

**TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE****Section 101—Short Title:**

This Ordinance shall be known and may be referred to as the Richfield City Zoning Ordinance. The Richfield City Zoning Ordinance may, in subsequent Chapters and Sections, be referred to as “Ordinance,” “the Ordinance,” “this Ordinance,” “Zoning Ordinance,” or “Land Use Ordinance.” This Ordinance is also Chapter 16 of the Richfield City Municipal Code.

**Section 102—Authority:**

The City Council of Richfield, Utah adopts this Ordinance pursuant to the Municipal Land Use Development and Management Act (hereinafter “the Act”), as provided at §10-9a et seq. Utah Code Annotated, 1953, as amended, and other authorities and provisions of Utah and Federal statutory and common law, as applicable. This Ordinance constitutes a Land Use Ordinance of Richfield City as authorized by the Act.

**Section 103—Declaration:**

This Ordinance provides for the establishment of Zoning Districts, with associated use requirements and development standards, for the guidance, management, and regulation of land uses, buildings and structures, and related activities occurring within the municipal boundaries of Richfield City, Utah (hereinafter “the City”). This Ordinance is declared to be consistent with and to meet the requirements of the Act.

**Section 104—Purpose:**

This Ordinance is provided to implement the goals and policies of the Richfield City General Plan and the other purposes as provided by the Act. It is the intent of this Ordinance to provide a means of ensuring predictability and consistency in the use and development of all lands located within the City.

**Section 105—Applicability:**

1. Applications accepted by the City as complete for any land use approval, permit or license required by this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance, and all other applicable Ordinances of the City, in effect at the time the application is determined to be complete, as provided by Chapter 11 herein.

2. No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than as allowed by this Ordinance.
3. The provisions of this Ordinance shall apply to all lands located within the municipal boundaries of the City, unless exempted by the provisions of this Ordinance, or other lawful exemption.
4. The provisions of this Ordinance shall be held to be the minimum standards and requirements necessary to protect the public health, safety, and welfare of the citizens of the City, and achieve the purposes of this Ordinance and the Act.

**Section 106—Conflict:**

This Ordinance shall not nullify any laws, ordinances, or requirements that are more restrictive, but shall prevail notwithstanding such laws, ordinances, or requirements that are less restrictive.

**Section 107—Permits and Licenses to Conform to this Ordinance:**

All Land Use Authorities of the City with the authority to issue the approvals, permits, or licenses required by this Ordinance shall require that such approvals, permits, or licenses comply with the standards and requirements of this Ordinance and shall not issue any approvals, permits, or licenses for uses, buildings, or structures for any purpose in conflict with the standards and requirements of this Ordinance. Any approval, permit, or license issued in violation of this Ordinance shall be void and invalid.

**Section 108—When an Applicant is Entitled to Approval of an Application – Exceptions – City May Not Impose Unexpressed Requirements – City Required to Comply with the Requirements of this Ordinance:**

An Applicant is entitled to the approval of an Application, required by this Ordinance, if such Application conforms to the requirements of this Ordinance, and the City's other Land Use Ordinances, Land Use Maps, and Zoning Ordinance, as may be applicable, and in effect the Application is determined to be complete, as provided by Chapter 11 herein, and all fees have been paid, unless:

1. The Land Use Authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or

2. In the manner provided by this Ordinance and before the Application is submitted, the City has formally initiated proceedings to amend its Land Use Ordinances in a manner that would prohibit approval of the Application as submitted.
3. The City shall process an Application without regard to proceedings initiated to amend the City's Land Use Ordinances if:
  - 3.1. One hundred and eighty (180) calendar days have passed since the proceedings were initiated; and
  - 3.2. The proceedings have not resulted in an enactment that prohibits approval of the Application, as submitted.
4. If the Land Use Application conforms fully to the requirements of this Ordinance, and the City's other Land Use Ordinances, including the Zoning Ordinance, the Land Use Application shall be approved.
5. The City shall not impose on an Applicant, or any holder of any approval required by this Ordinance, any requirement that is not expressed:
  - 5.1. In the approval required by this Ordinance, or in documents on which such approval is based; or
  - 5.2. In this Ordinance, or in the City's other Land Use Ordinances, including the Subdivision Ordinance.
6. The City shall not withhold the issuance of a Certificate of Occupancy because of an Applicant's failure to comply with a requirement that is not expressed:
  - 6.1. In the Building Permit, or in documents on which the Building Permit is based; or
  - 6.2. In this Ordinance, or the City's other Land Use Ordinances, including the Subdivision Ordinance.
7. The City shall be bound by the terms and standards of this Ordinance, and the City's other Land Use Ordinances, as applicable, and shall comply with all mandatory requirements and provisions of such Ordinances.
8. The City shall process and render a decision on each Application required by this Ordinance with reasonable diligence.

**Section 109—City Imposed Requirements and Exactions on Application Approval:**

The City shall not impose any requirement(s) or exaction(s) on any approval required by this Ordinance unless:

1. An essential link exists between a legitimate governmental interest and each requirement or exaction; and
2. Each requirement or exaction is roughly proportionate, in both nature and extent, to the impact of the proposed subdivision.

**Section 110—Effective Date:**

This Ordinance shall take effect on September 1, 2007, following its adoption by the Richfield City Council.

**Section 111—Omissions not a Waiver:**

An omission to specify or enumerate in this Ordinance those provisions of general law applicable to all Utah cities shall not be construed to be a waiver of the benefits of any such provisions.

**Section 112—Repealer and Effect:**

Upon its adoption by the Richfield City Council, and upon its effective date, this Ordinance shall repeal all provisions of the Richfield City Land Use Management and Development Code, 1992, existing on the effective date of this Ordinance and shall govern and apply to the use of all lands, buildings, structures, and activities within the municipal boundaries of Richfield City, Utah.

The provisions of this Ordinance shall be construed to carry out the purposes of this Ordinance and the purposes of the State of Utah enabling laws, including the Act, and to avoid conflict with the laws of the United States of America, the State of Utah, or any other limitations imposed by law. If any chapter, section, subsection, provision, sentence or clause of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in effect.