

CHAPTER 1

TITLE, PURPOSE, INTENT, GENERAL PROVISIONS

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8-1-1: DECLARATION:

This title is an amended zoning and subdivision ordinance for the unincorporated area of Daggett County, Utah, dividing the unincorporated area of said county into zoning districts appropriate for various classes of residential, business and industrial uses; it also provides for the establishment of land development standards and requirements.

8-1-2: PURPOSE:

This amended zoning and subdivision title is designed to promote the public health, peace, safety, comfort, convenience, prosperity and welfare of the present and future inhabitants of the county; to guide, control and regulate future growth and development in order to promote orderly and appropriate use of land in the entire area of said county; to protect the character and stability of residential, business, industrial, open space and recreational areas of the county; to facilitate existing or potential traffic movements; to provide adequate air, light and parking facilities; to secure safety from fire and other dangers; to prevent overcrowding of land and undue congestion of population; to protect the tax base of the county; and to secure economy in governmental services and expenditures. In preparation of this title, consideration has been given to Utah Code Annotated chapter 17-27a, and sections 57-8-3 through 57-8-36, and 57-11-1 through 57-11-21, and to all studies and surveys made in the past in connection therewith.

8-1-3: SHORT TITLE:

This title may be cited as the *AMENDED ZONING AND SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF DAGGETT COUNTY*.

8-1-4: INTERPRETATION:

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

8-1-5: AMENDMENTS:

A. Procedure:

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

2. Zoning and subdivision amendment applications disapproved by the planning commission may be appealed to the board of adjustment, as provided in chapter 5 of this title.

B. Hearing And Publication Of Notice Before Amendment: Before finally adopting any such amendment, the applicable governing body shall hold a public hearing thereon, and shall give notice of the date, time and place of the first public hearing to consider the adoption or modification of a land use ordinance; and notice of each public meeting on the subject. Each notice of a public hearing shall be:

1. Mailed to each affected entity at least ten (10) calendar days before the public hearing; and

2. Posted in at least three (3) public locations within the county at least twenty four (24) hours before the hearing; or on the county's official website at least twenty four (24) hours before the hearing; and

3. Publish in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; and on the Utah public notice website created in Utah Code Annotated section

63F-1-701, at least ten (10) calendar days before the public hearing.

C. Determination Of Governing Body: The county commission body, after notice as provided in Utah Code Annotated section 17-27a-205, as amended, and public meeting and review of the decision of the planning commission, may affirm, revise, alter or remand for further review and consideration any action taken by said planning commission.

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

8-1-6: CONFLICTS:

This title shall not nullify any laws, ordinances, agreements or covenants which are more restrictive, but shall prevail over provisions which are less restrictive. No statement in this title shall be operative if it is found to be in conflict with any laws of the state.

8-1-7: EFFECT ON PREVIOUS ORDINANCES AND MAPS:

The existing ordinances of the county covering the subdivision of land and zoning of areas and districts in the county, in their entirety, and including the maps theretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this title, including the maps on file with the planning commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this title, whether in the same or in different language; and this title shall be so interpreted upon all questions of construction, including, but not limited to, questions of construction, and to questions of conforming or nonconforming land uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

8-1-8: COMPLETION OF REQUIRED IMPROVEMENTS:

A. Performance Bonds: Any improvements required under this title by the planning commission, including, but not limited to, curb, gutter and sidewalk, fences, landscaping, streets, utility lines, parking and flood control requirements shall be satisfactorily installed prior to the final electrical inspection approval of the premises by the building inspector or, if no electrical inspection is required, prior to the issuance of any occupancy permit for the land being developed. In lieu of actual completion of such improvements prior to the final electrical inspection approval or occupancy permit, a developer may file with the county commission, when applicable, a cash or surety bond or escrow agreement in an amount specified by the county commission to ensure completion of such improvements within one year. The bond or agreement shall be approved by the county engineer and county attorney. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the building inspector.

B. Release: If the inspection shows the county standards and specifications have been met in the completion of such improvements, the bond or agreement shall be released within seven (7) days from the time of inspection. If the bond agreement is not released, refusal to release and the reasons therefor shall be given to the developer in writing within seven (7) days from the time of the inspection. The bond or agreement may be partially released based on the percentage of completion of the required improvements.

C. Exception: If the county commission determines that the issuance of a final electrical inspection approval or occupancy permit prior to completion of any required improvements may be injurious to the health, safety or welfare of the county or its inhabitants, it may refuse to accept a bond or escrow agreement in lieu of actual completion of required improvements or may limit a bond or escrow agreement to a period of less than one year.