

## **ORDINANCE 18-10**

### **AN ORDINANCE SETTING SPECIFIC REQUIREMENTS FOR CONSTRUCTION OF A COMBINATION HOME AND GARAGE, ACCESSORY BUILDING FOR NEW HOME, AND ACCESSORY BUILDING OR GARAGE REPLACEMENT FOR THE UNINCORPORATED AREA OF DAGGETT COUNTY**

#### **SECTION 1: TITLE.**

This ordinance sets forth the permitting requirements and permitted sequence for the building of a home, garage, accessory building or combination home and garage, and residential accessory buildings in new first time construction or replacement construction in the following zones: RR-1, RR-1/2, R1-40, R1-20, R1-12, R1-10, R1-8, R1-6, RM-7, RM-15.

#### **Section 2: PURPOSE.**

The purpose of this ordinance is to fulfill the requirement of government to promote the public health, safety and welfare; the harmonious and orderly progressiveness of land development; to ensure the development of sound and compatible neighborhoods; to require the construction of necessary improvements and utilities; and to ensure that development is in accordance with the requirements, scope, and focus of the Daggett County General Plan, and to develop a community where homes are a basic consideration in the development plan while also providing for amendment as needed for the logical fulfillment of this basic requirement. This ordinance amends certain sections of the Amended Zoning and Subdivision Ordinance for the Unincorporated Area of Daggett County found in Title 8 of the Daggett County Code.

#### **Section 3: AUTHORITY.**

The Daggett County Commission adopts this ordinance pursuant to the County Land Use Development and Management act, Title 17, Chapter 27a, of the Utah Code and other authorities and provisions of Utah Statutory and Common laws as applicable.

#### **Section 4: PROVISIONS.**

This ordinance shall take effect immediately following its adoption and signature by the Daggett County Commission. All existing sections relating to new home construction, home and garage combinations, accessory buildings, or replacement of existing buildings currently contained in

Title 8 of the Daggett County Code or related ordinances or resolutions are repealed or amended to read as set forth herein.

**Section 5: DEFINITIONS.**

The definition for “accessory building” currently found in Daggett County Code Title 8, Chapter 2, Section 3, shall be deleted and the following definitions shall be added:

**Residential Accessory building:** A detached, subordinate building intended to be used solely as a workshop or for the storage of automobiles, other vehicles, or personal property, which is subordinate, and customarily incidental to, that of the main building, and which is located on the same lot or parcel of land with the main building or use. “Accessory building” includes any “Storage Container,” as defined in this section. Habitation is prohibited.

**Agricultural Accessory building:** a structure on agricultural land as defined in Utah Code Title 59 Chapter 5 Part 2, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products. Habitation is prohibited.

**Habitation:** The act of living in, occupying, or dwelling within a home, garage, or accessory building.

**Section 6: SPECIFIC ORDINANCE PROVISIONS.**

The numbered paragraphs 1 – 10 of this Section 6, and the entirety of Section 7 herein, shall be re-numbered and added to the Amended Zoning and Subdivision Ordinance for the Unincorporated Area of Daggett County as a new chapter in Title 8 of the Daggett County Code.

1. This ordinance does not modify any current section in the Amended Zoning and Subdivision Ordinance for the Unincorporated Area of Daggett County which specifically addresses setback requirements or placement of buildings, homes, garages or accessory buildings on a building lot.
2. No building permit for any residential accessory building will be approved by either the Daggett County Planning Commission or the Daggett County Building Inspector on a lot which either does not already have a home residence, or a concurrent or existing application for building permit for a home residence. A building permit must be obtained for a home either prior to, or at the same time as, a permit for a residential accessory building or garage. No application for a permit for an unattached garage or any type of residential accessory building

will be accepted or approved under the parameters of this ordinance without the issuance of a permit for a home being first approved or applied for simultaneously thereto.

3. The permit for a home, garage or residential accessory building shall allow for construction to begin within 180 days of the permit date. An extension of time may be allowed upon evidence of valid need by application to the Daggett County Planning Commission.

4. Home, garage or residential accessory building construction must be completed under the parameters of the building permit within two (2) years from the date of the original permit or date of extension.

5. A second application for a garage or residential accessory building construction permit may be submitted to the Daggett County Planning Commission only after or simultaneously with the initial application for a permit for home construction. A properly submitted second application shall be subject to approval by the Planning Commission or Building Inspector upon submission of appropriate plans, drawings, application, and payment of fees.

6. The Daggett County Planning Commission may authorize and approve an application for a permit for the construction of a home and garage combination when both are attached and housed under the same roof and constructed within the time frame of permit and completion.

7. Once a permit is issued for both a home or a home and a residential accessory building or garage, the garage or residential accessory building may be built first.

8. Habitation of a garage or any type of residential accessory building or otherwise using a garage or accessory building as a dwelling is strictly prohibited.

9. Non-compliance with any section of this ordinance shall be considered justification for refusal of any residential accessory building permit application. Successful resubmission of an application for a construction permit must meet all of the conditions set forth herein.

10. Exemptions: Agriculture buildings are not required to obtain a building permit when used solely for, or in conjunction with agricultural use and are not for human occupancy. Nothing in this ordinance is intended to alter the existing permitting requirements and procedures for agricultural buildings.

#### **Section 7: ENFORCEMENT AND PENALTIES**

It shall be unlawful for any person to violate the provisions of this ordinance. Penalties shall be as provided in section 1-4-1 of the Daggett County code. Every violator shall be deemed guilty

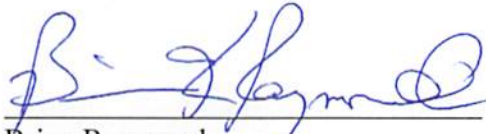
of a separate offense for each day such violation is permitted to exist after official county notice has been given.


In addition to the refusal to accept an application for construction permit in violation of this ordinance, the Daggett County Commission may maintain an action in a court of competent jurisdiction for an order to enjoin, injunction, mandamus, and/or abate any violation of this ordinance.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DAGGETT COUNTY, UTAH this 8<sup>th</sup> day of May, 2018.

DAGGETT COUNTY  
BOARD OF COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
Brian Raymond  
County Clerk/Treasurer

  
\_\_\_\_\_  
Jack Lytle, Chairman

  
\_\_\_\_\_  
Clyde Slaugh, Commissioner

  
\_\_\_\_\_  
Randy Asay, Commissioner

