

Chapter 12-1 GENERAL PROVISIONS

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12-1-101. Short Title.

This Title shall be known as the Zoning Ordinance of the City of Woods Cross and may be so cited and pleaded. This Zoning Ordinance may be referred to herein as “this Title,” and the chapters and sections hereinafter referred to shall be chapters and sections of this Title, unless the context clearly indicates otherwise.

12-1-102. Purpose and Objectives.

This Title and the regulations and restrictions contained herein are adopted and enacted pursuant to the provisions of the Utah Land Use Development and Management Act as set forth at Utah Code Ann. 10-9a-101, *et seq.* under the general welfare provisions of Utah Code Ann. §10-8-84 and under the police power authority generally delegated by statutory or common law to municipalities in the State of Utah. This Title is also enacted pursuant to a General Plan which has been adopted by the City and which may be amended from time to time

The purposes and objectives of this Title and for which it has been enacted are to preserve and promote the health, safety, morals, convenience, and general welfare of the present and future residents and businesses of the City of Woods Cross and the public generally. The objectives of this Ordinance are:

(a) To encourage and facilitate the orderly growth, development and expansion of the City.

(b) To secure economy in the expenditure of governmental resources and to enhance the economic well-being of the City and its inhabitants.

(c) To provide adequate open space, light and air and privacy, to prevent overcrowding, to lessen congestion in the streets, to generally ensure happy, convenient and comfortable living and work environments for the City's residents, businesses and to foster wholesome home and social environments.

(d) To stabilize and improve property values.

(e) To promote the development of a wholesome, serviceable and attractive community resulting from an orderly development and effective use of resources.

(f) To promote and expand economic development in the City in order to expand the City's tax base.

(g) To foster industries that will be conducive to the City's philosophy of promoting clean and attractive businesses and industries.

(h) To protect urban and non-urban development.

(i) To promote the development of the City in a manner that is consistent with the Woods Cross General Plan, as amended.

12-1-103. Interpretation.

In interpreting and applying the provisions of this Ordinance, the requirements of this Title are declared to be the minimum requirements for the purposes set forth herein. Where references are made to specific provisions of statutory law, the Woods Cross Code and this Title, all such references shall be deemed to also refer to such provisions as they may be amended from time to time.

12-1-104. Other Regulations – Conflicts.

Wherever higher or more restrictive standards are established by other applicable statutes, ordinances, rules or regulations, the requirements of the higher or more restrictive standard shall govern. This Title shall not nullify or affect the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail if in conflict with any such other provisions which are less restrictive.

12-1-105. Effect of Private Covenants or Agreements.

This Title shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons but shall prevail notwithstanding such provisions which are less restrictive. Enforcement of private covenants and agreements is affected only by the parties in interest and the responsibility therefor shall not be assumed by the City or its agents.

12-1-106. Establishment of Zoning Districts.

The municipality is divided into zoning districts as shown on the map entitled, “The Woods Cross City Zoning Map”, which Map and boundaries, notations, references, and other information shown thereon shall be deemed to be incorporated as a part of this Title as if the information and matters set forth by the Map were all fully described herein.

12-1-107. Requirements and Declared Minimums.

The uses and regulations which apply to each zoning district are established in accordance with a General Plan designed for the same purposes for which this Title is enacted. The requirements set forth herein are declared to be the minimums which are necessary to accomplish the purposes of this Title.

12-1-108. Property Use Regulations.

The use of all real property within the corporate limits of the municipality shall be limited and restricted as follows:

(a) No land shall be used or occupied except as specifically permitted in the regulations for the zoning district in which it is located;

(b) No land shall be used or occupied for use which is permitted only as an accessory use to an established main use before such main use is actually established or where an established main use of the land has ceased;

(c) No building or structure shall be designed, erected, altered, used, or occupied for use except for uses specifically permitted on the lot upon which the building or structure is located or erected as stated in the regulations for the zoning district in which the lot is located; and

(d) No building or structure shall be erected, used, or occupied for a use which is permitted only for purposes accessory to an established main use or main building before such building has actually been located, erected, or use established, and has been placed into operation; provided that any such accessory use building or structure may be erected after construction of the main building or use has commenced and during the construction of the main building; and no existing accessory use building may be continued to be used after the operation of the main building or use has ceased.

12-1-109. Effect on Previous Ordinances and Maps.

This Title, including the City’s duly approved zoning map(s), maps in the General Plan and any attached map or maps and any amendments to this Title, shall be deemed a continuation of previous Codes and not a new enactment. Determinations regarding questions of conforming and nonconforming uses, buildings, and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming, shall be made independently with reference to the status of the use, building, or structure and the applicable dates of enactment of the regulation creating said status.

12-1-110. Licenses to Conform.

Every permit or license of the City for use, building, occupancy, business, or purpose which conflicts with the provisions of this Title shall be null and void.

12-1-111. Territory Annexed to the City.

At the time of the annexation of new territory to the City, the City Council in consideration of the prior recommendation of the Planning Commission may classify such territory for zoning purposes according to the zones established by this Zoning Ordinance.

12-1-112. Severability of Parts of Title.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Title are severable and if any phrase, clause, sentence, paragraph, or section of this Title shall be declared unconstitutional or invalid by judgment or decree of any court of competent jurisdiction or deleted through amendment or repeal, such unconstitutionality, invalidity or deletion shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Title.

12-1-113. Administrative Delegations.

Whenever in this Title power is delegated to an administrative officer or agency, including the City Council sitting as an administrative reviewing agency, such power shall be exercised subject to any standard set forth in the specific delegation, and to a general standard that such administrative officer or agency act reasonably and according to sound, established principles of municipal planning, and with due regard for the interests of the City, of developers and of property owners.

12-1-114. Legal Remedies and Penalties.

Any person, whether as principal, officer, agent, employee or otherwise, violating or causing or knowingly permitting the violation of the provisions of this Title shall be guilty of a Class B misdemeanor and punishable as provided by law. Each day of violation of this section is a separate violation. Nothing in this section precludes a suit for injunctive or other civil relief.

12-1-115. Time Computation.

In computing any period of time prescribed or allowed by this Ordinance, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or legal holiday. The date of a decision or recommendation of the Planning Commission shall be the date of the hearing when such decision or recommendation is made; or in the event of a written recommendation, the date thereof. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed or otherwise delivered.

12-1-116. Administrative Determination for Uses Not Listed as Conditional or Permitted Uses.

Determinations as to the classification of uses not specifically listed in this Title, shall be made by the Director; provided however, at the discretion of the Director, a determination under this section may be referred to the Planning Commission for its review and decision. An appeal of the Director's or Planning Commission shall be made to the hearing officer as provided in this Title.

The procedure obtaining a determination under this section shall be as follows:

(a) A written request for such a determination shall be filed with the Director. The request shall include a detailed description of the proposed use and such other information as may be required.

(b) The Director shall thereupon make investigations and conduct research as necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title and shall make a determination of its classification based on the investigations and research.

(c) The determination of the Director shall be rendered in writing within a reasonable time. The determination shall state whether the proposed determination is approved, and if approved, the zone in which the proposed use may be conditional or permitted, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone. Upon making this decision, the Director shall notify the applicant in writing of the decision.

(d) The determination and all information pertaining thereto shall be maintained by the Director and shall become a permanent public record of the Community Development Department. Such use shall become a permitted or conditional use in the district specified in the determination and shall have the same status as a permitted or conditional use specifically named in the regulations or the zone classification.

12-1-117. Administrative Reviews, Certificates, And Permits.

(a) **Zoning review for building permits and business licenses.** All applications for building permits shall be submitted to the Director for zoning review. Such review shall assure compliance with the requirements of this Code. The application for a building permit shall be accompanied by a plot plan showing lot lines and dimensions, locations of structures and improvements, building elevations, and all data necessary to ensure provisions of this Code are met. The Director shall not issue any building permit until all requirements of applicable uniform codes are met and all other approvals are obtained as required by this Title and the Code.

(b) **Site plan and architectural review.** The Director shall receive all applications for site plan review. The Director shall receive all submittals, assure completeness, and prepare submittal for review by the appropriate reviewing body.

(c) **Conditional use permit.** Applications for conditional use permits shall be submitted to the Director. The Director shall assure completeness and prepare submittal for review and action by the Planning Commission or as otherwise provided by this Title. Permits approved by the Planning Commission or other authority shall be issued by the Director.

(d) **Zoning amendments.** Requests for amendments or changes to the zoning ordinance or Zoning District Map shall be initiated with the Director. The amendment process shall proceed as provided for in this Title.

(e) **Home occupation permit.** An application for a home occupation permit shall be presented for review by the Director. Upon approval, the Director is authorized to issue a permit, as described in Chapter 12-29.

12-1-118. Fees.

A fee for reviews, certificates, and permits shall be charged as set forth in the City's Consolidated Fee Schedule. No such fee, or any part thereof, shall be returnable in the event that the permit or approval applied for is denied. However, a portion may be refunded if the permit is withdrawn.

12-1-119. Expiration of Building and Other Permits.

Unless a longer time is specifically set forth at the time of issuance of a permit, or unless an extension is granted, in writing, upon a showing of good cause prior to expiration, each permit issued, as set forth in this ordinance, shall expire 180 days from the date of issuance. Further, if no significant work or construction occurs during any 180-day period following the issuance of any permit, said permit shall expire.

12-1-120. Cancellation of Permits, Certificates and Approvals.

Failure to comply fully with the terms of any permits, certificates, or approvals shall be grounds for cancellation of the same. Action to cancel any permits, certificates, or approvals may be taken by the entity that issued the same, e.g, the Director, Planning Commission, etc. Notice of cancellation shall be mailed to the permittee at the address provided on the application. Such mailing constitutes proper notice of any such action. Appeals of any cancelation shall be made to the Hearing Officer as provided in this Title.

12-1-121. Development to be in Accordance with Terms of Approvals, Permits and Certificates.

Upon issuance of any approval, permit or certificate, the developer, operator, or other recipient of said approval, permit or certificate, shall proceed only in accordance with the terms of such approval, permit or certificate including any requirements or conditions established as a condition of the issuance of the same. No building permit shall be issued until all permits, reviews, or approval required by this Title have been secured. Except as specifically provided herein, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required by City ordinance or by other applicable law.

12-1-122. Permits and Licenses to Comply with Title.

All departments, officials, and employees of the City that are vested with the duty or authority to issue permits or licenses shall comply with to the provisions of this Title and with the Code and shall issue no permit or license for uses, buildings, or purposes where the same would conflict with the provisions of this Title or the Code. Any permit or license issued in conflict with the provisions of this Title or the Code shall be null and void.

12-1-123. Development Agreements.

The City Council, on its own initiative or upon recommendation of the Planning Commission, is authorized to enter development agreements with individuals and/or entities. The City Council may require a development agreement for any annexation application, rezone application, development, rehabilitation, reconstruction, or placement of improvement upon any property, for which a permit would be required, for the purpose of:

- (a) Protecting the health, welfare, and safety of the citizenry;
- (b) Addressing proposed projects, and the impacts of such projects, which may not have been contemplated by the Code;
- (c) Addressing issues of the density of developments when required to balance competing interest;
- (d) Refining uses within the development in furtherance of the General Plan when considering neighboring properties;
- (e) Resolving issues regarding unique features or challenges confronting development;
- (f) Protecting sensitive lands;
- (g) Protecting public properties and interests, both tangible and intangible;
- (h) Clarifying the application of Code requirements or City standards;
- (i) Ensuring adherence to the overall intent of the City Code;
- (j) For any other purpose consistent herewith; and/or
- (k) When mutually agreed by the City and the developer.

12-1-124. Design Standards and Construction Specifications.

The City Engineer, or a designee of the City Engineer, is hereby authorized to draft, approve, adopt, and interpret a set of Design Standards and Construction Specifications for development activity approvals in the City. Such guidelines and standards may be amended from time to time as determined necessary by the City Engineer. The standards and guidelines shall be based upon reasonable engineering standards and practices. Any appeal from a guideline or design standard imposed by the City Engineer, shall be made to the Hearing Officer as provided in this Title.