## Chapter 4. SUPPLEMENTARY AND QUALIFYING REGULATIONS

### 4-1 Effect of Chapter

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

### 4-2 Substandard Lots at Time of Ordinance Passage

Any lot held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the district in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five (5) feet or the total width of the two yards be less than thirteen (13) feet.

### 4-3 Lot Standards

Except as otherwise provided in this chapter, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated or publicly-approved street or upon a private street or right-of-way approved by the planning commission.

### 4-4 Every Dwelling to be on a Lot - Exceptions

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 for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the planning commission, may occupy one lot for each multi-structure complex.

### 4-5 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 whereon a building is to be erected or established.

## 4-6 Sale or Lease of Required Space

No space needed to meet the width, yard, acre, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

## 4-7 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, or building or development as a lot.

## 4-8 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half (2 1/2) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

## 4-9 Area of Accessory Buildings

No accessory building nor group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.

## 4-10 Additional Height Allowed

Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by Conditional Use Permit.

## 4-11 Exceptions of Height Limitations

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

## 4-12 Minimum Height of Main Buildings

No dwelling shall be erected to a height less than one (1) story above grade.

## 4-13 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty (20) feet.

## 4-14 Clear View of Intersecting Streets

Revised attached to next page

In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property line and a line connecting them at points forty (40) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline service stations.

## 4-15 Maximum Height of Fences, Walls, and Hedges

Revised next page

1. Fences, walls, and hedges may not exceed six (6) feet in height within any required rear yard or interior side yard. [2]No fences, wall, or hedges exceeding three and a half (3½) feet in height shall be erected or allowed along frontage property lines. Fences, walls, and hedges along side-streets also cannot exceed three and a half (3½) feet. Exceptions: (1) The height limit of three and a half (3½) feet may be extended to six (6) feet for open fences such as chain-linked, or wire where no solid material is inserted. Persons building a fence must first obtain a no fee permit from the Town Clerk.

2. Fences, walls and hedges may not exceed two (2) feet in height within any required front yard or side street side yard.

3. Notwithstanding any other provisions herein, no fence, wall, or hedge exceeding two (2) feet in height shall be erected or allowed closer to any street line than the required building setback line.

4. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.

5. Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

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[2] **Amended March 18, 1996**

revision

MINERSVILLE TOWN, A Municipal Corporation

Ordinance No 4.6.22

**AN ORDINANCE AMENDING THE UNIFORM ZONING ORDINANCE OF MINERSVILLE**

**WHEREAS**, the Minersville Town Council has reviewed the Supplementary and Qualifying Regulations of the Maximum Height of Fences, Walls and Hedges in the Uniform Zoning Ordinance of Minersville and;

**WHEREAS**, the adoption of provisions updating the Maximum Height of Fences, Walls, and Hedges is in the best interest of the health, general welfare and safety of the inhabitants of Minersville Town.

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

SECTION 1. That Section 4-14 and 4-15 of the Uniform Zoning Ordinance of Minersville, adopted February 10, 1993, and amended March 18, 1996 be amended to read as follows:

4-14 **Clear View of Intersecting Streets**

In all districts which require a front yard, no obstruction to view in excess of three and a half (3 ½) feet in height shall be placed on any corner lot within a triangular area formed by the street property line and a line connecting them at points forty (40) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline service stations.

4-15 **Maximum Height of Fences, Walls, and Hedges**

1. Fences, walls, and hedges may not exceed six (6) feet in height within any required rear yard or interior side yard. *No fences, wall, or hedges exceeding three and a half (3 ½) feet in height shall be erected or allowed along frontage property lines. Fences, walls, and hedges along side-streets also cannot exceed three and a half (3 ½) feet. Exceptions: The height limit of three and a half (3 ½) feet may be extended to six (6) feet for open fences such as chain-linked, or wire where no solid material is inserted. Persons building a fence must first obtain a no fee permit from the Town Clerk.
2. Fences, walls and hedges may not exceed three and a half **(3 ½) feet in height within any required front or side street side yard.
3. Notwithstanding any other provisions herein, no fence, wall, or hedge exceeding three and a half **(3 ½) feet in height shall be erected or allowed closer to any street line than the required building setback line.
4. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.
5. Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence,

## 4-16 Water and Sewerage Requirements

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Division of Environmental Health is not available, and in all cases where a connection to a public water system approved by the Utah State Division of Environmental Health is not available, the sewage disposal and the domestic water supply shall comply with the requirements of such Division and the application for a building permit shall be accompanied by a certificate of approval from said Division of Health.

## 4-17 Curbs, Gutters and Sidewalks

The installation of curb, gutter and sidewalks of a type approved by Minersville shall be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks shall be required as a condition of building or use permit approval.

## 4-18 Lots and Dwellings on Private Streets - Special Provisions

Lots with frontage on private streets only shall be allowed by Conditional Use Permit or Planned Unit Development procedure only, and subject to all applicable requirements of this Ordinance and the subdivision ordinance.