

ORDINANCE NO. 2015-01

CACHE COUNTY, UTAH

AMENDMENTS TO TITLES 17.06 AND 17.10

AN ORDINANCE AMENDING AND SUPERSEDING THE ENTIRETY OF CHAPTER 6 AND PORTIONS OF CHAPTER 10 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING USES

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on October 2, 2014 at 6:00 P.M., the Planning Commission held a public hearing for the amendments to Title 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on October 2, 2014, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on December 9, 2014, at 5:45 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these amendments.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that the noted portions of Chapters 6 and 10 of Title 17 of the Cache County Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

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2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede the entirety of Chapter 6 and portions of Chapter 10 of Title 17 of the Cache County Ordinance regarding permitted, conditional, and prohibited uses, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish accurate standards for permitted, conditional, and prohibited uses.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 17, Chapters 6 and 10 of the Cache County Ordinance are amended as follows: See Exhibit A

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes the entirety of Chapter 6 and portions of Chapter 10 of Title 17 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the applicable provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

This ordinance takes effect on January 28th, 2015. Following its passage but prior to the effective date, a copy of the ordinance amendments shall be deposited with the County Clerk and a short summary of the same shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 13th day of January, 2015.

	In Favor	Against	Abstained	Absent
Potter				
Erickson				
White				
Merrill				
Robison				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL:

ATTEST:

Kathy Robison, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2015

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17.06.010: Uses Identified

- A. All uses allowed by this title shall be identified as:
 - 1. Permitted use.
 - 2. Conditional use.
 - 3. Nonconforming use.
- B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

17.06.020: Application Required

- A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.
- B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

17.06.030: Burden of Proof

- A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

17.06.040: Permitted Uses

- A. As required by the county code, requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. A permitted use shall not become effectual until:
 - 1. A zoning clearance is issued, and as required;
 - 2. A building permit is issued, and/or;
 - 3. A business license is issued.
- B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes as adopted and as applicable. Permitted use applications shall be reviewed in accordance with the following general standards and criteria:
 - 1. The Director shall review the permitted use request and determine if the request meets the following requirements:

- a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.
 - b. The use complies with the requirements as defined and specified by this title.
 - c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).
 - d. The use meets all applicable requirements of the state.
2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the Director shall issue a zoning clearance.
 3. The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes.
 4. If the request for a permitted use complies with the requirements of this title, the adopted county building codes, and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, the permitted use shall be authorized.

17.06.050: Conditional Uses

- A. A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.
- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this section.
- C. The Planning Commission shall review a conditional use request with the following general standards and criteria:
 1. Health, Safety, and Welfare:
The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
 - a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
 - b. It unreasonably interferes with the lawful use of surrounding property.
 2. Compliance with Law:
The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.
 3. Compliance with Intent of General Plan, Ordinance, and Zone and/or compatible with existing uses in the immediate vicinity:
The proposed conditional use is consistent with the intent, function, and policies of the applicable zone, the current general plan, and existing uses in the immediate vicinity.
 4. Adequate Service Provision:

The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

5. Impacts and Mitigation:

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

D. In approving a conditional use permit, the Planning Commission may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Planning Commission may require guarantees or other evidence that such conditions will be met and complied with.

E. If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the Planning Commission shall schedule the item for consideration at a regular meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.

1. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:

- a. The conditional use permit was obtained in a fraudulent manner.
- b. The use for which the conditional use permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
- c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
- d. The use constitutes a nuisance as defined by County Code.
- e. One or more of the conditions of the conditional use permit have not been met.

F. All conditional use permits authorized and approved as required by this title are determined to run with the land.

17.06.060: Nonconforming Use

A. A nonconforming use may continue provided that it:

1. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
2. Has been continuously maintained.

B. Alteration of a Nonconforming Use:

1. A nonconforming use shall not be enlarged upon, expanded, or intensified.
2. A nonconforming use may be maintained, however, for any work that requires a building permit, a zoning clearance shall be issued that identifies the following: The nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified.

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17.06.010: Uses Identified

A. All uses allowed by this title shall be identified as:

- 1. Permitted use.
- 2. Conditional use.
- 3. Nonconforming use.

B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

17.06.020: Application Required

A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.

B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

17.06.030: Burden of Proof

A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

17.06.010: Uses Identified

All uses allowed by this title shall be identified as:

- A. Permitted use.
- B. Conditional use.
- C. Temporary use.

~~D. Nonconforming use.~~

~~E. Small business use.~~

17.06.020: Prohibited Uses

~~Any use which is not identified by this title as either a permitted use, a conditional use, a small business use or a temporary use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.~~

17.06.030: Application Required

~~All requests for a permitted use or a conditional use, a small business use or a temporary use shall be made on an application form provided by the zoning administrator.~~

17.06.040: Permitted Uses

~~A. The zoning administrator is authorized to issue all required zoning clearances for a permitted use. As required by the county building codes, all requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. No permitted use shall not become effective until:~~

- ~~1. a zoning clearance is received from issued, zoning administrator and as required;~~
- ~~2. a building permit is issued, -and/or;~~
- ~~3. A business license, as required, is issued. ____ The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.050 of this chapter.~~

17.06.050: Standards and Criteria for Permitted Use

~~B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes (title 5 of this code) as adopted and as applicable. A permitted use applications shall be reviewed in accordance with the following general standards and criteria:~~

- ~~A1. The Director zoning administrator shall review the permitted use request and determine if the request meets the following requirements:~~
 - ~~1a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.~~
 - ~~2b. The use complies with the requirements for the zoning district as defined and specified by this title, with respect to minimum area, setback requirements, height, buffer and landscape standards, maximum coverage, parking, unloading, and all other requirements applicable to the district.~~
 - ~~3. The use does not have an adverse effect on any sensitive areas, as defined by this title.~~
 - ~~4c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).
all road dedication requirements of the county and provides necessary infrastructure as required and recommended by the County Road Department and/or Utah Department of Transportation.~~
 - ~~5d. The use meets all applicable requirements of the state Bear River Health Department and Utah Department of Environmental Quality as required and applicable.~~
- ~~B2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the zoning administrator Director shall issue a zoning clearance.~~

- ~~3. With the receipt of a zoning clearance, t~~The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes,~~as adopted.~~
- ~~4.~~ If the request for a permitted use complies with the requirements of this title, the adopted county building codes, ~~as adopted,~~ and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, ~~as applicable,~~ the permitted use shall be authorized.

17.06.~~0600~~50: Conditional Uses

- A. ~~A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.~~

~~The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of those uses which may be suitable in specific locations or if such uses are designed, arranged or conducted on the site in a particular manner.~~

- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this ~~section 17.06.070 of this~~ ~~chapter.~~

17.06.070: Standards and Criteria for Conditional Use

AC. The Planning Commission shall review a conditional use request with the following general standards and criteria:

1. Health, Safety, and Welfare:

The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:

- a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;

- b. It unreasonably interferes with the lawful use of surrounding property.

2. Compliance with Law:

The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.

3. Compliance with Intent of General Plan, Ordinance, and Zone and/or compatible with existing uses in the immediate vicinity:

The proposed conditional use is consistent with the intent, function, and policies of the applicable zone, the current general plan, and existing uses in the immediate vicinity.

4. Adequate Service Provision:

The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection,

law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.

5. Impacts and Mitigation:

Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

- ~~1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;~~
- ~~2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;~~
- ~~3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;~~
- ~~4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;~~
- ~~5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;~~
6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the planning-Planning commission-Commission may deny the request for a conditional use permit.

~~**B.D.** In approving a conditional use permit, the planning-Planning commission-Commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning Commission may require guarantees or other evidence that such conditions will be met and complied with.~~

~~17.06.080: Revocation or Modification of a Conditional Use Permit~~

~~**A.E.** If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning-Planning commission-Commission shall schedule the item for consideration at a regular meeting. A minimum notice of fourteen-thirty (1430) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.~~

- ~~**B.1.** A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:~~
- ~~1a. The conditional use permit was obtained in a fraudulent manner.~~
 - ~~2b. The use for which the conditional use permit was granted has now ceased for a minimum of twelvet-least eighteen (1812) consecutive calendar months.~~
 - ~~3c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.~~
 - ~~4d. The use constitutes a nuisance as defined by County Code.~~
 - ~~5e. One or more of the conditions of the conditional use permit have not been met.~~

17.06.090: Conditional Use Permit to Run with the Land

F. All conditional use permits authorized and approved as required by this title are determined to run with the land.

17.06.100: Temporary Uses

A. ~~The purpose of the issuance of a temporary use is to allow the establishment of a use on a temporary basis which will not create an undue risk to the public health, welfare and safety, and which will not create a nuisance. Such uses may include, but are not limited to, construction offices, or the storage of materials and equipment necessary for construction, and seasonal activities such as a corn maze, pumpkin patch/stand, fireworks stand, and Christmas tree lot.~~

B. ~~A temporary use shall be approved by the zoning administrator, as provided by this title, for any of the uses for which a temporary use is identified in chapter 17.09, "Schedule of Zoning Uses", of this title. A temporary use shall only be authorized by the zoning administrator for a period of up to six (6) months. As required by the county building codes, all requests for a temporary use shall also provide application for a building permit and/or application for a business license, as required by the county. No temporary use shall become effective until approval is received from the zoning administrator and a building permit and/or business license, if required, is issued by the county building official and/or county clerk. The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.110 of this chapter.~~

17.06.110: Standards and Criteria for Temporary Uses

~~In approving a temporary use, the zoning administrator may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, time limits, and other items for the temporary use as deemed necessary for the protection of adjacent properties and the public interest. The zoning administrator may require guarantees or other evidence that such conditions will be met and complied with.~~

A. ~~The zoning administrator shall review a temporary use request with the following general standards and criteria:~~

- ~~1. The property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that it will not be materially detrimental to adjoining and surrounding properties.~~
- ~~2. The use will cease within a maximum of six (6) months from the date of issuance of the temporary use permit.~~
- ~~3. The use will comply with all requirements of the Bear River health department, sheriff's department, county building codes, county business ordinance, and all other requirements as applicable.~~

B. ~~In approving a temporary use, the zoning administrator may impose such reasonable conditions or restrictions as deemed necessary to secure the purposes of this title. These conditions may include:~~

- ~~1. That the site will be suitably maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect, preserve and/or enhance the appearance and character of the area.~~

- ~~2. The provision of parking facilities, including vehicular ingress and egress, loading and unloading areas, and the surfacing of parking areas and driveways to specified standards.~~
- ~~3. The provision of an adequate water supply, sewage disposal, flood control and fire protection.~~
- ~~4. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.~~
- ~~5. Does not have an adverse effect on any sensitive areas, as defined by this title.~~
- ~~6. The regulation of operating hours for activities affecting normal schedules and functions.~~
- ~~7. The regulation of signs as per chapter 17.23, "Sign Standards", of this title.~~
- ~~8. The provision of a reasonable guarantee, bond or other surety, as determined by the zoning administrator, that the proposed temporary use will be maintained and operated in compliance with all conditions and requirements.~~
- ~~9. Such other reasonable conditions determined necessary by the zoning administrator to allow the establishment and operation of the proposed temporary use in an orderly and efficient manner.~~

17.06.120: Appeal of Permitted Use, Conditional Use, or Temporary Use Decision[†]

(Rep. by Ord. 2008-07, 9-23-2008)

[†]See section 17.02.070 of this title.

17.06.013060: Nonconforming Use, Lot, or Structure

A. A nonconforming use, lot, or structure may continue provided that it:

1. -Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entitys, and;
2. Has been continuously maintained on or before the effective date hereof or at the time of an amendment, or by some action by a federal, state, or local government entity may continue provided that the use, lot, or structure has been maintained continuously.

AB. Alteration of a Nonconforming Use, Lot, or Structure:

1. A nonconforming use, ~~lot, or structure~~ shall not be enlarged upon, expanded, or intensified.
2. ~~A nonconforming use, lot, or structure may apply to the board of adjustment to be enlarged or modified by meeting the following criteria:~~
 - ~~— a. The change is in harmony with the surrounding neighborhood and in keeping with the intent of the comprehensive plan and this title.~~
 - ~~— b. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity.~~
- ~~3-2. c. Reasonable conditions may be attached to the approval in order to assure compatibility with the surrounding properties.~~ A nonconforming use ~~or structure~~ may be maintained, ~~however, and repaired. On for~~ any work ~~being completed~~ that requires a building permit, a zoning clearance shall be issued that identifies the following: ~~the~~ The nonconformity,; ~~itsthe~~ the legally nonconforming status,; and that the use, ~~lot, or structure~~ is not being enlarged, expanded, or intensified.
3. Any reconstruction or restoration of a nonconforming structure shall comply with both this title and with Utah State Code Section 17-27a-510(3).

~~B. Abandonment: The determination of an abandonment of a nonconforming use, lot, or structure shall comply with Utah State Code Section 17-27a-510(4).~~

~~C. Nonconforming Lot:~~

- ~~1. Parcels not meeting the minimum density or lot size requirements for a zone:
 - ~~a. Legal lots not meeting the minimum lot size or density requirements shall be entitled to be developed as a lot, but not to be further subdivided.~~
 - ~~b. Restricted lots not meeting the minimum lot size or density requirements may apply to the Board of Adjustments for a variance as provided in subsection A of this section. If the Board of Adjustments approves the variance, the lot owner may then apply for a subdivision to the Planning Commission and County Council.~~~~
- ~~2. Illegal A rlot meeting the minimum lot size and/or density requirements of a zone may apply to the Planning Commission and County Council for a subdivision of that lot from the original 1970 parcel. If the parcel is large enough to support multiple lots that meet the lot size and/or density limits, a subdivision from the 1970 parcel will be required in conjunction with the subdivision of the parcel in question.~~

*Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended
Entirety of 17.06.060 [C] amended and moved to 17.10.020 [F] and [G]*

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17.10.010: Purpose

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

17.10.020: General Requirements

- A. Every Single Family Dwelling to be on a Legal Lot:
 - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
 - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29th, 2013.
 - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
 - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
 - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
 - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
 - 1. No permits or licenses will be issued for a use on any restricted lot.
 - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
 - 3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

G. Nonconforming Lot/Parcel

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

H. Nonconforming Structure

1. Existence: A nonconforming structure may continue provided that it:
 - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
 - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
 - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
 - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
 - 1) The legally nonconforming status, and;
 - 2) The nonconformity, and;
 - 3) That the nonconformity of the structure is not being increased.
 - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.
 - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.
3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.

17.10.030: Development Density and Standards Specific to Base Zoning Districts

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):
 1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.
 - a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.
 - b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):
 1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

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17.10.010: Purpose

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

17.10.020: General Requirements

- A. Every Single Family Dwelling to be on a Legal Lot:
 - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
 - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29th, 2013.
 - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
 - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
 - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
 - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
 - 1. No permits or licenses will be issued for a use on any restricted lot.
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