

**UNIFORM
ZONING AND SUBDIVISION
ORDINANCES**

ORDINANCE NO. 94-13

January 19, 1994

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND AND THE PLATTING AND RECORDING OF LAND IN THE COUNTY OF DAGGETT, UTAH: PROVIDING REQUIREMENTS FOR STREET AND OTHER IMPROVEMENTS; OUTLINING PROCEDURES TO BE FOLLOWED; PROVIDING FOR PERMITS AND FEE; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBDIVISION OF LAND; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND SUPERSEDING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Board of County Commissioners of Daggett County finds that the public health, safety and welfare require the regulations of land development, zoning, subdivisions and building in Daggett County.

The Board of County Commissioners of the County of Daggett ordains as follows:

97 MAR 12 PM 1 43

Recorded at request of Daggett Co.
Recorded 3-12-97 1:43 p.m./p.m.
RaNae Wilde, Daggett County Recorder by SK
Book 48 Page 333 Entry # 18429 pd. Exempt
431



Section _____

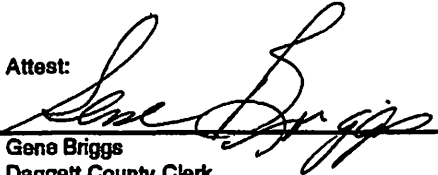
Effective Date

This ordinance shall take effect fifteen (15) days after its passage, and upon posting as required by law. This ordinance shall supercede any prior ordinance or part of ordinance inconsistent herewith.

PASSED and ordered adopted by the Daggett County Commission this 19th day of January, 1994.

DAGGETT COUNTY CHAIRMAN

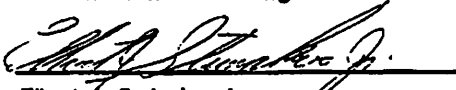
Attest:


Gene Briggs
Daggett County Clerk



Elbert J. Steinaker, Jr.

Commissioners Voting For

Commissioners Voting Against


Elbert J. Steinaker Jr.


Sharon P. Walters


James M. Briggs

Date of First Posting: Jan. 20, 1994

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ARTICLE I

TITLE, PURPOSE, AND DECLARATION OF INTENT

- Section 101 Declaration. This document is an amended Zoning Ordinance for the unincorporated area of Daggett County, Utah, dividing the unincorporated area of said county into zoning districts appropriate for various classes of residential, business, and industrial uses; it also provides for the establishment of land development standards and requirements.
- Section 102 Purpose. This amended Zoning Ordinance is designed to promote the public health, peace, safety, comfort, convenience, prosperity, and welfare of the present and future inhabitants of Daggett County; to guide, control, and regulate future growth and development in order to promote orderly and appropriate use of land in the entire area of said County; to protect the character and stability of residential, business, industrial, open space, and recreational areas of Daggett County; to facilitate existing or potential traffic movements; to provide adequate air, light, and parking facilities; to secure safety from fire and other dangers; to prevent overcrowding of land and undue congestion of population; to protect the tax base of Daggett County; and to secure economy in governmental services and expenditures. In preparation of this Ordinance, consideration has been given to Sections 17-27-1 through 17-27-57, 57-8-3 through 57-8-36, and 57-11-1 through 57-11-21 of the Utah Code Annotated and to all studies and surveys made in the past in connection therewith.
- Section 103 Short Title.
This Ordinance may be cited as "The 1994 Amended Zoning Ordinance for the Unincorporated Area of Daggett County."
- Section 104 Interpretation. In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.
- Section 105 Conflicts. This Ordinance shall not nullify any laws, ordinances, agreements, or covenants which are more restrictive, but shall prevail over provisions which are less restrictive. No statement in these ordinances shall be operative if it is found to be in conflict with any laws of the State of Utah.
- Section 106 Effect on Previous Ordinances and Maps. The existing ordinances of the County covering the zoning of areas and districts in Daggett County, in their entirety and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this ordinance including the maps on file with the Daggett County Planning Commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this ordinance, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction, and to questions of conforming or nonconforming land uses, buildings, or structures, and to questions as to the dates upon which such uses, buildings, or structures become conforming or nonconforming.

ARTICLE II
RULES AND DEFINITIONS

Section 201 General rules for Construction of Language. All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number. The word structure includes the word building, the word shall is mandatory and not directory and the word may is permissive.

Section 202 Definitions. For the purpose of this Ordinance, certain words are hereby defined:

1. Accessory Building: A detached, subordinate building, use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.
2. Agriculture: The tilling of the soil, the raising or grazing of livestock and raising of crops, horticulture, and gardening including the keeping or raising of domestic animals or fowls.
3. Apartment House: A multiple dwelling; see Dwelling, Multiple Family.
4. Automobile Graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
5. Basement: That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.
6. Boarding House: A building with not more than five (5) guest rooms, where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
7. Building: A structure having a roof supported by columns or walls for housing, shelter, or enclosure of persons, animals, chattels, or property of any kind.
8. Commission: The County Planning and Zoning Commission of Daggett County.
9. Conditional Use: A use of land for which a conditional use permit is required pursuant to Article XVI of this Ordinance.
10. Contiguous: Substantial touching between two districts or areas of land which abut one another.
11. Drive-In Refreshment Stand: A place of business where food and drink are sold primarily for consumption on the premises outside the structure.
12. Dwelling: A building or portion thereof designed exclusively for residential occupancy, but not including hotels, tourist cabins, and boarding houses.

13. Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family, the structure having one (1) dwelling unit.

14. Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

15. Dwelling, Four-Family: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

16. Dwelling, Multiple-Family: A building arranged or designed to be occupied by more than four (4) families.

17. One or more rooms in a dwelling, apartment, hotel, or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units, and having its own sanitary facilities.

18. Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

19. Farm: An area of not less than twenty (20) contiguous acres which is used for the commercial production of farm crops such as vegetables, fruit trees, hay, grain, and other crops and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep, and swine for commercial purposes. The term farm includes the operating of such an area for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce, provided that the operation of any such accessory uses is secondary to that of farm activities, and provided further that the farm activities do not include commercial pen feeding or commercial feed lots, or the commercial feeding of garbage or offal to swine or other animals.

20. Frontage. All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

21. Garage, Public: A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

22. Guest House: A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease, or sale of the main dwelling.

23. Guest Ranch: A building or group of buildings containing two or more guest rooms, other than a boarding house, hotel, or motel, and including outdoor recreational facilities such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the use primarily of guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

24. **Guest Room:** A room which is designed for occupancy by one (1) or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.

25. **Guest:** A transient person who rents or occupies a room for sleeping purposes.

26. **Home Occupation:** Any occupation or profession customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit and no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. Home occupation includes the use of a dwelling unit by physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment. Home occupation may also include clinic, hospital, barber shop, beauty parlor, animal hospital, advertising or public relations agency, interior decorator's office or workshop, real estate or insurance office, stockbroker's office or similar use. Home occupation shall include the care of not more than six (6) children other than members of the family residing in the dwelling. Parking for a home occupation shall be limited to the following: (1) one car for each 25' of unobstructed and unrestricted frontage of the subject property and (2) available parking on the subject property where automobiles are customarily parked.

27. **Hotel:** A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office.

28. **House, Boarding:** A building containing rooms in which meals are provided for compensation to more than two persons but which does not include provision for cooking in any guest room.

29. **Junk:** Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood, and rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

30. **Junk Yard:** The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, or machinery or parts thereof, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

31. **Lot:** A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Ordinance, having frontage upon a street or upon a right-of-way approved by the Planning Commission, or upon a right-of-way not less than sixteen (16) feet wide. Except for group dwellings and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot.

32. **Lot Area:** The area of a horizontal plane within the lot lines of a lot.

33. Lot Coverage: The percentage of the area of a lot which is occupied by all buildings or other covered structures.

34. Lot Depth: For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel with and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

35. Lot Line: Any line bounding a lot.

36. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Daggett County, or a lot, parcel, or tract of land, the deed of which has been recorded in the office of the County Recorder of Daggett County.

37. Mobile Home: Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having a foundation as required in Article XV, Section 1502, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile homes used for residential or sleeping purposes shall be governed by the yard and area requirements for single-family dwellings unless located in a mobile home park in which case the requirements of Article XV, Section 1502, of this Ordinance shall apply.

38. Mobile Home Park: Any plot of ground upon which mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. (See Section 1501 of Article XV for Special Requirements.)

39. Mobile Home Space: A plot of ground within a mobile home park designed for the accommodation of one mobile home together with its accessory structures including carports or other off-street parking areas, storage lockers, armadas, cabanas, patios, patio covers, awnings, and similar appurtenances.

40. Motel: A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges, and tourist courts, but not mobile home parks or travel trailer parks.

41. Nonconforming Building or Structure: A building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all height, area, and yard regulations herein prescribed in the zone in which it is located.

42. Nonconforming Use: The lawful use of any building, lot, parcel, or tract of land existing at the time this Ordinance, or amendments thereto, becomes effective which does not conform with the use regulations of the zoning district in which it is located.

43. Planned Unit Development: Complete development plan for an area pursuant to this Ordinance.

44. Restaurant: A place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public for consumption on the premises primarily in indoor dining accommodations.

45. Service Station: A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

46. Subdivision: The division of a tract, or lot, or parcel of land into three or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided that this definition shall not include a bona fide division of agricultural land for agricultural purposes, or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes.

47. Travel Trailer: A recreational vehicle which may legally travel upon state highways without special permits.

48. Travel Trailer Park: Any parcel of land accommodating two (2) or more travel trailers for dwelling or sleeping purposes, for which a charge is made for those accommodations.

49. Travel Trailer Space: A plot of ground within a mobile home park or travel trailer park designed for the accommodation of one travel trailer together with its accessory structures including carports or other off-street parking areas, storage lockers, armadas, cabanas, patios, patio covers, awnings, and similar appurtenances.

ARTICLE III
BOARD OF ADJUSTMENT

Section 301 Creation of Board of Adjustment.

There is hereby created a Board of Adjustment which shall consist of five (5) members, each to be appointed by the Board of County Commissioners for a term of five (5) years, provided that the terms of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Any member may be removed for cause by the Board of County Commissioners upon written charges after public hearing if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term is not completed. Not more than half of the members of the Board of Adjustment may at any time be members of the Planning Commission. The Chairman of the Board shall be elected by the Board members and shall serve a one-year term. Successive elections are permitted.

Section 302 Duties and Powers of the Board.

1. It shall be the duty of such Board to hear all appeals taken by the person aggrieved or by any officer, department, board, or bureau of the County affected by any decision related to administration or enforcement of ordinance, the administrative officer or agency in charge of the administration of this Ordinance. Said Board shall adopt rules for the regulation of its procedure and conduct of its duties not inconsistent with the provisions of this Ordinance or of the State Law, which said rules shall be submitted to the Board of County Commissioners for approval prior to their adoption and which may be altered, amended, or changed in the same manner.

2. The Board, after proper notice and public hearing, shall have the following powers, as set forth in the Utah Code:

A. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of the zoning resolution.

B. To hear and decide, in accordance with the provisions of any such resolution, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such resolution to pass.

C. When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such difficulties or hardship, provided such relief may be granted

without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolutions.

The concurring vote of four members of the board in the case of a five member board, and of three members in the case of a three member board, shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

D. Special Questions.

(1) Where a zone boundary line divides a lot in single ownership at the time of the passage of this Amended Ordinance, the Board may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot.

(2) The Board may permit the relocation on a lot of a non conforming building or structure or a building or structure occupied by a nonconforming use.

Section 303 Action by the Board. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partially, or may modify the order, requirements, decision, or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken, provided that before any variance be granted it shall be shown that special circumstances attached to the property covered by the application, which do not generally apply to other properties in the same zone; that because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

Section 304 Voting of Board. The concurring vote of four (4) of the five (5) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the applicant on any matter on which it is required to pass or to affect any such variation or special exception to this Ordinance.

Section 305 Meetings and Rules. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

The chairman of said Board of Adjustment or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. The Board shall fix a reasonable time for any meetings and shall give at least 30 days' public notice thereof. Where appeals are to be heard, 30 days' public notice of the meeting and 20 days' written notice by mail to last known address, shall be given all owners of real property located within a 200-foot radius of the property in question.

The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said Board and shall be public records.

The Board of County Commissioners shall appoint a person to act as clerk of the Board of Adjustment.

Section 306 Appeal to Board. Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer, or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance. Appeals to the Board of Adjustment may be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance. (Utah Code 17-27-16). The grounds thereof and paying to the County Clerk a fee of sixty dollars (\$60.00) with each notice of appeal. (See page 96). The officer whose decision is being appealed shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was based.

Section 307 Effect on Present Members. Nothing herein shall be construed to affect the eligibility or qualifications to serve of any of the present members of the Board of Adjustment whose terms have not expired.

Section 308 Authority Limited. It shall not be the function of the Board of Adjustment to correct what it may consider to be an unwise requirement in the zoning resolution or to substitute its judgment in place of that of the Board of County Commissioners as to what is good or poor zoning. The Board of Adjustment may grant only those variances and exceptions which are specifically mentioned in this ordinance. Nevertheless, it shall be the duty of the Board to recommend appropriate modifications or amendments to the Zoning Ordinance to the Planning Commission when in its opinion such modifications or amendment would more fully promote the objectives and purposes of this Ordinance.

Section 309 Appeal. Any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided that petition for such relief is presented to the Court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment.

Section 310 Forms. Requests to appear before the Board of Adjustment shall be in writing and shall be in the form as follows:

Date _____ Appeal No. _____

APPLICATION TO APPEAR BEFORE THE BOARD OF ADJUSTMENT

I (we) _____
(name)

of _____
(address)

do hereby apply to the Board of Adjustment of Daggett County, Utah, for a determination on the following matter: *

The facts are as follows: The property covered by this appeal is located at _____ and is situated within the zone.

(signature of applicant)

*Note: By law, the Board of Adjustment may consider only three types of cases. These are outlined below. Please acquaint yourself with these provisions and indicate under which provisions you are making this appeal. State the facts fully. Use additional sheets, if necessary, and attach a plot plan, where appropriate, showing the location of the buildings now on the lot and the buildings on adjoining lots, if any.

POWERS OF THE BOARD OF ADJUSTMENT

1. The Board of Adjustment may consider cases where the applicant thinks the officer of the county is interpreting the Zoning Ordinance and Map incorrectly.
2. The Board of Adjustment may consider cases known as variances, where the person making the appeal can show that the strict application of the regulation would result in peculiar and exceptional narrowness, shallowness, or shape of his property at the time of the enactment of the controlling regulation, or because of exceptional topographic conditions or other conditions peculiar to the lot. However, the Board of Adjustment cannot grant a request which would be contrary to the spirit of the Zoning Resolution or its objectives and purposes.
3. The Board of Adjustment may consider special use permits and special exceptions which are set out in the Zoning resolution.
4. The Board of Adjustment may approve, deny in whole or in part, or may attach conditions to the granting of the request.

ARTICLE IV
PLANNING COMMISSION

- Section 401 Appointment, term and removal. The planning commission shall consist of seven members. One member shall be a member of the county commission, and the remainder shall be appointed by the county commission from the residents of the county. Planning commission members shall be appointed to serve for a period of three years. Each member of the planning commission shall serve until the expiration of the term for which he is appointed, and until his successor is appointed and qualified. Any vacancy occurring during the term of any member of the planning commission by reason of death, resignation, removal or disqualification shall be promptly filled by the county commission for the unexpired portion of the term. Any member may be removed for cause by the county commission upon written charges, and after a public hearing, if such hearing is requested. Two alternate members shall be appointed by the county commission to serve on the planning commission for a three-year term, and shall be authorized to vote on all matters when the alternate member is needed to create a full quorum of four members.
- Section 402 Organization, meetings and records. The planning commission shall organize and elect a chairman and vice chairman and may adopt rules and regulations in accordance with the provisions of this title. The chairman, when in attendance, shall preside at all meetings of the commission and shall be a voting member. A quorum of the planning commission shall consist of four or more members. Meetings of the commission shall be at the call of the chairman, and at such other times as the commission may determine. All meetings of the commission, except executive sessions wherein no binding decisions can be made, shall be open to the public. The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, all of which shall be filed in the office of the commission and shall be a public record.
- Section 403 Members serve without compensation. Members of the planning commission shall serve without compensation except that they may be reimbursed for reasonable expenses incurred with the approval of the county commission.
- Section 404 Contracts and employment. The planning commission may appoint such employees and staff as it may deem necessary for its work, and may contract with planners and other consultants for such services as it requires, provided the expenditures of the commission shall not be in excess of such sums as may be appropriated by the county commission, and/or placed at the disposal of the commission through gift or otherwise.
- Section 405 Reports and recommendations - Entry upon land. The planning commission may make reports and recommendations relating to the plan and development of the county to county officials and agencies, other organizations and citizens. It may recommend to the county commission programs for public improvements and the financing thereof. The commission, its members and employees, in the performance of its functions may enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote county planning.

Section 406 Zoning plan. The planning commission, through its own initiative or by order of the county commission, shall make and certify to the county commission a zoning plan, including both the full texts of the zoning ordinance and maps, and any amendments thereto, representing the commission's recommendations for zoning the unincorporated county into districts or zones of such number, shape and area as it may determine.

Section 407 Master plan. It shall be the function and duty of the planning commission, after holding public hearings, to make and adopt and certify to the county commission a master plan for the physical development of the county. The master plan, with the accompanying maps, charts and descriptive and explanatory matter, shall show the commission's recommendations for the physical development and may include, among other things, the general location and extent of streets. The planning commission, after holding a public hearing thereon, may from time to time amend, extend or add to the plan or carry any part or subject matter into greater detail.

Section 408 Master plan to act as guide for development. Whenever the county commission shall have adopted a master plan for the unincorporated area of the county. All land use decisions should, where practical, conform to the adopted master plan. The master plan should be reviewed and updated from time to time to reflect new circumstances.

Section 409 Adoption of master street plan. The planning commission shall adopt and maintain a master street plan for the county in conformance with, and as a part of, the comprehensive general plan. The master street plan shall contain the proposed location of all arterial and collector streets and such other principal streets as the commission may deem appropriate. Upon adoption of a master street plan by the planning commission, the plan shall be submitted to and recommended to the county commission for adoption as the official master street plan.

Section 410 Approval and recording of subdivision plats. From and after the time when the planning commission shall have adopted a master street plan, and shall have certified the same to the county commission, no plat of a subdivision of land lying within the county shall be filed or recorded in the county recorder's office until it shall have been submitted to and approved by the commission and county, and such approval entered in writing on the plat by the chairman of the planning commission and county commission, and no county recorder shall file or record a plat of a subdivision without such approval, and any recording of a plat of a subdivision without such approval shall be void. In exercising the powers granted to it, the planning commission shall prepare regulations governing the subdivision of land within the county. A public hearing thereon shall be held by the county commission, after which the county commission may adopt the regulations for the county.

Section 411 Other powers and duties. The planning commission shall have such other powers and functions and shall perform such duties as are prescribed by Title 17, Chapter 27, Utah Code Annotated, 1953, as hereafter amended, and such other powers and duties as may be prescribed by law.

ARTICLE V
GENERAL PROVISIONS

Section 501 Applying General Provisions. The regulations set forth in this article qualify or supplement, as the case may be, the zoning district regulations appearing elsewhere in this Ordinance.

Section 502 Amendments.

1. Procedure. The Board of County Commissioners may, from time to time, amend the number, shape, boundaries, or area of any zone, or any regulation within any zones or any other provisions of the Zoning Ordinance. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval, or suggestions of the Planning Commission. Zoning amendment applications approved by the Planning Commission, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners, as jurisdiction may apply.

Zoning Amendment applications disapproved by the Planning Commission may be appealed to the Board of Adjustment, as provided in Article V, Section 505, of this Ordinance.

2. Hearing and Publication of Notice Before Amendment. Before finally adopting any such amendment, the applicable governing body shall hold a public hearing thereon, at least 30 days' notice of the time and place of which shall be given at least four (4) publications in a newspaper of general circulation in the county. Such notice shall state the place at which the text or map of the proposed change may be examined.

3. Determination of Governing Body. The County Commission body, after public hearing and review of the decision of the Planning Commission, may affirm, revise, alter, or remand for further review and consideration any action taken by said Planning Commission.

4. Disapproval of Rezoning Application. Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map, to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one year of the date of the final disapproval of the application unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period.

Section 503 Penalties. No land, building, or structure shall be used for any purpose or use not allowed in the zone in which such land, building, or structure is located. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in Article VIII of this Ordinance.

Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any violation of this Ordinance is committed, continued, or permitted by such person, or corporation and shall be punishable as herein stated, provided, however, that when any structure or use is in continuous violation of this Ordinance for a period exceeding five (5) years, and upon proper affidavits being submitted to the Planning Commission to the effect that no action has been instigated or complaint received during said period with respect to the violation, and when said Commission finds that in the interest of justice and the general public good and welfare such structure or use should be allowed to continue, then and in that event said Commission may declare such structure or use nonconforming. However, the period of limitations of five (5) years prescribed herein shall not commence to run until the effective date of this Ordinance and in no way shall be interpreted to permit the continuation of any violation which exists on the effective date hereof.

Section 504 Completion of Required Improvements.

Performance Bonds. Any improvements required under this Ordinance by the Planning Commission, including but not limited to curb, gutter and sidewalk, fences, landscaping, streets, utility lines, parking, and flood control requirements shall be satisfactorily installed prior to the final electrical inspection approval of the premises by the Building Inspector or if no electrical inspection is required, prior to the issuance of any Occupancy Permit for the land being developed. In lieu of actual completion of such improvements prior to the final electrical inspection approval or Occupancy Permit, a developer may file with the County Commission, when applicable, a cash or surety bond or escrow agreement in an amount specified by the County Commission to insure completion of such improvements within one year. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the Building Inspector.

If the inspection shows the County standards and specifications have been met in the completion of such improvements, the Bond or agreement shall be released within seven days from the time of inspection. If the bond agreement is not released, refusal to release and the reasons therefore shall be given to the developer in writing within seven days from the time of the inspection. The bond or agreement may be partially released based on the percentage of completion of the required improvements.

If the County Commission determines that the issuance of a final electrical inspection approval or Occupancy Permit prior to completion of any required improvements may be injurious to the health, safety, or welfare of the County or its inhabitants, it may refuse to accept a bond or escrow agreement in lieu of actual completion of required improvement or may limit a bond or escrow agreement to a period of less than one year.

Section 505 RESERVED

Section 506 RESERVED

Section 507 **Time Computation.** In computing any period of time prescribed or allowed by this Ordinance, the day of the act, event, or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday, or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. The date of a decision or recommendation of the Planning Commission shall be the date the hearing or such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant.

ARTICLE VI

SUPPLEMENTARY AND QUALIFYING REGULATIONS

- Section 601 Effect of Article. The regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Article.
- Section 602 Lots in Separate Ownership. The requirements of this Ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land provided that such lot or parcel of land is located in a zone which permits single-family dwellings and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.
- Section 603 Yard Space for One Building Only. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building; not shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one (1) main building may be permitted on one (1) lot unless otherwise hereinafter provided.
- Section 604 Every Dwelling to Be on a "Lot." Every dwelling shall be located and maintained on a "lot" as defined in this Ordinance.
- Section 605 Private Garage with Side Yard--Reduced Yards. On any interior lot where a private attached garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.
- Section 606 Sale or Lease of Required Space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.
- Section 607 Sale of Lots Below Minimum Space Requirements. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.
- Section 608 Area of Accessory Buildings. No accessory building or group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.
- Section 609 Yard to Be Unobstructed--Exceptions. Every part of a required yard shall be open to the sky, unobstructed except for canopies which might be allowed under any Article contained herein, accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three (3) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies upon fire towers which project into a yard not more than five (5) feet.

Section 610 Additional Height Allowed. Public and semi-public utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each otherwise established building line at least one (1) foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

Section 611 Exceptions to Height Limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silo, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

Section 612 Maximum Height of Accessory Buildings. No building which is accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than one (1) story or twenty (20) feet.

Section 613 Clear View of Intersection Streets. In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

Section 614 Animals and Fowl. No animals or fowl shall be kept or maintained closer than forty (40) feet from any dwelling and no barn, stable, coop, pen, or corral shall be kept closer than forty (40) feet from any street, except that in Rural Zoning Districts no corral or stable for the keeping of horses may be located closer to a public street or to any dwelling than one hundred (100) feet.

Section 615 Water and Sewage Requirements. In all cases where a proposed building or proposed use will involve the use of sewage facilities and a sewer as defined by the Utah State Department of Health is not available and in all cases where a proposed supply of piped water under pressure is not available, the sewage disposal and the domestic water supply shall comply with requirements of said Utah State Department of Health and the application for a building permit shall be accompanied by a certificate of approval from said Utah State Department of Health.

Section 616 Effect of Official Map. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

Section 617 Setbacks from State and Federal Highways. Notwithstanding any other provision of this resolution, all buildings abutting from highways having a state or federal designation (except nonaccess highways) shall be set back at least fifty (50) feet from the highway right-of-way line, except for small temporary fruit and vegetable stands.

Section 618 Public Dumping Grounds. Public dumping grounds shall be maintained in accordance with standards of the Utah State Department of Health and shall be located at least one thousand (1,000) feet from any building used for human occupancy.

Section 619 All Excavations. The banks of all gravel, sand, clay, and top soil pits and similar excavations located within five hundred (500) feet from any street or dwelling shall be smoothed and reconditioned so as not to be hazardous or unsightly at the termination of operation or use. Before a permit for a gravel, sand, clay, or top soil pit or similar excavation shall be issued, a bond or other assurance shall be furnished to the county in the amount of ten thousand dollars (\$10,000.00) for each acre from which such material is taken as a guarantee that the reconditioning will be done in a manner and to such extent that the pit will not depreciate the surrounding property for its primary use or will impair the beauty of the landscape. Upon the completion of the reconditioning, as approved by the Board of County Commissioners, the bond or other assurance shall be returned to the owner, provided that, in the event the reconditioning has not been completed within one year from the date of abandonment of said pit, the governing body may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from said bonds or assurances.

Section 620 Conservation of Values. Any use which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands or which deprives the owners of adjoining property of the full use of his land shall be prohibited. This shall include the prohibition against the industrial and commercial use of land in areas zoned for residential use.

Section 621 Temporary Buildings and Uses. Temporary buildings and uses are permitted as follows:

1. Temporary buildings, mobile homes, and travel trailers used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:

A. Any use permit approved for such temporary building, mobile home, or travel trailer shall be limited to a period of time not to exceed one (1) year from the date of such approval, but said permit may be renewed for like periods thereafter upon the property owner submitting to the Board of Adjustment having jurisdiction satisfactory evidence indicating the need for such temporary building, mobile home, or travel trailer continues to exist.

B. Unless such use permit is renewed, such temporary building, mobile home, or travel trailer shall be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.

2. Temporary uses such as the cutting and storage of lumber or the storage of building materials and construction equipment conducted or used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:

A. Any use permit approved for such temporary use shall be limited to a period of time not to exceed one (1) year from the date of such approval, but said permit may be renewed for like periods thereafter upon the property owner submitting to the Planning Commission having jurisdiction

satisfactory evidence indicating that the need for such temporary use continues to exist.

B. Unless such use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.

3. Temporary real estate offices, subject to securing a use permit and the following:

A. Such office shall be located on the property being subdivided for sale as individual lots and its use shall be limited to the sale of these lots.

B. Such office shall be subject to the height, yard, intensity of use, and parking regulations for the zoning district in which it is located and shall meet minimum water and sanitary standards as required by the Zoning Administrator.

C. Any use permit approved for such office shall be limited to a period of time not to exceed two (2) years from the date of such approval but said permit may be renewed by the Planning Commission for like periods thereafter if lots in the property being subdivided have not been sold.

D. Unless such use permit is renewed, such office shall be removed from the property being subdivided upon the expiration of the previously approved use permit or when the lots in said property are sold, whichever occurs first.

4. Temporary uses such as circuses, carnivals, Christmas tree sale lots, revivals, horse shows, rodeos, and charity events subject to securing a use permit. Any use permit approved for such use shall be limited to a period of time not to exceed sixty (60) days from the date of such approval.

Section 622 Location of Travel Trailers, Aircraft, Boats, Camping Trailers, Truck Campers, and Motor Homes. Unless permitted under the regulations set forth in Article XV or in Article XVII hereof, or unless permitted by the use regulations for a specific zoning district, the location or storage of mobile homes and travel trailers outside of mobile home parks, travel trailer parks, and the location or storage of aircraft, boats, camping trailers, truck campers, and motor homes shall be subject to the following:

1. At no time shall the travel trailer, aircraft, boat, camping trailer, truck camper, or motor home be occupied or used for permanent living, sleeping, or housekeeping purposes.

Section 623 Occupancy Permit. Land, buildings, and premises in any zone shall hereafter be used only for the purpose listed herein as permitted in that zone and in accordance with the regulations herein established in that zone. The Building Inspector shall inspect the premises and determine whether it meets the requirements and if so, issue the permit of occupancy. Such a permit shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use. Upon written request from the owner, such a permit may also be issued covering any lawful use of a building or premises existing on the effective date of this amendment, including nonconforming buildings and uses.

Section 624 Administrative Determination as to Uses Not Listed. Determination as to the classification of uses not specifically listed in Article X through Article XVII of this Ordinance, inclusive, shall be made by the Building Inspector and shall be subject to appeal to the Board of Adjustment. Such appeal shall be filed in writing within ten (10) days after written notification to applicant of the Zoning Administrator's determination. The procedure shall be as follows:

1. Written request. A written request for such a determination shall be filed with the Building Inspector. The request shall include a detailed description of the proposed use and such other information as may be required.
2. Investigation. The Building Inspector shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Ordinance and to make a determination of its classification.
3. Determination. The determination of the Building Inspector shall be rendered in writing within a reasonable time, but not to exceed thirty (30) days unless with the written consent of the application. The determination shall state the zone classification in which the proposed use will be permitted as well as the findings which establish that such use is of the same character as uses permitted in that zone classification. Upon making his decision, the Building Inspector shall forthwith notify the applicant and the Planning Commission.
4. Effect. The determination and all information pertaining thereto shall become a permanent public record in the office of the Building Inspector. Such use shall thereafter become a permitted or conditional use in the class or district specified in the determination and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

Section 625 Maintenance of Property for Safety and Prevention of Public Nuisance.

1. In order to protect the safety of the public and property, no property owner shall be permitted to allow weeds, brush, and dead vegetation material to grow nor accumulate within seventy-five (75) feet of any structure, including accessory buildings, fence, barns, sheds, and containers of fuel or water.
2. No person shall maintain dilapidated buildings or any structure in a state of disrepair so as to constitute a potential fire hazard or safety hazard to guests or trespassers on the property.
3. No person shall maintain junk, automobiles in non-operative condition, or any other type of debris or refuse, except in those zones or under a conditional use permit as provided in this Ordinance.
4. Violations of this Section shall be vigorously enforced as a violation of the Zoning Ordinance, subject to the same criminal penalties provide herein.

Section 626 Airport Area Special Regulations.

Purpose. The following regulations contained in this chapter are established to avoid or lessen hazards resulting from the operation of aircraft, to avoid creation of new hazards, and to protect the lives of people who use aircraft facilities.

Definitions. For the purpose of this chapter, the following terms shall have the following meaning (See Airport Zone Map, page).

1. Main Airport Approach Zones:*

A. East Approach: An area that begins two hundred (200) feet east from the east end of the landing strip, broadening from a width of two hundred fifty (250) and (one hundred twenty-five (125) feet each side of center line) at the beginning point, to a width of four hundred fifty (450) feet (two hundred and twenty-five (225) feet each side of center line) at a distance of one thousand (1,000) feet, the center line being a continuation of the centerline of the landing strip.

B. West Approach: An area that begins two hundred (200) feet west from the west end of the landing strip, broadening from a width of two hundred fifty (250) feet (one hundred twenty-five (125) feet each side of center line) at the beginning point, to a width of four hundred fifty (450) feet (two hundred twenty-five (225) feet each side of center line) at a distance of one thousand (1,000) feet, the center line being a continuation of the center line of the landing strip.

2. Airport Transition Zones. The rectangular areas that run full length of the existing airport property and parallel to the east/west landing strips at a distance beginning one hundred twenty-five (125) feet from the center lines of the east/west landing strips to a distance of one thousand five hundred and fifty (1,550) feet from the center lines of the landing strip.

3. Airport Turning Zone. A circular area having the radius points at the east and west end points of the landing strip surrounding an airport encompassing all of the land lying within a radius of two (2) miles distance from the landing strip of an airport, except that area covered by the airport, the transition zones, and the approach zone.

Airport Regulations.

1. Height Limits Near Airport:

A. In The Main Runway Approach Zones: No building or structure shall be erected which is more than one (1) foot in height for each twenty (20) feet said building or structure is distant from the beginning points of the north and south approach zones.

B. In The Airport Transition Zone: No building or structure shall be erected which is more than one (1) foot in height for each (7) feet said building or structure is distant from the inside airport transition zone boundary. The inside airport transition zone boundary begins at a point one hundred twenty-five (125) feet distant from the center line of the main runway.

C. In The Airport Turning Zone: No building or structure shall be erected to a height greater than one hundred and fifty (150) feet.

2. Use Regulations. Notwithstanding any other provision of this ordinance, no uses may be made of land or buildings within Daggett County which will create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing or taking-off of aircraft.

Plans for proposed structures to be located within two thousand (2,000) feet of the main or cross-wind runway and within the approach or transition zones, may be required to be submitted to the federal aviation administration (F.A.A.) for their review and recommendation regarding the proposed structure's impact on the airport.

* Amended to conform with F.A.A. regulations, 3-21-83.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

Section 701 Office of Building Inspector Created. The Office of Building Inspector is hereby created within Daggett County, Utah, and the Board of County Commissioners shall fill said office of Building Inspector.

Section 702 Enforcement Officer. The Building Inspector shall be charged with the administration and enforcement of this Ordinance.

Section 703 Powers and Duties of the Building Inspector. The Building Inspector is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, or repair and to inspect land use to determine compliance with the provisions of this Ordinance, provided however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification, or repair of any building or structure.

The said Building Inspector shall enforce all of the provisions of this and other applicable ordinances, employing all legal means available to do so. In enforcement of this Ordinance, the Building Inspector or any employee of the department authorized to represent the Building Inspector shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this Ordinance, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

Section 704 Permits to Comply with Ordinance. After the effective date of this Ordinance, no building permit may be issued without first having been approved by the Building Inspector. The Building Inspector shall not approve a building permit if any building, structure, or use of land would be in violation of any of the provisions of this Ordinance nor shall any other county or town officer grant any permit or license nor the use of any building or land if use would be in violation of this Ordinance.

Section 705 Site Plans Required. A detailed site plan, drawn to scale (scale and sheet size to be determined by the Administrator) shall be filed as part of any application prior to consideration of or for any building permit. The site plan shall show where pertinent:

1. Note of scale used.
2. Direction of north point.
3. Lot lines together with adjacent streets, roads, and rights-of-way.
4. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.).
5. Location of proposed construction and improvements, including the location of all signs.

6. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location.
7. Necessary explanatory notes.
8. Name, address, and telephone number of builder and owner.
9. All other information that may be required as determined by the Building Inspector.

Section 706 Records. The Building Inspector shall keep careful and comprehensive records of applications or permits issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours but shall not be removed from the Daggett County Planning and Zoning Office.

Section 707 Reports. The Building Inspector shall make a report to the Planning and Zoning Commission once each month or more often if requested, including a statement of permits issued.

Section 708 Cooperation of Other Officials. The Building Inspector may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of all departments, agencies, officials, and public employees vested with the duty or authority to issue permits, licenses, or to enforce the regulations of this Ordinance. Permits or licenses for uses, buildings, or purposes where the same would be in conflict with the regulations of this Ordinance shall not be issued and any such permit or license if issued in conflict with the regulations of this Ordinance shall be null and void.

Section 709 Building Permits.

1. When Required. It shall be unlawful to construct, alter, repair, or improve, remove, or demolish, or to commence the construction, set-up of mobile home, alterations, removal, or demolition of a building or structure or any industrial facility without first filing with the Building Inspector an application in writing and obtaining a formal permit. This Ordinance shall apply to state and federally financed construction projects of any kind wherein Daggett County has an interest to inspect said projects to ensure the health, safety, and general welfare of the resident of Daggett County. Permits shall apply to all development and construction regardless of whether the project is government or privately financed and owned.

2. Form.

A. An application for a building permit shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making application is authorized to make such application as agent of the owner.

B. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

C. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building Inspector for an intelligent understanding of the proposed work.

3. Plans. Application for a building permit shall be accompanied by a plan in duplicate drawn to scale of the proposed construction or use containing sufficient information for the enforcement of this Ordinance and required information to be shown on the plan shall include the legal description of the property upon which the improvement is to be made, the street address of said property, the type of the use to which said improvement is to be put, the type of building to be created, the dimensions of the lot, parcel, or tract of land upon which said improvement is to be made, the dimensions of the improvement and the distance said improvement is to be from the front, side, and rear lot lines of said lot, parcel, or tract of land, and elevations of said improvement showing the heights thereof, the location of water and sewer lines serving said improvement and, if said improvement is not connected with a public sewer, then the location of the private disposal system which serves or will serve said improvement, the location of existing uses and buildings, and such other information as the Building Inspector may require for the purpose of determining whether a building permit may be issued under the terms of this Ordinance.

4. Amendments. Nothing herein shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the building permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

5. Completion of Existing Building. Nothing in this Ordinance shall require changes in the plans, construction, or designated use of a building or structure for which a lawful building permit has been issued prior to the time this Ordinance or amendments thereto become effective or which has been otherwise lawfully authorized and the construction of which shall have been actually begun within ninety (90) days after this Ordinance or amendments thereto become effective and which entire building or structure shall be completed as authorized within two (2) years thereafter.

6. Action on Applications. It shall be the duty of the Building Inspector to examine applications for building permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a building permit for the proposed work as soon as practicable. If his examination reveals otherwise, he shall reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

7. Approval in Part. Nothing herein shall be construed to prevent the Building Inspector from issuing a building permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this Ordinance.

8. Limitation of the Building Permit.

A. All work performed under a building permit issued by the Building Inspector shall conform to the approved application and plans and approved amendments thereof.

B. Location of all new construction as shown on the approved plot diagram or an approved amendment thereof, shall be strictly adhered to.

C. It shall be unlawful to reduce or diminish the area of a lot or plot for which a plot diagram has been filed and has been used as the basis for a building permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

D. A building permit under which no work is commenced within 180 days after issuance shall expire by limitation.

E. If a parcel of land is subdivided into three (3) or more lots and not recorded, the issuance of building permits shall be prohibited within such subdivision provided that this limitation shall be removed when the subdivision is officially approved by the Planning and Zoning Commission and property records, subject to all requirements imposed by the Subdivision Ordinance of Daggett County.

F. A building permit shall not be issued for any building or structure on any lot or parcel of land unless that lot or parcel adjoins for a minimum distance of twenty (20) feet directly upon a street or upon a permanent easement.

9. Signature to Building Permit. Every building permit issued by the Building Inspector under the provisions of this Ordinance shall have his signature affixed thereto, but this shall not prevent him from authorizing a subordinate to affix such signature.

10. Posting of Building Permit.

A. A copy of the building permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same.

B. The governing body may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to completion thereof.

C. The governing body shall be given at least twenty-four (24) hours' written notice of the starting of work under a building permit.

11. Revocation. The Building Inspector may revoke a building permit or approval issued under the terms of this Ordinance if there has been any false statement or misrepresentation as to fact in the application or plans on which the building permit or approval was based.

12. County Assessor. One (1) copy of each building permit issued by the Building Inspector shall be transmitted to the County Assessor within 30 days.

13. Fees. Any fee charged for the issuance of building permits shall be based upon the current Uniform Building Code as recommended therein.

14. Daggett County adopt and enforce the provisions of the Uniform Building Code in its most recent editions, as editions are updated from time to time, as well as the Uniform Plumbing Code and the Uniform Electrical Code, the Model Energy Code, and the Utah State regulations which apply to the handicapped.

Section 710 Coordination by State Health and Building Officials and Inspectors. The government of Daggett County find that it is in the interest of the county for purposes of coordination and efficient provision of government services to be informed of, and coordinated with, officials of the State of Utah as they perform their numerous tasks of inspections for state health and other state regulations. Therefore State inspectors and agents of the Utah State Tax Commission shall notify the Daggett County Building Inspector of all state inspections of new or existing development within Daggett County, and of all state-issued permits granted, denied, or renewed within Daggett County.

Daggett County reserve the right to deny occupancy, construction, development, or any use where a State inspection or permit was not previously coordinated with Daggett County prior to its issuance.

Section 711 Utility Services. Daggett County, requires that a building permit be obtained before the start of construction of structures within Daggett County.

Any individual, business, company, or entity is hereby prohibited from furnishing utility services to any new construction or any newly constructed structure until said individual, business, company, or entity is furnished with a copy of the certificate of a building permit for said structure from Daggett County.

Any business, company, entity, or individual violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$1,000.00 and six (6) months of imprisonment in the county jail of Daggett County.

ARTICLE VIII
VIOLATION AND PENALTY

Section 801 Violation. Any sale or transfer of real property by contract, grant, gift, or any other form which is not recorded with the office of the County Recorder, and any building or structure erected or maintained or any use of property in violation of this Ordinance shall be and the same is hereby declared to be unlawful and a public nuisance, and the County Attorney shall immediately commence action or actions, proceeding or proceedings for the abatement, removal, and enjoinder thereof, in the manner provided by law; and shall take such other actions and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use and restrain and enjoin any person from establishing, erecting, or maintaining such building or structure, or using any property in violation of this Ordinance. It shall be the right and duty of every citizen to participate and assist the county officials in the enforcement of the regulations of this Ordinance. The Planning Commission shall report in writing to the County Attorney any real property or structure it knows or has reason to believe is in violation of this Ordinance.

Section 802 Penalty. Any person who violates any regulation of this Ordinance or violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of Daggett County for a term not exceeding six (6) months or by both such fine and imprisonment. Every violator shall be deemed guilty of a separate offense for each day such violation is permitted to exist after official county notice has been given.

Section 803 Notice of Violation. Any property known or believed to be in violation shall be served notice of said violation by:

1. Registered or certified letter from the Planning Commission addressed to the owner listed on the county tax assessment roll; or
2. Stop-work sign posted conspicuously on the property.

These two forms of notice shall describe the alleged violation and shall state the full text of Sections 801 and 802 of this Article. The notices shall also inform the violator of the location to which he may respond to the notice and the time limit within which such action may be taken.