UNIFORM ZONING ORDINANCE FOR THE TOWN OF MINERSVILLE

Chapter 1. GENERAL PROVISIONS

1-1 Short Title

This Ordinance shall be known as the "Uniform Zoning Ordinance of Minersville" and may be so cited and pleaded.

1-2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Minersville, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development.

1-3 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1-4 Conflict

This Ordinance shall not nullify the more restrictive provisions or covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

1-5 Effect on Previous Ordinances and Maps

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance or revisions of previous ordinances is 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 ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming, or nonconforming.

1-6 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" included a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" included the words plot or parcel.

1. Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2. Agriculture. The tilling of the soil, the raising of crops, horticulture and gardening; breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

3. Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

[1]4. Animals, large. Any animal weighing over four hundred (400) lbs. Two (2) animals under two hundred (200) lbs. or ten(10) fowl are equivalent to one (1) large animal.

5. Apartment Hotel. Any building which contains dwelling units and also satisfies the definition of a hotel.

6. Automobile or Truck Paint Shop. A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreational vehicles or units.

7. Automobile or Trailer Sales Area. An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

8. Automobile Service Station. A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of

[1] Amended March 6, 1995

merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including major automobile repair.

9. **Basement.** A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where not more than one-half (1/2) of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

10. **Boarding House.** A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

11. **Building.** Any structure used or intended to be used for the shelter, or enclosure, of persons, animals, or property.

12. **Building, height of.** The vertical distance from the average finished grade surface to the highest point of any building roof or coping.

13. **Building, main.** The principal building or one of the principal buildings upon a lot, or the building or one of the buildings housing a principal use upon a lot.

14. **Carport.** A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

15. **Child Nursery.** An establishment for the care and/or the instruction of five (5) or more children other than members of the family residing on the premises.

16. **Clinic, Dental or Medical.** A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include in-patient care of operating rooms for major surgery.

17. **Conditional Use.** A use of land for which a Conditional Use Permit is required, pursuant to this Ordinance.

18. **Corral.** A space other than a building, less than one(1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.

19. **Dairy.** A commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purposes of this definition, the

production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

20. Dwelling. Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, travel trailer, hotel, motel, hospital, or nursing home.

21. District. A portion of the territory of Minersville established as a zoning district by this Ordinance, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance, includes "zone", and also "zoning district".

22. Dwelling, Manufactured Home. A detached residential dwelling unit at least thirty (30) feet long, designed for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like.

23. Dwelling, Single-Family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

24. Dwelling, Two-Family. A building arranged or designated to be occupied by two (2) families, the structure having only two (2) dwelling units.

25. Dwelling, Multiple-family. A building arranged or designed to be occupied by more than two (2) families, the structure having more than two (2) dwelling units.

26. Dwelling, Group. A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

27. Dwelling, Unit. One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

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28. Family. An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

29. Family Food Production. The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

Revision

MINERSVILLE TOWN , A Municipal Corporation

ORDINANCE NO. 9-16b-24

AN ORDINANCE AMENDING THE UNIFORM ZONING ORDINANCE OF MINERSVILLE

WHEREAS, the Minersville Town Council has reviewed Chapter 1-6 Definitions # 27 in the Uniform Zoning Ordinance of Minersville: and,

WHEREAS, the adoption of provisions updating this chapter regarding the definition of Dwelling. Unit is in the best interest of the health, general welfare and safety of the citizens of Minersville Town.

NOW, THEREFORE, be it ordained by the governing body of the Town of Minersville as follows:

Section 1, that 1-6 of the Uniform Zoning Ordinance of Minersville, adopted February 10, 1993 be amended to read as follows:

Dwelling Unit, A single unit of residence for a family, or one or more persons.

Section 2. Effective Date: This Ordinance shall take effect immediately upon posting.

Passed by the Town Council of Minersville, Utah, this 16 day of September, 2024 by the following vote:

AYES:

NAYS:

30. **Floor Area.** Area included within surrounding walls of a building, or portion thereof, exclusive of vents, shafts and courts.

31. **Frontage.** All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street side property line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

32. **Garage, Private.** A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers or boats, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles, trailers or boats for each dwelling unit on the premises, except that not more than two (2) snowmobiles may be stored in addition to the number of other vehicles, boats or trailers herein permitted.

33. **Garage, Repair.** A structure or portion thereof other than a private garage, used for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Planned Unit Development. A repair garage may also include incidental storage, care, washing, or sale of automobiles.

34. **Grade.**

a. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.

b. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

35. **Home Occupation.** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in

trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity, outside of the main building, not normally associated with residential use. Only one-forth (1/4) of the home may be used as the home occupation. Home occupation shall include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional person for consultation or emergency treatment, but not for the general practice of this trade or profession. Home occupation shall include the care of not more than six (6) children other than members of the family residing in the dwelling.

36. **Hospital.** Institution for the diagnosis, treatment and care of human illness or infirmity, including sanitariums and clinics.

37. **Hotel.** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.

38. **Household Pets.** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel, as is defined in this Ordinance. Household pets may also include the keeping of not more than ten (10) pair of chinchillas, but not including the keeping of normally dangerous animals.

39. **Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris or other waste or salvage materials; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

40. **Junk Yard.** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

41. **Kennel.** Any premises where three (3) or more dogs older than four (4) months are kept.

42. **Lodging House.** A building where lodging only is provided for compensation to at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

43. **Lot.** a parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

44. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

45. **Lot, Width.** The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

46. **Motel.** A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

47. **Nonconforming Building or Structure.** A building or structure which does not conform to the regulations for height, coverage or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

48. **Nonconforming Use.** The use of a building or structure or land which does not conform to the use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of it's establishment.

49. **Nursing Home.** An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" also shall include "rest home" and "convalescent home."

50. **Parking Lot.** An open area, other than a street, used for parking or more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

51. **Parking Space.** A permanently-surfaced area, enclosed or unenclosed, for the parking of one (1) motor vehicle.

52. **Planned Unit Development.** An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

53. **Setback.** The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

54. **Sign.** Any writing, pictorial representation, symbol, banner, or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or any place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, stringing, or otherwise fastening, affixing, or making visible in any manner whatsoever.

55. **Sign, Advertising.** A sign which advertises a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where the sign is displayed, or a sign in which more than twenty-five (25) percent of the area of the sign is devoted to advertising a use or product which does not constitute the principal activity of the establishment on the premises.

56. **Sign Area.** The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface; should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above.

57. **Sign, Business.** A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold, or manufactured upon the same lot. A sign advertising a particular product or line of products sold on the premises but not constituting the principal activity of the establishment may be included, provided that not more than twenty-five (25) percent of the area of the sign is devoted to such advertising.

58. **Sign, Freestanding.** A sign located directly on the ground, or on any support other than a building, whether or not the principal purpose of such support is to display the sign.

59. **Sign, Residential.** A sign which gives notice of the name of the address of a residential building, the name or occupation of a resident thereof, or conditions of use of parking facilities serving a residential use.

60. **Sign, Wall, Flat.** A sign affixed to or painted on the wall of a building in such a manner that the surface of the sign is parallel with the prevailing surface of the wall upon which the sign is displayed, and which does not project beyond such surface more than ten (10) inches, nor above the roof or cornice line of such building.

61. **Sign, Wall, Projecting.** A sign other than a flat wall sign, affixed to a wall or other portion of a building, and not projecting above the roof or cornice line of such building.

62. **Sign, Roof.** A sign erected partly or wholly upon or over the roof of a building.

63. **Story.** That portion of a building included between the surface of any floor and the floor or ceiling next above it.

64. **Story, Half.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feel above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor next immediately below it, provided, however, that any partial story used for one (1) or more dwelling units shall be deemed a full story.

65. **Street, Public.** A thoroughfare which has been dedicated or abandoned to the public and accepted by a proper public authority, or a thoroughfare not less than twenty-five (25) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

66. **Street, Private.** A right-of-way or easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites.

67. **Structure.** Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground.

1-7 Building Permit Required

The construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this Ordinance shall not be commenced or proceeded with except after the issuance of a written permit for the same by the building inspector. If work is not started on a structure or building within one (1) year from issuance of a permit, a new permit will be required.

1. Pursuant to the issuance of a building permit in Minersville, the applicant shall submit to the building inspector evidence of having an approved culinary water supply and an approved method of waste disposal. Both the water supply and the method of waste disposal shall be approved in writing by the County Health Department prior to the issuance of a building permit.

1-8 Site Plans Required

A detailed site plan, drawn to scale (scale and sheet size to be determined by the (Building Inspector) shall be filed as a part of any application prior to consideration or for any building permit. The site plan shall show, where pertinent:

1. Note of scale used.
2. Direction of north point.
3. Lot lines, together with adjacent streets, roads and rights-of way.
4. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.)
5. Location of the proposed construction and improvements, including the location and dimensions of all signs.
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk location.
7. Necessary explanatory notes.
8. Name, address and telephone number of builder and owner.
9. All other information that may be required as is determined by the building inspector.

1-10 Inspection

The building inspector is hereby authorized to inspect or to cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of the zoning ordinance. The building inspector or any authorized employee of Minersville shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court or competent jurisdiction.

1-11 Enforcement

Through resolution the Beaver County Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. He shall enforce all the provisions of this Ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violations of such provisions. The town board may, by resolution or ordinance, from time to time entrust the administration of this Ordinance, in whole or in part, to any other officer of Minersville or Beaver County without amendment to this Ordinance. Such officers may include a zoning administrator, a planning director, or others.

1-12 Penalties

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each of every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

1-13 Amendments

The town board may, from time to time, amend the number, shape, boundaries or areas of any district, or any regulation or any other provision of the zoning ordinance, but any such amendment shall not be made or become effective until after thirty (30) days notice and public hearing and unless the same shall have been proposed by or be first submitted to the planning commission for its recommendation which shall be returned within thirty (30) days.

1-14 Hearing and Publication and Notice before Amendment

Before finally adopting any such amendment, the town board shall hold a public hearing thereon, at least thirty (14) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the town.

1-15 Licensing

All departments, officials and public employees of Minersville which are vested with duty or authority to issue permits or licenses shall conform to the provision 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.

1-16 Fees

Fees may be charged applicants for building, occupancy and Planned Unit Developments, design review and Planned Unit Development approval, planning commission and board of adjustment hearings, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and shall be in amounts reasonably necessary to defray costs to the public.