

Chapter 1.01

GENERAL PROVISIONS

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1.01.10 SHORT TITLE. This Code shall be known as the "Code" of Tremonton City, and may be so cited and pleaded.

1.01.20 PURPOSE. This Code is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Tremonton City, providing for, among other things, less congestion in the streets, better building and development practices, adequate light and air, a logical classification of land uses and distribution of land development and utilization, protection of the tax base, economy in governmental expenditures, encouragement of agriculture and industrial pursuits in appropriate

locations, and the protection of existing urban development. This Code accomplishes these purposes by zoning the area lying within Tremonton City and by regulating the location, height, bulk and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and open spaces, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, public activities or other purposes, and regulates the subdivision of land within Tremonton City.

1.01.30 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.

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

1.01.50 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.

1.01.60 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zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Code, including the attached map or maps, shall be deemed a continuation of previous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 nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

1.01.70 LICENSING. All departments, officials and public employees of Tremonton 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.

1.01.80 LEGAL REMEDIES FOR VIOLATION. Any person, firm or corporation, whether as principal, agent or employee, who violates or causes the violation of any of the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

In addition, the following may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use: (1) Tremonton City by action of the Governing Body; or (2) any owner of real estate within the zoning district in which an alleged violation of this Code has occurred.

1.01.90 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.

1.01.100 ZONING ADMINISTRATOR - AUTHORITY AND DUTIES. The Zoning Administrator is hereby authorized to enforce this Code and all provisions thereof and shall do so by any legal means available to him, including but not limited to the following:

A. Advise the building official on the issuance of building permits. (If the zoning administrator gives written notification to the building official that an intended use, building or structure would be in violation of this Code, such written notification shall be a presumption of illegality and the building official shall not issue a building permit for such use, building, or structure. If the offices of building official and zoning administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification.)

B. Inspect the uses of buildings, structures or land to determine compliance with the Code. Such inspections shall be made at reasonable times.

C. Issue Notices of Violation wherever building or land are being used contrary to the provisions of this Code. (This shall be done by serving notice in writing on any person engaged in said use and posting such notice on the premises.)

D. Inform the Governing Body of all Code violations and recommend specific courses of action with regard to each violation.

E. Maintain a file of Code violations and action to be taken by the Governing Body on such violations.

1.01.110 CODE AND MAP AMENDMENT PROCEDURES. The Governing Body may amend this Code, including the map, but only in accordance with the following procedure:

A. The Planning Commission may initiate Code amendment recommendations to the Governing Body. Any other person seeking to amend this Code or map shall make application for such amendment by filing the following material with the Planning Commission:

1. A written petition designating the change desired and the reasons therefore.
2. A nonreturnable amendment review fee in an amount determined by resolution of the Governing Body.

B. The Planning Commission shall review and hold a public hearing concerning the amendment application and certify its recommendations concerning the proposed amendment to the Governing Body within forty-five (45) days from receipt of the amendment application in a regularly scheduled meeting. The Planning Commission shall recommend adoption of a proposed amendment only where the following findings are made:

1. The proposed amendment is in accordance with the Master Plan of Tremonton City.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this Code.

C. After receipt of the certified favorable recommendations of the Planning Commission, the Governing Body may hold a public hearing to consider such amendment as provided by law for zoning amendments.

D. After the optional public hearing and during a public meeting concerning the proposed amendment, the Governing Body may adopt or reject such amendment.

E. A majority vote by members of the Governing Body that agrees with an unfavorable recommendation of the Planning Commission shall constitute a denial of the application. However, if the Governing Body determines that the proposed amendment may be desirable in spite of the Planning Commission's recommendation, a public hearing shall be held, with notice as required by law, prior to formal action on the application by the Governing Body.

F. If the Governing Body proposes to make any substantive change in the amendment as submitted to it by the Planning Commission, or as advertised, it shall refer such change back to the Planning Commission for its recommendation before adoption of such amendment.

Where an application for zoning amendment has been denied, the Planning Commission and the Governing Body shall not review the same zoning amendment application within six (6) months of such denial, but may consider the proposal thereafter, but only if there is a substantial change of conditions since the earlier application. A resubmitted application shall be processed in accordance with the procedure outlined above.

1.01.120 BUILDING PERMITS - SITE PLAN REQUIRED. An application for a building or use permit shall be made to the local building official and shall include a site plan and such other information as may be required by ordinance in Tremonton City.

1.01.130 BUILDING, USE, AND OCCUPANCY PERMITS REQUIRED. No building or structure shall be constructed, reconstructed, altered, or moved and no land shall be used except after the issuance of a permit for the same by the building official of Tremonton City.

1.01.140 BUILDING, USE AND OCCUPANCY PERMITS TO COMPLY WITH THIS CODE. Building, use, and occupancy permits shall not be granted for the construction or alteration of any building or structure, or for the moving or removal of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use, or occupancy would be in violation of any of the provisions of this Code. Permits issued in violation of any provision of this Code, whether intentional or otherwise, shall be null and void. An occupancy permit shall not be issued until the Zoning Administrator and Building Official shall have filed on record a report finding that the structures and intended uses are in compliance with the provisions of this Code and specifically as to location and completion of both off-site (curb, gutter, sidewalk, paving, utilities, fences, ditches, etc.) and on-site (buildings, etc.) improvements.

1.01.150 CURBS, GUTTERS, SIDEWALKS, STREET PAVING, ETC. MAY CONDITION BUILDING PERMIT APPROVAL. The installation of curb, gutter, sidewalks, drainage culverts and covered or fenced irrigation ditches of a type approved by the Governing Body 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 are required as a condition of building permit approval, when the Governing Body adopts a policy that such street is to be improved according to a plan.

1.01.160 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 or put into use until the local building official has inspected such building or structure, finds compliance with this Code and the building code of Tremonton 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.

1.01.170 CONDITIONAL USE PERMIT REQUIRED FOR RESTRICTED LOTS. No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid Conditional Use Permit for the same has previously been issued pursuant to this Code.

1.01.180 SUBSTANDARD LOTS AT TIME OF CODE PASSAGE. Any lot legally held in separate ownership at the time of adoption of this Code, which lot is below the requirements for lot area or lot width for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the Code, may be used for a single-family dwelling if such a lot is located in an R1 or an RM district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five (5) feet, nor shall the total width of the two yards be less than thirteen (13) feet.

1.01.190 NONCONFORMING LOTS PROHIBITED AFTER ADOPTION OF CODE. After adoption of this Code, no lot having less than the minimum width and area required in the district in which it is located may be created nor shall building permits be issued for construction on such nonconforming lots created subsequent to adoption of this Code.

1.01.200 LOT STANDARDS AND STREET FRONTAGE. Except for planned unit developments, condominiums, and as otherwise provided in this Code, every lot presently existing or hereafter created shall have such area, width, and depth as required by this Code for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the Planning Commission, before a building permit may be issued, provided that no lot containing five (5) acres or less shall be created which is more

than three (3) times as long as it is wide.

1.01.210 EVERY DWELLING TO BE ON A LOT - EXCEPTIONS. Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Code for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Code and have approval from the Planning Commission, may occupy a single lot.

1.01.220 LOTS AND DWELLINGS FRONTING ON PRIVATE STREETS - SPECIAL PROVISIONS. Lots with frontage only on private streets shall be allowed by conditional use permit procedure only, and shall be subject to all applicable requirements of this Code.

1.01.230 YARD SPACE FOR ONE BUILDING ONLY. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Code shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

1.01.240 YARDS TO BE UNOBSTRUCTED - EXCEPTIONS. Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half (2-1/2) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

1.01.250 EXCEPTIONS TO HEIGHT LIMITATIONS. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limit herein prescribed, but no space above the height limit for residential purposes shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other ordinance or regulation of Tremonton City.

1.01.260 ADDITIONAL HEIGHT ALLOWED. Public buildings and utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

1.01.270 MINIMUM HEIGHT OF DWELLINGS. No dwelling shall be erected to a height less than one (1) story above grade, except in a planned unit development.

1.01.280 MAXIMUM HEIGHT AND FLOOR AREA OF ACCESSORY BUILDINGS. No building which is accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than one (1) story or twenty (20) feet, whichever is lower, or be higher or contain greater square foot floor area than the principal building to which it is accessory.

1.01.290 AREA OF ACCESSORY BUILDINGS. No accessory building or group of accessory buildings in any residential district shall cover more than forty (40) percent of the rear yard.

1.01.300 WATER AND SEWERAGE REQUIREMENTS. In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Division of Health is not available; and in all cases where a connection to a public water system approved by the Utah State Division of Health is not available: the sewage disposal system and the domestic water supply shall comply with state and local Board of Health requirements, and the application for a building permit shall be accompanied by a Certificate of Feasibility from said Board or Division and evidence of the physical presence, legal right to and availability of culinary water acceptable to Tremonton City and showing the actual physical presence, legal right and availability of culinary water for the sole use of the proposed building or use.

1.01.310 CLEAR VIEW OF INTERSECTING STREETS. In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points not to exceed the setback of the home or building. Any fence, wall, screen, hedge, or other material serving as a fence, shall not create a sight distance hazard to vehicular or pedestrian traffic. See chapter 1.10.

1.01.320 SALE OR LEASE OF REQUIRED SPACE. No space needed to meet the width, yard, area, coverage, parking or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

1.01.330 CONSTRUCTION SUBJECT TO GEOLOGIC OR FLOOD HAZARDS. Whenever development or construction is or may be subject to geologic or flood hazards, the Planning Commission may require the applicant to submit a geologic and soils survey report prepared by a qualified professional team. When such report indicates a lot to be subject to unusual potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the Planning Commission to reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for a building permit shall be denied.

1.01.340 LOCATION OF FUEL DISPENSERS. Fuel dispensers shall be set back no less than twenty (20) feet from any street line to which the pump island is vertical, and twenty (20) feet from any street line to which the pump island is parallel, and not less than Twenty-five (25) feet from any residential, agricultural or commercial/industrial district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. Installation shall be done in accordance to the International Fire Code.

1.01.350 PROPERTY DIVIDED BY ZONING DISTRICT BOUNDARIES. Where a zoning district boundary cuts through a lot existing at the time of adoption of this Code, the use regulations governing the portion of the lot located within the more restrictive zone shall govern the use and development of the entire lot, unless a variance has been granted by the Variance Authority in accordance with the limitations of Chapter 1.14 herein, except for legally existing nonconforming uses and buildings on the lot, and except when the lot can be legally subdivided into two or more legal lots.

1.01.360 UTILITY EXTENSIONS AUTHORIZED ONLY TO PERMITTED STRUCTURES AND BUILDINGS. No sewer service line, no water service line, no electrical or gas utility line shall be installed by a public or private company to the building, structure, or use thus served which would be in violation of this Code.

1.01.370 UTILITIES RESPONSIBLE FOR EXCAVATIONS. It is the intent of this Code to hold franchised utilities responsible for all excavations, backfilling and paving. To this end all such work, whether done by a private or public entity, shall be commenced only pursuant to the issuance of an excavation permit (pursuant to this Code). Cuts and fills shall be constructed according to standards established by Tremonton City, and approval of the same shall be evidenced by a release of responsibility signed by the local engineer.

1.01.380 EFFECT OF OFFICIAL MAP ON FRONT YARD REQUIREMENTS. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

1.01.390 ANNEXATION PROCEDURE. Procedure for annexation is administered through the Municipal Records office of Tremonton City.

1) A petition is filed with the Municipal Records office and must contain the signatures of the owners of private real property that covers a majority of the private land area, and is equal to at least 1/3 of the value of all private real property within the area proposed; then,

- 2) The petition must be either accepted or rejected by the municipal legislative body; if accepted then,
- 3) The City Recorder certifies the petitions; if certified then,
- 4) The municipality gives public notices of intent to annex; then,
- 5) Protest (if any) to Boundary Commission; if no protest or boundary commission approves then,
- 6) Municipal legislative body must hold a public hearing; then,
- 7) An ordinance of annexation; then,
- 8) Filing a plat drawn and certified by a professionally licensed Engineer or Land Surveyor at the expense of the petitioners with the County Recorder.

1.01.400 STORM DRAINAGE - RETENTION. All commercial, institutional, or industrial development, construction, reconstruction, alteration, or expansion which generates any storm drainage, or any multiple-family housing development containing four (4) or more units shall be required to retain all storm water drainage on its own property, or if able to connect to a public storm drain system providing engineering analysis and approval by the city engineer.

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