

**UNIFORM  
ZONING AND SUBDIVISION  
ORDINANCES**

ORDINANCE No. 94-13

January 19, 1994

Amended last by Ordinance 11-28 on October 28, 2011

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:

Section \_\_\_\_\_

Effective Date

This ordinance shall take effect fifteen (15) days after its passage, and upon posting as require 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 19<sup>th</sup> day of January, 1994.

DAGGETT COUNTY CHAIRMAN

Attest:

s/s Gene Briggs  
Gene Briggs  
Daggett County Clerk

s/s Elbert J. Steinaker, Jr.  
Elbert J. Steinaker, Jr.

**Commissioners Voting For**

**Commissioners Voting Against**

s/s Elbert J. Steinaker Jr.  
**Elbert J. Steinaker Jr.**

\_\_\_\_\_

s/s Sharon P. Walters  
**Sharon P. Walters**

\_\_\_\_\_

s/s James M. Briggs  
**James M. Briggs**

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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 or structure occupied as or designed or intended for occupancy as a residence for one (1) family, the structure having one (1) dwelling unit. (See also U.C.A. 57-21-2.) Each single-family dwelling (except in agriculture and multiple-use zones) shall have a minimum of 800 square feet and shall be a minimum twenty (20) feet on all sides not including non-dwelling space. The minimum rental permitted shall be thirty (30) days. (last amended 7/16/2009)
14. Dwelling, Two-family: See Dwelling, Multi-Family.
15. Dwelling, Four-family: See Dwelling, Multi-Family.
16. Dwelling, Multi-family: A building or structure occupied as or designed or intended for occupancy as a residence for more than one (1) family and containing two (2) or more separate dwelling units which may be separated vertically or horizontally, but not including commercial lodging or bed and breakfast inns. Each dwelling unit shall have a minimum living quarters area of 850 square feet and the structure must be a minimum of 45 feet wide, facing the street, and 20 feet deep. The minimum rental period for a multi-family dwelling shall be 30 days.

(Dwelling, Overnight Rental: Rental of any property within residential zoning districts shall not be permitted for periods of less than 30 days. Rental of dwellings within other areas is permitted or conditional as outlined in the Table of Uses.)

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 no 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. (Amended)
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 not 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 requirement 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 charge 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 nonconforming 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 by 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 meeting 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 filled 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 the 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 amendments 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 five members. Members 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 appointment of 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 three members. (Amended 7/16/09)

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 Planning Commission, except executive sessions wherein no binding decisions can be made, shall be open to the public. The Planning 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. The Secretary may be paid as approved by the County Commission. (Amended 7/16/09)

Section 404 Contracts and Employment.

The County 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 planning 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. (Amended 7/16/09)

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, and shall give notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use ordinance; and notice of each public meeting on the subject.

Each notice of a public hearing shall be:

- A. mailed to each affected entity at least ten (10) calendar days before the public hearing; and
- B. posted in at least three public locations within the county at least 24 hours before the hearing; or on the county's official website at least 24 hours before the hearing; and
- C. publish in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; and on the Utah Public Notice Website created in Section 63F-1-701, at least ten (10) calendar days before the public hearing.

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 (7) 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; nor 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 Dwelling Requirements.

All Single-Family and Multi-Family Dwellings shall have a minimum of 900 square feet and shall be a minimum of 45 feet wide, facing the street, and 20 feet deep. The minimum rental permitted shall be 30 days. 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, chimney, 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. **(Amended)**

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 reef 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 thirty five (35) 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 setback 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 vibrations 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 constructions, 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.

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 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 applications. 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 provided 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 used 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. Agricultural Buildings (See Article XI Section 1101 parts 1 and 2) and detached accessory buildings of less than 120 square feet (See ICC Code Section R105.2) are exempted. 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 residents 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 as 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 two (2) 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 Building Inspector shall be given at least twenty (24) hours' written notice of the starting of work under a building permit. (Amended 7/16/09)

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 reserves 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.

## ARTICLE IX

### NONCONFORMING USES

#### Section 901 Continuing Existing Uses.

Any use of land, building, or structure lawfully existing at the time this Ordinance or amendments thereto become effective, may be continued, even though such use does not conform with the regulations of this Ordinance or amendments thereto for the zoning district in which it is located.

#### Section 902 Expansion of a Nonconforming Use.

A nonconforming use of land, building, or structure shall not be enlarged, reconstructed, or structurally altered unless such enlargement, extension, reconstruction, or structural alteration, and further use of such property conform with the regulations of this Ordinance for the zoning district in which such property is located.

1. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height and area of yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the Board of Adjustment, which may issue, provided that the board of Adjustment, after the hearing, shall find:

A. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance as stated in Article I hereof, and shall be in keeping with the intent of this Ordinance.

B. That the proposed change does not impose any unreasonable burden upon the lands and residents located or residing in the vicinity of the nonconforming use or structure.

#### Section 903 Repairs and Alterations.

Repairs and structural alterations may be made to a nonconforming building or to a structure housing a nonconforming use.

#### Section 904 Restoration of Damaged Buildings.

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

#### Section 905 One-Year Occupancy.

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

#### Section 906 Continuation of Use.

The occupancy of a building or structure by a nonconforming use, existing at the time this Ordinance became effective, may be continued.

Section 907 Occupancy Within One Year.

A vacant Building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

Section 908 Change of Use.

A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning Commission finds that such use would not be more intensive than the most recent existing, legal nonconforming use.

1. Buildings shall not be enlarged, removed, reconstructed, or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the building more nearly conform to the character of the area in which it is located.

2. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening, or minimum off-street parking that will provide a safer and more compatible facility.

3. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of Article XVI of this Ordinance except that the proposed nonconforming use need not conform to the County Master Plan.

Section 909 Change of Use.

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

Section 910 Expansion of Use Permitted.

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

Section 911 Nonconforming Use of Land.

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property and provided that if such nonconforming use of land or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

Section 912 Abandonment.

A nonconforming use shall be deemed abandoned if said use has not applied to the premises during any twelve-month period.

**ARTICLE X**

**ZONING DISTRICTS**

Section 1001 Establishment of Zoning Districts.

For the purposes of this Ordinance the territory of the local jurisdiction to which this Ordinance applies is divided into twenty-six (26) zoning districts, as follows:

1. Multiple Use District M-U-40
2. Multiple Use District M-U-80
3. Multiple Use District M-U-160
4. Agricultural District A-20
5. Agricultural District A-40
6. Rural Residential District R-R-1/2
7. Rural Residential District R-R-1
8. Rural Residential District R-R-5
9. Rural Residential District R-R-10
10. Residential District R-1-40
11. Residential District R-1-20
12. Residential District R-1-12
13. Residential District R-1-10
14. Residential District R-1-8
15. Residential District R-1-6
16. Residential District R-M-7
17. Residential District R-M-15
18. Residential District R-M-30
19. Neighborhood Commercial District C-N
20. Commercial Shopping District C-S
21. Highway Commercial District C-H
22. General Commercial District C-G
23. Manufacturing-Distribution District M-D
24. General Industrial District M-G
25. Central Development District C-D
26. Planned District P

Section 1002 Filing of Ordinance and Map.

This Ordinance and map shall be filed in the custody of the clerk of the local jurisdiction and may be examined by the public subject to the reasonable regulations established by said clerk (see appendix B).

Section 1003 Rules for Locating Boundaries.

Where uncertainty exists as to the boundary of any District, the following rules shall apply:

1. Wherever the District boundary is indicated as being approximately upon the Center line of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on map, the center line of such street, alley, block, or such property line, shall be construed to be the boundary of such District.

2. Whenever such boundary line of such District is indicated as being approximately at the line of any river, irrigation canal, or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then in such case the center of such stream, canal, or waterway, or of such railroad right-of-way, or boundary line of such public land or such section line shall be deemed to be the boundary of such District.

3. Where such District boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

4. Where the application of the above rules does not clarify the District boundary location, the board of Adjustment shall interpret the map.

## ARTICLE XI

### MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

#### Section 1101 Purpose.

1. Multiple Use Districts. The purposes of providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scatteration of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.

Agricultural buildings are not required to obtain a building permit when used solely in conjunction with agriculture use, and are not for human occupancy, notwithstanding this and unless otherwise exempted a site plan is required and a permit for plumbing, electrical, and mechanical permits will be required when that work is included in the structure. (Added 07/01/2008)

- A. M-U-40, Minimum Lot Size: 40 acres
- B. M-U-80, Minimum Lot Size: 80 acres
- C. M-U-160, Minimum Lot Size: 160 acres

2. Agricultural Districts. To promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the District from the intrusion of uses inimical to the continuance of agricultural activity.

Agricultural buildings are not required to obtain a building permit when used solely in conjunction with agriculture use, and are not for human occupancy, notwithstanding this and unless otherwise exempted a site plan is required and a permit for plumbing, electrical, and mechanical permits will be required when that work is included in the structure. (Added 07/01/2008)

- A. A-20, Minimum Lot Size: 20 acres
- B. A-40, Minimum Lot Size: 40 acres

3. Rural Residential Districts. To promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

- A. R-R-1/2 Minimum Lot Size: ½ acre
- B. R-R-1 Minimum Lot Size: 1 acre
- C. R-R-5 Minimum Lot Size: 5 acres
- D. R-R-10 Minimum Lot Size: 10 acres

Section 1102 Codes and Symbols.

In the following Sections of this Chapter, uses of land or buildings which are allowed in the various districts are shown as “permitted uses”, indicated by a “P” in the appropriate column, or as “conditional uses”, indicated by a “C” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter “A”. If the regulation does not apply, it is indicated in the appropriate column by a dash, “-”.

Section 1103 Uses.

No building, structure, or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained in the multiple use, agricultural, or rural residential districts except as provided in this Ordinance.

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	½	1	5	10
1. <u>Accessory</u> buildings uses customarily incidental to permitted uses . . . . .	P	P	P	P	P	P	P	P	P
2. <u>Accessory</u> uses and buildings customarily incidental to conditional uses . . . . .	C	C	C	C	C	C	C	C	C
3. <u>Temporary</u> buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of construction work . . . . .	C	C	C	C	C	C	C	C	C
4. <u>Agriculture and Forestry</u>									
A. Agriculture, except grazing and pasturing of animals . . . . .	P	P	P	P	P	--	P	P	P
B. Agriculture, including grazing and pasturing of animals . . . . .	P	P	P	P	P	--	P	P	P
C. Agriculture, business or industry . . . . .	C	C	C	C	C	--	C	C	C
D. Animals and fowl for recreation or for family food production for the primary use of persons residing on premises . . . . .	P	P	P	P	P	P	P	P	P
E. Nursery or greenhouse, wholesale or retail . . . . .	C	C	C	C	C	--	C	C	C

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	½	1	5	10
F. The tilling of the soil, raising of crops, horticulture and gardening . . . . .	P	P	P	P	P	P	P	P	P
G. Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, including wholesale and retail sales . . . . .	P	P	P	P	P	--	--	C	C
H. Forestry, except forest industry . . . . .	P	P	P	P	P	--	P	P	P
I. Forest industry, such as a saw mill, wood products plant, or others . . . . .	C	C	C	--	--	--	--	--	--
5. <u>Apiary</u> . . . . .	P	P	P	P	P	--	C	C	P
6. <u>Aviary</u> . . . . .	P	P	P	P	P	--	P	P	P
7. <u>Cluster</u> subdivision of single-family dwellings.									
A. Provided that the residential density is not increased by more than one hundred (100) percent for the District	--	--	--	--	--	C	C	C	C
B. Provided that the area, in acres, of the parcel is not less than . . . . .	--	--	--	--	--	3	5	15	40
8. <u>Dude Ranch</u> family vacation ranch . . . . .	C	C	C	C	C	--	--	--	C
9. <u>Dwellings</u>									
A. Single-family . . . . .	P	C	C	P	P	P	P	P	P
B. Two-family . . . . .	C	C	C	P	P	--	P	P	P
C. Seasonal home or cabin . . . . .	C	C	C	P	P	P	P	P	P
D. Farm or ranch housing . . . . .	P	C	C	C	C	--	--	--	--
10. <u>Home</u> occupation . . . . .	C	C	C	C	C	C	C	C	C
11. <u>Household</u> pets . . . . .	P	P	P	P	P	P	P	P	P
12. <u>Kennel</u> . . . . .	--	--	--	C	C	--	C	C	C
13. <u>Mine</u> , quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant, oil wells, or steam wells . . . . .	C	C	C	C	C	--	--	--	C

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	½	1	5	10
14. <u>Power</u> generation . . . . .	C	C	C	C	C	--	--	--	C
A. Minor Wind Energy System . . . . .	P	P	P	P	P	P	P	P	P
B. Small Wind Energy System . . . . .	P	P	P	P	P	P	P	P	P
C. Large Wind Energy System . . . . .	P	P	P	P	P	P	P	P	P
15. <u>Private</u> park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory . . . . .	C	C	C	C	C	--	--	C	C
16. <u>Public</u> stable, riding academy or riding ring, horse show barns or facilities . . . . .	C	C	C	C	C	--	--	C	C
17. <u>Public</u> use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church; dams and reservoirs; radio and television transmitting stations or towers, cemetery . . . . .	C	C	C	C	C	--	C	C	C
18. <u>Signs</u>									
A. One identification sign, not to exceed sixteen (16) square feet in sign area . . . . .	P	P	P	P	P	--	--	--	P
B. One development sign, not to exceed eight (8) sq. ft. in area . . . . .	P	P	P	P	P	P	P	P	P
C. One civic sign, not to exceed sixteen (16) sq. ft. in sign area . . . . .	P	P	P	P	P	--	--	C	C
D. One real estate sign, not to exceed eight (8) sq. ft. in area . . . . .	P	P	P	P	P	P	P	P	P

	Multiple Use			Agricultural		Rural Residential				
	40	80	160	20	40	½	1	5	10	
E. One residential sign, not to exceed two (2) sq. ft. in area . . . . .	P	P	P	P	P	P	P	P	P	
<b>Section 1104 <u>Area Regulations</u></b>										
The minimum lot area in acres for any main use in the districts regulated by this chapter shall be . . . . .	40	80	160	20	40	½	1	5	10	
<b>Section 1105 <u>Width Regulations</u></b>										
The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be . . . . .	660	1320	1320	330	660	120	150	200	330	
<b>Section 1106 <u>Frontage Regulations</u></b>										
The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be . . . . .	60	60	60	60	60	25	25	50	60	
<b>Section 1107 <u>Front Yard Regulations</u></b>										
The minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be . . . . .	60	60	60	60	60	30	30	60	60	
Accessory buildings may have the same minimum front-yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least six (6) feet in the rear of the main building . .	A	A	A	A	A	A	A	A	A	

Multiple Use			Agricultural		Rural Residential			
40	80	160	20	40	½	1	5	10

Section 1108 Rear Yard Regulations

The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:

For main buildings: . . . . .	60	60	60	60	60	30	30	50	60
For accessory buildings . .	60	60	60	60	60	3	10	20	60

Section 1109 Side Yard Regulations

The minimum side yard in feet for any dwelling other than main or accessory buildings in districts regulated by this chapter shall be . . . . .

	60	60	60	60	60	10	15	20	25
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and a total width in feet of the two (2) required side yards of not less than . . . .

	120	120	120	120	120	20	40	40	50
--	-----	-----	-----	-----	-----	----	----	----	----

Except on corner lots two (2) front and two (2) rear yards are required . . . . .

	A	A	A	A	A	--	A	A	A
--	---	---	---	---	---	----	---	---	---

Except on corner lots two (2) front, one (1) side and one (1) rear yard are required . . . . .

	--	--	--	--	--	A	--	--	--
--	----	----	----	----	----	---	----	----	----

Section 1110 Height Regulations

The maximum height for all buildings and structures in districts regulated by this chapter shall be:

in feet: . . . . .	35	35	35	35	35	25	35	35	35
in number of stories: . . .	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5

Section 1111 Coverage Regulations

The maximum coverage in percent for any lot in the districts regulated by this chapter shall be . . . . .

	--	--	--	--	--	25	20	10	5
--	----	----	----	----	----	----	----	----	---

## ARTICLE XII

### RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

#### Section 1201 Purpose

1. Residential District R-1-40. To provide areas for large-lot residential neighborhoods of essentially rural or estate character. Minimum Lot Size: 40,000 sq. ft.
2. Residential District R-1-20. To provide areas for very low density, single-family residential neighborhoods of essentially spacious and uncrowded character. Minimum Lot Size: 20,000 sq. ft.
3. Residential District R-1-12. To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character. Minimum Lot size: 12,000 sq. ft.
4. Residential District R-1-10. To provide areas for medium low-density, single-family residential neighborhoods where medium costs of development may occur. Minimum Lot Size: 10,000 sq. ft.
5. Residential District R-1-8. To provide areas for medium low-density, single family residential neighborhoods where low and medium costs of development may occur. Minimum Lot Size: 8,000 sq. ft.
6. Residential District R-1-6. To provide areas for low-density, single-family residential neighborhoods where low and medium costs of development may occur. Minimum Lot Size: 6,000 sq. ft.
7. Multiple Residential District R-M-7. To provide areas for low residential density with the opportunity for varied housing styles and character. Maximum Density: 7 dwelling units per net acre.
8. Multiple Residential District R-M-15. To provide areas for medium residential density with the opportunity for varied housing styles and character. Maximum Density: 15 dwelling units per net acre.
9. Multiple Residential District R-M-30. To provide areas for high residential density with the opportunity for varied housing styles and character. Maximum Density: 30 dwelling units per net acre.

#### Section 1202 Codes and Symbols

In the following Sections of this Chapter, uses of land or buildings which are allowed in the various districts are shown as “permitted uses”, indicated by a “P” in the appropriate column, or as “conditional uses”, indicated by a “C” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “-“. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A”. If the regulation does not apply, it is indicated in the appropriate column by a dash, “-“.

Section 1203 Use Regulations

No building, structure, or land shall be used and no building or structure shall be hereafter structurally altered, enlarged, or maintained in the residential and multiple-residential districts, except as provided in this Ordinance.

	R-1						R-M		
	40	20	12	10	8	6	7	15	30
1. Accessory buildings and uses customarily incidental to the permitted uses . . . . .	P	P	P	P	P	P	P	P	P
2. Accessory uses and buildings customarily incidental to the conditional uses . . . . .	C	C	C	C	C	C	C	C	C
3. Agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening . . . . .	P	P	P	P	P	P	P	P	P
4. Child day-care or nursery . . . . .	C	C	C	C	C	C	C	C	C
5. Cluster subdivision of single-family dwellings, provided that the residential density is not increased to allow more than one (1) dwelling for each:									
30,000 sq. ft. . . . .	C	--	--	--	--	--	--	--	--
15,000 sq. ft. . . . .	--	C	--	--	--	--	--	--	--
8,000 sq. ft. . . . .	--	--	C	--	--	--	--	--	--
7,000 sq. ft. . . . .	--	--	--	C	--	--	--	--	--
6,000 sq. ft. . . . .	--	--	--	--	C	--	--	--	--
4,000 sq. ft. . . . .	--	--	--	--	--	C	C	C	C
and that the total area of the subdivision cluster be not less than five (5) acres, and that at least one-third (1/3) of the total area of the subdivision be reserved or dedicated as permanent open space for common use of the residents, under development approval . . . . .	A	A	A	A	A	A	A	A	A
6. Dwellings									
A. Single-family dwelling . . . . .	P	P	P	P	P	P	P	P	P
B. Two-family dwelling . . . . .	--	--	--	--	--	--	P	P	P

	R-1						R-M		
	40	20	12	10	8	6	7	15	30
C. Three-family dwelling . . . . .	--	--	--	--	--	--	C	C	C
D. Four-family dwelling . . . . .	--	--	--	--	--	--	C	C	C
E. Multiple-family dwelling . . . . .	--	--	--	--	--	--	C	C	C
F. Groups of dwellings each approved as a planned unit development . . . . .	--	--	--	--	--	--	C	C	C
G. Two-family dwelling on corner lots requires two (2) front and two (2) rear yards . . . . .	--	--	--	--	--	--	A	A	A
7. Home occupation . . . . .	C	C	C	C	C	C	C	C	C
8. Hospital; medical or dental clinic accessory to a hospital and located on the same premises . . . . .	--	--	--	--	--	--	--	C	C
9. Household pets . . . . .	P	P	P	P	P	P	P	P	P
10. Mobile home developments									
A. Mobile home parks . . . . .	--	--	--	--	--	--	--	--	--
B. Mobile home subdivisions . . . . .	--	--	--	--	--	--	--	--	--
11. Private educational institution having a curriculum similar to that ordinarily given in public schools . . . . .	C	C	C	C	C	C	C	C	C
12. Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made . . . . .	C	C	C	C	C	C	C	C	C
13. Public and quasi-public buildings and uses.									
A. Cemetery . . . . .	--	--	--	--	--	--	--	--	--
B. Church . . . . .	C	C	C	C	C	C	C	C	C
C. Essential service facilities . . . . .	C	C	C	C	C	C	C	C	C
D. Golf Course . . . . .	C	C	C	C	C	C	C	C	C
E. Substations or transmission lines of fifty (50) KV or greater capacity . . . . .	C	C	C	C	C	C	C	C	C
14. Quarries, gravel pits, land excavations . . . . .	--	--	--	--	--	--	--	--	--

	R-1						R-M		
	40	20	12	10	8	6	7	15	30

15. Signs

A. One civic sign, not to exceed sixteen (16) square feet in sign area . . . . .	P	P	--	--	--	--	P	P	P
B. One development sign, not to exceed eight (8) square feet in area . . . . .	P	P	P	P	P	P	P	P	P
C. One real estate sign, not to exceed eight (8) square feet in area . . . . .	P	P	P	P	P	P	P	P	P
D. One residential sign, not to exceed four (4) square feet in area for the resident of a building, and one residential sign, not to exceed eight (8) square feet for name and address of a multiple-family residential building . . . . .	P	P	P	P	P	P	P	P	P
E. Civic and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated . . . . .	A	A	A	A	A	A	A	A	A
F. All such signs shall be located on the property to which they pertain . . . . .	A	A	A	A	A	A	A	A	A
G. Identification sign, sign for conditional use . . . . .	C	C	C	C	C	C	C	C	C

16. Power Generation. . . . .	--	--	--	--	--	--	--	--	--
A. Minor Wind Energy System . . . . .	P	P	P	P	P	P	P	P	P
B. Small Wind Energy System . . . . .	P	P	P	P	P	P	P	P	P
C. Large Wind Energy System . . . . .	P	P	P	P	P	P	P	P	P

Section 1204 Area Regulations

The minimum lot area in square feet for any single-family dwelling structure in the districts regulated by this chapter shall be (in thousands): . . . . .	40	20	12	10	8	6	7	8	8
--	----	----	----	----	---	---	---	---	---

The additional lot area for each additional dwelling unit in a dwelling structure shall be (in thousands) . . . . .	--	--	--	--	--	--	6	2.5	1.2
---	----	----	----	----	----	----	---	-----	-----

	R-1						R-M		
	40	20	12	10	8	6	7	15	30
For group dwellings, each separate dwelling structure after the first dwelling structure and each additional dwelling structure in square feet shall have (in thousands) . . . . .	--	--	--	--	--	--	5	2.5	1.2
Minimum lot area for all main uses or buildings other than dwellings shall be (in thousands) . . . . .	40	20	12	10	10	10	10	10	10
<b>Section 1205 <u>Width Regulations</u></b>									
The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be . . . . .	120	100	80	80	70	60	70	70	70
<b>Section 1206 <u>Frontage Regulations</u></b>									
The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be . . . . .	60	50	45	45	40	40	45	45	45
<b>Section 1207 <u>Front Yard Regulations</u></b>									
The minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be . . . . .	30	30	30	30	25	25	25	25	25
<b>Section 1208 <u>Rear Yard Regulations</u></b>									
The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:									
For main buildings . . . . .	30	30	30	30	6	20	30	20	20
For accessory buildings . . . . .	3	3	3	3	3	3	3	3	3
Provided that on corner lots which rear on a side yard of another lot all such districts shall be located not closer than ten (10) feet to such side yard . . . . .	A	A	A	A	A	A	A	A	A

			R-1						R-M	
	40	20	12	10	8	6		7	15	30

Section 1209 Side Yard Regulations

The minimum side yard in feet for any dwelling in districts regulated by this chapter shall be . . . . .	15	10	10	10	10	10		10	10	10
And the total width of the two (2) required side yards . . . . .	30	24	22	18	16	16		18	18	18
except that in no case shall the total width of the two (2) side yards be less than the height of the building . . . . .	A	A	A	A	A	A		A	A	A
Other main buildings shall have a minimum side yard of . . . . .	20	20	20	15	15	15		20	20	20
and a total width of the two (2) required side yards of not less than . . . . .	40	40	40	30	30	30		40	40	40
The minimum side yard for a private garage shall be . . . . .	15	10	10	8	6	6		6	6	6
except that private garages and other accessory buildings located at least six (6) feet in the rear of the main building may have a minimum side yard of . . . . .	3	3	3	3	3	3		3	3	3
provided that no private garage or other accessory buildings shall be located closer in feet than . . . . . to a dwelling on an adjacent lot.	15	10	10	10	10	10		10	10	10
On corner lots, the side yard in feet which faces on a street for both main and accessory buildings shall be not less than . . . . .	20	20	20	20	20	20		20	20	20

	40	20	R-1 12	10	8	6	7	R-M 15	30
or the average of existing buildings, but in no case shall the side yard be less in feet than . . . .	15	15	15	15	15	15	15	15	15
nor be required to be more than . . .	25	25	25	25	25	25	25	25	25
Any garage or carport opening which faces onto a street shall be set back from the street line in feet at least . . . . .	30	30	30	30	25	25	25	25	25
<b>Section 1210 <u>Height Regulations</u></b>									
The maximum height for all buildings and structures in districts regulated by this chapter shall be									
in feet . . . . .	35	35	35	35	35	35	35	55	75
in number of stories . . . . .	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
<b>Section 1211 <u>Coverage Regulations</u></b>									
The maximum coverage in percent for any lot in the districts regulated by this chapter shall be . . . . .	20	20	30	35	35	35	35	50	50

## ARTICLE XIII

### COMMERCIAL AND INDUSTRIAL DISTRICTS

#### Section 1301 Purpose.

1. Neighborhood Commercial District C-N. To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this District are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.
2. Shopping Commercial District C-S. To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained, and protected. The regulations of this District are designed to promote and encourage the development of comparison shopping centers.
3. Highway Commercial District C-H. To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thorough fare traffic and the traveling public may be established, maintained, and protected. The regulations of this District are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway-related activities.
4. General Commercial District C-G. To provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected. Regulations of this District are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
5. Manufacturing – Distribution District M-D. To provide areas in appropriate locations where light manufacturing, industrial processes, and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this District are designed to protect environmental quality of the District and adjacent areas.
6. General Industrial District M-G. To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this District are designed to protect environmental quality of the District and adjacent areas.

#### Section 1302 Codes and Symbols.

In following Sections of this Chapter, uses of land or buildings which are allowed in the various Districts are shown as “permitted uses”, indicated by a “P” in the appropriate column, or as “conditional uses”, indicated by a “C” in the appropriate column. If a use is not allowed in a given District, it is either not named in the use list or it is indicated in the appropriate column by a dash “-“. If a regulation applies in a given District, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A”. If the regulation does not apply, it is indicated in the appropriate column by a dash, “-“.

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained in the commercial and industrial districts except as provided in this Ordinance.

	CN	CS	CH	CG	MD	MG
1. Accessory uses and buildings customarily incidental to the permitted uses . . . . .	P	P	P	P	P	P
2. Accessory uses and buildings customarily incidental to the conditional uses . . . . .	C	C	C	C	C	C
3. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work . . . . .	C	C	C	C	C	C
4. Agriculture						
A. Agricultural industries . . . . .	--	--	--	--	--	C
B. The tilling of the soil, the raising of crops, horticulture, and gardening . . . . .	P	P	P	P	P	P
5. Automobile sales and services						
A. Automobile service station . . . . .	C	C	C	C	C	C
B. Automobile or recreation vehicle sale, service, lease, rental, and repair, new or used, conducted entirely within an enclosed building; auto parts, indoor . . . . .	--	P	P	P	--	--
C. Parking lot incidental to a use conducted on the premises . . . . .	P	P	P	P	P	P
D. Parking lot not incidental to a use conducted on the premises . . . . .	C	C	C	C	C	C
E. Automatic car wash; automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors; automobile repair garage . . . . .	--	C	C	P	P	P

	CN	CS	CH	CG	MD	MG
F. Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembly, painting, upholstering, and rebuilding . . . . .	--	--	C	C	P	P
6. Dwellings and other living quarters						
A. Hotel; motel . . . . .	--	C	C	C	--	--
B. Recreational coach park . . . . .	--	C	C	C	--	--
7. Processing and manufacturing						
A. Bag cleaning . . . . .	--	--	--	--	P	P
Baking, ice cream making, and/or candy making . . . . .	C	C	C	C	P	P
Blacksmith shop . . . . .	--	--	--	--	P	P
Boiler works . . . . .	--	--	--	--	P	P
Bottling works . . . . .	--	--	--	--	P	P
Bookbinding . . . . .	--	C	C	P	P	P
Breweries . . . . .	--	--	--	--	C	C
B. Cement, mortar, plaster, or paving materials, central mixing plant, related to construction industry . . . . .	--	--	--	--	--	C
Construction of buildings to be sold and moved off the premises . . .	--	--	--	C	P	P
C. Dairy . . . . .	--	--	--	C	P	P
D. Egg candling, sales, or processing . . .	--	--	--	P	P	P
E. Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products and by-products are used . .	--	--	--	--	C	C
Forage plant . . . . .	--	--	--	--	P	P
Foundry, casting light-weight, nonferrous metal . . . . .	--	--	--	--	C	P
F. Hatchery . . . . .	--	--	--	C	P	P
Honey extraction . . . . .	--	--	--	P	P	P
G. Incinerator, non-accessory . . . . .	--	--	--	--	C	C
H. Knitting mill . . . . .	--	--	--	C	P	P
I. Laboratories . . . . .	--	C	C	C	C	C
Laundry . . . . .	--	--	C	P	P	P

	CN	CS	CH	CG	MD	MG
J. Machine shop . . . . .	--	--	--	C	P	P
Mobile lunch agency . . . . .	--	C	C	P	P	P
Monument works . . . . .	--	--	--	C	P	P
Motion picture studio . . . . .	--	--	C	C	P	P
K. Planeing mill . . . . .	--	--	--	--	C	P
Printing convenience for drop-in customers . . . . .	--	C	C	P	P	P
Publishing and contract printing . .	--	--	C	P	P	P
L. Rock crusher . . . . .	--	--	--	--	--	C
M. Sandblasting . . . . .	--	--	--	--	C	C
Sawmill . . . . .	--	--	--	--	--	C
N. Tire retreading, or vulcanizing . . .	--	--	--	C	P	P
O. Upholstering, including mattress manufacture, rebuilding, or renovating . . . . .	--	--	C	P	P	P
P. Weaving . . . . .	--	C	C	C	P	P
Welding shop . . . . .	--	--	C	C	P	P
Q. Manufacture, curing, compounding, processing, packaging, and treatment of the following . . . . .	--	--	--	C	C	C
Baker goods, batteries						
Candy, cereal, cosmetics						
Dairy products						
Food products (excluding fish), sauerkraut, pickles, vinegar, yeast, and rendering of fat)						
Lubrication grease						
Meat products						
Oil						
Pharmaceuticals						
Toiletries						
R. Manufacture, curing, compounding, processing, packaging and treatment of fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat . . . . .	--	--	--	--	--	C
S. Manufacturing, compounding, assembling and treatment of articles						

	CN	CS	CH	CG	MD	MG
of merchandise from the following previously prepared materials . . . . .	--	--	--	--	C	C
Bone						
Cellophane, canvas, cloth, cork						
Feathers						
Hair, horn						
Leather						
Paper, paint, plastics, precious or semi-precious stone, or metals						
Rubber						
Shell, straw						
Textiles, tobacco						
Wood, wool						
T. Manufacture/maintenance of the following . . . . .	--	--	--	--	P	P
Boats, business machines						
Cameras, photo equipment						
Electric or neon signs, billboards, and/or commercial advertising structures						
Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awning						
Musical instruments						
Novelties						
Rubber and metal stamps						
Toys						
U. Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage, and/or maintenance of the following . . .	--	--	--	--	--	P
Airplane and parts, automobiles and parts, alcohol						
Brass						
Candles, cans, cameras, photo equipment including film, cast stone products, copper						
Dyestuffs						
Emery cloth, excelsior						
Glass, glucose, gypsum						
Hair, hardware						
Ink, iron						
Lampblack, linoleum, lime						
Machinery, malt, matches, meats, musical instruments						
Novelties						
Oilcloth, oiled rubber goods, oxygen						

Paper, paint, pulp, pickles, pottery, incidental plaster, plaster of Paris, plastics						
Salt, sheet metal, shellac, shoddy, shoe polish, soap, detergents, soda, starch, steel						
Terra-cotta, tile, toys, turpentine						
Varnish, vinegar						
Yeast						
V. Manufacture of brick, clay, ceramic, cinder, concrete, synthetic, cast stone, plastic and pumice stone products, including, in addition, manufacture or fabrication of building blocks. Tile or pipe from raw materials for use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products, and provided that such crushing facilities be located not closer than 200 feet to any property line . . . . .	--	--	--	--	C	C
W. Uses which follow, provided they are located at least three hundred (300) feet from any District boundary . . . . .	--	--	--	--	--	C
Animal by-products, plants, offal or dead animal reduction or dumping						
Blast furnace						
Fat rendering, fertilizer and soil conditioner, foundry						
Garbage or refuse maintenance or disposal site, gravel pits, quarries						
Manufacturing, processing refining, treatment, distilling, storage, or compounding of the following . . . .	--	--	--	--	--	C
Acid, ammonia, asphalt, acetylene gas						
Bleaching powder and chlorine, bones						
Chemicals of an objectionable or dangerous nature, coal creosote						
Disinfectants						
Explosives						
Fireworks						
Gas, gelatin or size, glue, grease or lard						

	CN	CS	CH	CG	MD	MG
Hides						
Insecticides						
Metals crushing						
Ore						
Petroleum, plastics, potash, pyrroxylin						
Roofing, or waterproofing material, rubber, or gutta-percha						
Tallow, tar						
Wood						
8. Public and quasi-public						
A. Cemetery . . . . .	--	--	--	C	C	C
B. Churches . . . . .	C	C	C	C	C	C
C. Parks, golf courses, swimming pools, and other recreation areas . . . . .	P	P	P	P	P	P
D. Public buildings . . . . .	C	C	C	C	C	C
E. Private schools . . . . .	C	C	C	C	C	--
F. Radio/television transmitting towers . . . . .	--	--	--	--	C	P
9. Recreation						
A. Archery shop/range, if conducted in enclosed building . . . . .	--	C	C	P	C	C
Athletic Club; health club, athletic goods store . . . . .	--	P	P	P	P	--
B. Billiards or pool hall, swimming pool, commercial, dance hall, skating rink, commercial . . . . .	--	P	P	P	C	--
Bowling alley, boxing arena . . . . .	--	--	C	C	C	--
Bicycle shop . . . . .	--	--	C	C	C	--
C. Campground . . . . .	--	--	C	C	C	--
D. Dance hall, dancing . . . . .	--	C	C	C	C	--
Drag strip racing . . . . .	--	--	--	--	C	C
E. Go-cart racing . . . . .	--	--	--	--	C	C
Golf course, miniature golf, commercial . . . . .	--	--	C	C	C	--
Gymnasium . . . . .	--	P	P	P	P	--
F. Night club/social club . . . . .	--	C	C	C	--	--

	CN	CS	CH	CG	MD	MG
G. Private nonprofit locker club . . . . .	--	C	C	C	C	C
H. Recreation center, commercial . . . . .	--	C	C	P	C	--
Recreation vehicles rental-lease, sales and service, outdoor . . . . .	--	--	C	C	C	--
Recreational coach parks . . . . .	--	--	P	P	--	--
I. Theatre, indoor . . . . .	C	C	C	P	C	--
Theatre, outdoor, providing . . . . .	--	--	C	C	C	C
a. A solid fence or masonry wall with the minimum height of six (6) feet shall be constructed all sides.						
b. Driveways and parking areas shall be provided with properly maintained surfaces.						
c. Automobile off-street storage areas for automobiles awaiting entrance to theatre shall have capacity of at least fifteen (15) percent of the number of auto parking spaces provided inside the theater.						
d. Minimum area for single screen theater shall be ten (10) acres. Minimum area for two-screen theater shall be twelve (12) acres.						
10. Sales and related services						
A. Air-conditioning, ventilating equipment, sales/repair . . . . .	--	C	C	P	P	--
Art needlework shop . . . . .	P	P	P	P	--	--
Art shop and/or supply . . . . .	P	P	P	P	--	--
Awning sales/repair . . . . .	--	P	--	P	--	--
B. Bakery, retail sales . . . . .	P	P	P	P	--	--
Beer outlet, class A, class B . . . . .	--	C	C	C	--	--
Bookstore . . . . .	P	P	P	P	--	--
Building material sales, enclosed . . . . .	--	C	C	C	P	P
Building material sales yard with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section . . . . .	--	--	--	C	P	P
C. Cafe, cafeteria, catering establishment . . . . .	P	P	P	P	C	C
Candy, confectionery, nut shop . . . . .	P	P	P	P	--	--

	CN	CS	CH	CG	MD	MG
Carbonated water sales . . . . .	--	P	P	P	--	--
China and/or silver shop . . . . .	--	P	P	P	--	--
Clothing store . . . . .	P	P	P	P	--	--
Coal/fuel sales office . . . . .	C	C	C	P	P	--
D. Delicatessen . . . . .	P	P	P	P	--	--
Department store . . . . .	--	P	--	P	--	--
Drapery/curtain store . . . . .	--	P	--	P	--	--
Drive-ins, refreshment stand, eating and/or drinking place . . . . .	C	C	C	C	C	C
Drugstore . . . . .	P	P	P	P	--	--
Dry goods store . . . . .	--	P	C	P	--	--
E. Electrical, heating appliances and fixtures, sales/repair/service . . . . .	--	P	P	P	--	--
F. Five/ten-cent store, notions . . . . .	P	P	P	P	--	--
Floor covering sales . . . . .	P	P	--	P	--	--
Florist shop . . . . .	--	P	P	P	--	--
Fountain equipment supply . . . . .	--	--	--	P	P	--
Fruit/fruit juice store, fruit and/or or vegetable stand, or store . . . . .	P	P	P	P	--	--
Fur sales, storage, repair . . . . .	--	P	--	P	--	--
Furniture sales, and/or repair . . . . .	--	P	--	P	--	--
G Gift shop, hobby or crafts shop . . . . .	P	P	P	P	--	--
Greenhouse, nursery, plant materials, soil/lawn service . . . . .	--	P	P	P	P	--
Grocery, meat sales . . . . .	P	P	P	P	--	--
Gunsmith . . . . .	--	P	C	P	--	--
H. Hardware store, not including sale of powered vehicles using motor greater than one (1) horsepower and not including sale of lumber . . . . .	--	P	--	P	--	--
Hardware store . . . . .	--	--	--	P	P	--
Health food store . . . . .	P	P	P	P	--	--
Hobby and/or craft shop . . . . .	P	P	P	P	--	--
Hospital supplies . . . . .	--	C	C	P	P	--
I. Ice cream shop, ice sales, rental . . . . .	--	P	C	P	P	--
Ice manufacture, storage, and retail/ wholesale sales . . . . .	--	--	C	P	P	P
Ice vendor units and/or reach-in ice merchandise units, electric ice- maker, ice storage, not more than five (5) tons capacity . . . . .	--	P	P	P	P	P

	CN	CS	CH	CG	MD	MG
Insulation sales . . . . .	--	--	--	P	P	P
J. Jewelry stores . . . . .	--	P	--	P	--	--
K. Laundry, automatic self-help, laundry agency . . . . .	P	P	P	P	--	--
Leather goods, luggage sales . . . . .	P	P	--	P	--	--
Linen shop . . . . .	P	P	--	P	--	--
Liquor and beer sales, places for the drinking of liquor or beer . . . . .	--	C	C	C	--	--
Luggage sales . . . . .	--	P	--	P	--	--
Lumber yard . . . . .	--	--	--	C	P	P
L. Military store . . . . .	--	P	--	P	--	--
Milk distributing station, sale of dairy pro- ducts, excluding processing/bottling . . . . .	P	P	P	P	--	--
Monument sales, retail . . . . .	--	--	P	P	P	P
Motorboat sales . . . . .	--	P	C	P	C	--
Music store . . . . .	P	P	--	P	--	--
M. Newsstand, magazine shop, bookstore . . . . .	P	P	P	P	--	--
Notions . . . . .	P	P	P	P	--	--
Novelty shop . . . . .	--	P	P	P	--	--
N. Oil burner shop . . . . .	--	P	--	P	P	--
Ornamental iron, sales only . . . . .	--	P	--	P	P	--
O. Package agency . . . . .	--	C	C	C	--	--
Painter/paint store . . . . .	--	P	--	P	--	--
Pet shop . . . . .	P	P	--	P	--	--
Photographer or photography shop, sales and service . . . . .	P	P	P	P	--	--
Plumbing shop . . . . .	--	C	--	P	P	--
Popcorn and/or nut shop . . . . .	P	P	P	P	--	--
P. Radio and television sales and repair . . . . .	--	P	C	P	--	--
Radio and television station . . . . .	--	--	--	C	C	P
Restaurant . . . . .	P	P	P	--	--	--
Roofing sales . . . . .	--	P	--	P	P	--
Q. Second-hand shop, antiques, conducted within a building or enclosure . . . . .	--	P	C	P	P	--
Seed/feed store . . . . .	--	--	--	P	P	P
Shoe shop, shoeshine, shoe repair . . . . .	P	P	--	P	--	--
Sewing machine shop . . . . .	--	P	--	P	--	--
State store . . . . .	--	C	C	C	--	--
Stationery and greeting card sales . . . . .	P	P	P	P	--	--

	CN	CS	CG	CG	MD	MG
R. Tobacco shop . . . . .	--	P	P	P	--	--
Tire shop, sales only . . . . .	--	P	P	P	--	--
S. Variety store . . . . .	P	P	--	P	--	--
T. Wallpaper store . . . . .	--	P	--	P	P	--
Wholesale business . . . . .	--	C	--	P	P	P
11. Service Activities						
A. Addressograph shop . . . . .	--	P	--	P	P	--
Animal hospital . . . . .	--	--	C	C	C	--
B. Baby formula service, baby diaper service, sitter agency . . . . .	P	P	P	P	--	--
Bank . . . . .	P	P	P	P	P	--
Barber shop . . . . .	P	P	P	P	--	--
Bath and massage . . . . .	--	P	P	P	--	--
Beauty shop . . . . .	P	P	P	P	--	--
Blueprinting, photostating, duplicating . .	--	P	--	P	P	--
C. Carpet and/or rug cleaning . . . . .	--	--	--	P	P	--
Clothes cleaning, dyeing, pressing . . .	P	P	P	P	P	P
Costume rental . . . . .	--	P	--	P	P	--
D. Dramatics school . . . . .	P	P	--	P	--	--
Dressmaking . . . . .	--	P	--	P	--	--
E. Electric appliances and/or electronic instruments service . . . . .	--	P	--	P	P	--
Employment agency or employment office . . . . .	--	P	P	P	P	--
F. Fix-it shop, repair shop, household items . . . . .	--	P	P	P	P	--
Flooring, floor repair shop . . . . .	--	P	--	P	P	--
Frozen food lockers . . . . .	--	C	C	P	P	--
Frozen food locker incidental to a main grocery store or food business . . . .	P	P	P	P	P	--
G. Household cleaning/repair, house equipment displays . . . . .	--	P	--	P	P	--
H. Interior decorating store . . . . .	P	P	--	P	--	--
I. Janitorial service . . . . .	P	P	--	P	P	--

	CN	CS	CH	CG	MD	MG
J. Kennel, conducted entirely within a sound-proof and air-conditioned building . . .	--	C	--	C	C	C
Kennel . . . . .	--	--	--	--	C	C
Key and lock service . . . . .	--	P	C	P	P	--
K. Lithographing, including engraving, photo engraving . . . . .	--	--	C	P	P	--
L. Medical/dental clinic, laboratories . . . . .	--	P	C	P	C	--
Mortuary . . . . .	--	C	C	C	--	--
M. Nurses' agency . . . . .	P	P	--	P	--	--
N. Office, business or professional . . . . .	C	P	--	P	P	--
Office, supply, office machines sales, repair . . . . .	--	P	--	P	P	--
Optometrist, and/or oculist . . . . .	P	P	--	P	--	--
O. Pest extermination business . . . . .	C	P	--	C	C	C
Pest extermination and control office . . . . .	--	--	--	P	P	--
Printing, including engraving, photo engraving . . . . .	--	--	C	P	P	--
Printing and small paper reproduction service . . . . .	P	P	C	P	P	--
P. Reception center and/or wedding chapel . . . . .	C	C	C	C	--	--
Q. Sign painting shop . . . . .	--	C	--	P	P	--
R. Tailor shop . . . . .	P	P	--	P	--	--
Taxidermist . . . . .	--	P	--	P	P	--
Towel and linen supply service . . . . .	--	P	--	P	P	--
Travel bureau . . . . .	--	P	--	P	P	--
S. Upholstery shop . . . . .	--	--	--	P	P	--
T. Veterinary . . . . .	--	--	--	C	C	C
providing operations are completely enclosed within an air-conditioned and soundproof building . . . . .	--	C	C	C	C	C
U. Weatherstripping shop . . . . .	--	C	--	P	P	--

12. Signs

A.	Business signs, not to exceed a total of one (1) square foot of sign area for each one (1) linear foot of business building frontage: no such sign to exceed fifty (50) square feet in area and not more than three (3) signs for any one business; all such signs to be flat wall or free standing signs; no such sign to be revolving or to have slashing or intermittent lighting . . . . .	P	P	P	P	P	P
B.	The following non-advertising signs, subject to the limitations stated. All such signs may be lighted but shall have no flashing or intermittent light and shall not revolve or have lighted moving parts. Such signs to be flat wall signs or pole signs but no such signs shall project above the eaves or parapet wall of the building on the premises to which it is appurtenant. The maximum sign area may be used in not more than three (3) signs.						
	(1) Development, maximum 40 square feet . . . . .	P	P	P	P	P	P
	(2) Civic, maximum 14 square feet . . . . .	P	P	P	P	P	P
	(3) Real estate, maximum 16 square feet . . . . .	P	P	P	P	P	P
	(4) Residential, Personal name plate, maximum 2 square feet . . . . .	P	P	P	P	P	P
	(5) Other, maximum 8 square feet . . . . .	P	P	P	P	P	P
C.	Business signs permitted above herein may be allowed as pole signs not to exceed twenty-five (25) feet in height and one hundred (100) square feet in total area by the Planning Commission . . . . .	--	--	C	C	C	C
D.	Advertising signs, not exceeding one hundred thirty-two (132) square feet in area or twenty-five (25) feet in height may be allowed by the Planning Commission . . . . .	--	--	--	--	--	C

	CN	CS	CH	CG	MD	MG
<b>13. Storage and warehousing</b>						
A. Coal, fuel and wood yards . . . . .	--	--	C	C	P	P
Contractors' equipment storage yard or plant, or rental of equipment used by contractors . . . . .	--	--	--	C	P	P
B. Garage, public . . . . .	--	C	C	P	P	P
C. Junk yard . . . . .	--	--	--	--	C	C
D. Warehouse . . . . .	--	C	--	C	P	P
E. Boat storage . . . . .	--	--	--	P	--	--
<b>14. Transportation</b>						
A. Bus terminal . . . . .	--	C	C	P	P	--
B. Draying, freighting, or trucking yard or terminal . . . . .	--	--	C	C	P	P
C. Express office . . . . .	--	P	--	P	P	P
D. Railroad yards, shop and/or round- house for railroads . . . . .	--	--	--	--	P	P
E. Taxi stand . . . . .	P	P	P	P	P	P
F. Terminal, parking and maintenance facilities . . . . .	C	C	C	C	C	C
G. Transfer company, provided trucks no larger than two (2) tons capacity are used . . . . .	--	C	C	P	P	P
H. Transfer company . . . . .	--	--	C	C	P	P
I. Truck stop and service facilities . . . . .	--	--	C	C	C	P
<b>15. Power generation</b>						
A. Minor Wind Energy system . . . . .	P	P	P	P	P	P
B. Small Wind Energy System . . . . .	P	P	P	P	P	P
C. Large Wind Energy System . . . . .	P	P	P	P	P	P

Section 1303 Height Regulations

1. The maximum height for all buildings and structures in districts regulated by this chapter shall be:						
in feet . . . . .	35	45	45	75	75	75
in number of stories . . . . .	2	3	3	7	7	7

Section 1304 Area, Width, Frontage, Yard and Coverage Regulations

1. Any parcel larger than one (1) acre at the time of passage of this Ordinance may be divided or developed only under planned unit development approval . . . . .	A	A	A	A	A	A
2. Regulations as may be required by conditional use permit or by planned unit development approval, except that no commercial building shall be located closer than fifteen (15) feet to any residential district boundary line or to any street line which continues as frontage into a residential district . . . . .	A	A	A	A	A	A
3. Except as may be allowed through a planned unit development approval, buildings and structures may cover no more percentage of the lot area than . . . . .	30	30	30	50	50	50

Section 1305 Special Provisions

1. Any area outside of a building used for any activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels . . . . .	--	--	--	--	A	--
2. All used shall be free from objectional noise, hazards, or nuisances . . . . .	--	--	--	--	A	--
3. All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational coach or vehicle sales, lease, rental or repair, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit . . . . .	A	--	--	--	--	--

4. Not more than twenty (20) percent of the building shall be used for wholesale business .....

A -- -- -- -- --

## ARTICLE XIV

### CENTRAL DEVELOPMENT DISTRICT C-D

Section 1401 Purpose.

To provide areas in appropriate locations for high intensity public, quasi-public, commercial, office, and multiple-family uses which may center in harmonious relationships based on planned development for mutual benefit.

Section 1402 Permitted Uses.

All uses require conditional use permits.

Section 1403 Conditional Uses.

All uses allowed in the M-R-30, CN, CS, CH, and CG Districts.

Section 1404 Special Provisions.

1. Any parcel larger than one (1) acre at the time of passage of this Ordinance may be divided or developed only under Planned Unit Development approval. No new lot smaller than one (1) acre may be created.

2. Every conditional use permit and every Planned Unit Development approval shall be based primarily on how the development, as proposed in the application, will contribute to compatibility and mutual private and public benefit from existing, proposed, and potential buildings and uses in the area; the efficient, effective, and aesthetic use of land, buildings, landscaping, and amenities; and the improvements to be made in land use, building construction and appearance, traffic safety and control, landscaping, and drainage.

Section 1405 Area, Width, Frontage, Yard, Coverage, Height Regulations.

To be determined by conditional use permit or Planned Unit Development approval.

**ARTICLE XV**

**MOBILE HOME PARK AND TRAVEL TRAILER COURT REGULATIONS**

Section 1501 Mobile Homes and Travel-Trailers Prohibited – Exceptions.

It shall be unlawful to place any travel-trailer on any lot or parcel of land in Daggett County and to use the same for permanent (hooked up to utilities) human habitation, except when located in a travel-trailer court. A travel-trailer shall not stay more than 16 days out of 30 days on the same lot or parcel of land.

It shall be unlawful to place a mobile home on any lot or parcel of land in Daggett County, and to use the same for human habitation, except in compliance with one or more of the following conditions:

1. When temporarily located on a lot for which a building permit has been issued, and a building is being constructed, and is connected to approved water and sewer facilities, but not to exceed one (1) year.
2. When placed in a licensed mobile home park.
3. When placed on a lot that complies with all the regulations of the zone in which the mobile home is located provided:
  - A. Residential dwellings are a permitted use in the zone, and the mobile home is connected to an approved water supply and domestic sewage disposal facility.
  - B. The mobile home is placed upon a permanent foundation and is skirted with brick, masonry, or a continuation of the facing material of the mobile home.
  - C. Will be entered upon the tax roles of Daggett County as real property, as evidenced by a letter or other proof from the county Assessor.
  - D. The mobile home is certified by the U.S. Department of Housing and Urban Development (H.U.D.), or the State of Utah that it has been inspected and has attached to the mobile home a H.U.D. or State of Utah inspection shield.

Section 1502 Mobile Home Park Regulations.

1. Approval and intent: The owners of a tract of land not less than eight (8) acres, which land lies in a location which is suitable and appropriate, taking into consideration existing conditions may construct a mobile home park thereon, upon compliance with regulations and restrictions, as hereinafter set forth, and after approval of such mobile home park by the County Commission.

The intent of this provision is:

- A. The topography represented by contours shown at not greater intervals than two (2) feet, when required by the Planning Commission.
- B. The proposed street and trailer space layout.

- C. Proposed reservations for parks, playgrounds, and open spaces.
- D. Tabulations showing percent of area to be devoted to parks, playgrounds, and open space, number of mobile homes, and total area in the mobile home park.
- E. Proposed location and number of parking spaces.
- F. Generalized landscaping plan, including water, electric, and gas lines, fire hydrant locations, and sewer lines.
- G. Storm drainage facilities and disposal plan for storm water runoff.
- H. Written approval of the State Division of Health and Uintah Basin Health Department.
- I. Name, address, telephone number of applicant.
- J. Any other data that the Planning Commission may require.

3. Utility Drawings: Three (3) copies of detailed construction drawings shall be supplied to and approved by the county engineer, prior to final approval buy the County Commission.

Such construction drawings shall be drawn by a licensed engineer, and shall show the following.

- A. Profile and location of water and sewer lines.
- B. Location of water valves and fire hydrants.
- C. Location and size of water meters.
- D. Location and size of sewer manholes.
- E. Storm water disposal plan.

4. Standards and Requirements: The development of a Mobile Home Park shall conform to the following standards and requirements:

- A. The area shall be in one-ownership, or, if in several ownerships, the application for the approval of the mobile Home Park shall be filed jointly by all owners of the property included in the plan.
- B. The density of a Mobile Home Park shall not exceed seven (7) units per acre. Mobile homes may be clustered within the Mobile Home Park, provided that no single mobile home space shall be smaller in area than four thousand (4,000) square feet. Travel-trailers and recreational vehicles shall not be located in Mobile Home Parks, except when unoccupied and located in the storage area.

The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of the occupants of the development and visitors thereto.

C. Not less than ten percent (10%) of the gross area of the mobile Home Park shall be set aside as playground, or recreation area for the joint use of occupants. The land covered by vehicular roadways, sidewalks, off-street parking, or areas not suitable for playground use shall not be construed as part of the area required for parks and playgrounds. Ten percent (10%) of the lot area shall also be set aside for recreational vehicle storage area.

D. No mobile home or add-on shall be located closer than fifteen (15) feet from the nearest portion of any other mobile home or add-on.

E. All area not covered by mobile homes, hard-surfacing, buildings, off-street parking space, or driveways, shall be planted in lawns, trees, and shrubs, or otherwise landscaped, except that natural drainage ways may be left in the natural state.

F. All off-street parking spaces and driveways shall be surfaced before the adjacent mobile home spaces may be occupied.

G. A strip of land at least fifteen (15) feet wide on the sides, and thirty (30) feet in the front and rear of the Mobile Home Park shall be left unoccupied by mobile homes, and shall be planted and maintained in lawns, shrubs, and trees designed to afford privacy to the development. A six (6) foot chain link or other approved fence around the Mobile home Park shall be required.

H. All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure or closed container.

I. Roadways shall be surfaced, and of adequate width to accommodate anticipated traffic as follows:

1. For one-way with no parking: Minimum eighteen (18) feet in width.
2. For two-way traffic with no parking: Minimum thirty (30) feet in width, or larger, as may be required by the County Commission.
3. For entrance streets: Minimum of thirty-six (36) feet in width.

There shall be no more than two (2) entrances from the park onto any one street. Entrances shall be no closer than twenty-five (25) feet from each other, nor closer than twenty-five (25) feet to the corner of an intersection, or as otherwise required by the Planning Commission.

J. Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile shall be from interior private roads.

K. Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space contained within the mobile home park. In no case, shall the parking space be located greater than one hundred (100) feet away from the mobile home space it is designed to serve.

L. In addition to meeting the above requirements and conforming to the other laws of the county, all mobile home parks shall also conform to requirements set forth in the code of camp-trailer court, hotel, motel, and resort sanitation regulations adopted by the Utah State Board of Health, and to the fire prevention code, which codes are hereby adopted by reference, and all restrictions, regulations, and notations contained therein shall be made a part of this ordinance, as fully set forth herein. In event of any conflict between said regulations or codes and this section, this section shall take precedence.

M. Utilities and other Services: Utility lines and equipment shall be located and constructed in conformity with good engineering and construction practices, and shall be in compliance with all applicable laws, ordinances or codes of the State of Utah.

Sewer: The mobile home park shall be served by a private sewer system, or served by an approved sewage disposal system. Main sewer collector lines shall not be installed in areas (such as underneath mobile home pads) that will limit their access in designated utility easement areas.

Water: A public supply of water shall be obtained from an approved public water system.

An adequate amount of water shall be piped to each mobile home space through a private system of a design acceptable to the County Engineer.

Fire Hydrants: Fire hydrants of a design and in sufficient numbers, as approved by the County Engineer and/or fire department, shall be installed according to the county specifications.

Electric: All electric, telephone, and other service lines to each mobile home lot shall be underground and shall comply with all currently adopted state and local laws and regulations.

Liquid or Gaseous Fuels: Any liquid fuel storage shall be located in tanks at a distance away from any mobile home lot, as determined safe by the building inspector and/or fire chief.

All fuel lines shall be underground, and, if metered, said meters shall be arranged in a uniform manner.

Street Lighting: Street lighting shall be provided in sufficient number and intensity to permit safe movement of vehicles and pedestrians at night.

Refuse Handling and Receptacles: The Storage, collection, and disposal of refuse in the mobile home park shall be managed so as to create no health hazards, rodent harbor age, or accident hazards. All refuse shall be stored in containers provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or dumpsters shall be provided at permanent locations convenient to mobile home spaces.

5. Planning Commission and County Commission Approval

The Planning Commission shall review the plan and make a recommendation for approval, disapproval, or approval with conditions to the County Commission. In considering the plan, the Planning Commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability, and that it will not adversely affect amenities in the surrounding area. The Planning Commission may recommend changes to be made in the plan and development standards in excess of the minimum standards contained in this ordinance, such as walls, fences, buffers, setbacks, greater amounts of landscaping or parking spaces, etc. Such changes may be imposed as conditions of approval where it is determined by the County Commission that such standards are necessary to insure that the mobile home park will mix harmoniously with adjoining or nearby uses.

6. Guarantees

A. Adequate and reasonable guarantees shall be required for installation of the landscaping including grass and other required improvements, as set forth in this section. Guarantees may be in the form of a bond, a mortgage on real estate, or other acceptable form in the sum to be determined by the County Attorney.

B. In any case, when a mobile home park is owned by more than one natural person, the developer shall establish and appoint an agent for the purpose of service of process, which the agent shall be authorized to receive, process, and represent fully the interests of the owners in respect to continuing management and maintenance of the mobile home park.

C. Prerequisite to the operation of any mobile home park in Daggett County shall be the obtaining of an annual license. It shall be unlawful to operate a mobile home park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth..

7. Record Final Plat

After receiving final approval of the mobile home plat by the County Commission, the approved plat shall be recorded in the office of the County Recorder. The final plat shall be prepared by a registered engineer, architect, or landscape architect. No building permit shall be issued for said mobile home park until final plans have been approved by the County Commission and recorded with the county Recorder and a financial guarantee posted guaranteeing that required improvements will be installed without cost to the county.

## TRAVEL – TRAILER COURTS

### Section 1503 Travel-Trailer Courts, Intent and Zoning

Travel-trailer courts may be permitted only in the CH & CG zones. All such installations shall be permitted only after approval of the County Commission and recommendation of the Planning Commission, subject to the restrictions and conditions contained in this ordinance.

1. Approvals – Application: Before a permit shall be issued for a travel-trailer court, the overall plan of the court must be submitted to the Planning Commission for its review. The plan shall show:

- A. Proposed road layout and trailer space.
- B. Proposed reservation for parks, playgrounds, and other open space.
- C. A generalized landscaped plan.
- D. Any other data that the Planning Commission may require.

2. Standards and Requirements: The travel-trailer court shall conform to the following standards and requirements:

- A. Travel-trailer courts shall be minimum of four (4) acres in size.
- B. Entrances and exits from the travel-trailer court shall be by forward motion only.
- C. Mobile homes, as defined in this chapter, shall not be allowed in travel-trailer courts.
- D. No exit or entrance from the travel-trailer court shall be through a residential zone, and no entrance or exit shall be located closer than fifteen (15) feet to the intersection of two streets.
- E. All travel-trailers shall be set back at least thirty (30) feet from any public street right-of-way, except for state or federal highways where setbacks shall be fifty (50) feet.
- F. All one-way roadways shall be at least twelve (12) feet in width and all two-ways at least twenty (20) feet in width, and all roadways shall be surfaced.
- G. All areas within the court which are not surfaced including the thirty (30) foot setback space shall be landscaped and maintained with lawns, trees, and shrubs and designed to provide privacy and noise containment.
- H. Each travel-trailer space shall be at least twenty-five (25) feet in width and at least fifty (50) feet in length. No travel-trailer, R.V. unit, or add-on shall be located closer than fifteen (15) feet from another travel-trailer or add-on.
- I. A minimum six (6) foot high chain link or other approved fence shall be installed around the perimeter of the travel-trailer court.

J. At least twenty percent (20%) of the total area shall be maintained in open green space.

K. Prerequisite to the operations of any travel-trailer court in Daggett County shall be the obtaining of a business license.

The license shall be issued only after inspection by the building inspector. It shall be unlawful to operate a travel-trailer court without first obtaining a license, and said license shall be refused or revoked, upon failure of the owner and/or operator to maintain the court, in accordance with the standards and requirements of Daggett County.

L. In addition to meeting the above requirements, all travel-trailer courts shall conform to the requirements set forth in the code of camp, trailer court, hotel, motel, and resort sanitation requirements, adopted by the Utah State Board of Health, and shall also conform to the fire prevention code, which codes have been adopted by Daggett County.

#### Section 1504 Additional Regulations

1. Nothing in this chapter shall be interpreted to prohibit storage of a travel-trailer when not in use on property of the owner, so long as not utilized as a dwelling. Travel-trailers shall not be stored on property so as to obstruct the view of traffic, or to create a nuisance for adjoining property owners.

2. All travel-trailers shall be stored at least thirty (30) feet back from any public street in any residential zone.

3. No add-on or additions shall be allowed in any trailer court or mobile home park without prior consent of the building inspector.

4. Existing trailer courts not in compliance with this ordinance shall constitute a nonconforming use, but shall be subject to health and sanitary requirements, as provided for in Section 1503.

#### Section 1505 Definitions

A. Mobile Home. A moveable living unit at least twelve (12) feet in width designed to be transported after fabrication on its own wheels, attached wheels, or lowboy, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower/bath, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. The term, mobile home, shall not include conventional houses, which are manufactured elsewhere, and moved into an area for use as permanent housing.

B. Travel-trailer Camper. The term, 'travel-trailer' or 'camper' shall mean any trailer, R.V. unit or camper used or maintained primarily as a temporary dwelling for travel, vacation, or recreational purposes.

C. Travel-trailer Court. The Term, 'travel-trailer court' shall mean an area or tract of land used to accommodate two (2) or more travel-trailer, camper, or R.V. units. Mobile homes shall not be allowed in travel-trailer courts on either a temporary or permanent basis.

D. Mobile Home Park. An area or tract of land dedicated to use as an area for parking and utilization of mobile homes.

## ARTICLE XVI

### CONDITIONAL USES

Section 1601 Purpose.

To allow the proper integration into Daggett County of uses which may be suitable only in certain locations in the County or Zoning District or only if such uses are designed or laid out on the site in a particular manner.

Section 1602 Conditional Use Permit.

A conditional use permit shall be required for all uses listed as conditional uses in the District regulations or elsewhere in this Ordinance. A Conditional Use Permit may be revoked upon failure in compliance with conditions precedent to the original approval of the permit.

1. Application. Application for a Conditional Use Permit shall be made by the property owner or certified agent thereof to the Planning Commission.

2. Accompanying documents. Detailed site plans drawn to scale and other drawings necessary to assist the Planning Commission in arriving at an appropriate decision.

3. Fee. The fee for any Conditional Use Permit shall be twenty dollars (\$20.00) unless otherwise specified in this Ordinance, no part of which shall be refunded.

4. Public Hearing. No public hearing need be held; however, a hearing may be held when the Planning Commission shall deem such a hearing to be necessary and in the public interest.

A. The Planning Commission may hold the hearing.

B. The Planning Commission shall have a record of the hearing, together with a report of findings and recommendations relative thereto, for its consideration of the proposed conditional uses.

C. Such hearing, if deemed necessary, shall be held not more than thirty (30) days from the date of application. The particular time and place shall be established by the Planning Commission.

D. The Planning Commission shall publish a notice of hearing in a newspaper of general circulation in the County not less than ten (10) days prior to date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

5. Determination. The Planning Commission may permit a conditional use to be located within any zone District in which the particular conditional use is permitted by Section 1608 of this Article. In authorizing any conditional use, the Planning Commission shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare.

The Planning Commission shall establish policies regarding landscaping, fencing, lighting, ingress-egress, the height of buildings, etc., to insure consistency in the issuance of Conditional Use Permits.

The Planning Commission shall not authorize a conditional Use Permit unless the evidence presented is such as to establish:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and the community; and,
- B. That the proposed use will comply with regulations and conditions specified in this Ordinance for such use, and,
- C. That the proposed use will conform to the intent of the Daggett County Master Plan;
- D. That such use will not under the circumstances of the particular case and conditions imposed, be detrimental to the health, safety, and welfare of persons, not injurious to property and improvements in the community, but will be compatible with and complementary to the existing surroundings uses, buildings, and structures when considering the following zones:

(1) Residential and Rural Zones

- a. Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?
- b. Will the proposed development overload the carrying capacity for which local streets were designed?
- c. Will internal traffic circulation adversely affect adjacent residential properties?
- d. Will the proposed sign(s) adversely affect the development itself or the overall aesthetics or the general area?
- e. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?

(2) Commercial Zones

- a. Will traffic ingress and egress adversely affect the general traffic patterns in the area?
- b. Will building location create a pedestrian traffic hazard by causing blind approaches for pedestrians?
- c. Will building design be compatible with or complementary to already established adjacent structures?
- d. If the development is adjacent to a residential zone or use, will the building location, lighting, parking, or traffic circulation adversely affect the adjacent residential use or zone?

(3) Manufacturing Zones

- a. Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?
- b. If the proposed use emits tolerable pollution of any type, will the prevailing breezes and winds direct the pollutant toward residential or commercial properties in the immediate area?
- c. Will landscaping add aesthetic acceptance to the proposed development?
- d. Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties?

Section 1603 Special Requirements.

The Planning Commission may establish conditions in addition to those outlined in this article to meet the concerns of safety for persons and property, health and sanitation, environment, master plan proposals, and neighborhood needs, performance and administration. More specifically the Planning Commission may require:

1. Conditions Relating to Safety for Persons and Property

- A. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
- B. The relocation, covering, or fencing of irrigation ditches, drainage channels and other potentially attractive nuisances existing on or adjacent to the property.
- C. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to insure the public safety and to insure compatibility with the intended characteristics of the District as outlined in this Ordinance.
- D. Appropriate design, construction, and location of structures, buildings, and facilities in relation to property and limitations and/or restrictions of the use and/or location of uses due to special site conditions, including but not limited to geologically hazardous areas; flood plains, fault zones; landslide areas.
- E. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
- F. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
- G. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

2. Conditions Relating to Health and Sanitation

- A. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the County.

B. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the District and to provide for an orderly development in Daggett County.

C. Other requirements ensuring the health, safety, and welfare of residents within Daggett County.

3. Conditions Relating to Environmental Concerns

A. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.

B. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion and the control of objectionable odors and noise.

C. The planting of ground cover or other surfacing to prevent dust and erosion.

D. Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

4. Conditions Relating to compliance with Intent of comprehensive Plan and Characteristics of Vicinity (or Neighborhood)

A. The removal of structures, debris or plant materials, incompatible with the intended characteristics of the District outlined in this Ordinance.

B. The screening of yards or other areas as protection from obnoxious land uses and activities.

C. Landscaping to insure compatibility with the intended characteristics of the District as outlined in this Ordinance.

D. Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, or other unsightly development.

E. Provision of or construction of recreational facilities necessary to satisfy needs of the conditional use.

F. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.

G. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the District from the proposed conditions use.

5. Conditions Relating to Performance

A. A bond or other valuable assurance in favor of Daggett County in an amount of said bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and approved by the local engineer as necessary to assure compliance with all conditions.

6. Specific Short- and Long-Range Plans of Development

A. Will the building location adversely affect adjacent residential and commercial property?

B. Will ingress and egress be sufficient to handle intended traffic and will internal traffic circulation adversely affect the general area traffic circulation?

C. Will the proposed use comply with the regulations and conditions specified in this Ordinance for such use?

D. Will the proposed use conform to the goals, policies, and governing principles of the Master Plan for Daggett County?

Section 1604 Special Landscape Requirements Pertaining to Site Approval of Commercial, Industrial, Residential, Planned Unit Development, and Cluster (Open Space Only) Subdivisions.

The Planning Commission will require commercial, industrial, and residential Planned Unit Development and cluster (open space only) subdivisions be included on a site plan of a scale appropriate to the project of the following:

1. Where appropriate, a performance bond will be required to ensure compliance with approved site plans.
2. Plant material locations with names.
3. Size and location and type of construction of all walkways and landscaping.
4. Final grading plan including areas of berming.
5. A plant list which specifies the names, number of each, and size of each to be planted.
6. A sprinkling system engineered to maintain the landscaped areas.

Section 1605 Appeals.

Any person shall have a right to appeal to the Board of Adjustment any decision rendered by the Planning Commission by filing, in writing and in triplicate, the reasons for said appeal with said Board of Adjustment at any regular meeting thereof within thirty (30) days following the date upon which the decision from which appeal is being taken is made by the Planning Commission. After receiving said appeal, the Board of Adjustment may reaffirm the Planning Commission's decision or set a date for a public hearing.

1. Notification of Planning Commission. The Board of Adjustment shall notify the Planning Commission of the date of said review in writing at least seven (7) days preceding said date set for hearing so that said Planning Commission may prepare the record for said hearing.

2. Determination of the Governing Body. The Board of Adjustment, after proper review of the decision of the Planning Commission, may affirm, reverse, alter, or remand for further review and consideration, any action taken by said Planning Commission.

Section 1606 Inspection.

Following the issuance of a Conditional Use Permit by the Planning Commission, the Building Inspector shall approve an application for a building permit pursuant to this Ordinance and shall insure that development is undertaken and completed in compliance with said permits.

Section 1607 Time Limit.

Unless there is substantial action under a Conditional Use Permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Planning Commission may grant a maximum extension of six (6) months under exceptional circumstances.

Section 1608 Conditional Uses.

The following conditional uses are applicable according to the Zoning District in which they are proposed.

1. Rural Zoning Districts and Agricultural Zone.

- A. Agriculture; keeping animals and fowl for family food productions; grazing and pasturing animals.
- B. Airport.
- C. Cemetery, mortuary, etc.
- D. Dude ranch.
- E. Forest industry; production of forest products.
- F. Golf course.
- G. Hydroelectric dam.
- H. Mobile homes.
- I. Planned Unit Development.
- J. Petroleum and gas exploration and production.
- K. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days after notice, the building will be removed by the county or town at the expense of the owner.

2. Residential Zoning Districts.

- A. Airport.
- B. Cemetery, etc.
- C. Golf course.
- D. Home occupation.
- E. Nursing and/or greenhouse, provided that there is no retail shop operated in connection therewith.
- F. Planned Unit Development.
- G. Private educational institutions having an academic curriculum similar to that ordinarily given in public schools.

- H. Private non-profit recreational grounds and facilities.
- I. Public and quasi-public uses.
- J. Temporary buildings for uses incidental to construction work which buildings must be removed upon completion or abandonment of the construction work.

If such buildings are not removed within ninety (90) days after notice, the building will be removed by the County at the expense of the owner

3. Commercial Zoning Districts.

- A. Automobile repair, including incidental body and fender work, painting and upholstering and/or welding; automatic automobile wash.
- B. Baking, ice cream making, and/or candy making.
- C. Golf course, miniature golf course.
- D. Hotel and apartment hotel.
- E. Hardware store, including the sale of lumber, providing all storage of lumber be within a completely enclosed building.
- F. Motel.
- G. Multiple dwellings; group dwellings.
- H. Parking lot.
- I. Planned Unit Development.
- J. Plumbing shop.
- K. Private school.
- L. Public and quasi-public use.
- M. Recreation, commercial.
- N. Seed and feed store.
- O. Sign painting shop.
- P. Theaters, outdoor, providing:

(1) A solid fence or masonry wall within a minimum height of six (6) feet shall be constructed on all sides.

(2) Driveways and parking areas shall be provided with properly maintained, dustless surface.

(3) Automobile off-street storage areas for automobiles awaiting entrance to the theater shall have a capacity of at least fifteen (15) percent of the number of automobile parking spaces provided inside the theater.

(4) Minimum area for a single-screen theater shall be ten (10) acres. Minimum area for a two-screen theater shall be twelve (12) acres.

- Q. Transfer company, provided trucks no larger than two (2) tons capacity are used.
- R. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.
- S. Veterinary, providing operation is completely enclosed within an air-conditioned building.
- T. Cemetery, mortuary, etc.
- U. Mobile home park.
- V. Reception center and/or wedding chapel.
- W. Sale of alcoholic beverages.

- X. Private nonprofit locker club.
- Y. State liquor store.

4. Industrial Zoning Districts.

- A. Airport.
- B. Building material sales yard, including the sale of rocks, sand, gravel, and the like as an incidental part of the main business.
- C. Coal, fuel, and wood yards.
- D. Contractor's equipment storage yard or plant or rental of equipment used by contractors.
- E. Draying, freighting, or trucking yard or terminal.
- F. Fertilizer and soil conditioner manufacturing processing and/or sales providing only non-animal products and by-products are used.
- G. Incinerator, non-accessory, provided that no objectionable fumes and odors are emitted.
- H. Junk yard, provided the use is fenced with a visual barrier.
- I. Lumber yard.
- J. Manufacture, processing, compounding, packaging, treatment and/or storage of the following products:
  - (1) Gas and petroleum products.
  - (2) Mined minerals, coal, and other raw goods.
- K. Manufacturing, compounding assembling, and treatment of articles of merchandise from previously prepared materials.
- L. Metals crushing for salvage; metals and metal products treatment and processing.
- M. Oil and lubricating grease compounding.
- N. Petroleum refining and storage.
- O. Planing mill.
- P. Planned Unit Development.
- Q. Public and quasi-public use.
- R. Rock crusher.
- S. Uses which follow, provided they are located at least 300 feet from any zone boundary:
  - (1) Animal by-products plants; offal or dead animal reduction or dumping.
  - (2) Blast furnace.
  - (3) Fat rendering.
  - (4) Garbage.
  - (5) Gravel pits; quarries.

## ARTICLE XVII

### PLANNED UNIT DEVELOPMENT (PUD)

#### Section 1701 Introduction.

Provision of a Planned Unit Development by this chapter in no way guarantees a property owner the right to exercise the provisions of the Planned Unit Development. Planned Unit Developments shall be approved by the Planning Commission only if in its judgment the proposed Planned Unit Development fully meets the intent and purpose and requirements of the zoning ordinance.

#### Section 1702 Purpose.

The purpose of the Planned Unit Development is to allow diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing, or area design, thus insuring substantial compliance with the intent of the district regulations and other provisions of this Ordinance related to the public health, safety, and general welfare and at the same time securing the advantages of large-scale site planning for residential, commercial, industrial, mountain, and recreational developments or combinations thereof.

#### Section 1703 Definition.

Planned Unit Development, for the purpose of this Ordinance, shall mean an integrated design for development of residential, commercial, industrial, or recreational uses or combination of such uses, in which one or more of the regulations, other than use regulations of the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this Article. A Planned Unit Development may be

- (1) the development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;
- (2) the conservation or development of desirable amenities not otherwise possible by typical development standards;
- (3) creation of areas for multiple use that are of benefit to the neighborhood or environment of the area.

#### Section 1704 Planned Unit Development Permit.

Planned Unit Developments may be allowed by Planning Commission approval of any zoning district. An approved Planned Unit Development shall consist of an official planned unit form approved by the Planning Commission and signed by its Chairman and an approved site plan also signed by the chairman of the Planning Commission. Denial of a Planned Unit Development shall also be indicated on the official form. A Planned Unit Development permit shall not be granted unless the Planned Unit Development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such districts.

Compliance with the regulations of this Ordinance in no sense excuses the developer from the application requirements of the Subdivision Ordinance, except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development. The permit shall be considered in two parts:

- (1) preliminary approval subject to the public hearing provisions of this Article and,
- (2) final approval of this Article and final approval based on construction drawings and specifications in general accord with that granted preliminary approval.

Section 1705 Required Conditions.

1. No Planned Unit Development shall have an area of less than one (1) acre.
2. A Planned Unit Development which will contain uses not permitted in the zoning District in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in Planned Unit Development which allows residential use and shall be governed by design and other requirements of the Planned Unit Development permit. Hotels, motels, lodges, mobile home parks, etc., shall not be considered residential uses for the purpose of this Article.
3. The development shall be in single, partnership, or corporate ownership or under option to purchase by an individual or a corporate entity at the time of application or the application shall be filed jointly by all owners of the property.
4. The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.
  - A. Height and intensity of buildings and uses shall be arranged around the boundaries of the Planned Unit Development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two (2) stories.
  - B. Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan.
  - C. Density of dwelling units per acre shall be the same as allowed in the zone in which the Planned Unit Development is located.
5. Preservation, maintenance, and ownership of required open space within the development shall be accomplished by:
  - A. Dedication of the land as a public park or parkway system, or,
  - B. Granting to Daggett County a permanent, open space easement on or over the said private open spaces to guarantee that the open space remains perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an Owner's Association established with articles of association and by-laws which are satisfactory to Daggett County.

C. Complying with the provisions of the condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

6. Landscaping, fencing, and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development.

7. The size, location, design, and nature of signs, if any, and the intensity and direction of area of flood-lighting shall be detailed in the application.

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

Section 1706 Planned Unit Development Site Plan Requirements.

The applicant shall submit a Planned Unit Development plan for the total area within the proposed development. If the Planned Unit Development is to be developed on a phase basis, each phase shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a unit independent of any subsequent phases. Final approval shall be given to only one phase at a time. The general site plan shall show where pertinent:

1. The use or uses, dimensions, sketch elevations, and locations of proposed structures.
2. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.
3. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.
4. Such other pertinent information including but not limited to residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

Section 1707 Scope of Planning Commission Action.

In carrying out the intent of this Article, the Planning Commission shall consider the following principles:

1. It is the intent of this Article that site and building plans for a Planned Unit Development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission may require the applicant to engage such a qualified designer or design team.
2. It is not the intent of this Section that control of the design of a Planned Unit Development by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Section that the control exercised be the minimum necessary to achieve the purpose of this Article.

3. The Planning Commission may approve or disapprove an application for a Planned Unit Development. In approving an application, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 1605 of this Article. The Action of the Planning Commission may be appealed to the Board of Adjustment.

Section 1708 Construction Limitations.

1. Upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and in conformity with any conditions attached by the Commission to its approval.

2. Amendments to approved plans and specifications for a Planned Unit Development shall be approved by the Planning Commission and shown on the approved plans.

3. The Building Inspector or any other department shall not issue any permit for any proposed building, structure, activity or uses within the project unless such building, structure, activity, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

4. The Building Inspector shall issue a Certificate of Occupancy for any building or structure upon its completion in accordance with the approved development plan.

Section 1709 Public Hearing.

Preliminary development plans including site plan, (buildings, open space parking landscaping, pedestrian and traffic circulation), building elevations, and general drainage and utility layout with topography shall be submitted for the purpose of public review. A public hearing shall be held after publication of a notice of hearing in a newspaper of general circulation in the area concerned not less than 10 days prior to the date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

Section 1710 Fees.

See Article XVII for the Planned Unit Development fee plus subdivision fee as per lot schedule in the Subdivision Ordinance.

## ARTICLE XVIII

### COSTS AND CHARGES FOR ZONING CHANGES AND PLAN REVIEWS

#### Section 1801 Purpose.

It is recognized that the County governments incur substantial costs in the processing and review of petitions and applications for land development, changes in ordinances, zoning changes, and appeals therefrom. In order to ease the burden on the public, reasonable charges shall be imposed on all petitions and applications which come before the Planning Commission.

#### Section 1802 Charges To Be Imposed.

The costs and charges in connection with petitions and applications to the Planning Commission shall be as follows:

1. Petition for Rezoning: Seventy-five dollars (\$75.00) for each petition.
2. Appeals to the Board of Adjustment: Sixty dollars (\$60.00) for each petition.
3. Preliminary Review of Planned Industrial Development Plan or Planned Unit Development Plan: Forty-five dollars (\$45.00) minimum, plus five dollars (\$5.00) per acre and any fraction thereof.
4. Resubmittal of Preliminary Review of Planned Industrial Development Plan or Planned Unit Development Plan: Ten dollars (\$10.00).
5. Final Submittal Review of Plans for a Planned Industrial Development Plan or Planned Unit Development Plan:
  - A. Fifty dollars (\$50.00) for one (1) to four (4) lots.
  - B. Fifty dollars (\$50.00) minimum plus three dollars (\$3.00) per lot for plats with five (5) to twenty-five (25) lots.
  - C. One hundred twenty-five dollars (\$125.00) plus two (\$2.00) per lot for plats with twenty-five (25) lots or more.
  - D. Twenty-five dollars (\$25.00) for every resubmittal.
6. Conditional uses Application: Twenty dollars (\$20.00) for each application.
7. these fees are in addition to all required subdivision fees.

## ARTICLE XIX

### WIND SYSTEMS

#### **1901.0 Purpose**

The purpose of this ordinance is to establish minimum requirements and regulations for the placement, construction, and modification of large wind energy systems, small wind energy systems, minor wind energy systems and wind metering towers and equipment as defined herein, while promoting the safe, effective, and efficient use of such systems.

#### **1902.0 Definitions**

**Abandoned:** A wind energy system or project shall be considered abandoned when, once installed fails to operate for 24 months.

**Height:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point.

**Large Wind Energy System:** All equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity greater than 100 kilowatts (kW).

**Meteorological Tower (Met tower):** A temporary tower, housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

**Minor Wind Energy System:** A wind energy conversion system consisting of one permanent structure including a wind turbine and tower and associated control and/or conversion electronics which have a rated capacity of less than twenty (20) kilowatts and providing wind generated electrical power to be used primarily for on site consumption.

**Rated Nameplate Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment rated in Watts (W) or British Thermal Units (BTUs).

**Small Wind Energy System:** All equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 100 kW or less.

**Permit Granting Authority:** The permit granting authority shall be the board of County Commissioners. The board of County Commissioners may, at their discretion, designate the planning board, or zoning administrator as the permit granting authority, as designated by zoning ordinance or by law for the issuance of permits, or by this section for the issuance of permits to construct and operate small wind energy systems.

**Special Use Permit:** A permit provided by the permitting authority for nonconforming small wind systems (e.g. a small wind system that does not meet the criteria for small wind systems set forth by this ordinance).

**Zoning:** Ordinances and bylaws adopted by a county to regulate the use of land, buildings, and structures to the full extent of the independent constitutional powers of states to protect the health, safety, and general welfare of its present and future inhabitants.

**Zoning administrator:** A person designated by the board of planning and zoning commissioners to assume certain duties of said board.

## **1903.0 General Requirements – Minor Wind Energy System**

### **1903.1 Design Standards**

#### **1903.1.1 Height**

The height of minor wind energy systems shall not exceed 100 feet in height.

#### **1903.1.2 Setbacks**

Small wind energy systems shall be set back at a distance equal to 110% of the total height of system from all overhead utility lines, property lines, and public roads or public rights-of-ways.

#### **1903.1.3 Setback Waivers**

The building inspector may reduce the minimum setback distance if written permission is granted by permit granting authority, or with a signed agreement from abutting neighbor(s), on the condition that public right-of-ways and power lines are not impacted by the location.

#### **1903.1.4 Minimum Blade Height**

The minimum height of the lowest extent of a turbine blade shall be 15 feet above the ground.

#### **1903.1.5 Color and Finish**

The wind energy system shall be a neutral color that blends with the environment.

#### **1903.1.6 Lighting**

Minor wind energy systems shall be lighted only if required by the Federal Aviation Administration. Obstacle Collision Avoidance Systems shall be used to minimize the time lights remain on when they are required; subject to FAA approval. Lighting of other parts of the minor wind energy system shall be limited to that required for safety and operational purposes.

#### **1903.1.7 Signage and Advertising**

Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the minor wind energy system, utility, and safety signs.

**1903.1.8 Access**

No tower shall have a climbing apparatus within 10 feet of the ground. All access doors or access ways to towers and electrical equipment shall be inaccessible by the public.

**1903.1.9 Sound**

The minor wind energy system and associated equipment shall not exceed 60 dBa as measured from the nearest neighboring inhabitable structure.

**1903.2 Siting Conditions and Property Maintenance**

**1903.2.1 Land Clearing, Soil Erosion, and Habitat Impacts**

If the permitting granting authority adopts standards for land clearing, soil erosion control, and habitat impact mitigation and/or habitat reclamation, by ordinance or resolution, those same standards shall apply.

**1903.2.2 Minimum Lot Size**

Minimum lot size for minor wind energy systems shall be determined pursuant to the setback requirements of this ordinance. Section 3.1.2.

**1903.2.3 System Conditions**

The applicant shall maintain the minor wind energy system in good condition. Maintenance shall include, but not be limited to, painting, mechanical/electrical repairs, structural repairs, and security measures.

**1903.2.4 Removal and Decommissioning Requirements**

Any minor wind energy system, which has reached the end of its useful life or has been abandoned, shall be removed. A minor wind energy system shall be considered abandoned when it fails to operate for 24 months. Upon a Notice of Abandonment issued by the Building Inspector, the minor wind energy system owner will have 60 days to provide sufficient evidence that the system has not been abandoned, or the Permit Granting Authority shall have the authority to enter the owner's property and remove the system at the owner's expense.

**1903.3 Permit Granting Authority Issued Permits**

**1903.3.1 Building Permits**

Minor wind energy systems shall be constructed as provided in this section by first obtaining a building permit, or by first applying for and receiving a waiver, from the appropriate Permit Granting Authority. Primary demand for power produced by minor wind energy systems herein must be on site consumption.

**1903.3.2 Modifications**

Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this ordinance. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

### **1903.3.3 Expiration**

A permit issued pursuant to this ordinance shall expire if: (a) the minor wind energy system is not installed and functioning within 24 months from the date the permit is issued; or (b) the minor wind energy system is abandoned.

### **1903.3.4 Violations**

It is unlawful for any person to construct, install, or operate a minor wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance.

### **1903.3.5 Administration and Enforcement**

- (a) This ordinance shall be administered and enforced by the Building Inspector or other official as designated by the Permit Granting Authority.
- (b) The Building Inspector may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

### **1903.3.6 Penalties**

Any person who fails to comply with any provision of this ordinance or a building permit issued, pursuant to this ordinance, shall be subject to enforcement and penalties as allowed by applicable law.

## **1903.4 Compliance with Laws, Ordinances, and Regulations**

The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state, and federal requirements, including all applicable safety, construction, environmental, electrical, communications, and FAA aviation requirements.

## **1904.0 General Requirements – Small Wind System**

### **1904.1 Design Standards**

#### **1904.1.1 Height**

The height of small wind energy systems shall not exceed 200 feet in height without prior approval from the permit granting authority.

#### **1904.1.2 Setbacks**

Small wind energy systems shall be set back at a distance equal to 110% of the total height of system from all inhabited structures, overhead utility lines, property lines, and public roads or public rights-of-ways.

#### **1904.1.3 Setback Waivers**

The building inspector may reduce the minimum setback distance if written permission is granted by permit granting authority, or with a signed agreement from abutting neighbor(s), on the condition that public right-of-ways and power lines are not impacted by the location.

#### **1904.1.4 Minimum Blade Height**

The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground.

#### **1904.1.5 Color and Finish**

The wind energy system shall be a neutral color that blends with the environment.

#### **1904.1.6 Lighting**

Small wind energy systems shall be lighted only if required by the Federal Aviation Administration. Obstacle Collision Avoidance Systems shall be used to minimize the time lights remain on when they are required; subject to FAA approval. Lighting of other parts of the small wind energy system shall be limited to that required for safety and operational purposes.

#### **1904.1.7 Signage and Advertising**

Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the small wind energy system, utility, and safety signs.

#### **1904.1.8 Access**

No tower shall have a climbing apparatus within 10 feet of the ground. All access doors or access ways to towers and electrical equipment shall be inaccessible by the public.

#### **1904.1.9 Sound**

The small wind energy system and associated equipment shall not exceed 60 dBa as measured from the nearest neighboring inhabitable structure.

### **1904.2 Siting Conditions and Property Maintenance**

#### **1904.2.1 Land Clearing, Soil Erosion, and Habitat Impacts**

If the permitting granting authority adopts standards for land clearing, soil erosion control, and habitat impact mitigation and/or habitat reclamation, by ordinance or resolution, those same standards shall apply. If the Permit Granting Authority does not adopt more specific standards, the following shall apply. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the small wind energy system and is otherwise prescribed by applicable laws, regulations, and ordinances. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately. Soil erosion is to be mitigated by the use of silt fencing, the captured product of which can be used in the vegetation reclamation.

#### **1904.2.2 Minimum Lot Size**

Small wind energy systems that are less than 80 feet in height may be constructed on lots one acre or less. If the small wind energy system is greater than 80 feet in height, the system must be constructed on a lot greater than one acre.

#### **1904.2.3 System Conditions**

The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, mechanical/electrical repairs, structural repairs, and security measures.

#### **1904.2.4 Removal and Decommissioning Requirements**

Any small wind energy system, which has reached the end of its useful life or has been abandoned, shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for 24 months. Upon a Notice of Abandonment issued by the Building Inspector, the small wind energy system owner will have 60 days to provide sufficient evidence that the system has not been abandoned, or the Permit Granting Authority shall have the authority to enter the owner's property and remove the system at the owner's expense.

#### **1904.2.5 Reclamation**

Once the system has been removed the owner is then responsible for land reclamation using the natural vegetation that was removed or disturbed upon construction of the project. To the greatest extent possible, the land shall be fully returned to its natural state within five years of the removal and decommissioning of the project.

### **1904.3 Permit Granting Authority Issued Permits**

#### **1904.3.1 Building Permits**

Small wind energy systems shall be constructed as provided in this section by first obtaining a building permit from the appropriate Permit Granting Authority. Demand for the power produced by wind energy systems herein must be demonstrated prior to issuance of any building permit. Demand should be demonstrated by providing the Permit Granting Authority with a contract for sale of the power produced or a memorandum of understanding between the applicant and a buyer or demonstration that a majority of the power produced will be used by the applicant or some other reasonable form demonstrating demand.

#### **1904.3.2 Modifications**

Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this ordinance. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

#### **1904.3.3 Conditional Use Permits (CUP)**

A conditional use permit may be granted in the case where a proposed small wind energy system or project does not satisfy the standard criteria of the building permit set forth under this ordinance. The applicant must then seek review and petition the Permit Granting Authority for a Conditional Use Permit. This CUP variance from the standard building permit criteria will only be applicable to that specific non-conforming project.

#### **1904.3.4 Expiration**

A permit issued pursuant to this ordinance shall expire if: (a) the small wind energy system is not installed and functioning within 24 months from the date the permit is issued; or (b) the small wind energy system is abandoned.

#### **1904.3.5 Violations**

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

#### **1904.3.6 Administration and Enforcement**

- (c) This ordinance shall be administered and enforced by the Building Inspector or other official as designated by the Permit Granting Authority.
- (d) The Building Inspector may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

#### **1904.3.7 Penalties**

Any person who fails to comply with any provision of this ordinance or a building permit issued, pursuant to this ordinance, shall be subject to enforcement and penalties as allowed by applicable law.

#### **1904.4 Compliance with Laws, Ordinances, and Regulations**

The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state, and federal requirements, including all applicable safety, construction, environmental, electrical, communications, and FAA aviation requirements.

### **1905.0 General Requirements – Large Wind Energy Systems and Projects**

#### **1905.1 Design Standards**

##### **1905.1.1 Height**

The Height of large wind energy systems shall not exceed 450 feet in height without prior approval from the Permit Granting Authority.

##### **1905.1.2 Setbacks**

Large wind energy systems shall be set back a distance equal to 110% of the total height of system from all inhabited structures, overhead utility lines, property lines, and public roads or public rights-of-ways.

##### **1905.1.3 Setback Waivers**

The building inspector may reduce the minimum setback distance if written permission is granted by the Permit Granting Authority.

##### **1905.1.4 Minimum Blade Height**

The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground surface.

##### **1905.1.5 Color and Finish**

The large wind energy system shall be a neutral color that blends with the environment.

#### **1905.1.6 Lighting**

Large wind energy systems and projects shall be lighted only if required by the Federal Aviation Administration. Obstacle Collision Avoidance Systems shall be used to minimize the time lights remain on when they are required; subject to FAA approval. Lighting of other parts of the large wind energy system shall be limited to that required for safety and operational purposes.

#### **1905.1.7 Signage and Advertising**

Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the large wind energy system, utility, and safety signs.

#### **1905.1.8 Access**

No tower shall have a climbing apparatus that is external of the pole, within 10 feet of the ground. All access doors or access ways to towers and electrical equipment shall be kept locked for safety purposes.

#### **1905.1.9 Sound**

The large wind energy system and associated equipment shall not exceed 60 dBa as measured from the nearest neighboring inhabitable structure.

### **1905.2 Siting Conditions and Property Maintenance**

#### **1905.2.1 Land Clearing, Soil Erosion, and Habitat Impacts**

If the permitting granting authority adopts standards for land clearing, soil erosion control, and habitat impact mitigation and/or habitat reclamation, those same standards shall apply. If the Permit Granting Authority does not have previously prescribed standards, the following shall apply. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the large wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately. Soil erosion is to be mitigated by the use of silt fencing, the captured product of which can be used in the vegetation reclamation.

#### **1905.2.2 Minimum Lot Size**

Large wind energy systems that are less than 80 feet in height may be constructed on lots one acre or less. If the large wind energy system is greater than 80 feet in height, the system must be constructed on a lot greater than one acre.

#### **1905.2.3 System Conditions**

The applicant shall maintain the large wind energy system and/or project in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.

#### **1905.2.4 Removal and Decommissioning Requirements**

Any large wind energy system and/or project, which has reached the end of its useful life or has been abandoned, shall be removed. A large wind energy system shall be considered abandoned when it fails to operate for 24 months. Upon a Notice of

Abandonment issued by the Building Inspector, the large wind energy system owner will have 60 days to provide sufficient evidence that the system has not been abandoned, or the Permit Granting Authority shall have the authority to enter the owner's property and remove the system at the owner's expense.

#### **1905.2.5 Reclamation**

Once the system has been removed the owner is then responsible for land reclamation using the natural vegetation that was removed or disturbed upon construction of the project. To the greatest extent possible, the land shall be fully returned to its natural state within five years of the removal and decommissioning of the project.

### **1905.3 Permit Granting Authority Issued Permits**

#### **1905.3.1 Building Permits**

Large wind energy systems shall be constructed as provided in this section by first obtaining a building permit from the appropriate Permit Granting Authority. Permit applications for project expansions shall be based on the total nameplate capacity including the existing project. Demand for the power produced by wind energy systems herein must be demonstrated prior to issuance of any building permit. Demand should be demonstrated by providing the Permit Granting Authority with a contract for sale of the power produced or a memorandum of understanding between the applicant and a buyer or demonstration that a majority of the power produced will be used by the applicant or some other reasonable form demonstrating demand.

#### **1905.3.2 Modifications**

Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this ordinance. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

#### **1905.3.3 Conditional Use Permits (CUP)**

A conditional use permit may be granted in the case where a proposed large wind energy system or project does not satisfy the standard criteria of the building permit set forth under this ordinance. The applicant must then seek review and petition the Permit Granting Authority for a Conditional Use Permit. This CUP variance from the standard building permit criteria will only be applicable to that specific non-conforming project.

#### **1905.3.4 Expiration**

A permit issued pursuant to this ordinance shall expire if: (a) the large wind energy system is not installed and functioning within 24 months from the date the permit is issued; or (b) the large wind energy system is abandoned.

#### **1905.3.5 Violations**

It is unlawful for any person to construct, install, or operate a large wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Large wind energy systems installed prior to the adoption of this ordinance are exempt.

### **1905.3.6 Administration and Enforcement**

- (a) This ordinance shall be administered and enforced by the Building Inspector or other official as designated by the Permit Granting Authority.
- (b) The Building Inspector may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

### **1905.3.7 Penalties**

Any person who fails to comply with any provision of this ordinance or a building permit issued, pursuant to this ordinance, shall be subject to enforcement and penalties as allowed by applicable law.

### **1905.4 Compliance with Laws, Ordinances, and Regulations**

The construction and operation of all such proposed large wind energy systems shall be consistent with all applicable local, state, and federal requirements, including all applicable safety, construction, environmental, electrical, communications, and FAA aviation requirements.

## **1906.0 General requirements – Temporary Meteorological Towers (Met towers)**

### **1906.1 Permitted Use by Rule**

Met tower installations shall be considered a permitted use in all zoning districts where the following criteria are met.

- (1) Applicants shall submit the following information to the Permit Granting Authority prior to commencing any installation or construction:
  - a. A site plan drawn at an appropriate scale with the following information:
    - i. The perimeter and dimensions of the property;
    - ii. The names and locations of all streets, roads, or highways on or contiguous to the property;
    - iii. The locations of all easements or rights-of-way on the property;
    - iv. The names and locations of all rivers, streams, or waterways on or contiguous to the property;
    - v. The use, location, and dimension of all structures on the property (include distance from all proposed structures to the property lines);
    - vi. A scale; and
    - vii. A north arrow.
- (2) In addition to other applicable provisions set forth in these regulations, approval of met tower applications shall be subject to the following requirements:
  - a. All necessary zoning certificates and building permits shall be applied for and issued, and all structural reviews shall be completed by the Permit Granting Authority prior to construction.
  - b. The met tower shall be constructed in conformity with all applicable FAA regulations and all FAA notices and approvals shall be received and submitted to the Permit Granting Authority prior to any construction.
  - c. Applicants shall furnish evidence that applicable rights-of-way have been granted for access to the met tower across any private, state, or BLM lands. For BLM right-

of-way grants, applicants may furnish a copy of the signed BLM Right-of-way grant application together with evidence that applicable fees have been tendered to the BLM.

- d. The met tower shall be in place for a period not exceeding three years. Applicants shall provide the Permit Granting Authority with 90 days prior written notice or removal of the tower.
- e. In the event the applicant desires to relocate the met tower, the applicant shall receive prior written approval from the Permit Granting Authority and furnish coordinates for the new tower location.
- f. If the applicant desires to extend the tower usage period, a request for an extension must be submitted in writing 90 days prior to the expiration of this permit to the Permit Granting Authority for consideration.
- g. The met tower shall not physically obstruct or encumber any road, power line, or pipeline easement.

## ARTICLE XX

### SOLAR ELECTRICITY SYSTEMS

#### SOLAR ELECTRICITY SYSTEMS

##### **2001.0 Purpose**

The purposes of the solar electricity ordinance is to allow the use of solar panels within Daggett County.

##### **2002.0 Definitions**

As used in this ordinance, the following words and terms shall have the meanings specified herein:

**Solar Panel:** A device that converts light into electricity.

**Freestanding Solar Panel:** A solar panel that is not permanently attached to any other structure and one that does not rely upon any other structure for support and or stability.

**Structurally Attached Solar Panel:** A solar panel that is permanently attached to any other structure and one that relies upon another structure for support and or stability.

**Commercial Solar Panel:** A solar panel from which electricity is produced for resale.

**Non-commercial Solar Pane:** A solar panel from which electricity is produced for on-site consumption.

##### **2003.0 Allowed Uses**

Solar structures shall be a permitted use in all zones subject to all applicable limitations in each respective zone including but not limited to set backs, height restrictions and local building code requirements.

##### **2004.0 Freestanding Solar Panels**

Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

##### **2005.0 Structurally Attached Solar Panels**

Structurally attached solar panels shall be a permitted accessory use in all zones subject to the requirements for such, together with all other applicable building codes and ordinances. Structurally attached solar panels installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar panel installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof.

**THIS SUBDIVISION ORDINANCE WAS REPLACED ON 12/04/2007.  
THE NEW SUBDIVISION ORDINANCE CAN BE FOUND AT  
<http://www.daggettcounty.org/DocumentView.asp?DID=545>**