

Chapter 1

GENERAL PROVISIONS

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10-1-010: SHORT TITLE:

This title shall be known as the *COALVILLE CITY LAND USE AND DEVELOPMENT MANAGEMENT CODE*, and may be so sited and pleaded.

10-1-020: PURPOSE:

It is the intent and purpose of the Legislative Body of Coalville City, Utah, to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City by guiding development within the City in accordance with a comprehensive plan prepared and adopted by the City to accomplish the following:

- A. Allow development in a manner that encourages the preservation of scenic resources and unique settings of Coalville.
- B. Encourage and facilitate orderly growth and development in the city.

- C. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.
- D. Promote sanitation and health of the inhabitants.
- E. Properly manage sensitive/critical lands within Coalville.
- F. Provide for well-planned commercial and residential developments.
- G. Promote safety from fires, floods, traffic hazards, and other dangers.
- H. Discourage the overcrowding of land and undue concentration of population.
- I. Discourage undue scattering of population and unnecessary expenditure of monies for excessive streets, water and sewer lines, and other public requirements.
- J. Stabilize and improve property values.
- K. Protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.
- L. Promote a more attractive and wholesome environment.
- M. Protect and enhance the quality of the rural, small town character of the community.

10-1-030: EFFECT OF CHAPTER:

The provisions of this Chapter are general in nature and, as applied, affect this entire Title.

10-1-040: APPLICATION:

The regulations and restrictions as set forth in this title shall be so interpreted and applied as to further the purposes of this title.

10-1-050: DECLARATION:

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

10-1-060: INTERPRETATION:

In interpreting and applying this title, the provisions hereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. In the case that this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this title shall control. (Ord. 2009)

10-1-070: CONFLICTING PROVISIONS REPEALED:

The zoning ordinance of Coalville City heretofore adopted is hereby repealed, also, all ordinances, resolutions, or parts thereof in conflict with the provisions of this title are hereby repealed insofar as they conflict with the provisions of this title, provided, however, that any building, use of land, or any construction thereon which was not authorized by or under the ordinances of the city or which was illegal under such ordinances, shall remain unauthorized and illegal unless expressly authorized or permitted by the provisions of this title. (Ord. 2009)

10-1-080: RELATION TO PRIOR DEVELOPMENT AND SUBDIVISION ORDINANCE

The procedures set forth in this Code are intended to supersede any inconsistent procedural provisions in previous development and subdivision ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein.

10-1-090: CONFLICTS WITHIN THIS CODE

Every effort is made by the City to insure that this Code is readable, understandable, and contains as few defects as possible. If however, any conflicts, defects, inconsistencies or ambiguities are found within different sections or chapters of this Code, the Land Use Authority shall follow the section or wording that is more restrictive, stringent or of a higher standard as defined or interpreted by the Staff and Land Use Authority.

The Land Use Authority shall then make every effort to amend this Code to further clarify or repair the defect, conflict, inconsistency or ambiguity.

10-1-100: EFFECTIVE DATE:

This title shall take effect upon proper publication of this title following the date of passage.

10-1-110: USES NOT PERMITTED IN ZONES UNLESS EXPRESSLY PERMITTED OR CONDITIONAL:

Uses of land which are not expressly either permitted or conditional within a particular zone, and are not identified as permitted or conditional uses in any other zone that is included in this title, are hereby expressly declared to be not permitted in all zones, pursuant to the express authority given under terms of this code. The **Land Use Authority** shall only permit such a use within a zone by the terms of chapter 8 of this title.

10-1-120: SCOPE OF TITLE:

The Legislative Body designed and enacted this Title in accordance with a General Plan for Coalville City to designate, regulate, and restrict:

- A. The use of land
- B. Conditional uses
- C. The erection, construction, reconstruction, alteration, location, and uses of buildings
- D. The height, size, and bulk of buildings and other structures hereafter erected or altered
- E. The size of lots, courts, yards, and other open spaces and the percentage of the lot that occupants may use
- F. The height, bulk, and location of objects of natural growth where the City deems such objects as hazardous to life or property
- G. The density and distribution of population

10-1-130: SEPARABILITY AND VALIDITY CLAUSE:

If any chapter, section, subsection, sentence, clause, phrase, or part of this Title is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Title but shall confine its operation to the specific chapter, section, sentence, clause, or part of this Title held invalid and shall not affect the validity of the remaining portion of this Title.

10-1-140: EFFECT OF OTHER ORDINANCES AND REGULATIONS:

Wherever the provisions of any other applicable statute, ordinance, or regulation establish higher or more restrictive standards than the provisions of this Title, the provisions of such other statute, ordinance, or regulation shall govern.

10-1-150: EFFECT OF PRIVATE COVENANTS AND AGREEMENTS:

This Title shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons but shall prevail over any such provisions that are less restrictive. Enforcement of private covenants and agreements affects only the parties in interest and the City or its agents may not assume the responsibility for enforcement.

10-1-160: COMPLAINTS REGARDING VIOLATION:

Whenever a violation of this Title occurs, or a person submits an allegation of such an occurrence, the complaining individual may file a written complaint, stating fully the causes and bases thereof, with the Community Development Department which shall record properly such complaint and timely investigate and take action thereof as provided by this Title.

10-1-170: PENALTIES:

Any person, firm, partnership, or corporation, or the principals or agents thereof whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of this Title or of a decision of a Land Use Authority, Legislative Body, or Appeal Authority, shall be guilty of a Class C misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punishable to the full extent allowed by law. Said court shall deem such person, firm, or corporation to be guilty of a separate offense for each and every day during which they commit, continue, or permit any portion of any violation of this Title, punishable as herein provided. In addition, the City shall be entitled to bring an action to enjoin the continuation of the violation. Private Citizens of Coalville or property owners shall also have a right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action shall give notice of the action to the City Recorder prior to filing the action.

10-1-180: DELEGATION:

The City of Coalville may, by resolution or ordinance from time to time, entrust the administration of this Title, in whole or in part, to any officer of Coalville City without amendments to this Title.

10-1-190 PLANNING COMMISSION

There is hereby created the Coalville City Planning Commission consisting of five (5) members recommended by the Mayor and approved by a majority vote of the City Council at a regularly scheduled City Council meeting. Reappointments of existing planning commission members may be made by the City Council. The Coalville City Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

A. Terms, Eligibility and Compensation of Members. Each member of the Planning Commission shall serve a term of three years. Members shall be appointed in December of the year upon the expiration of a current member. The terms shall be staggered so that no more than two (2) members are appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed. The Mayor, with the consent of the City Council, shall appoint a new Planning Commission member to fill vacancies that might arise, and such appointments shall be to the end of the vacated term. No member shall serve more than three (3) consecutive terms, including portions of unexpired terms.

Members of the Planning Commission shall be residents of or own property in Coalville City and have resided or owned property within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits or no longer own property within the City.

Members may be compensated per diem, based upon meetings attended as determined by the City Council.

B. Absence Deemed Resignation or Grounds for Removal. Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year may be called before the City Council and asked to resign or be removed with cause by the Council. All members of the planning commission shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council.

C. Duties and Responsibilities. The Coalville Planning Commission, referred to as Planning Commission, Commission, or Administrative Land Use Authority, organized in accordance to § 10-9-201 et. seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:

1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the City Council.

2. To prepare a Development Code including zoning and subdivision regulations, any maps or exhibits required by the Code, and amendments to the Development Code and recommend the code or amendments to the code to the City Council.
3. Administer provisions of the Development Code as provided in the Code and approved by the City Council.
4. To review and make recommendations to the City Council regarding amendments to the City Zone District Map.
5. To initiate a subpoena to compel documents and testimony required in the normal processing and review of matters pertaining to the Planning Commission.
6. To hear, review and recommend approval or denial of all applications for conditional uses, temporary uses, minor and major subdivision of property, master planned developments, major development review, development agreements, or other procedures or applications identified in the Development Code in accordance with the rules and regulations established by the City Council.
7. Recommend approval or denial of annexation petitions in accordance with the Development Code or other ordinances of the City.
8. Advise the City Council on matters as the Council directs and hear or decide any matters that the Council designates.
9. To enter upon any land, under consideration for development approval or which has been granted a Conditional Use Approval, at reasonable times, to examine and evaluate the conditions of the project development.

D. Planning Commission Chair. At the first meeting held in March, after the appointment of any new members, the members of the Planning Commission shall elect one of its members as chair and one member as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. The chair shall serve an initial term of one year and no member shall serve as chair for more than two (2) consecutive one-year terms. In the event the chair or vice chair resigns or is no longer eligible to serve on the commission, the members of the Planning Commission shall elect a replacement chair or vice chair at the next regularly scheduled meeting.

The chair, or in the chair's absence the vice chair, shall oversee all proceedings before the Planning Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning Commission. The Chair may participate in any discussions, be counted for the purpose of forming a quorum, and shall be a voting member of the Planning Commission.

Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per section 10-3-060 herein, and

an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation.

E. Quorum and Necessary Vote. No meeting of the Planning Commission may be called to order without a quorum consisting of at least three (3) members of the Commission being present. No business shall be transacted without at least a majority of all members being present. All actions shall require the concurring vote of a majority of the members present. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. In the event of a tie vote, the agenda item will automatically be continued until the next meeting where a full quorum is present for a vote. If the agenda item cannot be brought to a majority vote due to a member abstaining it shall be equivalent to a majority nay vote.

F. Meetings, Hearings and Procedures.

1. The Planning Commission shall establish a regular meeting schedule. Special meetings, work sessions and field trips for any purpose, may be held at the call of the City Council, the Planning Commission or the CDD or designated planning staff member.
2. If a matter is postponed due to lack of quorum, the matter shall be rescheduled to either the next regular meeting or special meeting. The CDD or designated planning staff member shall notify all members and interested parties of the date of the rescheduled matter.

G. Joint Planning Meetings.

1. At the discretion of the City Council at least one joint planning meeting shall be held annually to provide for discussion and coordination among planning commission members, city council members, city staff and members of the public regarding issues of city-wide concern.
2. The purpose of joint planning meetings is to provide for discussion among Planning Commission and City Council members, city staff, other public officials, developers and the public on various issues related to matters in question. Notice of such joint planning sessions shall be for the purpose of discussion and information and are not intended to result in any formal action being taken during the joint planning sessions, although information presented at such sessions may be made part of the record of subsequent proceedings of either Planning Commission or City Council.

H. Planning Commission Staff. City employees, committees or agents of the City may assist the Planning Commission with its duties. The City Staff shall assist the Commission with technical matters and attend Commission meetings to assist and advise the Commission.

The City Council may appoint a secretary to keep minutes and post agendas of meetings and hearings. The secretary may be paid for services rendered as agreed upon by the City Council. The secretary shall keep minutes of all proceedings of the

Planning Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the Planning Commission voting. In addition, the recording secretary shall maintain all records of Planning Commission meetings, hearings and proceedings, and the correspondence of the Planning Commission.

- I. **Planning Commission Project Review.** The Planning Commission will review each project application for compliance with all requirements and regulations of this Code, including, but not limited to the following:
 1. City Comprehensive Planning and Zoning Review. The Planning Commission shall have the primary responsibility to initiate long-range planning for the City, including streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexations to the City and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zoning districts.
 2. Subdivision Approval. The Planning Commission shall review all applications for subdivisions and commercial projects for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission will forward a recommendation for approval or denial of all subdivision plat, or site plan applications to the City Council.
 3. Master Planned Developments (MPD) Approval. All proposals for Master Planned Development approval shall be reviewed by the Planning Commission. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.
 4. Conditional Use Approval. The Planning Commission shall review all applications for conditional use approval for compliance with the provisions of all applicable regulations of this Code. Following such review, the Commission shall forward a recommendation for approval or denial of all applications to the City Council.
- J. **Consent Agenda.** Applications for approval of uncontested items may be placed on the consent agenda of the Planning Commission. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless the Commission believes discussion of an item is necessary. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the applicant requests the item to be tabled in order to provide additional information.
- K. **Review of Staff Actions.** At any time, an interested party may request that staff actions on a project application be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the staff review level on the matters at issue.

- L. Sensitive Lands Review.** Any project containing sensitive lands, may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Title 10-22 of the Code. The Planning Commission shall review required sensitive lands analysis with project applications as prescribed in Section 10-22-050 herein.
- M. Right to Farm Review.** Any project falling within the scope of Title 10-29 of the Code may be subject to additional requirements and regulations as outlined in the Right to Farm Provisions. The Planning Commission shall review an agriculture impact analysis with project applications as prescribed in Section 10-29-030.