

CHAPTER 6. RESIDENTIAL ZONES

ARTICLE A: RESIDENTIAL ZONING DISTRICTS (R-1/2, R-1, R-2, R-5)

SECTION:

- 9-6A-1: Purpose
- 9-6A-2: Area, Width, and Setback Regulations
- 9-6A-3: Height Regulations
- 9-6A-4: Modifying Regulations
- 9-6A-5: Codes and Symbols
- 9-6A-6: Uses Table

9-6A-1: Purpose.

To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents.

9-6A-2: Area, Width, and Setback Regulations.

District	Area	Front	Side	Rear
R-1/2	½ Acre	30 Feet	10 Feet	10 Feet
R-1	1 Acre	30 Feet	10 Feet	10 Feet
R-2	2 Acres	30 Feet	10 Feet	10 Feet
R-5	5 Acres	30 Feet	10 Feet	10 Feet

9-6A-3: Height Regulations.

A building erected to a height greater than 35 feet requires a Conditional Use Permit.

9-6A-4: Modifying Regulations.

- 1) No building, structure or enclosure housing animals or fowl shall be constructed closer to a dwelling on the same or adjacent lots than 50 feet.
- 2) Accessory buildings located at least 10 feet behind the main building may have a three foot side yard requirement except that

the street side of a corner lot shall be a minimum of 30 feet for all buildings.

- 3) Accessory building located at least 10 feet behind the main building may have a rear yard of three feet provided that a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight feet.
- 4) Individual water supply and/or sewage disposal systems shall be subject to the approval of the Department of Health.
- 5) A manufactured home shall meet all county snow loads at the time of siting and less than ten years old shall meet all snow loads and energy codes at the time of siting. If older than ten years, manufactured home must be inspected and approved by the Kane County Building Department.
- 6) Allowable Numbers of Household Pets. Private holding and ownership of up to a maximum number of animals in a given land use (zoning) area as shown below; without a Conditional Use Permit.
 - a. R-1/2 May house a maximum of six household pets.
 - b. R-1 May house a maximum of six household pets.
 - c. R-2 May house a maximum of 12 household pets.
 - d. R-5 May house a maximum of 15 household pets.
- 7) The keeping of livestock for personal use is permitted, except that the following conditions shall apply:
 - a. No more than one large animal may be kept for each 6,250 square feet of area dedicated for each animal not to exceed a maximum of ten large animals on any lot.

9-6A-5: Codes and Symbols.

- 1) In this part are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a “P” in the appropriate column. Uses that may be permitted by a Conditional Use Permit issued by the Planning Commission are indicated by a “C” in the appropriate column.

- 2) Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the ordinance by the Kane County Planning Commission in a public hearing and approval of the County Commission.

9-6A-6: Uses Table.

Use	R-1/2	R-1	R-2	R-5
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P
Accredited private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C
Apartments	C	P	P	P
Apartment Court	C	C	P	P
Apartment Room	C	C	P	P
Assisted Living Buildings	C	P	P	P
Building with a height greater than 35 feet	C	C	C	C
Cemetery	C	C	C	C
Child day care or nursery	C	C	C	C
Church	C	C	C	C
Condos	C	C	P	P
Construction equipment and supply trailer, temporary	C	C	C	C
Construction field office, temporary	C	C	C	C
Commercial dwellings or residential facilities for elderly or disabled persons	C	C	C	C
Commercial construction, storage yard	-	-	-	C
Duplexes	C	C	P	P
Guest Homes	P	P	P	P
Electrical Power Substation or overhead lines	C	C	C	C

with base structure greater than 70 feet in height				
Home occupation	P	P	P	P
Livestock	P	P	P	P
Kennel and/or Catteries (private)	P	P	P	P
Multi Residential Units	C	C	C	C
Park Models	-	-	-	-
Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P	P	P
Planned Unit Developments	C	C	C	C
Private road	P	P	P	P
Public parks and play ground	P	P	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P	P	P	P
Residential facilities	P	P	P	P
Single family dwelling	P	P	P	P
Solar Panels attached to a residential home producing less than 25 KW of energy	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P	P	P
Tri-Plexes	C	C	P	P
4-Plexes	C	C	P	P
Town Homes	C	C	P	P

ARTICLE B: MULTI-RESIDENTIAL UNITS CONDITIONS

SECTION:

- 9-6B-1: Conditions
- 9-6B-2: Area, Width, and Setback Regulations

9-6B-1: Conditions.

- 1) Land coverage of all buildings shall not exceed 50% of the lot or parcel acreage.
- 2) Individual water supply and/or sewage disposal systems shall be subject to the approval of the Board of Health and/or the County Engineer.
- 3) Parking. Refer to: Chapter 13-1.
- 4) Buildings with a height over 35 feet need a conditional use permit.
- 5) Site plan subject to approval by the Kane County Planning Commission.

9-6B-2: Area, Width, and Setback Regulations.

Zone	Area	Front	Side	Rear
R-1/2	½ Acre min.	30 Feet	10 Feet	20 Feet
R-1	1 Acre min.	30 Feet	10 Feet	20 Feet
R-2/R-5	2 Acres +	30 Feet	40 Feet	40 Feet

ARTICLE C. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

SECTION:

- 9-6C-1: General requirements
- 9-6C-2: Permit process
- 9-6C-3: Termination of permit

9-6C-1: General requirements.

- 1) A residential facility for elderly persons may not operate as a business.
- 2) A residential facility for elderly persons shall:

- a. be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
 - b. be consistent with any existing, applicable land use ordinance affecting the desired location; and
 - c. be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
- 3) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

9-6C-2: Permit process.

- 1) A residential facility for elderly persons shall be allowed as a conditional use following procedures outlined in Chapter 15 under the following conditions:
- a. The facility meets each building, safety, land use, and health ordinance applicable to similar dwellings;
 - b. adequate off-street parking space be provided;
 - c. the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - d. residential facilities for elderly persons be reasonably dispersed throughout the county;
 - e. no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
 - f. placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement rehabilitation, or treatment in a correctional facility.

- 2) Decisions regarding the application for a conditional use permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

9-6C-3: Termination of permit.

The use granted and permitted by **Section 17-27a-517 of Utah Code** is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances stated in this article.

ARTICLE D. RESIDENTIAL FACILITIES FOR PERSONS WITH A
DISABILITY

SECTION:

- 9-6D-1: Definition
9-6D-2: General requirements

9-6D-1: Definition.

- 1) For the purposes of this Section "Disability" is as defined in **Section 17-27a-103 of Utah Code**; "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
- 2) Each ordinance under ARTICLE D shall:
 - a. comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec 3601 et seq.; and
 - b. to the extent required by federal law, provide that a residential facility for persons with a disability is a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed.

9-6D-2: General requirements.

- 1) Residential facilities for persons with a disability shall be reasonably dispersed throughout the county;
- 2) For residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, the ordinance may require the facility, to provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:
 - a. a security plan satisfactory to local law enforcement authorities;
 - b. 24-hour supervision for residents;
 - c. other 24-hour security measures; and
 - d. to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability.
- 3) An ordinance may provide that a residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zone.
- 4) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:
 - a. programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and

- b. programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

ARTICLE E. RECREATIONAL VEHICLE REGULATIONS WITHIN RESIDENTIAL ZONES

SECTION:

- 9-6E-1: Definitions
- 9-6E-2: Scope
- 9-6E-3: Occupied Recreational Vehicles
- 9-6E-4: Unoccupied Recreational Vehicles
- 9-6E-5: Miscellaneous Requirements

9-6E-1: The following definitions shall apply to this article.

- 1) Recreational Vehicle: A motor vehicle or trailer equipped with living space and amenities found in a home which may include a kitchen, bathroom, bedroom, living room, water and sewer; including but not limited to a camp trailer, motor home, travel trailer, fifth wheel trailer, popup trailer, and slide-in camper.
- 2) Seasonally: No more than six months in any calendar year.
- 3) Occupied: lived in or slept in for more than fourteen (14) days in a calendar year.

9-6E-2: Scope.

This article shall apply only to Recreational Vehicles located within Residential Zones.

9-6E-3: Occupied Recreational Vehicles.

- 1) No occupied recreational vehicle shall be located in a residential zone anywhere within the county except as follows:
 - a. Within a:
 - i. Recreational Vehicle Park (see Chapter 18);

- ii. Manufactured/mobile home park subject to the requirements of Chapters 17 and 18 of this ordinance; or
 - iii. Designated Camping area; or
 - b. As allowed by this article.
- 2) A recreational vehicle may be occupied seasonally if the following terms are complied with:
- a. No more than two recreational vehicles are located on the property;
 - b. The recreational vehicle is not occupied more than six months in any calendar year;
 - c. No rent or other form of payment is charged or received;
 - d. The recreational vehicle is located entirely within a lot owned by the applicant of the permit;
 - e. The recreational vehicle is self contained using potable water or connected to the culinary water system;
 - f. The holding tanks and any waste water are emptied in accordance with state and federal law at an approved facility or using an approved onsite septic system;
 - g. The power is connected in accordance with all applicable safety standards;
 - h. The recreational vehicle is:
 - i. removed from the property when not occupied,
 - ii. vacated and removed from the property after six months of occupation in any calendar year, or
 - iii. unoccupied and stored according to section 4;
 - i. The recreational vehicle is licensed and ready for highway use.
- 3) Upon application of the land owner, the Land Use Authority may approve a temporary use permit for the occupation of more than two recreational vehicles on one residential property depending upon the size and contour of the property.
- 4) Upon application of the land owner, the Land Use Authority may approve a temporary use permit for the occupation of recreational

vehicles on one residential property for a period exceeding six months but not more than nine months in any calendar year.

- 5) The Land Use Authority may deny, approve, or approve with additional requirements any application submitted under subsection three or four.
- 6) Any failure to comply with this section is grounds for immediate revocation of the temporary use permit and immediate removal of the recreational vehicle unless the recreational vehicle complies with another section of this article.

9-6E-4: Unoccupied Recreational Vehicles.

- 1) An unoccupied recreational vehicle may be located as follows:
 - a. No more than two recreational vehicles, occupied or unoccupied may be stored on one residential property;
 - b. Upon application of the land owner, the Land Use Authority may approve a temporary use permit for the storage of more than two recreational vehicles on one residential property depending upon the size and contour of the property.

9-6E-5: Miscellaneous Requirements.

- 1) Any recreational vehicle, located in a residential zone, that has fallen into disrepair, collapsed, or is otherwise uninhabitable shall constitute a nuisance and shall be removed from the property within sixty days of notice by the Land Use Administrator. Failure to remove recreational vehicles deemed a nuisance hereunder after notice shall be a violation of this ordinance.
- 2) Trash, refuse, or waste generated from use, storage or occupancy of a recreational vehicle must be contained and disposed of properly at all times.
- 3) Setbacks still apply according to the zone the recreational vehicle is placed in.
- 4) Any violation of this article is punishable as a Class C misdemeanor.