

TITLE 20 – ZONING ORDINANCE OF GENOLA

CHAPTER 1 General Provisions

Sections:ⁱ

20.01.01	Short Title
20.01.02	Purpose
20.01.03	Interpretation
20.01.04	Effect on Previous Ordinances and Maps
20.01.05	Licenses/Permits/Contracts to Conform
20.01.06	Severability of Parts of Ordinance
20.01.07	Amendments to Ordinance or Zoning Map
20.01.08	Reapplication After Denial of Request for Zoning
20.01.09	Enforcement
20.01.10	Penalties
20.01.11	Fees
20.01.12	Uses Prohibited Unless Expressly Permitted
20.01.13	Clarification of Ambiguity
20.01.14	Lot Standards
20.01.15	Every Dwelling to be on a Lot
20.01.16	Yard Space for One Building Only
20.01.17	Sale or Lease of Required Land Prohibited
20.01.18	Expiration of Zoning Decision

20.01.01 **SHORT TITLE**

This Ordinance shall be known as the ZONING ORDINANCE OF GENOLA, UTAH, and may be so cited and pleaded. Said Ordinance shall be referred to herein as "this Ordinance", and the chapters and sections hereinafter referred to shall be chapters and sections of this Ordinance.

20.01.02 **PURPOSE**

This Ordinance and the regulations and restrictions contained herein are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Genola. This Ordinance is also meant to:

1. Encourage and facilitate the orderly growth and development of Genola.
2. Provide adequate open space for light and air and prevent overcrowding of the land.
3. Promote economy in government expenditures and facilitate provisions for transportation/utility infrastructure, schools, parks, and other services.
4. Preserve and create a favorable environment for citizens of and visitors to Genola.

5. Enhance the economic and cultural well being of the inhabitants of Genola.
6. Provide classification of land uses and promote the orderly distribution of land development and utilization within the Town.
7. Promote the development of a wholesome, serviceable and attractive Town resulting from an orderly, planned use of resources.

20.01.03 **INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum required for the orderly growth of the Town of Genola. It is not the intention of this Ordinance to interfere with, abrogate or annul any laws, ordinances, easements, private covenants, or other agreements between parties; although this Ordinance shall prevail and take precedence when the provisions contained herein impose a greater restriction on any use of land, buildings or other structures.

No portion of this Ordinance shall be interpreted or enforced so as to infringe on, impede, restrict, or prevent the exercise of religious worship or belief, association, or assembly unless such enforcement is based on a provision of this Ordinance that is neutral in its classification and prohibits similar activities, without regard for religious or secular intent.

20.01.04 **EFFECT ON PREVIOUS ORDINANCES AND MAPS**

The existing ordinances covering zoning for the Town of Genola in their entirety and including any maps which are adopted and made a part of this Ordinance, are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, shall be deemed a continuation of previous ordinances and not a new enactment.

20.01.05 **LICENSES/PERMITS/CONTRACTS TO CONFORM**

All officials or employees of the Town of Genola that are vested with the authority to make planning decisions or issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit for a land use, building, structure, or purpose that conflicts with the provisions of this Ordinance.

20.01.06 **SEVERABILITY OF PARTS OF ORDINANCE**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any Court of competent jurisdiction, or deleted through amendment or repeal, such unconstitutionality or deletion shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the Town

Council without the incorporation in this Ordinance of any such unconstitutional or deleted phrase, clause, sentence, paragraph or section.

(Amended by Ordinance 2020-06)

20.01.07 **AMENDMENTS TO ORDINANCE OR ZONING MAP**

Any person seeking an amendment to this Ordinance or map shall submit a written petition with applicable fee to the Planning Commission. The petition shall designate the desired amendment, the reasons why the Ordinance amendment is necessary or appropriate, and the benefits to the Town of Genola.

The Planning Commission shall hold a public hearing to review the proposed amendment. A notice for this public hearing shall be published in a newspaper of general circulation in the Town of Genola at least ten (10) days prior to the hearing. Parties-of-interest and the general public shall be invited to provide testimony. The Planning Commission shall consider each written objection, if any, filed with the Town Recorder prior to the public hearing. After the public hearing and the Planning Commission's review of the proposed amendment, the Planning Commission shall forward its recommendation to the Town Council regarding the proposed land use regulation of the use and development of land within all or any part of the area of the Town.

The Town Council shall consider each proposed amendment recommended from the Planning Commission. The Town Council may then adopt or reject the land use regulation as proposed by the Planning Commission or after making any revision to the regulation that the Town Council considers appropriate.

The Town Council may consider the Planning Commission's failure to make a timely recommendation as a negative recommendation.

(Amended by Ordinance 2020-06)

20.01.08 **REAPPLICATION AFTER DENIAL OF REQUEST FOR ZONING**

Denial of an application to amend the zoning map to reclassify any parcel of property shall prohibit the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one (1) year of the date of the final denial by the Town Council of the previous application unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the denial of the previous application to merit consideration of a second application within the one (1) year time period.

(Amended by Ordinance 2020-06)

20.01.09 **ENFORCEMENT**

The Building Inspector is hereby designated and authorized as the officer charged with the enforcement of the International Building Code. The Town Zoning Enforcement Officer is authorized as the officer charged with the enforcement of this this Zoning Ordinance (Title 20). The Town Enforcement Officer shall enforce all the provisions of this Ordinance, and when necessary, enter actions to Court. The Town Enforcement Officer's failure to enforce this Ordinance or enter actions into Court shall not legalize any violations of the provisions of this Ordinance. The Town Council may, by resolution or ordinance, from time to time entrust the administration of this Ordinance, in whole or in part, to any other qualified officer or employee of the Town of Genola without amendment to this Ordinance.

(Amended by Ordinance 2020-06)

20.01.10 **PENALTIES**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing or permitting the violation of the provisions of this Ordinance shall be guilty of a Class "C" misdemeanor and shall be punishable as provided by law. In addition to the fine or jail sentence provisions, the violator may be ordered to abate the condition which is a violation. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation.

20.01.11 **FEES**

Fees may be charged for applications submitted to the Planning Commission, Appeal Authority, or Town Council for actions required by this Ordinance. Fees shall be established by the Town Council and shall be in amounts reasonably necessary to defray costs to the public.

(Amended by Ordinance 2020-06)

20.01.12 **USES PROHIBITED UNLESS EXPRESSLY PERMITTED**

Within the Town of Genola, any use of the land which is not expressly allowed by the provisions of this Ordinance is expressly prohibited. Proposed uses that do not conform to the provisions of this Ordinance shall only be allowed if this Ordinance is amended to permit such a use.

20.01.13 **CLARIFICATION OF AMBIGUITY**

If ambiguity arises concerning appropriate classification of a particular use within the meaning and intent of this Ordinance, or with respect to matters of height, yard requirements, area requirements, or zone boundaries, as set forth herein; the Planning Commission shall ascertain all pertinent facts and shall make decisions as are appropriate.

20.01.14 **LOT STANDARDS**

Every lot shall have such area, width and depth as required for the district in which the lot is located and shall have frontage on a dedicated street.

20.01.15 **EVERY DWELLING TO BE ON A LOT**

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 Ordinance.

20.01.16 **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 Ordinance 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 where on a building is to be erected or established.

20.01.17 **SALE OR LEASE OF REQUIRED LAND PROHIBITED**

Any land used to meet the standards of this Ordinance shall not be used to create another building lot or meet any standards contained within this Ordinance. No yard, setback or other open spaces provided around any building for the purpose of complying with the provisions of this Ordinance shall be used to meet yard, setback or open space requirements for another building.

20.01.18 **EXPIRATION OF ZONING DECISION**

Any zoning decision that is made by the Town of Genola pursuant to a petition by a landowner that: (i) stipulates as a condition of approval, some action by the landowner; or (ii) the nature of the petition is for the purpose of allowing the landowner to take a specific action, and such action is not taken by the landowner within six (6) months of time, upon the sixth (6th) month from such decision made by the Town of Genola, the decision made by the Town of Genola shall expire and become null and void, requiring the petitioner to re-petition the Town of Genola for such decision to facilitate an appropriate review by the Town of Genola. Any zoning decision made by the Town of Genola that does not require any further action by the petitioner shall not be subject to any expiration under this Section 20-01-18.

(Amended by Ordinance 2003-02 in 2003)

ⁱ Previous Versions and Ordinances:

- 2015-05 on 11/11/2015
- 2003-02 in 2003