

CHAPTER 9

SUPPLEMENTARY AND QUALIFYING REGULATIONS

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8-9-1: EFFECT:

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

8-9-2: LOTS IN SEPARATE OWNERSHIP:

The requirements of this title as to minimum lot area or lot width

shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land; provided, that such lot or parcel of land is located in a zone which permits single-family dwellings and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

8-9-3: 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 title, 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. This section shall be so construed to mean only one main building may be permitted on one lot unless otherwise hereinafter provided.

8-9-4: DWELLING REQUIREMENTS:

All single-family and multi-family dwellings shall have a minimum of eight hundred (800) square feet and shall be a minimum of forty feet (40') wide and twenty feet (20') deep. The minimum rental permitted shall be thirty (30) days. Every dwelling shall be located and maintained on a "lot", as defined in section 8-2-3 of this title.

8-9-5: PRIVATE GARAGE WITH SIDE YARD; REDUCED YARDS:

On any interior lot where a private attached garage, containing a sufficient number of parking spaces to meet the requirements of this title has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.

8-9-6: SALE OR LEASE OF REQUIRED SPACE:

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

8-9-7: SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:

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

8-9-8: AREA OF ACCESSORY BUILDINGS:

No accessory building or group of accessory buildings in any residential zone shall cover more than twenty five percent (25%) of the rear yard.

8-9-9: YARDS UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky, unobstructed, except for canopies which might be allowed under any provision contained herein, accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimney, flues and other ornamental features which project into a yard not more than three feet (3'), and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers which project into a yard not more than five feet (5').

8-9-10: ADDITIONAL HEIGHT ALLOWED:

Public and semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy five feet (75') if the building is set back from each otherwise established building line at least one foot (1') for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

8-9-11: EXCEPTIONS TO 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, smoke stacks, 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 the purpose of providing additional floor space.

8-9-12: 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 story or thirty five feet (35').

8-9-13: CLEAR VIEW OF INTERSECTING STREETS:

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

8-9-14: ANIMALS AND FOWL:

No animals or fowl shall be kept or maintained closer than forty feet (40') from any dwelling.

8-9-15: WATER AND SEWAGE REQUIREMENTS:

In all cases where a proposed building or proposed use will involve the use of sewage facilities and a sewer, as defined by the Tri-County health department, is not available and in all cases where a proposed supply of piped water under pressure is not available, the sewage disposal and the domestic water supply shall comply with requirements of said Tri-County health department and the application for a building permit shall be accompanied by a certificate of approval from said Tri-County health department.

8-9-16: EFFECT OF OFFICIAL MAP:

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

8-9-17: SETBACKS FROM STATE AND FEDERAL HIGHWAYS:

Notwithstanding any other provision of this title, all buildings abutting from highways having a state or federal designation (except nonaccess highways) shall be set back at least fifty feet (50') from

the highway right of way line, except for small temporary fruit and vegetable stands.

8-9-18: PUBLIC DUMPING GROUNDS:

Public dumping grounds shall be maintained in accordance with standards of the Utah state department of health and shall be located at least one thousand feet (1,000') from any building used for human occupancy.

8-9-19: EXCAVATIONS:

The banks of all gravel, sand, clay and topsoil pits and similar excavations located within five hundred feet (500') from any street or dwelling shall be smoothed and reconditioned so as not to be hazardous or unsightly at the termination of operation or use. Before a permit for a gravel, sand, clay or topsoil pit or similar excavation shall be issued, a bond or other assurance shall be furnished to the county in the amount of ten thousand dollars (\$10,000.00) for each acre from which such material is taken as a guarantee that the reconditioning will be done in a manner and to such extent that the pit will not depreciate the surrounding property for its primary use or will impair the beauty of the landscape. Upon the completion of the reconditioning, as approved by the board of county commissioners, the bond or other assurance shall be returned to the owner; provided, that in the event the reconditioning has not been completed within one year from the date of abandonment of said pit, the governing body may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from said bonds or assurances.

8-9-20: CONSERVATION OF VALUES:

Any use which emits noise, smoke, dust, odor or vibrations in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or which deprives the owners of adjoining property of the full use of their land, shall be prohibited. This shall include the prohibition against the industrial and commercial use of land in areas zoned for residential use.

8-9-21: TEMPORARY BUILDINGS AND USES:

Temporary buildings and uses are permitted as follows:

A. Buildings, Homes, Recreational Vehicles: Temporary buildings,

mobile homes and recreational vehicles used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:

1. Any use permit approved for such temporary building, mobile home or recreational vehicle shall be limited to a period of time not to exceed one year from the date of such approval, but said permit may be renewed for like periods thereafter upon the property owner submitting to the planning commission having jurisdiction satisfactory evidence indicating the need for such temporary building, mobile home or recreational vehicle continues to exist.

2. Unless such use permit is renewed, such temporary building, mobile home or recreational vehicle shall be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.

B. Building, Construction Equipment: Temporary uses such as the cutting and storage of lumber or the storage of building materials and construction equipment conducted or used in conjunction with construction work only during the period of such constructions, subject to securing a use permit and the following:

1. Any use permit approved for such temporary use shall be limited to a period of time not to exceed one year from the date of such approval, but said permit may be renewed for like periods thereafter upon the property owner submitting to the planning commission having jurisdiction satisfactory evidence indicating that the need for such temporary use continues to exist.

2. Unless such use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.

C. Real Estate Office: Temporary real estate offices, subject to securing a use permit and the following:

1. Such office shall be located on the property being subdivided for sale as individual lots and its use shall be limited to the sale of these lots.

2. Such office shall be subject to the height, yard, intensity of use and parking regulations for the zoning district in which it is located and shall meet minimum water and sanitary standards as required by the Tri-County health department.

3. Any use permit approved for such office shall be limited to a period of time not to exceed two (2) years from the date of such approval, but said permit may be renewed by the planning commission for like periods thereafter if lots in the property being subdivided have not been sold.

D. Special Events: Temporary uses such as circuses, carnivals, Christmas tree sale lots, revivals, horse shows, rodeos and charity events, subject to securing a use permit. Any use permit approved for such use shall be limited to a period of time not to exceed sixty (60) days from the date of such approval.

8-9-22: LOCATION OF RECREATIONAL VEHICLES, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS AND MOTOR HOMES FOR LIVING PURPOSES:

Unless permitted under the regulations set forth in chapters 7 and 12 of this title, or unless permitted by the use regulations for a specific zoning district, the location or storage of mobile homes and recreational vehicles outside of mobile home parks, recreational vehicle parks and the location or storage of aircraft, boats, camping trailers, truck campers and motor homes shall be subject to the following:

At no time shall the recreational vehicle, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for permanent living, sleeping or housekeeping purposes.

8-9-23: OCCUPANCY PERMITS:

Land, buildings and premises in any zone shall hereafter be used only for the purpose listed herein as permitted in that zone and in accordance with the regulations herein established in that zone. The building inspector shall inspect the premises and determine whether it meets the requirements and if so, issue the permit of occupancy. Such a permit shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use. Upon written request from the owner, such a permit may also be issued covering any lawful use of a building or premises existing on the effective date hereof, including nonconforming buildings and uses.

8-9-24: ADMINISTRATIVE DETERMINATION AS TO USES NOT LISTED:

Determination as to the classification of uses not specifically listed in chapter 6 of this title, shall be made by the planning

commission and shall be subject to appeal to the board of adjustment. Such appeal shall be filed in writing within ten (10) days after written notification to applicant of the planning commission's determination. The procedure shall be as follows:

A. **Written Request:** A written request for such a determination shall be filed with the building inspector. The request shall include a detailed description of the proposed use and such other information as may be required.

B. **Investigation:** The building inspector shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title and to make a determination of its classification.

C. **Determination:** The determination of the building inspector shall be rendered in writing within a reasonable time, but not to exceed thirty (30) days, unless with the written consent of the applicant. The determination shall state the zone classification in which the proposed use will be permitted, as well as the findings which establish that such use is of the same character as uses permitted in that zone classification. Upon making his decision, the building inspector shall forthwith notify the applicant and the planning commission.

D. **Effect:** The determination and all information pertaining thereto shall become a permanent public record in the office of the building inspector. Such use shall thereafter become a permitted or conditional use in the class or district specified in the determination and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

8-9-25: MAINTENANCE OF PROPERTY FOR SAFETY AND PREVENTION OF PUBLIC NUISANCE:

Property owners shall maintain their property free of nuisances as provided in title 4, chapters 2 and 3 of this code.

8-9-26: AIRPORT AREA SPECIAL REGULATIONS:

A. **Purpose:** The following regulations contained in this section are established to avoid or lesson hazards resulting from the operation of aircraft, to avoid creation of new hazards, and to protect the lives of people who use aircraft facilities.

B. Airport Zones Defined: For the purpose of this chapter, the following airport zone terms shall have the following meanings:

1. Main Airport Approach Zones:

a. East approach: An area that begins two hundred feet (200') east from the east end of the landing strip, broadening from a width of two hundred fifty feet (250') (125 feet each side of centerline) at the beginning point, to a width of four hundred fifty feet (450') (225 feet each side of centerline) at a distance of one thousand feet (1,000'), the centerline being a continuation of the centerline of the landing strip.

b. West approach: An area that begins two hundred feet (200') west from the west end of the landing strip, broadening from a width of two hundred fifty feet (250') (125 feet each side of centerline) at the beginning point, to a width of four hundred fifty feet (450') (225 feet each side of centerline) at a distance of one thousand feet (1,000'), the centerline being a continuation of the centerline of the landing strip.

2. Airport Transition Zones: The rectangular areas that run full length of the existing airport property and parallel to the east/west landing strips at a distance beginning one hundred twenty five feet (125') from the centerlines of the east/west landing strips to a distance of one thousand five hundred fifty feet (1,550') from the centerlines of the landing strip.

3. Airport Turning Zone: A circular area having the radius points at the east and west end points of the landing strip surrounding an airport encompassing all of the land lying within a radius of two (2) miles distance from the landing strip of an airport, except that area covered by the airport, the transition zones, and the approach zone.

C. Airport Regulations:

1. Height Limits Near Airport:

a. In the main runway approach zones, no building or structure shall be erected which is more than one foot (1') in height for each twenty feet (20') said building or structure is distant from the beginning points of the north and south approach zones.

b. In the airport transition zone, no building or structure shall be erected which is more than one foot (1') in height for each seven feet (7') said building or structure is distant from the inside

airport transition zone boundary. The inside airport transition zone boundary begins at a point one hundred twenty five feet (125') distant from the centerline of the main runway.

c. In the airport turning zone, no building or structure shall be erected to a height greater than one hundred fifty feet (150').

2. Use Regulations:

a. Uses Causing Interference: Notwithstanding any other provision of this title, no uses may be made of land or buildings within the county which will create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing or taking off of aircraft.

b. Structures Requiring FAA Approval: Plans for proposed structures to be located within two thousand feet (2,000') of the main or cross wind runway and within the approach or transition zones, may be required to be submitted to the federal aviation administration (FAA) for their review and recommendation regarding the proposed structure's impact on the airport.

8-9-27: STORAGE CONTAINERS AS ACCESSORY BUILDINGS:

A. Regulations: "Storage containers", as defined in section 8-2-3 of this title, may be used as accessory buildings, only in accordance with the following:

1. Permitted: Storage containers fabricated for the purpose of transporting freight or goods on a truck, railroad or ship shall be allowed to be set up as a residential storage structure or accessory building.

2. Building Permit Required: Purchasers, owners or users of storage containers shall obtain a building permit from the county for each container prior to placing or moving the container onto their property.

3. Setback Requirements: Placement of the storage container shall meet all setback and hold down requirements for the zone in which it will be located.

4. Exterior Appearance: The exterior of the storage container shall be painted or altered to cover any advertising, lettering or numbers.

5. Stacking Prohibited: No stacking of storage containers shall be allowed.

6. Ground Level Location; Permanent Foundation: All storage containers shall be located at ground level for safety. Any storage container located on a permanent foundation must meet all building code requirements.

7. Dwelling Use Prohibited: Storage containers shall not be used as a dwelling unit.

8. Ventilation: Storage containers shall provide adequate ventilation for personal safety.

B. Penalty: Any violation of this section shall be punishable as set forth in this title or under the applicable state building code.

8-9-28: TENSION MEMBRANE STRUCTURES:

A. When Permitted: Tension membrane structures are prohibited except as provided below. Tension membrane structures shall only be allowed in the following situations:

1. Tension membrane structures are allowed in all commercial and industrial districts as accessory structures and must meet all zoning regulations.

2. Tension membrane structures are allowed in all other districts as an accessory structure and must comply with all other requirements applicable to accessory structures.

3. A tension membrane structure is allowed for a period of not more than sixty (60) days in connection with a temporary special event, such as a circus, carnival or fair; provided, that the tension membrane structure complies with all other applicable ordinances (see section 8-9-21 of this chapter).

B. Yurts: Tension membrane structures known as yurts are allowed as follows:

1. In zones CS, CH, CG as other living quarters; hotel; motel with a conditional use permit and must meet all zoning regulations.

2. In zones MU-40, MU-80, MU-160, A-20, A-40 and RR-10 as dude ranch; family vacation ranch with a conditional use permit and must meet all zoning regulations.

C. Code Compliance: All tension membrane structures must meet current IBC, IRC and IFC codes.

D. Application: A county membrane structure permit application must be completed with an acceptable engineered set of plans, and turned into the building inspector, with all pages and data as described below:

1. Plot Plan: Plot plan drawn to scale showing:

a. Property lines with dimensions.

b. All existing and proposed structures with dimensions.

c. Proposed or existing wastewater system

d. Twenty feet (20') minimum distance between all membrane structures and all other structures and property lines.

e. Name and address of property owner.

2. Building Plans:

a. Intended use, the type of construction and the occupant load of each structure.

b. NFPA 701 documentation (yurts-fabric flame resistance certificate).

c. Snow and wind load requirements.

d. Water/sewer connection or wastewater permit verification form, if applicable. If a well is to be used for water source, applicant must have appropriate Tri-County health department approval.

e. Authorization from the building inspector stating that all zoning and setback requirements have been met.

E. Extension: Projects not completed within two (2) years of issuance must contact the building inspector for a building permit extension.

F. Inspections: Permittee must contact the building inspector for inspections.