

DANIEL ORDINANCE : 2008-03-03C.

The following DMC sections are hereby amended as of March 3, 2008 according to the following markup version which shows the wording of the statute before and after the amendment:

Title 8

LAND USE AND DEVELOPMENT CODE

Chapters:

- 8.01 GENERAL PROVISIONS.
- 8.02 ADMINISTRATION PROCEDURES
- 8.03 GENERAL PLAN ADMINISTRATION
- 8.04 DEFINITIONS
- 8.05 P-160 PRESERVATION ZONE.
- 8.06 {Repealed.}
- 8.07 (RA-5) RESIDENTIAL-AGRICULTURAL ZONE.
- 8.08 (RA-1) RESIDENTIAL-AGRICULTURAL ZONE.

- 8.09 (M) MOUNTAIN ZONE.

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Chapter 8.08

(RA-1) RESIDENTIAL-AGRICULTURAL ZONE.

Sections:

- 8.08.01 Purpose.
- 8.08.02 Permitted Principal Uses.
- 8.08.03 Conditional Uses.
- 8.08.04 Lot Area.
- 8.08.05 Lot Width.
- 8.08.06 Lot Frontage.
- 8.08.07 Lot Area Per Dwelling.
- 8.08.08 Setback Requirements.
- 8.08.09 Building Height.
- 8.08.10 Distance Between Buildings.
- 8.08.11 Site Plan Provisions.
- 8.08.12 Permissible Lot Coverage.
- 8.08.13 Parking, Loading, and Access.
- 8.08.14 Other Requirements.
- 8.08.15 Exemptions for Specific Uses.

Section 8.08.01 Purpose.

The (RA-1) Residential Agricultural Zone is established to preserve the high quality of life for the citizens of the Town of Daniel by providing for this type of residential development in certain incorporated areas, while striving to maintain the rural atmosphere of the Town of Daniel. The specific intent in establishing this (RA-1) Residential Agricultural Zone is to accommodate the previously existing (RA-1) Zone that was annexed into the municipality as part of the Storm

Haven Annexation, the survey for which was recorded with the Wasatch County Recorder's office on February 8, 2008

- (1) Provide a place in the Town of Daniel where residential dwellings may be constructed in harmony with agricultural uses.
- (2) Provide services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
- (3) Provide a zone where residents can have farm animals in reasonable numbers and conduct limited agricultural activities.

Section 8.08.02 Permitted Principal Uses.

Those principal uses or categories of uses listed herein, and no others are permitted in the (RA-1) Residential Agricultural Zone.

(1) All uses contained herein are listed by number as designated in the Town of Daniel Land Use Classification, which is published and maintained by the Planning Staff, and are attached as Appendix 1 to this Title. Classes or groupings of uses permitted in the zone are identified by a four digit number in which the last one or two digits are zeros, and sub-uses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be 8111). This document, available in the Planning office, is to be used by the Planning office and others to assist in determining similar uses and the intent of this chapter.

(2) All such classes listed herein and all specific uses contained within them in the Town of Daniel Land Use Classification will be permitted in the (RA-1) Residential Agricultural Zone subject to the limitations set forth herein.

Permitted Principal Uses in the (RA-1) Residential Agricultural Zone	
Use Number	Use Classification
1111	Single Family Dwellings, Detached, On One Parcel
4500	Highway and Street Right-of-Way
4811	Underground Electric Transmission Right-of-Way Under 38 KVA
4821	Underground Gas Pipeline Right-of-Way
4831	Underground Water Pipeline Right-of-Way
4835	Irrigation Distribution Channels
4841	Underground Sewage Pipeline Right-of-Way
4873	Storm Drain Right-of-Way
7420	Playgrounds and Athletic Areas
7600	Parks and Trails
8110	Field and Seed Crops
8120	Truck Crops
8130	Orchards and Vineyards
8140	Large Animals For Personal Use (Limited To 2 Per Acre of Ground), (Except 8143)
8150	Animal Specialties For Personal Use
8160	Pasture and Rangeland
8170	Horticulture Specialties
8220	Animal Husbandry Services (Large Animals Limited To 4 Per Acre), (Except 8222, 8223, and 8224)
9300	Water Areas

(3) Permitted Accessory Uses. Accessory uses and structures are permitted in the (RA-1) Residential Agricultural Zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

- (a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
- (b) Swimming pools and incidental bath houses.

(c) Storage of materials used for the construction of a building including a temporary contractor's office and/or tool shed, provided that such uses are on the building site, and provided further, that such use shall be for only the period of construction and thirty (30) days thereafter.

(d) Barns, corrals, machine sheds, and outdoor arenas that are noncommercial.

Section 8.08.03 Conditional Uses.

The following uses and structures are permitted in the (RA-1) Residential-Agricultural Zone only after a conditional use permit has been approved, and subject to the terms and conditions thereof.

Conditional Uses in the (RA-1) Residential Agricultural Zone	
Use Number	Use Classification
1292	Residential Facility for Handicapped Persons
1293	Residential Facility for Elderly
1516	Bed and Breakfast
1903	Accessory Residential Unit
4811	Electric Transmission Right-of-Way over thirty five (35) feet and/or over 38 KVA
4814	Electric Substations
4824	Gas Pressure Control Stations
4834	Water Storage
4836	Water Pressure Control Stations and Pumping Stations
4844	Sewer Pumping Station or Pressure control Stations
4864	Combination Utility Rights-of-Way
4911	Petroleum Pipeline Right-of-Way-Underground
6240	Cemeteries, Mausoleum (Except 6243)
6721	Police Protection and Related Activities
6723	Fire Protection and Related Activities
6929	Protective Functions and Related Activities
6810	Nursery, Primary and Secondary Education
6910	Religious Activities
7123	Botanical Gardens and Arboretums
7400	Recreational Activities-Non-Commercial (Except 7414, 7415, 7417)
7411	Golf Course (Public)
7412	Golf Course (Private)
7911	Sleigh Ride, Wagon Ride, and Farm Experience Activities.
8146	Indoor Arenas (noncommercial)
8221	Veterinary Services
8222	Animal Hospital Services
8224	Animal Kennels, Boarding, Grooming

[Section 8.08.04 Lot Area and Maximum Density.

(1) Small Scale Subdivisions. For small scale subdivisions, each lot or parcel must be a minimum of one (1) acre. (2) Large Scale Subdivisions. Any large scale subdivision or development in the RA-1 zone shall comply with all applicable Daniel Municipal ordinances including Section 8.27.10 of this title. The maximum density allowed in this zone for large scale subdivisions is one unit per developable acre. Developable acres are calculated by multiplying the total number of acres in a parcel by three-fourths (.75).

(3) Further Development. Any subdivision or development which uses clustering, variable lot sizes or other development procedures and that creates common area parcels, open space parcels or which creates building lots greater than one (1) acre, must include notes on the plat, conservation easements and any other appropriate land use controls deemed necessary by the Land Use Authority to prohibit further development of any lot or parcel within the subdivision.

Section 8.08.05 Lot Width.

Each lot or parcel of land in the (RA-1) Residential Agricultural Zone shall have a lot width of at least two hundred (200) feet at the required building setback.

Section 8.08.06 Lot Frontage.

Each lot or parcel of land in the (RA-1) Residential-Agricultural Zone shall abut a public road or road built to Town of Daniel standards for a minimum distance of one hundred (100) feet on a line parallel to the centerline of the road. Corner lots shall have a minimum frontage of two hundred (200) feet on both roads.

Section 8.08.07 Lot Area Per Dwelling.

Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (RA-1) Residential-Agricultural Zone. If a conditional use is obtained, an accessory residential unit may be built within the main structure.

Section 8.08.08 Setback Requirements.

The setback requirements for this zone shall be as follows:

(1) Front Setback. Each lot or parcel in the Residential Agricultural (RA-1) Zone shall have a front yard setback of not less than sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located along a State or Federal Highway, the setbacks shall be one hundred fifty (150) feet from the edge of the right-of way. See 8.21.07 (2) for setbacks on major collectors.

(a) Accessory Buildings that will Not House Animals. The front setback shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setback must be a minimum of one hundred fifty (150) feet from the right-of way.

(b) Structures that will House Animals. Shall be a minimum of one hundred (100) feet from the road right-of-way, providing however, all such structures must also be set back from any existing residential structure on the same lot or an adjacent lot at least one hundred (100) feet.

(c) Major Town of Daniel Collector Roads. For buildings abutting upon a Town of Daniel street that is designated as a major collector road in the Town of Daniel Master Plan or Transportation Plan, the setback shall be eighty-five (85) feet from the center line of any street, or fifty feet (50) from the right of way, whichever is greater.

(2) Side Setbacks. All structures not intended to house animals shall be set back from the side property line a minimum of ten (10) feet. The sum of the two side setbacks shall be at least twenty-four (24) feet. Side setbacks on buildings that will house animals must be a minimum of fifty (50) feet and one hundred (100) from any dwelling on or off-site.

(3) Corner Lots. For corner lots the side setback on the street side shall be the same setback as that required for the front.

(4) Rear Setbacks. Structures not intended to house animals shall be set back from the rear property line a minimum of thirty (30) feet. Buildings that will house animals must have a rear setback of not less than fifty (50) feet and at least one hundred (100) feet from any dwelling on or off-site.

(5) Railroad Setbacks. The setback of all residential dwellings shall be a minimum of seventy-five (75) feet from the railroad right-of-way.

Section 8.08.09 Building Height.

Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade.

Section 8.08.10 Distance Between Buildings.

The distance between any accessory building and the main building that does not house animals, shall be not less than twenty (20) feet.

Section 8.08.11 Site Plan Provisions.

To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the Planning Staff any existing conditions, structures, topography or any sensitive lands located on the lot.

Section 8.08.12 Permissible Lot Coverage.

In the (RA-1) Residential-Agricultural Zone, all buildings, including accessory buildings and structures, shall cover not more than forty (40) percent of the area of the lot or parcel of land.

Section 8.08.13 Parking, Loading, and Access.

Parking, Loading and Access requirements are discussed in detail in Chapter 8.20. Please refer to that section for further details applying to this zone.

Section 8.08.14 Other Requirements.

(1) Signs. Please refer to Chapter 8.26 for specific sign regulations. Generally the following regulations apply to this zone.

(a) Signs or name plates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.

(b) Home occupation signs not exceeding two (2) square feet in area.

(2) Landscaping. See Section 8.21.10 for a detailed discussion of landscaping requirements for general development within this zone.

(3) Trails. See Section 8.21.18 regarding trail requirements in this zone.

(4) Walls and Fences. Non sight-obscuring fences, that exceed thirty-six (36) inches in height, may be placed within the front setback or the side setback on a corner lot. Fences may not extend into the road right-of-way area. If a sight-obscuring fence is desired it may not protrude into a twenty-five (25) foot visibility triangle on the street sides of a corner lot, or near a driveway used for ingress and egress on all lots. (See Figure 6 of Appendix 2).

(5) Water Requirements.

(a) Each dwelling shall be considered a fulltime residence and must have sufficient culinary water available as required by the State Water Engineer and/or governing water district for residential use only.

(b) Other Requirements. Each dwelling must have sufficient water for outside irrigation to provide water for a minimum of one-quarter (0.25) acres of landscaped area, plus any water required for irrigation of any agricultural use intended. All lots must prove sufficient water to irrigate any land, which has been historically irrigated. An appropriate reduction of acreage may be given for: 1) water which is converted to provide culinary water service for the dwelling, and 2) certain surface areas that do not require irrigation and that may be created in association with the development of the land. These areas include, but are not limited to, building pads, sidewalks, roadways, driveways and parking areas. The amount of water required for outside irrigation will be determined by the Water Resources Director, based upon the needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The Director will also be guided by the policies of the irrigation company involved as well as the State Engineer.

(c) The water requirements for any other use in this zone will be determined as part of the Conditional Use approval process.

(6) Compliance with Land Use Restrictions not a Guarantee of Building Permit. All applicable requirements for issuance of a building permit from all Departments must be met before this permit may be issued.

(7) Additional Regulations. See also Chapter 8.27 (Development Standards) for regulations that apply to this zone. In the event of a conflict between that chapter and the regulations contained in this chapter, the regulations of this chapter would control.

Section 8.08.15 Exemptions for Specific Uses.

The following land uses as identified in the Land Use Classification appendix may be exempt from specific code requirements: (6721) Police protection and related activities, (6723) Fire protection and related activities, (6729) Other Protective functions and their related activities, NEC. (Includes customs inspection, immigration offices, FBI offices, Children's Justice Centers)

(1) Fire Protection and related service are exempt from certain land use requirements if it is determined by the Planning Commission that the Health, Safety and general welfare of the citizens of the Town of Daniel is further protected.

(2) Exempting the above noted uses from land use requirements means exemptions may be for some or all of the following: Frontage, Access, Acreage or Sewer, Fees, etc.