



ORDINANCE 2026-01

ADOPTING AMENDMENTS TO THE DUTCH  
JOHN LAND USE ORDINANCE

WHEREAS, the Town Council finds the amendments to the land use ordinance will further clarify the land use regulations and help support orderly growth in the Town of Dutch John, and;

WHEREAS, the Town Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the proposed changes to the land use ordinance, and;

WHEREAS, the Town Council and Planning Commission held public hearings to receive public input in duly noticed open meetings, and the Town Council considered and discussed the advantages and disadvantages of the proposed amendments.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Dutch John the following changes are hereby adopted:

**Chapter 6**

- Section 602
  - Update the definition of the R2 zone to remove reference to apartments and more clearly define what types of multi-family structures should be permitted. Specifically, we defined multi-family structures up to a quad-plex (duplex, tri-plex, etc) should be permitted.

**Residential (R-2) District:** is formulated to provide appropriate locations for a ~~multi-family dwelling structure up to a quad-plex apartment house neighborhoods.~~ a multi-family dwelling structure up to a quad-plex. ~~The regulations permit a variety of multiple-family primary dwellings and necessary public services and activities. An individual~~ An individual connection to Dutch John culinary water and sewer is mandatory ~~for each dwelling unit~~ for each dwelling unit.

- Updated the definition of Resort Residential to clarify that utility connections are individual.

**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. An individual connection to Dutch John culinary water and sewer is mandatory for each dwelling unit.

- Section 605 Table of Uses
  - Added P for R-2 Internal and External ADUs

- Dutch John has a major housing shortage. Allowing ADUs within both single and multi-family zones (R1, R2, and R3) provides the ability to maximize opportunity for housing without greatly increasing the density within a given zone.

## Chapter 7

- Updated the definition of an 'Improved Lot' to allow the Town to provide flexibility where needed.

**Improved Lot:** An Improved Lot is a parcel of real estate that has been platted and which has all of the improvements required by this ordinance. These improvements shall include, but not be limited to, the following:

- ~~1) Paved Road Access,~~
- ~~2) Curb and Gutter,~~
- ~~3) Sidewalks,~~
- ~~4) Hard Surface (asphalt or concrete) drive approach for at least the first 25 ft. off of the public road~~
- 5) Buried Electric Service
- 6) Town Water and Sewer Services.

All such services shall be installed from the closest point of access to existing Town Improvements/Utility services to the furthest extent of the lot to be built on. The Planning and Zoning holds the authority to make a recommendation to the Town Council to waive these requirements in specific circumstances. The Town Council holds the sole authority to approve or deny the recommendation.

## Chapter 9

- Section 902
  - ADU allowable uses updated to align with permitted use change in Chapter 6, section 605.
  - Updated permitted and non-permitted uses in order to encourage more opportunity for long-term occupancy and assist primary residents with additional income opportunities.

### Section 902 - General Requirements and Regulations:

The following uses are permitted:

- 1) ADUs are permitted in both single and multi-family residential zones (R-1, R-2, R-3).  
~~only.~~

- 2) ADUs may be used for long term rentals (30 days and longer) ,~~regardless of whether or not the property is the primary or secondary residence of the property owner.~~ regardless of whether or not the property is the primary or secondary residence of the property owner.
- 3) ~~An external ADU may be used for short term rentals in cases where the property is the owner's primary residence.~~
- 4) ~~ADUs are permitted for lots where the owner(s) as shown on the Daggett County Recorder's Office are the primary occupants. In no case, shall a property owner rent out both the primary dwelling and the accessory dwelling.~~

The following uses are *not* permitted:

- 1) ADUs are prohibited on non-conforming lots.
- 2) ~~ADUs are not eligible to be used as a short-term rental (see Chapter 23 for definition).~~
- 3) ~~No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot.~~
- 4) A recreational vehicle shall not be used as an ADU.
- 5) No more than one (1) ADU is allowed on a single property.

### Chapter 11

- Section 1114
  - Additional language added to specify fee requirements in order for application(s) to be reviewed.

All application fees must be paid before the application will be reviewed. All building plans must be reviewed and approved by the Building Inspector and additional valuation fees must be paid before a building permit will be issued. ~~at the time of application or the application will not be accepted.~~ All fees are non-refundable.

### Chapter 13

- Section 1304: Minor update to Minimum Street Width
- 

Streets shall have a minimum width of 40 feet of asphalt. All streets and alleys must conform to the requirements detailed in the currently adopted edition of the International Fire Code. A reduction in the minimum width of asphalt of any street or portion thereof serving a residential property may be approved by the Land Use Administrator if the following occur:

- a) The reduction is justified by a special consideration such as topography and submitted in writing to the Land Use Authority along with any relevant supporting drawings or documents;
  - b) The reduction has been specifically approved by the Fire Marshal;
  - c) ~~The length of the street or portion thereof is less than 0.1 mile;~~
  - d) No parking is allowed on the reduced section and no parking signs shall be legally posted on the reduced section;
  - e) The asphalt width may not be reduced to less than 26 feet; ~~and~~
  - f) ~~The reduced roadway width shall not satisfy the required frontage for the lot.~~
- Section 1305: Update to include language that specifies when an exception to curb, gutter, and/or sidewalks may be granted.

1) Curbs, gutters, and sidewalks

Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the Applicant in all subdivisions except the rear of those lots which back on major streets and are not permitted access to such streets. The ~~Land Use Authority~~ Town Council may waive curb and gutter and sidewalk requirements ~~in the following cases:~~

- a. ~~On streets which exceed an average grade of five percent between intersections.~~
- b. ~~On streets in all residential zones, where the subdivision is entirely within a residential zone.~~
- c. ~~When the subdivision is done by the government for a public purpose. The waiver of the requirement for curb, gutter and sidewalk in no way removes the requirement that storm water be managed and contained in a manner consistent with the laws of the Town of Dutch John and approved by the Town. In cases where the requirement for Curb, gutter and sidewalk are waived, no on street parking shall be permitted in the area where the waiver is applied.~~

in the following cases:

- d. On streets which exceed an average grade of five percent between intersections.
- e. On streets in all residential zones, where the subdivision is entirely within a residential zone.

When the subdivision is done by the government for a public purpose. The waiver of the requirement for curb, gutter and sidewalk in no way removes the requirement that storm water be managed and contained in a manner consistent with the laws of the Town of Dutch John and approved by the Town. In cases where the requirement for curb, gutter and sidewalk are waived, no on street parking shall be permitted in the area where the waiver is applied.

~~on streets which exceed an average grade of ten percent between intersections, and may do so in subdivisions where the average lot width exceeds 200 feet at the front building~~

~~setback line and/or the average lot area exceeds 50,000 square feet. Substitution of a single side path for walking and Bicycle traffic may be allowed.~~

~~Except for R-3 zones, the design for curb and gutter in Residential subdivisions shall be either high back according to Vernal City's Standards and Specifications. UDOT standards Vernal City's Standards and Specifications. Curb and gutter design in commercial zones shall be high back. The design for curb and gutter in Industrial zones shall be either high back or modified high back.~~

## Chapter 18

- Updated to bring in language proposed by the Town Council for the Airport Overlay. Chapter 18 was compared to Utah and Federal code in order to make sure the Town was in compliance. Additionally the Committee sought to simplify the language. The current ordinance was already more restrictive in some aspects.

## CHAPTER 18: AIRPORT AREA REGULATIONS

### Section 1801 - 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.~~

This ordinance is enacted to regulate land use and development adjacent to or near the airport, prevent hazards to aviation safety, and ensure compatibility with safe airport operations. It aligns with Utah Code 72-10-403 and 14 C.F.R. Part 77 to protect public safety, preserve airport operations, and promote compatible land uses. This ordinance also seeks to protect property owner rights by establishing fair and transparent requirements for airport-compatible development.

### Section 1802 - Definitions:

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

- 1) Airport Influence Area (AIA)

~~Defined by Utah code 72-10-401 as land that is located within 5,000 ft of an airport or 500 ft of a vertiport that is open to public use. 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. (WFRS definition)~~

2) Airport Influence Overlay Zone (AIO)

Defined by Utah State code 71-10-42 as a secondary zoning district designed to protect the public health, safety, and welfare near an airport that:

- (a) applies land use regulation in addition to the primary zoning district land use regulation of property used as an airport and property within an airport influence area;
- (b) is within the the airport influence area;
- (c) ensures airport utility as a public asset;
- (d) protects property owner land values near an airport through compatible land use regulations as recommended by the Federal Aviation Administration; and
- (e) protects aircraft occupant safety through protection of navigable airspace.

### Section 1803 - Height Limits near Airports:

- 1) All ~~In the Light Industrial (LI) and Future Development (FD)~~ zones within the AIO should reference FAR Part 77 guidelines as well as chapter 6, Sections 606 and 607 of this ordinance. ~~surrounding the airport no construction or development shall be allowed that will breach the FAR Part 77 guidelines.~~
- 2) ~~The Runway Protection Zones and Approach Zones shall be No Development Zones.~~

### Section 1804 - Construction and Use Regulations:

- 1) Any person/entity building or developing land within an airport influence area is required to conform to the requirements of this chapter and 14 C.F.R. Part 77.
- 2) ~~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.~~
- 3) The Planning and Zoning Committee will notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise.
- 4) As a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, the Town will require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an aviation easement.
- 5) ~~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.~~
- 6) ~~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.~~

- 7) ~~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).~~

EFFECTIVE DATE: February 11, 2026

PASSED AND ADOPTED by the Town Council of the Town of Dutch John, this eleventh day of February 2026.

|  | AYE      | NAY   | ABSENT | ABSTAIN |
|--|----------|-------|--------|---------|
| Councilmember, Harriet Dickerson                               | <u>X</u> | _____ | _____  | _____   |
| Councilmember, Sandy Kunkel                                    | <u>X</u> | _____ | _____  | _____   |
| Councilmember, Amy McDonald                                    | <u>X</u> | _____ | _____  | _____   |
| Councilmember, <i>Rachel Albritton</i><br><del>Al Pulham</del> | <u>X</u> | _____ | _____  | _____   |
| Mayor, Lester V. Johns   | <u>X</u> | _____ | _____  | _____   |



Lester V. Johns, Mayor

ATTEST:

  
Amy McDonald, Recorder



(SEAL)