
SAN JUAN COUNTY

UTAH

ZONING ORDINANCE

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CHAPTER 1.....	3
GENERAL PROVISIONS	3
CHAPTER 2.....	14
BOARD OF ADJUSTMENT.....	14
CHAPTER 3.....	16
SUPPLEMENTARY AND QUALIFYING REGULATIONS.....	16
CHAPTER 4.....	19
NONCONFORMING BUILDING AND USES.....	19
CHAPTER 5.....	21
PARKING REQUIREMENTS, LOADING SPACE, AND MOTOR VEHICLE ACCESS.....	21
CHAPTER 6.....	25
CONDITIONAL USES.....	25
CHAPTER 7.....	27
PLANNED UNIT DEVELOPMENT.....	27
CHAPTER 8.....	32
MOBILE HOMES AND MOBILE HOME PARKS.....	32
CHAPTER 9.....	35
CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARD.....	35
CHAPTER 10.....	36
ZONING DISTRICTS.....	36
CHAPTER 11.....	38
MULTIPLE USE, AGRICULTURAL, RURAL RESIDENTIAL DISTRICTS	38
CHAPTER 12.....	43
CHAPTER 13.....	48
INDIAN RESERVATION DISTRICT IR.....	48
CHAPTER 14.....	49
ADOPTION	49

CHAPTER 1

GENERAL PROVISIONS

1-1 Short Title

This Ordinance shall be known and may be so cited and pleaded as the
"ZONING ORDINANCE OF SAN JUAN COUNTY"

1-2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of SAN JUAN COUNTY, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering agricultural and other industries, and the protection of both urban and non-urban development.

1-3 Interpretation

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

1-4 Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

1-5 Definitions

For the purpose of this Ordinance certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Uniform Building Code shall be construed as defined therein).

- (1) Agriculture. The filling of the soil, the raising of crops, horticulture and gardening, including the grazing and pasturing of domestic animals, but not including any agricultural business or industry, such as fruit-packing plants, fur farms, animal hospitals or similar uses.

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- (2) Agricultural Industry or Business. An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, commercial milk production, food packaging or processing plants, commercial poultry or egg production and similar uses as determined by the planning commission.
 - (3) Alley: A public thoroughfare less than twenty-five (25) feet wide.
 - (4) Animal Unit. One (1) cow, one (1) horse, five (5) sheep or goats, or an equivalent number of smaller animals or fowl as determined by the Planning Commission.
 - (5) Basement. A story partly underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half ($\frac{1}{2}$) or more above grade.
 - (6) Bed&Breakfast/Boarding House. A building with not more than five (5) guest rooms, where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
 - (7) Building. Any structure having a roof supported by columns or walls for the housing - or enclosure of persons, animals or chattels.
 - (8) Building, Accessory. A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.
 - (9) Building, Height of. The vertical distance from the average finished grade surface to the highest point of the building roof or coping.
 - (10) Building Line. A line parallel to the front, side or rear lot line and established at the point where that lot line is closest to any part of the building or structure exclusive of the ordinary projections of skylight, sills, belt courses, cornices, chimneys, flues and ornamental features which do not project into a yard more than two and one-half (2-1/2) feet, and open or lattice enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers which do not project into a yard more than five (5) feet.
 - (11) Building, Main. The, principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
 - (12) Car Port. A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a car port shall be subject to all of the regulations prescribed for a private garage

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- (13) Conditional Use. A use of land for which a conditional use permit is required, pursuant to this Ordinance.
 - (14) Condominium. The ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas and facilities of the property.
 - (15) Corral. A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.
 - (16) Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartment hotels, bed & breakfast/boarding houses, lodging houses, tourist courts and apartment courts.
 - (17) Dwelling, Farm or Ranch. A building to provide housing for migratory or temporary farm workers, persons permanently working on a farm or ranch, or for family members of the main household who are engaged full-time in operating the farm or ranch.
 - (18) Dwelling, Multiple-family. A building arranged or designed to be occupied by three (3) or more families,
 - (19) Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
 - (20) Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
 - (21) Dwelling Unit. One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.
 - (22) Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.
 - (23) Frontage. All the property fronting one (1) 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.
 - (24) Garage, Private. An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling,

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- the private garage may be designed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units in the multiple dwelling, if the garage and dwelling have a roof or wall in common. A private garage may not be used for storage of more than one (1) truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half (2-1/2) ton capacity.
- (25) **Garage, Public.** A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.
- (26) **Home Occupation.** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use 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 not 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 of the main building, not normally associated with residential use. Home occupation shall include the use of the home by a physician, surgeon dentist, lawyer, clergyman, engineer, or other professional persons for consultation or emergency treatment but not for the general practice of his profession. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs except as hereinafter permitted, and no employees employed.
- (27) **Hotel.** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.
- (28) **Household Pet.** 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 to constitute a kennel, as defined in this Ordinance
- (29) **Junk Yard.** The use of any lot, portion of a lot, or tract of land for the storage, abandonment of junk, including scrap metals or other, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.
- (30) **Kennel.** The keeping of three (3) or more dogs, at least four (4) months old.
- (31) **Lodging House.** A building where lodging only is provided for compensation to five (5) or more, but not to exceed fifteen (15) persons.

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- (32) Lot. A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this Ordinance, having frontage upon a street or upon a right-of-way, approved by the Board of Adjustment, or upon a right-of-way not less than sixteen (16) feet wide. Except for group dwellings and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot.
- (33) Lot Area. The total gross land area of a parcel of land, not including street right-of-ways dedicated to the public.
- (34) Lot, Corner. A lot abutting on two intersecting or intercepting streets, where the interior angle of Intersection or interception does not exceed one hundred thirty-five (135) degrees.
- (35) Lot Depth. The horizontal distance between the front yard and the rear lot lines measured in the main direction of the side lot lines.
- (36) Lot Line, Front. For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.
- (37) Lot Interior. A lot other than a corner lot.
- (38) Lot Line, Rear. Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel, parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.
- (39) Lot Line, Side. Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.
- (40) Lot Width. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.
- (41) Mobile Home. A detached, single-family dwelling unit of not less than thirty (30) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on a 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, made ready for occupancy except for connections to utilities and other minor work. Presectionalized, modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes.

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- (42) Mobile Home Park. A space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the zoning ordinance and mobile home park ordinance for mobile home parks.
- (43) 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.
- (44) Modular Home. A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.
- (45) 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.
- (46) Natural Waterways. Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the Building Inspector, and in which areas no buildings shall be constructed.
- (47) Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all the height, area, and yard regulations herein prescribed in the zone in which it is located.
- (48) Nonconforming Use. A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use regulations of the zone in which it is located.
- (49) Parking Lot. An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- (50) Parking Space. Space within a building, lot or parking lot for the parking or storage of one (1) automobile.
- (51) Planned Unit Development (PUD). An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements

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- (52) Story. The space within a building included between the surface of any floor and the surface of the ceiling next above.
- (53) Story, Half. A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.
- (54) Street. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five (25) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property
- (55) Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
- (56) Structural Alterations. Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.
- (57) Subdivision, Cluster. A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.
- (58) Tourist Court. Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.
- (59) RV/Trailer Camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or camping parties.
- (60) Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
- (61) Use, Main. The principal function or use of the land and/or building or structure.
- (62) Yard. A space on the lot, other than a court, unoccupied and unobstructed the ground upwards, by buildings, except as otherwise provided herein.
- (63) Yard, Front. A space extending across the full width of a lot, between the front building line and the front lot line. The depth of the front yard is the minimum distance between the front lot line and the front building line.

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- (64) Yard, Rear. A space extending across the full width of a lot, between the rear building line and the rear lot line. The depth of the rear yard is the minimum distance between the rear lot line and the rear building line.
- (65) Yard, Side. A space extending along the full depth of a lot, between the side building line and the side lot line. The "width" of the side yard shall be the minimum distance between the side lot line and the side building line.

Building Permit Required

The use of land or the construction or alteration, of any building or structure or any part thereof, as provided or as restricted in this Ordinance shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Building Inspector or as allowed by the Planning Commission. Farm buildings shall be exempt, except when either electric or plumbing will be installed in the buildings, from the requirements of a building permit except where such structures are intended as dwellings or for human habitation. All dwellings shall require State Board of Health approval prior to issuance of a building permit.

1-7 Application and Review

- (1) All applications for building permits, except-for single family dwellings and their accessory buildings shall:
- (a) be submitted first to the Planning Commission for design review to assure conformity with the intent of the Master Plan and compliance with all applicable Ordinances and regulations. The design submissions shall include architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Planning Commission, except that review by the Building Inspector may be authorized by the Planning Commission when the submission meets all requirements of this Ordinance and all other applicable laws, regulations and ordinances.
 - (b) then follow the usual process for obtaining a building permit as required by the County, which permit must be approved in writing by the Planning Commission as a condition of issuance.
- (2) Design review for buildings and uses covered by conditional use permits or planned unit development approval shall be incorporated within such

conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this Ordinance are met.

- (3) Agricultural buildings are exempt from design-review.

1-8 Planning Commission Approval

The Planning Commission, or the Building Inspector when authorized by the Planning Commission, shall determine whether proposed architectural and site development plans submitted are consistent with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial of approval by the Building Inspector may be appealed to the Planning Commission, and denial by the Planning Commission may be appealed to the County Commission, as provided for in this Ordinance.

1-9 Building Inspector to Enforce

The Building Inspector is designated and authorized by the County Commission as the officer charged with the enforcement of this Ordinance, but from time to time, by resolution or ordinance, the County Commission may entrust such administration in whole or in part, to any other officer without amendment to this Ordinance.

1-10 Permits to Comply with Ordinance

From the time of the effective date of this Ordinance, the Building Inspector shall not grant a permit for the construction, or alteration of any building or structure or the moving of a structure onto a lot if such building or structure will be in violation of any of the provisions of this Ordinance, nor shall any local officer grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

1-11 Powers and Duties of Building Inspector

It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair. He shall enforce all of the provisions of this Ordinance, entering actions in the courts when necessary and his failure to do so shall not legalize any violations of such provisions. The Building Inspector shall not issue any permit unless the plans of the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.

1-12 Nuisance and Abatement

Any building or structure erected constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance, and any use of land, building or premise established, conducted or maintained contrary to provisions this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local county attorney shall, upon request of the governing body, at once commence action or proceeding for abatement and removal of enjoinder thereof in a manner provided by law, and take other steps as will abate and remove such building or structure, and restrain; enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

1-13 Amendments

The number, shape, boundary, area or zone, or any regulation or any other provision of the Zoning Ordinance may be amended by the County Commission from time to time, but any such amendment shall not be made or become effective until after thirty days notice and public hearing and unless the same shall have been proposed by or be first submitted to the Planning Commission, for its recommendation which shall be returned within thirty (30) days to the County Commission.

1-14 Hearing and Publication of Notice

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon. At least thirty (30) days notice of the time and place of the meeting shall be given by at least one (1) publication in a newspaper of general circulation in the County.

1-15 Licensing

All departments, officials and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses building or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this Ordinance shall be null and void.

1-16 Penalties

Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this

Ordinance shall be guilty of a misdemeanor and punishable as provided by law. Such persons, firm or corporation who intentionally violate this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

CHAPTER 2

BOARD OF ADJUSTMENT

2-1 Board - Number of Members - Appointment, Term and Removal, Vacancies

The Board of Adjustment shall consist of five (5) members, each to be appointed by the legislative body for a term of five (5) years, provided that the term of one member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member, but not more than one, of the Planning Commission shall be a member of the Board of Adjustment.

2-2 Duties and Powers of Board

- (1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that;

- (a) The variance will not substantially affect the comprehensive plan of zoning in the county and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.
- (b) Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district.
- (c) That because of said special circumstances, property covered by application is deprived of privileges possessed by other properties

in the same district, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

2-3 Special Questions:

- (1) Where a zone boundary line divides a lot in a single ownership at the time of the passage of this Ordinance, the Board may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot.
- (2) The Board may permit the building of a dwelling upon a lot which does not have frontage on a street.
- (3) Where a parcel of land is at least one and one-half (1-1/2) times as wide and one and one-half (1-1/2) times as large in area as required for a lot in the zone, or one and one-quarter (1-1/4) times as wide and one and one-quarter (1-1/4) times as large in area as required for two (2) lots in the Zone, the parcel may be divided into two (2) lots or three (3) lots respectively.

2-4 Vote Necessary for Reversal

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to affect any variation in such ordinance.

2-5 Decision on Appeal

In exercising the above-mentioned powers such Board may in conformity with the provisions of this article reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

CHAPTER 3

SUPPLEMENTARY AND QUALIFYING REGULATIONS

3-1 Effect of Chapter

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

3-2 Lots in Separate Ownership

The requirements of this Ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this Ordinance becomes effective.

3-3 Yard Space for One Building Only

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

3-4 Every Dwelling to be on a "Lot"

Every dwelling shall be located and maintained on a "lot" as defined in this Ordinance.

3-5 Separately Owned Lots - Reduced Yards

On any lot under a separate ownership from adjacent lots and of record at the time of passage of this Ordinance, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be if the required lot width, provided that in interior lots the smaller of the two yards shall be in no case less than five (5) feet, or larger than eight (8) feet, and for corner lots the street side yard shall be in no case less than ten (10) feet or the other side yard be less than five (5) feet.

3-6 Private Garage with Side Yard - Reduced Yards

On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard the rear yard of the dwelling may be reduced to fifteen (15) feet, provided the garage also has a rear yard of at least fifteen (15) feet.

3-7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

3-8 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirement for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Board of Adjustment.

3-9 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylight, sills, belt courses, cornices, chimneys, flues and other ornamental features shall not project into a yard more than two and one half (2-1/2) feet, and open or lattice enclosed fire escapes, fireproof outside stairway and balconies open upon fire towers projecting into a yard not more than five (5) feet.

3-10 Area of Accessory Buildings

No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

3-11 Additional Height Allowed

Public, semi-public utility buildings, when authorized in a zone may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each otherwise established building line at least one (1) foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

3-12 Minimum Height of Main Buildings

No dwelling shall be erected to a height less than one story above grade.

3-13 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty feet.

3-14 Clear View of Intersecting Streets

In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline stations,

CHAPTER 4

NONCONFORMING BUILDING AND USES

4-1 Maintenance Permitted

A nonconforming building or structure may be maintained.

4-2 Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

4-3 Additions, Enlargements, and Moving

- (1) A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot except as provided by subsection (2) hereof.
- (2) A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the Board of Board of Adjustment, which may issue, provided that the Board if Adjustment after hearing, shall find
 - (a) The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance as stated in Chapter 1, Section 2, hereof, and shall be in keeping with the intent of the Ordinance.
 - (b) That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

4-4 Alteration Where Parking Insufficient

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

4-5 Restoration of Damaged Buildings

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind,

earthquake or other calamity or Act of God or the public enemy, may be restored and the occupancy or use of such building structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion.

4-6 One Year Vacancy

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings and buildings to house animals and fowl, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

4-7 Continuation of Use

The occupancy of a building or structure by a nonconforming use, existing at the time this Ordinance becomes effective, may be continued.

4-8 Occupation Within One Year

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became a nonconforming use.

4-9 Change of Use

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

4-10 Expansion of Use Permitted

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

4-11 Nonconforming Use of Land

The nonconforming use of land, existing at the time this Ordinance becomes effective may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on any portion thereof, is abandoned or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

CHAPTER 5

PARKING REQUIREMENTS, LOADING SPACE, AND MOTOR VEHICLE ACCESS

5-1 Off-street Parking Required

There shall be provided at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles as hereafter provided.

5-2 Size

The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree (90) spaces; or nine (9) by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty (20) parking spaces the building inspector may approve a design allowing not more than twenty (20) per cent of such spaces to be not less than seven and one-half (7-1/2) feet by fifteen (15) feet to be marked and used for compact automobiles only.

5-3 Parking Space for Dwellings

In all residential zones there shall be provided in a private garage, or in an area properly located for a future garage, space for the parking of one (1) automobile for each dwelling unit in a new dwelling, or each dwelling unit added in the case of the enlargement of an existing building.

5-4 Parking Space for Building or Uses Other Than Dwellings

For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one (1) permanently maintained parking space of not less than one hundred eighty (180) square feet net area as follows:

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every ten (10) fixed seats provided in said buildings or structures.
2. For hospitals, at least one (1) parking space for each two (2) beds including infants' cribs and children's beds. For medical and dental clinics at least ten (10) parking spaces, providing that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

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3. For tourist courts and apartment motels, at least one (1) parking space for each Individual sleeping or living unit; for hotels and apartment hotels, at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.
 4. For boarding houses, lodging houses, dormitories, fraternities or sororities at least one parking space for every three (3) persons for whose accommodation the building is designed or used.
 5. For restaurants or establishments that serve meals, lunches, or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and for dance halls and recreational places of assembly, at least one (1) space for each two hundred (200) square feet of floor space in the building, or one (1) space for each two (2) employees working on the highest employment shift, or five (5) parking spaces, which ever requirement is greater.
 6. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking space.
 7. For all business or industrial uses not listed above, one (1) parking space for each two (2) employees working on the highest employment shift.

5-5 Location of Parking Spaces

Parking spaces as required above shall be on the same lot with the main building, or, in the case of buildings other than dwellings, may be located not farther than five hundred (500) feet therefrom.

5-6 Parking Lot Regulations

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt or concrete composition and shall have appropriate bumper guards where needed as determined by the Building Inspector. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

5-7 Off-street Truck-Loading Space

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of flats Ordinance for manufacturing, storage, warehouse, goods display, department store, grocery store, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicles of materials or merchandise, there

shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a minimum of ten (10) feet by twenty-five (25) feet loading space with a minimum of fourteen (14) feet height clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use for above mentioned purposes, or for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of land-use for above mentioned purposes.

5-8 Access Requirements

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided.

- (a) Access shall be by not more than two (2) roadways for each one hundred (100) feet or fraction thereof of frontage on any street.
- (2) No two (2) of said roadways shall be closer to each other than twelve (12) feet, and no roadway shall be closer to a side property line than three (3) feet.
- (3) Each roadway shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fan within the right-of-way.
- (4) No roadway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.
- (5) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, the location and structural specifications of which shall be approved by the Building Inspector.
- (6) Where there is no existing curb and gutter or sidewalk, the applicant may, at his option, install such safety island and curb, or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail, not exceeding two (2) feet or less than eight inches in height.

5-9 Location of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

CHAPTER 6

CONDITIONAL USES

6-1 Purpose of Conditional Use Provisions

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits.

6-2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or else where in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval.

6-3 Application

A conditional use permit application shall be made to the Building Inspector as provided in this Ordinance. He shall submit the application to the Planning Commission, except that the Planning Commission may authorize the Building Inspector to grant or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the Planning Commission.

6-4 Fees

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the County Commission,

6-5 Public Hearing

No public hearing need be held. However, a hearing may be held if the Building Inspector or the Planning Commission shall deem a hearing to be necessary and in the public interest.

6-6 Determination

The Planning Commission, or upon authorization, the Building Inspector, may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use the Planning Commission shall impose such

requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish

1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and
2. That the proposed use will comply with regulations and conditions specified in this Ordinance for such use.
3. The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

6-7 Appeals of Decision

Any person shall have the right to appeal the decision of the Building Inspector to the Planning Commission. Appeals from the decision of the Planning Commission shall be to the County Commission.

6-8 Inspection

Following the issuance of a conditional use permit by the Building Inspector or the Planning Commission, the Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

6-9 Time Limit

- (1) A conditional use permit for temporary uses may be issued for a maximum period of six (6) months, with renewals at the discretion of the Planning Commission for not more than three (3) successive periods thereafter.
- (2) Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its issuance, the said permit shall expire. The Planning Commission may grant a maximum extension for six months, when deemed in the public interest.

CHAPTER 7

PLANNED UNIT DEVELOPMENT

7-1 Purpose

The purpose of the planned unit development is to allow diversification, in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing, or area design, thus insuring substantial compliance with the intent of the district regulations and other provisions of this Ordinance relating to the public health, safety, and general welfare, and at the same time securing the advantages of large-scale site planning for residential, commercial or industrial developments, or combinations thereof.

7-2 Definition

Planned unit development, for the purposes of this Ordinance, shall mean an integrated design for development of residential, commercial, or industrial uses, or combinations of such uses in which one or more of the regulations, other than use regulations of the District in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Chapter.

7-3 Planned Unit Development Permit

Planned unit developments may be allowed by Planning Commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located, including planned unit developments in planned districts, and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this Chapter or by district regulations. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

7-4 Required Conditions

- (1) No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development.
- (2) A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning

district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development which allows residential uses and shall be governed by density, design, and other requirements of the planned unit development permit.

- (3) The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- (4) The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
 - (a) Density or land use intensity shall in no case be more than twenty-five (25) percent higher than allowed in the zoning district, except not more than ten (10) percent higher in residential districts.
 - (b) Where feasible, least height and intensity of buildings and uses shall be arranged around the boundaries of the development.
 - (e) Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.
- (5) Preservation maintenance and ownership of required open spaces within the development shall be accomplished by:
 - (a) Dedication of the land as a public park or parkway system, or,
 - (b) Granting to the County a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws which are satisfactory to the governing body, or,
 - (c) Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.
- (6) Landscaping, fencing and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development.

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- (7) The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.
 - (8) A grading and drainage plan shall be submitted to the Planning Commission with the application.
 - (9) A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.
 - (10) The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
 - (11) It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

7-5 Uses Allowed

Subject to the review and approval of the Planning Commission, uses allowed in a planned unit development shall be those uses allowed in the Planned District or other zoning district in which the planned unit development is to be located; provided, that for the purposes of this Chapter and Ordinance, multiple-family dwellings may be allowed in a planned unit development approved in a single-family zoning district, provided the overall density of the development does not exceed ten (10) percent above the density normally allowed for single-family dwellings in said District.

7-6 General Site Plan

Application shall be accompanied by a general site plan showing, where pertinent:

- (1) The use or uses, dimensions, sketch elevations, and locations of proposed structures.
- (2) Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds landscaping and other open spaces.
- (3) Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

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- (4) Such other pertinent information, including residential density, coverage, mud open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

7-7 Review by Planning Commission

In order that it may approve a planned unit development, the Planning Commission shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:

- (1) That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed project.
- (2) That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.
- (3) That application for planned unit development in planned districts meets the requirements of such districts, including the requirements of the general development
- (4) That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- (5) That the development as planned will accomplish the purpose outlined in Section 7-1.

7-8 Scope of Planning Commission Action

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

- (1) It is the intent of this Chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission may require the applicant to engage such a qualified designer or design team.

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- (2) It is not the intent of this section that control of the design of a planned unit development by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Section that the control exercised be the minimum necessary to achieve the purpose of this Chapter.
 - (1) The Planning Commission may approve or disapprove an application for a planned unit development. In an approval, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 7-1. The denial of an application for a planned unit development by the Planning Commission may be appealed to the County Commission.

7-9 Construction Limitations

- (1) Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission, and in conformity with any conditions attached by the Commission to its approval.
- (2) Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedures here outlined for first approval.
- (3) The Building Inspector shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

CHAPTER 8

MOBILE HOMES AND MOBILE HOME PARKS

8-1 Purpose

To require that mobile home developments will be of such character as to promote the objectives and purposes of this Ordinance; to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other use values contiguous to or near mobile home park uses.

8-2 Location and Use

No occupied mobile home shall be located anywhere within the County except in a licensed mobile home park or as living quarters where the total enclosed, usable floor space of the unit is not less than five hundred (500) square feet; provided with adequate foundation and skirting, and located and maintained on a separate lot having no less than the minimum area width, depth and frontage required by this Ordinance for the district in which the dwelling structure is located.

8-3 Mobile Home Parks - Approval

Mobile home parks may not be constructed unless first approved by the Planning Commission, after review of plans for said mobile home park which satisfy the Commission that the said development will:

- (1) Be in keeping with the general character of the district within which the development is to be located.
- (2) Have written approval from the State Division of Health.
- (3) Be limited to nine (9) units per acre, except mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playground and service areas for common use and enjoyment of occupants of the development and of the visitors thereto.

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- (4) An overall plan for development of a mobile home park shall be submitted to the Planning Commission for review. The plan shall be drawn to scale no smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:
- (a) The topography of the site represented by contours shown at not greater intervals than two (2) feet when required by the Planning Commission.
 - (b) The proposed street and mobile home space layout.
 - (c) Proposed reservations for parks, playground and open space.
 - (d) Tabulations showing per cent of area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and total area to be developed.
 - (e) Proposed locations of parking spaces.
 - (f) Generalized landscaping and utility plan, including locations of water, electricity, gas lines, fire hydrants.
 - (g) Any other data the Planning Commission may require.
- (5) Applications for approval shall be in writing, submitted to the Planning Commission at its regular meeting and shall be granted or denied within thirty (30) days, unless an extension of such time is approved by the applicant. An application denied by the Planning Commission may be appealed to the County Commission, which appeal must be made in writing within ten (10) days after the denial is made by the Planning Commission.
- (6) Standards and requirements for mobile home parks shall be as provided:
- (a) Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
 - (b) To accommodate anticipated traffic, roadways shall be designed including the following standards, unless modified by an approved planned unit development plan:
 - One-way traffic: A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering mobile homes.
 - Two-way traffic: A minimum of thirty (30) feet in width.

Entrance roadways: A minimum of thirty-six (36) feet in width.

Access: Each mobile home park shall have at least two (2) accesses to public streets.

- (c) In a mobile home park, no home or add-on shall be located closer than twenty (20) feet from the nearest portion of any other home or add-on. All such homes and add-on's shall be set back at least ten (10) feet from road curbs or walks. If the mobile home tongue remains attached, it shall be set back a minimum of six (6) feet from road curbs or walks. All mobile homes shall be set back at least fifteen (15) feet from any boundary of the mobile home park.
- (d) Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space and each such parking space shall have a minimum width of ten (10) feet and the minimum depth of twenty (20) feet. In no case shall the parking space be located farther than one hundred (100) feet from the mobile home space it is designed to serve.

CHAPTER 9

CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARD

9-1 Requirements

- (1) When the Planning Commission or the Zoning Administrator deems it necessary, any application for a conditional use permit, a planned unit development approval, or a building or use permit, shall be accompanied by a geologic and soils survey report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernable flood or earthquake hazards,
- (2) Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the Planning Commission or zoning administrator, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the application shall be denied.

CHAPTER 10

ZONING DISTRICTS

10-1 Establishment of Zoning Districts

For the purposes of this Ordinance, San Juan County is divided into the following listed zoning districts:

- (a) Multiple Use District MU-1
- (b) Agricultural District A-1
- (c) Rural Residential RR-1
- (d) Controlled District CD
- (e) Indian Reservation District IR

10-2 Filing of Ordinance and Map

This Ordinance and map shall be filed in the custody of the County Clerk and may be examined by the public subject to the reasonable regulations established by said clerk.

10-3 Rules for Locating Boundaries

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

- (1) Wherever the District boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley, block or such property line, shall be construed to be the boundary of such District.
- (2) Whenever such boundary line of such District is indicated as being approximately at the line of any river, irrigation, canal, or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then in such case, the center of such stream canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such District.
- (3) Where such District boundary lines cannot be determined by the above rules their location may be found by the use of the scale appearing upon the map.

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- (4) Where the application of the above rule does not clarify the District boundary location, the Board of Adjustment shall interpret the map.

CHAPTER 11

MULTIPLE USE AGRICULTURAL, RURAL RESIDENTIAL DISTRICTS

11-1 Purpose

- (1) Multiple Use. To establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and un-wise dispersal and scatteration of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values; and, to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.
- (2) Agricultural. To promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain greenbelt open spaces. Such districts are intended to include activities normally and necessarily related to the conduct of agricultural production and to provide protection from the intrusion of uses inimical to the continuance of agricultural activity.
- (3) Rural Residential. To promote and preserve, in appropriate areas, conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

11-2 Use Regulations

No building, structure or land shall be used and no building, structure shall be hereafter erected, structurally altered enlarged or maintained, except as allowed in the districts as shown as "permitted uses" indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in the district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in the district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

		MU-1	A-1	RR-1
(1)	Accessory buildings and uses customarily incidental to permitted areas	P	P	P
(2)	Accessory uses and buildings customarily incidental to conditional uses	C	C	C
(3)	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C
(4)	Agriculture and Forestry			
(1)	Agriculture, except grazing and pasturing of animals	P	P	P
(2)	Agriculture, including grazing and pasturing of animals	P	P	P
c.	Agriculture, business or industry	P	P	C
d.	Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	P	P	P
e.	Nursery or green house, wholesale or retail, fruit/vegetable stand	P	P	P
f.	The tilling of soil, the raising of crops, horticulture and gardening	P	P	P
g.	Farms devoted to raising and marketing chicken, turkeys or other fowl or poultry, fish or frogs, including wholesale, and retail sales.	P	P	C
h.	Forestry, except forest industry	P	P	C
i.	Forest industry, such as a saw mill, wood products plant, or others	P	P	C
(5)	Apiary	P	P	P
(6)	Aviary	P	P	C

(7)	Cluster subdivision of single family dwellings:				
	a.	Provided that the residential density is not increased by more than one hundred (100) percent for the district based on single-family units	-	-	C
	b.	Provided that the area, in acres of the parcel is not less than	-	-	5
(8)	Dude ranch; family vacation ranch		P	P	P
(9)	Dwellings:				
	a.	Single-family dwellings Provided that one additional dwelling on at least ½ acre per unit for an employee, seasonal worker or a member of the property owners immediate family may be allowed subject to approval by Planning Commission and the Board of Health	P	P	P
	b.	Two-family dwellings	C	C	C
	c.	Seasonal home or cabin	P	P	P
	d.	Farm or ranch housing (including mobile homes)	P	P	P
(10)	Home occupation		P	P	P
(11)	Household pets		P	P	P
(12)	Kennel		P	P	C
(13)	Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant, oil wells or steam wells.		P	P	C
(14)	Power generation		C	C	-
(15)	Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned by or managed by the recreational facility to which it is accessory.		P	P	P
(16)	Public stable, riding academy or riding ring, horse show barns or facilities		C	C	C

(17)	Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church; dams and reservoirs; radio and television transmitting stations or towers, cemetery	C	C	C
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(18)	Signs			
	a. One identification sign, not to exceed thirty two (32) sq. ft. in sight area.	P	P	P
	b. One development sign, not to exceed thirty two sq. ft. in area.	P	P	P
	c. One civic sign, not to exceed sixteen (16) square feet in sign area.	P	P	P
	d. One real estate sign, not to exceed eight (8) square ft. in area.	P	P	P
	e. One residential sign, not to exceed two (2) square feet in area.	P	P	P

11-3 Area Regulations

The minimum lot area in acres for any main use in the districts regulation by his chapter shall be	1	1	1
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11-4 Width Regulations

The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit development or cluster subdivisions, shall be	660	330	100
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11-5 Frontage Regulations

The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be	25	25	25
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11-6 Front Yard Regulations

The minimum depth in feet for the front yard for main buildings shall be property line.	25	25	25
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11-7 Rear Yard Regulations

The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:

For main buildings -

for accessory buildings

25 25 25

11-8 Side Yard Regulations

The minimum side yard in feet for any dwelling other main or accessory buildings in districts regulated by this chapter shall be and a total width of the two (2) required side yards of not less than except on corner lots two (2) front and two (2) rear yards are required

15 15 15

11-9 Height Regulations

The maximum height for all buildings and structures in districts regulated by this chapter shall be:

In feet

35 25 35

In number of stories

2.5 2.5 2.5

11-10 Coverage Regulations

The maximum coverage in percent for any lot in the districts regulated by this chapter shall be:

- - 20

CHAPTER 12

CONTROLLED DISTRICT CD

12-1 Purpose

To provide, in appropriate locations, where agriculture, industrial, commercial and residential uses may exist in harmonious relationships, based on planned development for mutual benefit and flexible location of uses.

12-2 Permitted Uses

Agriculture, Residential, Commercial, Highway Commercial, and Industrial (Industrial subject to approval). In addition to the uses regulated in RR-22 districts, the following uses may be permitted by variance within each sub-zone.

Community Commercial CDc

Grocery Store

Drug Store

Automobile Service Station

Bakery

Dry Cleaning and Laundry Pickup

Beauty Shop

Barber Shop

Ice Cream Store

Variety Store

Medical and Dental Offices

Professional Office

Public Utilities, public and quasi-public

Stores, shops and offices supplying commodities or performing services such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.

Restaurants, beer taverns, pool hall lounges, theaters, similar enterprises provided that all uses be conducted within buildings.

Business and technical schools, and schools and studios of photography, art, music and dance.

Bowling alley, dance hall, roller skating rink.

Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, mortuaries, and furniture upholstering shops, provided all uses shall be within and enclosed building.

New car dealers.

Garages for minor repairs of automobiles.

Garages for storage of automobiles, commercial parking lots.

Hotels and Motels.

Any other similar retail business or service establishments which the Planning Commission finds to be consistent with the purpose of this chapter and which will not impair the present or future use of adjacent properties.

Highway Commercial CDh

Restaurant or drive-in cafe
Motels
New and Used Automobile Agency
Farm Machinery and Equipment Sales
Nurseries and Greenhouses
Mobile Home Sales
Mobile Home Park
Drive-in Theater
Bowling Alley, other commercial recreation facilities
Automobile Service Station, Auto Accessories
Accessory Buildings and uses
Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.

12-3 Conditional Uses

All other uses than those listed.

12-4 Special Provisions

1. Within the CD District there may exist three sub-zones, CDc- Community Commercial, CDh - Commercial Highway, CDi - Industrial. Designation of such sub-zones shall be the responsibility of the Board of County Commissioners upon the recommendation of the County Planning Commission.
2. Applications for conditional uses or requests for variances in CD district must first have appropriate sub-zone designation. Such designation shall become part of the official county zone plan. Applicants are required to provide a reproducible mylar or linen and three (3) copies of detailed site plan drawings of their proposed use and sub-zone boundary including:
 - a. Format size not less than 8½" x 11" or greater than 24" x 36".
 - b. Precise dimension at a convenient engineering scale.
 - c. Locations of all existing structural and improvements (buildings, roads, fences, ditches and canals, utility systems), and other information as required by Planning Commission within five hundred (500) feet of the proposed sub-zone boundary.

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- d. Proposed methods of providing utility needs including water, sewer, electrical, and fuel services, access and parking, and appropriate methods from dealing with any special site problems such as storm water drainage.
 3. No commercial or industrial building shall be erected within twenty five (25) feet of a residential building or residential district boundary. Commercial or industrial buildings within one hundred (100) feet of a residential district boundary shall not exceed the height limitations of that district.
 4. The Planning Commission shall review all pertinent information on the proposed sub-zone designation and submit their recommendation to the County Commission. The County Commission shall advertise for and hold a public hearing after which they may so designate the sub-zone by ordinance.
 5. The following uses require an approval from the Planning and Zoning Commission prior to any use:

Industrial Cdi

Manufacture of any of the following products from raw materials: acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, creosote, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics, portland cement, potash, synthetic resins and fibers. Any of the following processes: distillation of wood or bone; filtrating of cotton or other materials; reduction, refining, smelting mad alloying of metals or metal ores and radioactive materials; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry and rabbits; tanning of raw, green, or salted hides of skins. Automobile salvage and wrecking operations, and industrial metal, rag, glass or paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than eight (8) feet in height.

12-5 Signs

1. Businesses signs shall be allowed after approval of a "Request for Business Sign Permit" and shall be regulated by Federal and State Highway legislation, provided, that the Planning Commission may require that signs shall not exceed one (1) sq. ft. of sign area for each one (1) linear foot of street frontage abutting the development portion of the property, provided that any one sign for any one business shall not exceed fifty (50) sq. ft. and the number of signs for each business may not exceed three (3), the total area of which shall not exceed the total sign area

allowance.

2. Non-business signs shall be permitted provided no more than two (2) signs for each use or occupancy may contribute to the total allowable square footage area as follows:
 - a) Development - maximum 40 square feet
 - b) Civic - maximum 14 square feet
 - c) Real Estate - maximum 32 square feet
 - d) Residential - maximum 2 square feet
3. All signs to be flat wall or free standing and such signs shall not be revolving, have moving parts, flashing or intermittent lighting.

12-6 Boundaries

1. Boundaries for all Controlled District (CD) zones shall be established by the Board of County Commissioners who may from time to time amend the number, shape and area of such districts provided those changes shall be first reviewed by the Planning Commission and a public hearing.
 2. Description of all Controlled Districts (CD) zones should be included as part of this section of the County Zoning Ordinance, and changes in some shall be written in similar language and made part of this section.
 3. Controlled District (CD) boundaries.
 - A. An area parallel to all State Highways extending outwardly one thousand (1000) feet each direction from the center line of said highways and terminating at County Boundaries, or municipal corporate or service area boundaries.
 - B. All of the area, except that within the corporate limits of Monticello City, in Township 33 South, Range 23 East Sections 25 and 36; Township 33 South, Range 24 East, Sections 30 and 31.
 - C. All of the area, except that within the corporate limits of Blanding City, in Township 36 South, Range 22 East, Sections 22, 23, 26, 27, 34, and 35; Township 37 South, Range 22 East, Sections 2, 3, 10, 11, 14, and 15
 - D. All of the area, except that within the boundaries of the Bluff Service Area, in Township 40 South Range 21 East, Sections 23, 24, 25, 26; and Township 40 South Range 22 East, Sections 19 and 30.
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- E. All of the area in Section 14, Township 30 South Range 20 East
- F. All of the area in the West half of Section 4 and the East Half of Section 5, Township 29 South Range 23 East
- G. All of the area in Sections 10, 11, 12, 13, 14 and 15 Township 37 South, Range 18 East.
- H. All of the area, except that in the boundaries of Natural Bridges National Monument, in Sections 14,15, 22 and 23, in Township 37 South, Range 18 East.
- I. All of the area in Sections 21 and 28, Township 39 South, Range 16 East.
- J. All of the area within the boundaries of San Juan County in Sections 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 29 mad 30 in Township 38 South Range 11 East.
- K. All of the sections and 7 in Township 42 South, Range 19 East.

CHAPTER 13

INDIAN RESERVATION DISTRICT(IR)

13-1 Purpose

To provide areas in appropriate locations where the various Indian Tribes may exercise self determination.

13-2 Permitted Uses

All uses and conditions there of are subject to approval by the authorized representatives of the Indian Tribal jurisdictions of which they are a part.