

## CHAPTER 1

### GENERAL PROVISIONS

17-1-1	Short Title
17-1-2	Purpose
17-1-3	Intent
17-1-4	Effect on Previous Ordinances and Maps
17-1-5	Interpretation
17-1-6	Conflict
17-1-7	Nuisance and Abatement
17-1-8	Penalties
17-1-9	Amendments

**17-1-1 Short Title.** This Title shall be known as the PLANNING AND ZONING ORDINANCE OF KAYSVILLE CITY, and may be so cited and pleaded. Said Title shall be referred to herein as "This Title," and the chapters and sections hereinafter referred to shall be chapters and sections of this Title.

**17-1-2 Purpose.** This Title and the regulations and restrictions contained herein are adopted and enacted to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster agricultural and other industries, protect both urban and nonurban development, and to protect property values.

**17-1-3 Intent.** It is hereby declared to be the intent of the City Council of Kaysville City that this Title and the regulations set forth herein shall be so construed as to further the purpose of this Title and promote the objectives and characteristics of the respective zoning districts.

**17-1-4 Effect on Previous Ordinances and Maps.** The existing ordinances of Kaysville City covering planning and the zoning of areas and districts in the City in their entirety and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Title, including the attached maps, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances are included in this Title, whether in the same or in different language; and this title shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous

ordinances and to questions of conforming or non-conforming uses, or non-complying structures, and to questions as to the dates upon which such uses, became conforming or non-conforming and structures became complying or non-complying.

**17-1-5 Interpretation.** In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

**17-1-6 Conflict.** This title shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

**17-1-7 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, or premise 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, and the City Attorney of Kaysville City shall, upon request of the City Manager, 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 shall apply to such Courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this Title. The remedies provided for herein shall be cumulative and not exclusive.

**17-1-8 Penalties.** Any person, firm, or corporation, whether as principal agent, employed or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be guilty of a Class C misdemeanor. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this title is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

**17-1-9 Amendments.** (1) The City Council may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provisions of this title. Such amendments, including rezonings, are discretionary legislative actions, even if an application for amendment otherwise conforms to ordinance requirements.

(2) Amendments may be initiated by the City Council, the Planning Commission or by one or more owners of property affected by the proposed amendment. Unless initiated by the City Council or Planning Commission, no amendment shall be considered without evidence of the acquiescence therein of the owners of the property involved.

(3) An application for amendment, when submitted by property owners, shall be accompanied by a fee, the amount to be determined by the Zoning Administrator as adequate to cover costs of hearings, publication, and any necessary reviews. No fee assessed, or any part thereof, shall be returnable in the event that the proposed amendment is denied.

(4) An application for an amendment shall be filed at the office of the Zoning Administrator and shall be accompanied by an accurate map of the land.

(5) Upon receipt of the application, the Planning Commission, in a public hearing, shall hear and receive information from the applicant and other interested parties, which may affect the request for amendment. The Planning Commission, after consideration of this information, shall make a recommendation on the proposed amendment.

(6) A copy of any proposed amendment shall be submitted to the City Council and shall be accompanied by the recommendations of the Planning Commission.

(7) After holding a public meeting, the City Council may adopt or reject the amendment either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

(8) In case an application for a change of zone district is denied, a new application for the same zoning change affecting the same property shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning Commission, to be eligible for consideration within one (1) year of the denial of the original application.