
SAN JUAN COUNTY UTAH

ZONING ORDINANCE (Amended Sept. 2011)

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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, UTAH"

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 access to 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) **Accessory Building.** Building not used for human occupancy which is secondary to the main structure on the same piece of property such as a shed or garage.
- (2) **Affected Entity.** A county, municipality, local district, special service district created under state law, school district, interlocal cooperation entity established under state law, specified property owner, property owners association, public utility, or the Department of Transportation.
- (3) **Agriculture.** The tilling 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.

(4) 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.

(5) Airport. A landing area used regularly by aircraft for receiving or discharging passengers or cargo. (FAA definition)

(6) Airstrip. An airfield without normal airport facilities.

(7) Alley: A public thoroughfare less than twenty-five (25) feet wide.

(8) Anemometer. An instrument for measuring wind force and velocity.

(9) 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.

(10) Appeal Authority. The person, board, commission, agency, or other body designated by this ordinance to decide an appeal of a decision of a land use application or variance.

(11) 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 (1/2) or more above grade.

(12) 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.

(13) Building. Any structure having a roof supported by columns or walls for the housing - or enclosure of persons, animals or chattels.

(14) Building, Accessory. A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

(15) Building, Height of. The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

(16) 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.

- (17) 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.
- (18) 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
- (19) Conditional Use. A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) Dwelling, Multiple-family. A building arranged or designed to be occupied by three (3) or more families,
- (25) Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- (26) Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- (27) 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.
- (28) Evaporation Pond. Artificial ponds with very large surface areas that are designed to efficiently evaporate water by sunlight and exposure to the ambient temperatures.
- (29) 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.

- (30) Fire Hazard. Any situation, process, material or condition that may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property.
- (31) 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.
- (32) 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, 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.
- (33) 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.
- (34) General Plan. The document adopted by the county that sets forth general guidelines for proposed future development of the unincorporated land within the county.
- (35) Geologic Hazard. One of several types of adverse geologic conditions capable of causing damage or loss of property and life.
- (36) Gravel Pit. A pit from which gravel is obtained.
- (37) 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.
- (38) Hotel. A building designed for or occupied as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged.
- (39) Household Pet. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure such as dogs, cats, and small caged birds, but not including a sufficient number of dogs to constitute a kennel, as defined in this Ordinance.
- (40) Industry. The organized action of making of goods and services for sale.

- (41) 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.
- (42) Kennel. The keeping of three (3) or more dogs, at least four (4) months old.
- (43) Land Use Application. An application required by the county's land use ordinance.
- (44) Land Use Authority. The person, board, commission, agency, or other body designated by the local legislative body in this ordinance to act upon a land use application.
- (45) Land Use Ordinance. A planning, zoning, development, or subdivision ordinance of the county, but does not include the general plan.
- (46) Land Use Permit. A permit issued by the land use authority.
- (47) Legislative Body. The county legislative body.
- (48) Local District. Any entity created under state law – Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- (49) Lodging House. A building where lodging only is provided for compensation to five (5) or more, but not to exceed fifteen (15) persons.
- (50) Lot. A parcel of land 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 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.
- (51) Lot Area. The total gross land area of a parcel of land, not including street right-of-ways dedicated to the public.
- (52) 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.
- (53) Lot Depth. The horizontal distance between the front yard and the rear lot lines measured in the main direction of the side lot lines.
- (54) Lot Line Adjustment. The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

(55) 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.

(56) Lot Interior. A lot other than a corner lot.

(57) 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 zoning administrator shall designate the rear lot line.

(58) 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.

(59) 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.

(60) Mining. Mining is the extraction of valuable minerals or other geological materials from the earth usually from an ore body, vein or (coal) seam. Materials recovered by mining include base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash. Also to include, drilling, testing, mining related storage facilities whether they be underground or above-ground.

(61) 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. Pre-sectionalized, modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes.

(62) 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 for mobile home parks.

(63) 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.

(64) Moderate Income Housing. Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(65) 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.

- (66) 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.
- (67) 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.
- (68) Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing before its current lands use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
- (69) Nonconforming Use. A use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance regulation governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
- (70) Oil and Gas Exploration. Exploration for Hydrocarbon (oil and gas) is the search by petroleum geologists and geophysicists for hydrocarbon deposits beneath the Earth's surface, such as oil and natural gas. Oil and gas exploration are grouped under the science of petroleum geology.
- (71) 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.
- (72) Parking Space. Space within a building, lot or parking lot for the parking or storage of one (1) automobile.
- (74) 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.
- (75) Plat. A map or other graphical representation of lands being laid out and prepared in accordance with State law.
- (76) Public Agency. The federal government, the state, a county, municipality, school district, special service district, or other political subdivision of the state, or a charter school.
- (77) Public Hearing. A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- (78) Public Meeting. A meeting that is required to be open to the Public under state law.

- (79) Public Notice. Notice widely disseminated to the public through broadcast media such as newspaper, radio, television, in a conspicuous public place or the internet, in conformance with state law.
- (80) Record of Survey Map. A map of a survey of land prepared in accordance with state law.
- (81) Story. The space within a building included between the surface of any floor and the surface of the ceiling next above.
- (82) 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.
- (83) Street. A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.
- (84) Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
- (85) Structural Alterations. Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.
- (86) Subdivision. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. It also includes the division or development of land by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument except as provided in state law, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial uses. It does not include a bona fide division or partition of agricultural land for agricultural purposes, a recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lots are created, and the adjustment does not violate land use ordinances.
- (87) 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.
- (88) RV/Trailer Camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or camping parties.
- (89) Unincorporated. The area outside of the incorporated areas of a county.
- (90) Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
- (91) Use, Main. The principal function or use of the land and/or building or structure.

(92) Variance. An authorization by the Planning Commission, acting as the Land Use Authority pursuant to state law, relative to specific parcel of land for a modification of a zone's standard height, bulk, area, width, setback, or separation requirement; as distinguished from a conditional use, the allowing of a use not listed as permitted in a zone, or any other change in zoning requirements.

(93) Yard. A space on the lot, other than a court, unoccupied and unobstructed from the ground upwards, by buildings, except as otherwise provided herein.

(94) 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.

(95) 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 side lot and the rear building line.

(96) 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.

(97) Wind Turbine. A turbine that is powered by the wind.

(98) Zoning Map. A map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

1-6 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. 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 (emphasis added).

Application and Review

- (1) All applications for building permits, except-for single family dwellings and their accessory buildings shall:
 - (a) be submitted to the Building and Zoning Department. 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 with the Planning Commission upon notification and request of the Planning Commission to assure conformity with the intent of the Master Plan and compliance with all applicable ordinances and regulations.

- (b) then follow the usual process for obtaining a building permit as required by the County.
- (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.

1-7 Planning Commission Review

When a question arises whether proposed architectural and site development plans submitted are consistent with the general objectives of this Ordinance, the Planning Commission shall make a determination. A negative or unfavorable determination by the Planning Commission may be appealed to the Board of County Commissioners, as provided for in this Ordinance.

1-8 Zoning Administrator to Enforce

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

1-9 Permits to Comply with Ordinance

From the time of the effective date of this Ordinance, the Zoning Administrator 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.

1-10 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.

1-11 Powers and Duties of Zoning Administrator

The Zoning Administrator 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 Zoning Administrator 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 in this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the 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 or 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 Board of County Commissioners 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 Board of County Commissioners.

1-14 Hearing and Publication of Notice

Before finally adopting any such amendment, the Board of County Commissioners shall hold a public hearing thereon. Notice of such a hearing shall be disseminated to the public, in accordance with state law, at least ten (10) days before the scheduled hearing.

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 charged, for each separate, identifiable violation, with a Class C Misdemeanor and punishable upon conviction as a class C misdemeanor or by imposing the appropriate civil penalty adopted under the authority of Section 17-27a-101 *et seq.*, Utah Code Annotated (1953, as amended).

CHAPTER 2

LAND USE – ADMINISTRATION

2-1 Planning Commission

(1) Organization

- (a) The Planning Commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners. In addition to the regular seven (7) members, the Board of County Commissioners may appoint, one (1) non-voting, ex-officio staff member to serve as liaison between the Board of County Commissioners and the Planning Commission and provide administrative support to the Planning Commission. Board of County Commission members may not serve as regular members of the Planning Commission.

(2) Term of Office

- (a) The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than three (3) members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the Board of County Commissioners for a term of four (4) years, so as to maintain the succession of staggered terms of service.
- (b) Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. If the Board of County Commissioners has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission until replaced by appointment of the Board of County Commissioners.
- (c) The ex-officio member shall be appointed by the Board of County Commissioners and shall continue to serve until replaced by appointment of the Board of County Commissioners.
- (d) If a vacancy occurs other than by expiration of term, the Board of County Commissioners by majority vote shall appoint a new member to fill the unexpired term.
- (e) Planning Commission members may be removed for cause from office by 2/3 vote of the Board of County Commissioners prior to the expiration of the appointed term.

(3) Method of Appointment

In early November of each year, the County Administrator shall cause

notice of appointment(s) to be published in a newspaper of general circulation in San Juan County. The Building and Zoning Department shall be responsible for the costs of such advertisement. Such notice shall state the nature and term of the appointment(s), the qualification for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than fifteen (15) days from the date of publication.

(4) Qualifications

Each Planning Commission member shall be a legal San Juan County resident for at least two (2) years prior to appointment.

(5) Powers and Duties

The Planning Commission shall have the following powers and duties pursuant to Section 17-27a-302, Utah Code Annotated (1953, as amended):

- (a) Each countywide planning commission shall, with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:
 - (i) a general plan and amendments to the general plan;
 - (ii) land use ordinances, zoning maps, official maps, and amendments;
 - (iii) an appropriate delegation of power to at least one land use authority to hear and act on a the land use application;
 - (iv) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;
 - (v) application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and shall protect the rights of each applicant and third party to require formal consideration of any application by a land use authority; applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and participant to be heard in each public hearing on a contested application.

2-2 Appeals

- (1) Appeal Authority. The authority to hear request for variances from the terms of the land use ordinance and appeals from decisions applying the land use ordinances shall be vested in the Board of County Commissioners.
- (2) Appealing Land Use Authority's Decision. An applicant, board, or officer of the County, or any person affected by the land use authority's decision applying a land use ordinance may, within the time period provided in 2-2(3)(a) below, appeal that decision to the Appeal

Authority by alleging there is error in any order, requirement, decision, or determination made by the land use authority in the decision applying the land use ordinance.

- (a) Time to Appeal. Any appeal, pursuant to 2-2(3) above, must be filed in writing to the County Administrator within ten (10) calendar days of the issuance of the written decision applying the land use ordinance.
- (b) Time for Hearing Appeal. The Appeal Authority should hear the appeal within thirty (30) days of the date the appeal was filed.
- (c) Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Appeal Authority and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief she intends to raise at the hearing, along with a brief statement of facts in support thereof.
- (d) Condition Precedent to Judicial Review. No person, board or officer of the County may seek judicial review of any decision applying to the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Appeals Authority.
- (e) Standard of Review and Burden of Proof on Appeal. The Appeal Authority shall upon appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.
- (f) Due Process Rights. The Appeal Authority shall respect the due process rights of all participants.

2-3 Variances.

- (1) Any person or entity desiring a waiver or modifications of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeal Authority for a variance from the terms of the ordinance.
- (2) Pursuant to Utah State law, the Appeal Authority may grant a variance only if:
 - (a) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (b) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

- (c) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (d) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (e) The spirit of the land use ordinance is observed and substantial justice done.
- (3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 2-3(a)(i), the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
- (a) is located on or associated with the property for which the variance is sought; and
 - (b) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (4) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2-3(2)(a), the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (5) In determining whether or not there are special circumstances attached to the property under Subsection 2-3(2)(b), the Appeal Authority may find that special circumstances exist only if the special circumstances:
- (a) relate to the hardship complained of; and
 - (b) deprive the property of privileges granted to other properties in the same zone.
- (6) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (7) Variances run with the land.
- (8) The Appeal Authority may not grant a use variance.
- (9) In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
- (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.

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 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 Yard

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 Land Use Authority.

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 unless a variance or conditional use is secured from the Land Use Authority.

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 two (2) stories or (35) thirty-five 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 Nonconforming Use.

A nonconforming use or a non-complying structure may be continued by the present or a future property owner. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension. For purposes of this Subsection, the addition of a solar energy device to a building is not a structural alteration.

4-2 Establishment and Changes to Nonconforming Use

The county permits the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in this ordinance;

The county shall not prohibit the reconstruction or restoration of a non-complying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

The county shall prohibit the reconstruction or restoration of a non-complying structure or terminate the nonconforming use of a structure if:

- (1) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the non-complying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
- (2) the property owner has voluntarily demolished a majority of the non-complying structure or the building that houses the nonconforming use.

4-3 Termination of Nonconforming Use

The County shall terminate all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

The County may terminate a nonconforming use due to its abandonment.

- (1) Time period for abandonment. One (1) year of uninterrupted vacancy as consistent with this Ordinance.

CHAPTER 5

PARKING REQUIREMENTS, LOADING SPACE, AND MOTOR VEHICLE ACCESS

5-1 Off Street Parking

There shall be provided at the time any 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 and three (3) additional parking spaces for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- (3) For individual sleeping or living units, 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, whichever requirement is greater.
- (6) For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking spaces.
- (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

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.

- (1) 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) 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 Definition of Conditional Use

A conditional use is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

6-2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this Ordinance.

6-3 No Presumption of Approval

The listing of a conditional use in any table of permitted and conditional uses found in Chapter 11, Subsection 11-2 of this Ordinance for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

6-3 Application

A conditional use permit application shall be made to the Zoning Administrator as provided by this Ordinance. The Zoning Administrator shall submit the application to the Planning Commission, except that the Planning Commission may authorize the Zoning Administrator to grant, attach conditions 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 Determination

The Planning Commission, or upon authorization, the Zoning Administrator, shall approve 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 intent, spirit, regulations and conditions specified in this Ordinance for such use and the zoning district where the use is to be located, as well as make the use harmonious with the neighboring uses in the zoning district.
- (3) The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

6-5 Fees

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Board of County Commissioners and as listed in the County's Fee Schedule Ordinance.

6-6 Public Hearing

A public hearing on a conditional use permit application may be held if the Planning Commission shall deem a hearing to be necessary and in the public interest.

6-7 Appeals of Decision

Any person aggrieved by a decision of the Planning Commission or the Zoning Administrator regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the Board of County Commissioners whose decision shall be final. All appeals to the Board of County Commissioners must be in writing and filed with such within thirty (30) days of the date of decision appealed from.

The decision of the Board of County Commissioners may be appealed to the District Court provided such appeal is filed within thirty (30) days of the Commission decision. Such appeal shall be filed with the County Administrator's office and the court clerk.

6-8 Inspection

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

6-9 Substantial Action Required

Unless there is a substantial action under a conditional use permit within one (1) year of its issuance, the permit shall expire. The Planning Commission may grant one extension up to six (6) months, when it is deemed in the public interest.

6-10 Revocation

A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of this Ordinance in regard to the maintenance and improvements or conduct of the use or business as approved. The County shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location of the hearing. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence. Upon conclusion of the hearing, the Planning Commission shall determine whether the permit should be revoked.

6-11 Temporary Permit

A temporary use permit may be issued for any use listed as a conditional use for that zone for no longer than six (6) months and may be extended for an equivalent period with a maximum of three (3) extensions.

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 ensuring 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 meets 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 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.
 - (c) 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.
- (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.
- (4) Such other pertinent information, including residential density, coverage, and 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.
- (2) It is not the intent of this section that control 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.
- (3) 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 where the total enclosed, usable floor space of the unit is less than five hundred (500) square feet, with an adequate foundation and skirting, and located and maintained on a separate lot having no less than the minimum area width, depth and frontage setbacks as required by this Ordinance for the district in which the dwelling structure is located.

San Juan County prohibits the placement or relocation of any pre-HUD-code manufactured (mobile) homes, built prior to the MHCSS, 24 CFR 3280, which became effective on June 15, 1976, anywhere within the County. (See NCCBCS/ANSI A225.1, Annex D)

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.
- (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 after the meeting date, unless an extension of such time is approved by the applicant. An application denied by the Planning Commission may be appealed to the Board of County Commissioners, 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:
 - (i) One-way traffic: A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering mobile homes.
 - (ii) Two-way traffic: A minimum of thirty (30) feet in width.
 - (iii) 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:

- (1) Multiple Use District MU-1
- (2) Agricultural District A-1
- (3) Rural Residential RR-1
- (4) Controlled District CD
- (5) Indian Reservation District IR

10-2 Filing of Ordinance and Map

This Ordinance and map shall be filed in the office 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.
- (4) Where the application of the above rule does not clarify the District boundary location, the Planning Commission 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 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 adverse 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 or 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

		MU-1	A-1	RR-1
(3)	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman - such buildings must be removed upon completion or abandonment of the construction work	C	C	C
(4)	Agriculture and Forestry			
a.	Agriculture, except grazing and pasturing of animals	P	P	P
b.	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 of chickens, 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)	Airport / Airstrip	C	C	C
(7)	Aviary	P	P	C

		MU-1	A-1	RR-1
(8)	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
(9)	Dude ranch; family vacation ranch	C	C	C
(10)	Dwellings			
	a. Single-family dwellings: Provided that one additional dwelling on at least one-half (1/2) 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. Pre-HUD-Code Manufactured (mobile) Homes. Pre-HUD-Code Homes are homes built prior to the MHCSS, 24 CFR 3280, which became effective on June 15, 1976. (See NCCBCS/ANSI A225.1, Annex D)	-	-	-
	c. Two-family dwellings	C	C	C
	1. Seasonal home or cabin	P	P	P
	2. Farm or ranch housing (including mobile homes)	P	P	P
(11)	Home occupation	P	P	P
(12)	Household pets	P	P	P
(13)	Kennel	P	P	C
(14)	Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant, oil wells or steam wells.	P	P	C
(15)	Evaporation ponds	C	C	C

		MU-1	A-1	RR-1
(16)	Power generation	C	C	-
(17)	Renewable energy – solar, wind farms	C	C	-
(18)	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.	C	C	C
(19)	Motor Park	C	C	C
(20)	Public stable, riding academy or riding ring, horse show barns or facilities	C	C	C
(21)	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
(22)	Signs			
a.	One identification sign, not to exceed thirty-two (32) sq. ft. in total surface area	P	P	P
b.	One development sign, not to exceed thirty-two (32) sq. ft. in total surface area	P	P	P
c.	One civic sign, not to exceed sixteen (16) sq. ft. in total surface area	P	P	P
d.	One real estate sign, not to exceed eight (8) sq. ft. in total surface area	P	P	P
e.	One residential sign, not to exceed two (2) sq. ft. in total surface area	P	P	P
(23)	Wind Turbine(s), Anemometer(s)	C	C	C

11-3 Area Regulations

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

11-5 Front Yard Regulations

The minimum depth in feet for the front yard for main buildings shall be property line 25 25 25

11-6 Rear Yard Regulations

The minimum depth in feet for the rear yard in the Districts regulated by this chapter shall be:
 For main buildings - 25 25 25
 for accessory buildings

11-7 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: 15 15 15
 - Except corner lots which shall have twice the Setback of: 30 30 30

11-8 Height Regulations

The maximum height for all buildings and structures in Districts regulated by this Chapter shall be:
 In feet 35 35 35
 In number of stories 2.5 2.5 2.5

11-9 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, a district where agriculture, industrial, commercial and residential uses may exist in harmony, 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 CD

Grocery Store

Drug Store

Automobile Service Station

Bakery

Dry Cleaning and Laundry Pickup

Beauty Shop

Barber Shop

Child Care

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 and Zoning 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, CD- 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 8 1/2" x 11" or greater than 24" x 36".
 - (b) Precise dimension at a convenient engineering scale.
 - (c) Location of all existing structures 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.
 - (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. Upon receiving the Planning Commission's recommendation(s), the Board of County Commissioners shall advertise for and hold a public hearing to receive public input in order to make an informed decision whether or not to 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 and resins, fibers. Any of the following processes: distillation of wood or bone; filtrating of cotton or other materials; reduction, refining, smelting and 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) Business signs shall be allowed after approval of a "Request for Business Sign Permit" and shall be governed by Federal and State Highway rules and regulations, 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 one-hundred (100) sq. ft. in total surface area 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 or provided with no more than two (2) signs for each use or occupancy. The total allowable square footage for signage are 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 are to be flat wall or free standing and such signs shall not be revolving or 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 amend the number, shape and area of such districts, provided, it has received a recommendation from the Planning Commission concerning a proposed amendment and a public hearing has been held by either body.
- (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.
 - (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 in Township 40 South Range 21 East, Sections 23, 24, 25, 26; and Township 40 South Range 22 East, Sections 19 and 30.
 - (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 and 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, in appropriate locations, areas where the various Indian Tribes may exercise self determination.

13-2 Permitted Uses

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