

**TOWN OF DUTCH JOHN
DAGGETT COUNTY, UTAH**

**DUTCH JOHN PLANNING AND
ZONING REGULATION**

Approved: _____, 2016

Effective Date

This ordinance shall take effect after its passage and upon posting as required by law.

Passed and adopted by the Dutch John Town Council this ___ Day of ___, 2016.

Amended as follows:

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CHAPTER 1

TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE

Section 101 Short Title:

This Ordinance shall be known and may be referred to as the Dutch John Zoning Ordinance, after adoption by the Dutch John Town Council. This Ordinance may, in subsequent sections, be referred to as “Ordinance,” “the Ordinance,” or “this Ordinance.”

Section 102 Effective Date and Zoning Map:

This Ordinance codified herein, including the attached Zoning Map, shall be deemed a new enactment. This ordinance shall take effect on the _____ day of _____, 2016.

Section 103 Authority:

The Town Council of the Town of Dutch John - located in Daggett County, Utah, adopts this Ordinance pursuant to _____, of the Utah Code and all other authorities and provisions of Utah statutory and common law that are applicable.

Section 104 Purpose:

The purpose of this Ordinance is to provide land use and development requirements and or guidelines for the lands situated within the Incorporated Boundaries of the Town of Dutch John and implement the goals and policies of the Dutch John Land Use Plan. This Ordinance contains standards, provisions and requirements intended to protect the health, safety and welfare of the residents and property owners of Dutch John by ensuring that neighbors and adjacent and neighboring properties are protected from potential negative impacts in the development and use of land and resources. It is the intent of this Ordinance to provide a means of ensuring predictability and consistency in the use of land and individual properties, and through adherence to the Dutch John Master Plan guide and direct the development of land within the Town of Dutch John.

These purposes are met by:

- (1) Providing the means of implementing the various policies and other provisions of the Dutch John Master Plan;
- (2) Guiding development in an orderly manner consistent with the Dutch John Master Plan;

- (3) Promoting the public health, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial and other specified uses;
- (4) Preventing damage and injury from disasters such as fire, flood, geologic and seismic hazards and other dangers;
- (5) Avoiding excessive concentration of people and overcrowding;
- (6) Assuring adequate transportation facilities, public utilities, schools, parks, open space and other public facilities and improvements;
- (7) Directing and managing, through the establishment of use districts, the type, distribution and intensity of activity;
- (8) Protecting landowners from potential adverse impacts from adjoining uses; and
- (9) Securing economy and efficiency in the allocation and expenditure of public funds.

Section 105 Applicability:

- (1) Applications accepted by the Commission as complete for any approval, permit or license issued under the provisions of this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance and all other applicable provisions in effect at the time the application is accepted as complete.
- (2) No building may be erected and no existing building shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than as allowed by this Ordinance, or amendments thereto.
- (3) The provisions of this Ordinance shall apply to all lands within the incorporated boundaries of the Town of Dutch John, as indicated on the Dutch John Town map, accompanying and incorporated herein by reference. Except as expressly provided, no development or use of land shall be undertaken without approval pursuant to the provisions of this Ordinance. The provisions of this Ordinance are not intended to interfere with, abrogate or require the enforcement by the Town of Dutch John of any legal enforceable easements, covenants or other agreements between private parties that may restrict the use of land or dimensions more than the requirements and provisions of this Ordinance. When the regulations of this Ordinance impose greater restrictions than are imposed by such easements, covenants or other agreements between parties, or are required by laws or other applicable ordinances, the provisions of this Ordinance shall

control. Where this Ordinance requires a greater restriction upon the use of buildings or land, or upon the height, bulk, or intensity of buildings, or requires greater open space areas, landscape areas, buffer areas or other site requirements than are imposed by easements, covenants or agreements, the provisions of this Ordinance shall apply.

- (4) The provisions of this Ordinance shall be held to be the minimum requirements necessary to protect the public health, safety and welfare of the residents and property owners of the Town of Dutch John. Additional requirements may be imposed by the Dutch John Town Council to more fully meet the purposes of this Ordinance.

Section 106 Permits and Licenses to Conform to this Ordinance:

All departments, officials, employees, agencies, and bodies of the Town of Dutch John with the duty or authority to issue permits or licenses required by this Ordinance shall conform to the provisions of this Ordinance and shall not issue any permits or licenses for uses, buildings or any purpose in conflict with the provisions of this Ordinance.

Section 107 Building Permits Required:

- (1) No construction shall occur except pursuant to a validly issued, unexpired and unrevoked building permit. Applicants for a building permit shall submit an approved final site plan, or an approved final site plan for a "Planned Unit Development" (PUD), or final subdivision plat, and, if applicable, a Conditional Use permit prior to obtaining issuance of a building permit. The permittee shall proceed only in accordance with the approved building permit, development permit and any approved conditions.
- (2) Prior to the issuance of a building permit, verification by both the property owner and the Building Inspector is required to ensure no structure shall hamper or interfere with any existing maintenance easements. Verification shall be through research of the County Recorder's records on property lines, roadway access and utilities, of all easements affecting the property.
- (3) Prior to the issuance of a building permit, any reasonably necessary access and maintenance easement which does not currently exist will be added to the plat for the property on which a building permit or Planned Unit Development permit is requested.
- (4) For any construction exempt from the requirement for a building permit, as allowed by State law, the Town shall require the submission of a site plan and such other documents and materials that may be necessary to ensure compliance with the provisions of State law and this Ordinance including verification that no accessory structure would hamper or interfere with any existing maintenance easement.

Section 108 Building Codes and Permits:

The adoption and enforcement of building codes serves the public interest by providing for the inspection of structures for structural stability, fire resistance, adequate ventilation and other safety and sanitary features.

- (1) **Building Permit Required.** Construction or removal of any building or structure or any part thereof, shall not be commenced or proceeded with until a building permit is obtained from the Town's Building Official, unless exempt by the provisions of the Town's Building Code or state law, including agricultural buildings to the extent exempted by the provisions of §58-56-4 (U.C.A.).
- (2) **Term:** The building permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced and in no case be valid for more than one calendar year from date of issuance.
- (3) **Code Compliance.** All structures requiring a building permit shall comply with the requirements of the Town's Building Codes, as adopted by the Town.
- (4) **Issuance of Building Permits Prior to Completion and Acceptance of Required Improvements.** Building permits may be issued for construction in subdivisions and other projects prior to the completion and acceptance by the Town of the required public improvements provided, however, that no building permit may be issued until adequate financial assurance has been provided for completion of such improvements as approved by the Town Attorney and Town Engineer.
- (5) Prior to issuance of a building permit, the applicant may be required to post a bond or provide other financial security, in such form and sum as required by the Town Attorney and Town Engineer, with sufficient surety running to the Town to offset any costs or expenses associated with the abatement of debris and material associated with construction activities on and off the site.

Section 109 Building Permits Required/Expiration:

- (1) No construction requiring a building permit shall be commenced or continued after the expiration of that building permit.
 - A. If prior to the expiration of the building permit application is made to renew the building permit, the building official, upon determining that the applicant is otherwise in compliance with this title, may extend the building permit for a period of up to 180 days upon payment of a renewal fee of \$250.00 or 50% of the original permit fee whichever is less or such other amount as may be established by resolution of the Dutch John Town Council. Extension of building permits shall be reviewed by the Dutch John Town Council.

- B. A building permit which has expired must be re-issued by the building official at a cost which is equivalent to the original permit fee or such other amount as may be established by resolution of the Dutch John Town Council.

Section 110 Certificate of Occupancy Required:

A certificate of occupancy shall be required before any structure or premises, or part thereof, hereafter erected, changed, converted, moved, altered or enlarged wholly or in part, may be used or occupied.

- 1) It shall be a violation of this title if a certificate of occupancy has not been obtained by the holder of a building permit prior to the expiration of the building permit or any renewal thereof.
- 2) No owner of land shall allow any structure or building thereon which requires a certificate of occupancy to be occupied by humans prior to obtaining a certificate of occupancy as required herein.
- 3) Allowing or permitting the occupancy of a building or structure, by humans, which is required pursuant to this title to have a certificate of occupancy, shall be a Class B Misdemeanor. Each day that the violation continues shall be a separate and additional misdemeanor offense.
- 4) Upon the expiration of any building permit if the building official determines that a certificate of occupancy has not been issued, the building official shall cause to be recorded in the records of the County Recorder a notice of delinquency describing the real property for which the building permit was issued. The notice shall be in substantially the following form:

Notice is hereby given by the building official of The Town of Dutch John, a political subdivision of the State of Utah, that pursuant to Town Ordinance, a certificate of occupancy is required for use or occupancy by humans of homes, buildings, or other structures. A building permit was issued on _____ (date) for construction or remodel or alteration of a structure on the following described property. The structure described as _____ has not as of the date of this notice been issued a certificate of occupancy and any occupancy of the described structure by humans is prohibited until a duly authorized certificate of occupancy is issued.

For information concerning correction of this deficiency, contact the Dutch John Clerk:

_____.

Dated this ____ day of _____, 201__.

Signature

STATE OF UTAH)
) ss.
COUNTY OF DAGGETT)

On this ____ day of _____, 201__, before me, _____, a notary public, personally appeared _____, personally known to me or proved to me to be the person whose name is subscribed to on this instrument, and acknowledged that he/she executed the same.

Notary Public

- (5) The notice referred to above shall not be recorded if the building official has been notified that the building project for which the building permit was issued has been cancelled or terminated and that construction of the project, structure, building, or home shall not be undertaken.
- (6) The notice shall be released upon compliance with this title; an issuance of a permanent certificate of occupancy; and payment of a fee of \$450.00. Upon compliance with the foregoing, the building official shall deliver to the owner of the real property a release in substantially the following form:

Notice is hereby given that the delinquency notice recorded on _____ (date) in Book ____, Page ____, of the official records of Daggett County, is withdrawn and released. On or about _____ (date) a certificate of occupancy authorizing use and occupancy of the structure described in the notice of delinquency was issued by the Dutch John building Official. The real property effected by this notice is described as follows, to wit:

Dated this ____ day of _____, 201__.

Signature

STATE OF UTAH)
) ss.
COUNTY OF DAGGETT)

On this ____ day of _____, 201__, before me, _____, a notary public, personally appeared _____, personally known to me or proved to me to be the person whose name is subscribed to on this instrument, and acknowledged that he/she executed the same.

Notary Public

- (7) The original of said release of delinquency notice shall be delivered upon completion to the record owner of the real property or the owner’s agent for recording in the records of Daggett County.

Section 111 Temporary Certificate of Occupancy:

- (1) If the building official finds that a building, structure, development or portion thereof has been substantially completed and that no substantial hazard will result from occupancy of any building, structure, development or portion therefore before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building, structure, or development prior to the completion of the entire building, structure, or development. The temporary certificate of occupancy shall expire 30 days from date of issuance.
- (2) The fee for issuance of a temporary certificate of occupancy shall be \$50.00 or such other amount as may be subsequently established by resolution of the Dutch John Town Council.

- (3) For good cause shown, a temporary certificate of occupancy may be renewed for a period not to exceed 30 days of filing an application with the Town Building Official and payment of a renewal fee of \$50.00.
- (4) Upon expiration of the temporary certificate of occupancy or any renewal thereof if a permanent certificate of occupancy has not been issued, the building official shall record a notice of delinquency as set forth in Section 109.

Section 112 Violation of Ordinance:

Any violation of this title shall be a Class B Misdemeanor. Each day that the violation continues shall be a separate and additional offense.

Section 113 Conflicts:

This Ordinance shall not nullify any law, ordinance, agreements or covenants which are more restrictive, but shall prevail notwithstanding such provisions which are less restrictive.

Section 114 Exemptions:

The following properties, uses and structures shall, to the extent provided by law, be exempt from the provisions of this Code;

- (1) Properties owned and operated by the State of Utah or the Federal Government. Where State or Federal law requires that the agency take steps to comply with all applicable local regulations, this exemption shall not be construed to abrogate that requirement.

Section 115 Effect (Severability):

The provisions of this Ordinance shall be construed to carry out the purposes of this Ordinance and to avoid conflict with the laws of the United States or America, the State of Utah or any other limitation imposed by law. If any section, provision, sentence or clause of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance which shall remain in full force and effect.

CHAPTER 2

INTERPRETATION OF REQUIREMENTS AND PROVISIONS

Section 201 Interpretation:

- (1) In the interpretation of this Ordinance, all provisions shall be:
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.
- (4) The following rules shall be observed in the application and interpretation of the provisions of this Ordinance, except where the context clearly requires otherwise:
 - a. The word “shall” or “must” are mandatory. The words “should” and “may” are permissive.
 - b. Words used or defined in one tense or form shall include other tenses or derivative forms.
 - c. Words used in the singular shall include the plural; words used in the plural shall include the singular.
 - d. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.
 - e. In the event of a conflict between the text of this Ordinance and any illustrations, captions, figures or other material, the text of this Ordinance shall control.
 - f. The word “includes” shall not limit a term to the specified examples but is intended to provide guidance.

Section 202 Rules for Interpretation of Zoning District Boundaries:

In the event of the need to resolve a dispute pertaining to the boundary or location of a zoning district, the Dutch John Board of Adjustment (BOA) shall have the authority and jurisdiction to render a written determination of the applicable boundary for a zoning district. The BOA shall take into consideration the following criteria in rendering such determination:

- (1) The policies and development standards pertaining to such zoning district.
- (2) Where a zoning district boundary is shown following a road, right-of-way line, interstate highway, public utility right-of-way, a stream or watercourse the zoning district boundary

shall be deemed to be changed automatically whenever such center line is changed by natural or artificial means.

- (3) Where a zoning district boundary is shown as following a property line, a plot line or a projection of any one of the same, such boundary shall be the landmarked or monumented line or projection thereof. If such boundary is shown as separated from but approximately parallel to any landmarked or monumented line or projection thereof, such boundary shall be deemed to be parallel to the landmarked or monumented line or projection thereof.
- (4) In areas not subdivided into lots and blocks, wherever a zoning district is indicated as a strip adjacent to and paralleling a road right-of-way, the depth of such strips shall be in accordance with dimensions measured at right angles from the center line of the road, and the length of frontage shall be in accordance with dimensions measured from section, quarter section, division lines, or center lines of roads, unless otherwise indicated.

CHAPTER 3

ADMINISTRATION

Section 301 Decision Making and Administrative Bodies:

The decision making bodies and officials identified within this Ordinance have responsibilities for implementing this Ordinance.

Section 302 The Dutch John Town Council:

The Dutch John Town Council (“Council”) shall have the following powers and duties:

- (1) To adopt the Dutch John Master Plan and all elements of the Plan, and all amendments thereto;
- (2) To render, or to appoint a hearing officer to render, a determination pursuant to the provisions of this Ordinance, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Ordinance
- (3) To establish a fee schedule by resolution for applications for development approval, zone district amendments and all other approvals, permits and licenses required by this Ordinance;
- (4) To take such other action not expressly delegated to the Dutch John Planning and Zoning Commission or the BOA that may be desirable and necessary to implement the provisions of the Dutch John Master Plan and this Ordinance.

Section 303 Planning Commission:

The Dutch John Planning and Zoning Commission ("Planning Commission", "Commission") shall have the following powers and duties:

- (A) To prepare or cause to be prepared the Dutch John Master Plan or any element thereof and to submit the proposed Plan or element thereof to the Council;
- (B) To prepare or cause to be prepared amendments to the Dutch John Master Plan or elements thereof from time to time and to submit the proposed amendments to the Council;
- (C) To initiate, hear, review and make recommendations to the Council on applications for amendments to the text or other materials of this Ordinance;
- (D) To hear, review, recommend approval or disapproval, or approve or disapprove applications for development approval, as authorized by this Ordinance.

Section 304 Board of Adjustment:

The Dutch John Board of Adjustment (“BOA”) shall have the following powers and duties:

To Hear and decide:

- 1) Variances from the terms of this Ordinance with a finding of unreasonable hardship as required by Chapter 15;
- 2) Interpretations of a zoning district boundary line;
- 3) Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion or enlargement of a nonconforming building or structure.
- 4) The BOA may recommend to the Planning Commission, revisions to the Dutch John Master Plan and this Ordinance.

The BOA shall not have power, jurisdiction or authority to consider any of the following:

- (1) Variances to any of the standards governing approval of subdivisions, site plans, PUD’s or Conditional Use permits; or
- (2) Amendments to the Dutch John Master Plan and any element or map thereof or any provision, requirement or map of this Ordinance; or
- (3) Appeals of final decisions of the Dutch John Planning Commission for Conditional Use permits.

Section 305 Zoning Administrator:

The Council may act as the Zoning Administrator or designate a staff person to carry out the responsibilities of the Zoning Administrator. The staff person designated is referred to in this Ordinance as the “Zoning Administrator.” It is the responsibility of the Zoning Administrator to ensure all processes, procedures and other provisions of this Ordinance are consistently and equitably applied and to effect the general administration and enforcement of this Ordinance.

Section 306 Meetings and Public Hearings:

All meetings and hearings of the Council, Planning Commission and BOA shall comply with the provisions of this Ordinance and the Utah Code. At least fourteen (14) days of notice shall be provided for all public hearings required by this Ordinance. The applicant shall be required to pay the cost for the Town of Dutch John to provide the required notice to all property owners and public entities.

CHAPTER 4

AMENDMENTS TO THE DUTCH JOHN PLAN AND THIS ORDINANCE

Section 401 Amendments to Dutch John Master Plan and this Ordinance; General Procedures:

- (1) A proposed amendment to the Dutch John Master Plan and this Ordinance may be initiated by any property owner, any person residing in the Town of Dutch John, any business owner, the Council, Planning Commission, BOA or the Town Staff by filing an application for a Plan amendment.
- (2) If such amendment is approved pursuant to the provisions of this Ordinance, the applicant may then proceed to file an application for development approval authorizing such development if such development is consistent with the approved Plan amendment(s) as approved by the Council.
- (3) Submission. An application for an amendment to the Dutch John Master Plan and this Ordinance may be filed with the Town on the applicable application form. Except on a motion duly passed by the Town Council identifying a public purpose and reasons to act immediately, an application for a Dutch John Master Plan amendment or an amendment to this Ordinance shall be submitted to the Planning Commission at least 30 days prior to the First meeting in April, August or December of the Planning Commission.

Section 402 Procedures for Amending the Dutch John Master Plan and this Ordinance:

- (1) Prior to recommending the adoption, rejection or revision of any Plan amendment, or amendment to this Ordinance, the Planning Commission shall hold a public hearing in accordance with the procedures of this Ordinance and the Utah Code and providing at least fourteen (14) Days of notice.
- (2) After the Planning Commission has reviewed the application and made its recommendation to the Council, the Town Staff shall submit a copy of the Plan amendment, or Ordinance amendment, as recommended by the Planning Commission, and the transcripts and/or minutes of the proceedings before the Planning Commission. Following receipt of a copy of the recommendation from the Planning commission and all other materials, the Council shall schedule a public hearing to consider the Planning Commission recommendation for the proposed Plan or Ordinance amendment. The Council shall consider the proposed Plan amendment, or Ordinance amendment and the recommendation of the Planning Commission pursuant to the procedures established by this Ordinance and the Utah Code and shall provide at least fourteen (14) days of notice for any required meeting or public hearing. The Town Council may approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The Council shall approve a Plan amendment

or Ordinance amendment only upon the affirmative vote of a majority of its membership. If the Council approves the proposed amendment as submitted or as revised, the Council shall adopt the amendment by ordinance.

Section 403 Criteria for Approval of Dutch John Master Plan and Ordinance Amendments:

In considering a proposed amendment to the Dutch John Plan, or this Ordinance, the applicant shall identify, and the Planning Commission and the Town Council may consider the following factors, among others:

- (1) The effect of the proposed amendment on the character of the surrounding area;
- (2) Consistency with the goals and policies of the Dutch John Master Plan;
- (3) Consistency and compatibility with the uses of nearby and adjoining properties;
- (4) The suitability of the properties for the uses requested;
- (5) Whether a change in the use proposed for the affected properties will unduly affect the uses or proposed uses for nearby and adjoining properties; and
- (6) The overall community benefit of the proposed amendment.

Section 404 Effect of a Plan or Ordinance Amendment:

After the effective date of a Plan or Ordinance amendment as approved by the Dutch John Town Council, no amendment(s) shall be made to this Ordinance, nor shall any development order or development permit be approved or approved with conditions, unless such amendments, approvals and conditions are consistent with the adopted Dutch John Master Plan or element or portion thereof, or Ordinance amendment, as amended. A Plan or Ordinance amendment shall not authorize the development of land. After a Plan or Ordinance amendment has been approved by the Dutch John Town Council, no development shall occur until the required development permits and licenses have been issued by the Town.

CHAPTER 5

ESTABLISHMENT OF ZONING DISTRICTS

Section 501 Zoning by Districts:

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, the Town of Dutch John, as shown on the Dutch John Zoning Districts Map, is divided into zoning districts which govern the use, intensity, area and other requirements for the use of land as required by this Ordinance. The map accompanying this Ordinance and incorporated herein by reference, the Dutch John Zoning Districts Map identifies the location and distribution of each zoning district within Dutch John. All development, use, activity and authorized permits and licenses shall adhere to all the provisions, standards and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, the Town of Dutch John is divided into the following zoning districts:

Zoning Districts:

1. **Residential Districts**
 - a. Single Family Residential (**R-1**)
 - b. Multi-Family Residential (**R-2**)
 - c. Rural Residential (**RurR**)
 - d. Resort Residential (**ResR**)
2. **Mobile Home District (M-H)**
3. **Multiple Use District (MU40)**
4. **Commercial District**
 - a. Single Purpose Only (**C**)
 - b. Planned Development Commercial (**PDC**)
5. **Industrial District**
 - a. Light Industrial (**LI**)
 - b. Industrial (**I**)
6. **Civic/Municipal (CM)**

Section 502 Zoning Districts Purpose:

Consistent with the goals and policies of the Dutch John Master Plan the zoning districts are formulated to provide and achieve the following purposes:

The **Residential (R-1) District** is formulated to provide single-family housing choices to meet the needs of residents and to preserve and provide safe and convenient places to live. The R-1 District is intended to recognize the existing development patterns of Dutch John as well as provide for residential uses free from any activity or use that may weaken the residential/single family home integrity of these areas. Typical uses include single-family dwellings, small parks, open spaces and public facilities, necessary to meet the needs of residents. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses. Connection to Dutch John culinary water and sewer is mandatory.

The **Residential (R-2) District** is formulated to provide appropriate locations for apartment house neighborhoods. The regulations permit a variety of multiple-family primary dwellings and necessary public services and activities. Connection to Dutch John culinary water and sewer is mandatory.

The **Rural Residential (RurR) District** is formulated to promote and preserve in appropriate areas, conditions favorable to Single Family large-lot family life on parcels of ground of at least 1 acre. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses. Connection to Dutch John culinary water and sewer is mandatory for parcels of less than 5 acres.

The **Resort Residential (ResR) District** is formulated to promote and preserve in appropriate areas, conditions favorable to high density, multiple family, and mostly second home and/or nightly rental development with a mix of small retail for service of the immediate community. Connection to Dutch John culinary water and sewer is mandatory.

The **Mobile Home (MH) District** is formulated to provide areas for Mobile Home Parks. Connection to Dutch John Culinary Water and Sewer is mandatory.

The **Multiple Use (MU40) District** is formulated to protect mountain, hillside, wetland areas subject to flooding, plus agricultural and farmlands from incompatible land uses and the inefficient or costly provision of services while allowing activities that recognize the environmental and physical sensitivity of these areas and the public health, safety and welfare.

The **Commercial (C) District** is intended to provide controlled and compatible locations for retail, business and other commercial activities, to enhance employment opportunities, and to encourage the efficient use of land. Typical uses allowed in this District may include retail sales, recreational services and facilities, and institutional uses. These projects will be evaluated in two different formats:

1. **Single Purpose Commercial** is defined as a simple commercial enterprise with a single commercial activity, generally fitting on a single, relatively small parcel of land and having connection to both Municipal water and sewer facilities.
2. **Planned Development Commercial** is to be used when it is desired to Develop large parcels of land with multiple structures and use types all falling within a Commercial designation.

The purpose of the **Light Industrial (LI) District** is to provide locations for industrial uses that produce no appreciable impact on adjacent properties and which provide required services, facilities and employment opportunities for residents.

Section 503 Zoning District Areas:

The **Residential (R-1) District** shall be applied only to those sites and properties, located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as single family residential, as allowed by the Table of Uses, or identified on the zoning map as (R-1).

The **Residential (R-2) District** only to those sites and properties located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as multiple family residential use, as allowed by the Table of Uses, or identified on the zoning map as (R-2).

The **Rural Residential (RurR) District** shall be applied only to those sites and properties located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as estate lot residential use, as allowed by the Table of Uses, or identified on the zoning map as (RurR).

The **Resort Residential (ResR) District** shall be applied only to those sites and properties located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as estate lot residential use, as allowed by the Table of Uses, or identified on the zoning map as (ResR).

The **Mobile Home (M-H) District** shall be applied only to those sites and properties, located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as property for use as a Mobile Home Park, as allowed by the Table of Uses, or identified on the zoning map as (M-H).

The **Multiple Use (MU40) District** shall be applied to all areas of the Dutch John Master Plan Area that are not identified as a Residential (R-1) District, Residential (R-2) District, Rural Residential (RurR) District, Resort Residential (RESR) District, Commercial (C) District, Mobile Home (M-H) District, or Light Industrial (LI) District.

The **Commercial (C) District** shall be applied only to those sites and properties, located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as a commercial use, as allowed by the Table of Uses, or identified on the zoning map as (C).

The **Light Industrial (LI) District** shall be applied only to those sites and properties, located within the Dutch John Master Plan Area, and presently used or set aside, on the date of adoption of this Ordinance, as a Light industrial use, as allowed by the Table of Uses, or identified on the zoning map as (LI).

All uses and activities, existing on the date of adoption of this Ordinance, and not identified as a use allowed in the Table of Uses are determined to be a nonconforming use and shall be required to comply with the requirements of Chapter 16 herein.

Section 504 Table of Uses:

The Table of Uses identifies the uses allowed within the Dutch John Zoning Districts within the Dutch John Master Plan Area.

The purpose of the Table of Uses is to implement the goals and policies of the Dutch John Plan. The Table of Uses identifies uses allowed as a Permitted Use (identified as “P” in the Table of Uses) and uses allowed as a Conditional Use (identified as “C” in the Table of Uses). Any listed use not identified as either a Permitted or Conditional Use is deemed to be a prohibited use.

TABLE OF USES								
USES	ZONING DISTRICTS							
	R-1	RurR	R-2	ResR	M-H	MU40	C	LI
Accessory Structure	P	P	P	C	P	P	P	P
Accessory Uses	P	P	P	C	P	P	P	P
Accessory Outside Storage	P	P	P	C	P	P	P	P
Airport								C
Bed and Breakfast Inn	C	C					P	
Campground							P	
Car Wash							P	P
Contractor’s Shop/Office							P	C
Convenience Store			C	P			P	
Day Care Center	C		C				P	
Dwelling, Single-Family	P	P	C		P	P	C	C
Dwelling, Multi-Family	C		P	P				
Dwelling, Short-term Rental	C		C	P			C	

TABLE OF USES								
USES	ZONING DISTRICTS							
	R-1	RurR	ResR	R-2	M-H	MU40	C	LI
Electric Transmission Line	C		C				C	P
Electric Substation							C	P
General Industrial Activity								P
Home Occupation	P	P	P		P	P		
Hotel			P				P	
Indoor Recreation							P	P
Kennel		C					C	P
Light Industrial							C	P
Major Facility of a Public Utility							C	P
Membership Club							P	C
Manufactured Home	P	C			P	C		
Mobile Home Park					P			
Motel							P	C
Outdoor Recreation						P	P	C
Personal Storage Facility							C	P
Personal Service Facility							P	
Place of Religious Assembly	P	P		P		P	P	P
Professional Office							P	C
Public Educational Facility	P	P		P			P	
Public Use	C	C		C	C	C	P	C
Reception Hall/Reception Center							P	
Recreation/Commercial	C			C			P	
Recycling Collection Center							C	P
Residential Facilities for Elderly Persons	P			P			C	

TABLE OF USES								
USES	ZONING DISTRICTS							
	R-1	RurR	ResR	R-2	M-H	MU40	C	LI
Residential Facilities for Persons with a Disability	P			P			C	
Residential Treatment Center							P	
Resort Lodge							P	
Restaurant							P	
Retail Store							P	
Sexually Oriented Business							C	C
Telecommunications Site/Facility							C	P
Temporary Construction or Sales Office	C		C	C			P	P
Temporary Dwelling Unit	C	C		C	C	C	C	C
Travel Trailer Park							P	
Utility Service Facility							P	P
Vehicle Service Center/Service Station							P	C
Warehouse							C	P

Table of Uses Notes: P = Permitted Use
 C = Conditional Use
 Blank = Prohibited Use

Section 506 Off-Street Parking Requirements:

The Table of Off-Street Parking Standards identifies the off-street parking requirements for the uses allowed within each Zoning District.

TABLE OF OFF-STREET PARKING STANDARDS	
USE	REQUIRED OFF-STREET PARKING SPACES
Residential Dwellings	Two (2) Spaces Per Residence
Elementary Schools and Junior High Schools	As approved by the Town Planning and Zoning Commission through Site Plan Approval
High Schools	As approved by the Town Planning and Zoning Commission through Site Plan Approval
Churches	As approved by the Town Planning and Zoning Commission through Site Plan Approval
Civic/Public Buildings/Public Facilities	As approved by the Town Planning and Zoning Commission through Site Plan Approval
Hotels/Motels	One (1) parking space for each sleeping unit
Industrial, Wholesale Establishments	One (1) parking space for each employee during regular business hours and adequate spaces as determined by the Planning and Zoning Commission for all company owned vehicles and visitors
Retail stores, Offices and Financial Institutions	Two (2) parking spaces plus One (1) parking space for each 300 square feet of gross building square footage
Restaurants	One (1) parking space for each three (3) seats or One (1) parking space for each 100 square feet of gross building square footage whichever is less.

Indoor and Outdoor Recreation Areas	One (1) parking space for each employee during regular business hours and adequate spaces as determined by the Planning Commission for all company owned vehicles and visitors
All other Uses	As approved by the Town Planning and Zoning Commission through Site Plan Approval

NOTE: All property owners and applicants for all development approvals are advised that in addition to the minimum off-street parking spaces required they are also required to comply with the minimum standards for the provision of all required handicapped parking spaces as identified and required by the Americans with Disabilities Act, as amended.

CHAPTER 6

USE DEFINITIONS

For the purpose of applying the Table of Uses and rendering other decisions required by this Ordinance, the Uses identified in the Table of Uses are hereby defined as follows:

Accessory Structure: A subordinate structure detached from, but located on the same lot as the principal use, the use of which is incidental and accessory to that of the principal use. This structure counts toward the total lot coverage allowance.

Accessory Uses: An accessory use is a use customarily incidental to and on the same parcel as the principal or main use and must be allowed within the applicable zone district.

Accessory Outside Storage: The outside placement of an item for a continuous period of more than 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed. Accessory outside storage does not include the outside storage and placement of flammable and hazardous materials.

Airport: Areas used for the landing and takeoff of aircraft and any appurtenant areas which are intended for use as airport buildings or other airport facilities. Such facilities include land and buildings necessary or convenient for the accommodation of the public, including but not limited to parking, retail, dining, hotel, and training facilities.

Bed and Breakfast Inn: A private home of residential design, with no fewer than three (3) but no more than nine (9) rental rooms, that provides short-term lodging for a charge to the public, generally for periods of less than one (1) month, having an owner or manager residing on the site, in which no more than two (2) daily meals are provided, to guests of the inn or their guests.

Campground: A privately owned area of land used or intended to be used, let, or rented for overnight or short term occupancy by campers, trailers, tents, or recreational vehicles.

Car Wash: A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

Contractor's Shop/Office: A facility providing for general building repair, service, and maintenance such as, and including installation of plumbing, roofing, signs, electrical, air conditioning and heating.

Convenience Store: Any retail establishment selling consumer products including prepackaged food and household items, having a gross floor area of less than 2000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products.

Day Care Center: A residence, facility, or pre-school which provides regular care and supervision for more than three (3) but not more than eight (8) children at any one time during the day for compensation. The care and supervision of three (3) or less children at any time during the day shall be considered to be in-home babysitting, and not subject to this Ordinance.

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 shall have a minimum of 900 square feet and shall be a minimum of forty five (45) feet wide, facing the street, and twenty (20) feet deep. The minimum rental permitted shall be thirty (30) days.

Dwelling, Short-term Rental: Rental of any property within residential zoning districts shall be permitted for periods of less than 30 days only through application and approval of a conditional use permit. Rental of dwellings within other zone districts are conditional or not permitted as outlined in the Table of Uses.

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 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.

Electric Transmission Line: A series of three or more structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transmit electric energy in voltages of 115,000 volts or more.

Electric Substation: An assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity in amounts of 115,000 volts or more.

General Industrial Activity: A manufacturing operation or processing and assembly of goods including personal hygiene products and cosmetics, drugs and pharmaceuticals, tools, equipment and products and which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. This use does not include Agricultural Products Processing and Storage. See Agricultural Products Processing and Storage.

Home Occupation: A home occupation shall mean an accessory use consisting of a vocational activity conducted inside the dwelling unit and conducted only by the individuals who reside therein and provided that the home occupation:

- A. does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,
- B. is clearly subordinate to the use of the lot for dwelling purpose and does not change the character of the lot,
- C. does not include the outside storage of goods, materials, or equipment,

- D. has Signage limited to a non-illuminated identification sign two square feet or less in size,
- E. does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10 average daily trips,
- F. does not include nursing homes, restaurants, vehicle repair businesses, or boarding houses, and meets all required Federal and State licensing requirements.

Home occupation shall include the care of not more than three (3) children other than members of the family residing in the dwelling.

Hotel: A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites of guest rooms and dwelling units, and which furnishes services customarily provided by hotels which may include reception and convention facilities.

Household Pets: Animals or fowl ordinarily in the house and kept for company or pleasure, such as but not limited to dogs, cats and canaries. Household pets do not include inherently or potentially dangerous animals, fowl or reptiles.

Indoor Recreation: An entirely enclosed building or facility which offers commercial indoor sports activities including but not limited to tennis, bowling, skating, shooting, horse riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.

Kennel: Any premises wherein a person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats.

Light Industrial: Places for the conduct of any light manufacturing and assembly activities which are compatible with existing and other uses allowed in the Zoning District and which will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste, and where all equipment, compressors, generators and other ancillary equipment is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.

Manufactured Home: A transportable, factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, and when erected on site, the home must be at least 20 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Town Building Codes, have a minimum roof pitch of 2:12, and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, and electrical systems. A Manufactured Home shall be identified as real property on the property assessment rolls of Daggett County. All manufactured homes constructed after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards

Factory-built housing without the manufacturer's data plate shall be considered as a mobile home.

Mobile Home: A transportable, factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code). Travel trailers, motor homes, camping trailers, or other recreational vehicles are excluded from this definition.

Mobile Home Park: Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping or storage are located, regardless of whether or not a charge is made for such accommodation.

Major Facility of a Public Utility: Any electric transmission lines (greater than 115,000 volts), power plants or substations of electric utilities; major gas regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities.

Membership Club: A facility owned or operated by a group of people organized for a common educational, service or recreational purpose. These clubs may be characterized by certain membership qualifications, payment of fees or dues and regular meetings and activities. This use may include hunting and gun clubs but does not include Private Clubs.

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 a 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.

Outdoor Recreation: An area or facility which offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes but is not limited to a golf driving range, rifle range, riding arena and corrals, outfitters and guide services, tennis facility or similar activities.

Personal Storage Facility: A facility for storage of personal items in individual units, bins, rooms or containers. Any unit, bin, room, or container must be a permanent structure.

Personal Service Facility: An establishment for the provision of personal services, including drive-through service. A retail facility including but not limited to barber or beauty shop, dry cleaners, optometrist shop, tanning salon, fitness center, reception center, photographic studio or travel bureau.

Place of Religious Assembly: A church, synagogue, mosque, temple or other permanent building used as a Place of assembly for religious worship or services or other religious activities. One accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use.

Private Club: A social club, recreational athletic or kindred association which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold. A private club is not open to the public.

Private Educational Facility: Buildings and uses for educational or research activities which has a curriculum for technical or vocational training, Kindergarten, elementary, secondary or higher education, which may include residential facilities for faculty, staff and students.

Professional Office: A building for the professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional. This use includes medical and dental clinics, as well as retail prescription drug distribution or Pharmacy services.

Public Educational Facility: Buildings and uses for educational or research activities which are operated by a public entity and have curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education, including facilities for faculty, staff and students.

Public Use: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities, and public utilities, including water and sewer lines and facilities, gas and electricity lines and facilities, cable television lines and facilities and telecommunications facilities, but excluding prisons and animal control facilities.

Reception Hall/Reception Center: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings and group gatherings.

Recreation, Commercial: Recreational facilities operated as a business and open to the general public for a fee such as golf driving ranges and baseball batting ranges, outfitters, and guide services.

Recycling Collection Center: A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Recycling Collection Centers involve no more than 3 collection containers up to 40 cubic yards in total size. Collection centers located in parking lots may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow. The operator of the collection center shall remove products stored at the site at least once a week. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to two (2) per site.

Residential Facility for Elderly Persons: A single or multi-family dwelling unit that meets the requirements of Section 17-27-501, et seq., Utah Annotated Code, 1953, as amended, and any ordinance adopted under authority of that part; and does not include a small health care facility

as defined by Section 26-21-2, Utah Annotated Code, 1953. These facilities must comply with all applicable County and State ordinances and regulations for such facilities.

Residential Facilities for Persons with a Disability: A single or multi-family dwelling unit that meets the requirements of Section 17-27-605, et seq., Utah Annotated Code, 1953, as amended, and any ordinance adopted under authority of that part. These facilities must comply with all applicable County and State ordinances and regulations for such facilities.

Residential Treatment Center: A facility for the treatment and care of those suffering from any health or mental health ailments excluding Residential Facilities specifically for the Elderly or Disabled. These facilities must comply with all applicable County and State ordinances and regulations for such facilities.

Resort Lodge: A facility, including either a single building or resort cabins, which serves as a destination point for visitors and generally has accessory recreational facilities for the use of guests.

Restaurant: A place of business where a variety of food and drink is prepared and served to the public for consumption on or off the premises.

Retail Store: An establishment for the retail sale of merchandise. A retail store includes but is not limited to antique or art shops, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, paint, pet, shoe, sporting or toy stores.

Sexually Oriented Business: Nude or semi-nude entertainment business, adult theatre, adult cabaret, adult motion picture theatre, adult escort services, out call services, adult bookstore or adult video store. Sexually Oriented Businesses must comply with all applicable Town, County and State ordinances and regulations for such businesses.

Telecommunications Site/Facility: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment which has an effective radiated power of 100 watts or less. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Temporary Construction or Sales Office: A facility temporarily used, for a period not to exceed 12 months, as a construction or sales office.

Temporary Dwelling Unit: A dwelling unit temporarily used, for a period not to exceed 12 months, by the property owner during construction or remodeling of the principal dwelling unit for which a building permit has been issued. Temporary dwelling units must meet all applicable Town, County and State Codes including Department of Health regulations for health and safety.

Temporary Use: Fireworks stands, Christmas tree sale lots and similar activities which are open to the public and scheduled to occur over a period not to exceed 40 days in any calendar year and including uses incidental to construction.

Travel Trailer Park: Any parcel of land upon which two or more travel trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

Utility Service Facility: Any electrical distribution lines, natural gas distribution lines, Minor gas regulator stations, cable television lines, telegraph and telephone lines, and gathering lines or other minor service facilities. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located, but no buildings are allowed, and the use is limited to the following sizes: (a) gas lines less than 12"; and (b) electric lines of less than 115,000 volts.

Vehicle Service Center/Service Station: A building or use devoted to the retail sale of fuels, lubricants and other supplies for motorized vehicles of all varieties and including minor repair activities.

Warehouse: A building of 1,000 Sq. Ft. or more in area that is used primarily for the inside storage of nonhazardous goods and materials and including accessory office facilities. A warehouse is not a place of business and the public are not allowed access to transact business other than to make deliveries.

CHAPTER 7

PERMITTED USES; REVIEW AND APPROVAL

Section 701 Approval Required:

All requests to establish a use or to construct any building, structure or improvement identified as a Permitted Use in the Table of Uses shall be made on the application form(s) provided by the Town detailing the nature of the Permitted Use.

Section 702 Application Requirements:

Applications for a Permitted Use are required to comply with the requirements of this Ordinance and the requirements for a building permit, and any other ordinances applicable to that use.

Section 703 Review and Approval Procedures:

The Zoning Administrator and Building Official shall review the Permitted Use request and determine if the request;

- (1) Is for a Permitted Use within the applicable zone district.
- (2) Complies with the requirements for the applicable zone district with respect to area requirements, yard requirements, setback requirements, height, buffer and landscape standards, drainage requirements, coverage requirements, parking and unloading requirements and all other requirements applicable to the district.
- (3) Does not propose any construction on any critical lands as defined.
- (4) Complies with all easement and rights of way dedication requirements of the Town of Dutch John and provides the necessary infrastructure, as required.
- (5) Complies with all applicable building codes, as adopted by the Town.

Upon finding that the proposed use, building or structure complies with the standards and requirements of this Ordinance and the provisions of the Town's adopted Building Codes, the Permitted Use may be authorized and a building permit issued. The Zoning Administrator shall advise the Town Council of all approved Permitted Uses.

If the Permitted Use request does not comply with the requirements of this Ordinance and the Town's adopted Building Codes, the Zoning Administrator shall notify the applicant, identifying what requirements have not been satisfied and whether the applicant should submit a different development application.

CHAPTER 8

CONDITIONAL USE PERMITS

Section 801 Issuance and Purpose:

Conditional Use permits may be issued as provided by this Ordinance for any of the uses for which a Conditional Use permit is required as identified in the Table of Uses.

The purpose of the issuance of a Conditional Use permit is to allow the proper integration into the Dutch John community of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.

Section 802 Application Requirements:

All requests for a Conditional Use permit shall be made on the application form provided by the Town of Dutch John Planning Commission detailing the nature of the Conditional Use request. The applicant shall also provide the necessary information identified for the submission and review of a plat, site plan or building permit, whichever is applicable. The Dutch John Town Council is authorized to render a final decision on the issuance of a Conditional Use permit.

Section 803 Conditions for Approval:

Upon receipt of an application, which is fully completed and provides all of the information required herein, along with the application fee, the building official and the Chairman of the Planning Commission shall review the application and shall consider the use requested in the conditional use permit and compare that with the existing neighborhood. If the building official and Planning Commission Chairman or the full Planning Commission determine that the proposed use is likely to generate significant public interest or that there is a legitimate question as to the suitability of the proposed use, after considering the character of the neighborhood and the economic and aesthetic effects of the proposed use and the harmony of the proposed use with the existing neighborhood, the Planning Commission Chairman shall schedule a neighborhood meeting between the neighboring property owners and the developer. Notice by mail shall be sent to all property owners of record within 1,000 feet of the proposed conditional use. When the developer and affected property owners cannot reach a consensus of opinion regarding compatibility of the proposed land use, the Planning Commission shall hold a public hearing and prior to making a decision shall listen to all of the concerns of all of the affected property owners and interested parties regarding the proposed project's compatibility.

After considering the information and comments of the affected property owners and the applicant for the conditional use permit and following any evaluation or investigation by the Planning Commission or Building Official, the Planning Commission shall make a determination as to whether or not the proposed use is compatible and in harmony with the neighborhood. If

the Planning Commission finds that proposed use is incompatible, not in harmony with the neighborhood or would cause a fundamental change in the characteristics of the neighborhood or the intent of the Dutch John Master Plan, the conditional use permit shall be denied. If the proposed use is found to be compatible and in harmony with the neighborhood and the intent of the Dutch John Master Plan, the commission shall proceed to review and consider the application and grant or deny it pursuant to the additional considerations set forth in the zoning and planning ordinance.

Section 804 Findings and Conditions:

The Town Planning and Zoning Commission may give approval to a Conditional Use permit in compliance with this Ordinance if, from the application and the facts presented, it finds:

- (1) The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.
- (2) All Town, State and Federal Building Codes are fully complied with.
- (3) The proposed use will be located and conducted in compliance with the purposes of this Ordinance.
- (4) That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.
- (5) The project or its intended conditional use does not propose any construction on any critical lands.
- (6) The applicant shall bear the burden of proof that the proposed use does not substantially change the character of the neighborhood.
- (7) The applicant shall bear the burden of proof that the proposed use does not substantially vary from the intent of the Dutch John Master Plan.

In approving a Conditional Use permit, the Town Planning and Zoning Commission shall impose such conditions or restrictions as it deems reasonable and necessary to secure the purposes of the Dutch John Master Plan and this Ordinance to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. These conditions may include:

- (1) That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.
- (2) That all buildings or other structures are designed to add to the quality of the area.
- (3) Provision of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.
- (4) The provision of required street and highway dedication and improvements and adequate water supply, sewage disposal, drainage and fire protection.

- (5) The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.
- (6) The regulation of operating hours for activities affecting normal schedules and functions.
- (7) Regulation of signs.
- (8) Identifying a time for regular review and monitoring as determined necessary by the Dutch John Town Council to ensure the use continues to operate in compliance with all conditions and requirements of approval.
- (9) Such other conditions determined necessary by the Town Planning and Zoning Commission to allow the establishment and operation of the proposed Conditional Use in an orderly and efficient manner and in compliance with all elements of the Dutch John Master Plan and the intent and purposes of this Ordinance.
- (10) The Conditional Use permit will be good for a maximum time of 2 years at which time the owner may reapply if the permit was not revoked, or suspended.

Section 805 Revocation or Modification of a Conditional Use Permit:

If there is cause to believe that grounds exist for revocation or modification of an approved Conditional Use permit, the Town Planning and Zoning Commission shall hold a public hearing on the question of modification or revocation of a Conditional Use permit granted under the terms and the provisions of this Ordinance.

A Conditional Use permit may be modified or revoked if the Town Planning and Zoning Commission finds that one or more of the following conditions exist:

- (1) The Conditional Use permit was obtained in a fraudulent manner.
- (2) The use for which the Conditional Use permit was granted has ceased for at least twelve (12) consecutive calendar months.
- (3) One or more of the conditions of the Conditional Use permit have not been met.

Additionally, the conditions under which a Conditional Use permit was originally approved may be modified by the Town Planning and Zoning Commission without the consent of the property owner or operator, if the Town Planning and Zoning Commission finds that the use or related development constitutes or is creating a demonstrated nuisance.

Section 806 Procedure and hearings for application for conditional use permits or revocation or modification of a conditional use permit:

Whenever a public hearing is held concerning the issuance of a conditional use permit or the modification or revocation of a conditional use permit, the planning and zoning commission, in consultation with legal counsel, shall establish a procedure to be followed to allow the orderly conduct of the hearing and the full consideration and presentation of the information necessary to allow the board to make its informed decision. The procedure shall be communicated to all

interested parties in advance of the hearing. Unless other procedures are adopted, the following procedures shall be used.

- (1) A chairman shall be selected for the meeting who shall be responsible to maintain order and decorum throughout the course of the hearing.
- (2) Chairman of the meeting shall call the meeting to order and advise the persons in attendance of the procedures to be followed and of the matter under consideration.
- (3) Each interested party shall be allowed a brief opening statement to summarize its position.
- (4) The party having the burden of proof shall present to the board facts and information, along with input of interested persons and opinions from experts having information helpful to the board and relevant to the matter before the board. At the discretion of the board, persons presenting factual testimony or experts presenting opinion testimony, may be placed under oath and subject to reasonable cross examination.
- (5) Following conclusion of the presentation of evidence and opinion by the party having the burden of proof, the responding party or parties shall proceed in like manner to present facts, testimony and other evidence which is material and relevant to the issue to be decided by the board.
- (6) Witnesses who are asserting facts or experts presenting opinion testimony may be placed under oath and made subject to cross examination.
- (7) Generally, persons presenting general public comment or input such as property owners expressing support or opposition to the proposed use in the form of opinions or personal assessments as to the benefits or detriments of the proposed use will not be placed under oath or subject to cross examination. Those who assert specific facts which may be in dispute, may be subject to being placed under oath and cross examined.
- (8) The party bearing the burden of proof shall then be allowed a brief opportunity for rebuttal followed by a rebuttal from the party not having the burden of proof, if new facts or information are presented during the rebuttal.
- (9) Each party shall then be allowed an opportunity for a summation or closing statement as follows: The party with the burden of proof, followed by the responding party, followed by the party with the burden of proof.
- (10) The board may also allow other concerned citizens or members of the public who have not previously testified to present public input or matters of concern that should be considered by the board in making its decision.
- (11) The board may consider relevant and reliable written materials. Following the close of the public hearing, the board may deliberate and make its decision or may refer the issues or matters of concern to appropriate parties for further study or investigation.
- (12) After deliberation and consideration of all of the input and relevant facts and information, the board shall render a decision and shall set forth the facts and law supporting its decision.

- (13) A detailed record or recording of the hearing shall be made and maintained by the planning and zoning board.
- (14) The board shall at all times maintain order at the hearing and may order the removal of persons or parties that are disruptive of the deliberative process.
- (15) The hearing should be conducted in a manner so as to provide fair opportunity for interested parties and persons to present input and evidence and information to the board and to assure that information considered or relied upon by the board is reasonably reliable. It is not necessary that strict adherence to the judicial rules of evidence or rules of procedure be followed. The board may establish reasonable time limits for each of the phases of the hearing as set forth above and may limit or prohibit unduly lengthy or repetitive information and may forbid presentation of information, opinions or matters which are relevant or material to the issue to be decided.
- (16) Any party aggrieved of the decision of the planning and zoning board may, within thirty (30) days of issuance of the written decision, file an appeal in writing with the Dutch John Town Council. The written notice of appeal shall be delivered to the Town clerk and shall state in reasonable detail and specificity the areas with which the appellant disagrees with the decision of the planning and zoning board and at least a summary of information supporting the disagreement with the planning and zoning board's decision.
- (17) The Dutch John Town Council shall obtain the record of the proceeding from the Planning and Zoning Commission and may schedule an additional public hearing or may consider the appeal based upon the record and evidence obtained from the Planning and Zoning Commission. Any deliberation or consideration of the appeal shall comply with the Utah Open and Public Meetings Law.

Section 807 Short-term Residential Rental Unit as a Conditional Use:

It shall be unlawful for any person to rent for less than thirty (30) days a residence without possessing and maintaining a Conditional Use Permit as required by this ordinance. For this Ordinance, the word Permit means the same as Conditional Use Permit. Only the owner(s), as defined in this ordinance, shall be allowed to hold a Permit. A residence providing short-term rentals, when allowed as a Conditional Use, shall be approved only in accordance with Chapter 8 of this Ordinance, and the conditions for this use as stated below:

(A) General Provisions:

- (1) The short-term rental of residential property in Dutch John shall be allowed for an indefinite period of time.
- (2) Permits will only be issued to a point where no more than 10% of the residential properties in Dutch John are available for short-term rental. Residential properties which are available for short term rental operations as used in calculating the 10% limit above include both private and government single family housing currently existing within the boundaries of Dutch John.

- (3) Conditional Use permits shall only be issued to the owner(s) of the property.
- (4) All conditional use permits issued for the short-term residential rental unit shall be good for one year from the date of issue and must be renewed annually.
- (5) Each owner and his agent renting or leasing a short-term residential rental unit shall maintain that unit in a condition fit for human habitation and in accordance with this ordinance and the rules of the Tri-County Health Department. Each short-term residential rental unit shall have electrical systems, heating, sanitation plumbing, and hot and cold water.
- (6) No alcoholic beverages shall be sold on the premises.
- (7) No receptions, banquets, or catering shall be permitted other than for registered lodgers.
- (8) No signs shall be permitted on the premises that advertise the use.
- (9) Renters of short-term residential rental units shall not create excessive noise that is incompatible with adjacent land uses.
- (10) Each short-term residential rental unit owner shall keep a register of guests. Such registration or list shall include the names and addresses of all guests and be available for inspection by the building inspector at any time.

(B) Application Requirements:

- (1) The Application for a Conditional Use Permit and the Addendum for Short-term Rental of Residential Property must be filled out completely and all required fees paid before the application will be considered.
- (2) The Conditions for Approval will be questioned on the Addendum portion of the application and must be met in order to be considered for a Conditional Use Permit.
- (3) An annual inspection of the property by the Building Inspector shall be a part of this application. Said inspection must be completed before the application can be considered.

(C) Conditions for Approval:

- (1) The supervision, maintenance and trouble-shooting of the short-term rental business shall be provided by the owner as defined herein and shall be available on a 24-hour per day basis. One nameplate sign not to exceed three inches by five inches made of durable weather-resistant material containing the name and telephone number of the owner or the owner's designated agent, as defined herein, who can be contacted 24 hours a day shall be permanently and conspicuously attached to the building near the front entrance. Such nameplate shall not contain any advertising.

- (2) Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and snow shall be removed as outlined in state and local codes.
- (3) There shall be no cooking facilities allowed in guest rooms.
- (4) A Town business license shall be obtained promptly upon approval of the Conditional Use Permit. Sales and Transient Room taxes must be collected and remitted to the proper authority.
- (5) No guest rooms shall be located in the basement.
- (6) No more than four (4) occupants per room shall be allowed, and total occupants of the dwelling cannot exceed the number allowed by the Uniform Building Code.
- (7) A fire escape plan shall be developed and graphically displayed in each guest room.
- (8) A notification to guests shall be prepared and shall contain the residence rules and the fact that the residence is being rented under a Conditional Use Permit that may be revoked if guest actions lead to complaints from neighbors of the residence.
- (9) Upon receipt of a completed Short-term Residential Rental Unit conditional use permit application, the Town Clerk shall notify all persons with real property within three hundred (300) feet of the proposed short-term residential rental unit location.

(D) Conditions for Conditional Use Permit Renewal:

- (1) A copy of the current Town business license shall be included with the conditional use permit renewal application.
- (2) Sales taxes and Transient Room taxes must have been collected and remitted in a timely manner to the proper authorities.
- (3) Documented complaints must be minimal and must have been successfully addressed by the owner in a timely manner. Original complaints should be reported and or documented to the owner at the time of violation using the Town form available from the Town Clerk. A copy must be submitted to the Town Clerk within 30 days by the aggrieved party. In the case of complaint involving immediate health or safety concerns, 911 should be called before contacting the owner. Recurring and or unresolved complaints could instigate an investigation.
- (4) Owner must maintain a list of rental dates, renters and their addresses.
- (5) Applications for renewal must be submitted 2 months prior to expiration. No property shall be rented on a short-term basis without a current conditional use permit.

- (6) Annual Inspection. The short-term residential rental unit shall meet all conditions of this ordinance and other applicable ordinances and laws. There shall be an annual inspection of the premises by the Town Building Inspector.
- (7) Lapse of Operation. The active operation of the short-term residential rental unit shall not have lapsed for more than twelve (12) consecutive months.

(E) **Revocation or Modification of a Conditional Use Permit:**

If there is cause to believe that grounds exist for revocation or modification of an approved Conditional Use Permit, the Planning Commission shall hold a public hearing on the question of modification or revocation of a Conditional Use Permit granted under the terms and the provisions of this Ordinance.

A Conditional Use Permit may be modified or revoked if the Planning Commission finds that one or more of the following conditions exist:

- (1) The Conditional Use Permit was obtained in a fraudulent manner.
- (2) The use which the Conditional Use Permit was granted has now ceased for at least twelve (12) consecutive calendar months.
- (3) One or more of the conditions of the Conditional Use Permit have not been met.

Additionally, the Dutch John Town Council without the consent of the owner may modify the conditions under which a Conditional Use Permit was originally approved, if the Dutch John Town Council finds that the use or related development constitutes or is creating a demonstrated nuisance.

(F) **Section 808 Bed and Breakfast Inn as a Conditional Use:**

A Bed and Breakfast Inn, when allowed as a Conditional Use, shall be approved only in accordance with this Ordinance and the following:

- (1) The lot shall have at least eighty (80) feet of frontage on a dedicated street.
- (2) One (1) off-street parking space shall be provided per employee plus one (1) space per guest room. On-street curbside parking may be used to satisfy this requirement at the rate of two (2) spaces per fifty (50) feet of lot frontage.
- (3) Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities shall be allowed in guest rooms.
- (4) Such use shall conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.
- (5) No alcoholic beverages shall be sold on the premises.
- (6) No receptions, banquets, or catering shall be permitted other than for registered lodgers.

- (7) No long-term rental of rooms shall be permitted. The maximum stay for lodgers shall be thirty (30) Days.
- (8) A Town business license shall be obtained as a condition of approval.
- (9) Supervision by an on-site manager or owner shall be required on a 24-hour per day basis.
- (10) Care shall be taken to insure that no exterior lighting shines directly into adjoining properties.

CHAPTER 9

DEVELOPMENT APPLICATIONS AND PROCEDURES

Section 901 Purpose:

The development applications and procedures of this Ordinance are formulated and intended to protect the integrity and character of the residential and nonresidential areas of the Town of Dutch John through the application of the provisions of this Ordinance, consistent with the goals, policies and guidance of the Dutch John Master Plan. Development applications and development review is structured to consider and determine if the development application should be approved by weighing the public need for and the benefit to be derived from the proposed use(s), building(s) or structure(s) against any associated negative impact(s).

Section 902 Applicability:

A development or building permit application shall be required for all uses, intensification of uses, and construction or modifications for all properties located in the Dutch John Town Boundaries, as identified and attached hereto. All development applications are to be presented to the Dutch John Town Council on the applicable application form(s) available from the Town. The type of development application to be presented to the Dutch John Town Council for review and consideration is at the discretion of the applicant.

Section 903 Application Forms:

The Dutch John Town Council shall identify submittal requirements, instructions for completing forms and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications.

Section 904 Development Application Procedures:

The steps in the review and consideration of the various development applications, permits and licenses authorized by this Ordinance may be identified by the Dutch John Town Council and are found in the Appendix of this Ordinance.

Section 905 Permits Required:

The standards and requirements of this Ordinance shall apply to all uses or development activity located within the Dutch John Town Boundaries. No use or development activity may be commenced or undertaken within the Dutch John Town Boundaries unless all necessary approvals, permits and licenses have been issued in accordance with the provisions of this Ordinance.

Section 906 Development Application; Initiation:

An application for a required development approval, permit or license shall be initiated by submitting the appropriate application(s) to the Dutch John Town Council. All applications are to be processed in accordance with the provisions of this Ordinance. All applications including: Application for Dutch John Plan Amendment, including text and map amendments; Application for an Amendment to this Ordinance; Application for Single Purpose Commercial Development; Application for Planned Commercial Development; Application for Preliminary and Final Site Plan Approval; Application for Preliminary and Final Subdivision Plat Approval; Application for Conditional Use Permit Approval; Application to the Board of Adjustment; and Application for Appeal shall be presented to the Dutch John Town Council at least thirty (30) days prior to consideration by the Dutch John Town Council, Planning Commission or Board of Adjustment, whichever is applicable.

Section 907 Determination of Application Completeness:

After the receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is incomplete, the Zoning Administrator shall notify the applicant in writing, identifying the deficiencies of the application, including any additional information which must be provided and advising the applicant that no action will be taken by The Dutch John Planning and Zoning or Town Council until the deficiencies have been corrected. Determinations of completeness made by the Zoning Administrator shall be reviewed by the Dutch John Town Council if the applicant considers the determination to be in error.

Section 908 Remediating Application Deficiencies:

If the applicant fails to correct the specified deficiencies within thirty (30) days following notification of application deficiency by the Zoning Administrator, the application for development approval, permit or license shall be deemed withdrawn and will be returned to the applicant. All application fees shall be forfeited.

Section 909 Payment of Taxes and Charges Required:

All development approvals may be conditioned so that no final plat or site plan document is recorded or building permit issued on the subject property until all delinquent taxes and charges have been paid to date of approval.

Section 910 Scope of Development Approvals:

- 1) Except as otherwise provided, the rights conferred by a development permit upon the filing of a complete application and approval by the Dutch John Town Council, Planning Commission, or BOA shall be limited to those rights granted in the applicable provisions of this Ordinance and any conditions attached to the development permit.

- 2) A development permit shall be considered void after one (1) year unless substantial construction or development has taken place; provided, however, that a longer period of time may be provided for a phased subdivision application or phased site plan application as set forth in the condition(s) attached to the preliminary plat or preliminary site plan or final plat or final site plan. A one (1) year extension of a development permit may be granted by the Dutch John Town Council upon a finding that special circumstances exist which warrant such an extension, including but not limited to a delay caused by a government review agency or a natural disaster.

Section 911 Amendment to Development Permits:

All proposed amendments to an approved application for a development approval, permit or license issued under the provisions of this Ordinance must be reviewed and reapproved in accordance with the procedures established for the approval of the original development approval or development permit unless determined to be a minor revision under the provisions of this Ordinance.

Section 912 Reapplication Following Denial:

If an application for a development approval, permit or license is denied for failure to meet the requirements of this Ordinance and the denial is a final decision on the property, an application for all or a part of the same property shall not be considered for a period of at least one (1) year from the date of denial unless the subsequent application is for a development that is substantially and materially different from the previously denied proposal, the prior denial was based upon a mistake of fact, or a motion is duly passed by the Dutch John Town Council to act immediately and identifies a valid public purpose.

Section 913 Inspections:

In order to review information relevant to an application, permit or license, the Zoning Administrator, Planning Commission, BOA or Dutch John Town Council may, at any reasonable time and for any proper purpose, and upon the permission of the owner, enter upon any public or private premises and make an inspection thereof.

Section 914 Fee for Processing Development Applications:

The Dutch John Town Council shall establish, by resolution, a fee schedule, which fee schedule may be amended from time to time by resolution of the Dutch John Town Council, for the processing and review of all applications, permits and licenses required by this Ordinance designed to recover an amount not less than the actual or anticipated costs of review and processing of the application, including the costs of posting, publication, mailing etc. All fees must be paid at the time of application or the application will not be accepted.

CHAPTER 10

GENERAL REQUIREMENTS AND PROPERTY DEVELOPMENT STANDARDS

Section 1001 Establishment of Development Standards:

The purpose of development standards is to protect the general health, safety and welfare of the citizens and property owners within the Town of Dutch John. Compliance with all provisions of this Ordinance shall be required for the issuance of any required development approval, license or permit.

Section 1002 General Requirements:

- (1) All Uses, Buildings and Structures to Comply with Zoning District Requirements. Every building or structure hereafter erected, reconstructed, structurally altered, enlarged or moved, and every building, structure, premises or land used, rearranged, designed or intended for any use shall be built or used only as is permitted in the district in which such building, structure, land or use is located.
 - (A) All uses allowed shall either be a permitted or conditional use, as identified in the Table of Uses.
 - (B) All uses of land and other activities not specifically allowed as a permitted or conditional use as identified in the Table of Uses are deemed prohibited uses.
 - (C) All uses, buildings and structures must comply with the intensity, bulk requirements, site coverage standards and other requirements for uses identified in Table of Site Development Standards.
 - (D) All uses, buildings and structures must comply with the off-street parking requirements as contained in Table of Off-Street Parking Requirements.
- (2) Nothing in this Ordinance requiring minimum lot area or lot width shall be construed to prevent the use for one (1) single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a Zoning District which permits single-family dwellings and was a legally divided lot upon which a dwelling could legally be constructed and existed at the time such lot area and lot width requirements became effective, by adoption of this Ordinance, and provided further that all proposed construction can qualify for the issuance of a building permit as required by other provisions of this Ordinance and the Town's Building Codes.
- (3) Subdivision and Sale of Property.

No person shall subdivide any parcel of land located wholly or in part within the Dutch John Town Boundary unless a plat thereof is first created in compliance with the

requirements of this Ordinance and all other applicable laws and requirements of the Town of Dutch John and the State of Utah, which plat shall be recorded in the Office of the Daggett County Recorder, after all approvals have been obtained.

(4) Lots in Two (2) or More Districts.

Where a lot of record at the time of passage of this Ordinance or any amendments thereto falls into two or more districts, the more restrictive zoning district provisions shall apply.

(5) Required Yard Areas for One Building Only.

No required yard or setback area for any building or lot required for the purpose of complying with the provisions of this Ordinance shall be considered as providing the required yard or setback for any other building or lot.

(6) Every Dwelling, Nonresidential Building and All Associated Accessory Structures shall be on a Lot. All primary structures and all associated accessory structure(s) shall be located and maintained on a deeded lot.

(7) Required Yards to be Unobstructed - Exceptions.

- (A) All yard areas are required to be open to the sky and unobstructed except for permitted and approved accessory buildings and for projection of sills, cornices, and other ornamental features and unenclosed steps and un-walled stoops and porches, provided that all buildings or parts thereof comply with the required yard requirements of the Zone District in which they are located.
- (B) Underground structures, such as swimming pools, storage tanks, etc., may be located in a required yard area, provided that such structures shall not be located closer than fifteen (15) feet to any property line.
- (C) Walls and fences must comply with the requirements of this Ordinance, the Town Building Codes, or the conditions of a development approval.

(8) Maximum Lot Coverage of Accessory Buildings.

- (A) No accessory building shall be located within any required front yard.
- (B) No accessory building(s) shall cover more than twenty (20%) percent of the required rear or side yards.
- (C) No accessory building(s) of a permanent nature shall be placed within the dedicated utility easement of the side or rear yard as was conveyed by the USBR to Daggett County on USBR Drawing # D099A4400250 Dated September 15, 2000. For determining the placement of the accessory building the dripline of the roof overhang will be used – not the wall line.
- (D) Accessory building footprint square footage counts in the calculation of total lot coverage.

(9) Construction in Critical Areas Prohibited.

No building or structure (except for a required public utility and necessary roads) shall be constructed on areas determined to be critical areas as identified, including;

- (A) Areas of steep slope of 30% grade or greater, and
- (B) Jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, and
- (C) Pre-existing drainage system(s) (natural or manmade) unless an approved plan for continuation of such drainage has been engineered. Said plan for continuation of the drainage system to be as follows:

The engineering standard for flood water drainage systems is to accommodate a minimum of a 50 year flood event plus 20% freeboard, which volume is to be determined by a hydrologist licensed by the State of Utah, and drainage system is to be designed by a Civil Engineer licensed by the State of Utah.

Section 1003 Creation of Non-conforming Lots Prohibited:

No parcel or lot which does not conform to the zoning district requirements in which it is located may be created for the purpose, whether immediate or future, of any building, use or development allowed by this Ordinance.

Section 1004 Residential Mobile Homes Required to be in Mobile Home Park:

- (1) Except as provided in this Ordinance, no person shall park or locate any mobile home or use a mobile home as a dwelling permanently, temporarily, or for indefinite periods of time, unless the mobile home is located in a mobile home park, meets ANSI A225.1 Standards with a certificate of certification and obtaining a county building permit. Both the ANSI A225.1 certification and the county building permit shall be obtained prior to bringing a mobile home into Dutch John.
- (2) Any mobile home or mobile home park in existence within a zoning district as described by this Ordinance on the date of this Ordinance being enacted is deemed to be legally non-conforming and is not subject to the provisions of this Ordinance, except those concerning blocking, anchorage and tie-down, which shall provide for vertical loads, uplift, and lateral forces and frost protection in compliance with ANSI Standards. But any person who alters or extends such a legally non-conforming mobile home or mobile home park shall conform to all applicable provisions of this Ordinance and ANSI A225.1 Standards for such alterations and extensions.
- (3) If the use of such a legally non-conforming mobile home is discontinued for a period of twelve consecutive months or more or is moved from the lot it is on, no person shall occupy the mobile home until it conforms to all requirements of this Ordinance.

Section 1005 Sale or Lease of Required Space Prohibited:

No area needed to meet the lot width, yard area, setback, coverage, parking or other requirements of this Ordinance for a lot or building may be sold or leased separate from such lot or building.

Section 1006 Number of Buildings on a Lot:

Every dwelling or building shall be on a "lot" as defined in this Ordinance. Every dwelling or each nonresidential structure shall face or front upon a dedicated or publicly approved road or street, or right-of-way providing access to a dedicated or publicly approved road or street, or to a Town approved private right-of-way.

Section 1007 Frontage Required:

Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing access to a dedicated or publicly approved road or street, or to a Town approved private right-of-way.

Section 1008 Fences, Walls and Hedges:

Fences, walls and hedges shall not exceed six (6) feet in height. Front yard fences are not allowed excepting a side yard fence may extend to the front lot line, however, the height of the side yard fence must be reduced to four (4) feet from the point perpendicular from the lot line to the adjacent front corner of the primary structure to the front lot line. Fencing shall comply with clear-vision requirements at all intersections and access locations onto public roads.

Section 1009 Front Yards:

The front yard shall be measured from the property line to the nearest front face of the building, covered porch, covered terrace, deck or porch greater than 8 feet or attached accessory building.

Section 1010 Side and Rear Yards:

- (1) Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted by this Ordinance and the ordinary projection of window sills, cornices and other ornamental features projecting not more than twelve (12) inches.
- (2) Open or lattice-enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers and ordinary projections of chimneys and flues may be allowed by the Building Official to project into a required yard area up to a maximum distance of three (3) feet.

Section 1011 Exceptions to Height Limitations:

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, or similar structures may be erected above the height limits prescribed if screened from view from the ground level, but no space above the height limit shall be allowed for the purpose of providing additional floor space.
- (2) Public buildings may exceed the maximum height allowed in the zoning districts in which they are located provided approval is granted following the Conditional Use procedures contained in this Ordinance.

Section 1012 Maximum Height of Accessory Buildings:

No building which is accessory to a residential structure shall be erected to a height greater than thirty five (35) feet or the height of the adjacent home if it is less.

Section 1013 Clear View of Intersecting Streets:

In all zoning districts, 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 to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

Section 1014 Water and Sewage Requirements:

As required by this Section, all applications for development approval or building permits shall be accompanied by the appropriate permits or letters of approval from the Tri-County Health Department or the Utah Department of Environmental Quality, as applicable, prior to approval by the Town.

- (1) Water Requirements.

In all cases where a proposed building or proposed use will require culinary water (drinking water) and the proposed building or proposed use will not be connected to an existing public water supply, approval for the new culinary water system must be obtained from the Tri-County Health Department or the Utah Department of Environmental Quality, as applicable.

For any building or use with more than 14 culinary water connections, or where 25 or more people will be served 60 or more days a year, approval of the culinary water system must be obtained from the Utah Department of Environmental Quality. For any building or use with fewer than 14 culinary water connections, or where fewer than 25 people will

be served, or where 25 or more people will be served fewer than 60 days a year, approval of the culinary water system must be obtained from the Tri-County Health Department.

(2) Sewage Requirements.

Connection to a State-approved sewer system is required if sewer lines are within 300 feet of any part of the property proposed for development. For properties proposed for residential development, an additional 150 feet per lot or residential unit will be added for each lot or dwelling unit proposed.

In all cases where a proposed building or proposed use will generate wastewater, and the proposed building or proposed use will not be connected to an existing sewer, approval for wastewater disposal shall be obtained from the Tri-County Health Department or the Utah Department of Environmental Quality, as applicable.

For any building or use where an individual wastewater disposal system (septic system) is proposed, of less than 5,000 gallons of wastewater flow per day, approval shall be obtained from the Tri-County Health Department. For any building or use where a large wastewater disposal system is proposed with greater than or equal to 5,000 gallons of wastewater flow per day, approval shall be obtained from the Utah Department of Environmental Quality.

Section 1015 Effect of Official Map:

Wherever a required front yard faces on a road or 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 1016 Storage of Commercial Vehicles in Residential Districts Prohibited:

The storage of commercial vehicles and the storage of construction equipment shall not be permitted on any lot in a residential district, provided that construction equipment may be stored on a lot during construction of a building thereon, but shall not exceed one (1) year.

Section 1017 Fences Required Around all Swimming Pools and Pool Areas:

All swimming pools and pools areas shall be completely surrounded by a fence or wall having a height of at least six (6) feet. No openings larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices, shall be provided.

Section 1018 Concessions in Public Parks and Playgrounds:

Concessions, including but not limited to amusement devices, recreational buildings, care takers' dwellings and refreshment stands shall be permitted to be temporarily situated on a public park or playground when approved by the Dutch John Town Council, provided it can be shown that

the concession is in the interest of the public and is in harmony with the objectives and purposes of this Ordinance and the characteristics of the zone district in which it is located.

All concessions providing the sale or serving of food and beverage shall comply with the Department of Health Food Service Rules and shall receive a food service permit from the Tri-County Health Department.

Section 1019 Setbacks from State and Federal Highways:

Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), shall be set back at least seventy five (75) feet from the near edge of the highway right-of-way.

Section 1020 Landfills and Transfer Stations:

All Landfills and Transfer Stations shall be maintained in accordance with the standards of the State Department of Environmental Quality. Transfer Stations shall be in compliance with Utah Administrative Code R315-313-2. Landfills shall be in compliance with Utah Administrative Code R315-302-1.

Section 1021 Uses Which Create a Nuisance Prohibited:

Any use which creates an unsightly view, emits or is likely to, emit noise, smoke, dust, odor or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands or which substantially deprives the owners of adjoining property of the use or enjoyment of their lands shall be prohibited.

Section 1022 Noxious Weeds:

All property owners shall comply with the requirements of the "Utah Noxious Weeds Act," Title 4, Chapter 17, Utah Code Annotated, 1953, as amended. Should the terms of said section be repealed, amended or modified, property owners shall comply with any successive State regulation of noxious weed.

Section 1023 Storage Location of Travel Trailers, Recreational Vehicles, Boats, Camping Trailers, Truck Campers and Motor Homes:

Unless permitted as a use allowed by the zoning district as identified in the Table of Uses, the location or storage of travel trailers and mobile homes outside of mobile home parks, travel trailer parks and campgrounds, and the location or storage of recreational vehicles, boats, camping trailers and truck campers shall be subject to the following:

- (1) If a building permit has been obtained pursuant to the terms and conditions of this Ordinance for construction of a single family residence in a properly zoned district the owner of the property on which the construction is to be done may park a travel trailer for

temporary use while construction is underway so long as the construction is actively being pursued and for no more than twelve (12) months cumulative time.

- (2) At no other time shall the mobile home, travel trailer, recreational vehicle, boat, camping trailer, truck camper or motor home be continuously occupied or used for living or sleeping purposes.
- (3) If a travel trailer, recreational vehicle, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport, it shall be placed in the rear or side yard of the lot, except that placement in other than the rear or side yards for loading and unloading purposes may be permitted for a period of time not to exceed twenty four (24) hours.

Section 1024 Household Pets:

Household pets are allowed.

Section 1025 Wildland/Urban Interface:

To help mitigate wildland/urban interface fire problems the following safety measures will be required:

- (1) All brush and trees shall be kept clear for at least ten (10) feet from the home.
 - (A) Limbing up of deciduous trees need only be done to the extent that the ground fuels (leaf layer, stems) are clearly separated from the aerial canopy.
 - (B) Most coniferous and broadleaf trees have the sclerophyll coating on the leaves or needles and have a high sap content. These factors make it critical they be limbed at a minimum of six (6) feet from the ground.
- (2) All cured dry grass shall be kept mowed below six (6) inches in height.

Section 1026 Abandoned, Wrecked, or Junked Vehicles:

It shall be unlawful to park, store or leave or permit the parking, storing, or leaving of any licensed or unlicensed motor vehicle of any kind or part(s) thereof which is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the Dutch John Town Boundary for a period of time in excess of seventy-two (72) hours, except that two (2) or fewer such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this Ordinance. For the purposes of this Ordinance, any vehicle that is not currently licensed and insured to the minimum levels established by state law shall be considered inoperable.

The accumulation and storage of more than two (2) such vehicles or part(s) thereof, as defined above, on private property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of Dutch John. It shall be the duty of the owner of such vehicle or part(s) thereof or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located, to remove the same from such property or take other remedial action as directed by the Town Council.

Section 1027 Landscaping:

Front yard and side yard landscaping for any lot with a dwelling or business must be completed within 12 months of the issuance of the occupancy permit. Rear yard landscaping must be completed within 24 months following the issuance of the occupancy permit.

Landscaping may be required for privacy, visual screening, sound deadening, and appearance enhancement for the purpose of insuring compatibility of the proposed uses with that of existing and anticipated future uses in the vicinity. Undeveloped and/or unused portions of properties shall either be landscaped, or have other means of weed and erosion control established.

Planting shall comply with clear-vision requirements at all intersections and access locations onto public roads.

CHAPTER 11

SUPPLEMENTARY REQUIREMENTS

Section 1101 Construction in Flood Channels:

No building or structure (except those constructed for flood control purposes by a governmental agency) shall be constructed within a flood channel or within one hundred (100) feet from the banks of a flood channel.

Section 1102 Temporary Buildings and Uses:

(1) Supplementary Requirements for Temporary Buildings and Temporary Uses:

The Zoning Administrator may issue a temporary use permit for a temporary building or use not to exceed sixty (60) days in duration, with a finding that the use will not conflict with the uses in the vicinity of the subject property. To determine the compatibility of uses, the Zoning Administrator may call a public hearing. Request for a temporary use permit shall be submitted in writing on the application provided by the Town.

In issuing the permit, the Zoning Administrator may;

- (A) Identify the length of the time the temporary use permit shall be valid.
- (B) Identify hours of operation of the temporary use.
- (C) Identify and establish any other requirements determined necessary for the protection of the health, safety and welfare.

(2) Temporary buildings and uses are permitted as follows:

- (A) Temporary buildings, mobile homes and travel trailers used in conjunction with construction work only during the period of such construction, subject to securing a temporary use permit and the following:
 - 1. Any 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 approval.
 - 2. Any 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.
- (B) Temporary uses such as the cutting or storage of lumber or the storage of building materials and construction equipment conducted or used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:

1. 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.
2. Such temporary use shall be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the activity, whichever occurs first.

(C) Temporary real estate offices:

1. Such office shall be located on the property being subdivided or sold, and its use shall be limited to the sale of lots or property.
2. 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 Tri-County Health Department.
3. Any use permit approved for such office shall be limited to a period not to exceed two (2) years from the date of approval.
4. Such office shall be removed from the property upon the expiration of the use permit.

CHAPTER 12

REVISIONS TO APPROVED DEVELOPMENT PERMITS

Section 1201 Applicability:

These provisions are adopted to facilitate the review and approval by the Dutch John Town Council of minor changes and revisions to an existing approved development permit, minor revisions to construction and improvement plans and the establishment of a new Permitted Use(s) within an existing building or structure already occupied by a Permitted Use.

Section 1202 Minor Revisions to Development Permits and Construction Plans:

Upon receipt of an application for a minor revision to an approved development permit, or minor revision to approved construction plans and/or required improvement plans, the Zoning Administrator may approve such minor revision with a finding that the revision does not:

- (1) Increase vehicular traffic;
- (2) Increase the demand for parking or parking area(s);
- (3) Increase the development site, number of lots or building size;
- (4) Increase noise or odor levels, lighting, dust or dirt;
- (5) Create any unsightly conditions;
- (6) Decrease privacy to adjacent property owners or landscaping, screening or buffering treatments;
- (7) Change the general layout of the development area or site.

In reviewing an application for a minor revision to an approved development permit or minor revision to approved construction plans and required improvement plans, the Zoning Administrator may schedule a review and consideration of the application by the Planning Commission prior to making a final decision on an application. The Zoning Administrator may approve the minor revision as requested by the applicant, approve the minor revision with conditions, or deny the request for a minor revision. The Zoning Administrator shall notify the Planning Commission and Dutch John Town Council at their next regular meeting of actions taken by the Zoning Administrator in approving or denying minor revision applications. The Zoning Administrator's decision shall be final upon the close of the Planning Commission meeting at which notification occurred.

Section 1203 Appeal of Zoning Administrator Decision for Minor Revisions:

Any person aggrieved by a decision of the Zoning Administrator concerning a decision for a minor revision may file an appeal of the Zoning Administrator's decision with the Board of Adjustment, with a minimum of seven (7) days notification provided by the Zoning

Administrator to members of the Planning Commission and Dutch John Town Council. The Zoning Administrator shall forward all materials and records on the matter to the Board of Adjustment.

CHAPTER 13

MOVING OF BUILDINGS

Section 1301 Intent:

These provisions are designed to facilitate and manage the moving of buildings and structures within the Dutch John town site and to establish necessary requirements for the moving of buildings and structures.

Section 1302 Application Required:

An application for a Building Permit must be completed and approved before any building is moved to or from any property in Dutch John. If the building is a Mobile Home then the Moving Structure Permit must be obtained from the County Assessor's Office.

Section 1303 Approval Procedures:

An application for a Building Permit for the moving of buildings shall be reviewed and approved by the Zoning Administrator and Town Building Official.

In considering the request for the moving of buildings, the Zoning Administrator and Town Building Official shall consider the following, among other items, and find:

- (A) That the building will have no material negative effect on the surrounding area and property values in the area to which the building is to be moved.
- (B) The building is in conformity with the type and quality of the buildings existing in the area to which the building is to be moved.
- (C) That the building and the property on which the building is proposed to be located complies fully with all the provisions of this Ordinance and all applicable Building Codes.
- (D) The building and its proposed location does not in any way adversely affect existing buildings, uses or property in the area.
- (E) That all approvals, dedications and improvements required by the Town of Dutch John are provided in conformity with the standards of this Ordinance and other applicable Ordinances.
- (F) Verification by both the property owner and the Building Inspector is required to ensure no structure shall hamper or interfere with any existing maintenance easements. Verification shall be through research of the County Recorder's records on all easements affecting the property, including but not limited to: property lines, roadway access and utilities. Property Owner shall have Property Survey corners in place prior to verification process.

Upon finding of compliance with the items listed and any other items deemed necessary, the Zoning Administrator and Town Building Official may approve the application for the moving of buildings.

Section 1304 Permits and Guarantees Required:

Before building permits can be issued, and as a condition of approval of the application for the moving of buildings, the Zoning Administrator and Town Building Official may require the applicant to post a bond as determined necessary to adequately cover the installation of all improvements required by the Town in approving the application.

Section 1305 Certificates of Occupancy:

Prior to the issuance of any certificate of occupancy, the Building Official will ensure that the building complies with all requirements of this Ordinance, the Town's adopted Building Codes and other codes as adopted by the Dutch John Town Council and shall require that all conditions of approval of the application for the moving of buildings have been complied with.

Section 1306 Restoration of Old Site:

When the site to be vacated by the moving building or structure is located within the Town, the Zoning Administrator and Building Official shall require a bond, or all costs associated with the restoration of the vacated site to a safe and visually pleasant condition.

CHAPTER 14

AIRPORT AREA REGULATIONS

Section 1401 Purpose:

The regulations contained in this chapter are established to restrict the use of land adjacent to or in the immediate vicinity of the Dutch John Airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. These restrictions will help avoid or lessen hazards resulting from the operation of aircraft, avoid creation of new hazards, and to protect the lives of people who use the Dutch John aircraft facilities.

Section 1402 Definitions:

For the purpose of this chapter, the terms set out in this section shall have the following meanings:

- (1) Airport Influence Area (AIA): That land near an airport that is directly influenced by activity at the airport; consequently, land use planning or zoning measures need to be taken to prevent incompatible development within this area. The affected area varies in size depending on the type of airport and flight activity that occurs there. (WFRC definition)
- (2) Approach Zone (EAZ): An area that begins at the end of the Runway Protection Zone (RPZ) with the centerline being a continuation of the centerlines of the landing strip and extending an additional 4000' past the end of the RPZ. The beginning width of the EAZ where it abuts the RPZ would be 700' with the ending width being 2000'.
- (3) FAR Part 77: 14 CFR 77 U.S.C. That part of the federal Aeronautics and Space statutes which deals with "Objects Affecting the Navigable Airspace", commonly referred to as Federal Aviation Regulations (FAR) Part 77. Part 77 "...establishes standards for determining obstructions in navigable airspace; sets forth requirements for notice to the (FAA) Administrator of certain proposed construction or alteration; provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace; provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and provides for establishment of antenna farms.
- (4) No Development Zone: An area that includes the Runway Protection Zones and the Approach Zones on both ends of the runways. No above ground development permitted. Underground development of utilities within this zone is permitted.
- (5) Runway Protection Zone (RPZ): An area off the runway end to enhance protection of people and property on the ground. (FAA AC 150/5300-13, "Airport Design")

Section 1403 Height Limits near Airports:

- (1) In the Light Industrial (LI) and Multiple Use (MU-40) zones surrounding the airport no construction shall be allowed no development that will breach the FAR Part 77 guidelines.
- (2) The Runway Protection Zones and Approach Zones shall be No Development Zones.

Section 1404 Construction and Use Regulations:

- (1) Notwithstanding any other provision of this title, no uses may be made of land or buildings within the Town which will create electrical interference with radio communication 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.
- (2) Plans for proposed structures to be located within two thousand (2,000) feet of the main runway and within the approach or transition zones will be required to be submitted to the Federal Aviation Administration (FAA) for their review and recommendation regarding the proposed structure's impact on the airport.
- (3) Plans for proposed structures to be located within two thousand (2,000) feet of the crosswind runways and within the approach or transition zones may be required to be submitted to the Federal Aviation Administration (FAA) for their review and recommendation regarding the proposed structure's impact on the airport.
- (4) Plans for a proposed structure or alteration of an existing structure over two hundred (200) feet in height or a structure that will penetrate a 1:100 plane from a runway will be required to be submitted to the Federal Aviation Administration (FAA) for their review and recommendation regarding the proposed structure's impact on the airport (FAA form 7460 - **NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION**).

CHAPTER 15

SIGNS

Section 1501:

To increase safety and to reduce unnecessary distractions along public streets and rights-of-way, it is necessary to control and regulate the size, location and type of sign proposed for establishment in the Town of Dutch John.

Section 1502 Maximum Allowed Signage:

- (1) Identification Signs located in Residential Districts.
 - (A) Signs identifying the name of the occupant of a residence, the occupant's profession or title, and the address of the dwelling are permitted, subject to the following requirements:
 1. Signs shall not exceed four (4) square feet in area.
 2. Signs shall not be illuminated.
 3. Signs shall be located on the property to which they pertain, and the number shall be limited to one (1) sign for each dwelling.
 - (B) No other signs are permitted within residential zones except for necessary warning and public information signs or signs identifying churches, schools, public utility buildings or publicly owned or operated properties and buildings.
- (2) Identification Signs in Commercial and Industrial Districts.
 - (A) All Identification signs in the Commercial and Industrial Districts shall be a "monument" type sign, not exceeding six (6) feet in height above finished grade, or a building sign, attached directly to a building, which shall not extend beyond the corner of the building nor above the roof line of the building.
 - (B) Signs shall not exceed an area of one (1) square foot for each linear foot of street frontage, but in no case shall the sign be larger than one hundred (100) square feet. Where there is more than one (1) sign located on the property, the aggregate sign area shall not exceed one (1) square foot for each linear foot of street frontage or one hundred (100) square feet, whichever is less; however, nothing contained herein shall require the aggregate sign area for any one establishment on the property to be less than fifty (50) square feet.

- (C) Signs may be illuminated, but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
 - (D) Signs shall not be moving, animated or audible in any manner.
 - (E) All signs shall be located on the property to which they pertain, and the number shall be limited to one (1) for each separate establishment on the property.
- (3) Permanent Directional Signs.
- (A) Signs shall not exceed twelve (12) square feet in area.
 - (B) Signs may be double faced.
 - (C) Signs may be illuminated, but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
 - (D) Signs may be placed flat against a wall of a building, or such signs may be freestanding, but placement against a wall of a building shall be no higher than eight (8) feet above grade. The height of a freestanding sign shall not exceed twelve (12) feet above grade.
 - (E) Signs may be located in or project into required yards, but such signs shall not be located in or project into any street or alley.
 - (F) Signs may be used to designate entrances or exits to or from a parking area if necessary, but the number shall be limited to one (1) for each such entrance or exit.
 - (G) Signs shall contain no advertising copy.
- (4) Temporary Directional Signs.
- (A) Signs shall not exceed twelve (12) square feet in area.
 - (B) Signs may be double faced.
 - (C) Signs shall not be illuminated.
 - (D) Signs may be placed flat against a wall of a building or may be freestanding, but placement against a wall of a building shall be no higher than eight (8) feet above grade. The height of a freestanding sign shall not exceed twelve (12) feet above grade.

- (E) Signs may be located in or project into required yards, but such signs shall not be located in or project into any street or alley.
 - (F) Signs shall contain no advertising copy.
 - (G) A Temporary Directional Sign shall be removed from the property within ten (10) days after the purpose of the sign is fulfilled.
- (5) Temporary Signs Pertaining to the Sale, Lease, Hire or Rental of Property.
- (A) Signs shall not exceed one hundred (100) square feet in area.
 - (B) Signs may be double faced.
 - (C) Signs shall not be illuminated.
 - (D) Signs may be placed flat against a wall of a building or may be freestanding, but placement against a wall of a building shall be no higher than twenty-four (24) feet above grade nor above the roof line. The height of a freestanding sign shall not exceed twenty-four (24) feet above grade.
 - (E) Signs may be located in or project into required yards, but such signs shall not be located in or project into any street or alley.
 - (F) Signs shall not be moving, animated or audible in any manner.
 - (G) Signs shall be located on the property to which they pertain, and the number shall be limited to one (1) for each such property.
 - (H) Signs shall be removed from the property within ten (10) days after the purpose of the signs is fulfilled.
- (6) Off Premise Advertising Signs, advertising Goods or Services offered at a place other than the location of the sign.
- (A) All Off Premise Advertising Signs, advertising Goods or Services offered at a place other than the location of the sign are prohibited within the Town of Dutch John.

CHAPTER 16

VARIANCES

Section 1601 General:

Where the Board of Adjustment (BOA) finds that an unreasonable hardship may result from strict compliance with the provisions of this Ordinance, the BOA may approve variances to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided that the variance shall not have the effect of nullifying in any way the intent and purpose of this Ordinance.

Section 1602 Standards:

The BOA shall not approve a variance unless, based upon the evidence presented, it finds that all of the following provisions apply:

- (A) Literal enforcement of the zoning district provisions of this Ordinance would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the zoning district or this Ordinance. The BOA shall not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought and is peculiar to the property rather than conditions general to the immediate area. No finding of unreasonable hardship shall be made if the alleged hardship is self-imposed or solely economic.
- (B) There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.
- (C) The variance is essential to the enjoyment of a substantial property right possessed by other property in the district.
- (D) The granting of the variance will not substantially affect the goals, objectives, policies or standards of the Dutch John Master Plan and will not be contrary to the public interest.
- (E) The spirit of the requirements and provisions of this Ordinance will be observed and substantial justice done.

Section 1603 Conditions:

In approving any variance, the BOA may require such conditions as will, in its judgment, mitigate any negative effects of granting the variance and secure substantially the purposes of this Ordinance.

Section 1604 Effect of Granting a Variance:

The granting of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review and determination of any approval, permit or license that may be required by this Ordinance.

Section 1605 Time Limitation:

No variance shall be valid for a period of longer than six (6) months unless a building permit is issued within that period and construction diligently pursued.

Section 1606 Use Variance:

The BOA and any other body may not grant use variances.

Section 1607 Procedures:

A petition for a variance may be submitted in writing, on the approved application as provided by the Town, by the property owner. The application shall state fully the grounds for the variance requested and all of the facts relied upon by the owner.

CHAPTER 17

NONCONFORMING USES

Section 1701 Continuing Existing Uses:

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

Section 1702 Expansion of a Non-conforming Use:

A non-conforming use of land, building, sign or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration and further use of such property conforms to the requirements of this Ordinance for the zoning district in which such property is located.

A building or structure occupied by a non-conforming use, or a building or structure non-conforming as to height and/or yard requirements, may be added to or enlarged or moved to a new location on the lot upon a variance being authorized by the Board of Adjustment providing that during the hearing, the Board shall find:

- (1) The addition to, enlargement of, or moving of the building will be in harmony with the purposes of this Ordinance and shall be in keeping with the intent of this Ordinance.
- (2) 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 1703 Repairs:

Repairs may be made to a non-conforming building or to a structure housing a non - conforming use.

Section 1704 Alteration Where Off-Street Parking is Insufficient:

A non-conforming building or structure lacking sufficient off-street parking space as required by this Ordinance may be altered or enlarged as per this chapter, provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

Section 1705 Restoration of Damaged Buildings:

A non-conforming building or structure or a building or structure occupied by a non-conforming 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 commenced within a period of six (6) months following the damage or destruction and is diligently pursued.

Section 1706 One Year Vacancy:

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

Section 1707 Change of Use:

A non-conforming use may only be changed to a use allowed in the Zoning District in which the property is located by following the use permitting procedures as identified in this Ordinance.

An existing non-conforming lot or parcel shall not be enlarged or modified except to create a situation where the lot becomes a conforming lot or to create landscaping, fencing, curb, gutter, road widening, minimum off-street parking or other similar improvements that will provide a safer and more compatible facility.

CHAPTER 18

ENFORCEMENT

Section 1801 Enforcement - Procedures and Duties:

This Ordinance may be enforced by the Town by any and all appropriate means authorized by State Law and Town ordinances including, but not limited to, injunctive relief, fines, withholding of building permits and revocation of development approvals, permits and licenses.

- (1) It shall be the duty of the Zoning Administrator and other Town Staff to enforce these requirements and to bring to the attention of the Town Attorney or designee any violations of this Ordinance.
- (2) No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of this Ordinance, nor shall the Town have any obligation to issue certificates of occupancy or to extend roads or other facilities or services to any parcel created in violation of this Ordinance.
- (3) A violation of any provision of this Ordinance shall be a Class B Misdemeanor and the violation is subject to such fines and imprisonment that may be applicable pursuant to the provisions of the Utah Code. Each violation and each day that a violation continues shall be a separate offense.

Section 1802 Civil Enforcement:

Appropriate actions and proceedings may be taken by the Town in law or in equity to prevent any violation of this Ordinance, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure or premises.

Section 1803 Reconsideration/Revocation of Approvals, Permits and Licenses:

An approved development application, permit or license may be reconsidered and revoked by the Town Council in accordance with the procedures set forth in this Section if it is determined that the application, decision, permit or license was based on materially inaccurate or incomplete information.

Section 1804 Revocation Procedures:

- (1) Duties of the Zoning Administrator. If the Zoning Administrator determines, based on inspection, that there exists reasonable grounds for revocation of a development permit or license authorized by this Ordinance, the Zoning Administrator shall set a public hearing before the Dutch John Town Council.

- (2) Notice and Public Hearing. At least fourteen (14) days of notice of a proceeding to reconsider or revoke the development permit or license shall be given to the applicant and the Public.
- (3) Required Findings. The Dutch John Town Council may revoke the development approval, permit or license upon making one or more of the following findings:
 - a. That the development permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant.
 - b. That the terms or conditions of approval of the permit relating to establishment or operation of the use, building or structure have been violated or that other laws or regulations of the Town applicable to the development have been violated.
- (4) Effect. A decision to revoke a development permit or license shall become final five (5) days after the date notice of the decision was given. After the effective date, all activities pursuant to such permit shall be deemed in violation of this Ordinance.
- (5) Decision and Notice. Within ten (10) days of the conclusion of the hearing, the Dutch John Town Council shall render a decision and shall notify the holder of the permit or license of the decision and any other person who has filed a written request for such notice.

CHAPTER 19

APPEALS

Section 1901 Administrative Decisions; Zoning Administrator:

- (1) Decisions of the Zoning Administrator in applying the provisions of this Ordinance may be appealed to the Board of Adjustment by filing an application and all necessary materials within thirty (30) days of the date of the Zoning Administrator's decision.
- (2) Following receipt by the Board of Adjustment of an appeal of a decision by the Zoning Administrator, the Board of Adjustment shall give notice and schedule a public hearing. Following the hearing and the submission of all necessary and relevant information, the Board of Adjustment shall render a decision on the appeal.
- (3) The Board of Adjustment shall provide a copy of the Board's decision by mail to all parties to the appeal within fourteen (14) days of the Board of Adjustment's decision.

Section 1902 Board of Adjustment Decisions:

Any person aggrieved by a decision of the Board of Adjustment may, within thirty (30) days after the decision is made, present to the District Court a petition specifying the nature of the appeal and the grounds on which they are adversely affected.

Section 1903 Planning Commission Decisions:

Any person aggrieved by a decision of the Planning Commission may file an appeal with the Dutch John Town Council within thirty (30) days of the date of the decision specifying the nature of the appeal.

Section 1904 Dutch John Town Council's Decisions:

Any person aggrieved by a decision of the Dutch John Town Council may file an appeal to District Court within thirty (30) days of the date of the decision pursuant to the provisions of the County Land Management and Development Act, Utah Code.

Section 1905 Judicial Review:

No petition for judicial review may be filed unless and until the applicant has exhausted all manner of relief and processes available as provided by this Ordinance.

CHAPTER 20

DEFINITIONS

Definitions. For the purpose of this Ordinance, certain words are hereby defined as follows:

- (1) **Adjacent:** Meeting or touching at some point, or across a street, alley or other public or private right-of-way.
- (2) **Applicant:** The owner of land or the owner's authorized representative.
- (3) **Appurtenances:** The visible, functional, or ornamental objects accessory to and part of a building.
- (4) **As-built Profile:** A map or drawing which depicts a vertical section of a road, street, curb, conduit or other physical feature as it has been actually constructed.
- (5) **Average Daily Traffic (ADT):** The average of one-way vehicular trips that use a road or driveway during a 24-hour period.
- (6) **Basement:** That portion of a building between floor and ceiling which is partly below and partly above grade, located such that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.
- (7) **Dutch John Town Council / Town Council / Town:** The Town Council of the Town of Dutch John situated in Daggett County, Utah.
- (8) **Building:** A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals or property of any kind.
- (9) **Buildable Area:** The portion of a lot which is within the envelope formed by the setbacks that form the required yards.
- (10) **Building Height:** The vertical distance from grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or the average height of the highest gable, hip or gambrel roof as measured vertically from finished grade.
- (11) **Building, Principal:** A building in which is conducted the principal use of the lot on which it is located. In a residential zoning district, any residential dwelling is deemed to be the principal building on the lot on which it is situated.
- (12) **Bulk:** The total volume of the structure, found by multiplying the square footage by the height.

- (13) **Camper:** Means a unit containing cooking or sleeping facilities that is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use.
- (14) **Carport:** A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport shall be subject to all regulations prescribed for a private garage.
- (15) **Certificate of Occupancy:** A certificate issued by the County after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable County codes, permits, requirements and approved plans.
- (16) **Planning Commission:** The Planning and Zoning Commission of the Town of Dutch John as appointed by the Town Council of the Town of Dutch John.
- (17) **Conditional Use:** A use of land for which a Conditional Use permit is required pursuant to this Ordinance.
- (18) **Construction Plan:** The maps or drawings accompanying an application which show the specific location and design specifications of improvements to be installed in accordance with the requirements of approval by the Planning Commission and Dutch John Town Council.
- (19) **Contiguous:** The touching or overlap of two (2) or more use district boundaries or property lines.
- (20) **Critical Slope, 30% Slope:** An area where the rise or fall is equal to or exceeds thirty (30%) percent (1:3) over a horizontal distance of 100 feet or greater.
- (21) **Easement:** A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose. In no case shall a permanent structure either Primary or Secondary be built within a dedicated easement without first getting permission from the party to whom the easement is dedicated. State law shall govern on the use of dedicated utility easements.
- (22) **Facility:** A structure or place which is built, installed, or established to serve a particular purpose.
- (23) **Family:** One (1) 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.
- (24) **Frontage:** All property fronting on one side of the street, highway or private road.

- (25) **Garage, Private:** An accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1 ½) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common.
- (26) **Geologic Hazard:** A geologic condition which may pose a significant threat to persons or property.
- (27) **Grading:** Any excavating, filling or combination thereof. Grading is regulated by the appendix chapter titled "Excavation and Grading" of the most current edition of the Town's adopted Building Codes.
- (28) **Guest:** Any transient person who occupies a room for sleeping purposes.
- (29) **Improvements:** Street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities or other such installations designated by the Planning Commission or Dutch John Town Council.
- (30) **Intensity:** The concentration of activity, such as combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.
- (31) **Loading and Unloading Space:** A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty feet (20) in length, and fourteen (14) feet in height.
- (32) **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 not less than sixteen (16) feet wide. Except for group dwellings and guest houses and dwellings associated with agricultural uses and lands, not more than one (1) dwelling structure shall occupy any one lot.
- (33) **Lot, Area:** The area of a horizontal plane within the lot lines of a lot.
- (34) **Lot, Corner:** A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.
- (35) **Lot, Interior:** A lot other than a corner lot.

- (36) **Lot, Coverage:** The percentage of the area of a lot which is occupied by all permanent buildings, other impervious surfaces or other covered structures. Building coverage to be measured at the drip edge.
- (37) **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.
- (38) **Lot, Line:** Any line bounding a lot.
- (39) **Lot Line, Front:** The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two lot lines separating the lot from the street, except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line, but not both.
- (40) **Lot Line, Rear:** The boundary of a lot which is most distant from, and is, or is most nearly, parallel with the front lot line; except that in the absence of a rear lot line, as is the case of the triangular-shaped lot, the rear lot line may be considered as 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.
- (41) **Lot Line, Side:** The boundary of a lot which is not a front lot line or a rear lot line.
- (42) **Lot of Record:** A lot which is part of a legally created 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 prior to the enactment of this Ordinance.
- (43) **Lot, Through:** A lot having a pair of opposite lines abutting two (2) streets and which is not a corner lot. On such lots, both lot lines are front lot lines.
- (44) **Lot, Width:** For rectangular lots, lots having side lot lines not parallel and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel with the street or long chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line on a line parallel with the street or long chord.
- (45) **Maximum Building Height – Primary Structures:** The maximum building height shall be measured at the tallest point of the ridge of the roof down to the permanent ground level. This measurement is not to include roof projections such as weather vanes, antennas, decorative features etc.

- (46) **Maximum Building Height – Secondary Structures:** The maximum building height shall be measured at the tallest point of the ridge of the roof down to the permanent ground level. This measurement is not to include roof projections such as weather vanes, antennas, decorative features etc.
- (47) **Maximum Building Width – Secondary Structures:** The maximum building width as measured across the side of the building which faces the road frontage and is not screened by the Primary Structure.
- (48) **Manufactured Home:** A transportable, factory-built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, and when erected on site, the home must be at least 20 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the County's Building Codes, have a minimum roof pitch of 2:12, and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A Manufactured Home shall be identified as real property on the property assessment rolls of Daggett County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
- (49) **Mobile Home:** A transportable, factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code). The following are excluded from this definition:
- (A) Travel trailers, motor homes, camping trailers, or other recreational vehicles; and
 - (B) Manufactured home.
- (50) **Mobile Home Park:** Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes or storage are located, regardless of whether or not a charge is made for such accommodation.
- (51) **Mobile Home Space:** A plot of ground within a mobile home park or travel trailer park designed for the accommodation of one mobile home or travel trailer together with its accessory structures including carports or other off-street parking areas, storage lockers, patios, patio covers, awnings and similar appurtenances.
- (52) **Name Plates and Signs:** "Name plates and signs" shall include:
- (A) One name plate for each dwelling unit, not exceeding two square feet in area, indicating the name of the occupant or a permitted home occupation.

- (B) One sign board not exceeding eight square feet in area appertaining to the lease or sale of the property or the sale of products produced on the property or warning against trespassing.
 - (C) One bulletin board not exceeding eight square feet in area for a church or other institution for the purpose of displaying the name and character of services or other activities conducted therein.
 - (D) One identification sign not exceeding eight square feet in area for buildings other than dwellings.
 - (E) All such bulletin boards and identification signs shall be attached to and parallel with the front wall of the building. If any name plate, bulletin board or sign is illuminated, indirect lighting only shall be used; no flashing or intermittent illumination shall be employed.
- (53) **Natural Waterways:** Those areas varying in width along streams, creeks, gullies, springs, faults or washes which are natural drainage channels.
- (54) **Non-conforming 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 the height, area and yard regulations herein prescribed in the zone in which it is located.
- (55) **Non-Conforming Use:** The lawful use of any building, lot, parcel or tract of land existing at the time this Ordinance, or amendments thereto, become effective which does not conform to the use regulations of the zoning district in which it is located.
- (56) **Nuisance:** Any use or activity which emits noise, smoke, dust, odor or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.
- (57) **Off-street Parking:** An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.
- (58) **Owner:** Means the owner, lessor, or sub-lessor of a residential rental unit. A managing agent, leasing agent, or resident manager is considered an owner for purposes of notice and other communication required or allowed.
- (59) **Parking Lot:** An open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

- (60) **Parking Space:** A permanently surfaced area, enclosed or unenclosed, of not less than eight feet six (8'6") inches in width and having an area of not less than one hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
- (61) **Permitted Use:** A use of land for which no Conditional Use permit is required.
- (62) **Principal Use:** The primary purpose or function for which a parcel is used.
- (63) **Public Improvement:** Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off-street parking area or other facility or amenity.
- (64) **Rental Agreement:** Any agreement, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions regarding the use and occupancy of a residential rental unit for any period less than or greater than 30 days.
- (65) **Renter:** Means any person entitled under a rental agreement to occupy a residential rental unit to the exclusion of others.
- (66) **Right-of-Way:** Land occupied or intended to be occupied by a public or private trail, road or other public transportation use or railroad, electric transmission line or other utility uses.
- (67) **Road:** A public or private thoroughfare which affords a means of access to abutting property.
- (68) **Setback:** The required minimum distance between the building and the related front, side or rear lot line. This distance is to be as determined by table 505 – 1 for Primary Structures or table 505 – 2 for Secondary structures or if not found in these tables is to be determined by the minimum of Building Code requirements if such exists or by site inspection and determination by the Planning Commission. This distance is to be measured from the property line to the drip line of the structure in question.
- (69) **Short-term Residential Rental Unit:** Residence that is rented for less than thirty days, and includes the appurtenances, grounds, and facilities held out for the use of the residential renter generally, and any other area or facility provided to the renter in the rental agreement. Only allowed after obtaining a conditional use permit and business license.
- (70) **Sign:** Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or any civic, charitable, religious, patriotic, fraternal or similar organization.

- (71) **Site Built Home:** A housing unit constructed at a site in accordance with the Building Codes of the Town.
- (72) **Solar Energy Device:** A device which converts the sun's radiant energy into thermal, chemical, mechanical or electric energy.
- (73) **Solar Access:** The ability to receive sunlight across real property for any solar energy device.
- (74) **Solid Waste:** (as per Utah Code Annotated § 19-6-102(16)) means any garbage, refuse, sludge, including sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations and from community activities but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. "Solid waste" does not include any of the following wastes unless the waste causes a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:
- (A) Certain large volume wastes, such as inert construction debris used as fill material;
 - (B) Drilling muds, produced waters and other wastes associated with the exploration, development or production of oil, gas or geothermal energy;
 - (C) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
 - (D) Solid wastes from the extraction, beneficiation and processing of ores and minerals; or
 - (E) Cement kiln dust.

A solid waste is considered a hazardous waste if it is listed as hazardous or if it exhibits any one of the hazardous characteristics set forth hereafter. "Hazardous waste" (as per Utah Code Annotated § 19-6-102(9)) means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- (75) **Storage:** The actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of such waste.
- (76) **Story:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.
- (77) **Street Line:** The boundary which separates the right-of-way of a street from the abutting property.
- (78) **Street:** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.
- (79) **Structural Alteration:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any rebuilding of the roof or exterior walls.
- (80) **Structure:** Anything constructed or erected which requires location on the ground or attached to something having location on the ground, but not including tents, vehicles, travel trailers or mobile homes.
- (81) **Subdivision:** The division of a tract or a lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose of sale or of building development, including associations, corporations or any circumstance of joint tenancy or tenants in common, provided that this definition shall not include a bona fide division of agricultural purposes, nor shall this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the County Recorder.
- (82) **Substantial Modification:** A change which significantly alters the impacts and/or character of a structure, development or use.
- (83) **Travel Trailer:** A mobile home not exceeding eight (8) feet in width nor thirty-three (33) feet in length.
- (84) **Use:** The purpose or purposes for which land or a building is occupied, maintained, arranged, designed or intended.
- (85) **Yard:** The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building is to be used; however, on any lot wherein a setback line has been established by the regulations

of this Ordinance for any street abutting the lot, such measurement is to be taken from the principal building to the setback line.

- (86) **Yard, Front:** A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.
- (87) **Yard, Rear:** A yard extending between the side yards of a lot, or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots, the rear yard is in all cases at the opposite end of the lot from the front yard.
- (88) **Yard, Required:** The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards as distinguished from any yard area in excess of the minimum required.
- (89) **Yard, Side:** A yard between the building and the side lot and extending from the front yard to the rear lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.
- (90) **Zoning District:** Any portion of the unincorporated area of Daggett County in which the same zoning regulations apply.