

SECTION 3

ZONING - GENERAL REQUIREMENTS

3.1 GENERAL PROVISIONS

3.1.1 Uses Prohibited in Zones Unless Expressly Permitted

Uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein, except as may be permitted by action of the Planning Commission or County Commission, by authority given under terms of this Code.

3.1.2 Pre Existing Uses

Any building or use of land or any construction thereon, or any subdivision of land, which was not authorized by or under the pre-existing zoning or subdivision regulations, as amended, or which is illegal under such regulations, shall remain unauthorized and illegal unless expressly authorized or permitted in the provision of this Code.

3.1.3 Uses on Leased Land to Comply with Code

Any person who may obtain the use of property by lease must utilize such properties in accordance with the provisions of this Code.

3.1.4 Review Fees

All costs for the processing of applications for subdivisions, large-scale developments, zone changes, conditional use permits, Board of Adjustment rulings, and similar actions required under the terms of this Code shall be borne by the applicant. The County Commission may, by resolution, establish fees for the processing of such applications and the administration of this Code and provide for the assessment and collection thereof.

3.2 NONCONFORMING BUILDINGS AND USES

3.2.1 Nonconforming Uses May Be Continued

The owners of land and buildings shall not be deprived of the use of any property for the purpose to which it is lawfully devoted at the time of the enactment of this Code. Nonconforming buildings or structures or uses of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use.

3.2.2 Damaged Non conforming Single Family Dwellings and Accessory

A nonconforming single family dwelling which is damaged or destroyed by fire, flood, or other calamity or act of nature, or a dwelling or residential structure, or accessory building which has become functionally obsolete may be restored or replaced. Such restoration, reconstruction, expansion or substitution shall be started within a period of three hundred sixty five (365) days from the date of destruction, damage or obsolescence and shall be diligently prosecuted to completion and approval for occupancy. The new building construction shall comply with all applicable codes for setback, water, sewer and other requirements.

3.2.3 Expansion of or Damage to a Nonconforming Building or Use

Nonconforming uses within a building may be expanded, but only within the same building in which said nonconforming use is located, except that residential accessory uses may be expanded, provided that any expansion of the building shall conform to all building codes and the requirements of the zoning district in which it is located, except preexisting setbacks, and further provided that any restoration is started within a period of three hundred sixty five (365) days from the date of destruction and is diligently prosecuted to completion and approval for occupancy. The new building construction shall comply with all applicable codes for water, sewer and other building code requirements. Such restoration, except for single family dwellings and accessory buildings, shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building nonconforming. Should the construction not be diligently prosecuted, the building permit for said construction may be revoked after a hearing by the county commissioners.

3.2.4 Discontinuance or Abandonment

A nonconforming building or structure or portion thereof, or a lot occupied by a nonconforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of 365 days or more, shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.

3.2.5 Change to a Conforming Use

Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.

3.2.6 Change to Another Nonconforming Use Prohibited

A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

3.2.7 Reclassification of Territory

The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter becomes nonconforming due to an amendment in this Code or the official zone map.

3.2.8 Nonconforming Lots of Record

The Zoning Administrator may authorize and the Building Official may issue a building permit for construction of a single family dwelling on any nonconforming lot of record provided:

- A. That one family dwellings are listed as permitted use in the present zone, and;
- B. That all setbacks, heights, building size and special provision requirements of the existing zone and all applicable supplementary regulations can be met.

Any lot which becomes nonconforming by reason of dedication for a Public road shall become a nonconforming lot of record and the single-family dwelling or other buildings on the lot may continue. Any lot created by means other than for a roadway or other public purpose shall, for purposes of this

Code, be classified as an illegal lot and shall not be considered as qualifying as a nonconforming lot. The Board of Adjustment may not grant a variance for any illegal lot so created.

3.3 SUPPLEMENTARY REGULATIONS WITHIN ZONES

3.3.1 Intent

The intent of this section is to provide for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this section shall be in addition to the requirements contained within the various zones. Where the provisions of this section are in conflict with other provisions of this Code, the more stringent shall prevail.

3.3.2 Yard Space For One Building Only

All required yard areas shall be situated on the same lot as the building or structure to which it applies. No required yard area or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this Code shall be considered as providing the required area, yard, setback, or open space for any other building or use; nor shall any area, yard, setback, or other required open space on an adjoining lot be considered as providing the area, setback, or open space requirement of a building or use.

3.3.3 Sale or Lease of Required Space Prohibited

No space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a designated road, or other requirement of this Code may be sold, bequeathed, or leased apart unless other space so complying is provided; and no portion of a larger parcel shall be sold off in such a manner as to leave a residual parcel that does not comply with all of the provisions of this Code. Any lot created in violation of this provision shall, for purposes of this Code, be classified as an illegal lot and shall not be considered as qualifying as a nonconforming lot.

3.3.4 Each Dwelling to be on Zoning Lot

Only one structure containing a dwelling shall be constructed on a zoning lot, except when included as a part of an approved planned unit development, condominium development or similar project.

3.3.5 Contiguous Parcels in Same Ownership

Two or more contiguous parcels owned by the same person, corporation or public entity as recorded on the County Plat Records, shall for purposes of this Code, be considered to be a zoning lot.

3.3.6 Area of Residential Accessory Buildings

Residential accessory buildings shall cover not more than thirty percent (30%) of the required rear yard area.

3.3.7 Accessory Buildings not to be used as Living Quarters

Living and sleeping quarters shall not be permitted in any accessory building.

3.3.8 Storage of Junk and Debris Prohibited

No yard or other open space shall be used for the storage of junk, debris, or obsolete vehicles or other nuisances; and no land shall be used for such purposes, except as specifically permitted herein.

All industrial, commercial and residential properties, as well as agricultural, mining, grazing, recreation, and other lands, shall comply with current State and County nuisance regulations.

3.3.9 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, bay windows and other ornamental features and unenclosed steps and unwallled stoops and porches, which may project up to six (6) feet into a required yard area. All decks shall be set back not less than one (1) foot from property lines.

3.3.10 Clear View of Intersecting Streets and Railroad to be maintained

No fence, wall, hedge or similar device which will obscure the view of automobile drivers nor be in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the adjacent street lines, or the street line and adjacent railroad right-of-way line, as appropriate, and a line connecting them at points thirty (30) feet from the intersection of said street line or railroad right-of-way line; provided, however, that trees may be permitted within said triangular area provided they are pruned to at least eight (8) feet above the grade of the adjacent road.

3.3.11 Setback of Buildings From Proposed Streets

The front or side setback for structures abutting on a proposed street which is shown on the Major Street Plan as a future street or upon an existing street which is shown on said plan as needing to be widened shall be measured from the planned street line. For purposes of determining the setback requirement and similar locational standards, said planned street line shall be considered as the property line.

3.3.12 Setback of Buildings Located on Existing Undedicated Streets

The front or side setback for structures abutting upon an existing but undedicated road shall be measured from twenty-five (25) feet from the center of the roadway, such that a minimum fifty (50) foot right-of-way is maintained. For purposes of determining the setback requirement and similar locational standards, said roadway edge or measurement line shall be considered as the property line.

3.3.13 Additional Height Allowed for Public Buildings

Public buildings and churches in all zones may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

3.3.14 Fences, Walls and Hedges

Fences, walls, and hedges shall be permitted to be constructed and maintained on all parcels and lots except as provided in Section 3.3.10 on corner lots and intersecting streets and railroads.

Whenever owners or lessees of land desire to prevent domestic livestock or wildlife from trespassing on lands due to a change of land use or other reason, they may construct a lawful fence as defined in Section 9 of this Code. Owners of domestic livestock, grazing on Public or private lands, shall not be required to fence livestock under their control out of other adjoining lands, but shall comply with State regulations regarding strays and trespassing animals.

3.3.15 Home Occupations

A. Application and Approval Required

Home occupations may be permitted by the Zoning Administrator following receipt of an application for such use and subject to the following conditions:

1. A home occupation is permitted in the zone.
2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
4. The home occupation shall contain no facilities for the display of goods or services. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
5. No commercial vehicles are used except one delivery truck, which does not exceed two-and-one-half (2 ½) ton rated capacity.
6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling. The physical appearance, traffic and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values. Childcare, beauty shop, and similar occupations shall not change the character of the residential neighborhood.
7. Signs are limited to one non-flashing sign not larger in area than ten (10) square feet. If lighted, the light shall be diffused or shielded.
8. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
9. The owner of a home occupation shall purchase a business license to operate within the County.
10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the Health Department or other public agency. No on street parking of customer vehicles in connection with the operation of the business shall be allowed.

B. Continuing Obligation

All home occupations shall be operated in compliance with the conditions herein above set forth and any other conditions attached as part of the approval. Approval for home occupations shall be valid for a period of one (1) year and will be automatically renewed by business licensure annually provided that operation of the home occupation is substantially the same as initially approved by the County. The Zoning Administrator may, with cause, investigate compliance, and with written notice, revoke approval and zoning compliance for business licensure.

3.3.16 Premise Occupations

A. Application and Approval Required

Premise occupations may be permitted by the Zoning Administrator following receipt of an application for such use and subject to the following conditions:

1. A premise occupation is specifically permitted in the zone.

2. All activities of the premise occupation shall be conducted entirely within an accessory building. Said building shall occupy not more than two thousand (2,000) square feet or not more than thirty (30) percent of the rear yard area of the lot, whichever is less. A premise occupation may be located in a pre-existing accessory building which has been limited to a maximum of 2,000 square feet by a firewall per the building code for the premise occupation. All on-site materials used in the conduct of the premise occupation shall be stored within said building.
 3. The on-site activities of said premise occupation shall be carried on only by members of the residing family.
 4. The premise occupation shall contain no facilities for the display of goods or services. Any sale of goods and services at the premise shall constitute a clearly incidental part of the operation of the premise occupation.
 5. No commercial vehicles shall be used except one delivery truck, which does not exceed two-and-one-half (2 ½) ton rated capacity.
 6. The premise occupation shall be clearly incidental and secondary to the use of the property for dwelling purposes and will not change the character of area from that of a residential neighborhood. The physical appearance, traffic and other activities in connection with the premise occupation are not contrary to the intent of the zone in which the premise occupation is located and will not depreciate surrounding values or decrease the quality of life within the area.
 7. Signs are limited to one non-flashing identification sign not larger in area than ten (10) square feet. The sign may identify the business or company name and logo, also the address and telephone number of the business or company. If lighted, the light shall be diffused or shielded. No signs advertising or drawing attention to the goods or services provided by the occupation shall be permitted.
 8. The owner of the premise occupation shall purchase a business license to operate within the County.
 9. A Site Plan drawn to scale showing the location of the structure, its relationship to dwellings on the same and adjacent properties, and provisions for safe vehicular access and adequate off-street parking shall be submitted with the application.
- B. Zoning Administrator to Approve - Appeal Permitted
Where, in the opinion of the Zoning Administrator a proposed premise occupation does not clearly conform to all the above criteria, or the characteristics of said use would require the attachment of conditions, he shall refer the application to the Planning Commission for action. Any applicant aggrieved by a decision may appeal said decision to the Board of Adjustment, who shall have the authority to reverse, affirm, or modify any decision of the Planning Commission.
- C. Conditions may be imposed
In order to achieve the objectives of the zone and to protect adjacent properties, the Planning Commission may, in approving a premise occupation, attach conditions to the operation of a premise occupation.
- D. Continuing Obligation
All premise occupations shall be operated in compliance with the conditions herein above set forth and any other conditions attached as part of the approval. Approval for premise occupations shall be valid for a period of one (1) year and will be automatically renewed annually provided that operation of the premise occupation is substantially the same as initially approved by the County. The Zoning Administrator may, with cause, investigate compliance, and with written notice, revoke approval and zoning compliance for business licensure.

3.3.17 Moved Buildings

A. Intent

Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to ensure that the buildings meet current building standards and that the appearance of the premises is in keeping with buildings in the surrounding area.

B. Requirements

No conventional dwelling, modular or manufactured home or other structure intended for human occupancy, which has had prior use, shall be moved from one site within the County to another site within the County, or from a site outside of the County to a site within the County, without a pre-inspection being made by the Building Official and a permit issued therefore;

C. Standards and Procedures

1. Application to Move Building

An application for a building permit shall be made with the Building Official. Said application shall contain the following information:

- a. Location and address of the old and new sites.
- b. A plot plan of the new location, indicating all structures and improvements of said lot.
- c. Plans and specifications for the proposed improvements at the new locations.
- d. The make, model, serial number and year of manufacture of any manufactured home, or the certificate of factory inspection for all modular or factory built homes.
- e. Any other information required by the Building Official.

2. Zoning Administrator to Approve

The application shall then be submitted to the Zoning Administrator for approval. Before granting approval of the application, the Zoning Administrator shall find:

- a. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
- b. That the building is consistent with the quality of buildings existing in the area into which the building is proposed to be moved.
- c. That the building and the lot on which the building is to be located will conform to the requirements of this Code and the Building Code.

3. Standards Required Before Occupancy

The building and grounds shall be brought up to the standards required of a new building before it is occupied.

4. Financial Guarantee Required

Before a permit to move a building may be granted, the applicant shall post a bond or other assurance, as per Section 7 of this Code, to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with conditions, the County Commission, after due notice and public hearing thereon, may declare the bond or other assurance forfeited.

5. Old Site to be Restored

The bond shall also cover the costs of cleaning up the vacated site in the County, and restoring it to a safe and sightly condition, in compliance with this Code and the current nuisance ordinance.

3.3.18 Location of Barns

Barns, corrals, and pens for the keeping of animals shall be located at least seventy-five (75) feet from the nearest dwelling. Such structures located less than seventy-five (75) feet from the nearest dwelling shall not be used to house animals.

3.3.19 Recreation Vehicles

It shall be unlawful to place any recreation vehicle on any lot or parcel of land in the area covered by the Zoning Map, and to use the same for human habitation, except when located in an approved recreational vehicle court, mountain recreation or institutional campground development or when used in compliance with Section 3.3.24 of this Code.

3.3.20 Mobile Homes

It shall be unlawful to place any mobile home manufactured prior to June 15, 1976 on any lot or parcel of land in the un-incorporated areas of the County, and to use the same for human habitation, or as an accessory building.

3.3.21 Temporary Dwellings – Permit Issued

A factory built home may be temporarily located on a lot on which a building is being constructed, but not to exceed one (1) year, provided that the factory built home is connected to approved water and sewer facilities, and provided further that a bond or financial guarantee in an amount as determined by the Building Official is posted with the County to guarantee the removal of said home from the lot upon completion of construction, but no later than one (1) year from the date of permit.

3.3.22 Manufactured Homes

In addition to the requirements of the zone in which it is located, each manufactured home shall be installed and comply with the following regulations.

- A. Each dwelling shall have a code-approvable site-built concrete or masonry foundation which meets the requirements of the State of Utah and Carbon County adopted building codes, including any amendments or successors thereto, and must be capable of transferring deadloads, liveloads, and other design loads unique to local home sites due to wind, seismic, soil, and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure. All tie-down devices must meet County adopted building codes or other applicable building codes. The space beneath the structure must be enclosed at the perimeter of the dwelling with concrete or masonry, per the building code. All manufactured home running gear, tongue, axles, and wheels must be removed at the time of installation.
- B. Except in the HMC zone - The roof of each dwelling shall have a minimum pitch of four (4) vertical to twelve (12) horizontal. At non-gable ends of the roof there shall be an overhang at the eaves of not less than six inches (6"), excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to areas above porches, alcoves, and other appendages.
- C. Exterior siding material shall consist of any material meeting the requirements of adopted building codes.
- D. Each manufactured home shall be taxed as real property. The personal property title shall be surrendered to the State Tax Commission, and the proper documents recorded in the County Recorders' Office as per Utah Code.
- E. Any previously occupied manufactured home which is to be moved from an existing location to a lot within the County shall be approved by the Building Official, per Section 3.3.
- F. The Building Official may approve deviations from one or more of the developmental or architectural standards contained in Subsections A through C above, if the Building Official finds that the architectural style proposed provided compensating features and that the proposed determination of the Building Official may be appealed to the Board of Adjustment.

- G. No mobile or manufactured housing unit shall be placed or used as an accessory building in a residential or other zoning district. Manufactured or modular structures placed on industrial or commercial properties shall be constructed for the intended use, such as an office or restroom.

3.3.23 Modular Homes

Modular Homes constructed, inspected and approved by a third party inspector at the factory may be installed on a zoning lot within the County when installed per the manufacturers installation instructions and the Building Codes. All such installations shall comply with the requirements of the zoning district in which they are located.

3.3.24 Caretaker Camps

Caretaker camps such as sheep camps and recreational vehicles may be placed in the WS, MR, PV, RFM and M&G zones for a period not to exceed six (6) months in any location for the care of domestic livestock such as sheep, cattle, horses and other animals needing seasonal care; or for other agricultural purposes such as silviculture, fencing, dude ranching, and similar activities.

3.3.25 Advertising Signs

A. Signs Permitted in Certain Zones - Certain Signs Exempted – Permits Required

Advertising signs (accessory and non-accessory) shall be permitted only in those zones in which signs are listed as a permitted use, subject to compliance with the terms and conditions set forth herein. Provided however, that the types of signs hereinafter enumerated shall be permitted in all zone within the County:

1. Real Estate Sale Signs – On premise signs advertising the sale or rental of the premises provided that the signs shall not exceed 32 square feet in size nor be more in number than one sign every 1320 feet of frontage, or portion thereof.
2. Political Signs – Temporary signs not exceeding 32 square feet in size, promoting the candidacy of an individual for public office. Signs must be removed 15 days after applicable election.
3. Unlighted Identification Nameplates – One on-premise sign not exceeding 10 square feet identifying the name of occupants in the attendant structure.
4. Institutional Identification Signs – One on-premise sign not exceeding 32 square feet denoting the name of an appurtenant public, charitable, or religious institution.
5. Government Signs – Signs erected and maintained by a governmental entity for information or regulatory purposes.
6. Public Signs – Signs of a non-advertising nature intended to identify a condition or provide information. (i.e. public utility information signs, danger, trespass, exit and entrance signs).
7. Agricultural Products Signs – Signs not exceeding 32 square feet either temporary or permanent, advertising the sale of agricultural products which are produced on the same property.

It shall be unlawful for any person to erect a sign or advertising structure, except those specifically exempted pursuant to this paragraph, without first obtaining a permit therefore from the Zoning Administrator.

B. Location - Setback

No sign shall be positioned in such a manner as to result in the creation of an unsafe visual clearance at any intersection or driveway. All non-temporary signs or parts thereof shall be set back from public streets a distance at least equal to the distance that buildings are required to be set back within the zone in which said signs are located, except when approved by the Site Plan Review Committee.

C. Freestanding Non-Accessory Signs

All freestanding non-accessory signs, which are not attached to main buildings, shall be maintained in a safe and orderly manner. The area around the base shall be free of noxious weeds and debris.

D. Signs Restricted

All non-accessory signs which are located within six hundred sixty (660) feet from the right-of-way of any Federal or state highway must first be approved by the Utah State Highway Department prior to construction, and after a permit has been issued by the County. This regulation shall not be construed to affect the use of signs which are not visible from such highways.

3.3.26 Caretaker Dwelling

Caretaker dwellings may be permitted upon approval by the Site Plan Review Committee following receipt of an application, and upon a finding that a proposed dwelling complies with all of the following conditions:

- A. The primary use for which the dwelling is requested is permitted within the zone.
- B. In the opinion of the Planning Commission or Site Plan Review Committee, a caretaker dwelling is reasonably necessary for the successful operation of the primary use.
- C. The caretaker dwelling will be located on the same site as the primary use.
- D. The dwelling will be occupied only by individuals or families employed at the site in the capacity of a caretaker or watchman.

3.3.27 Recreation Vehicle Courts

Recreation vehicle courts may be constructed upon approval of the County Commission following the recommendation of the Planning Commission subject to the following conditions:

- A. Recreation vehicle courts are listed as a permitted use within the zone.
- B. The proposed site contains an area of at least three (3) acres, provided that when included as an integral part of an approved manufactured housing park, the minimum area may be reduced to not less than one (1) acre.
- C. A plan showing the design and layout of the proposed court shall have been submitted to and approved by the County Commission following the recommendation of the Planning Commission. Said plan shall be prepared in accordance with County standards as directed by the Planning Commission. The County Commission may attach reasonable stipulations on the construction and operation as a condition of approval.
- D. Adequate assurance shall be given that the court will be constructed and operated in accordance with plan and stipulations attached.
- E. An annual business license to operate shall be obtained from the County. It shall be unlawful to operate a recreational vehicle court without first obtaining a business license from the County and said business license shall be refused or revoked upon failure of the owner or operator to maintain the court in accordance with the standards and requirements as herein set forth at the time of approval.
- F. Occupancy shall be limited to recreation vehicles. No recreation vehicle site shall be occupied by a mobile home, manufactured home, modular home or dwelling which does not qualify as a recreation vehicle.
- G. Must comply with water and sewer regulations.

3.3.28 Institutional Campgrounds and Campsite Facilities

Institutional campgrounds and campsite facilities may be permitted upon approval by the County Commission following receipt of a recommendation by the Planning Commission and upon finding that proposed facilities comply with all of the following conditions:

- A. Such campground or campsite facility is listed as a permitted use within the zone.
- B. The Planning Commission has first received from the owner or agent of the owner of land in a qualifying zone, a site plan of the campground or campsite facility and a program of management, which plan and program are consistent with the requirements and standards of this and all other applicable sections of the Code. Said plan shall show the location of all significant natural features, the locations of all roads and travelways, the location and size of all structures, all areas to be used for camping, picnicking, and trailer or camper parking, the location and size of all waste water disposal fields and facilities and solid waste disposal sites, and shall indicate the maximum number of persons to be accommodated on the site.
- C. Such campground or campsite facility is for the non-commercial use of private individual or non-profit corporations (e.g., not public corporations or businesses).
- D. The campground or campsite facility contains an area of not less than fifty (50) acres.
- E. Parking and design of the campground or campsite facility is adequate for the anticipated use of the facilities.
- F. Documentation of adequate water rights, water supply and distribution systems design, and sewage disposal systems are provided which meet local health department and County standards.
- G. Solid waste (garbage) collection facilities and a program of disposal are provided which meet County standards.
- H. A performance bond, if such is required as a condition of approval, guaranteeing that such access, solid waste disposal, water and sewage facilities will be provided.
- I. The campground or campsite facility is primarily for camping or recreation vehicles. However, the camp may contain a caretaker dwelling, when considered necessary to the secure operation of the facility, and may also contain lodges, sheds, swimming pools, recreational facilities, equipment storage and similar structures as part of the campground or campsite facility.
- J. The design and operation of the facilities are consistent with the intent of the zone and will not significantly decrease the quality of the environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light or similar conditions which are incompatible with the character of the area.
- K. The campsite or campground facility shall be located on a site of not less than three (3) acres.
- L. A conditional use permit may be approved by the County Commission following a recommendation from the Planning Commission at a public hearing set for the purpose of accepting public comment. At such hearings, the Commission shall act to:
 1. Approve the permit and state the conditions of approval and continued operations, or
 2. Deny the permit and state the reason(s) for denial, or
 3. Table the request for cause.

3.3.29 Water Rights Required for Building Permit

No building permit shall be issued for the construction of a dwelling or other structure to be used for human habitation within the unincorporated portions of the County, without first providing to the Zoning Administrator satisfactory evidence of an entitlement to a firm right to the use of culinary water, as hereinafter set forth; provided that, where the water rights conveyance requirements have been previously satisfied as part of the approval of a subdivision or other development project, no further conveyance will be required.

- A. Buildings Located in a Zone Requiring Connection to a Central Water Distribution System
 - 1. Written approval from a recognized water supply entity which, in the opinion of the County, is capable of providing reliable ongoing supplies of culinary water in an amount not less than that required by local and state laws, rules and regulations, and that the petitioner has satisfied all requirements of said agency necessary to secure the status of perpetual user.
 - 2. Written approval from a recognized culinary water distribution entity granting permission to connect to the system.
 - 3. Satisfactory proof that the lines and other facilities have adequate pressure and line capacity to supply the additional demand for culinary and fire protection.
- B. Buildings Utilizing an Individual Cistern-Type System
 - 1. Written approval from a recognized water supply entity which, in the opinion of the County, is capable of providing a reliable and ongoing supply of culinary water in an amount of not less than 5,000 gallons per month. Said approval shall indicate that petitioner has satisfied all requirements of said agency necessary to secure the status of a perpetual user.
 - 2. Written approval from the County environmental health authority indicating that the size, design and other features of the proposed cistern will conform to minimum health requirements.
- C. Building Utilizing Individual Well or Spring Supplies

Approval from the State Engineer, authorizing the use of water from the proposed source for domestic purposes; also, written evidence from the Health Department to the effect that the water from the well conforms to minimum quality standards for culinary water.

3.3.30 Temporary Uses

- A. Intent

The following regulations are provided to accommodate certain uses, which are temporary or seasonal in nature.
- B. Permitted Temporary Uses

Certain uses may be permitted on a temporary basis in any zone when approved by the County Commission. Said temporary uses may include but will not be limited to:

 - 1. Carnivals and circuses
 - 2. Christmas tree sales lot
 - 3. Agricultural products, produce, fruit, hay, food, flower and plant stands
 - 4. Rummage sales and swap meets
 - 5. Promotional displays
 - 6. Tents for religious services
 - 7. Political rallies
 - 8. Music festivals
 - 9. Temporary construction camps
 - 10. Exploratory wells and associated construction facilities
 - 11. Research & Development Laboratories
 - 12. Logging Camps
 - 13. Firefighting Camps
 - 14. Office Trailers
 - 15. Gravel Pits
- C. Application for Temporary Use

Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Planning Commission or the Site Plan Review Committee. Said application shall contain the following information:

 - 1. A description of the proposed use.

2. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property and the use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
4. A plan for restoration and/or reclamation of the site, when required.

D. Approval Required

The Planning Commission or the Site Plan Review Committee may approve said application provided the Committee finds:

1. That the proposed use is listed as a permitted temporary uses or, in the opinion of the Committee, is similar to those uses permitted.
2. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
3. That the proposed use shall occupy the site for a period not to exceed thirty (30) days except for the following:

a. Agricultural products, fruit, food, flower and plant stands	90 days
b. Temporary Construction Camps	180 days
c. Exploratory Wells	180 days
d. Logging Camps	180 days
e. Firefighting Camps	180 days
f. Research and Development Laboratories	180 days
g. Gravel Pits	180 days
4. The applicant may request an extension of time for temporary uses which may be approved by the Planning Commission or Site Plan Review Committee.
5. That the applicant will have sufficient liability insurance for the requested use or event.
6. That the applicant shall provide, at his own expense, for the restoration of the site to its original condition, including clean up, regarding re-seeding and replacement of facilities as may be necessary, and provided further that a bond or financial guarantee in an amount as determined by the County Engineer and Building Official is posted with the County to guarantee such restoration by the end of the temporary use period.
7. The Planning Commission or Site Plan Review Committee may recommend and the County Commission may place conditions on temporary uses to protect health safety or welfare.

3.3.31 Site Plan Review

Wherever the terms of this Code require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions:

A. Site Plan to be approved

The County Commission, Planning Commission, or Zoning Administrator as appropriate to the requested land use, after reviewing the site plan, shall have the function and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, and to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety and general welfare of the citizens of the County. Landscaping of all types may be required by the Planning Commission to ensure that the proposed project will not negatively impact the project neighborhood.

B. Application Required

Application for site plan approval, caretaker dwellings, conditional use, or other use requiring approval of a site plan shall be submitted on forms provided by the County for the land use requested and shall be accompanied by maps and drawings showing the following as applicable to the project:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
 2. The location of any existing or proposed wells, production facilities, pipelines, utilities and roads or travelways. A plan to control all water used/produced on site, i.e. fencing around waste ponds, liners, etc.
 3. The location of all parking spaces, driveways and points of vehicular ingress and egress.
 4. 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.
 5. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used, and showing the project will blend into the area.
 6. The locations of solid waste receptacles and trash pick-up areas.
 7. A plan to restrict noise to that necessary for the project. The Planning Commission may set limits on noise.
 8. A plan to control dust, restrict truck access, maintain a safe speed, repair any County roads damaged, and comply with other State and County road requirements.
 9. A plan to restrict fumes, smoke, noise, vibration or odor emitted on and off site.
 10. A plan to reclaim all disturbed lands within the next suitable growing season, and to control noxious weeds per County ordinance.
 11. Evidence of satisfaction of all applicable water supply and sewage disposal requirements for the project, when required by this Code.
- C. Issuance of a Permit
- A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this Code. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved.

3.3.32 School Site Planning

Prior to the issuance of a building permit for any school or other school facility, a site plan shall be approved by the County Commission following the recommendation of the Planning Commission. The plan shall indicate:

- A. The location and proposed use of all existing and proposed buildings.
- B. All open areas.
- C. Athletic areas and facilities.
- D. The location of access streets.
- E. Parking spaces.
- F. Driveways and points of ingress and egress.
- G. The location of all utilities serving the facility.

The County Commission may require adjustments in the plan and attach such conditions thereto as it may determine are necessary to further promote health, safety, convenience of the residents of the County, improve the accessibility of the school, and preserve the quality of the living environment within and surrounding the facilities.

3.3.33 Parking, Off and On Street:

- A. Off-Street Parking
- The County Commission, by resolution, may adopt regulations relating to off-street parking. Such regulations shall set standards for off-street parking, the number of spaces, conditions and

standards relating to access, circulation, lighting, landscaping, location, control and continuity of off-street parking or any other standards deemed necessary

B. On-Street Parking

The County Commission, by resolution, may adopt regulations relating to on-street parking in order to protect the safety of the public.

3.3.34 Twin Homes

Prior to the construction of a twin home or the conversion of a duplex to twin home status, plans for the proposed twin home project shall be submitted to and approved by the Planning Commission. Said plan shall contain:

- A. The location or proposed location of the building and also the lot line separating the two units. The building shall conform to all setback and other requirements for twin homes as set forth in the zone.
- B. A copy of the proposed common wall agreement. Where a subdivision is also being proposed as a twin home project, the materials required above shall be submitted as part of the sub-division plan requirements and the approval procedures shall be combined.

3.3.35 Flag Lot Developments On Private Drives

A flag lot development may be approved by the Planning Commission subject to the following findings and standards:

- A. The access requirements of the zone authorize the use of private drives.
- B. In the opinion of the Commission, the site is not developable under conventional development procedures and that approval of the lot will not preclude the proper future development of the lot or adjacent properties.
- C. An accessway not less than twenty-four (24) feet in width and not more than thirteen hundred (1,300) feet long or the minimum depth of one lot in length, whichever is greater, shall connect the building site with a designated County, state, or federal road. Said access way shall be owned in fee as part of the building site.
- D. The area of the building site, exclusive of the access way portion, shall be not less than the minimum site area of the zone.
- E. The setbacks from the boundaries of the building site shall be the same as those required within the zone. Measurement of the front setback shall be from the front line of the building site portion of the lot. Notwithstanding any other setback standard, no structure shall be located closer than fifty (50) feet to an existing occupied structure.
- F. That a detailed site plan prepared in conformance with the above conditions shall be submitted and approved.

3.3.36 Storage Containers

Storage containers fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship shall not be moved on or set up as a residential storage structure or accessory building.

3.3.37 Requirements for exploratory and production wells near existing dwellings

In all zoning districts, exploratory and production wells shall be located not closer than six hundred sixty (660) feet from any existing dwelling. Production wells located closer than thirteen hundred twenty (1,320) feet from an existing dwelling shall be required to be housed in a non-combustible structure, which may be readily removable, to mitigate the visual effect of the well, and shall be insulated or

otherwise made to restrict any noise from the operation of the well and associated equipment to fifty five (55) decibels at one hundred fifty (150) feet from the well head.