

# **Title 10 Zoning Regulations**

## **Chapter 01 General Provisions**

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### **Section 10:01: 1 Short Title**

This title shall be known as the *LAND USE ORDINANCE OF THE TOWN OF APPLE VALLEY, UTAH*, and may be so cited and pleaded.

### **Section 10: 01: 2 Purpose:**

This title 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 the Town of Apple Valley, including among other things, the lessening of congestion in the streets and roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the town's commercial and industrial growth, and the protection of both residential and nonresidential development.

### **Section 10:01: 3 Interpretations:**

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

### **Section 10:01: 4 Conflicts:**

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive

### **Section 10:01: 5 Building Permit Required:**

- A. The construction, alteration, repair, removal or moving of any building or structure or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the building inspector. Buildings under 200 square feet in area and that have no utilities do not require a building permit. Open buildings such as car ports, pergolas, gazebos and pavilions, which have no solid walls, do not require building permits. In addition to buildings or structures, utility systems and other physical improvements on any lot, such as pools, courts, etc., shall be constructed only after receiving a written permit from the building inspector.
- B. All building permits shall be issued in accordance with the general plan of the town, the road plan, the standards and regulations approved by the Town and all boards, commissions, agencies and officials of the town and all other applicable ordinances of the town, including the town subdivision ordinance.
- C. Distance between Buildings: No two (2) buildings on the same or adjacent properties shall be located closer together than ten feet (10'). No building, structure or run housing animals or fowl shall be constructed closer to a dwelling unit on the same or an adjacent lot than fifty feet (50').

### **Section 10:01: 6 Occupancy Permit Required:**

- A. No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, until a certificate of occupancy shall have been issued by the building inspector, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title or for the renewing, changing or extending of a nonconforming use.
- B. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

### **Section 10:01: 7 Site Plan Required:**

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

- A. Scale used.
- B. Direction of north point.
- C. Lot lines, adjacent streets or rights of way, easements, etc.
- D. Location of all existing structures on the property, including driveway entrances, utility poles, etc.
- E. Location of the proposed construction and improvements, including setbacks, location and dimensions of signs, location of garbage receptacles, etc.
- F. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations.
- G. Any necessary explanatory notes.
- H. Name, address and telephone number of building contractor and owner.
- I. All other information that may be required as may be determined by the building inspector.

### **Section 10:01: 8 Inspections:**

The building inspector is hereby authorized to inspect or to cause to be inspected all buildings and structures in the course of construction, modification, moving or repair and to inspect land uses to determine compliance with the provisions of this title, the building code, and the subdivision ordinance. The building inspector or any authorized employee of the Town of Apple Valley shall have the right to enter any building premises for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of the ordinance; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of the owner, or the written order of the court of competent jurisdiction.

### **Section 10:01: 9 Permits to Comply:**

- A. From the time of the effective date hereof, the building inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of

any of the provisions of this title, nor shall any town official grant, permit or license for the use of any building or land if such use would be in violation of this title.

- B. The Town land use staff or building inspector shall certify that all building permits conform to this title and the subdivision ordinance requirements.

**Section 10:01:10 Nuisance and Abatement:**

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of any land, building premises established, conducted or maintained contrary to the provisions of this title shall be, and the same hereby, is declared to be unlawful and a public nuisance. The Town attorney shall, upon request of the Town Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain or enjoin any person using any such building or structure or using property contrary to the provisions of this title. The remedies provided herein shall be cumulative and not exclusive.

**Section 10:01:11 Enforcement:**

The building inspector is hereby designated and authorized as the official charged with the enforcement of this title, but the town council may from time to time entrust such administration, in whole or in part, to any other employee of the Town without amendment to this title.

**Section 10:01:12 Responsibility for Violations:**

It shall be the duty of all contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing or remodeling of any building or structure to see that a proper permit has been issued before beginning any work. Such work without a permit having been issued is in conflict with the requirements of this title and shall be deemed a violation of this title in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, and shall be subject to the penalties herein prescribed for violation.

**Section 10:01:13 Changes and Amendments:**

This title, including the maps, may be amended from time to time by the Town Council after fourteen (14) days' notice and public hearing; but all proposed amendments shall be first proposed by the planning commission or shall be submitted to the planning

commission for its recommendation, which shall be returned to the Town Council for its consideration. The Town Council may overrule the planning commission's recommendation by a majority vote of its members.

### **Section 10:01:14 Fees:**

Fees may be charged applicants for building, occupancy and conditional use permits, design review and planned unit development approval, planning commission and land use authority hearings, and such other services as are required by this title to be performed by public officials or agencies. Such fees shall be established by the legislative body and shall be in amounts reasonably necessary to defray costs to the public.

### **Section 10:01:15 Licensing:**

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

### **Section 10:01:16 Stop Work or "RED TAG":**

- A. An inspector may issue a stop work order "red tag" to any building or structure that is being used, altered or erected in violation of any requirement of this title, the building code, any state statute governing the construction of a building, the subdivision ordinance, the nuisance ordinance, or any other ordinance for which the building department is responsible for enforcement.
- B. Once in place, the removal of a "red tag" is a violation of this section, unless and until such time as the reason for the violation has been resolved and the removal of said notice has been approved by the building inspector.

### **Section 10:01:17 Completion of Improvements:**

- A. No building permit will be issued until the subject lot has received will serve letters for water, power, and sewer. B. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, storm drainage, culverts, borrow ditches, and all other required improvements, shall be completed prior to the issuance of a certificate of occupancy. In the event that improvements cannot be completed prior to receiving said certificate, due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashier's check, cash, letter of credit or other financial guarantee acceptable to the town, shall be provided to the

town guaranteeing that such required improvements will be fully completed as required.

**Section 10:01:18 Reconsideration of Denied Amendments:**

- A. In the event that a petition for a zone change, an ordinance amendment or a conditional use permit is denied, the planning commission may not consider the petition, or any other petition for the same zone change, amendment or conditional use permit for a period of one year from the date of the original action of the planning commission, unless the conditions upon which the original denial was based have substantially changed.
- B. A "substantial change" means a reduction in density or land area, a change in the proposed use, or other factors which, in the opinion of the planning commission clearly constitute a significant change.

**Section 10:01:19 Penalty:**

- A. Any firm, corporation, person or persons, or any action in behalf of such person, persons, firms or corporations, violating any of the provisions of this title shall be guilty of a class C misdemeanor.
- B. Each person, persons, firm or corporation found guilty of a separate offense for every day during which any violation of any provision of this title is committed continued or permitted by such person, persons, firm or corporation shall be punishable as provided in this title.

