

CHAPTER 1

INTRODUCTORY PROVISIONS (Amended 10/05)

1.1. Short title.

This code shall be known as "The Land Use Development and Management Code" of Grantsville City, and may be so cited and pleaded.

1.2. Authority.

The city council of Grantsville City adopts this Land Use Development and Management Code pursuant to Utah Code Title 10-9a-501 and such other authorities and provisions of the Utah Code Annotated and law that are relevant and appropriate.

1.3. Purpose.

(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of Grantsville City and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster agricultural and other industries, to protect both urban and non-urban development, to protect and ensure access to sunlight for solar energy devices.

(2) To accomplish the purposes of this chapter, Grantsville City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the city, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, and height and location of vegetation, trees, and landscaping, unless expressly prohibited by law

1.4. Effect of chapter.

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations and all other regulations appearing elsewhere in this code.

1.5. Interpretation.

The regulations contained in this ordinance shall be interpreted and applied in accordance with the following rules:

(1) All regulations shall be construed as the minimum requirements necessary to promote the public health, safety, convenience, order, prosperity and welfare of the city.

(2) The provisions of this ordinance are not intended to interfere with, abrogate or require enforcement by the city of any legally enforceable easements, covenants, or other agreements between private parties that may restrict the use of land or dimensions of structures more than the provisions of this ordinance. However, when the regulations of this ordinance impose greater restrictions than are imposed by such easements, covenants or other agreements between parties, or than are required by laws or other applicable ordinances, the provisions of this ordinance shall control. In addition, deed restrictions imposed by the city as a condition of subdivision plat approval shall be enforced by the city.

(3) The masculine gender shall include the feminine and the feminine gender shall include the masculine.

(4) A word importing the singular number may be applied to plural persons and things.

Conversely, the use of the plural number shall be deemed to include any single person or thing.

(5) The present tense of a word shall be deemed to include the future tense as well.

(6) The word "shall" is mandatory; the word "may" is permissive.

(7) The word "year" shall mean a calendar year, unless otherwise indicated.

1.6. Conflict.

This code shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions, which are less restrictive. Whenever other restrictions or provisions are adopted under state law the most restrictive requirement shall govern.

1.7. Effect on previous ordinances and maps.

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this code, including the attached map or maps, shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions or previous codes is included in this code, whether in the same or in different language; and this code shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or non-conforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or non-conforming.

1.8. Permits and licensing.

All departments, officials and public employees of Grantsville City which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this code and any such permit or license, if issued in conflict with the provisions of this code, shall be null and void.

1.9. Severability.

Should any chapter, section, clause, or provision of this code be declared by the courts to be invalid, the same shall not affect the validity of the code as a whole or any part thereof other than the part so declared to be invalid.

1.10. Penalties.

(1) Grantsville City may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.

(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter is punishable as a class C misdemeanor upon conviction either:

(a) as a class C misdemeanor; or

(b) by imposing the appropriate civil penalty adopted under the authority of this section.

1.11. Appeals.

No person may challenge in district court Grantsville City's land use decision made under this chapter or under the regulation made under authority of this chapter or this code until they have exhausted their administrative remedies. Any person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.

1.12. Enforcement.

(1)(a) Grantsville City or any adversely affected owner of real estate within Grantsville City in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:

- (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

(2)(a) Grantsville City may enforce the ordinance by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within Grantsville City without approval of a building permit.

(c) Grantsville City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

1.13. Site plan required.

A detailed plan of appropriate scale and sheet size as required in this ordinance shall be filed as part of any application for a land use or building permit.

1.14. Curbs, gutters, sidewalks, street paving, etc. condition building permit approval.

The installation of curb, gutter, sidewalks, street paving, drainage culverts, and covered or fenced irrigation ditches of a type approved by the city council shall be required on any existing or proposed street adjoining a lot on which a building is to be established. Such curbs, gutters, sidewalks, paving, drainage culverts, and safety features for irrigation ditches and canals, etc., are required as a condition of building permit approval, when Grantsville City adopts a policy that such improvements be made according to a given plan adopted by Grantsville City. The City may waive the requirements of this section for individual lots when said improvements are not completed along the adjoining parcels or along the adjoining street. If the improvements are waived, the property owner shall sign an agreement with the City to install said improvements when requested by the City.

1.15. Occupancy permit required.

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the zoning administrator, chief building official or designated representative to the effect that the use, building or premises will conform to the provisions of this or other related ordinances prior to occupancy, for any building that has been erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever the use or character of any building or use of land is to be changed. An occupancy permit is issued after the approved final inspection, which shows completion of a building permit. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this ordinance and any subsequent amendments, including non-conforming buildings and uses.

1.16. Inspection.

The zoning administrator or their designated representatives are authorized to inspect or to have inspected all land uses to determine compliance with zoning ordinance provisions. The zoning administrator or any authorized employee of Grantsville City shall have the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said ordinance, provided that such right of entry is to be used only at reasonable hours, unless an emergency exists. In no case shall entry be made to any occupied building in the absence of the owner, representative, employee or tenant thereof, without

written permission of an owner, or written order of a court of competent jurisdiction.

1.17. Inspection and approval required prior to occupancy.

Buildings and structures requiring a building permit pursuant to the provisions of this code shall not be occupied nor put into use until the city building official has inspected such building or structure, finds compliance with this code and the building code of Grantsville City, and gives a written certificate of occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

1.18. Notice.

Grantsville City shall provide the proper notice for the following actions:

(1) The planning commission and the city council shall each hold a public hearing for any modification to the general plan. For notice of public hearings and public meetings to consider general plan or modifications:

(a) Grantsville City shall provide:

(i) notice of the date, time, and place of any public hearing of the planning commission and city council to consider the original adoption or any modification of all or any portion of a general plan; and

(ii) notice of each public meeting on the subject.

(b) Each notice of a public hearing under Subsection

(1)(a)(i) shall be at least ten calendar days before the public hearing and shall be:

(i) published in a newspaper of general circulation in the area;

(ii) before the public hearing held by the planning commission the city shall mail to each affected entity as defined in Utah Code Annotated Title 10-9a-103 at least ten calendar days before the public hearing;

(iii) posted:

(i) in at least three public locations within the city; or

(ii) on the municipality's official website.

(c) Each notice of a public meeting under Subsection

(1)(a)(ii) shall be at least 24 hours before the meeting and shall be:

(i) submitted to a newspaper of general circulation in the area; and

(ii) posted:

(A) in at least three public locations within the municipality; or

(B) on the city's official website.

(2) The planning commission and the city council shall each hold a public hearing for the adoption or any modification of a land use ordinance or zoning map. For notice of public hearings and public meetings to consider the adoption or any modification of a land use ordinance or zoning map:

(a) Grantsville City shall provide:

(i) notice of the date, time, and place of any public hearing of the planning commission and city council; and

(ii) notice of each public meeting on the subject.

(b) Each notice of a public hearing under Subsection

(i) before the public hearing held by the planning commission the city shall mail to each affected entity as defined in Utah Code Annotated Title 10-9a-103 at least ten calendar days before the public hearing;

(ii) posted:

(A) in at least three public locations within the municipality; or

(B) on the municipality's official website; and

(iii) (A) published in a newspaper of general circulation in the area at least ten calendar days

before the public hearing; or

(B) before the public hearing held by the planning commission the city shall mail at least three days before the public hearing to:

1. each property owner whose land is directly affected by the land use ordinance change; and

2. the record owner of each parcel within 300 feet of the property directly affected by the land use code change. The city council is not required to notify the record owners within 300 feet of the affected property of its public hearing unless it decides to give such notice.

(c) Each notice of a public meeting under Subsection

(2)(a)(ii) shall be at least 24 hours before the meeting and shall be posted:

(i) in at least three public locations within the municipality; or

(ii) on the city's official website.

(3) The planning commission and the city council shall each hold a public hearing for a proposed subdivision or an amendment to a subdivision. For notice of public hearings and public meetings to consider a proposed subdivision or an amendment to a subdivision:

(a) Grantsville City's planning commission and city council shall provide notice of the date, time, and place of a public hearing that is:

(i) before the public hearing held by the planning commission the city shall mail not less than three calendar days before the public hearing and addressed to the record owner of each parcel within 300 feet of that property; or

(ii) posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(iii) the city council is not required to notify the record owners within 300 feet of the subject property unless it decides to give such notice.

(b) Grantsville City's land use authority shall mail notice to each affected entity as defined in Utah Code Annotated Title 10-9a-103 of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.

(4) The planning commission and the city council shall each hold a public hearing for any proposal to vacate, alter, or amend a platted street. The planning commission and city council shall hold a public hearing and shall give notice of the date, place, and time of the hearing by:

(a) mailing notice as required in Section (3) above;

(b) mailing notice to each affected entity as defined in Utah Code Annotated Title 10-9a-103; and

(c) publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the petition is located.

(5) If notice given under authority of this part is not challenged under Utah Code Annotated Section 10-9a-801 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

1.19. Property owned by other government units - effect of land use and development ordinances.

(1) After the city council has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan. (2) (a) Each county, municipality, school district, charter school, special district, and political subdivision of the state shall conform to this code when installing, constructing, operating, or otherwise using any area, land, or building situated within Grantsville City.

(b) In addition to any other remedies provided by law, when Grantsville City's land use ordinances is violated or about to be violated by another political subdivision, the city may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin,

abate, or remove the improper installation, improvement, or use.

(3) A school district or charter school is subject to Grantsville City's land use ordinances, except the city may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district or charter school to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;

(e) require a school district or charter school to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or

(f) impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

(4) Subject to Section 53A-20-108, a school district or charter school shall coordinate the siting of a new school with Grantsville City to:

(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and

(b) to maximize school, student, and site safety.

(5) Notwithstanding Subsection (2)(d), Grantsville City may, at its discretion: (a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and

(b) provide recommendations based upon the walk-through.

(6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

(i) a municipal building inspector;

(ii) a school district building inspector; or

(iii) an independent, certified building inspector who is:

(A) not an employee of the contractor; and

(B) approved and supervised by a municipal building inspector or a school district building inspector.

(b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

(6) (a) A charter school shall be:

(i) considered a permitted use and shall be processed on a first priority basis in all zoning districts within Grantsville City; and

(ii) subject only to objective standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

(b) Parking requirements for a charter school may not exceed the minimum parking requirements for schools or other institutional public uses throughout the city.

(c) If Grantsville City has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school provides a waiver.