

SAN JUAN COUNTY LAND USE, DEVELOPMENT, AND MANAGEMENT ORDINANCE (2022)

Pursuant to Utah Code Ann. §17-27a-101 *et seq.*, the County Land Use, Development, and Management Act, San Juan County hereby adopts this San Juan County Land Use, Development, and Management Ordinance (LUDMO). This enactment supersedes and replaces all other ordinances San Juan County has previously adopted governing land use, development, and management, together with their amendments, maps, and modifications. Any other ordinances referencing such prior ordinances are hereby amended to reference the appropriate LUDMO provision. If any provisions of prior ordinances not hereby revoked conflict with the LUDMO, the LUDMO shall govern. Where any right or authority granted to San Juan County by state law is not addressed herein, state laws govern.

EFFECT OF PRIOR ORDINANCE

Uses which were commenced legally prior to the adoption of this title, or for which permits were properly issued and are acted upon in a timely manner, shall, to the extent they do not conform to this title, be considered as nonconforming uses. Uses that were unlawful prior to the enactment of this title, shall not become legal by the enactment of this title.

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CHAPTER 1 DEFINITIONS:

ANY TERM NOT HEREIN DEFINED, ITS ORDINARY MEANING IS INTENDED

ABATEMENT: The repair, replacement, removal, destruction, correction, or other remedy of a condition which constitutes a zoning violation by such means, in such a manner, and to such an extent as an enforcement officer determines is necessary in the interest of the general health, safety and welfare of County inhabitants.

ACCESSORY BUILDING: A building or structure, the use of which is incidental and subordinate in size and use to the main building

ACCESSORY DWELLING UNIT (ADU): A building other than the primary dwelling which is used as a dwelling on a shared lot with the primary dwelling but is not an internal accessory dwelling unit as defined by State code. It provides all utilities necessary for human occupation, approved by county board of health, and satisfies building/fire code requirements. An ADU may not exceed 50% of the primary dwelling square footage or 1200 square feet, whichever is smaller. Also referred to as mother-in-dwelling, caretaker dwelling, etc. Unless specifically permitted, an ADU may not be used as a short-term rental.

ACCESSORY USE: A use that:

1. Is customarily incidental to and found in connection with a principal or main use;
2. Is subordinate to and serves a principal or main use;
3. Is subordinate in extent, area or purpose to the principal or main use;
4. Is located on the same lot as the principal or main use; and
5. Contributes to the comfort, convenience or necessity of occupants, business or industry of the principal or main use.

AFFECTED ENTITY: means a county, municipality, local district under Title 17A, Chapter 2, local district under Title 17B, Chapter 2, Local Districts, Special Service District, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owner's association, or the Utah Department of Transportation, if:

- a. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- b. the entity has filed with the County a copy of the entity's general or long-range plan; or
- c. the entity has filed with the County a request for notice during the same calendar year and before the County provides notice to an affected entity in compliance with a requirement imposed under this title or the County Land Use, Development, and Management Act.

AGRICULTURE: Agriculture means the tilling of the soil, the raising of crops, horticulture and gardening, animal husbandry but not including any agricultural-related industry or business, such as, but not limited to, feed businesses, agriculture or farm supplies and equipment businesses, fruit packing plants, animal hospitals or similar uses.

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.

AGRICULTURAL LAND: land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including: forages and sod crops, grains and feed crops, livestock, trees and fruits, or vegetables, nursery, floral, and ornamental stock; Or land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

AGRICULTURAL ZONE: those areas designated in the Zoning Ordinance of San Juan County, Utah as AG and where the primary permitted land use is as agricultural land.

AIRPORT: any area of land or water used or intended for landing or takeoff of aircraft including appurtenant area used or intended for airport buildings, facilities, as well as rights of way together with the buildings and facilities.

AIRPORT APPROACH AREA: means all that land which lies directly under an imaginary approach surface centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides, with the end of the primary surface.

AIRPORT TRANSITION AREA: means the land lying under those surfaces extending outward and upward at right angles to the runway centerline.

AIRPORT TURNING AREA: The area of an airport other than the approach zone, which is used for turning operations of aircraft

AIRSTRIP: An airfield without normal airport facilities.

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

ALTERATION: Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change in doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.

ALTERED: Any change in the construction or addition to a building that increases or decreases the capacity or changes the use.

ANEMOMETER: An instrument for measuring wind force and velocity.

ANGLE: the rotation required to superimpose either of two lines on the other.

ANIMAL UNIT: 1 slaughter or feeder cow, .7 dairy cows, 2.5 swine for any over 55 lbs., or 10 for any swine less than 55 lbs., .5 horses, 10 sheep or lambs, 55 turkeys, 100 laying hens or broilers, if the facility has continuous overflow watering, 30 laying hens or broilers, if the facility has a liquid manure handling system, 5 ducks.

APPEAL AUTHORITY: The person, board, commission, agency, or other body designated by this ordinance to decide an appeal of a land use decision or variance.

ARC: a segment of a (surveyed) curve.

ARENA: An indoor or outdoor, public or private, commercial or noncommercial facility which is set aside for showing, training or exercising livestock.

ATHLETIC CLUB: An establishment providing facilities for physical development, exercise, sports or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

AUTO REPAIR: A building or premises used for the repair of any passenger auto, pickup truck, semi tractor, recreational vehicle or similar vehicles where the repair includes, but is not limited to, the rebuilding of engines, transmissions or differentials.

AUTO-WRECKING/SALVAGE YARD: See also definition of Junkyard. Any lot, portion of lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

AWNING: A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows and other openings with supports extending back to the building, supported entirely by the building.

BARN/AGRICULTURAL BUILDING: An accessory structure upon a lot customarily used for the housing of animals/livestock, storage of crops or feed, and/or machinery used in bona fide agricultural activities.

BASEMENT: A story more than 50% or fully 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 plane.

BATCHING APARTMENT: A dwelling unit occupied by three (3) or more batching singles who are jointly utilizing the kitchen facilities of the dwelling unit.

BEARING: the angular direction of a line on a survey.

BED AND BREAKFAST/BOARDING HOUSE: A single-family residence occupied by an owner-operator, with no more than eight (8) bedrooms located in the main residence, providing temporary accommodations (for compensation) on a nightly basis, not to exceed thirty (30) days.

BIG BOX RETAIL: Any single retail store with a gross main floor area of over forty thousand (40,000) square feet.

BLOCK: An area of land entirely bounded by streets.

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

BUILDING OFFICIAL: The officer or other designated authority appointed by the county to administer and enforce provisions of the building code.

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.

BUILDING, MAIN: The building or buildings on a site which houses the main use.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its subdivisions, including county and municipality in connection with a public use.

CAMPING: A recreational or temporary activity (less than 20 consecutive days per calendar year) which involves staying overnight in the open, in tent, or a trailer, camper, or other recreational vehicle.

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.

CERTIFICATION: the confirmation of an official document or a copy thereof by an authorized official.

CHILDCARE CENTER: A childcare facility that regularly provides custodial care for six (6) or more children during the part of any day.

CHILDCARE, HOME: Childcare operated on residential premises.

CHURCH OR TEMPLE: A building, together with its accessory buildings and uses, where persons regularly assemble for worship, which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.

CLINIC, DENTAL AND MEDICAL: A building in which a group of physicians, dentists and allied professional assistants are associated for the carrying on of their professions, including a dental or medical laboratory. "Clinic" does not include inpatient care or operating rooms for major surgery.

CLUSTERING: A subdivision or development design technique that concentrates the buildings or lots on a part of the site or sites to allow the remaining land to be used for recreation, common open space, preservation of travel corridors, and/or environmentally sensitive areas.

COLLATERAL: funds or some other valuable pledged as security against a promise to repay or perform certain actions.

COMMERCIAL USE: The purchase, sale or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions or recreation or amusement enterprises and intended to be conducted for profit, and also including the renting of business offices, sales display premises, and short-term rentals.

COMMON AMENITIES: Amenities provided for the residents of a development that are owned in common by residents of the development.

COMMON AREA: An area of common ownership of the residents designed to serve the recreational, open space or other similar needs of owners within the development and is not a commercial use. Common areas may include, but are not limited to: outdoor space, landscaping, fences, clubhouses, tennis courts, golf courses, swimming pools and other jointly used and owned space approved as part of the proposal.

COMMUNITY USE: The uses that have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private nonprofit recreation grounds, public parks, public buildings, public facilities, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, halfway houses, alcohol rehabilitation centers and other similar uses.

CONDITIONAL USE: A land use that because of its unique characteristics, or potential impact on the county and/or surrounding neighbors or adjacent land uses, may be allowed, allowed with conditions, or denied in designated zones, based on compliance with standards and criteria set forth in this title for those uses.

CONDOMINIUM: The ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the common areas and facilities of the property and meeting all requirements of the condominium ownership act of the state of Utah.

CONFIGURATION: the shape of a boundary or perimeter line, the shape of a lot, block or subdivision.

CONSERVATION EASEMENT: An easement voluntarily placed on property to ensure that no future development will occur. The easement will be held by a third party and maintained in perpetuity.

CONSTRAINED LAND: Lands with a natural slope greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply sources (recharge areas for wells and aquifers), lands affected by non-mitigable geohazards, and riparian habitats unless mitigated by a licensed engineering study.

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.

CULINARY: water intended for human consumption, usually required to meet certain health standards.

DEDICATION: the conveyance of land or an easement thereon through a final plat or other instrument to a public agency or to one or more persons for a specific purpose.

DELINEATE: to draw or trace the outline of.

DIVIDED LAND: land that is described as the land to be divided in a notice as required by this ordinance and has been divided by a minor subdivision.

DRAINAGE DITCH: Any system of canals or ditches naturally existing or constructed to carry surface and/or subsurface water to a natural stream, whether or not the ditches or canals carry water filed upon by individuals to be used for irrigation purposes.

DRIVEWAY: A private roadway for access of vehicles to a residence, parking space, garage or other structure.

DWELLING: A building designed or used for residential occupancy, including one-family, two-family, multi-family, manufactured homes, modular homes, and apartment structure; but shall not include boarding, rooming or lodging houses, tents, trailers, RVs, mobile home parks, motels, motor courts, motor lodges, cottage camps, or any short-term rentals or uses primarily for transient residential uses.

DWELLING, FARM OR RANCH: See farmhand accessory dwelling unit.

DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one lot containing separate living units for three (3) or more families having separate or joint entrances or a two-family dwelling on a single lot.

DWELLING, SINGLE-FAMILY: A building designed for and occupied exclusively by one family on a separate lot and not sharing any common wall.

DWELLING, TWO-FAMILY: A dwelling sharing a common wall or walls or floor to ceiling, but each unit being located on an individual lot including twin-homes and townhomes.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

ENFORCEMENT OFFICER: The director of the planning and zoning department, building inspector, sheriff or their authorized representative, or some other duly designed officer of the county that is authorized as the agent charged with the enforcement of the provision of this title.

EASEMENT: a right, such as a right of way, afforded a person to make limited use of another's real property.

ELECTRONIC MESSAGE CENTER (EMC): Any sign, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area where the message is displayed. EMS includes computer programmable, microprocessor controlled electronic or digital displays.

ELECTRONIC MESSAGE SIGN VIEW AREA: The view area for any EMS shall be measured as follows: beginning from the outside edge of the sign face, measure one hundred fifty feet (150') to each side, then measure at a ninety degree (90°) angle three hundred feet (300') in the direction that the sign is facing, and ninety degree (90°) angle until the two (2) lines intersect.

ESCROW DEPOSIT: the placement of cash in a special account held by a bank or other financial institution to be released upon completion of specific tasks such as construction of a road.

EVAPORATION POND: Artificial ponds with very large surface areas that are designed to efficiently evaporate water by sunlight and exposure to the ambient temperatures.

EXPANSION: An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

FACE OF SIGN: The entire area of a sign upon, against or through which any copy, electronic images, graphics or pictures, with or without textual information is placed.

FAMILY: An individual or two (2) or more persons related by law, blood, marriage or adoption, or up to four (4) unrelated persons, living together in a single dwelling unit and maintaining a common household.

FAMILY CARE HOME: A dwelling wherein room, board, care and supervision are provided by the resident family in a home setting to persons who are handicapped, mentally ill or mentally retarded and who are provided with a program of services, including training in vocational and recreational activities. To qualify, the dwelling must be approved or operated by an agency of the Utah state government.

FAMILY DAYCARE CENTER: A dwelling or place of business wherein a resident family provides ordinary care and supervision during customary daytime periods to nonrelated persons. To qualify for a daycare center, an agency of Utah state government must approve the dwelling or place of business.

FARM: A business enterprise in which land is used for the production of food, feed or fiber.

FARMHAND ACCESSORY DWELLING UNIT: An ADU as defined that is occupied by an employee of a Farm.

FARM ANIMALS: Animals and fowl such as commonly used for food or fiber production, or as a beast of burden, for commercial purposes or for pleasure.

FARM INDUSTRY: The keeping and raising of farm animals and/or fowl for domestic or commercial use, such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches and similar uses, and accessory uses thereto.

FAST FOOD EATING ESTABLISHMENT: Any establishment where foods or beverages are prepared for consumption and consumption occurs in either the building, on the premises or within a motor vehicle parked thereon, or off premises and whose operation includes one or more of the following characteristics:

- Food or beverages are served to the occupants of a motor vehicle while seated therein (e.g., drive-through window or drive-in); and

- Food and beverages are usually served over a general service counter for the customer to carry to a seating area within the restaurant, to a motor vehicle, or off premises.

FENCE: A structure erected to provide privacy or security that defines a private space or is used to constrain animals.

FENCE, SIGHT OBSCURING: A fence that is three feet (3') or more in height that is constructed or planted in such a fashion that causes fifty percent (50%) or more opaqueness at any angle of view through such fence.

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 a fire or explosion and that poses a threat to life or property.

FIRST LIEN AND RESTRICTION OF SALE: a form of collateral wherein the County places a lien on one or more lots in a subdivision and prohibits the sale of those lots until specified public improvements have been satisfactorily completed.

FLOODPLAIN: The flood from whatever source having a one percent (1%) chance of being equaled or exceeded in any given year, otherwise commonly referred to as the one hundred (100) year flood. Areas (100-year flood areas) as defined in FEMA's federal insurance rate map.

FLOODPLAIN DATA: information that defines the boundary of a floodplain, either mapped or given in elevations.

FRACTIONAL NUMBERS: As used in this Title, any computation or measurement resulting in a fractional number shall be rounded down to the next smaller whole number. For example twenty three and three-fourths inches (23.75") would be rounded down to twenty three inches (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.

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.

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

GARAGE/YARD SALE: The sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises.

GASOLINE, RETAIL: A building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

GENERAL PLAN: The document adopted by the county that sets forth general guidelines for proposed future development of the unincorporated land within the county.

GEOLOGIC HAZARD: One of several types of adverse geologic conditions capable of causing damage or loss of property and life.

GLAMPING: Glamorous Camping (or Glamping) means a form of camping where a hospitality company provides a form of lodging, whether in a tent or yurt or similar structure, where guests can experience the positive aspects of

camping without the "uncomfortable" negatives. The amenities found at glamping sites far exceed those found at a traditional camping site. And the glamping site has affixed structures.

GRADE PLANE: A reference plane, representing the average of the finish ground level, adjoining the building at all exterior walls. Where the finish ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the structure and the lowest point 6 feet from the building.

GRAVEL PIT: See critical infrastructure material and operations as defined in Utah Code Ann. §17-27a-1001 and its successors.

HARD SURFACE: An impermeable, dust free surface, such as concrete or asphalt. Road base does not qualify.

HANGAR: An accessory building specifically designed or suited for the storage of aircraft and aircraft related materials. Hangars must be located with unobstructed access to an airport or airstrip.

HIGH DENSITY SUBDIVISION: When a subdivision has ten (10) or more lots within a concentrated area.

HOME OCCUPATION: A nonresidential activity, conducted primarily within a dwelling unit, which is clearly secondary to the use of the dwelling for residential purposes, and does not involve the use of any accessory building or yard space or activity, outside of the main building, not normally associated with residential use, and may not constitute a nuisance.

HOMEOWNER'S ASSOCIATION: An incorporated nonprofit organization operating under recorded land agreements through which: a) each lot/homeowner is automatically a member; and b) each lot is automatically subject to a proportionate share of the expenses for the organization's activities and interest, such as maintaining and operating open spaces, landscaping, common property or facilities.

HOSPITAL: An institution licensed by the state of Utah providing inpatient health services for human beings, and primarily medical or surgical care of the sick or injured, and such other services and accessory uses as normally provided for its administration and operation.

HOTEL: Any structure or group of structures with more than 5 single sleeping units intended for short-term rental in which the egress is internal to each single sleeping unit.

HOUSEHOLD PET: Animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel. Household pets shall not include chickens or any animals that are prone to inflicting harm or discomfort, or endangering the health, safety or welfare of any person or property, or are defined herein as animal units, or are otherwise regulated by Utah Code Title 23. The number of household pets shall be limited to that allowed by the provisions of each respective zone as set forth in this title.

ILLEGAL LOT: An illegal lot is any lot or parcel of land which was not created in conformance with the county ordinance in effect at the time the lot was recorded.

IMPACT FEES: fees that may be required to provide or maintain required infrastructure improvements and/or services.

INDUSTRY: The organized action of making of goods and services for sale.

JUNK: Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. "Junk" includes, but is not limited to,

tires, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances, or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

JUNK YARD: An open area where junk, used or secondhand materials are bought, sold, exchanged, processed or dismantled for parts. An automobile wrecking yard or a salvage yard is also considered a "junkyard". The use of buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the buildings and there is no outside storage.

KENNEL: The keeping of more than three (3) or more dogs, at least four (4) months old, (3) cats (4) months old, or similarly sized household pets in said numbers. Any combination of exceeding (3) household pets constitutes a kennel.

LAND TO BE DIVIDED: land that is proposed to be divided by a platted or minor subdivision.

LAND USE APPLICATION: An application required by the county's land use ordinance.

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 or any part thereof.

LAND USE DECISION: Means the same thing as defined in Utah Code Ann. §17-27a-103 *et seq.*

LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the county, but does not include the general plan.

LAND USE PERMIT: A permit issued by the land use authority.

LEGISLATIVE BODY: The county legislative body.

LETTER OF CREDIT: a document issued by a bank or other financial institution which guarantees a subdivider or developer a specific amount of credit and which can be called by the County for failure to perform specified improvements.

LIVESTOCK FEEDLOT: A feeding operation on a parcel of land where livestock are conditioned for market on a year-round basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

LOCAL DISTRICT: As defined by Utah Code Title §§17B, 17C, 17D

LODGING HOUSE: A building where lodging only is provided for compensation to five (5) or more, but not to exceed fifteen (15) persons. See short-term rental.

LONG TERM RENTAL: Means the renting of single sleeping unit(s) that includes provisions for living, sleeping, eating, cooking and sanitation for a period of 28 days or longer or a dwelling unit for a period of 28 days or longer. An accessory building may not be used as a long-term rental.

LOT: as defined in Utah Code Title §17-27a-103 *et seq.*

LOT AREA: the horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

LOT, CORNER: A building lot situated within a corner created by the intersecting lines of a street or streets that has frontage on two (2) sides.

LOT DEPTH: the horizontal distance between the front and rear lot lines.

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 pursuant to state law.

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.

LOT FRONTAGE: that part of a front lot line that abuts a street.

LOT INTERIOR: A lot other than a corner lot.

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.

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.

LOT WIDTH: the horizontal distance between the side yard lines.

MANUFACTURED HOME: A home or other building of new construction which has been assembled fully, or in material part, upon another site, or in a factory, and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the HUD code.

MARQUEE: A sign designed and constructed for the purpose of changing the message regularly by movable letters or electric means.

MINI HOTEL: Any structure or group of structures with less than 5 single sleeping units intended for short-term rental in which the egress is internal to each single sleeping unit

MINI MOTEL: Any structure or group of structures with less than 5 single sleeping units intended for short-term rental in which the egress is external to each single sleeping unit.

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, and mining related storage facilities whether they be underground or above-ground.

MINING PROCESSING: The refining, smelting, separating, sifting, crushing, or similar processes used to prepare materials gathered during mining for their final intended use.

MINOR SUBDIVISION: shall mean the division of four (4) or less lots and are exempted from the platting process, but are subject to specific requirements as outlined in Chapter 7.

MINOR SUBDIVISION LOT: a lot created by a minor subdivision.

MOBILE HOME: means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

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.

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.

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; it is placed on a permanent foundation and complies with all governing building codes.

MONUMENT SIGN: A sign whose base is approximately seventy-five percent (75%) of the width of the sign and is permanently set on the ground and has an opaque pedestal as part of the sign foundation which conceals any pole support.

MOTEL: Any structure or group of structures with more than 5 single sleeping units intended for short-term rental in which the egress is external to each single sleeping unit.

MYLAR: (1) a thin polyester material that when drawn upon can be reproduced on a blue or black line print. (2) The official copy of a subdivision plat.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the land use authority, and in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A structure that legally existed before its current zoning designation and because of subsequent zoning changes does not conform to the setback, height restrictions or other regulations governing the use.

NONCONFORMING LOT OF RECORD: A lot or parcel that: a) legally existed as a developable lot or parcel before its current land use or zoning designation; b) has been shown continuously to be an independently existing piece of property since its creation or since enactment of zoning (July 1978) ; c) has not decreased in size since its creation, except for lot line adjustments, as defined in Utah Code Annotated section 17-27a-103 *et seq*, as currently amended; and d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

NONCONFORMING SIGN: A sign or sign structure or portion thereof lawfully existing at the time this chapter or amendment thereto became effective, which does not conform to all height, area and yard regulations prescribed in the zone in which it is located, or other regulations of this chapter.

NONCONFORMING USE: A use of land that legally existed before the current land use regulations has been maintained continuously since the time the land use regulation governing the land became effective, and because of subsequent zoning changes does not conform to the land use regulations that govern the land.

NUISANCE: A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

The following are factors that may be considered but may not necessarily be dispositive in determining nuisances and is not an exclusive list: 1) noise that by reason of time, nature, intensity or duration are out of character with the noise customarily heard in the surrounding area. 2) Disturbing the peace of the surrounding properties by engaging in shouting, fighting, loud music, racing of cars or recreational vehicles on streets, or other similar activities after

10:00 p.m. or similar activities that results in law enforcement response and action. 3) interference with the privacy of neighboring properties or trespassing onto surrounding property. 4) the presence or release of noxious or offensive odors that passes onto the surrounding property. 5) excessive foot or vehicular traffic after 10:00 p.m. or the repeated blocking of the streets or creation of excessive vehicle traffic to or from the property out of character with the traffic customary for the surrounding area. 6) the collection or storage of materials, refuse, or equipment at a dwelling or dwelling accessory building or in the surrounding yard out of character with that customary for the surrounding area. 7) the dilapidation of the structures on the property or of the yard in contrast to the character of the surrounding properties. 8) the manufacture, distribution, possession, or presence of illegal substances on the property. 9) water discharge, runoff, surface drainage, or animal waste that leaves the property or contaminates water ways or drainages.

The following are factors which may weigh against the finding of a nuisance which may not necessarily be dispositive and is not an exclusive list: 1) noise, dust, odors, exhaust, storage of equipment, and materials caused by the temporary process of construction on the property. 2) Whether the activity on the property existed prior to the change in the character of the area. 3) Temporary road closure that has been permitted by the appropriate entity. 4) Allowed recreational activities at public or private parks that occur occasionally.

OFFICIAL: any elected official or their designated deputy of San Juan County or the appointed Administrative Assistant, Building Inspector, Surveyor, Subdivision Administrator, or Zoning Administrator of San Juan County.

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.

OWNER OF RECORD: the individual named on a deed that has been recorded at the San Juan County Recorder's Office.

PARCEL: As defined in Utah Code Title 17-27a-103 et seq.

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.

PARKING SPACE: Space within a building, lot or parking lot for the parking or storage of one (1) automobile.

PERFORMANCE BOND: a form of collateral, issued by a bonding company which guarantees a specified amount of money to be paid in the event of failure to perform by a subdivider, or other person.

PERIMETER BOUNDARY: a line around any piece of property such as a parcel, lot, block or subdivision which encloses and separates that piece from adjacent pieces.

PERSON: any individual or agent of an individual, a family entity, a corporation, a public entity or any other organization or association that has the legal right to own, lease, or use property, except when used in a context where it is defined by state or federal law.

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 zone 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.

PLANNER: The San Juan County official appointed by the San Juan County Commission as the San Juan County Planner, whose duties include overseeing and managing the San Juan County Planning and Zoning Department and the implementation, administration and enforcement of the planning and zoning portions of this Title.

PLANNING COMMISSION: is a seven (7) member board appointed by the Board of San Juan County Commissioners. The Planning Commission serves the community by hearing and making a variety of decisions on San Juan County planning and zoning issues that impact the County and its residents. For the purposes of this ordinance, the Planning Commission may be the land use authority.

PLAT: a map or other graphical representation of lands being laid out and prepared in accordance with state law and this Ordinance which serves as an instrument for approval by the Board of County Commissioners of San Juan County, Utah.

PLAT, FINAL: the officially approved and signed plat which is recorded with the County Recorder.

PLAT, PRELIMINARY: the map or maps of a proposed subdivision, and specified supporting materials prepared in sufficient detail to permit the evaluation of the subdivision prior to final engineering design and survey.

PRIOR CONFORMING DWELLING: As differentiated from a prior non-conforming use, a prior conforming dwelling is a structure that was permitted as a dwelling in a prior zone or prior zoning ordinance that no longer is applicable to the current ordinance and/or zoning of the area. The use as a dwelling may continue and be expanded (differing from a prior non-conforming use), but the changing of the use would trigger the new applicable zoning requirements. A prior conforming dwelling is not subject to termination efforts by the county which also differs from a prior non-conforming use.

PRIVATE CAMP/RESORT: Land used for recreational purposes such as ATV/off-road vehicle, rock climbing, mountain biking, racing, river raft base camp, swimming, hunting, event venues, or similarly supported commercial recreational uses along with their associated structures and/or complexes.

PRIVATE PARK: An area of land intended for outdoor enjoyment by the general public subject to the legal restrictions placed by the owner, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and which is owned by a private entity or person, or operated in its entirety as a non-commercial use.

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.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the Public under state law.

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.

PUBLIC PARK: An area of land intended for outdoor enjoyment by the general public, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and which is owned by a governmental entity, or operated in its entirety as a non-commercial use.

RADII: (plural of radius), a line segment between the center of a circle and any point on its circumference.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with state law.

RIGHT-OF-WAY: a legal right of passage over another person's ground.

ROAD: See Street, public

ROAD, COUNTY: a road or highway designated as a County road and maintained by San Juan County.

ROAD, PRIVATE: a road or driveway on privately owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without assistance from the County. A private road has not been given to or accepted by the County for public use and maintenance.

RV: "Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle.

"Recreational vehicle" includes: a travel trailer; a camping trailer; a motor home; a fifth wheel trailer; park model home/RV; and a van designed for overnight use.

RV PARK: A space designed and approved by the local jurisdiction for occupancy by mobile homes, RVs, and park model RVs to be under a single ownership or management, and meeting all requirements of the zoning ordinance for RV Parks.

SEAL: the official seal of a licensed professional Land Surveyor.

SECTION LINE: the line delineating the boundary of a section of land in the United States Geological Survey.

SEWER SYSTEM, PRIVATE: a system for treatment and disposal of household sewage that is owned by an individual or several individuals and designed to serve the owners property only e.g., septic tank and leach field systems.

SEWER SYSTEM, PUBLIC: an approved sanitary sewer system containing transmission lines and treatment facilities owned and operated by a public entity such as a municipality or special district.

SEXUALLY ORIENTED BUSINESS: as defined in Utah Code §17-50-331.

SHOPPING STRIP: A group or cluster of retail or service-oriented businesses that share a parking lot area with limited ingress and egress to the parking area.

SHORT-TERM RENTAL: The renting of any structure or single sleeping unit for the purpose of overnight occupancy for a period less than 28 days by the renter. Short term rental housing may be referred to as vacation rentals, transient rentals, short-term vacation rentals, resort dwelling units, nightly rentals, condominium rental, glamping, commercial camping, hotel, motel, mini-hotel/motel rental, cabin rental, trailer/RV rental, bed and breakfast, tourist court or any other variation in which a structure is rented as overnight accommodation for a period less than 28 days. An accessory building may not be used as a short-term rental. An RV Park is separately defined.

SIGHT DISTANCE TRIANGLE: the area at the intersection of two streets or roads or where a driveway enters a street or road, which is intended to allow a clear line of sight of oncoming vehicles.

SIGN: Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, object, device, medium, conveyance or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. This does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

SIGN, A-FRAME: A temporary and/or movable sign constructed with two (2) sides attached at the top so as to allow the sign to stand in an upright position.

SIGN, ANIMATED: A sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights, time, temperature and electronic type message center.

SIGN AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back to back or double faced sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees (45°). In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGN, ELECTRONIC DISPLAY SCREEN: Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

SIGN, FOR SALE: A temporary sign placed on a lot offering that specific property for sale, lease or rent, and limited to twelve (12) square feet in sign area. The on-premises sign may advertise a model home or open house.

SIGN, ILLUMINATED: A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper, or by devices which reflect or project light upon it.

SIGN, LOW-PROFILE: On premises or identification signs having a maximum height of six feet (6'), incorporated into some form of landscape design scheme or planter box.

SIGN, OFF-PREMISES: advertising sign which directs attention to a use, product, commodity or service not related to the premises.

SIGN, PROJECTING: A sign attached to a building or other structure and extending in whole or in part more than twenty four inches (24") beyond any wall of the building or structure.

SIGN, PROPERTY: A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

SIGN, ROOF: A sign erected partly or wholly on or over the roof of a building, including ground supported signs that rest on or overlap a roof twelve inches (12") or more.

SINGLE SLEEPING UNIT: An area, structure, or group of structures that provides room or space for 1 or more persons that cannot be less than 70 square feet and shall not be less than 7 feet in any horizontal dimension and is not more than 1,000 square feet. Each additional 1,000 square feet constitutes a new single sleeping unit regardless of its actual use.

STOCK POND: An enclosed pond for the purpose of providing water for agriculture uses insufficient in size to require regulation by the State.

STOCK PROOF FENCE: a fence designed to contain or prevent cattle, horses, sheep or other domestic animals from entering or leaving the fenced area.

STORAGE YARD: A place where space is rented for the storage of personal property in either an open yard or an enclosed building.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

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.

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.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

SUBDIVIDE: any division of an existing parcel of land in accordance with this Ordinance.

SUBDIVIDER: any person or agent of a person who causes land to be subdivided.

SUBDIVISION: in this Ordinance, the division, re-subdivision, or proposal to divide any land 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, development, either on the installment plan or upon any and all other plans, terms or conditions. Subdivision does not include:

- (1) a bona fide division or partition of agricultural land for agricultural purposes;
- (2) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (a) no new lot is created; and
 - (b) the adjustment does not violate applicable land use ordinances;
- (3) a recorded document, executed by the owner of record:
 - (a) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (b) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
- (4) a bona fide division or partition of land for the purpose of siting on one or more of the resulting separate parcels:
 - (a) an electrical transmission line or a substation;
 - (b) a natural gas pipeline or a regulation station; or
 - (c) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
 - (d) a data gathering tower or turbine for the generation of electricity.
- (5) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - (a) no new dwelling lot or housing unit will result from the adjustment; and
 - (b) the adjustment will not violate any applicable land use ordinance; or
- (6) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.
- (7) the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision.

SUBDIVISION, PHASE(S): carrying out a subdivision in gradual stages. Subdivision phase(s) may not be one lot and must be contiguous to other parts of the subdivision.

SUBDIVISION ADMINISTRATOR: the official or employee of San Juan County appointed by the Board of County Commissioners to administer the subdivision requirements of this Ordinance. For the purposes of this ordinance, the Subdivision Administrator may be the land use authority.

SUBDIVISION IMPROVEMENT AGREEMENT: a contract between a subdivider or developer and the County which specifies the required public improvements to be constructed in or in support of a subdivision including the estimated costs and the method of guarantee the collateral, to insure the improvements are constructed.

STORM WATER DETENTION: the holding of storm water on a particular site through the use of swales or structures that are designed to release the water at a specified rate.

SURVEY MONUMENT: an object placed or built to identify a survey reference point, usually a section corner on the land.

SWIMMING POOL: A portable or permanent structure above or below grade, designed to hold water eighteen inches (18") deep or greater and/or two hundred fifty (250) square feet or greater surface area and intended for therapeutic or recreational purposes. This definition does not include an ornamental reflecting pool, fish pond or other type of pool not used for swimming and/or wading, and must be located and designed so as not to create a hazard.

TANGENTIAL USE: Any use other than the permitted primary use under the existing zoning regulation that occurs 1) less than 30 cumulative days in a 12 month period 2) is not a nuisance and 3) is not a prohibited use under the land use regulation.

TINY HOME: Any single family dwelling smaller than 400 square feet, but larger than 200 square feet. Designed for long-term human occupancy, built as allowed by State adopted building code.

TOPOGRAPHICAL CONTOURS: horizontal lines on a map indicating an elevation above a specified point, usually sea level, and containing intermittent lines in intervals usually of two (2) feet, five (5) feet or other specified distances.

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; see short-term rental.

RV/TRAILER CAMP: Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or camping parties.

UNINCORPORATED: the area outside of the incorporated area of a municipality

UNIT COSTS: the cost of a specified segment or part of an improvement usually expressed as a cost per linear foot.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

USE, MAIN: The principal function or use of the land and/or building or structure.

VACATE: 1) to abandon or relinquish a right to use a specific piece of land such as a road, right of way, or easement, or 2) to void a subdivision or portion thereof and return it to pre-subdivided status.

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; Variances do not apply to changes of use.

VELOCITY (WATER): the rate of flow at a specific point usually stated in cubic feet per seconds (cfs) or gallons per minute (gpm).

VICINITY MAP: a small scale map shown as an insert on a larger map that indicates the location of a subdivision or other pieces of land in relation to a much larger geographic area.

WATER SYSTEM, PRIVATE: a source of water and the transmission lines owned by one or more persons to serve only their property, i.e.: an individual domestic well.

WATER SYSTEM, PUBLIC: a source of water, including transmission lines and treatment facilities owned by a public entity such as a municipality or special district to provide water to their residents.

YARD: A space on the lot, other than a court, unoccupied and unobstructed by a building from the ground upwards , except as otherwise provided herein.

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.

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.

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.

YURT: A tent like structure consisting of a wooden base and frame with a canvas outer covering, which may be easily dismantled and moved.

WIND TURBINE: A turbine that is powered by the wind.

ZONING MAP: A map, adopted as part of a land use ordinance that depicts land use zones and overlays.

CHAPTER 2

ZONING AMENDMENTS

Section 1: CREATION AND AMENDMENTS OF ZONES

In order to accomplish the LUDMO's purposes, San Juan County hereby divides the county into zones in accordance with the general plan of the county as hereinafter set forth. In the preparation of the LUDMO, due and careful consideration was given, among other things, to the general plan, current zoning, historic use, the relative quantities of the land needed for particular uses and to the suitability of such uses, to existing and probable future conditions within the county, and to the character of each of the several zones, with a view to conserving property values, encouraging the most appropriate use of land throughout the county, providing for the county's health, safety, and welfare, and to promote the other purposes established by state law.

Section 2: ZONING MAPS

- A. Zoning Maps: The zoning maps for San Juan County, as approved by the county legislative body and signed by the chairperson thereof, are the official zoning maps of San Juan County. The zoning maps show the county is divided into zones as shown on the map entitled "Zoning Map of San Juan County." The zoning map currently in effect is attached as Addendum A to this Title. The zoning map and boundaries, notations, references, and other information shown thereon shall be as much a part of this title as if the information and matters set forth by the map were fully described herein. The zoning map shall be formally amended and signed by the chairperson of the county legislative body and will reflect any amendments granted thereto. If a new map is adopted, the county GIS department shall retain a digital copy of the previous zoning maps. It will then replace the prior map and be attached as Addendum A of this Title.
- B. Current Controlling Map: Regardless of the existence of purported copies of the official zoning map, which may from time to time be made, amended or published, the official zoning map, which shall be located in the office of the planning department, evidencing the signature of the chairperson of the county legislative body, shall be the final authority as to the current status of zoning.
- C. Uncertainty Of Zone Line: Where uncertainty exists with respect to the exact boundaries of various zones, the following rules shall apply:
 - a. Where the indicated boundaries on the official zone map appear to be approximately street or alley lines, the centerline of the streets or alleys shall be construed to be the zone boundaries;
 - b. Where the indicated boundaries appear to be approximately lot lines, the lot lines shall be construed to be the zone boundaries;
 - c. Where indicated boundaries appear to be canals, ditches or rivers, the centerline of the canals, ditches or rivers shall be construed as the zone boundaries;

Section 3: PROCEDURE TO AMEND TITLE, CODE, OR ZONING MAP

- A. Application: This title, including the zoning map, may be amended by the San Juan County legislative body in accordance with the requirements of the Utah Code Annotated section 17-27a-101 et seq., the County Land Use, Development, and Management Act (CLUDMA).
 - 1. The county legislative body or the Planning Commission can propose an amendment to this title, or the zoning map through a motion, directing the planning director to prepare a proposed title amendment, or zoning map amendment, in addition to their own rights to propose a change under this section at any time. Proposals by the planning commission shall be ratified by the County Commission to take effect.
 - 2. Any person seeking an amendment to this title or the adopted zoning map shall submit to the planning department a written petition containing the following information:
 - i. Designation of the specific zone change or title amendment desired;
 - ii. The reason and justification for such zone change or title amendment, and a statement setting forth the manner in which a proposed amendment or zone would further promote the objectives of the general plan and the purposes of this title;

- iii. A complete and accurate legal description of the area proposed to be rezoned; or a draft of the proposed title amendment;
 - iv. For zone changes, a conceptual development plan, drawn to scale, showing all areas to be included within the proposed rezoning, designating the present zoning of the property, and properties immediately adjacent thereto;
 - v. For zone changes, a slope map showing categories of slopes at zero to ten percent (10%), eleven (11) to twenty percent (20%), twenty one (21) to thirty percent (30%) and over thirty percent (30%) slopes; and
 - vi. The filing fee as established by this LUDMO (Addendum D). The planning director, the county manager, the planning commission, or the county legislative body may propose an amendment to this title or the adopted zoning map without paying the filing fee.
3. Except as otherwise provided in this title, the county legislative body shall consider any zoning map amendment petition or proposal made under Chapter 2 Section 3 Part A.2 before the end of October. The county legislative body may approve zoning map amendments after October if the zoning map amendment petition or proposal, even if modified, was first considered prior to the end of October. The deadline for zoning map amendment petitions or proposals to be submitted to the planning department is by July 15 of any given year for the recommendation by the planning commission. After July 15, such petitions and motions may not be entertained until the following year, unless the matter was continued in a public meeting of the planning commission prior to July 15. Unless otherwise provided, all approved zoning map amendments shall become effective 14 days after approval and the current zoning map (Addendum A) will be updated to reflect the change by January 31 of the following year. Other properly submitted petitions or proposals to amendment to this title may be considered anytime.
 4. Exceptions: So long as the county legislative body follows all requirements under the Utah Code to amend this title and the adopted zoning map, they shall have authority to amend this title at any time if the county legislative body finds that expedited enactment of a land use ordinance or amendment to the zoning map is necessary for the preservation of the peace, health, safety or welfare of the county and its inhabitants. If the county legislative body finds that an expedited enactment of a land use ordinance or zoning map is necessary, the planning director, planning commission, and other necessary county personnel are hereby required to follow the minimum requirements of the State Code to recommend an amendment to this title or the zoning map, or to decline to recommend the proposed amendment after holding a properly noticed public hearing.
- B. Planning Commission Public Hearing: After providing any notices required under the Utah Code, and this title the planning commission shall hold a public hearing on any properly proposed or petitioned amendment to this ordinance or map shall also consider any written comments received on any changes submitted according to this title. The planning commission may recommend approval, modify, recommend denial, decline to recommend a change, or continue the matter. However, the Planning Commission shall make its recommendation to the legislative body no later than six months after the public hearing. It shall forward any written comments they received to the county legislative body with its recommendation or decision not to recommend.
 - C. County Commission Public Hearing: After providing any notices required under the Utah Code, the county legislative body shall, after receiving the Planning Commission's recommendation or decision not to make a recommendation, hold a public hearing to consider the proposed amendment, including whether it is in the interest of the public and is consistent with the goals and policies of the San Juan County general plan. The legislative body may accept the Planning Commission recommendation, modify it, deny the application, or continue the matter.

Section 5: ADHERENCE TO GENERAL PLAN/HOUSING

It is the intent of this ordinance, to adhere to the goals and development strategies as stated in the San Juan County General Plan. Amendments to the ordinance or the general plan, should be made to provide for the needs of the County and its residents, including the need for low income/moderate income housing throughout the County.

CHAPTER 3 GENERAL PROVISIONS

Section 1: PURPOSE

This title and the regulations and restrictions contained herein are adopted and enacted for the purposes enumerated in Utah Code section 17-27a-102 et seq:

- (i) provide for the health, safety, and welfare;
- (ii) promote the prosperity;
- (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of the county and the county's present and future inhabitants and businesses;
- (iv) protect the tax base;
- (v) secure economy in governmental expenditures;
- (vi) foster the county's agricultural and other industries;
- (vii) protect both urban and nonurban development;
- (viii) protect and ensure access to sunlight for solar energy devices;
- (ix) provide fundamental fairness in land use regulation;
- (x) facilitate orderly growth and allow growth in a variety of housing types; and
- (xi) protect property values.

Section 2: INTENT

It is hereby declared to be the intent of the San Juan County legislative body that this title and the regulations set forth herein shall be so construed as to further the purpose of this title and promote the objectives and characteristics of the respective zones.

Section 3: SHORT TITLE

This title shall be known as the Land Use Management and Development Ordinance (LUDMO) and may be so cited and pleaded. Whenever a reference is made to this code as the San Juan County land use or development code, or to any portion thereof, or to any ordinance of San Juan County, Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 4: AUTHORITY PROVISIONS

It is hereby declared to be within the authority of San Juan County to approve the subdivision and development of land, amendment of plats or adjustment of lot lines, rezoning of property, amendments to the general plan, and approval of site plans pursuant to the guidance of the San Juan County general plan and land use code, for the orderly, planned, efficient and economic development of San Juan County. Unless otherwise designated, the San Juan County legislative body shall be the Land Use Authority for all development applications. Non-legislative actions are delegated as follows:

A. The Planning Commission shall be the Land Use Authority for:

- 1. Conditional Use Permits
- 2. The following minor plat amendments:
 - i. Combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation;
 - ii. Modification of plat title, notes, or labels so long as they were not placed on the plat due to findings or conditions adopted by the San Juan County legislative body;

- iii. Plat Amendments applied for and signed by all property owners in the original subdivision and that do not increase density or significantly affect the layout of infrastructure, open space, or common areas; or
 - iv. Changes to a building envelope consistent with San Juan County Code.
3. Final Site Plans.
 4. Telecommunication facilities.
 5. Conservation fee-in-lieu.
 6. Condominium Plat Approval.
 7. Variances

B. The San Juan County Planner is authorized to approve the following applications for the following items, unless a public hearing is required after noticing requirements under applicable law have been met (if any).

1. Home Occupation certificates.
2. Retaining Walls (4' to 10').
3. Commercial off-street parking reduction.
4. Telecommunication (stealth & collocation only).
5. Commercial Site Plan.
6. Minor Subdivisions.
7. Temporary Uses.
8. Building Relocations.
9. Non-conforming use determinations.
10. Boundary Line Adjustments.
11. Building Permits (for zoning approval)

Section 5: LICENSES TO CONFORM, ERROR DOES NOT VEST

All departments, officials and employees of San Juan County that are vested with a duty or authority to issue permits and licenses shall do so in conformance with the provisions of this title. No permit or license for a use, building or purpose shall be issued where the same would be in conflict with the provisions of this title. A permit or license, if issued in conflict with the provisions of this title, or made in error, shall be null and void.

Section 6: BUILDING PERMITS REQUIRED

No building or structure shall be constructed, reconstructed, altered or moved, except after either the issuance of a permit by the building department unless specifically exempted by Utah Code, and by written acknowledgement of exception by the building department. No provision of this ordinance is intended to exempt a building permit requirement.

Section 7: BUILDING PERMITS; LOT PLAN REQUIRED

All applications for building permits for new construction (and not interior remodels) shall be accompanied by:

1. A lot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected and existing buildings on adjacent property, and such other information as may be deemed necessary by the building inspector or the planning department for the enforcement of this title.
2. When property boundaries are unclear or undetermined, a complete and accurate legal description of the property, which is the subject of the application, together with a certified survey of the property showing any conflict with adjoining property, overlaps or discrepancies between the legal description, and any existing fence lines.

3. When the road upon which the lot has frontage is unimproved, or the boundaries of said road are not clearly ascertainable, or there is any question by the building inspector, engineering department, or the planning department, of whether the actual road is within the platted right of way, a certified survey of the road showing any conflict with actual and platted right of way, overlaps or discrepancies between the legal description, and any existing fence lines, is required.

Section 8: PERMITS TO COMPLY WITH LAND USE REGULATIONS

A. Permits shall not be granted for the construction, reconstruction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use of any land, building or structure if such construction, alteration, moving or change in use violates any of the provisions of any San Juan County ordinance.

B. No sewer service line and/or wastewater treatment facility, no water service line and/or water facility, or electrical utilities shall be installed to serve such premises if such use violates this ordinance.

C. No electrical utility line shall be installed to serve any parcel or lot without an approved site plan from the planning/building department.

Section 9: LAND USE OPINION LETTERS

At the written request of an applicant, after payment of the appropriate fee, the Planner may issue a land use opinion letter, which determines the current standing of the property as to zoning, whether a requested use is permitted in the zone as of the date of the issuance of the land use opinion letter, and any known issues that relate to the potential for building on the property. The opinion provided in the opinion letter is based on the information provided by the applicant of the intended use, and therefore subject to any change based on differing facts provided. Land use opinion letters are based on the current ordinance and may be subject to change with future amendments to the land use code. A land use opinion letter does not create a vested right and is not a permit to proceed. It is intended to provide information to the applicant based on the information the applicant supplies the Planner.

Section 10: CERTIFICATE OF OCCUPANCY AND LAND USE COMPLIANCE

A. Unlawful To Occupy: It shall be unlawful to use or occupy, or to permit the use or occupancy of, any building or premises until a certificate of occupancy and land use compliance shall have been issued for the premises and/or building by San Juan County. It shall also be unlawful to occupy any building which has greater intensity of use or different occupancy than provided for specifically in the certificate of occupancy and land use compliance.

B. Issuance of Certificates: A certificate of occupancy and land use compliance is required to be issued by the planning department of San Juan County at the time a building is completed and final inspection granted by the building inspection department. In addition, a new certificate shall be required at any time the number of units increases to a more intensive use or that the number of occupants in an apartment building or multiple residential building increases.

C. Information Required On Certificates: The following information shall be made a part of any application for a certificate of occupancy and land use compliance issued by the San Juan County planning department:

1. Residential Certificates:
 - i. The number of residential units in the building or buildings. (If there is more than 1 building, the number of units should be listed separately for each building.)
 - ii. Number of families residing or anticipated to live in the building.
 - iii. The number of legal off street parking spaces, sized to conform to this title and being provided on the premises.

- iv. A notice directed to the owner of the building or premises that any change in the intensity of use of the building or premises, or an increase of more than five percent (5%) in the number of occupants in an apartment building or multiple residential building, will require the issuance of a new certificate.
 - v. A residential Certificate of Occupancy that contains the above information and meets with the current standards may be recorded.
2. Commercial, Industrial And Institutional Certificates:
- i. The proposed maximum number of employees on the premises.
 - ii. The number of off street parking spaces sized to conform to this title and provided for employees on the site.
 - iii. The number of off street parking spaces sized to conform to this title and provided for customers or visitors.
 - iv. The number and type of restroom facilities provided.
 - v. The square foot area within the building used for each separate type of occupancy.
 - vi. A signed certificate by the owner of the building or premises, or his authorized agent, stating that the information and conditions set forth in the application are true and will be maintained upon the site in this condition.
 - vii. A notice directed to the owner of the premises that a change in intensity of use of more than five percent (5%) increase in the intended occupancy of the building will require the issuance of a new certificate.

Section 11: NUISANCE

The county may avail itself of all remedies available at law or in equity to abate any nuisance or public nuisance. Each of the following acts is hereby declared to be a nuisance and may be abated in as such:

- A. Any act which constitutes a nuisance or public nuisance under state law;
- B. The occupation of any building or structure for which a certificate of occupancy and land use compliance has not been issued; and
- C. The occupation or use of a building or structure with a greater density or intensity of use than is permitted in the certificate of occupancy and land use compliance.

Other actions may be shown by evidence to constitute a nuisance as outlined in this ordinance.

Section 12: CONSTRUCTION AND USE TO CONFORM TO PLANS

Building permits or certificates of occupancy and land use compliance, issued on the basis of plans and specifications approved by the building inspector, authorizes only the use, arrangement and construction set forth in the approved application, plans and specifications, and no other use, arrangement or construction. The use, arrangement or construction at variance with that authorized in said plans and specifications shall be deemed a violation of this ordinance and enforcement action may be taken.

Section 13: ENFORCEMENT ACTIONS

The provisions of this title shall be administered by the planning and zoning department, under the supervision of the county legislative body. The enforcement officer may investigate alleged violations of this title and may initiate enforcement actions if violations are found to exist. The enforcement officer shall be authorized to make examination and investigation of all real property in the county, as allowed by law, to determine whether the responsible person is complying with the provisions of this title. The county attorney's office shall, at its discretion, file such actions in court as are necessary upon a showing of a violation. The county's non-enforcement of any of

the requirements of this title or conditions or rules imposed through this title shall not operate to waive or stop the county from pursuing subsequent enforcement actions. Permits issued in violation of this title shall have no force or effect.

A. Responsibility for Violation of Title: Anyone found to have committed a violation of this title or any condition or rules imposed through this title is a violating person and is responsible for correcting zoning violations under this title. In the event a violating person cannot be ascertained after the exercise of due diligence, the county may also institute proceedings as allowed by this section or law against the property on which a zoning violation has been committed.

B. Finding of Title Violation: If, after investigating, the enforcement officer has determined that a title violation exists, the enforcement officer may attempt to have the responsible person correct the violation in accordance with this section. The officer may pursue any remedy or combination of remedies available pursuant to this title, state law or common law to correct the violation. Nothing in this section shall be interpreted to prohibit the county from engaging in its standard prosecution practices without first having to comply with the provisions of this section. In the event a responsible person cannot be ascertained, the county shall post notice on the property on which a title violation has been committed and may institute proceedings against the property itself as allowed by law.

C. Notice Of Title Violation:

1. Except as otherwise provided by county ordinance, whenever a zoning violation is found to exist and the Enforcement Officer determines action should be taken, the Enforcement Officer shall first serve written notice to the responsible person before other remedies in this section are taken. The notice of violation shall contain:

- i. The location of the title violation, if the same is stationary;
- ii. A description of what constitutes the title violation;
- iii. A list of the acts necessary to correct the title violation ("corrective action");
- iv. The warning period, including the completion date, in which the responsible person may cure the violation before civil fines are assessed for the violation;
- v. A statement of the actions the county will take if the violation is not corrected within the warning period; and
- vi. A statement that the responsible person may enter into a voluntary correction agreement during the warning period to prevent further action by the county.

2. The written notice shall be delivered personally or sent via registered mail to the responsible person's address, as shown on the records of the county recorder, and to any other person who may be responsible for the violation.

3. The written notice shall serve to start any warning periods provided in this section, commencing upon receipt of notice. If the violation remains uncured once the warning period expires, the civil penalties shall begin to accrue in accordance with this section.

4. In cases where the enforcement officer determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the enforcement officer may seek immediate enforcement under subsection F2 of this section without prior written notice.

D. Civil Fines:

1. Civil fines shall be assessed to the responsible person for uncorrected zoning violations beginning on the day following the completion date (as stated in either the notice of violation or the

voluntary correction agreement). The amount of such fine shall be fifty dollars (\$50.00) for each day the title violation continues after the completion date.

2. Daily Violation: Each day a violation is continued or maintained after the completion date shall give rise to a separate civil fine. All applicable fines shall cease the following day after the enforcement officer receives written notice from the responsible person that the corrective action is complete. The County may waive any fees accrued if corrective action is completed. Within five (5) business days, the enforcement officer shall inspect and pass off the corrective action as completed, and, if not completed, fines shall be applied retroactively to the date notification was received and shall continue to accrue in accordance with this section.
3. The civil fine shall be cumulative. Payment of a civil fine pursuant to this section does not relieve the responsible person from the duty to correct the title violation. The civil fine constitutes a personal obligation of the responsible person or a lien against the subject property, as the case requires. Any civil fine assessed must be paid to the county within thirty (30) calendar days of incurrence.
4. The county attorney's office, upon approval by the county administrator, is authorized to take appropriate action to negotiate the amount of the civil fine, collect the fine, determine the time period in which the fine shall be paid, and take any other action necessary to resolve the fine.
5. Collection: The County is authorized to take appropriate action to collect the civil fines by any and all appropriate means, whether in personam or in rem. The county may collect reasonable attorney fees and costs incurred in collecting the civil fine where allowed by law. The county may collect pre- and post-judgment interest on such civil fines.
6. The incurrence of civil fines under this section shall not limit the available remedies of the enforcement officer or the county attorney's office under this section.

E. Voluntary Corrective Action: The enforcement officer may allow the responsible person to take voluntary correction action. Voluntary correction action allows the responsible person to correct the title violation within a specified time and according to specified conditions. If the responsible person completes the voluntary corrective action, the county will take no further actions against the responsible person, unless the zoning violation recurs. This option is a privilege and not a right, and, if the circumstances warrant, the enforcement officer may choose to correct the title violation using one or more of the other procedures set forth in this title or law.

1. Contents of a written voluntary corrective action shall include the following:
 - i. The name and address of the responsible person;
 - ii. The street address of the title violation, or a description sufficient to identify the building, structure, premises or land upon or within which the title violation exists;
 - iii. A description of the title violation;
 - iv. The necessary corrective action to be taken, and a date or time by which correction or abatement must be completed ("completion date"). The completion date shall not be longer than six (6) months from the date the agreement is entered into;
 - v. An agreement by the responsible person that the county may inspect the premises as may be necessary to determine compliance with the voluntary corrective action
 - vi. An agreement by the responsible person that, if the terms of the agreement are not met, the county may:
 - a. Issue a civil fine or criminal citation;
 - b. Correct the title violation, recover its costs and expenses, and place a lien on

- the property; and/or
 - c. Pursue any other legal remedy available;
 - vii. An agreement by the responsible person acknowledging that he/she waives the right to appeal the enforcement officer's finding that a zoning violation exists and the right to appeal the specific corrective action required by the voluntary correction agreement; and
 - viii. An acknowledgement by the responsible person that failure to comply with the voluntary correction agreement may be grounds for criminal prosecution.
2. Extension of Time: The enforcement officer may grant an extension of time for correcting the title violation for completion of the voluntary corrective action if the responsible person has shown due diligence and/or substantial progress in abating the title violation but unforeseen circumstances render correction or abatement under the original conditions unattainable.
 3. Temporary Stay: The enforcement officer will delay further enforcement actions and monetary fines will be temporarily suspended once a voluntary corrective action has been undertaken. However, the responsible person shall still be liable for any accrued fines.
 4. Failure to Comply: Failure to complete the corrective action by the completion date shall constitute an additional violation and shall be handled in accordance with this section, except that no further notice need be given before enforcement proceedings are initiated. The county may proceed on the violation pertaining to failure to comply with the voluntary corrective action and/or the original title violation. Monetary fines shall be imposed from either the date of the initial violation or the day following the failure to comply with the voluntary corrective action and shall continue to accrue thereafter as set forth in this Section.

F. Abatement By County:

1. Once the enforcement officer has exercised due diligence in obtaining compliance from the responsible person in accordance with this section and this title, and the responsible person fails to correct the violation, it shall then constitute a Class B misdemeanor. Upon conviction of the violating party of the title violation a court may authorize the county to enter upon the subject property and remove, correct, or abate the condition which is subject to the title violation. The county shall provide the court an itemized statement of all expenses incurred in the removal and any destruction and request payment within sixty (60) days as restitution in the court case. The court may authorize seizure of person property as restitution.
2. Emergency Abatement: Whenever a zoning violation constitutes an immediate and emergent threat to the public health, safety, or welfare, or to the environment, the county, when feasible and allowed by law, may summarily and without prior notice correct or abate the condition. Notice of such abatement, including the reason for it, shall be given to the responsible person as soon as reasonably possible after the correction or abatement.
3. Confiscation of Property: During an abatement proceeding, any personal property constituting a title violation may be confiscated as part of the abatement process. Any property that has been confiscated will be held pending order of restitution. The owner may recover the property upon showing that the title violation has been corrected or that substantial efforts, as determined by the enforcement officer, have been made to correct the zoning violation; provided, however, that the property owner pay the cost of storage of the property. If, after ninety (90) days of the property being confiscated, the property owner fails to claim the confiscated property, and after the county complies with the requirements of Utah Code Annotated section 77-24a-5, as

currently amended, the county may dispose of the property, including sale at auction, disposal, etc., and seek to collect the cost of storage from the property owner. The county may also pursue any other remedy as allowed by law.

4. Costs Declared Lien: Any and all costs incurred by the county in the abatement of a zoning violation under the provisions of this title or other county ordinance shall constitute a lien against the property upon which such zoning violation existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

G. Civil Enforcement: Appropriate actions and proceedings may be taken by the county in law or in equity to prevent any violation of this title, to prevent unlawful construction, to recover damages, including the cost, if any, of correcting the zoning violation, to restrain, correct or abate a violation, and to prevent illegal occupancy of a building, structure or premises.

H. Nonexclusive Remedies, Building Permits, Etc.: The County may take any or all of the actions listed in this title to abate, enjoin or correct a zoning violation, including against any person or entity that creates, causes, or allows a zoning violation to exist, and to recover damages for violation of this title or other county zoning ordinances. The abatement of a zoning violation does not prejudice the right of the county or any person to recover damages or penalties for its past existence. Notwithstanding the procedures outlined in this section, the county may also enforce this title and other zoning violations as provided under State law.

Section 15: EXPIRATION OF APPLICATIONS OR APPROVALS

A. Except as provided in Subsection G of this Section, if within twelve (12) months after an application has been submitted pursuant to the requirements of this Title, the applicant fails to receive approval of the application, the application shall expire and any vested right to proceed with the application shall terminate.

B. Building Permits:

1. A building permit shall expire if :

- a. Construction is not begun within one hundred eighty (180) days from the date the building permit was issued; or

- b. If work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced.

2. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

3. Regardless the number of extensions granted, a building permit shall expire if construction is not completed and a certificate of occupancy and land use compliance is not obtained within five (5) years from the date the building permit was issued. The building department may, upon written request and for good cause shown, extend the time to complete construction and obtain a certificate of occupancy and land use compliance for a period of time not to exceed one additional year. Such extension shall be in writing and shall state the date the extension expires.

C. In General: Unless expiration is provided for a specific application or approval under this title or in the permit or approval, all approvals granted pursuant to this land use and development code shall expire one hundred eighty (180) days after such approval is given..

D. Master Plan, Physical Constraints, Density Determination, or Concept Plan: Except as provided in Subsection G of this Section, Master Plan, Physical Constraints, Density Determination, and/or Concept Plan approval of developments shall expire if application for preliminary or phased preliminary plan application has not been submitted for consideration and diligently advanced within five years from the date of receiving master plan, physical constraints, density determination, and/or concept plan approval. Projects that have already been approved prior to the effective date of this ordinance shall have at least until January 31, 2023 to file a preliminary application or a phased preliminary plan application, and advance applications and approvals as required to avoid the expiration of the approvals.

1. Projects with an approved phased preliminary plan application: Phased preliminary applications must be advanced within the timelines of the phased preliminary plan approval, which shall not be for more than 5 years between each preliminary application, and may not be for more than 20 years from the preliminary plan approval, or the approvals expire.
2. Exception for Projects with Water Reservations: Projects that have had Master Plan, Physical Constraints, and Density Determination granted, have maintained these approvals, and so long as they have entered into an agreement with a Special Service District to reserve water, have paid all fees to maintain the water reservation, and the water reservation remains in effect through the Special Service District, that project shall have not less than until July 1, 2025 to file a preliminary application or a phased preliminary application, and advance applications and approvals as required to avoid the expiration of the approvals. The burden shall be on the applicant to prove they qualify for this exception as part of their application for Preliminary.

E. Preliminary Development Approvals: Except as provided in Subsection G of this Section, preliminary approvals of developments shall expire if an application for final approval has not been submitted for consideration within one year from the date of receiving preliminary approval. Preliminary approval also expires if a preliminary approval that has been approved for multiple final approvals does not apply for an additional final approval at least five years after the last final plat on the project was recorded, or if more than ten years have passed since the preliminary approval was granted, whichever is earlier.

F. Final Development Approvals: Except as provided in Subsection G of this Section, final approval of development shall expire if the plat is not recorded within one year from the date of receipt of final approval by the planning commission.

G. Upon written request of an applicant, the expiration date of an application or its approval, as the case may be, may be extended for ninety (90) days beyond the expiration date provided that:

1. an application for an extension of time is submitted prior to the expiration date; and
2. the Planning Commission or its designee finds, based on substantial evidence placed in the record:
 - i. Substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
 - ii. In the case of an unapproved application, no changes to this Title have occurred or are being considered that may affect the application; and
 - iii. In the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the San Juan County Code.
3. In no case shall the time period be extended for more than twelve (12) months from the original expiration.

H. Any time any approval expires under this section, all prior approvals which were necessary to receive that now expired approval also expire, as the applicant has not implemented the approval with reasonable diligence.

I. If an application is denied, all prior development approvals which were necessary to receive that now denied application also expire.

J. Unless otherwise provided or noted thereon, final subdivision plats, once recorded, do not expire under this Section except as provided in Utah Code Ann. §§17-27a-508 and part 6 et seq.

K. An applicant whose application has been approved shall continually conform to all conditions of approval. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's development rights authorized by such application.

Section 16: EFFECT OF CC&RS:

Enforcement of private covenants, conditions and restrictions shall not be the responsibility of San Juan County.

Section 17: PAYMENT OF FEES

Any application for approval by the planning staff, planning commission or county council shall not be considered complete or accepted until the applicant has submitted a complete application, including payment of all fees as required by title. Fees paid shall be nonrefundable. Payment of the appropriate fee is no guarantee that the proposal will be approved.

Section 18: SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, the remainder of this title shall not, to the extent possible, be affected thereby.

Section 19: CONFLICTING PROVISIONS

The provisions of this title are in addition to all other county ordinances, the laws of the state of Utah, and the laws of the United States. This title shall not supersede any private land use regulations in deeds or covenants, which are more restrictive than this title. Whenever a conflict exists between this title and state or federal laws or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of this title, dealing with specific zones, subdivision types and types of uses, shall prevail over general provisions.

Section 20: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intent of the San Juan County legislative body that the provisions of this title may become and be made part of a county code as adopted; and that sections of this title may be renumbered or relettered and the word ordinance may be changed to section, chapter or other such appropriate word or phrase in order to accomplish such intentions; and regardless whether such inclusion in the San Juan County code is accomplished, sections of this title may be renumbered or relettered and typographical and clerical errors which do not affect the intent may be authorized by the county without need of public hearing by filing a corrected or recodified copy of the same with the San Juan County clerk office.

CHAPTER 4

CONDITIONAL USE PROCESS AND REQUIREMENTS

Section 1: PURPOSE

Although each zone has permitted land uses that are generally compatible with each other, there are land uses or zones where use is more intensive and produces special impacts, which can be made compatible only through conditional regulation. If properly and carefully planned, these conditional uses may become compatible and appropriate.

Section 2: PROCEDURE

A. The Planning Commission may, where permitted and subject to the procedures and standards set forth in this chapter conditionally grant or deny an application for a conditional use permit. The Planning Commission may adopt an approved application form to be used. There is no presumption of approval for any conditional use, regardless of any table or listing of uses found in this Title or otherwise created by the County.

B. Upon the Planning Commission's review of an application and payment of applicable fees, the Planner will, within a reasonable time, review the proposed conditional use request, ensure it is complete, follow the notice requirements of this chapter, and submit a report attaching any written objections received and with recommendations from the Planner to the Planning Commission.

C. The report may include a recommendation for approval or denial and suggest conditions to preserve the character of the zone, and to mitigate potential adverse effects of the conditional use. If the Planner believes that no reasonable mitigation measures would adequately preserve the character of the zone and meet the required findings of the requested conditional use, the Planner shall recommend denial of the conditional use permit.

Section 3: MINIMUM GENERAL APPLICATION REQUIREMENTS

A. An applicant shall submit a completed conditional use application and the following information. If items listed are determined to be unnecessary in a specific circumstance, the Planner may waive the requirement. Conversely, if additional information is needed in a specific circumstance, the Planner may request reasonable additional information:

1. A site plan showing the existing conditions, including any existing buildings, prior to any demolition or grading, and showing the north arrow and scale;
2. A plan identifying the subject site in relation to adjoining public streets, residential uses and the neighborhood in which it is located with north arrow and scale;
3. The boundaries of the site, and any easements of record or known prescriptive easements;
4. Topography with contours shown at intervals of not more than two feet (2');
5. Vegetation type and location;
6. Soil type and load carrying capacity information;
7. One hundred (100) year floodplain and high groundwater areas, known spring and seep areas, and ditches or canals;
8. All existing roads, fences, irrigation ditches and drainage facilities;
9. Location of public utility facilities and easements;
10. Site plan of the proposed conditional use, showing building locations and proposed landscaping;
11. Proposed road locations and other circulation features;
12. Proposed finished grade;
13. Proposed drainage, drainage works, retaining walls and erosion control plans;
14. Proposed location of all site improvements, such as plazas, tennis courts, pools or similar improvements;

15. Proposed easements for new utility services or relocated utility services;
16. Designations by proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;
17. General architectural concept elevation profile drawings of proposed buildings;
18. Lighting and signage plans;
19. View-shed analysis or photo simulations;
20. A preliminary title report showing title to the property vested in the applicant, the encumbrances, covenants, easements and other matters affecting the title, and a legal description of the site, with attached copies of any covenants or easements mentioned in the title report;
21. A development schedule indicating phased development, if any, and the estimated completion date for the project;
22. Stamped addressed envelopes for all property owners within five hundred feet (500') of any boundary of the subject property with their current mailing addresses as shown from the most recently available county assessment rolls, except that if the subject property is a condominium which has an owners' association, the name and address of the owners' association is sufficient in lieu of each owner;
23. A general description of the project, the prospective tenants or occupants, whether condominium ownership, timeshare ownership, or nightly rental uses are proposed, and the proposed property management structure for any timeshare or nightly rentals;
24. Proposed location of any satellite receiving stations; and
25. Other information as may be reasonably useful or necessary for the meaningful review of the project, as requested by the planning staff.

Section 4: NOTICE/POSTING OF MATTERS

- A. Upon receipt of an application for a conditional use that the Planner decides is complete and payment of all applicable fees, and after appropriate staff review, the Planner shall:
- Publish notice containing a summary of the information included in the application ten (10) days prior to the scheduled Planning Commission meeting where the matter will be on the agenda for public hearing or decision. Notice shall be submitted on the County website.

Section 5: PUBLIC HEARING PROCEDURE FOR CONDITIONAL USE PERMITS

- A. The public hearing is in the following phases: 1) Application review from the Planner; 2) Statement from the applicant; 3) Statement(s) from Adversely Affected Parties (Utah Code §17-27a-103 *et seq*); 4) Consideration of written comment(s); 5) Rebuttal from the applicant; 6) Questions directed to the applicant from the Planning Commission; 7) Discussion regarding the minimum general application requirements; 8) Any motions and decision.
- B. Any Adversely Affected Party wishing to make a statement at the public hearing shall notify the Planner in writing no later than 72 hours before the hearing. The Adversely Affected Party must identify the amount of time requested to address the Planning Commission and provide any documents to the Planner at that time. Without specific permission from the Planning Commission no Adversely Affected Party may take more than 15 minutes. The Planning Commission will also receive written comments if submitted to the Zoning Administrator at least 12 hours before the Planning Commission meeting begins. At the Planning Commission's discretion, written comments may also be received if a decision is postponed following the public hearing.
- C. The applicant or their representative shall be present during the public hearing to address any questions posed by the Planning Commission regarding the application. The applicant may choose to make a statement to the Planning Commission and shall be allowed no less than 20 minutes, but it may choose not to make a statement.

D. Following the statement period, the Planning Commission will consider any written comments submitted pursuant to the notice requirements.

E. Following consideration of written comments and any statement by an Adversely Affected Party, the applicant shall be allowed to respond, rebut, or provide a statement in response to any comment received or statement made. The amount of time for rebuttal is at the discretion of the Planning Commission may not be less than 10 minutes.

F. After consideration the Planning Commission will then address any outstanding question(s) to the applicant.

G. After the question phase of the hearing, the Planning Commissions will, on the record, address each minimum general application requirement as outlined in sections 3 and 7 of this chapter as it relates to the application and information received and considered during the hearing as well as the report from the Planner.

H. Following the on the record discussion of the minimum general application requirements, any member of the planning commission may motion to approve, deny, or request additional information. The planning commission may then vote on the motion following its normal rules of order:

1. Any motion to approve must state with specificity each and every condition to be attached to the approval.
2. Any motion to deny must state with specificity the basis for the denial.
3. Any motion for additional information must state with specificity what additional information is being sought and the date by which that information should be supplied to the planning commission.

Section 6: TRANSFERABILITY, TIME FOR PERFORMANCE, EXPIRATION, MODIFICATION AND REVOCATION

A. Transferability: A conditional use permit is transferable with the title to the underlying property so that an applicant may convey or assign an approved project without losing the approval, so long as all conditions continue to be met. The applicant cannot transfer the permit off the site on which the approval was granted.

B. Time for Performance of Conditions: For all conditions capable of being satisfied prior to operation or occupancy proof shall be submitted to the Planner before occupancy or operation is to commence. Any conditions that can only be satisfied after occupancy, proof of compliance shall be submitted to the Planner within three months of occupancy or operation.

C. Expiration: Unless otherwise specified in the motion granting a conditional use permit, if the approved use has not started within twelve (12) months from the approval date, the permit shall become null and void by operation of law. Once any portion of the conditional use begins, the conditions related thereto become immediately operative and must be strictly obeyed. [Use shall be construed to mean pouring of concrete or commencement of framing on construction, or operation of the use or uses for which the permit was granted.] For good cause and with a showing of substantial performance to meet the required conditions granting the permit, an applicant may apply to the Planning Commission for an extension. Such a request shall be made before twelve (12) months has passed since the approval date. A request for an extension shall follow the same public hearing procedure for the original permit.

D. Amending a Conditional Use Permit: The planning commission shall hold a public hearing upon the request to amend a conditional use permit granted pursuant to the provisions of this Chapter. Notice of said hearing shall be made at the same time and in the same manner as required to obtain the conditional use permit described in the chapter.

E. The Planner may submit a request to the Planning Commission to revoke a previously granted conditional use permit. An action to revoke a conditional use permit is considered an enforcement action, and the Planner (as the enforcement officer) may, but is not required, to follow the process outlined in Chapter 3 Section 13 before submitting a request to revoke a conditional use permit to the Planning Commission. If a request to revoke a conditional use permit has been made to the Planning Commission, notice to the permit holder will be sent to the address of the permit holder maintained at the County at least 10 days prior to the scheduled hearing. All information that the planner intends to provide to the Planning Commission at the hearing will be provided to the permit holder, at the permit holder's written request, at least 3 days prior to the hearing.

The Planner and permit holder will provide all information supporting or opposing the request to the revoke the Conditional Use Permit to the Planning Commission at least 24 hours prior to the hearing, including any information about enforcement actions taken by the Planner prior to making the request to revoke. At the hearing, the Planner will provide a statement supporting the request to revoke. The permit holder may then provide a statement opposing the request to revoke. The permit holder will be allowed at least 20 minutes to make the statement opposing. Following statements, the Planning Commission may direct questions to either the Planner or the permit holder.

The Planning Commission may only revoke a conditional use permit if:

1. The use permit was obtained by mistake of fact, misrepresentation or fraud;
2. The use for which the permit was granted is not being exercised;
3. The use for which the use permit was granted has ceased or has been suspended for six (6) months;
4. The conditions imposed upon said use permit have not been complied with or maintained;
5. The use produces impacts not anticipated, recognized or foreseen during the approval process, and these impacts cannot be mitigated so as to meet the general standards and findings required for issuance of the conditional use permit;
6. The use has been expanded or intensified so that the impacts have exceeded those foreseen during the approval process, and these impacts cannot be mitigated as to meet the general standards and findings required for issuance of the conditional use permit;
7. The use is detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity, except that a change in the market value of real estate shall not be considered an injury to property. In the event that this subsection applies to the point where it is determined by the terms of this title that a nuisance exists, abatement of the nuisance may be an available remedy in lieu of revocation.

Section 7: GENERAL STANDARDS AND FINDINGS REQUIRED

- A. These standards shall be in addition to any standards set forth in this land use ordinance for the zone wherein the proposed conditional use will be established. If there is a conflict between these standards and those set forth for the appropriate zone, the more specific standard controls. The county shall not issue a conditional use permit unless the issuing department or commission finds or requires, as applicable:
1. The application complies with all requirements of this title;
 2. The business shall maintain a business license, if required;
 3. The use will be compatible with, or will be made so by the imposition of appropriate conditions, surrounding structures in use, location, scale, mass, design and circulation;
 4. The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;
 5. The use is consistent with the San Juan County general plan;

6. The effects of any future expansion in use or scale can be and will be mitigated through conditions;
7. All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise and vibrations have been adequately mitigated through conditions;
8. The use will not, or with adequate mitigating conditions will not, place an unreasonable financial burden on the county or place significant impacts on the county or surrounding properties;
9. The use, as conditioned, will not adversely affect the health, safety or welfare of the residents and visitors of San Juan County; and
10. Any land uses requiring a building permit shall conform to the State Construction and Fire Codes act.

CHAPTER 5 APPEALS

Section 1: APPEAL AUTHORITY

All appeals of a Land Use Decision will follow the procedures as outlined in this chapter and will be heard by the Appeal Authority.

Section 2: STANDING TO APPEAL

Only an applicant or an “adversely affected party” as defined under CLUDMA may appeal a final decision to the Appeal Authority.

Section 3: TIME TO APPEAL

Any appeal of a land use decision must be made within 10 days of the decision or of constructive notice thereof, whichever is later.

Section 4: METHOD OF APPEAL

A. An applicant or adversely affected party must appeal by filing the “Notice of Appeal” (Addendum B), and paying any applicable fee as required by the fee schedule. The Notice of Appeal form must be timely submitted in person or via email to the Planner. Any appeal submitted in person, must be signed by the person authorized to receive the appeal with the date the appeal was received. Any appeal submitted by email must identify itself as such in the email’s subject line and receive the Planner’s confirmation of receipt. No other method of appeal is considered a valid appeal. Failure to provide all the information required in the “Notice of Appeal” may render the appeal invalid.

B. A failure to appeal as required by this chapter may result in summary dismissal by the Appeal Authority.

Section 5: DELEGATION BY BOARD OF COUNTY COMMISSIONERS

A. The Board of County Commissioners may delegate another board (except the planning commission), entity, or individual to act as the Appeal Authority on any or all appeals where the Board would act as the appeal authority. Such delegation may take place by resolution, ordinance, or administrative action during an open meeting without requiring any modification or amendment to this title.

Section 6: PROPERTY OWNER OR APPLICANT TO PARTICIPATE IN APPEALS PROCEEDINGS

Whenever an appeal is considered by an Appeal Authority brought by an individual other than the applicant or property owner under this Chapter:

A. The applicant and/or the property owner of the property in dispute shall be notified of the appeal within 14 days after the Notice of Appeal form is received by the Appeal Authority. A copy of the Notice of Appeal form will be provided with the notification.

B. In addition to the appellant, the applicant or property owner has a right to fully participate in the appeal proceedings, which may include to argue in favor of their interest, submit evidence, and present, examine, and cross-examine witnesses.

Section 7: APPEAL AUTHORITY POWERS, SCOPE, AND DUTIES

A. The Appeal Authority is to review the land use decision. The land use authority is to provide the documentation relied upon in making its decision, and, if applicable, an official recording if available. Both the appellant and the land use authority may supplement with additional information that may not have been provided by or to the land use authority.

B. The Appeal Authority shall: presume that a land use decision of a land use authority is valid; and uphold the land use decision unless the land use decision is: (A) arbitrary and capricious; or (B) illegal.

For purposes of appeal: A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record. A land use decision is illegal if the land use decision is:

- (A) based on an incorrect interpretation of a land use regulation; or
- (B) contrary to law.

The appellant has the burden of proof to show the Land Use Decision was arbitrary and capricious or illegal.

C. The scope of the appeal is limited to the issues raised by the appellant in the Notice of Appeal unless for good cause and prior to the appeal hearing, the appellant requests and the Appeal Authority grants leave to amend the appeal.

D. If multiple land use decisions were made and timely appealed regarding the same subject property and are subject to inseparable interests by nature of the same project, property at issue, or the alleged injury to be caused, those shall be consolidated into a single appeal before the Appeal Authority.

E. The Appeal Authority may reverse the land use decision, affirm the land use decision, affirm in part and/or reverse in part, modify a condition or requirement, attach conditions or requirements, and make any such order as ought to be made consistent with its decision. The Appeal Authority may not remand to the land use authority for a new decision.

F. On a question of law pertaining the interpretation of the LUDMO, the Appeal Authority may request a formal opinion from the County Attorney's Office prior to issuing any final decision on an appeal. The legal opinion will be provided in writing to all parties by the Appeal Authority and become part of the appeal record. The legal opinion is not the final decision and is not binding on the Appeal Authority. The Appeal Authority must issue a written final decision.

Section 8: APPEAL AUTHORITY PROCEDURE

A. Notice to schedule hearing will be submitted to all involved parties 14 (fourteen) days in advance of the time designated for the scheduling meeting. The Appeal authority will notify the involved parties the amount of time allotted to each party for the hearing. The Appeal Authority will provide a date for the record of the land use decision to be provided by the County. Any transcription of an audio record may be requested at the expense of the appellant.

B. The appeal hearing will take place no more than 6 (six) weeks following the scheduling meeting absent a joint request by all parties. For good cause, the Appeal Authority may extend the time by an additional 6 (six) weeks absent the parties' agreement.

C. The Appeal Authority may request any written arguments and exhibits to be submitted. Absent a specific order from the Appeal Authority all written arguments are to be submitted not later than 7 (seven) days prior to the hearing. The Appeal Authority may limit the number of pages submitted according to the Appeal Authority's

discretion. At the discretion of the Appeal Authority, the need for a hearing may be waived and a decision determined on the written arguments.

D. There is no public comment during an Appeal Authority hearing.

E. At a hearing, the appellant, land use authority, and (if applicable) the property owner/applicant are to be given equal amounts of time to address the Appeal Authority, except that the appellant is allowed an additional amount of time for rebuttal.

F. At a hearing the appellant addresses the appeal authority first, then (if applicable) the property owner/applicant, then the land use authority. As the burden lies with the appellant, the appellant may again address the appeal authority according to the time allotted for rebuttal.

H. At a hearing, after receiving statements and reviewing any submitted written arguments and exhibits provided by the parties, the Appeal Authority may direct questions to any of the involved parties.

I. Following questions, the Appeal Authority will deliberate to determine if the decision was arbitrary and capricious or illegal or was correct, and, within 30 days of the hearing, shall issue a final written decision in accordance with section 7 of this chapter.

J. The appellant may petition to the appropriate district court for review of the Appeal Authority's final written decision according to applicable law. Upon notice of the filing of a petition, planning staff, in consultation with the County Attorney's Office, shall prepare the record to be certified and submitted to the district court.

CHAPTER 6

NONCONFORMING USES, LOTS, AND STRUCTURES

Section 1: PURPOSE OF NONCONFORMING USE AND STRUCTURES PROVISIONS

The purpose of this chapter is to control and gradually eliminate those uses of land or structures that, although legal at the time of their establishment or erection, do not now conform to the land use regulations of the current zone within which they are situated. Such uses and structures shall be deemed nonconforming.

Section 2: NONCONFORMING USES; CONTINUATION AND ABANDONMENT

A nonconforming use lawfully existing on the effective date of this title may be continued. A nonconforming use may be extended throughout the existing building, provided no structural alteration of the building is proposed or made for purposes of the extension. A person engaging in a nonconforming use may not expand the character of that use to include new or additional uses. If a nonconforming use is discontinued for a continuous period of more than twelve (12) months, any future use of such land shall conform to the provisions of the zone in which it is located.

Section 3: NONCONFORMING STRUCTURES

A. A nonconforming structure may continue, provided no additions or enlargements are made thereto, no structural alterations are made therein that would increase the height or existing footprint of the building, and the current use does not change. This section shall not be construed to prohibit maintenance of an existing building.

B. Expansion and Enlargement Exception: An existing dwelling which is nonconforming as to height, area, density, lot size, or yard regulations may be added to or enlarged if the addition or enlargement conforms to applicable requirements of this Title. Provided, however, that such a dwelling which is nonconforming as to side yard requirements but having a minimum side yard of not less than three (3) feet, may be extended along the nonconforming building line, in a manner that does not cause the structure to come any closer to the lot line at issue, to the extent of one-half (1/2) the length of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling unit in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located. An expansion or enlargement under this Subsection B will also be regarded as a nonconforming use. This exception does not allow a change in the use.

Section 4: RECONSTRUCTION OF NONCONFORMING STRUCTURE PARTIALLY DESTROYED

A nonconforming structure destroyed or partially destroyed by fire, explosion, casualty, or act of God or public enemy:

A. May be restored, unless:

1. the structure or use has been abandoned, or
2. written notice is served with a notice complying with Utah Code 17-27a-510(3)(b)(i)(2018) as amended, and the structure has not been repaired or restored within six months;

B. May not be enlarged, except as provided in Section 3 of this Chapter; and

C. Subject to all of the provisions of this San Juan County land use and development code, the occupancy or use which existed at the time of such destruction may be continued.

Section 5: NONCONFORMING USE OF OPEN LAND

A nonconforming use of land lawfully existing on the effective date of this title may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of open land, or into any structure, regardless of whether the structure conforms to the requirements of this title.

Section 6: NONCONFORMING LOT OF RECORD DETERMINATION

A. The burden of production for providing the information for determining a nonconforming lot of record rests upon the property owner or its representative. A nonconforming lot of record is determined by the Planner by making findings that the lot or parcel meets the definition of "nonconforming lot of record" and the requirements of this chapter. Should such a finding be made, a document shall be provided by the Planner stating that the lot is a nonconforming lot of record.

B. Documentation Required: At a minimum, the property owner must provide the Planner with the original deed and all subsequent deeds and other documentation the Building Department determines necessary to meet the property owner's burden of proof.

C. Decrease in Lot Size: If a lot or parcel has decreased in size due to the use or threat of eminent domain, or because of a public dedication required by a governmental agency, the lot or parcel shall remain a nonconforming lot of record if it otherwise meets the requirements of this section.

Section 7: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning, and development standards applicable to the zone in which the nonconforming lot of record is located. A nonconforming lot of record determination does not guarantee a building permit.

A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally established on or before July 1978, then the owner may continue the use in existence prior to July 1978 of such building and may expand the building in any way that does not increase the degree of nonconformity.

1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback of the lot coverage requirements of the underlying zone.
2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the planning department as though the lot conforms to the requirements of this title.
3. At least 75% of the framing and foundation of the original building must remain intact to continue the prior to July 1978 use of the building, or to expand the building, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements of Utah Code 17-27a-510(3) (2018) as amended, and San Juan County Code.

B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming lots of record may be granted a building permit for a single-family dwelling, accessory dwelling units (only if allowed in current zone) and accessory uses as allowed in the current underlying zone. So long as all other standards applicable to that use are complied with and so long as the use is permitted in the zone, nonconforming lots of record may also be permitted utility uses and agricultural uses as permitted in the current zone. The uses identified in this paragraph and no others are granted for nonconforming lots of record.

Section 8: NONCONFORMING SUBDIVISION

Lots in a nonconforming subdivision may be developed, subject to current building, fire, health and safety laws.

Section 9: TREATMENT OF CONTIGUOUS NONCONFORMING LOTS OF RECORD IN SAME OWNERSHIP

A. Notwithstanding other provisions of this Title regarding the combination of contiguous lots, contiguous nonconforming lots of record under the same ownership are treated as individual lots. However, any nonconforming lot of record on which a nonconforming structure has been built may be considered together with a contiguous nonconforming lot under the same ownership if doing so will render the nonconforming structure conforming.

B. Contiguous mining claims of same ownership shall not be recognized as separate parcels when determining a nonconforming lot of record.

Section 10: DIMINISHED NONCONFORMING USE

If a nonconforming use is diminished, it shall be deemed vacated, abandoned, and divested to the extent of such reduction. The determination of whether a nonconforming use was diminished shall be made by the Planner.

Section 11: EXTINGUISHING NONCONFORMING USES, STRUCTURES, OR LOTS OF RECORD

Nothing in this Chapter shall be construed to limit or otherwise prevent the County from enforcing its ordinances or declaring a nonconforming use or structure a blight, nuisance, or unsafe.

CHAPTER 6A VARIANCES

Section 1: VARIANCE PROCEDURE

A. Applications: Applications for variance shall be filed with the planning department. Applications shall contain the following information:

1. A description of the requested variance, together with a designation of that section of the San Juan County land use and development code from which relief is being requested;
2. An accurate plot plan, if appropriate, indicating the manner in which the variance will be applied and its effect upon adjacent properties; and
3. A filing fee as established by ordinance.

B. Public Hearing: Upon receipt of a complete application as determined by the planning department, a public hearing shall be set with the Planning Commission for the next available meeting date.

C. Burden Of Proof: The applicant for a variance shall bear the burden of proving that all of the conditions are satisfied as determined by the planning department.

D. Findings Required: The Planning Commission may authorize variances from the requirements of this title, only when those variances meet the requirements of this Section and are consistent with state law. Use variances shall not be considered or allowed.

E. Requirements For Granting Variance: The Planning Commission may grant a variance only if all of the following conditions are met:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zones;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of this title is observed, and substantial justice done.

F. Unreasonable Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship, the Planning Commission may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstances peculiar to the property, not from conditions that are general to the property's neighborhood.

G. In determining whether or not enforcement of this title would cause unreasonable hardship the Planning Commission may not find an unreasonable hardship if the hardship is self-imposed or economic.

H. In determining whether or not there are special circumstances attached to the property, the Planning Commission may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same zone.
- I. Meeting Conditions: The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- J. Variance Applicability: Variances run with the land.
- K. Additional Requirements: In granting a variance, the Planning Commission may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.

CHAPTER 7 SUBDIVISIONS

Section 1: PURPOSE

The purpose of this chapter is to:

- A. Provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to protect and ensure access to other alternative energy sources, to provide fundamental fairness in land use regulation, and to protect the rights of bona fide property owners and the values of their property.
- B. Promote the efficient and orderly growth of San Juan County;
- C. Establish adequate and accurate records of land subdivision; and
- D. Provide for adequate, safe, and efficient public utilities and improvements, and to provide for other general community facilities and land for public places.

Section 2: PROHIBITED ACTS AND PENALTIES

- A. An owner of any land located in a subdivision may not sell or transfer any lot before a plat of the subdivision has been approved and recorded. It is a separate violation of this ordinance for each lot or parcel transferred or sold.
- B. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection 2A or from the penalties or remedies provided in this ordinance.
- C. Notwithstanding any other provision of this title, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this section:
 - 1. does not affect the validity of the instrument or other document; and
 - 2. does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.
- D. The county may bring an action against an owner to require the property to conform to the provisions of this ordinance.
 - 1. An action under this subsection may include injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
 - 2. The county need only establish the violation to obtain the injunction.
 - 3. The county may assess civil penalties for violation of any of the provisions of this ordinance.
 - 4. Violation of any of the provisions of this chapter is enforceable as outlined in Chapter 3 and may include an additional civil penalty not to exceed \$1,000.00, pursuant to state law.

Section 4: PLATTING REQUIREMENT

A. Any person that wishes to subdivide land in San Juan County should contact the Subdivision Administrator. It is the responsibility of the subdivider to know and understand the process of subdividing land and obtain any necessary legal advice from their legal counsel. The San Juan County Planning and Zoning Department does not provide any legal advice to potential subdividers. To assist with this process, the Subdivision Administrator may provide the potential subdivider with a copy of this title and will explain the county interpretation on any requested provisions.

B. Obtaining approval to create a subdivision in San Juan County is a two-step process requiring submission of a preliminary plat and submission and approval of a final plat:

1. the preliminary plat shall be submitted and processed in accordance with provisions of Section 5 of this chapter; and
2. the final plat shall be submitted and processed in accordance with the provisions of Section 6 of this chapter.

Section 5: PRELIMINARY PLAT

A. A preliminary plat is the first official document submitted when owner(s) of property wish to subdivide their property. The preliminary plat shall include all the property the owner(s) intends to subdivide. Submission of the preliminary plat does not constitute approval of the subdivision. Only approval of the final plat constitutes official approval by the County.

B. An application for preliminary plat shall include an original of the following:

1. Submission of the preliminary plat with all requested information complete as listed below with payment of preliminary plat review fee;
2. A letter of intent signed by the applicant subdivider which explains the purpose of the application and includes all requests and justifications for variances, exceptions or waivers of submittal requirements;
3. Proof of ownership of the property to be subdivided. A subdivider shall include an Affidavit of Ownership signed and notarized by all owners of the property, or if the property is owned by a corporation, an authorized officer shall sign the Affidavit. If the applicant is different from the property owners, documentation of the applicant's authority to act for the owner shall be included;

C. A preliminary plat map no smaller than 18"x 24" sheet or a legible quality print of a matte mylar drawn in black ink or a black line positive mylar of the same, or an electronic copy of either of the above and shall provide the following information:

1. project name, distinct from any subdivision on a plat recorded in the county recorder's office, type of proposal (preliminary plat), legal description of the total land area referenced to township, range, section; county and state, date of the drawing, scale 1 :100 or larger, and north arrow;
2. vicinity map with north arrow (scale of 1"=2000' preferred) with an emphasis on the major roadway network and any existing subdivisions within one (1) mile of the proposal;
3. boundary lines of the proposed subdivision drawn in a heavy solid line;
4. existing and/or proposed zone boundary lines;
5. existing topographical contours with intervals of five (5) feet or less within the tract and at least one hundred feet (100') immediately adjacent thereto. In the absence of available five foot contour data, the contour intervals must be deemed acceptable by the San Juan County Surveyor.
6. All parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision together with the purpose and conditions of such reservations. This shall include the names, locations and widths of proposed right-of-way of streets and alleys, together

- with total lineal footage of streets and alleys.
7. Location, width and purpose of all existing and/or proposed public and/or private easements including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and storm water detention areas located within the tract and at least one hundred feet (100') immediately adjacent thereto.
 8. Dimensions of proposed lots and blocks calculated to the nearest foot.
 9. Drainage channels, wooded areas and other significant natural features within the tract and at least one hundred feet (100') immediately adjacent thereto.
 10. Location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the tract and at least one hundred feet (100') immediately adjacent thereto, railroad right-of-way, section lines and/or other such features.
 11. The boundary and source of reference to any one-hundred-year floodplain shall be shown on the preliminary plat. In the absence of reliable floodplain data, any areas of the plat that are known to be subject to flooding shall be delineated and noted on the plat map.
 12. As applicable, perimeter fence line, delineated and a description of the type and height of the fence.
 13. Site development details:
 - i. total land area in acres;
 - ii. existing zoning of the property; and
 - iii. total number of proposed dwelling units.
 14. Names and addresses of the owner(s), subdivider and surveyor;
 15. A letter describing the water and sanitary sewer facilities proposed for the subdivision;
 - i. if either the water or sanitary sewer facilities are to be part of an approved public system, the application shall also include confirmation from the entity providing the sewer and water services, that such services are, or will be available to the subdivision;
 - ii. if either the water or sanitary sewer facilities are to be individual wells and septic systems for each lot, the letter will include a statement that the wells and septic systems will be installed in conformance with the rules and regulations of the Utah Division of Environmental Health; and
 - iii. if either the water or sewer facilities are to be private systems designed to serve multiple lots, the letter shall include a statement that such systems shall be installed in conformance with the rules and regulations of the Utah Division of Environmental Health.
 16. Estimated construction costs for roads and related facilities for the water supply and distribution systems, for sanitary sewer collection and treatment systems, storm drainage facilities and other such public facilities that may be required. The subdivider shall also state the form of collateral that will be provided to ensure that such improvements will be completed. The forms of collateral that are acceptable to the County are listed in Section 8 (Subdivision Improvements Agreement).
 17. In the event the proposed subdivision is within one and one-half (1.5) miles of a municipality or within the boundary of a County Service Area, Special Service District, or municipal expansion area, the applicant shall provide written comments from the affected entity.
 18. Other documents and information as may be deemed necessary by the Subdivision Administrator.
 19. A copy of all restrictive covenants proposed for the subdivision.
 20. A copy of a title report for the property to be included in the proposed subdivision.
 21. Addressing for the lots shall be provided along with lot number.

D. No application for a Preliminary Plat shall be accepted by the Subdivision Administrator if the proposed development is not in compliance with the Zoning Ordinance.

E. Upon approval of the Preliminary Plat by the Subdivision Administrator, the Preliminary Plat will be submitted to the Planning Commission for review. The Planning Commission may require additional modifications to the Preliminary Plat before the Final Plat will be considered for recommendation to the County Commission. The Planning Commission may also require a Subdivision Improvement Agreement be considered.

Section 6: FINAL PLAT

A. The Final Plat is the last stage in the subdivision approval process. At this stage the subdivider is responsible for delineation and possible dedication of all public rights-of-way and easements, dedication of other public lands, if required, and final lot and block configuration. In addition, all public improvements associated with the subdivision are identified and quantified, and the subdivider may be required to enter into a Subdivision Improvements Agreement with the County which guarantees that the appropriate improvement costs are borne by the subdivider. No Final Plat will be submitted for consideration to the Planning Commission until the Subdivision Administrator has approved the Preliminary Plat, and the Preliminary Plat has been reviewed by the Planning Commission.

B. No request for Final Plat approval shall be considered by the Board of County Commissioners until the Final Plat has been approved by the Planning Commission and all conditions of approval set forth in the approval of the Final Plat have been satisfied. The Final Plat approval process shall not be used to amend or revise the approved Preliminary Plat or the conditions of approval of the Preliminary Plat. Any revisions or amendments to the Final Plat, or to the conditions, must be approved by the Planning Commission by an amendment to the Final Plat prior to the Board of County Commissioners hearing of the Final Plat.

C. Final Plat Requirements

1. The Final Plat shall conform in all respects to the approved Preliminary Plat and with all amendments to the Preliminary Plat. An application for Final Plat approval shall include the following:
 - a. an "Application for Subdivision Approval" with all requested information completed and required signatures;
 - b. a certification from the County Treasurer's Office that all taxes on the property are paid;
 - c. title certificate or an abstract of title covering all public lands required to be dedicated, except County Roads and easements.

D. A Final Plat map which shall be a print of 18" x 24" matte mylar drawn in black ink or a black line positive mylar of the same, which shall contain the following information:

1. Name of the subdivision, name of the county (San Juan) and state (Utah), and the location and legal description of the subdivision referenced to section, township and range;
2. North arrow, scale,(1:100 or larger) dates of original drawing, and subsequent revisions and sheet number;
3. An indication that all subdivision corners have been surveyed. The monuments representing the corners shown on the plat shall be in place and easily identifiable on the ground at the time the subdivision was approved by the County;
4. Owners and mortgagee's Certificate of Dedication of public rights-of-way and easements;
5. The surveyor's Certificate of Survey, his or her seal, and the date of survey;

6. Boundary of the subdivision or subdivision phase in a heavy solid line with a small circle at each change in direction;
7. Board of County Commissioner's approval signature lines, certificate of the Board of County Commissioner's acceptance of public right-of-way and easements and public land dedications, and the County Clerk's signature line.
8. The location and description of all section corners and permanent survey monuments in or near the subdivision giving the basis of bearing and the distance and course to two or more survey monuments (GLO, BLM, City, townsite);
9. The length of subdivision perimeter boundary lines in feet and decimals thereof and the value of all required bearings and angles dimensioned in degrees, minutes and seconds for the perimeter boundary. Boundary lengths, bearings and angles must close within the limits of one (1) in two thousand (2000);
10. The ownership of lands abutting the subdivisions, or the name of any adjacent subdivision;
11. The delineation, dimensions and names of all proposed public roads and access easements to public rights-of-way and adjacent roads and rights-of-way;
12. The dimensions of all proposed lots indicated in feet and decimal and the value of all required bearings and angles dimensioned in degrees, minutes and seconds, and the acreage for each lot, shown within the lot lines and staked on the ground;
13. The blocks numbered consecutively throughout the subdivision, and the lots numbered consecutively throughout each block, with the areas to be excluded from the plat marked "Reserved" or "Not a Part";
14. The outline and notification of any property which is offered for dedication to public use fully dimensioned by lengths and bearings or angles with the area marked "public";
15. The identification, location and dimensions of all easements for public services or utilities;
16. The radii, arcs, point of tangency and central angles for curvilinear streets and radii of all property returns;
17. The identification and designation of the boundaries of any 100-year floodplain and the source of the designation;
18. A note disclosing that there are restrictive covenants on the property and an acknowledgment that the County has no responsibility for enforcing the covenants; and
19. Other plat notes as may be required by the Board of County Commissioners.

E. Two (2) sets of preliminary construction plans for the proposed public improvements prepared in accordance with the requirements contained in Chapter 7a Design Standards.

F. In the event the proposed subdivision is within one and one-half (1.5) miles of a municipality or within the boundary of a County Service Area or Special Service District, or municipal expansion area, the applicant shall provide written comments from the affected entity.

G. A copy of all restrictive covenants on the property which shall be recorded with the County Recorder with the final plat. The covenants shall indicate that the County has no responsibility for enforcing the covenants, but will be the responsibility of the subdivider or subsequent lot purchasers to enforce these covenants.

H. A signed copy of the subdivision improvement agreement.

Section 7: FINAL PLAT PROCESS

A. The Subdivision Administrator shall review the application for Final Plat approval to determine whether it is consistent with the approved Preliminary Plat and with the requirements of this ordinance.

B. If the Subdivision Administrator determines that the Final Plat application is not in compliance with the approved Preliminary Plat, or with the requirements of this ordinance, the Subdivision Administrator will provide the subdivider a list of the deficiencies and other information to assist in the correction of the application.

C. Upon a determination that the application for Final Plat is complete and consistent with the approved Preliminary Plat and the requirements of this ordinance, the Subdivision Administrator shall schedule the Final Plat to be presented to the Planning Commission and following its consideration and recommendation or lack thereof, referral to the Board of County Commissioners for consideration.

D. The subdivider must be familiar with the minimum county road standards as outlined in Chapter 7a:

1. If the intent of the subdivider is to build roads within the subdivision that will be accepted and maintained by the County after dedication, such roads must be built consistent with the County Road Standards. To ensure that this happens, the subdivider must meet with a representative of the San Juan County Road Department, and the County Road Department must agree to their dedication.
2. Before proceeding on any road work, placement of any underground utilities, and/or acquisition of any road materials, the subdivider must provide the County Road Department with a copy of the Preliminary Plat and set up an onsite meeting with the County Road Department representative to review all aspects of the roads within the subdivision. If the subdivider intends that the roads within the subdivision shall be private roads and thus not required to be constructed to county standards, the subdivider may be required to obtain the approval of the County Road Department and any other State, Federal, or Tribal authority for all subdivision access roads that originate off of County roads and other safety factors such as placement and financial responsibility of signs and other items.
3. The subdivider may be required, at his/her own expense to provide testing for road materials, compaction testing, and other testing procedures will be used to assure compliance with minimum standards. The subdivider will develop a schedule of work to be accomplished with an inspection schedule.
4. If the subdivider proceeds with any of the work outlined herein without the approval and/or inspection of the County Road Department representative, the County may not accept these roads onto the County system nor be responsible for any type of maintenance duty. This would include but not be limited to the placement of any type of water, sewer, septic, telephone, cable television, fire hydrant, etc. lines that will be within the right-of-way of any public roads. If such lines are intended to be placed within the right-of-way of any public roads, substantial compliance will be required and the subdivider will be required to either provide adequate certification of such compaction or compensate the County for inspecting such for compliance.
5. No Final Plat shall be approved unless the proposed roads have been approved by the San Juan County Road Department.

E. Actions Required Prior to Recording the Final Plat.

1. The surveyor making the plat shall certify that the surveyor:
 - a. Holds a license in accordance with the state's Professional Engineers and Land Surveyors Licensing Act;
 - b. Has completed a survey of the property described on the plat in accordance with state law and has verified all measurements;
 - c. Has resolved any and all boundary issues with adjoining properties to said subdivision; and
 - d. Has placed monuments as represented on the plat.

F. No Final Plat shall be recorded until it has been:

1. Accepted by the Board of County Commissioners of San Juan County, Utah;
2. A signature mylar has been prepared with all revisions, signed by the landowner(s), and the surveyor with signatures notarized, surveyors seal and registration number, signature of the chairman of the Board of County Commissioners and attested by the County Clerk;
3. An approved Subdivision Improvements Agreement has been executed and filed with the County Clerk; and
4. The Final Plat mylar has been approved as to form and signed by all necessary parties such as the San Juan County Planning Commission representative, the County Health Department representative, the County Attorney's Office, etc.

Section 8: SUBDIVISION IMPROVEMENT AGREEMENTS

A. In order to guarantee that the required County roads and, if specified, other public facilities including but not limited to drainage, water, fire suppression, and sanitary sewer facilities, are constructed in accordance with the applicable standards and to guarantee that the cost of the required public improvements are borne by the subdivider and not the public, the subdivider may be required to enter into a Subdivision Improvement Agreement with the County. The Agreement shall be found acceptable to the County and signed by the applicant prior to the approval of the Final Plat by the Board of County Commissioners. No Final Plat shall be approved by the Board of County Commissioners until an approved Subdivision Improvement Agreement has been executed.

B. The Subdivision Improvement Agreement shall be structured as determined by the Board of County Commissioners. The Subdivision Improvement Agreement shall, at a minimum, describe the public improvements to be provided by the subdivider and include unit and total costs, the form of collateral to be provided for the public improvements, and the basis for forfeiture of the collateral and assumption of responsibility by the County.

C. Collateral Required to Warranty Improvements:

1. The Board of County Commissioners may require that sufficient collateral be provided by the subdivider to cover the cost of the public improvements required by the Subdivision Improvement Agreement and ensure the completion of improvements within the time period specified. The amount of collateral shall be 125% of the estimated cost of the County Roads as prepared by the County Road Department. If requested by the agency responsible for the provision of public water and/or sanitary sewer service, the Board of County Commissioners shall also require collateral for water and sanitary sewer improvements. Collateral may also be required for drainage facilities and

other improvements. The collateral shall be in the form of an Escrow Deposit, Performance Bond, Irrevocable Letter of Credit, or in special circumstances, a First Lien and Restriction on Sale of the property to be subdivided. The First Lien and Restriction on Sale of the property shall only be used when the appraised market value of the property is equal to, or greater than, the estimated cost of the public improvements. The Board of County Commissioners may accept one, or a combination, of the types of collateral listed above.

2. As improvements are completed, the subdivider may apply to the Subdivision Administrator for release of all or part of the collateral. Upon certification by the County Road Department that the County Road improvements have been completed and are in conformance with County Standards. Upon recommendation from the Subdivision Administrator, the Board of County Commissioners shall authorize the release of part or all of the collateral for road improvements, except that the Board may retain 10% of the collateral for a specified period of time in order to insure that the improvements have been properly constructed.
3. In the event that other facilities have been included in the Subdivision Improvement Agreement and collateralized, the Board of County Commissioners shall authorize the release of the collateral in whole or in part upon recommendation by the Subdivision Administrator that the improvements have been completed.

Section 9: RE-SUBDIVISIONS

Substantial changes to a recorded Final Plat shall be considered a new subdivision and shall comply with all the regulations, laws and policies applicable to a new subdivision, and shall be processed in accordance with the provisions of this chapter, except where such changes and revisions are determined of a minor nature and eligible to be considered under the administrative resubdivision procedure, the requirements of which are contained in Section 10.

Section 10: ADMINISTRATIVE RE-SUBDIVISIONS

A. An Administrative Resubdivision may only be used for changes and revisions that have been determined by the Subdivision Administrator to be minor engineering, planning, or administrative changes or revisions. An Administrative Resubdivision shall be approved by the Subdivision Administrator if:

1. The land has already been subdivided and there exists an approved and recorded Final Plat;
2. No additional right-of-way dedications or public improvements are necessary;
3. No perimeter boundary of an existing subdivision plat is affected;
4. The perimeter of boundaries of the administrative plat coincide with the existing lots and blocks; and
5. The number of lots shall not be substantially increased and all lots shall be in conformance with the County Zoning Ordinance in effect at the time the Administrative Re-subdivision is approved.

B. Requests for Administrative Re-subdivisions shall include information that Utah Code Ann. §17-27a-608 *et seq.* does not apply.

Section 11: AMENDMENTS AND VACATIONS

A. The Board of County Commission, acting as the land use authority, may amend or vacate any subdivision plat by signing an amended plat or passing an ordinance describing the subdivision or the portion being vacated, if the proposal does not violate other land use ordinances contained herein, there is good cause for approval, and no public street, right-of-way, or easement has been vacated or amended.

- B. Procedure for Amendment or Vacation. The Board of San Juan County Commissioners may consider a proposal for an amendment or vacation after:
1. A written petition to amend or vacate has been submitted to the Subdivision Administrator. Such a petition shall include:
 - i. The names and addresses of all owners of record of the land contained in the entire plat; and
 - ii. The signature of each of the owners who consents to the petition.
 2. After submission, the petition must be reviewed by the Planning Commission who shall hold a public hearing within forty-five (45) days after the day on which the petition is filed. Prior to the public hearing, all owners of property within the plat proposed to be amended or vacated and any utilities must be notified. If satisfied the proposal does not violate the county's land use ordinances, there is good cause for approval, and no public street, right-of-way, or easement has been vacated or amended, the Planning Commission shall forward a favorable recommendation to the Board of County Commissioners.
- C. Recording. Upon approval of an amendment or vacation by the Board of County Commissioners via the signing of the amended or vacated plat or by ordinance, the Board of County Commissioners shall ensure that that the amended plat showing the vacation or amendment is recorded in the office of the County Recorder.

Section 12: EXEMPTIONS, WAIVERS, VARIANCES AND APPEALS

- A. Exemptions from Platting Requirements.
1. A subdivider consistent with Utah code 17-27a-605 may create a minor subdivision of four or fewer lots without a plat under the following process:
 - i. The subdivider must show compliance with Utah Code 17-27a-605 and provide all required information to the Subdivision Administrator;
 - ii. Each lot in a minor subdivision must have access to a public or private road or an easement to access a public or private road;
 - iii. Each lot must comply with the applicable zoning;
 - iv. Each lot must be recorded with the County Recorder's Office.
 2. The Subdivision Administrator upon compliance by the subdivider with the above stated requirements will provide to the Building Department an acknowledgement of the existence of a minor subdivision.
- B. Waivers.
1. The Board of County Commissioners may waive certain requirements for an application for Subdivision Approval or for all or a portion of the required processing fees. All waiver requests must be submitted to the Subdivision Administrator with a letter which explains the reasons for the waiver. The letter can be presented prior to the submittal of the Preliminary Plat or Final Plat application or as part of the plat submittal.
 2. Waivers of submittal requirements may be granted upon considering the Subdivision Administrator's recommendation and a finding by the County Commission that the particular requirements are not necessary for consideration of the subdivision application.
 3. A waiver of part or all the required processing fees (see Addendum C) for a subdivision application may be granted by the Board of County Commissioners only on finding that the

particular application is such that the review time of county officials will be significantly less than the typical subdivision application.

C. Appeals

1. Appeals of a decision made under this chapter shall comply with the requirements of chapter 4.

CHAPTER 7A DESIGN STANDARDS

Section 1: GENERAL PROVISIONS

- A. All development must comply with the following standards:
1. Insofar as possible, the natural terrain, existing topography and natural vegetation shall be preserved.
 2. Where the property to be developed is subject to natural or man-made hazards such as flooding, rock and mud slides, slope instability, open quarries or abandoned mines, or where there exists shallow water table conditions or polluted water sources, such hazards or conditions shall be identified and the developer shall provide stamped engineered documentation as to how the hazards or conditions have been eliminated, or will be eliminated, through the design and construction of the development.

Section 2: LOTS

- A. All lots shall conform to the following standards
1. Lots shall meet the width, depth, frontage and lot size requirements for the zone in which the subdivision is located, as specified in this title.
 2. All lots shall abut a dedicated street or county road, or a street or road that has become public by right of use, or a private street for which there is a recorded maintenance agreement; and
 3. No single lot shall be transected by a municipal or county boundary line or by a special service area or special service district boundary, a public road or street, or a private road or street which can legally be used by property owners other than the owner of the lot.

Section 3: PUBLIC STREETS

A. All streets or other right-of-way designated for public vehicular use and County maintenance shall be designed and constructed in accordance with the adopted Road Standards of San Juan County, Utah, including adequate and required street or highway signs, cattle guards, and other necessary items, as stated in this Chapter. Maps and plats, when properly made, acknowledged, filed, and recorded according to the procedures specified. Completion of the above may operate as a dedication of all streets and other public places and vest the fee of those parcels of land in the county for the public for the uses named or intended in those maps or plats. However, mere dedication of streets does not trigger the County's duty to maintain such roads until they have been constructed or improved to the County Road Standards, and approval by the County Road Department for maintenance and/or ownership by the County. The County will not accept ownership or dedication of any road without written approval of the Board of County Commissioners.

B. If, due to the size of a development, a turn lane from a State highway or road is required to access a public street or streets to be used in the development, the County shall require the subdivider to obtain and produce for County review UDOT approval and agreement to construct or allow access.

Section 4: PRIVATE ROADS

San Juan County does not intend to dictate a specific standard of construction to a subdivider for a private road except that the standard must allow reliable vehicular access for emergency, including for fire engines and ambulances, delivery of goods and services, and the installation and service of utilities. Again, as previously stated above, a dedication of a private road does not trigger the County's duty to maintain such a road until it has been constructed or improved to the County Road Standards, approval by the San Juan County Road Department for maintenance or acceptance, and acceptance by the County Commission.

Section 5: SIDEWALKS AND PEDESTRIAN WALKWAYS

When, in the opinion of the County Road Department the projected traffic volumes within the subdivision are such that the separation of vehicular and pedestrian access is necessary for the safety of the public, the Planning Commission may require designed sidewalks or pedestrian rights-of-way.

Section 6: SANITARY SEWAGE

- A. Except as otherwise provided below, each lot in the subdivision shall be served with an approved piped sanitary sewer system.
- B. Individual septic tank systems, or other private sewage systems, shall only be permitted when the nearest point of the subdivision boundary is more than 1,320 feet from an existing approved sanitary sewer system. Septic systems shall be in conformance with the requirements established by the State Division of Environmental Health and the San Juan County Health Department, and applicants shall provide proof of the necessary permits from those entities.

Section 7: WATER SUPPLY

- A. Except as otherwise provided below, each lot in the subdivision shall be served with an approved public water system.
- B. Individual or common wells or other private water systems shall only be permitted when the subdivision boundary is more than 1,320 feet from the nearest approved public water system. All private water systems shall be in compliance with the requirements of the Utah Division of Environmental Health and the San Juan County Health Department, and applicants shall provide proof of the necessary permits from those entities.

Section 8: DENSITY STANDARD

A. Density standards for each zone are as follows.

	R	AG	HC	CC	MU	I	RRPD
Minimum Parcel/Lot Size (in acres)	1	10	CUP	Comply with setback	5	Comply with setback/coverage	20
Public Water	.5	10	CUP	Comply with setback	5	Comply with setback/coverage	20
Public Sewer	.5	10	CUP	Comply with setback	5	Comply with setback/coverage	20
Both Public Water and Sewer	.25	10	CUP	Comply with setback	5	Comply with setback/coverage	20

B. No single primary use in any zone shall exceed the zone's density standards without requiring additional acreage consistent with the density standards of the zone. Accessory uses and buildings must comply with that zone's regulations, as stated in this title, to not violate the density standards. All uses must comply with the zone's requirements for parking, open space, setbacks, conditions, restrictions, access, etc. A lot's consistency with the minimum size for density does not guarantee the right to a use that cannot otherwise meet the requirements of this title.

C. Accessory Dwelling Unit (ADU) density standards are as follows for the areas in which they are allowed:

	R	AG	HC	CC	MU	I	RRPD
ADU Density Standards	1 ADU on a minimum of .5 acres. No lot may have more than 1 ADU	1 ADU per lot	CUP	1 ADU on a minimum of .5 acres. No lot may have more than 1 ADU	1 ADU per lot	Not permitted	CUP

Section 9: STORM DRAINAGE

A. With the submission of the Preliminary Plat, the subdivider shall also include a drainage plan for any proposed subdivision. The design shall accommodate runoff from the entire subdivision and the historical runoff from areas adjacent to and "upstream" of the subdivision in accordance with the minimum standards.

B. Minimum Standards:

1. All historic flood and drainage ways shall be protected from alteration such that their primary function as storm water drainages shall be upheld.
2. 100-Year Storm- All drainage and flood control facilities shall be designed to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin which the subdivision serves, or other standards required by San Juan County Code. The "100-year storm"

referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

3. All drainage shall be designed by a Utah licensed professional engineer, in accordance with any requirements of the Utah Department of Environmental Quality Storm Water, and approved by San Juan County authorities.
 4. The design shall insure that runoff from the developed subdivision shall not exceed the historical volumes and velocities discharged onto adjacent property.
 - i. The drainage system plans submitted with the Preliminary Plat shall include:
 - ii. all proposed surface drainage structures; and
 - iii. all appropriate design details, dimensions, construction materials and elevations.
 5. At the time of the Final Plat, the subdivider shall include Final Drainage Design for the phase of the subdivision included in the Final Plat. The Final Drainage Design shall show how the drainage is consistent with the overall Drainage System Design.
- C. The County Road Department may require a maintenance and improvement agreement on or around any drainage which may have an impact on any existing or planned road.

Section 10: PERIMETER FENCING

- A. In all zones, the subdivider shall be responsible for the construction of a stock proof perimeter fence around the entire subdivision. The height, fence type, and materials shall be as approved by the Planning Commission.
1. A subdivider may request, and the Planning Commission may approve an exemption from the fencing requirement only if one of the following criteria are met:
 - i. the proposed subdivision is completely surrounded by developed land;
 - ii. the proposed subdivision is within the future annexation area of a nearby municipality and within 100 feet of a municipal boundary; or
 - iii. the proposed subdivision enclosed by property already enclosed with a stock- proof fence.
- B. If the subdivider obtains an exemption from the fencing requirement, this exemption must be reflected on the plat so as to place others on notice of the exemption.
- C. If the subdivider fails to obtain an exemption to the fencing requirement, a stock proof fencing proposal shall be submitted with the final plat and the Planning Commission may then make a recommendation to the Board of County Commissioners for final approval.

Section 11: MOBILE HOMES

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)

Section 12: MANUFACTURED HOMES

Manufactured homes shall:

1. Utilize non-reflective siding materials; i.e. wood, stucco, adobe, brick, or stone or material that looks like wood, stucco, adobe, brick, or stone.
2. Be placed on a concrete slab-on-grade or concrete perimeter foundation.

3. Have a minimum 24-foot horizontal wall dimension on at least 2 non-opposing sides.
4. Be skirted with a material or product specifically designed for the skirting of such homes. Required skirting shall be maintained so as not to provide a harborage for animals or create a fire hazard.
5. Have running gear, tongues, axles and wheels removed from the manufactured home at the time of installation.
6. Be permanently attached to a foundation. Anchors and tie-downs, such as cast-in-place concrete “dead-men”, eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors, or other devices shall be used to stabilize the manufactured home.
7. Have a minimum finished floor elevation at least 24 inches above the exterior finish grade, as measured at the main entrance into the dwelling.
8. Shall comply with current building code requirements, the standards of this ordinance, and in accordance with current FHA and HUD guidelines.
9. Shall allow only one manufactured home per designated lot.

Section 13: AIRPORTS/AIRSTRIPS

A. Height Limits Near Airports and Airstrips:

1. In any airport approach area, no building, utility line or structure shall be erected, and no tree or other natural feature shall be permitted to grow or develop which is more than one foot (1') in height for each fifty feet (50') the building is distant from the end of the landing or takeoff strip.
2. In any airport transition area, no building, utility line or structure shall be erected, and no tree or other natural feature shall be permitted to grow or develop which is more than one foot (1') in height for each seven feet (7') the building or structure is distant from the inside airport approach zone boundary.
3. In any airport turning area, no building, utility line or structure shall be erected, and no tree or other natural feature shall be permitted to grow or develop to a height greater than one hundred fifty feet (150').

B. At least part of the land covered by the airport approach zone within one thousand feet (1,000') from end of runway must be owned by the same person or corporation which owns or controls the operation of the airport, or else an easement covering the land must be owned by the same person or corporation which will prevent the construction of buildings and structures or the growing of trees or other natural feature over the above prescribed height limits.

C. Use Restrictions: Notwithstanding any other provision of this title, no uses may be made of land within the county which will create electrical interference with radio communication between airports and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of airports or otherwise endanger the landing or taking off of aircraft.

Section 14: FIRE PROTECTION/OTHER IMPROVEMENTS

- A. Except as otherwise provided, the County will not provide any additional fire protection for approved developments other than from those current departments established at different locations within the County.
- B. The Board of County Commissioners may, in consultation with County emergency personnel, require the subdivider to provide substantial improvements to provide fire protection for the subdivision when the size of the subdivision/development and the number of lots proposed along with other factors would otherwise jeopardize the health, safety, and general welfare of the residents of the subdivision. Such improvements may include, but not be limited to; fire hydrants, water storage for fire protection, other water systems, participation in the acquisition of firefighting equipment and facilities to house such equipment. Refer to the San Juan County Fire Policy for anticipated requirements. Fire hydrants will be spaced every 500 feet.
- C. If such fire protection improvements are required, these shall be made at the expense of the subdivider/developer and shall meet all fire protection standards as provided in the National Fire Code, Uniform Building Code, San Juan County Fire Policy, and other applicable standards. All systems shall be tested and accepted by the County prior to the issuance of any building permit.
- D. If in the opinion of the County, the size of the subdivision or development requires improvements to be installed prior to the approval of the subdivision or development the subdivider/developer shall provide to the County a form of collateral for the improvements as outlined in Chapter 7 Section 8, Subdivision Improvements Agreement.

Section 15: OTHER IMPROVEMENTS

- A. All utilities that are planned in a subdivision shall be presented to the County prior to any construction or placement of utilities. The utility provider shall be named along with a letter from the provider indicating their ability to provide for the proposed subdivision. All utilities and utility corridors shall be shown on the final plat. The subdivider shall provide the County with letters of completion and certification from building inspectors, utility companies or other assurances that all utilities were placed within the easements shown on the final plat and meet proper codes prior to the sale of any lots.
- B. All final plats shall show all legally recorded rights of way and/or easements that are recorded in the Office of the San Juan County Recorder. The County may require that the subdivider receive written approval from the owners of such rights of way and/or easements that any developments within the rights of way and/or easements meet all public health and safety requirements.
- C. Impact Fees. The County may authorize impact fees according to State law.

Section 16: LOT REGULATIONS

- A. Unless otherwise specified in this Ordinance, the regulations in the table below apply. Likewise, a Conditional Use Permit may specify regulations that differ from the table below.
- B. Flag-shaped or panhandle shaped lots may be created developments if all of the following requirements are met:
1. The lot has at least 25 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
 2. The "handle" portion of the lot is at least 25 feet in width, and not more than 250 feet in length.
 3. The body of the lot meets the lot area and lot width and setback requirements of the applicable zone.

C. Lots will comply with the following requirements:

	R	AG	HC	CC	MU	I	RRPD
WIDTH	75'	209'	CUP	25'	105'	53'	320'
FRONTAGE	25'	25'	CUP	25'	25'	50'	300'
FRONT YARD	25'	25'	CUP	N/A	25'	20'	150/60/30'
REAR YARD	25'	25'	CUP	N/A	25'	10'	100/50/30'
SIDE YARD	8'	8'	CUP	N/A	8'	10'	100/50/12'
HEIGHT	35'	40'	50'	50'	40'	40'	35'
COVERAGE	40%	40%	CUP	N/A	40%	50%	10%

Section 17: MEASUREMENTS

A. EASEMENTS

Any setback is measured from the edge of any road easement not owned by the property owner. If the owner of a private easement gives permission in writing, to be recorded, the setback may be from the property line rather than the easement.

B. SETBACKS

All measurements for setbacks are from the nearest protrusion of the structure.

C. CORNER LOTS

Corner lots are subject to two front yard setbacks.

Section 18: PUBLIC STREET DESIGN STANDARDS

PUBLIC STREET DESIGN STANDARDS

A. STREET TYPES

1. Residential Streets – Streets which primary function is to provide access to individual lots within the subdivision. This would include all streets except the ones designated as Collector Streets.
2. Collector Streets – The main streets in the subdivision. This would usually be the street that enters or exits the subdivision which serves as a collector of all the residential streets.

B. STREET WIDTHS

1. Unless deemed otherwise by the San Juan County Road Department, residential streets shall have a minimum right of way of fifty feet (50'). The minimum surface width for gravel shall be twenty-six feet (26'). The minimum surface width for pavement shall be twenty-four feet (24').
2. The San Juan County Road Department may require streets in specified areas of the county to be paved roads.

3. Collector streets shall have a minimum right of way of sixty feet (60'). The minimum width for gravel shall be thirty-two feet (32'). The minimum surface width for pavement shall be thirty feet (30').

C. STREET DESIGN STANDARDS

1. Before any street is dedicated as a public right of way by San Juan County for maintenance, the street must be constructed to the width requirement.
2. Gravel Surfaces - A minimum of nine inch (9") compacted depth of base material must be placed on the street. Of this base material, the surface must consist of a minimum of three inches (3") of one inch (1") or three- quarter inch (¾") crushed gravel. This material must be accepted by the San Juan County Road Department and if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider or developer.
2. Asphalt Surfaces – If the street is constructed to an asphalt surface, the surface depth must be a minimum of three inches (3") to be accepted by or for maintenance by San Juan County. Asphalt and compaction must be accepted by the San Juan County Road Department and, if deemed necessary, testing of the material and compaction may be required by the engineer. If such testing is required, this shall be done at the expense of the subdivider or developer.
3. Unless deemed otherwise by the San Juan County Road Department, the minimum grade for all streets shall be one percent (1%). The maximum grade allowed for residential streets is eight percent (8%) and for collector streets is six percent (6%). Where the observance of this requirement is unfeasible, an exception may be granted. Streets should be leveled, when possible, to a grade of less than four percent (4%) for a distance of at least fifty feet (50') approaching all intersections.
4. Whenever possible, streets shall intersect at right angles. When streets meet at acute angles, a reasonable radius will be required.
5. Dead end streets will have a turn-around (cul-de-sac) with a minimum radius of fifty feet (50'). Dead end streets should not exceed five hundred feet (500') in length if possible.
6. No more than four (4) streets shall enter an intersection.
7. Vertical curves shall be used at all changes of grade exceeding one percent (1%). Horizontal curves shall be required if street lines deflect more than five degrees (5°). The minimum centerline radius for residential streets shall be one hundred fifty feet (150'). Collector streets shall be three hundred feet (300').
8. Curb and gutter – The minimum widths of streets which have curb and gutter shall be forty feet (40') on residential streets and fifty feet (50') for collector streets. All measurements are from the back of the curb to the back of the curb.
9. Cattle guards – Any cattle guards required or installed, shall be in compliance with the County Cattle guard policy and shall be of a width and construction approved by the San Juan County Road Department.
10. Signs – The sub divider shall provide and install any required signs on roads or streets as required by the Manual of Uniform Traffic Control Devices and by the San Juan County Road Department.

11. Gates – No gates, whether locked or unlocked, shall be allowed on any roads or streets accepted by the County unless allowed by the San Juan County Road Department.
12. Public Streets – All roads or streets accepted by the County are considered public roads and access by the public cannot be interfered with by the subdivider or future owners of any of the lots within the subdivision.
13. Drainage/Curb and Gutter - In the absence of curb and gutter, the sub-divider shall provide a street drainage plan detailing potential impacts to county roads and streets. The sub-divider shall be required to provide and install culverts or other drainage structures as required by the county.
14. New Streets - When a subdivision is considered to be high density. San Juan County may require the sub-divider to pave the road with a minimum of a two-lift armor coat consisting of one lift using a three-quarter inch ($\frac{3}{4}$ ") dirty gravel chip and the second lift using a one-half inch ($\frac{1}{2}$ ") clean gravel chip; or as determined by the County a compacted asphalt mat consisting of a minimum two-inch (2") depth when fully compacted may be required.
15. Road signs- Road signs shall be provided for all public rights of way at the expense of the subdivider/developer. Road signs may be placed by the San Juan County Road Department if the subdivider/developer reimburses the county consistent with the fee schedule. (Addendum C).

D. EASEMENTS

1. Easements for utilities such as poles, wires, conduits, gas lines, water lines, etc. shall be located at the rear of all lots whenever possible. The width shall be a minimum of fifteen feet (15'), which can be divided between adjoining lots. Utility easements may be required for lot sides and fronts.
2. If lot front utility easements are required, a minimum of fifteen feet (15') shall be allocated. All easements shall be designed so as to provide efficient installation of utilities.
3. If front line easements are required and are within the right-of-way of any road or street - sufficient and proper compaction of any underground lines shall be required. Testing of compaction shall be at the expense of the subdivider.
4. All utilities shall be provided in compliance with all of the required building codes covering such installation.

Section 19: USE TABLE

See Addendum D

CHAPTER 8

PLANNED UNIT DEVELOPMENT (PUD)

Section 1: PURPOSE

The purpose of the planned unit development (PUD) 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 zone regulations and other provisions of this Title 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.

Section 2: DEFINITION

Planned unit development, for the purposes of this chapter, 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 zone 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.

Section 3: PLANNED UNIT DEVELOPMENT PERMIT

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

Section 4: REQUIRED CONDITIONS

- A. No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development. Anything less than 5 acres will not be considered.
- B. A planned unit development which will contain uses not permitted in the zone 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.
- C. 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.
- D. 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.
 - 1. Density or land use intensity shall in no case be more than twenty-five (25) percent higher than allowed in the zone in which the PUD is located, except not more than ten (10) percent higher in the residential zone.
 - 2. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan to be approved by the Planning Commission.

E. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by one or more of the following:

1. Dedication of the land as a public park or parkway system,
2. 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
3. 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.

F. 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.

G. 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.

H. A grading and drainage plan shall be submitted to the Planning Commission with the application.

I. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.

J. 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.

Section 5: USES ALLOWED

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

Section 6: GENERAL SITE PLAN

A. 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, 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.

Section 7: REVIEW BY PLANNING COMMISSION

A. In order that it may approve a PUD, 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 PUD 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 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 meets the requirements of any zone, 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 1 of this chapter.

Section 8: SCOPE OF PLANNING COMMISSION ACTION

A. 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 Planning 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 PUD by the Planning Commission is 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 recommend for approval or disapproval an application for a PUD to the Board of County Commissioners. In any such recommendation for approval, the Planning Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this chapter. Final approval of a PUD must be made by the Board of County Commissioners.

Section 9: CONSTRUCTION LIMITATIONS

A. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved, and in conformity with any conditions attached to its approval.

B. Amendments to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for the initial approval.

C. 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 9

RESIDENTIAL ZONE (R)

An Ordinance creating the Residential Zone (R) of the San Juan County Land Use Ordinance for the purpose of managing growth and development in the non-federal unincorporated areas of San Juan County for residential non-commercial uses.

Section 1: BOUNDARIES

The boundaries of the R Zone of San Juan County are designated by the zoning map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the R zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this title.

Section 2: PURPOSE

The R Zone is a zone wherein residential uses are prioritized over all other uses. Any tangential use or accessory building in the zone is scrutinized against the zone's primary purpose for residential dwellings. All other uses not listed in the Use Table are prohibited.

Section 3: USES

Refer to Addendum D

Section 4: HOME OCCUPATION USES-PROHIBITION(S)

Home occupations are permitted except that no home occupation may constitute a nuisance, alter the primary use of the dwelling from its residential purpose, or alter the primary residential use to any other use. All home occupations must comply with any required licensing.

Section 5: AGRICULTURE USES

The keeping of no more than four (4) large animals (e.g., cows/cattle, horses) shall be considered a permitted use on lots/parcels with more than one acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.

The keeping of no more than four (4) small agricultural animals (e.g., sheep, pigs, goats, chickens, and waterfowl) shall be considered a permitted use on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.

Barns, stables, coops, animal sheds or similar structures shall be set back at least 100 feet from existing dwellings and 20 feet from any open waterway. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream and shall comply with State of Utah Health Code and local San Juan County Health Department regulations.

Agriculture, as defined in this title, which does not occupy more than 33% of the lot/parcel, is permitted.

Section 6: HEIGHT RESTRICTIONS

Refer to Chapter 7A Section 16.

No accessory building constructed in the R zone shall exceed two (2) stories and shall not exceed 24' (twenty-four feet) in height.

No fence in the R zone shall exceed 6' (six feet) in height for a backyard, or 4' (four feet) in height for a front yard.

Section 7: BUILDING COVERAGE

Refer to Chapter 7A Section 16.

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet. Accessory buildings are considered part of the total building coverage of the lot.

Section 8: ZONE STANDARDS

Refer to Chapter 7A Section 16.

A. Lot Restrictions.

1. One primary dwelling per lot.
2. The minimum spacing between dwellings shall be 16 feet, with an additional 8 feet per story provided between buildings for every story over 2 stories.
3. Backyard fencing may begin at the 25-foot front setback for interior lots. Corner lot fencing must maintain no less than a 45-degree clear view triangle at a height of no more than four feet for 75 feet from the point where the intersection of the road borders the property line. The 75 feet is measuring each direction along the property line paralleling each adjoining road. The clear view triangle must remain free of any other view obstructions exceeding four feet, including but not limited to, trees, shrubs, walls, hills, decorations, accessory buildings or structures. Only a traffic safety study provided by the San Juan County Road Department and Utah Department of Transportation, if applicable, may be submitted in requesting a variance from this requirement.
4. Every building erected or installed must be located on a lot or building parcel that meets the minimum requirements of at least one lot type permitted under this Chapter. Every building and lot must have direct access to one of the following:
 - i. A public street;
 - ii. An approved private street or driveway; or
 - iii. A public or private street via a public or private alley.

Section 9: SIDEWALKS AND TRAILS

If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for a waiver may be submitted to the Planner describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use. The Planner may waive such a requirement if the use is a permitted use under this chapter; otherwise, it must be addressed during the conditional use permit process.

Section 10: MUNICIPAL AND DISTRICT WATER SYSTEMS

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development, as provided in this Chapter 7A section 7.

CHAPTER 10

AGRICULTURAL ZONE (AG)

An Ordinance creating the Agricultural Zone of the San Juan County Land Use Ordinance for the purpose of managing growth and development in non-federal unincorporated areas of San Juan County for agricultural uses.

Section 1: BOUNDARIES

The boundaries of the AG zone of San Juan County are designated by the zoning map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the AG zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this Ordinance.

Section 2: PURPOSE

The AG Zone is a zone wherein agricultural and rural uses are prioritized over all other uses. Any tangential use or accessory building in the zone is scrutinized against the zone's primary purpose. Agricultural Industry or Businesses, as defined, are to be located in areas to avoid the creation of nuisance to neighboring zones. Uses not specifically permitted or allowed as a conditional use are prohibited.

Section 3: USES

Refer to Addendum D

Section 4: HOME OCCUPATION USES-PROHIBITION(S)

Home occupations are permitted except that no home occupation may constitute a nuisance, alter the primary use of the dwelling from its purpose, or alter the primary use to any other use. All home occupations must comply with any required licensing.

Section 5: HEIGHT RESTRICTIONS

Refer to Chapter 7A Section 16.

No accessory building constructed in the AG zone shall exceed two (2) stories and shall not exceed thirty feet (30) in height.

Section 6: BUILDING COVERAGE

Refer to Chapter 7A Section 16.

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet. Accessory buildings are considered part of the total building coverage of the lot.

Section 7: ZONE STANDARDS

Refer to Chapter 7A Section 16.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

Section 8: MUNICIPAL AND DISTRICT WATER SYSTEMS

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development, as provided in this Chapter 7A section 7.

Section 9: ANIMAL DENSITY STANDARDS

In accordance with the Large Concentrated Animal Feed Operations Act (Utah Code Ann. §17-27-1102 *et seq*) and taking into consideration the following:

Location of neighboring residential zones

Proximity of health care facilities

Public areas (including but not limited to National Parks, Monuments, Wilderness Study Areas, and other protected lands)

Public gathering sites (including but not limited to recreation areas)

Education institutions

Religious institutions

Commercial enterprises (including those not of an agricultural nature)

Municipal boundaries

Major travel corridors (including state highways and connecting county roads)

Prevailing winds (and noting that winds differ across the vast geographical topography of the county)

Limited abundance and access to water, and the value of water to the arid nature of the county

The traditional uses of the land for grazing, wood-gathering, hunting, and culturally important sites and uses to the native tribes and later arriving settlers

And the economic benefit of agricultural activities to the county;

Animal density is established by this ordinance to account for the considerations of the differing activities involving agriculture and agriculture business in this title.

Type 1 Animal Density: Pasturing

Anything less than 10 animal units, on a minimum of 10 contiguous acres.

Type 2 Animal Density: Grazing or Low Density Feeding

The grazing of animals at a density of less than 1 animal unit per 5 acres. For purposes of determining animal density, a valid permit for grazing on public land may be considered.

The wintering or confining of animals not to exceed 90 days in a 12-month period. Wintering must be between the months of October through April. For low density feeding purposes the animal density may not exceed 1 animal unit per 1 acre.

Type 3 Animal Density: Large Concentrated Animal Feeding Operation

The feeding of animals at a density of greater than 1 animal unit per 5 acres or the wintering or confining of animals beyond Type 2 wintering allowances. Animal density may not exceed 5 animal units per acre. Large Concentrated Animal Feeding Operations are considered an Agriculture Industry or Business.

CHAPTER 11

HIGHWAY COMMERCIAL ZONE (HC)

An ordinance creating the Highway Commercial (HC) Zone (HC Zone) of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal unincorporated areas within San Juan County.

Section 1: BOUNDARIES

The boundaries of the HC Zone of San Juan County are designated by the zoning map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the HC zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this Ordinance.

Section 2: PURPOSE

A zone bordering highways and main thoroughfares in San Juan County where commercial uses are permitted consistent with the goals of the area plan. Specific uses should include establishments offering goods and services to the travelling public, non-pedestrian-oriented retail, wholesale, service and repair activities which do not create unattractive, congested, or unsafe highway conditions with access provided primarily linked to the main thoroughfare with UDOT-approved access. The zone also seeks to protect, once developed, the travel corridor(s), highway safety, reduction of sprawl, and overflow crowding of neighboring zones.

Section 3: USES

Refer to Addendum D

Section 4: HEIGHT RESTRICTIONS

Refer to Chapter 7A Section 16.

No buildings erected in the HC zone shall be erected within 50 feet of an existing residential zone boundary. Buildings erected in the HC Zone within 100 feet of a residential zone boundary shall not exceed the height limitations of the corresponding residential zone.

Section 5: ACCESS AND BOUNDARIES

All Highway Commercial uses must have legal access to the adjoining highway, and comply with any conditional terms accounting for clustering, public safety, protection of the travel corridor, UDOT permissions/easements, and any other legal requirement.

Section 6: LOT STANDARDS

Refer to Chapter 7A Section 16.

All development in the HC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character of a highway commercial zone. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

1. Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one conditional use under this chapter, based on underlying zoning and subdivision type. No minimum lot size is required in the highway commercial zone.

2. Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and on-site parking as required by Chapter 17.

Section 7: MUNICIPAL AND DISTRICT WATER SYSTEMS

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development, as provided in this Chapter 7A section 7.

CHAPTER 12

COMMUNITY COMMERCIAL (CC) ZONE

An ordinance creating the Community Commercial (CC) Zone (CC Zone) of the San Juan County Zoning Ordinance for the purpose of controlling development in the non-federal unincorporated areas within San Juan County.

Section 1: BOUNDARIES

The boundaries of the CC Zone of San Juan County are designated by the zoning map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the CC zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this Ordinance.

Section 2: PURPOSE

A zone in San Juan County for commercial use consistent with the goals of the area plan. The Zone is intended to have commercial building sizes smaller than the highway commercial zone with walk-ability and design for decreased traffic congestion and impact on roads and neighboring zones.

Section 4: USES

Refer to Addendum D

Section 4: BUILDING SIZE AND PARKING

No building in the CC zone may be larger than 40,000 square feet.

Buildings greater than 20,000 square feet, but less than 40,000 feet must obtain a conditional use permit.

Off-street parking is required for all buildings, regardless of whether the use is permitted or conditional. Off-street parking may be shared by multiple landowners so long as sufficient parking is provided for all shared users consistent with Chapter 17. Parking lots exceeding 100 parking spaces are prohibited unless a separate conditional use permit for the parking lot has been obtained and design of the parking lot is sufficient to mitigate the traffic impact.

Section 5: HEIGHT RESTRICTIONS

Refer to Chapter 7A Section 16.

Buildings erected in the CC Zone within 100 feet of a residential zone boundary shall not exceed the height limitations of the corresponding residential zone.

Section 6: ACCESS AND BOUNDARIES

All Community Commercial uses must have legal access to an adjoining road and comply with any conditional terms accounting for public safety, permissions/easements, and any other legal requirement.

Section 7: LOT STANDARDS

Refer to Chapter 7A Section 16.

All development in the CC Zone shall be subject to the following lot design standards, which generally allow for a variety of uses and building types while maintaining the overall character of a community commercial zone. This approach promotes better site layout and development relationships that match existing and proposed infrastructure investments.

1. Every building erected or installed must be located on, and every plat submitted for approval must show, a lot or building parcel that meets the minimum requirements of at least one use permitted under this chapter. No minimum lot size is required in the community commercial zone, but the lot must comply with any restrictions placed by the requirements of the governing water district.
2. Every building and lot must have direct access to a public street or frontage road. All structures must be located on lots or parcels that provide safe and convenient access for servicing, fire protection and required on-site parking.

Section 8: MUNICIPAL AND DISTRICT WATER SYSTEMS

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development, as provided in this Chapter 7A section 7.

CHAPTER 13

MULTIPLE USE ZONE (MU)

An Ordinance creating the Multiple Use Zone (MU) of the San Juan County Land Use Ordinance for the purpose of managing growth and development in non-federal unincorporated areas of San Juan County for multiple uses.

Section 1: BOUNDARIES

The boundaries of the MU Zone of San Juan County are designated by the Current Zoning Map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the MU zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this Ordinance.

Section 2: PURPOSE

The MU Zone is a zone wherein the land is suitable for varying and mixed uses. Uses not specifically permitted or allowed as a conditional use are prohibited.

Section 3: USES

Refer to Addendum D

Section 4: HEIGHT RESTRICTIONS

Refer to Chapter 7A Section 16.

No accessory building constructed in the MU zone shall exceed two (2) stories and shall not exceed thirty feet (30) in height.

Section 5: BUILDING COVERAGE

Refer to Chapter 7A Section 16.

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 5 feet. Accessory buildings are considered part of the total building coverage of the lot.

Section 6: ZONE STANDARDS

Refer to Chapter 7A Section 16.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

Section 7: MUNICIPAL AND DISTRICT WATER SYSTEMS

If all or part of a proposed development is within the jurisdiction of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to, and will, provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is outside the jurisdiction of an approved public water system able to serve the development, as provided in this Chapter 7A section 7.

CHAPTER 14

INDUSTRIAL ZONE (I)

Section 1: BOUNDARIES

The boundaries of the Industrial Zone (I) in the non-federal unincorporated areas of San Juan County for industrial purposes are designated by the Current Zoning Map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the I zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this Ordinance.

Section 2: PURPOSE

The primary purpose of the industrial zone (I) is to provide an area in San Juan County for the processing, assembling, manufacturing, warehousing and storage of materials, products and goods. The specific intent in establishing this zone is for the following purposes:

- A. Facilitate the provision of goods, services and manufacturing in areas that are most appropriate, or in previously designated industrial areas, which will be least likely to conflict with residential or commercial core uses;
- B. Keep services that are convenient for industrial business customers without detracting from residential, commercial and mixed-use cores;
- C. Zone such areas in such a manner as to allow separation of other uses which will conflict either due to noise, odors, heavy truck traffic, appearance or other disturbances, and yet allow industrial uses to exist and prosper;
- D. Maximize the location of various types of industrial uses in the most convenient and attractive manner;
- E. Limit the number and placement of industrial uses that are likely to be incompatible within the entry corridors or sensitive lands of the county, and other surrounding uses;
- F.. Broaden the tax base and improve the economic base of the county;
- G. Discourage the undesirable mixture of incompatible commercial, industrial and residential uses; and
- H. Control the uses that emit odor, dust, fumes or other undesirable impacts both primary and secondary.

Section 3: USES

Refer to Addendum D

Section 4: BUILDING HEIGHT

Refer to Chapter 7A Section 16.

Height of all buildings and/or structures shall not exceed forty feet (40') above natural grade unless approved as part of a conditional use.

Section 5: BUILDING COVERAGE

Refer to Chapter 7A Section 16.

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open ponds, or roof overhangs of less than 5 feet. Accessory buildings are considered part of the total building coverage of the lot.

Section 6: ZONE STANDARDS

Refer to Chapter 7A Section 16.

Every building and lot must have direct access to one of the following:

1. A public street
2. An approved private street or driveway
3. A public or private street via a public or private alley

Section 7: SITE PLAN PROVISIONS

A. Prior to the construction of any building in the industrial zone (I), a site plan shall be submitted and approved by the building department. Site plans shall be drawn to scale and shall contain, but not limited to, the following information:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines;
2. A landscaping plan showing the location, types and initial sizes of all planting materials to be used, together with the location of fences, walls, hedges and decorative materials;
3. Preliminary elevations of main buildings showing the general appearance and type of external materials to be used;
4. Parking lot layout;
5. Dumpster enclosure location;
6. Site lighting;
7. Neighboring uses;
8. Irrigation plan;
9. Utility plan;
10. Sewer plan; and
11. Stormwater control plan.

Section 8: PARKING, LOADING AND ACCESS

Each use shall provide approved parking sufficient for the use according to Chapter 17, as well as a safe and adequate pedestrian access to the building. All loading and unloading must be done in the area designated as part of the site plan approval.

Section 9: OTHER REQUIREMENTS

A. Inasmuch as the industrial zone is usually in proximity to a major highway, the following standards with respect to appearances and maintenance of buildings and premises must be adhered to in the construction and maintenance of the buildings and grounds within the zone:

1. Landscaping: Any portion of the lot not included in the structure or parking areas must be appropriately landscaped. The front landscape strip shall be twenty feet (20') on any side adjacent to a road. A minimum of ten percent (10%) of the overall site shall be landscaped.
2. Refuse And Debris: The entire lot shall be kept free from refuse, debris and waste material. All such refuse, garbage, debris and waste material shall be kept in approved containers and stored within a building or enclosed in a sight obscuring fence, wall or screen of not less than six feet (6') in height. Garbage containers shall not be located within the required front setback.
3. Storage: All storage and outside activities, except loading and unloading, shall be enclosed within

a building, or if approved as part of the conditional use within an area that is enclosed with a sight obscuring fence at least six feet (6') and no more than eight feet (8') in height. Storage shall not be permitted to protrude above the sight obscuring fence.

4. Maintenance: All signs, structures, parking areas, landscaping or other portions of the development that are visible from either an adjoining residential use, or from a major street or highway, shall be kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to renew any business license or conditional use permit.
5. Signs: Any signs or other form of advertising must comply with the sign provisions of chapter 17.
6. Buildings: Metal buildings may be allowed in this zone. All metal buildings shall have vertical walls and shall be painted with neutral colors.
7. Where applicable, the applicant must have approval from the San Juan County Health Department of all uses and site plans.

Section 10: ALL PERMITS REQUIRED- NUISANCE

All industrial uses shall comply with the necessary permitting process of any regulating agency: local, State, and Federal. A failure to obtain or abide by required permitting is a public nuisance and is subject to enforcement action under Chapter 3, and any remedy under State or Federal law.

CHAPTER 15

RURAL RECREATIONAL PROTECTION ZONE (RRPD)

Section 1: BOUNDARIES

The boundaries of the Rural Recreational Protection Zone (RRPD) areas of San Juan County for its stated purposes are designated by the Current Zoning Map as amended by the San Juan County Commission and is incorporated by reference. The current boundaries of the I zone appear in the Current Zoning Map attached as Addendum A, as revised by subsequent amendments to this Ordinance.

Section 2: PURPOSE

The purpose of the RRPD zone is to establish areas in San Juan County where development may be limited due to remoteness of services, topography, proximity to State or federally protected sites, and other sensitive land issues. The specific intent in establishing the RRPD zone is to:

- 1) Protect present and future water supply of the county.
- 2) Protect county grazing and forestry land.
- 3) Avoid excessive costs for public services which result from excessive scattering of dwellings in remote areas.
- 4) Prevent excessive soil erosion and water pollution,
- 5) Promote the raising and keeping of domestic and wild animals and fowl in keeping with optimum intensity of use, consistent with recognized range management practices.
- 6) Prevent the necessity of having to pay excessive taxes on grazing lands
- 7) Preserve and protect recreational opportunities
- 8) Allow residential development on a limited basis when services are not readily available but are appropriately addressed by the developer to the satisfaction of the county
- 9) Provide residents of the proposed development essential services provided at a level that would not adversely impact their health, safety, and welfare where providing these services would not be fiscally irresponsible for the county.

Section 3: USES

Refer to Addendum D

Section 4: BUILDING HEIGHT

Refer to Chapter 7A Section 16.

Section 5: BUILDING COVERAGE

Refer to Chapter 7A Section 16.

Section 6: ZONE STANDARDS

Refer to Chapter 7A Section 16.

Each lot or parcel of land in the RRPD zone shall have a width of at least three-hundred twenty feet (320'), measured at the front setback. This requirement is also applicable to projects that group residential lots, unless a sewer system is provided, in which case, lot widths may be two hundred feet (200').

Each lot or parcel of land in the RRPD zone shall abut a public road or a road built to county standards for a minimum distance of three hundred feet (300') on a line parallel to the centerline of the road. The lot frontage shall be measured along the street right-of-way.

Barns, coops, or other structures housing animals: The front setback for such structures shall be a minimum of one hundred (100') from the edge of the right of way, providing however, all such structures must also be setback from any existing residential structure at least one hundred feet (100'), or a minimum of fifty feet (50') side setback, from any adjoining undeveloped property line. If located on a state or federal highway, accessory buildings and/or structures shall be behind the main structure.

Buildings that will house animals shall have a side setback of not less than fifty feet (50') and be at least one hundred feet (100') from any dwelling on or off site.

Buildings that will house animals shall have a setback of at least fifty (50') and be at least one hundred feet (100') from any dwelling on or off site.

Section 7: DISTANCE BETWEEN BUILDINGS

The distance between any accessory building or structure and the main building that does not house animals shall be in accordance with the building code and fire code.

Section 8: SITE PLAN PROVISIONS

Before the issuance of a building permit for a dwelling or any other permitted or conditional use, a compliant site plan must be submitted to the planning/building department showing the location of the planned buildings and any existing conditions, structures, topography, or any environmentally sensitive lands located on the lot, including viewsheds.

Section 9: OTHER REQUIREMENTS

A. Walls and fences. Fences associated with a residential dwelling in the RRPD zone shall be minimal and shall only fence in a small area not over one acre in size to protect the dwelling and landscaping around the dwelling. Any other fencing will only be permitted if the design does not inhibit the movement of deer, elk, or other wildlife through the property.

B. Chapter 20, "Dark Skies" shall apply to the RRPD zone throughout the County.

C. Sewer and Water requirements must comply with the State of Utah department of water quality and the San Juan County Health Department. Requirements for fire fuel management and water storage for fire protection may be imposed by the local fire authority.

D. All structures in the RRPD will be designed to minimize their visual impact on the surrounding area, including, but not limited to, colors and materials used in construction, height, building peak reduction, and using the natural landscape to obscure structures when viewed from common travel corridors or highly frequented view areas.

CHAPTER 16

RV PARK REQUIREMENTS

Section 1: PURPOSE

To require that RV Park developments will be of such character as to promote the objectives and purposes of the zone in which they are located and to protect the integrity and characteristics of the zones contiguous to those in which RV Parks are located; and to protect other use values contiguous to or near RV Parks.

Section 2: LOCATION AND USE

Refer to Addendum D

No RV may be used as a dwelling (use of an RV on a non-temporary basis) outside of a designated RV Park unless specifically exempted under this title.

Section 3: RV PARKS - APPROVAL

A. RV parks may not be constructed unless first approved by the Planning Commission, after review of plans for said RV Park which satisfy the Planning Commission that the said development will:

1. Be in keeping with the general character of the zone within which the development is to be located.
2. Have written approval from the San Juan County Health Department or any other regulating agency as required.
3. Be limited to nine (9) units per acre, except RV's 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.

B. An overall plan for development of an RV Park shall be submitted to the Planning Commission for review. The plan shall be drawn to scale no smaller than one inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:

1. When required by the Planning Commission, the topography of the site represented by contours shown at not greater intervals than two (2) feet.
2. The proposed street and RV space layout.
3. Proposed reservations for parks, playground and open space.
4. Tabulations showing percent of area to be devoted to parks, playgrounds and open spaces, number of RV spaces, and total area to be developed.
5. Proposed locations of parking spaces.
6. Generalized landscaping and utility plan, including locations of water, electricity, sewer or septic, gas lines, and fire hydrants.
7. Any other data the Planning Commission may require.

C. Applications for approval shall be in writing, submitted to the Zoning Administrator and considered by the Planning Commission at the next regular meeting following proper notice and shall be granted or denied within ninety (90) 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 in accordance with this title.

D. In addition to any requirements of the zone in which the RV Park is located, the following standards and requirements for RV Parks apply:

1. Storm drainage facilities shall be so constructed as to protect residents of the development and their property as well as adjacent property owners and their property. 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.
2. 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.
3. In an RV 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 RV tongue remains attached, it shall be set back a minimum of six (6) feet from road curbs or walks. All RVs shall be set back at least fifteen (15) feet from any boundary of the RV Park.
4. Off-street parking shall be provided at the rate of two (2) parking spaces per RV 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 RV space it is designed to serve.

CHAPTER 17
PARKING REQUIREMENTS, LOADING SPACE, AND MOTOR VEHICLE ACCESS

Section 1: OFF STREET PARKING

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

Section 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) percent 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.

Section 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.

Section 4: OFF-STREET PARKING SPACE FOR BUILDING OR USE OTHER THAN DWELLING

A. For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, parking shall be provided 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 or other short-term rental, excluding camping sites, 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 long-term rentals 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 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.

Regardless, unless otherwise provided, required, or excepted, for any new building or enlargement or increase in seating capacity, floor area, or guest room there shall be at least one hundred eighty (180) square feet net parking area and at least one parking space.

Section 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.

Section 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.

Section 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 this title 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.

Section 8: ACCESS REQUIREMENTS

A. 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) locations for each one hundred (100) feet or fraction thereof of frontage on any street.
2. No two (2) access locations shall be closer to each other than twelve (12) feet, and no location shall be closer to a side property line than three (3) feet.
3. Each access location 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 access location 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 location 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 access location. 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 its option, install the foregoing described safety island and curb, or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted access location, a curb, fence, or pipe rail, not exceeding two (2) feet or less than eight inches in height.

7. Encroachment permits onto any public street or highway must be obtained from any appropriate entity, and the location of encroachment onto any public street or highway must be approved by the building department.

Section 9: LOCATION OF GASOLINE PUMPS

Gasoline pumps or electric vehicle charging stations shall be set back not less than eighteen (18) feet from any street line to which the pump island is more or less vertical and twelve (12) feet from any street line to which the pump island is more or less 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 18
SIGN AND DISPLAY REQUIREMENTS

Section 1: PURPOSE

It is in the best interest of the health, safety and welfare of the citizens of San Juan County to regulate signage and advertising. The following regulations are created to: eliminate potential hazards to motorists and pedestrians; to encourage signs which are integrated with and harmonious to the buildings, setting and sites which they occupy; encourage legible signage through prohibition of excessive and confusing sign displays, thus reducing driver inattention; allow each individual business to clearly identify itself and the goods and services which they offer; to safeguard and enhance property values; and protect public and private investment in buildings and open space.

Section 2: REGULATIONS AND ENFORCEMENT

A. Compliance Required: Except as provided in this chapter, no sign shall be erected, raised, moved, extended, enlarged or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the zone in which it is located.

B. Construction Standards: All signs hereinafter erected in the county shall comply with current standards of the national electrical code, all provisions of this chapter and other applicable ordinances of the county. All component parts shall be Underwriters Laboratories or equivalent-labeled products.

C. In addition to the powers below, the Planning/Building Department may engage in enforcement consistent with Chapter 3. The Planning/Building Department may:

1. Issue Permits: Issue permits to construct, alter or repair signs which conform to the provisions of this chapter.
2. Determine Conformance: Ascertain that all signs, construction and all reconstruction or modification of existing signs are built or constructed in conformance to the zoning ordinances, building restrictions and building codes.
3. Issue Citations and Complaints: Issue citations and/or complaints against violators of this chapter.

D. Right of Appeal: Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal consistent with Chapter 4. Upon filing of said notice of appeal, no further action with regard to the removal of the sign involved shall be taken until the final decision of the Appeal Authority issues, unless the Planning/Building department finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public.

E. Application Requirements: All applications for sign permits shall be accompanied by a plan and elevation drawing. The drawings shall be provided digitally in PDF format in a minimum 8 1/2" x 11" format. The plat information shall include sufficient information so that the code enforcement officer can determine whether the proposed sign conforms with the provisions of this chapter.

1. Plat Plan Requirements: Specifically, the plat shall show the size of the sign and its location relationship to the following features of the site:
 - i. Property lines;
 - ii. Existing and proposed buildings or other structures;
 - iii. Control curbs;
 - iv. Parking areas.

2. Elevation Drawing Requirements: Specifically, the elevation drawing shall show the following information:

- i. Type of sign;
- ii. Sign display;
- iii. Sign height;
- iv. Sign area.

F. Sign Permit Required: It shall be unlawful for any person, whether acting as lessee, lessor, owner, occupant, contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate or alter any sign within the county without first obtaining a sign permit from the county unless exempted from this requirement in this chapter.

G. Fee Schedule: A fee as established by the County Commission shall be paid to the county for each sign permit issued under this chapter. The fee will cover the cost of issuance, including the inspection tag.

Section 3: RESIDENTIAL ZONE

Signs in the R zone must comply with the following:

- A. Low Profile Signs: Two (2) permanent low profile identification signs which state the official name of the residential subdivision will be allowed for residential developments; provided, that these signs conform to the following:
 1. Shall be located at the entrance of the residential subdivision and be a minimum of ten feet (10') from front property lines.
 2. Shall be limited to a maximum of three feet (3') in height from finished grade.
 3. Shall be limited to sixteen (16) square feet in area for each sign.
 4. Shall be limited to only two (2) signs per subdivision.
 5. Shall contain no animation.
- B. Promotional Signs for Residential Developments: These signs shall be allowed for residential developments to promote, market and advertise the entire development offering the property for sale and providing pertinent sales information to the public. Promotional signs are not allowed for the sale of individual lots, homes, or a portion of the development.

Signs shall not exceed six feet (6') in height and must be located within the boundaries of the development a minimum of ten feet (10') from a street, shall not project into or be installed on any public right-of-way and shall not be located within required intersection clear view zones. The signs shall be temporary and shall be removed when all original lots have been sold.

Residential developments may have up to two (2) signs offering the project for sale or inspection by the public.

- C. Property Signs for Sale, Lease, Or Rent: One temporary on-premises sign identifying the lot or offering the premises for sale, lease, rent, or inspection by the public is permitted and shall not exceed twelve (12) square feet in size. Such sign may be double faced or may be a movable freestanding sign and includes advertising for a model home or an open house at the premises.
- D. Nothing in this section shall be construed to limit a property owner's right to express a religious, political, or other protected right through speech.

Section 4: HIGHWAY COMMERCIAL ZONE

A. Freestanding Signs: Freestanding signs are permitted subject to the following provisions:

1. Number: Each parcel of property or commercial complex may have one freestanding sign. One additional freestanding sign is permitted if the property or complex has more than three hundred feet (300') of frontage on a dedicated public street. Where two (2) or more freestanding signs are constructed, they shall be separated by at least one hundred feet (100'). The second pole sign shall not be higher than seventy percent (70%) of the allowed height of the first sign. A third freestanding sign is allowed for properties with more than six hundred feet (600') of frontage on a dedicated street. The fourth freestanding sign, or additional freestanding signs, must be approved by the Planning Commission.
2. Location: Freestanding and projecting signs shall not project into or over any public street right-of-way. Projecting signs may project a maximum of four feet (4') from the building provided such projecting sign has a minimum ground clearance of ten feet (10') over any sidewalk or street right-of-way.
3. Height: Freestanding signs shall not exceed the following heights:
 - i. Signs located within five hundred feet (500') of US-191 shall not exceed thirty-feet (30') in height.
 - ii. Where two (2) or more pole type signs are allowed, subsequent signs shall not exceed seventy percent (70%) of the allowed height of the main sign.
 - iii. The height of signs located on all other streets shall not exceed ten feet (10') from the adjacent natural grade.
 - iv. Where the natural grade at the sign location is below the curb elevation, the height may be measured from the curb height, provided the overall sign height is not increased by more than five feet (5'), and the sign is within thirty feet (30') of the curb or right-of-way boundary.
4. Size: The area of freestanding signs shall not exceed the following:
 - i. Single tenant freestanding signs within 500' of US-191 shall not exceed seventy-five (75) square feet or one square foot of sign area per linear foot of street frontage up to one hundred twenty (120) square feet maximum per sign face.
 - ii. Multi-tenant signs may have one and one-half (1 1/2) square feet of sign area per linear foot of street frontage up to two hundred (200) square feet maximum. A single multi-tenant sign may be allowed up to three hundred (300) square feet if the following occurs:
 - a. The sign permit is approved subject to a condition which precludes the installation of another freestanding sign in excess of the frontage requirements; and
 - b. The sign area does not exceed one and one-half (1 and 1/2) square feet per linear foot of street frontage. US-191 may have two (2) square feet of sign area per linear foot of street frontage, up to three hundred (300) square feet maximum.
5. On corner lots, the street frontage used to determine size of the primary sign shall be limited to the street upon which the building fronts. Measurement of the street frontage shall include the actual frontage measured to the midpoint of the corner radius. A secondary sign may be allowed on the side street, and its size shall be based on the frontage of the side street.

B. Entrance and Exit Signs: One entrance and exit sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed six (6) square feet in area nor be more than four feet (4') in height from the ground.

C. Wall Signs: Wall signs which are permanently attached or painted with a projection of less than twenty four inches (24"), shall be permitted; provided, that the area of any such sign shall not exceed twenty percent (20%) of the face of the front wall to which it is attached, nor more than ten percent (10%) of the face of a side or rear wall; and further provided, that it does not rise above the roofline or parapet wall.

D. Property and Project Construction Signs

1. No more than two (2) signs offering the premises for sale, lease or inspection by the public shall be permitted; provided, that the total area of each sign does not exceed thirty-two (32) square feet. Said signs may be modified to indicate that the property has been sold.
2. A project construction sign or "coming soon" promotional sign of up to sixty-four (64) square feet may be allowed within sixty (60) days of obtaining a building permit for such project. Such sign shall be removed within one year from the date the sign was erected.

E. Premises Signs: Off-premises signs are not permitted, except as may otherwise be required by state law.

F. Roof Signs: Roof signs shall conform to the following provisions:

1. Roof signs shall not be higher than the roofline or parapet wall and shall not be larger than twenty percent (20%) of the wall face of the building.
2. All roof signs shall be installed or erected in such a manner that the support structure or brace is covered and screened from public view to the extent reasonable to do so.
3. Roof signs shall not be animated.
4. Projecting Signs: Projecting signs attached to a building shall comply with the following conditions:
 - i. Signs projecting over public property may not project more than four feet (4') from a wall of a building, nor project closer than three feet (3') to the back of the curb. A minimum clearance of ten feet (10') above the sidewalk must be maintained.
 - ii. Signs projecting over private property may not project more than six feet (6') from a wall of a building.
 - iii. Signs shall not extend above the roofline.
 - iv. No more than one projecting sign per tenant space and only at the ground level of the building.
 - v. The maximum sign area for projecting signs shall be one square foot of sign area for each linear foot of building frontage up to a maximum of thirty-two (32) square feet per sign face (64 square feet maximum for both sides of a projecting sign).

G. Flag Lots: Businesses on flag lots (i.e., lots with narrow frontage on a public road compared to overall lot size) may be allowed a pole sign larger than the minimum size of seventy-five (75) square feet, provided the Planning Commission determines that the size of the sign is in harmony with the intent of this chapter and the size is in keeping with the building and lot size.

H. General Conditions

1. Signs Not To Constitute Traffic Hazard: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "drive in," "danger" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign

shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.

2. Awnings Over Public Property: Awnings over public property shall conform to all provisions of the International Building Code governing such structures. It shall maintain a minimum ten-foot (10') clearance above the sidewalk or public property and shall have no signs affixed to the awnings or their supports.

3. Sign Removal: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued and shall thereafter be considered to be abandoned.

4. Repair of Building Facade: A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.

5. Moving to New Location: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of this chapter and State law.

6. Ownership: The imprint of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.

7. Lights and Lighted Signs

See Chapter 19 for Special Conditions

I. Prohibited Signs

1. Signs Attached To Public Property: No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any way or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency as required by law.

2. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited. Signs which use subtle lighting changes as part of a video screen, or EMS are permitted.

3. Rotating Signs: Signs which move, rotate, flutter in the wind or make noise are prohibited. Temporary banners must be in compliance with the county's policy on banners.

J. Permit Exceptions: Notwithstanding any of the provisions of this chapter, the following signs and operations shall not require a sign permit;

1. The changing of the advertising copy or message on a marquee, provided no more than fifteen percent (15%) of the marquee surface will advertise off premises land, products or businesses.
2. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure unless a substantial structural change is made.
3. For sale, rent or lease signs, advertising real property, that are thirty-two (32) square feet or less in area. Such sign may be double faced.
4. The display of official notices used by any court, or public body, or public official, or the posting of notices by any public officer, in the performance of a duty, or by any person giving legal notice.

5. Directional, warning, exit, parking or similar informational signs of a public or quasi- public nature, provided they have no advertising effect, and signs directed and maintained by an official body or public utility.
6. Any official flag, pennant or insignia of any nation, state, county or other political unit.
7. Nameplates of two (2) square foot maximum area.
8. Bulletin boards not over sixty-four (64) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
9. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
10. Wall signs that are painted directly on the wall, provided they do not exceed twenty percent (20%) of the face of the wall on which it is painted.

Section 5: ALL OTHER ZONES

- A. 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.
- B. 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:
 1. Development - maximum 40 square feet
 2. Civic - maximum 14 square feet
 3. Real Estate - maximum 32 square feet
 4. Residential - maximum 2 square feet
- C. 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.

CHAPTER 19

WATER EFFICIENT LANDSCAPE OVERLAY

Section 1: OVERLAY

This chapter applies only where the Current Zoning Map (Addendum A) has identified its application by passage of an overlay as displayed on the current zoning map.

Section 2: CHAPTER-SPECIFIC DEFINITIONS

The following definitions shall apply to this chapter:

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Section 3: APPLICABILITY OF WATER EFFICIENT LANDSCAPE ORDINANCE

The provisions of this chapter shall apply to all new and rehabilitated landscapes for public agency projects, private development projects, developer-installed landscape projects in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Section 4: LANDSCAPE DESIGN STANDARDS

A. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.

1. Areas with slopes greater than 30% shall be landscaped with deep-rooting, water- conserving plants for erosion control and soil stabilization.

2. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
 4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Section 5: IRRIGATION DESIGN STANDARDS

- A. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. Irrigation Controller. Landscaped areas shall utilize a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the County due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.

- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Section 6: LANDSCAPES IN NEW SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less.
- C. Model homes shall include an informational brochure on water-efficient landscaping.

Section 7: PROHIBITION ON RESTRICTIVE COVENANTS REQUIRING TURF

- A. Any provision of a Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, is void and unenforceable if they:
 - 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 10% of the landscaped area;
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Section 8: LANDSCAPES IN HC ZONE, CC ZONE, AND PUBLIC USES

Uses in HC and CC zones and public uses shall meet the Landscape Design Standards and Irrigation Design Standards of this chapter, and the turf area shall not exceed 10% of the total landscaped area or 1,000 square feet, whichever is less, outside of active recreation areas such as playfields and sport fields.

Section 9: DOCUMENTATION FOR HC ZONE, CC ZONE AND PUBLIC USES

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the County prior to the issue of any building permit for commercial, flex, and civic/institutional projects. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
 - 1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - 2. Property lines and street names;
 - 3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - 4. Existing trees and plant materials to be removed or retained;
 - 5. Scale: graphic and written;
 - 6. Date of design;
 - 7. Designation of landscape zones, and
 - 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
 - 1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 - 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 - 4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
 - 1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 - 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Section 10: PLAN REVIEW AND CONSTRUCTION INSPECTION FOR COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL PROJECTS

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to San Juan County staff for review and approval before construction begins for a commercial, industrial, or institutional project.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.

C. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the San Juan County Building Inspector to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the County.

D. San Juan County reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this chapter are not satisfied.

CHAPTER 20 OUTDOOR LIGHTING AND SIGN ILLUMINATION OVERLAY

Section 1: OVERLAY

This chapter applies only where the Current Zoning Map (Addendum A) has identified its application by passage of an overlay as displayed on the current zoning map, and it applies to the RRPD Zone.

Section 2: PERMITTED SIGN ILLUMINATION

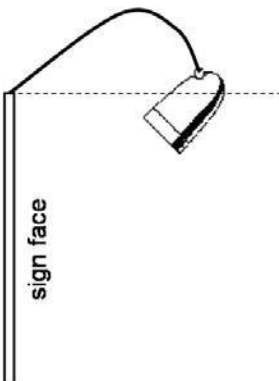
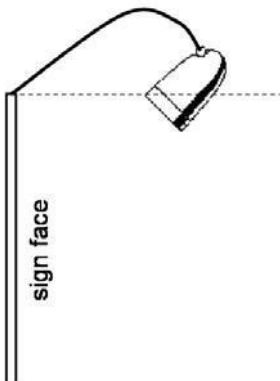
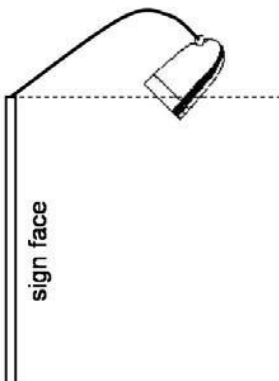
Unless otherwise addressed in this Ordinance, signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. All sign lighting is included in the calculation of total light output for a property.

A. Standards for Externally Illuminated Signs:

1. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
2. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
3. Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.
4. All sign lighting shall be included in the calculation of total light output.

Table 8-1 shows permitted external sign lighting configurations.

Table 8-1

Permitted and Prohibited External Sign Lighting Configurations		
Allowed		Not Allowed
 <p style="text-align: center;">Fully Shielded</p>	 <p style="text-align: center;">Fully Shielded</p>	 <p style="text-align: center;">Unshielded</p>

B. Standards for Internally Illuminated Signs:

1. Only sign text areas and logos may be illuminated on an internally illuminated sign.
2. Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.

C. Standards for Backlit Signs:

1. The light source shall not be visible.
2. Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

D. Standards for Illuminated Window Signs

1. Businesses may display a maximum of two (2) illuminated window signs positioned to be primarily visible outside the business structure.
2. Illuminated window signs shall not exceed four (4) square feet in area.
3. Illuminated window signs shall not be illuminated when the business is closed.

Section 3: GENERAL CONDITIONS

A. Outdoor Lighting: Outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to curtail the degradation of the nighttime visual environment are favored, including practices that:

1. Prevent lighting nuisances;
2. Promote energy conservation;
3. Improve night-time safety, utility, security, and productivity;
4. Develop an attractive nighttime appearance in the County;
5. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;
6. Prevent unnecessary or inappropriate outdoor lighting;
7. Minimize nighttime impacts on nocturnal wildlife;
8. Facilitate the economic development potential of astro-tourism;
9. Maintain the rural atmosphere of the County; and
10. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

B. Scope and Applicability

1. All exterior outdoor lighting installed after the effective date of this section in all applicable zones in the County shall conform to the requirements established by this section. This Section does not apply to indoor lighting.
2. When in the determination of a public safety entity, compliance with this chapter presents a risk to public safety, the public safety entity may authorize alternative lighting for specific locations that are not in compliance with this chapter.

C. Specific Definitions under this Chapter

“Accent or Architectural Lighting” means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.

“Backlight” means all the light emanating behind a luminaire.

“B.U.G. Rating” means backlight, up-light, and glare rating, which exists on a scale of zero to five (0 to 5) and describes the light output of a luminaire.

“Correlated Color Temperature” (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general “warmth” or “coolness” measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered “warm” sources, while those with a CCT above 3,000 K are usually considered “cool” in appearance.

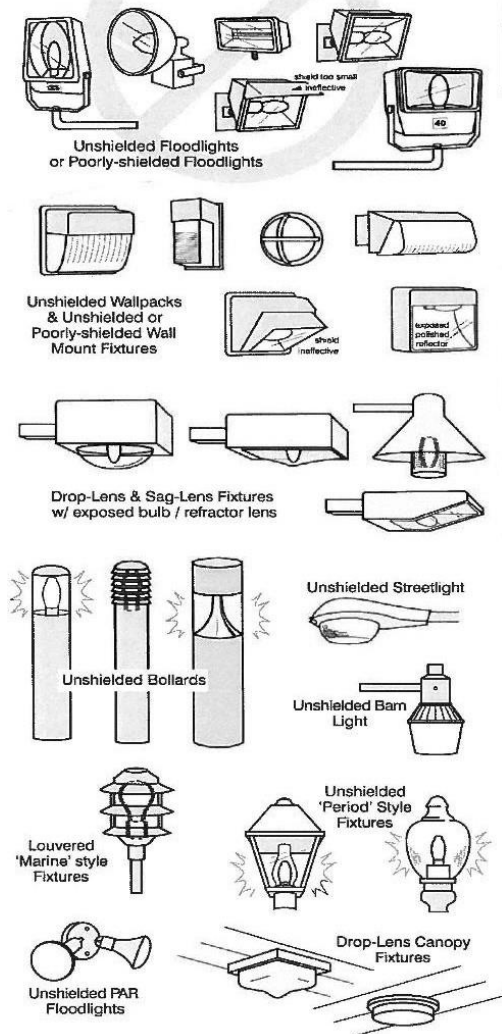
“Direct Illumination” means illumination resulting from light emitted directly from a bulb, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.

“Fixture” means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. The illustration below provides examples of acceptable and unacceptable or discouraged fixtures.

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



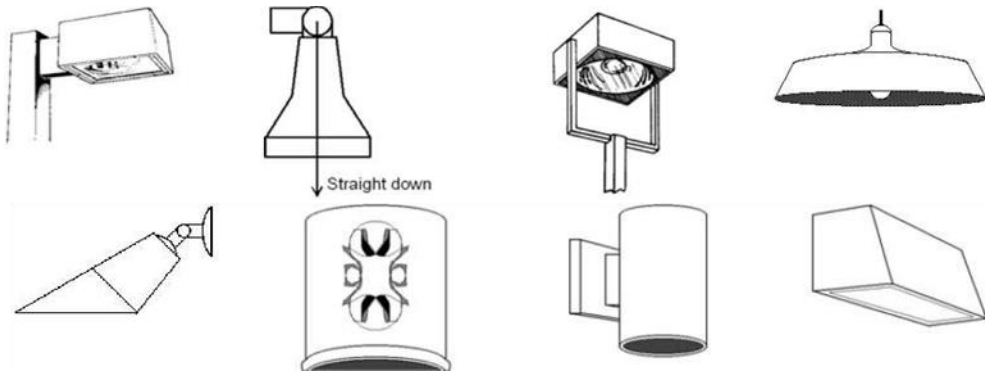
Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

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“Floodlight” means a fixture or bulb designed to “flood” an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.

“Fully Shielded Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the upright rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

Examples of fully shielded light fixtures



“Glare” means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.

“Internally Illuminated” as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

“Light Pollution” means any adverse effect of manmade light. Often used to denote “sky glow” from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

“Light Source” means the part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.

“Light Trespass” means any light that falls beyond the legal boundaries of the property it is intended to illuminate.



“Lumen” means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

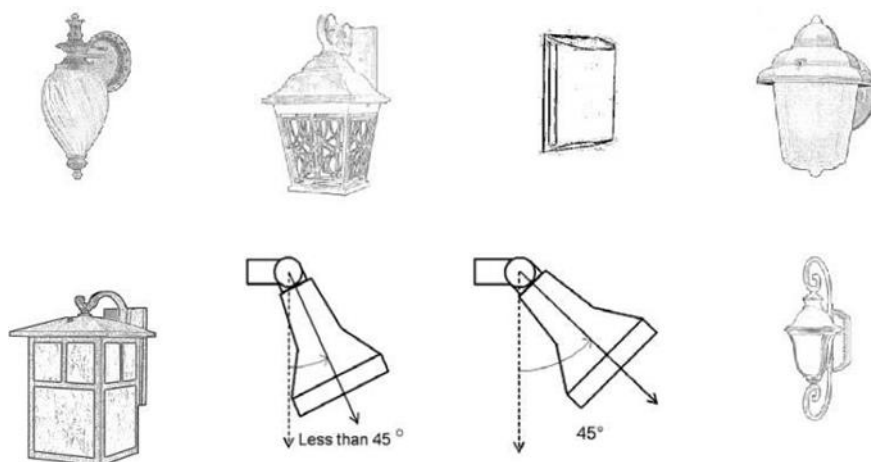
“Luminaire” means the same as “fixture.”

“Manufacturer’s Catalog Cuts” means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.

“Outdoor Light Fixture” means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a luminaire, or simply as a fixture.

“Partially Shielded Light Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight (U) and backlight (B) ratings are greater than zero (0). Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.

Examples of partially shielded lighting fixtures



“Recreational Lighting” means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.

“Skyglow” means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one’s ability to view the nighttime sky.

“Spotlight” means a fixture or bulb designed to light a small area very brightly. See definition of Floodlight.

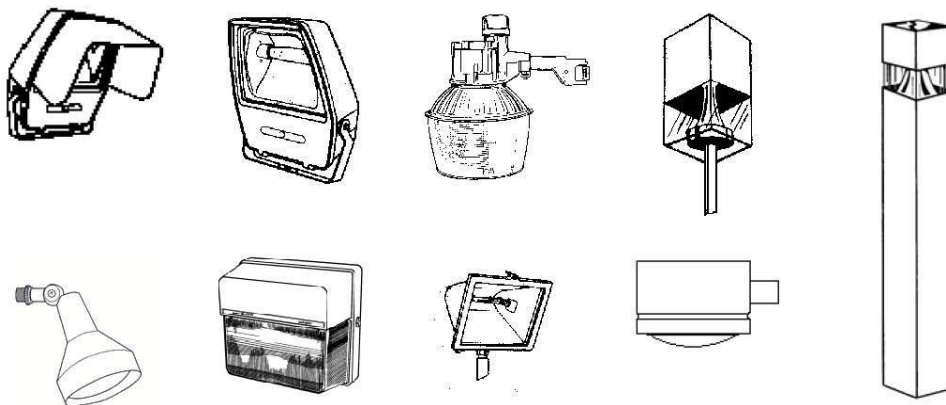
"Total" means the sum of shielded and unshielded light.

"Total outdoor light output" means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.

“Tower” means any monopole, antenna, or the like that exceeds eighteen feet (18') in height.

“Unshielded Fixture” means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.

Examples of unshielded light fixtures



“Uplight” means all the light emanating above the horizontal plane of a luminaire.

D. Fully Shielded Fixture Requirements



1. Unless specifically exempted by this Section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0).
2. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.
3. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
4. Notwithstanding the exemptions in, all residential and commercial luminaires shall be fully shielded within twenty-five (25) feet of adjacent residential property lines.
5. Exemptions to Fully Shielded Fixture Requirements:
 - i. All lights exempted by this section shall be included in the calculation for total light output.
 - ii. Fixtures having a total light output less than one thousand (1,000) lumens are exempted from the fully shielded requirement provided the following criteria are met:
 - a. The fixture has a top that is completely opaque such that no light is directed upwards.
 - b. The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.
 - c. The light source must not be visible from any point outside the property on which the fixture is located.
 - iii. Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp are exempted from the fully shielded requirement provided:
 - a. The fixture is a spotlight or other type of directed light that shall be directed straight down; and
 - b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - c. Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
 - iv. Pathway lights less than eighteen inches (18") in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
 - v. Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.
 - vi. Traffic control signals and devices.
 - vii. Temporary emergency lighting in use by law enforcement, construction work, or government agencies or at their direction.

- viii. The lighting of federal or state flags provided that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.

E. Total Light Output

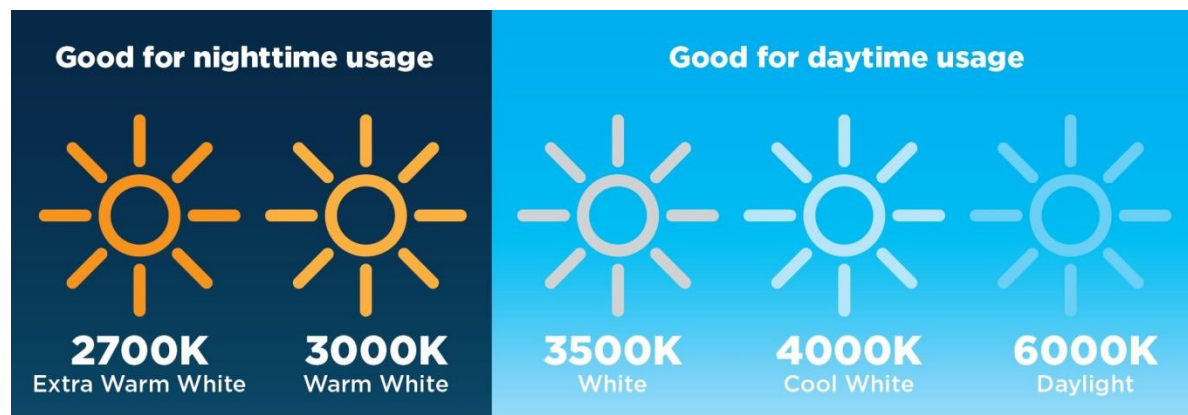
1. Commercial. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed acre. Streetlights used for illumination of public rights-of-way are excluded from this calculation. Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.
 - i.. In non-residential zones, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation
2. Residential. Total outdoor light output shall not exceed ten thousand (10,000) lumens of lighting for parcels one-half (acre), or larger, in size. Parcels smaller than one-half (1/2) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.
 - i. In residential zones, exempted partially unshielded and unshielded lighting on a property shall not exceed 1,000 lumens per lot and shall be included in the total outdoor light output calculation.
 - ii. Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

F. Lighting Hours

1. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - i. Businesses open to the public after twelve o'clock (12:00) midnight may leave all outdoor lighting on until one hour after the close of business.
 - ii. Lighting to illuminate the entrance to the commercial establishments.
 - iii. Parking lot and pathway lighting required for the safety of guests or customers.
2. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M. or one hour after conclusion of a specific sporting event, whichever is later.

G. Lighting Color

All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).



Section 4: SPECIALIZED OUTDOOR LIGHTING CONDITIONS AND STANDARDS

A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.

B. Roadway and streetlights are prohibited unless recommended by the County engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County engineer and UDOT.

C. Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed twenty-five feet (25'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed twenty-five feet (25'). All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

D. Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:

1. The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
2. The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.
3. Off-site impacts of the lighting will be limited to the greatest practical extent possible.
4. The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this Section.
5. The recreational or athletic facility shall extinguish lighting exempted by this section no later than 10:00 pm or one hour after the end of play, whichever is later.

6. The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.
- E. Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
1. Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 2. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 3. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this Section.
- F. Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all special events lighting:
1. Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 2. Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.
 3. Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this Section.
- G. All illuminated signs shall comply with chapter 17.

Section 5: APPLICATION AND REVIEW PROCEDURES

A. Lighting Plan

1. All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this code. Lighting plans shall include the following:
 - i. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
 - ii. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this Section.
 - iii. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

B. Approval Procedure

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated development application.

C. Amortization of Nonconforming Outdoor Lighting

1. All outdoor lighting legally existing and installed prior to the effective date of this Section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:
 - i. Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review;
 - ii. Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair; or
 - iii. Within five (5) years from the effective date of this Section for all other outdoor lighting.

Addendum A: (Current Zoning Map)

Addendum B

NOTICE OF APPEAL

You are hereby notified that to validly appeal under the San Juan County Zoning Ordinance you must provide the following information and submit it to the appropriate entity in the county within ten (10) days of the decision you are appealing. Failure to do so may make your appeal invalid. Failure to identify a basis for your appeal may be considered a waiver of that issue.

Name of Appellant: _____

Address: _____

Email: _____

Declaration of Standing: I have standing to appeal the final decision because I am (check one):

- ☐ An applicant whose application was denied; or
- ☐ An adversely affected party as defined by Utah Code Ann. §17-27a-103 *et seq*

If an adversely affected party, attach a statement, no longer than one page, stating the basis on which you are claiming to be an adversely affected party.

Decision Being Appealed:

The land use decision I am appealing was made on _____ by _____.

- 1) If the final decision was a written decision, attach a copy of the written decision.
- 2) If the final decision was made in an open meeting, attach a copy of the agenda of that meeting and note the agenda item number: _____. If the minutes of the meeting have been approved, attach a copy of the minutes.

Basis of the Appeal:

In no more than (5) five written pages, double spaced, 12 pt. font, attach a statement including the following:

- 1) Identify the land use decision that was made that is being appealed;
- 2) Separately describe every alleged error in that decision;
- 3) State each specific section of the San Juan Zoning Ordinance, other county ordinance, or Utah State or Federal law that the decision is alleged to have violated: and
- 4) State the relevant facts that support your appeal. You may attach any supporting documents for your factual assertions.

Attach as exhibits any documents you believe would be useful for the Appeal Authority to consider.

I _____, hereby state that the information provided is accurate to the best of my knowledge, and I waive my right to appeal any issue not herein provided.

Signed: _____

Date: _____

Print name: _____

Addendum C
SJC PLANNING COMMISSION
SAN JUAN COUNTY PLANNING AND ZONING FEE SCHEDULE:

<u>Service</u>	<u>Fee</u>
Plan Review	10% of the estimated cost of the building permit fee
Conditional Use Permit*	Small Projects - \$ 100.00 Medium Projects - \$ 350.00 Large Projects - \$1,000.00
Appeals	\$250.00
Variances	\$100.00
Subdivision Changes	
Amendments	\$100.00 + \$50.00 per lot
Vacation	\$100.00
Lot Line Adjustments	\$100.00
ROW / Alley vacation	\$50.00
Land Use Verification Certificate Request	\$50.00
Preliminary Plat Review	\$150.00 + \$25.00 per lot
Final Plat Review	\$200.00
PUD Permit	\$250.00 + \$ 50.00 per residential lot + \$100.00 per commercial lot
Business Sign Permit Fee	\$10.00 per square foot
Work Done without Permit	200% permit fee and prove up work

*CUP Project: Small [less than \$25,000.00 cost or value] Medium [\$25,001.00 to \$250,000.00 cost or value] Large [more than \$250,001.00 cost or value]

Addendum C (continued)

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$500	\$65
\$501 to \$2,000	\$65 for the first \$500, plus \$3.66 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2001 to \$25,000	\$119.90 for the first \$2000, plus \$16.80 for each additional \$1000 or fraction thereof, up to and including \$25,000
\$25,001 to \$50,000	\$506.30 for the first \$25,000, plus \$12.12 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 to \$100,000	\$809.30 for the first \$50,000, plus \$8.40 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 to \$500,000	\$1229.30 for the first \$100,000, plus \$6.72 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3917.30 for the first \$500,000, plus \$6.72 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 and above	\$7277.30 for the first \$1,000,000, plus \$6.72 for each additional \$1,000 or fraction thereof

Addendum D

	R	AG	HC	CC (see building size restrictions)	MU	I	RRPD
Accessory building(s) (Use of an accessory building for human occupancy is prohibited)	P	P	P	P	P	P	P
Accessory Dwelling unit	P	P	C	-	P	-	C
Agricultural Industry or Business	-	C	-	-	-	C	-
Agriculture	P (see Chapter 9 section 5)	P Type I, Type II Animal Density	-	-	P Type I, Type II Animal Density	C	P Type I, Type II Animal Density
Agriculture of type 3 animal density. At least 26,400 feet from any Residential Zone, any culinary water shed, culinary water source, culinary groundwater aquifer recharge, or any other water source protected under the Utah Safe Drinking Water Act, or 10,500 feet from a highway, whichever is greater.	-	C	-	-	-	-	-
Airport/Airstrip	-	C	-	-	C	-	C
Apiary	-	P	-	-	P	P	P
Apparel Manufacturing	-	-	-	-	-	P	-
Auto accessories, farm machinery and equipment sales	-	-	C	C	P	-	-
Automobile service stations including minor and major auto repair work provided it does not constitute a junk or salvage yard.	-	-	C	C	P	-	-
Aviary	-	P	-	-	P	-	-
Bakery products manufacturing	-	-	-	-	-	P	-
Bakery/Confectionary/Deli	-	-	C	P	P	-	-
Banks and other financial institutions including savings, loan, and finance/mortgage institutions	-	-	C	P	P	-	-
Barber shops, beauty shops and other personal grooming or cosmetic services.	-	-	C	P	P	-	-
Beverage manufacturing	-	-	-	-	-	P	-
Big box retail	-	-	C	-	P	-	-
Bike Shops	-	-	C	P	P	-	-
Bowling Alley	-	-	C	P	P	-	-
Building materials and hardware stores	-	-	C	P	P	-	-
Buildings to support public utilities	C	p	C	P	P	P	C
Bus Terminals	-	-	C	-	P	-	-
Camping	-	P	-	-	P	-	P
Commercial canning and preserving of fruits and vegetables	-	-	-	-	-	P	-
Childcare center (as distinguished from home occupation childcare)	C		-	P	P	-	-
Church, Temple, or similar place of worship	P	-	-	P	P	-	-
Clinic, Medical and Dental	C	-	-	P	P	-	-
Concrete, gypsum and plaster productions	-	-	-	-	-	C	-
Confectionary manufacturing and related products	-	-	-	-	-	P	-
Contractor/construction services	-	-	-	-	P	P	-
Critical Infrastructure/Gravel Pits	-	C	-	-	C	C	-
Cut stone and stone products manufacture	-	-	-	-	-	C	-
Dairy products manufacturing	-	C	-	-	-	C	-
Daycare centers, nursing or convalescent homes, and health care facilities	-	-	C	P	P	-	-
Drugs, chemicals and related products manufacture	-	-	-	-	-	C	-
Dwelling, Multiple-family (if exceeds density standards, must comply with Chapter 7A Section 8 exceptions as part of the conditional use permitting process).	C	-	C	C	-	-	-
Dwelling, Single-Family	P	P	C	P	P	-	P
Dwelling, Two-Family	P	C	C	P	P	-	-
Electric Vehicle Charging Stations	-	P	C	C	P	P	-
Electrical goods Manufacturing	-	-		-	-	P	-
Enclosed Storage	-	-	C	-	P	-	-
Evaporation Ponds (not associated with a Type 3 Animal Density operation)	-	C	-	-	P	-	-
Fabricated metal products	-	-	-	-	-	P	-
Fabricated textile products manufacturing	-	-	-	-	-	P	-
Farm Equipment and sales	-	-	C	C	-	P	-
Farms devoted to raising and marketing of chickens, turkeys, or other fowl or poultry, fish or frogs, including wholesale and retail sales.	-	P	-	-	P	-	-
Fast Food Restaurant	-	-	C	P	P	-	-

Addendum D

Flex Office and Warehousing	-	-	C	C	P	P	-
Food preparations and kindred products manufacture	-	-	-	-	-	C	-
Forest industry such as a saw mill, wood products plant, or others.	-	P	-	-	P	-	-
Funeral Home/Mortuary			C	C	P		
Fur goods manufacture	-	-	-	-	-	C	-
General Manufacturing not involving noxious odors or caustic chemicals						P	
General Manufacturing of all other types						C	
General Retail	-	-	C	P	-	-	-
Glass and glassware manufacturing	-	-	-	-	-	P	-
Golf Courses	C	P	C	-	P	-	-
Government Facilities	-	-	C	P	P	-	-
Grain mill products manufacturing	-	-	-	-	-	P	-
Groceries/Supermarkets	-	-	C	P	P	-	-
Gyms	-	-	C	P	P	-	-
Hardware manufacturing	-	-	-	-	-	P	-
Hay, grains and feeds for poultry and livestock, includeing bulk fertilizers	-	P	C	-	-	P	-
Heating and plumbing equipment manufacture	-	-	-	-	-	P	-
Home Occupations	P	P	C	P	P	-	P
Hospitals	-	-	C	-	P	-	-
Household pets	P	P	C	P	P	-	-
Junk or salvage yard	-	-	-	-	-	C	-
Kennels	-	P	-	-	P	-	-
Laundering, dry cleaning and dyeing	-	-	C	-	-	P	-
Leather and leather products manufacture	-	-	-	-	-	C	-
Lumber and wood products	-	-	C	-	P	P	-
Meat products manufacuring	-	-	-	-	-	C	-
Mining	-	C	-	-	C	P	-
Mining processing	-	-	-	-	-	C	-
Mobile home sales	-	-	C	-	P	-	-
Motor vehicle and automotive equipment sales manufacturing	-	-		-	-	C	-
Movie Theater	-	-	C	P	P	-	-
New and used automobile sales and rentals	-	-	C	-	P	-	-
New and Used Boat and other Marine or sport equipment Sales and Service	-	-	C	-	P	-	-
Nursery or greenhouses, wholesale or retail, fruit/vegetable stands, farmer's markets.	-	P	C	C	P	-	-
Office Space	-	-	C	P	P	P	-
Paper and related products manufacture	-	-	-	-	-	P	-
Pet Stores	-	-	C	P	-	-	-
Power Generation	-	C	-	-	C	C	-
Printing and publishing	-	-	C	P	P	P	-
Private Educational Facility	C	-	-	-	P	-	-
Private non-profit institutions	C	-	-	-	P	-	-
Private Parks	C	P	-	C	P	-	P
Private Recreational camp/resort	-	C	-	-	P	-	-
Private Stables or Horse Barns	-	P	-	-	P	-	-
Professional, scientific, and controlling instuments manufacturing	-	-	-	-	-	P	-
Public Educational Facility	P	-	C	P	P	-	-
Public Park/Open Space	P	P	C	P	P	P	P
Public Stables, riding academy, commercial horse stalls, and similar facilities	-	C	-	-	P	-	-
Public Uses or Quasi Public uses such as: Private Schools, churches, dams/reservoirs as permitted by Division of Water Rights, radio/cell phone/television towers or stations, cemetery, public utility storage facilities.	-	C	-	-	C	-	C
Publicly owned transfer station	-	-	-	-	P	P	-
Renewable energy –Solar, Wind farms, Geothermal	-	C	-	-	C	C	-
Residential units above the first floor of primary uses (owner occupied or long-term rental, or short-term rental)	-	P	C	P	P	-	-
Restaraunts	-	-	C	P	P	-	-
Retail fuel sales and associated convenience stores	-	-	C	-	P	-	-
Rubber manufacturing	-	-	-	-	-	C	-
RV Parks	-	-	C	-	C	-	-

Addendum D

Sexually oriented businesses	-	-	-	-	-	P	-
Short Term Rentals	-	P	C	-	P	-	C
Signs	P (compliance with Chapter 17 required)	P (compliance with Chapter 17 required)	P (compliance with Chapter 17 required)	P (compliance with Chapter 17 required)	P (compliance with Chapter 17 required)	P (compliance with Chapter 17 required)	P (compliance with Chapter 17 required)
Stock Pond (the outer perimeter of the berm must be at least 100 yards from any adjoining property line).	-	P	-	-	P	-	-
Storage Yard	-	C	C	-	C	C	
Telecommunication manufacturing	-	-	-	-	-	P	-
Temporary buildings for uses incidental to construction work, including living quarters of guards or night-watch, such buildings must be removed upon completion of the construction work.	-	P	C	C	P	P	-
Temporary use of an RV/Trailer connected to approved water, power, and sewer during construction of a permanent dwelling no longer than 364 days.	C	C	C	-	C	-	-
Textile Mill	-	-	-	-	-	C	-
Use of an RV for human occupation so long as it is less than 28 days in a calendar year. Any human occupation of an RV more than 28 days outside of an RV park is prohibited.	P	P	-	-	P	-	-
Vested critical infrastructure materials operations as defined in Utah Code 17-27a-1001 et seq.	-	-	-	-	P	P	-
Water Storage	P	P	P	P	P	P	P
Wholesale retail products	-	-	C	C	P	P	-

Permitted Use "P"
Conditional Use "C"
Not Permitted "-"
Any use not listed is not allowed