliminary plan application.
  - a. For the legislative approval, the Town Council may grant an approval contingent on completion of the subdivision process within a given time frame.
2. **Optional Pre-Application Meeting:** Prior to filing a Preliminary Plan, the applicant may request a Pre-Application Meeting to review the Concept Plan with applicable Town staff or representatives, as outlined in the prior chapter.
3. **Application Provided:** The Town shall provide, or have available on the Town website, each of the following:
  - a. The Preliminary Plan application
  - b. The owner's affidavit
  - c. A breakdown of application fees
  - d. A copy of the applicable land use ordinance
  - e. Complete list of standards required for the project
  - f. Preliminary Plan drawings checklists
4. **Submittal:** To apply for Preliminary Plan approval, applicants must follow instructions on the form provided by the Town and submit all required materials, including:
  - a. Complete Preliminary Plan application
  - b. Owner's affidavit
  - c. An electronic copy of all plans in a PDF format
  - d. Preliminary and Subdivision Improvement Plan drawings and designs
  - e. Payment of all Preliminary Plan fees
  - f. All other required details, specifications, information, permits, will-serve letters, and other information as detailed in Circleville Town Code, Town development standards, and any regulations by other applicable jurisdictions.
5. **Check for Completeness:** The Town will review the submission for completeness.
  - a. If the submittal includes all materials, the Town receives the submittal and starts the first review cycle.
  - b. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the Town has made a determination that the application is complete.

6. **Water Conveyance Facilities:** If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
  - a. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
  - b. **Water Conveyance Facility:** Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b
7. **Utilities:** Circleville Town will submit the preliminary plat to designated representatives of public utilities and/or facilities for review and verification of proposed utility locations and impacts to existing utility facilities.
8. **Town Review Time Frame:** Within forty (40) days the Town shall complete a review of the preliminary plan and subdivision improvement plan, except as follows:
  - a. **Geological Hazard Areas:** The review cycle dates do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
  - b. **Land Uses:** The review cycle number of days only applies to single family, two family, and Townhome developments. It does not apply to other land uses, such as commercial, industrial development, or other multifamily development.
9. **Determination of Corrections Required:** After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response. This marks the end of the respective review cycle.
  - a. **Application Requires Corrections:** If the application is found to require corrections, the Town must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
  - b. **Additional Information Required:** The Town may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements.
  - c. **Application Meets All Standards:** If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.

10. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
11. Resubmittal: After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
12. Check for Completeness: The Town shall review the resubmittal to ensure the applicant has responded to each item logged in the index of requested modifications or additions.
  - a. If the response does not address each item, the Town shall return the submittal to the applicant.
  - b. New Review Cycle: An applicant's complete resubmittal shall constitute a new review cycle.
13. Town Review of Resubmittal
  - a. Time Frame: The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
    - i. If the applicant responded within forty (40) days, the Town has forty (40) days to complete the second review cycle.
    - ii. If the applicant responded after forty (40) days, the Town has sixty (60) days to complete the second review cycle.
    - iii. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
  - b. Land Uses: The review cycle number of days only applies to single family, two family, and Townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
  - c. New Corrections: If the Town neglected to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if it is necessary to protect public health and safety or to enforce state or federal law.
  - d. Determination of Corrections Required: At the end of the Town's review, the Town shall make a determination of corrections required, if any, as outlined in subsection (8).
14. Fourth Review Cycle: An application for Preliminary Plan and Subdivision Improvement Plan approval shall not exceed four (4) review cycles.
  - a. Fourth Review: If, after the fourth (4) review cycle the application is found to not meet all required corrections, the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification.
    - i. Appeal: The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.

15. Application Ready for Approval: If the Town determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority to complete the review.
  - a. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant.
    - i. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward or to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
16. Dispute of Determination: If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
  - a. Subdivision Improvement Plan Dispute: For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
  - b. Preliminary Plan Dispute: 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.
17. The appeal authority shall be the Town Council.

#### **Section 9.1.107 Preliminary and Subdivision Improvement Plan Contents**

1. Each Preliminary Plan and Subdivision Improvement Plan shall be accompanied by:
  - a. completed application form
  - b. a filing fee in the amount established in the fee schedule by the Town Council
  - c. a current title report showing clear ownership of all property within the subdivision along with any encumbrances
  - d. will-serve letters for any utility companies intended to provide services to the properties.
  - e. any site-specific requirements, such as hazard mitigation, soils reports, and UDOT approvals
2. In addition to the contents listed herein, the Town Council may authorize a checklist of all submittal requirements. Each Preliminary Plan and Subdivision Improvement Plan shall contain all required items included on the checklist, which if adopted, is an appendix to the Circleville Town Code.
3. Preliminary Plat and Design Drawings, Minimum Contents: The preliminary plat and design drawings shall be drawn to a scale not smaller than one hundred (100) feet to the inch, and shall show:

- a. A legal description of the subdivision which shall be located in a title block in the lower right corner of the plat and shall include the subdivision name and the location including the section, Township and range.
- b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's ownership. In such case, a sketch of the prospective future street system of the un-platted parts shall be submitted; and the street system of the party submitted shall be considered in the light of adjustments and connections with the future street system of the larger area;
- c. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
- d. Contour map at appropriate intervals;
- e. Building setback lines and numbering sequence;
- f. Public utility easements;
- g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, water courses, utility lines, exceptional topography and structures within the proposed subdivision and within a two hundred-foot (200') perimeter of the subdivision;
- h. Existing storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto;
- i. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public;
- j. North point, scale and date;
- k. Plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed sanitary septic disposal facilities, proposed water mains and hydrants and other proposed utilities, proposed stormwater drainage facilities and other proposed improvements, planting and parks, and any grading of individual lots;
- l. Verification of culinary water availability; and
- m. Vicinity map.
- n. Storm Drain Design Report: A report prepared by a licensed engineer detailing hydrologic, hydraulic calculations for the proposed subdivision. The report shall show conformance to Town Standard storm drain practices.

#### **Section 9.1.108 Preliminary Plat and Subdivision Improvement Plan Approval**

1. Administrative Land Use Authority: For approval of a Preliminary Plat and Subdivision Improvement Plan, the Administrative Land Use Authority shall be the Planning Commission.
2. Public Hearing: The Planning Commission may conduct a public hearing and a Public notice shall be sent to all properties within 300 feet of the proposed subdivision.

3. Approval: If the Administrative Land Use Authority finds the applicant has completed all requirements addressed during review, and the proposed plat and subdivision improvement plan comply with the requirements of this Title and all adopted standards and specifications, then it shall approve the Preliminary Plan and Subdivision Improvement Plan.
4. Corrections Required: The Administrative Land Use Authority shall remand the application back to the applicant for a new review cycle, unless the applicant has already completed four (4) review cycles, if the Administrative Land Use Authority finds that either:
  - a. The applicant has not completed all requirements as outlined in the review index, or
  - b. The application does not address all requirements, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.
5. Denial: The Administrative Land Use Authority shall deny the application if either:
  - a. The applicant is unwilling to make required corrections or provide required information.
  - b. The application has completed the fourth (4) review cycle and the applicant has failed to meet the stated requirements.

#### **Section 9.1.109 Duration of Preliminary Plat and Subdivision Improvement Plan Approval**

1. 1. Approval of the Preliminary Plan by the Town shall be valid for a period of twelve (12) months after approval.
  - a. If an applicant has not submitted a complete application for Final Plat approval within twelve (12) months, the Preliminary Plan and Subdivision Improvement Plan approval is deemed to have lapsed.
  - b. For a Preliminary Plan with multiple phases, the Plan remains active provided a Final Plat is recorded at least every 24 months. If a Final Plat has not been recorded within the 24-month period, the Preliminary Plan must again be submitted to the Town for re-approval.

#### **Section 9.1.110 Final Plat Filing and Review**

1. Time Frame: Within twelve (12) months after approval of the Preliminary Plan and Subdivision Improvement Plan the applicant shall make a complete Final Plat submittal, otherwise the prior application approval shall lapse and the applicant will have to seek reapproval.
2. Pre-Application Meeting: An applicant may request a pre-application meeting. If so, the Town and the applicant shall follow the provisions of Circleville Town Code 10-1-105 before proceeding to the next step.
3. Application Provided: The Town shall provide, or have available on the Town website, each of the following:
  - a. The Final Plat application



- b. The owner's affidavit
  - c. A breakdown of application fees
  - d. A copy of the applicable land use ordinance
  - e. Complete list of standards required for the project
  - f. An electronic copy of all plans in PDF format
4. Application is made by following instructions on the form provided by the Town and submitting all required materials, including the following:
- a. A (PDF) file of the plat.
  - b. All fees for the Final Plat application are due upon filing the application.
  - c. All other information required on the Final Plat Checklist and necessary to determine compliance with this code and all applicable regulations.
5. Check for Completeness: The Town checks the submittal for completeness.
- a. If the submittal includes all materials, the Town receives the submittal and starts the review.
  - b. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the Town has made a determination that the application is complete.
6. Town Review Time Frame: After a determination that the application submittal is complete, the Town begins its review. The Town has a thirty (30) day review window to conduct its review and provide comments to the applicant.
- a. a. Land Uses: The review cycle number of days only applies to single family, two family, and Townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
7. Water Conveyance Facilities: If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
- a. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
  - b. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.

8. Utilities: Circleville Town will submit the plat for review to designated representatives of public utilities and/or facilities for review and verification of proposed utility locations and impacts to existing utility facilities.
9. Attorney Review: During review, the designated Town Attorney may review the Final Plat and shall recommend approval if the attorney finds that:
  - a. There is a current title report from a licensed title company showing that the person or entity dedicating the property described on the Final Plat is the title owner as shown on the records of the County Recorder's Office.
  - b. The performance bond, escrow deposit, letter of credit, or trust deed with the Town is in appropriate form and signed by the necessary parties.
  - c. That the subdivision does not, in the attorney's opinion, violate any ordinance of the Town or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto.
10. Determination of Corrections Required: Within the review window specified in Subsection (6) the Town shall complete a review of the Final Plat and all submittal contents and provide a response to the applicant. The Town shall determine whether the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response.
  - a. Application Requires Corrections: If the application is found to require corrections, the Town must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
  - b. Additional Information Required: The Town may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications.
  - c. Application Meets All Standards: If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
11. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
12. Resubmittal: If corrections were required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
13. Check for Completeness: The Town shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.
14. Time Frame to Review: If the resubmittal is complete, the Town shall review the application and provide written comments within the applicable review window, as outlined in subsection (6).

- a. a. Land Uses: The review cycle number of days only applies to single family, two family, and Townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.

15. Determination of Corrections Required: At the end of the Town's review, the Town shall make a determination of corrections required, if any, and take action as outlined in subsection (9).

16. Dispute of Determination: If, on the fourth and final review, the Town fails to respond within forty (40) business days, the Town shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

- a. Advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
  - i. The appeal authority shall be the Town Council.

### **Section 9.1.111 Final Plat Contents**

1. Upon the planning commission's approval of the preliminary plat and design drawings, the subdivider shall prepare and submit a final plat and design drawings with dimensions of twenty-four inches by thirty-six inches (24" x 36"). The final plat shall include:

- a. Subdivision name, approved by the planning commission and the general location of the subdivision, in bold letters at the top of the sheet;
- b. A north point and scale of the drawing and the date;
- c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines;
- d. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also, the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the Town. All proposed streets shall be named or numbered consecutively under a definite system approved by the Town. All proposed streets shall be named or numbered in accordance with and conform with the adopted street naming and numbering system of the Town;
- e. True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat and shown by appropriate symbol. Basis of bearings shall be clearly stated
- f. Total dimensions of all lines including lengths, bearings, radii, chords, internal angles and location of points of curvaton.
- g. The dedication to the public of all streets included in the subdivision. Street monuments shall be installed by the surveyor as designated on the plat and as required by Piute County.
- h. Vicinity map.

- i. The location, names and existing widths of adjacent streets.
  - j. The names and numbers of adjacent subdivisions, and the names of owners of adjacent un-platted land.
  - k. The boundaries of areas subject to flooding or storm water overflow as determined by the Town approved civil engineer.
  - l. Location and size of septic tanks/drain fields, water mains and any other private or public utility.
  - m. Storm Drain Design Report: A report prepared by a licensed engineer detailing hydrologic, hydraulic calculations for the proposed subdivision. The report shall show conformance to Town Standard storm drain practices.
  - n. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
    - i. Description of land to be included in subdivision,
    - ii. Registered professional engineer and/or land surveyor's "certificate of survey,"
    - iii. Owner's dedication which shall warrant and defend and save the Town harmless against any easements or other encumbrances on the dedicated streets which will interfere with the Town's use, maintenance, and operation of the streets,
    - iv. Notary public's acknowledgment,
    - v. Planning Commission's certificate of approval,
    - vi. The certificate of acceptance from the engineer chosen by the Town, vii. Town Council's certificate of acceptance,
    - vii. Town Clerk's certificate of attest;
  - o. A three-inch-by-three-inch space in the lower right-hand corner of the drawing for recording information shall be provided unless a standard approved subdivision platform is used.
2. The subdivider shall furnish a complete set of profiles of all streets existing and proposed within the subdivision at the time of submission of the final plat.
  3. The subdivider shall be required to install such street improvements as the Town shall require to meet standards adopted by the Town and to conform with surrounding areas, including but not limited to street grading and surfacing, as well as street drainage and drainage structures, water mains, monuments, street name signs, and fire hydrants, including hydrant and valve boxes, all such improvements must comply with American Public Works Association (APWA) standards, or adopted Circleville Town construction standards, whichever is more stringent, and be under supervision of the Town water superintendent or Town engineer, inclusive of street area.

**Section 9.1.112 Final Plat Approval and Recordation**

1. Ready for Final Approval: Once all reviewing Town staff have found the Final Plat to be in conformity, the plat will be submitted to the Administrative Land Use Authority for approval.

2. Land Use Authority: For Final Plat approval, the Administrative Land Use Authority shall be a board or individual appointed by the Town. The Administrative Land Use Authority may not be the Town Council or Planning Commission and no public hearing shall be held.
  - a. No public hearing may be held for the subdivision Final Plat approval.
3. Approval: The Administrative Land Use Authority shall approve the Final Plat if it finds:
  - a. a. The proposed plat complies with the requirements of Town Code, Utah State Code, and all other applicable policies and regulations,
  - b. b. The plat has been approved by all regulatory bodies, such as a culinary water authority, sanitary sewer authority, or County Health Department, as applicable,
4. Denial: The Administrative Land Use Authority may deny or remand the proposed Final Plat if:
  - a. a. The Administrative Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
  - b. b. The applicant is unwilling to make required corrections or provide required information.
5. Appeal: Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.
6. Signing the Plat: If approved, each owner of record of land within the approved subdivision, the Planning Commission Chair, Town Council Chair, and Town Engineer shall sign the Final Plat. Utility providers shall be given the opportunity to sign the plat, but are not required to do so.
7. Subdivider Posts Performance Guarantee: Upon approval by the Administrative Land Use Authority, the subdivider shall proceed to post or make arrangements suitable to the Town for posting a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of Circleville Town Code.
  - a. a. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.
8. Correcting mistakes at Recordation: The designated Town Engineer may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer finds the proposed modifications are in line with the intent of the approval and do not jeopardize the interest of the Town or adjoining property owners.
  - a. The types of minor amendments contemplated in this section include legal description mistakes, surveyor errors—such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.
9. Recording: Following approval, the Town shall deposit the Final Plat, bearing all official approvals, in the office of the Piute County Recorder for recording.
  - a. Only the Town may record Final Plats.

- b. The Final Plat must be recorded within one (1) year of approval. If the Final Plat is not recorded within one (1) year of plat approval, the approval expires and the plat must be resubmitted.
  - c. Upon the recording of the plat, the owner may thereafter proceed to convey title to the lots as described by the plat.
10. Releases Of Performance Guarantees: All partial and final releases of performance guarantees shall be approved by action of the Town in accordance with Circleville Town Code. The granting of the final release by the Town Council shall constitute the acceptance of the improvements by the Town.
11. Submit to Utah Geospatial Resource Center (UGRC): Within 30 days after approving a final plat under this section, a municipality shall submit to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency service database:
- a. an electronic copy of the approved final plat; or
  - b. preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

**Section 9.1.113 Subdivision Exemption—Simple Lot Subdivision**

1. Purpose. Utah State Code provides an exemption from many subdivision requirements for subdivisions with ten (10) or fewer lots. The Town of Circleville utilizes this simple lot subdivision process and has elected to allow for simple lot subdivisions with five (5) or fewer lots. The intent is to provide a process that is as quick and simple as possible. In this process, an applicant divides property through a metes and bounds record of survey.
2. Applicability. A simple lot subdivision shall have five (5) or fewer lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and Final Plat subdivision process.
3. Required Conditions. To qualify for simple lot subdivision approval, the proposed simple lot subdivision shall:
  - a. Be for single-family dwellings, and any associated accessory apartment,
  - b. Be located on property zoned for such use,
  - c. Contain five (5) or fewer lots,
  - d. Not contain any legislative approval, such as a zone change or text amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision request,
  - e. Not be traversed by the mapped lines of a proposed street as shown in the general plan unless the Town has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality’s ordinance requires, and

- f. Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.
4. Filing a Simple Lot Subdivision Record of Survey. The subdivider of a simple lot subdivision shall:
  - a. file an application with the Town on a form prescribed by the Town,
  - b. provide an electronic PDF of the record of survey showing the land to be subdivided, properly and accurately drawn to scale and with sufficient additional information to determine the boundaries of the proposed subdivision,
  - c. the record of survey shall be certified as to the accuracy by a licensed land surveyor.
5. Submittal Contents. An applicant shall submit an application to the Town for a simple lot subdivision that includes, at a minimum, each of the following:
  - a. A statement containing the zone, lot size, lot width, lot depth, and amount of frontage along a public street for each proposed lot
  - b. Will serve letters from each utility provider for all required utilities. Simple lot subdivisions shall not be approved until the applicant provides utility hookups to each proposed lot
  - c. Approval by the culinary water authority
  - d. County Health Department approval for any septic system, if permitted
  - e. The name of the applicant or authorized agent and contact information
  - f. A title report showing ownership by the applicant and any and all encumbrances that may affect the property
  - g. A property address and parcel number of all properties included in the application
  - h. A metes and bounds description of the property proposed to be split
  - i. A subdivision name. This needs to be reviewed by the Office of the Piute County Recorder to ensure that the name does not conflict with any existing subdivision and the name is acceptable to their Office.
  - j. A record of survey map, showing each new lot, which includes the following details:
    - i. the location of survey by quarter section and Township and range,
    - ii. the date of survey,
    - iii. the scale of drawing and north point,
    - iv. the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including Township and range, or to identified monuments within a recorded subdivision,
    - v. all measured bearings, angles, and distances separately indicated from those of record,
    - vi. a written boundary description of property surveyed,
    - vii. all monuments set and their relation to older monuments found,
    - viii. a detailed description of monuments found and monuments set, indicated separately,
    - ix. the surveyor's seal or stamp,

- x. the surveyor's business name and address, and
- xi. a written narrative that explains and identifies:
  - 1. the purpose of the survey,
  - 2. the basis on which the lines were established; and
  - 3. the found monuments and deed elements that controlled the established or reestablished lines.
- xii. If the narrative is a separate document, it shall contain:
  - 1. the location of the survey by quarter section and by Township and range,
  - 2. the date of the survey,
  - 3. the surveyor's stamp or seal, and
  - 4. the surveyor's business name and address.
- xiii. The map and narrative shall be referenced to each other if they are separate documents.
- xiv. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

6. Site Specific Contents. The following documents shall accompany the Record of Survey if and when deemed necessary:

- a. Soils Report. The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR or existing soils, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a Civil Engineer licensed in the state of Utah. The report shall include a minimum groundwater height factor for a peak month in a wet year for the lowest buildable floor elevation. The lowest buildable floor elevation shall be a minimum of three (3) feet above the highest groundwater level in a wet year. Foundation drains shall be required depending on the recommendations based on the GeoTech report.
- b. Storm Water Plan. The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
- c. Wetland Delineation Study. If there are potential wetlands in a development the applicant may be required by the Army Corps of Engineers to submit a wetlands delineation by a qualified wetlands scientist. This delineation may need to be reviewed by a qualified wetlands scientist hired by the Town. All costs for the delineation and review shall be borne by the applicant.
- d. Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.

### **Section 9.1.114 Simple Lot Subdivision Review and Approval Process**

Review and Approval Process. The intent is to provide timely review and approval of all complete applications, as follows:



1. Optional Pre-Application Meeting: An applicant may request to meet with Town staff and representatives prior to submittal to review the application and requirements.
2. Preliminary Review: The applicant shall submit the application and all required contents.
  - a. The Town will check for completeness. If the application is found to not include all required materials, the application shall be returned to the applicant until all required contents are included.
  - b. Once the application is determined to be complete, the Town shall begin an administrative review.
3. Administrative Review: The Town will review the application to determine whether it meets all applicable requirements. Fundamental questions include:
  - a. Have all required conditions been met and are all submittal contents included and accurate?
  - b. Does the application meet all requirements of this code? Common review items include lot size and width, minimum required frontage along a public street, utility connections, and public right of way improvements.
  - c. Are any lots located in a hazard area (such as a FEMA flood plain), and if so, do the lots meet the applicable requirements of the jurisdiction regulating the hazard?
  - d. If each of the requirements are met, the project shall be forwarded to the Planning Commission for approval or denial.
4. Planning Commission Review:
  - a. Public hearing: The Planning Commission shall hold a public hearing. A public notice shall be sent to all properties within 300 feet of the property, notifying the property owners of the time and place of the public hearing and the nature of the request.
  - b. Decision: If the proposed simple lot subdivision meets all requirements, the Planning Commission shall approve the application. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny the application.
5. Recording the Record of Survey.
  - a. After the Planning Commission has approved the simple lot subdivision request, the Town shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the Town Recorder, specify the name of the subdivision, the number of lots, and the date of Council approval.
  - b. The applicant shall provide a check sufficient to cover the recording fees.
  - c. Within one (1) year of approval, the Record of Survey, with the accompanying written certificate of approval, shall be recorded in the Office of the Piute County Recorder.
6. Expiration.

- a. Expiration of Application: If a record of survey application is not completed within one (1) years of submittal, the application is deemed to have lapsed and the applicant will need to submit a new application.
- b. Expiration of Final Approval: If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.

### **Section 9.1.115 Street Requirements**

1. The alignment and width of all extended through streets shall be preserved unless unusual topographical conditions make a modification advisable.
2. Where a large subdivision abuts upon a major thoroughfare, the Town Council may require access streets, which are streets that are parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic, to be included in the street plan.
3. Street width is to be measured from lot line to lot line. Except for a residential street, as defined and outlined in Utah Code 10-9a-533, and Circleville Design Standards, the minimum width of streets, unless otherwise expressly permitted by the Town Council, so measured, shall be for all streets, sixty-six (66) feet.
4. All dead-end streets must, unless otherwise expressly permitted by the Town council, provide at their terminus a turnaround with a radius of at least fifty (50) feet, and shall provide adequate means of drainage.
5. Between reverse curves a tangent of at least one hundred (100) feet shall be required unless in the opinion of the Town engineer such is not necessary.
6. Streets shall intersect each other as near as possible at right angles.
7. Minimum street grades of 0.5 percent will be required with the maximum grade being eight percent for secondary and major streets and twelve (12) percent for all streets. Where the observance of this standard is impossible, the Town council shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or, in the opinion of the council, the best subdivision of the land is thereby secured.
8. Where street lines within a block deflect from each other at any one point more than ten (10) degrees, there shall be a connecting curve. The radius of the curve for the inner street line should be not less than three hundred fifty (350) feet for all streets.

9. New street names shall not duplicate those already existing. A street obviously a continuation of another already in existence and named should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the Town council.
10. All streets within the Town limits will be required to be dedicated for public use. No subdivision shall have private streets. The dedication of half streets is prohibited.
11. No subdivision for residential development shall be approved except in a residential district.

#### **Section 9.1.116 Street and Utility Improvements Requirements**

1. The subdivider shall be required to install such street and utility improvements as the Town Council shall require to conform with surrounding area, including street grading and surfacing, as well as street drainage and drainage structures, water mains, monuments, street name signs, and fire hydrants including hydrant and valve boxes, all such improvements to be installed under the specifications and supervision of the Town designated Town engineer inclusive of street area.
2. Residential Subdivisions Construction Standards Requirements. The following construction standards requirements shall be required with respect to any residential subdivision:
  - a. All streets and culinary water system improvements will be required to meet Circleville Town's Construction Standards and approved by the Town Engineer.
  - b. In cases where residential property will be in common ownership within the subdivision or a homeowner's association is necessary and advisable, the subdivider shall pay the Town's cost in retaining an attorney who practices or specializes in homeowner association law to review and offer recommendation regarding the sufficiency of the subdivider's homeowner association documents on behalf of the Town.

#### **Section 9.1.117 Blocks**

The length of blocks generally shall be six hundred feet. The width of blocks generally shall be sufficient to allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

#### **Section 9.1.118 Lots**

1. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.
2. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance, if any, then in effect for the zone in which the subdivision is located, and to the minimum

requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.

3. Corner lots shall have extra width, of at least thirty (30) feet, sufficient for maintenance of required building lines on both streets.
4. Side lines of lots shall be approximately at right angles, or radial to the street line.
5. All remnants of lots below minimum size left over after subdividing a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
6. Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single ownership before approval of the final plat, and such transfer certified to the planning commission by the recorder.
7. Minimum Lot Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the zoning ordinance in which the lot is located.

#### **Section 9.1.119 Dedications of Parks, School Sites, Other Public Spaces**

1. All streets within the subdivision must be dedicated to the Town for public use.
2. The Town may require off-street parking areas within the retail center of a new subdivision and specify requirements for maintenance of the same.
3. Where natural or scenic features and/or historic community assets exist, such locations are to be safeguarded either by dedication to a public or private agency by the subdivider.
4. Dedication of all other open space within the subdivision will be required in accordance with the plans of the Town council relating to parks, recreational centers and other public uses.
5. Subdivisions with 20 residential units and larger must comply with the following requirements regarding open space:
  - a. Open space shall be provided at a minimum of  $\frac{1}{2}$  acre per every 20 residential units with a maximum requirement of 2 acres total. No requirement in this section shall preclude open space in excess of the minimum requirements. Open space shall be exclusive of any required setback areas.

- b. Considerations for xeriscape, recreational open space may be considered. In the case of proposals concerning xeriscape, recreational open spaces, the subdivider is required to submit the plans to the Planning Commission for their approval. Such areas must allow for recreational opportunities, including as examples, and not by way of limitation, picnic areas, pavilions, walking/biking paths, pickleball courts, tennis courts, basketball courts, and volleyball courts. In reviewing such plans, the Town will weigh the benefit of the xeriscape, recreational open space versus the maintenance costs.
  - c. The minimum amount of open space shall be provided in the preliminary plan of the development.
  - d. Open space shall be separated from streets, service and parking areas by a fence (refer to Circleville Town Code for fencing details).
  - e. Upon consideration of the designed and fully developed open space, including but not limited to the amenities provided within the open space, the number of residences served, access, parking, and whether such is in the best interest of the Town, the Town may, in its discretion, after request by the subdivider, accept ownership and maintenance of the open space.
6. When tracts to be subdivided are less than forty (40) acres, public space dedicated may be combined with dedications from adjoining tracts in order to receive usable recreational areas without resulting hardships on the subdivider of a small tract.

**Section 9.1.120 Easements**

All utilities shall be designed and constructed within deeded street right of ways, unless otherwise approved by Circleville Town. Where exceptions are granted to design and install utilities outside of platted street right of ways, easements shall be provided to Circleville Town to accommodate construction and maintenance of any such utilities.

**Section 9.1.121 Easements and Permits**

The building inspector shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this chapter. No Town officer shall grant any permit, license, or certificate for the use of any building or land if such use would be in violation of this chapter.

**Section 9.1.122 Completion of Improvements in Platted Subdivision**

- 1. Completion of Improvements and Security:
  - a. Policy: In order to protect buyers against purchasing property on which the site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished site improvements, such as erosion, flooding and blowing dust, it is the policy of the Town that

no plat will be approved within the Town limits unless and until the subdivider has provided adequate security for the benefit of the Town and the public to ensure completion of the site improvements in full compliance with the approved plans within two (2) years from the date of plat approval.

- b. Detailed Site Plans: A detailed site plan showing the location and nature of all on site and off-site improvements shall be submitted to the building inspector prior to final plat approval. These plans shall be examined by the Town engineer and shall be approved by him or her if he or she determines them to be in accordance with the requirements of this chapter and Town ordinances.
- c. Construction According to Approved Plans: No construction shall commence until Town approval of site plans, the Town's receipt of adequate security, and approval of final plat.

- 2. Amount of Security: The amount of the security to be posted by the developer is to be determined by the Town and shall be equal to one hundred percent (100%) of the amount reasonably estimated by the designated Town Engineer as being necessary to complete remaining on and off-site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Town Engineer, the developer may prove lower construction cost by providing binding contracts between the developer and the contractor or subcontractor appropriate to perform the required work at a stated, fixed price. A full performance bond, ensuring performance by the subcontractor or contractor, must support these contracts. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be one hundred percent (100%) of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.
- 3. Release of bond: Such bond shall not be released until the improvements have been accepted by the Town, upon recommendation of the designated Town engineer.

### **Section 9.1.123 Standard Details**

The Circleville Town Standard Details is incorporated herein by reference as part of this Ordinance and shall remain on file in the Town office. Development is required to meet the requirements in such details.

### **Section 9.1.124 Fees**

Subdivision approval within the Town shall be subject to the following fees established by the legislative body:

- 1. Preliminary Plat Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such preliminary subdivision plats.

2. Final Plat Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such final subdivision plats. As part of recording the subdivision, the developer shall also pay the normal fee for recording a subdivision in Piute County as established by the Piute County Recorder.
3. Non-Plat Subdivision Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the review of such application.
4. Inspection Fee: At the time of filing the final plat, the developer will deposit with the Town an inspection fee consisting of three percent (3%) of the estimated cost of improvements, as approved by the Town. The Town will draw on this deposit to pay the costs of inspection services for the subdivision. After final approval of all subdivision improvements, the Town will return to the developer any unused portion of the inspection fee. In the event that inspection costs exceed the subdivision fee deposit, the developer will pay to the Town the additional inspection costs.

#### **Section 9.1.126 Appeals**

1. Any party aggrieved by a decision of the Planning Commission may appeal such decision to the Town Council. Such action shall be taken within 30 days from the date of the Planning Commission hearing wherein the subdivision was reviewed, or as outlined herein. The notice of the appeal shall specify the grounds of the appeal and all previous actions of the planning commission related thereto. Upon receipt of the appeal, the Town Council will set a date for consideration of the appeal at a regularly scheduled meeting.
2. The decision of the Town Council shall be final as to the administrative action taken by the Town. Such a decision may affirm or reverse the decision of the Planning Commission in whole or in part. Appeals of any Town Council decision shall be to the District Court.

#### **Saving Clause**

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Circleville Town.

**TITLE 10**  
**MOBILE HOMES AND RECREATIONAL VEHICLES**

**10.1 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.

**10.2 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.

**10.3 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 Circleville 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 Circleville 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.

**10.4 Location**

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

**10.4.2 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 may be subject to fines. Each day of residence shall be a separate offense.

**10.4.3 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.



#### **10.4.4 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.

##### **10.4.4.1 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.

##### **10.4.4.2 Exceptions.**

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

## TITLE 11 ZONING DISTRICT

### 11.1 Establishment of Zones

For the purpose of this Title, the following Zone is created as necessary to regulate the development of the land in Circleville Town, Utah:

1. Residential-1 (R-1)

### 11.2 Boundaries of Zones

The boundaries of the Zone are established as described herein, and as shown on the map entitled "Zoning Map of Circleville Town Utah".

### 11.3 Filing of Ordinance and Map

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

### 11.4 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 RESIDENTIAL ZONE

### 12.1 Purpose

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

### 12.2 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.
5. Agricultural uses

### 12.3 Conditional Uses

1. Home occupations.
2. Short-term rentals.
3. Two-family dwelling units, one per parcel.
4. Commercial businesses
5. Multifamily dwelling units

### 12.4 Building Regulations

**12.4.1 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.

**12.4.2 Area, Width and Yard Regulations.** See Table 12.4.

Table 12.4  
Residential-1 Minimum Area, Width and Yard Regulations.

Zone	Min Area	Frontage	Front Setback	Side Setback	Rear Setback
R-1	.5 acre	100 feet	25 feet	10 feet	20 feet

**12.4.3 Other Provisions.** Residential lots with onsite wastewater (septic) shall have a minimum lot size of .5 acre per Local Health Department standards.

**Effective Date**

The provisions of this ordinance shall become effective when passed and approved by the Circleville Town Council and after any required posting and/or publication has been accomplished according to law.

**PASSED AND APPROVED** by the **CIRCLEVILLE TOWN COUNCIL**

**this 11th day of December, 2024**

**CIRCLEVILLE TOWN**

\_\_\_\_\_  
Kristi Westwood, Mayor

**ROLL CALL VOTE:**

Council Member Kaylie Barney	Yes _____	No _____
Council Member Stacie Gass	Yes _____	No _____
Council Member Shirl Fox	Yes _____	No _____
Council Member Shane Robinson	Yes _____	No _____

**ATTEST:**

\_\_\_\_\_  
Mekeisia Westwood, Clerk

**APPENDICIES**

**APPENDIX A**

**Circleville Town Fee Schedule**

**APPENDIX A**

**Circleville Town Fee Schedule**