

Chapter 11

GENERAL PROVISIONS

10-11-1: INTENT:

The intent of this chapter is to accumulate provisions applying to all land and buildings within the incorporated area of the city into one section rather than to repeat them several times. (Ord. 6-18-81A, 6-18-1981)

10-11-2: NONCONFORMING BUILDINGS AND USES:

A. Nonconforming Buildings:

1. Continuance, Repairs And Upkeep:

- a. Use of a nonconforming building or structure may be continued.
- b. Repairs and structural alterations may be made to a nonconforming building.
- c. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, to the extent of not more than two and one-half ($2\frac{1}{2}$) times its assessed value at the time, may be restored and/or part thereof, which existed at the time of such partial destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds two and one-half ($2\frac{1}{2}$) times the assessed valuation of such nonconforming building or structure, no repairs or reconstruction, except in the case of dwelling structures, shall be made unless every portion of such building or structure shall be made to conform to all regulations for new buildings in the zone in which it is located.

2. Additions, Enlargements And Moving:

- a. A building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
- b. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, except by permit of the board of adjustment as herein provided, unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

c. If a nonconforming building or structure is removed from a lot, no building or structure may be constructed, erected or moved onto the lot unless said building or structure conforms to all the regulations of the zone in which the lot is located.

3. Abandonment Or Discontinuance: A nonconforming building or structure or portion thereof, which is or hereafter becomes abandoned or discontinued for a continuous period of one year, shall not thereafter be used or occupied unless said building is made to conform to all the regulations of the zone in which it is located.

B. Nonconforming Use Of Buildings:

1. Continuous: The nonconforming use of a building or structure, existing at the time the applicable zoning regulations became or become effective, may be continued.

2. Additions And Enlargements:

a. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, except as permitted by the board of adjustment.

b. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming, as permitted by the board of adjustment.

3. Abandonment Or Discontinuance: A nonconforming building or structure or portion thereof occupied by a nonconforming use, which is or hereafter becomes abandoned or discontinued for a continuous period of one year, shall not thereafter be occupied or used, except for a use which conforms to all the regulations of the zone in which said building or structure is located.

C. Nonconforming Use Of Land:

1. Continuance: A nonconforming use of a tract of land or portion thereof, existing at the time the applicable zoning regulations became or become effective, may be continued.

2. Expansion: No nonconforming use of a tract of land or portion thereof shall not in any way be expanded or extended on either the same or any adjoining tract of land.

3. Abandonment: A nonconforming use of land shall be deemed abandoned by nonuser if discontinued for a continuous period of one year. If a nonconforming use of land has been or shall be abandoned, such land shall not thereafter be used or occupied, except for a use which conforms to the use regulations of the zone in which the use is located.

D. Effect Of Change Of Use: The nonconforming use of a building or structure or parcel of land may not be changed except to conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

E. Nonconforming Lots Of Record: Notwithstanding any other provision of this title, a one-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwellings within the zone; provided, that where two (2) or more continuous lots of record having continuous frontage are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located, except when granted a variance by the board of adjustment. (Ord. 6-18-81A, 6-18-1981)

10-11-3: SMALL LOTS:

Where a parcel of land, at the time of the adoption of this title, is at least one and eight-tenths (1.8) times as wide and one and eight-tenths (1.8) times as large in area as required for a lot in the zone, the board of adjustment may permit the division of a parcel into two (2) lots, provided:

A. Such division will not cause undue concentration of buildings.

B. The characteristics of the zone in which the lot is located will be maintained.

C. In the opinion of the board of adjustment, values in the area will be safeguarded. (Ord. 6-18-81A, 6-18-1981)

10-11-4: DWELLING SITES TO HAVE FRONTAGE ON A PUBLIC STREET:

Except as otherwise provided for in this title, at least one side of each lot used as a dwelling site shall abut upon a street which has been designated or dedicated to the public for street purposes, and the length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone on which such building site is located. (Ord. 6-18-81A, 6-18-1981)

10-11-5: USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED:

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the board of adjustment pursuant to express authority under the terms of this title. The board of adjustment shall not permit a use within a zone which is not expressly permitted by the terms of this title unless it can be shown that the use is similar to other uses permitted in the area. Where the board of adjustment determines a use to be similar, such use shall therefore be deemed to be a permitted use as if it were listed therein on the effective date hereof. (Ord. 6-18-81A, 6-18-1981)

10-11-6: MOVED BUILDINGS:

- A. Application; Information Required: No permit for the moving of a residential, commercial or industrial building within the city which has had prior use shall be issued as required under chapter 14 of this title without first filing an application with the planning and zoning administrator. Said application shall contain the following information:
1. Location and address of the old and new site.
 2. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots.
 3. Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment, when required by the planning and zoning administrator. (Ord. 6-18-81A, 6-18-1981)
 4. Certification by the planning and zoning administrator that the structure is sound enough to be moved and meets HUD standards and that the condition, location, and use of the building will comply with this title and all other applicable codes and ordinances. (Ord. 6-18-81A, 6-18-1981; amd. minutes of 5-8-2001)
- B. Approval; Findings: The application must then be approved by the board of adjustment. Before approving said application and authorizing the issuance of a permit, the board must find that:
1. The building will have no appreciable detrimental effect on the environment and property values in the area into which the structure is to be moved.
 2. The building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved.
 3. Said building and the lot on which the building is to be located will conform to the requirements of this title and other applicable codes, ordinances and regulations.

4. Its location on the lot does not in any substantial way adversely affect buildings or uses in abutting properties.
 5. All required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the city.
 6. Adequate provision has been made through the posting of a bond or assurance that the building and grounds shall be brought up to the standard of a new building before it is occupied and that the vacated site shall be restored to a safe and sightly condition. (Ord. 6-18-81A, 6-18-1981)
- C. Applicability To Other Structures¹: The requirements of this section shall also apply to the moving of mobile homes, demountable homes, manufactured homes or a similar movable structure. (Ord. 6-18-81A, 6-18-1981; amd. minutes of 5-8-2001)

10-11-7: ANNEXATIONS:

All land hereafter annexed to the city shall be classified in the R-1 residential zone until the planning commission shall submit its recommendations for the zoning of the land to the city council, who shall hold a public hearing thereon as required for amendments to this title and map. (Ord. 6-18-81A, 6-18-1981)

10-11-7-1: ANNEXATION PROCEDURES:

- A. Purpose: The purpose of this section is to adopt certain criteria for annexation of adjacent unincorporated area in accordance with the provisions of Utah Code Annotated section 10-2-401.5.
- B. General Provisions:
1. Pursuant to the receipt of a valid petition, certification by the city recorder of the city of Green River, review of the planning commission, acceptance by the city council, and the completion of all statutory requirements of Utah law, property may be annexed if the following criteria are met:
 - a. The area that is proposed for future annexation borders, is adjacent and contiguous to the city boundaries of the city of Green River, Utah.
 - b. Areas proposed for annexation fall within the areas designated for future annexation as defined in the general plan and the annexation map of the city.

- c. The areas proposed for annexation should be compatible with the vision and character of the community as outlined in the general plan and should not have a tendency to contribute to economic blight of properties in the city.
- d. Areas proposed for annexation shall not be located within the corporate limits of another incorporated city, or be a part of a previously filed annexation petition that has not been either denied, accepted, or approved.

2. The city favors the following conditions:

- a. Elimination and/or prevention of islands and peninsulas of unincorporated territory.
- b. Consolidation of overlapping functions of governments.
- c. Promotion of efficient delivery of services.
- d. Encouragement of the equitable distribution of community resources and obligations.
- e. Consideration of the taxable consequences to property owners within the area proposed for annexation, as well as the property owners within the municipality in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers already within the municipality.
- f. Protection of the existing economic tax base of the city from economic blight caused by development of the annexed areas.

3. The city does not favor annexation of areas for which it does not have the capability to provide municipal services.

4. The annexation petition must comply with the requirements of Utah Code Annotated sections 10-2-402 and 10-2-403, or such other provisions of Utah law applicable to annexation petitions.

C. Procedures For Submission: A petition for annexation must be filed with the city recorder in compliance with Utah law.

D. Fees, Considerations And Notices:

- 1. Upon receipt of a properly prepared annexation petition and plat, the city recorder shall impose such fees as required to recover the costs of processing such petition, as have been established by the city council and shall follow the requirements of Utah law for processing petitions for annexation.
- 2. The city recorder shall forward the annexation petition to the planning commission of the city, and the commission shall review the annexation petition at its next regularly scheduled meeting.

E. Procedure And Notices: The petition shall be filed and processed as required by Utah law.

F. Extension Of Services And Payment:

1. In areas where municipal services are not presently extended, services will be extended on an as needed basis at the cost of the developer. All extensions of municipal services must comply with all ordinances and policy criteria, not cause or contribute to economic blight in other areas of the city, and will be paid for by the individual developer or property owner.
2. An annexation agreement will be prepared between the city, annexing landowners and future developers, if applicable, outlining specific circumstances relating to water and sewer, streets and other specific improvements prior to annexation approval.
3. Water rights of the type and quantity acceptable to the city for culinary and secondary use shall be conveyed to the city as a condition of development on property proposed for annexation. It is the intent of the city that land annexed be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of such land when development occurs. The water rights conveyance requirement of development shall be in addition to any requirement that may be imposed upon development of the land after annexation, and in addition to appropriate city water impact fees.
4. Water requirements, as referenced by subsection F3 of this section, will be established on a case by case basis, utilizing the division of drinking water standards, city use experience standards for the proposed land use, and other established criteria, and will be contained in the annexation agreement with the annexing landowner.
5. The annexation will allow developers of the annexed property access to culinary water and sewer services when the area is accessible to the city's present systems, provided that all developments meet city specifications, all required fees are paid and the proposed development complies with all applicable development ordinances and all improvements are installed pursuant to city of Green River standards and policies.
6. The manner in which these amenities are developed will have a bearing on how they will be financed. Taxes generated by increased valuation of property and population will contribute to the general fund to help defray the added expense the city may incur. However, the newly annexed developing areas shall finance the extension of needed municipal services such as new water and sewer lines, streets, curbs and gutters, sidewalks and other capital improvements as development occurs.
7. Upon annexation, the newly annexed areas shall receive fire protection, planning and zoning, garbage collection and street maintenance on dedicated streets. (Ord. 2005-03, 3-14-2006)

10-11-8: AMENDMENTS TO TITLE AND MAP:

This title, including the map, may be amended as hereinafter provided:

- A. Intent With Respect To Amendments: It is hereby declared to be public policy that this title shall not be changed except to correct manifest errors or to more fully carry out the intent and purpose of the master plan of the city and of this title. (Ord. 6-18-81A, 6-18-1981)
- B. Procedure: Any person seeking an amendment to this title or map shall submit to the planning commission a written petition designating the change desired and the reasons therefor and shall pay a filing fee, as set by resolution of the city council, to the city recorder. Upon receipt of the petition and the payment of the filing fee, the planning commission shall consider the request and shall certify its recommendations to the city council with respect to the request within thirty (30) days from receipt of the request. Failure on the part of the planning commission to certify its recommendations to the city council within thirty (30) days shall be deemed to constitute approval unless a longer period is granted by the city council. The fee required herein shall not be returned to the applicant. The planning commission or city council may also initiate amendments to this title. (Ord. 6-18-81A, 6-18-1981; amd. 2003 Code)
- C. Public Hearing Required; Notice: Amendments to this title may be adopted only after a public hearing in relation thereto before the city council, at which time parties and interested citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the area at least fifteen (15) days before the date of the hearing. (Ord. 6-18-81A, 6-18-1981)

10-11-9: TRANSITIONAL USES:

Uses which are permitted on either portion of a lot, which lot is divided by a zone boundary line, or which is coterminous with a zone boundary line, may be permitted to extend to the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the board of adjustment must find that the comprehensive plan of zoning will be maintained and that harmonious mixing of uses will be achieved thereby. (Ord. 6-18-81A, 6-18-1981)

10-11-10: CONFLICTING PROVISIONS; HIGHER STANDARDS:

Whenever regulations in this title require higher standards than are required in other ordinances or laws, the provisions of this title shall govern. Whenever regulations of other ordinances or laws require higher standards than the provisions of this title, then said other ordinances or laws shall govern. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed. (Ord. 6-18-81A, 6-18-1981)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See also subsection 10-12-24B of this title.