

CHAPTER 1  
**GENERAL PROVISIONS**

**10-1-1: SHORT TITLE**

This Ordinance shall be known as “The Wendover Land Use Management and Development Code” for the City of Wendover, Utah.

**10-1-2: PURPOSE**

1. This Ordinance is adopted to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, aesthetics, and welfare of the City of Wendover and its present and future inhabitants and businesses, to secure safety from fire and other danger, the lessening of congestion on the streets or roads, provide adequate light and air, classify land uses and distribute land development and utilization, protect the tax base, to secure economy in governmental expenditures, to foster the tax base, to secure economy in governmental expenditures, to foster commercial and agricultural growth, to protect both urban and non-urban development, to protect property and protection of the environment.
2. To accomplish the purposes of this chapter, the City of Wendover may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiently, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, and height and location of vegetation, trees and landscaping, unless expressly prohibited by law.

**10-1-3: INTERPRETATION AND CONFLICT**

1. All regulations shall be construed as the minimum requirements necessary to promote the public health, safety, convenience, order, prosperity and welfare of the City.
2. This Ordinance shall not nullify the more restrictive provision of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. Whenever other restrictions or provisions are adopted under state law the most restrictive requirement shall govern.
3. The provisions of this Ordinance are not intended to interfere with, abrogate or require enforcement by the City of any legally enforceable easements, covenants, or other agreements between private parties that may restrict the use of land or dimensions of structures more than the provisions of this Ordinance. However, when the regulations of this Ordinance impose greater restrictions than are imposed by such easements, covenants or other agreements between parties, or than as are required by laws or other applicable ordinance, the provisions of this Ordinance shall control. In addition, deed restrictions imposed by the City as a condition of subdivision plat approval may be enforced by the City.
4. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
5. A word importing the singular number may be applied to plural persons and things. Conversely, the use of the plural number shall be deemed to include any single person or thing.
6. The present tense of a word shall be deemed to include the future tense as well.
7. The word “shall” is mandatory; the word “may” is permissive.
8. The word “year” shall mean a calendar year, unless otherwise indicated.

**10-1-4: AMENDMENTS**

This Ordinance, including the Zoning Map, may be amended from time to time by the City Council after holding a public hearing. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the area. Any individual making application to change zoning status other than those presently designated by this Ordinance will be required to pay a filing fee as set forth by the City Council per resolution. All proposed amendments shall be first proposed by the Planning Commission or shall be returned to the City Council for its consideration within thirty (30) days. Failure of the Planning Commission to take action on the proposed amendment within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The City Council may overrule the Planning Commission’s recommendation by a majority vote of its members.

**10-1-5: EFFECT ON PREVIOUS ORDINANCES AND MAPS**

The existing ordinances covering zoning, in its entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached map or maps, shall be deemed a continuation of previous ordinances included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or non-conforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or non-conforming.

**10-1-6: SEVERABILITY**

Should any chapter, section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**10-1-7: PERMITS AND LICENSING**

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

**10-1-8: PENALTIES**

1. The City of Wendover may, by ordinance, establish civil penalties for violations of any of the provisions of this Ordinance or of any ordinances adopted under the authority of this Ordinance.
2. Violation of any of the provisions of this Ordinance or of any ordinance adopted under the authority of this chapter is punishable as a Class B misdemeanor as allowed in the Utah Code.

**10-1-9: APPEALS**

No person may challenge in district court the City of Wendover’s land use decision made under this Ordinance or under the regulations made under authority of this Code, until they have exhausted their administrative remedies. Any person adversely affected by any decision made in the exercise of the provisions of this Code may file a petition for review of the decision with the district court within 30 days after the final local decision is rendered.

**10-1-10: ENFORCEMENT**

1. The City of Wendover or any adversely affected owner of real estate within the City of Wendover in which violations of this Code or enacted under the authority of this Code occur or are about to occur may, in addition to other remedies provided by law, institute:
  - a) injunctions, mandamus, abatement, or any other appropriate actions; or
  - b) proceedings to prevent, enjoin, abate, or remove the unlawful building, use or act.

2. a) The City of Wendover may enforce this Code by withholding building permits.
- b) It is unlawful to construct, enlarge, alter, repair, move, demolish, or change occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace and electrical, gas, mechanical or plumbing system, the installation of which is regulated by the current International Code Council (ICC) regulations adopted by the State of Utah or cause that any such work be done within the Wendover City limits without the approval of a building permit.
- c) The City of Wendover may not issue a building permit unless the plans of and for the proposal erection, construction, reconstruction, alteration, or use fully conforms to all regulations then in effect.

#### **10-1-11: SITE PLAN REQUIRED**

A detailed plan of appropriate scale and sheet size as required in this ordinance shall be filed as part of any application for a land use or building permit.

#### **10-1-12: PERMITS REQUIRED**

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with district regulations. A permit of occupancy shall be issued by the Building Inspector, or other designated representative to the effect that the use, building or premises will conform to the provisions of this or other related ordinances prior to occupancy, for any building that has been erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever the use or character of any building or use of land is to be changed. An Occupancy Permit is issued after the approved final inspection, which shows completion of a building permit. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this Code and any subsequent amendments, including non-conforming buildings and uses.

#### **10-1-13: INSPECTION**

The Building Inspector or designated representative are authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect the land uses to determine compliance with the Code provisions. The Building Inspector or authorized employee of Wendover City shall have the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with this Code, provided that such right of entry is to be used only at reasonable hours, unless an emergency exists. In no case shall entry be made to any occupied building in the absence of the owner, representative, employee or tenant thereof, without written permission of an owner, or written order of a court of competent jurisdiction.

#### **10-1-14: INSPECTION AND APPROVAL REQUIRED PRIOR TO OCCUPANCY**

Buildings and structures requiring a building permit pursuant to the provisions of this Code shall not be occupied nor put into use until the Building Inspector has inspected such building or structure, finds compliance with this Code and the building codes for the City of Wendover, and gives a written certificate of occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

#### **10-1-15: OCCUPANCY PERMIT REQUIRED**

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the Zoning Administrator, Chief Building Official or designated representative to the effect that the use, building or premises will conform to the provisions of this or other related ordinances prior to occupancy, for any building that has been erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever the use or character of any building or use of land is to be changed. An occupancy permit is issued after the approved final inspection, which shows completion of a building permit. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this ordinance and any subsequent amendments, including non-conforming buildings and uses.

**10-1-16: PROPERTY OWNED BY OTHER GOVERNMENT UNITS – EFFECT OF LAND USE AND DEVELOPMENT ORDINANCES**

1. After the City Council has adopted a general plan, no street, park, or other public way, ground place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.
  
2.
  - a) Each county, municipality, school district, charter school, special district and political subdivision of the state shall conform to this code when installing, constructing, operating, or otherwise using any area, land, or building situated within Wendover City.
  
  - b) In addition to any other remedies provided by law, when Wendover City’s land use ordinance is violated or about to be violated by another political subdivision, the city may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

**10-1-17: TERRITORY ANNEXED TO THE CITY**

At the time of an annexation of new territory to the City, the City Council, after reviewing the recommendation of the Planning Commission, shall classify such territory for zoning purposes according to the zones established by the Zoning Ordinance and in accordance with the City’s General Plan.

Adopted this 16<sup>th</sup> day of April, 2015.