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4.1 EFFECT OF CHAPTER.

(1) The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations of any Zoning District appearing elsewhere in this Ordinance.

4.2 CONDITIONAL USE PERMIT REQUIRED FOR RESTRICTED LOTS.

(1) No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid Conditional Use Permit for the same has previously been issued pursuant to this Code.

4.3 SUBSTANDARD LOTS AT TIME OF CODE PASSAGE.

(1) Any lot legally held in separate ownership at the time of adoption of the first Town of Rush Valley Zoning Ordinance, which lot is below the requirements for lot area, lot width or frontage for the zoning district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of this Code, may be used for a single-family dwelling or other permitted or conditional uses as provided for in the applicable zoning district regulations. The width of each of the side and rear yards for such a dwelling or other approved buildings may be reduced to a distance which is not less than the same percentage that the actual lot area is to the total lot area required by the current zoning regulation, provided that in no case shall the front yard setback be less than 20 feet, the side yard setback be less than 6 feet, and the rear yard be less than 6 feet; provided however, that when this Code replaces a previously adopted zoning ordinance, if a lot was legally created under the provisions of that ordinance, it shall be classified as a legal non-conforming lot under this Code. (Amended 12-18-02 by Ord. 2002-09 and 04-23-03 by Ord. 2003-3)

4.4 NON-CONFORMING LOTS PROHIBITED AFTER ADOPTION OF CODE.

(1) After adoption of this Code, no lot having less than the minimum width depth and area required in the district in which it is located may be created nor shall building permits be issued for construction on such non-conforming lots created subsequent to adoption of this Code.

4.5 LOT STANDARDS AND STREET FRONTAGE.

(1) Except for planned unit developments, condominiums, and as others provided in this Code, every lot presently existing or hereafter created shall have such area, width, and depth as required by this Code for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the Planning Commission, before a building permit may be issued, provided that no lot containing 5 acres or less shall be created which is more than 3 times as long as it is wide.

4.6 EVERY DWELLING TO BE ON A LOT - EXCEPTIONS.

(1) 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 Code for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Code and have approval from the Planning Commission, may occupy a single lot.

4.7 LOTS AND DWELLINGS FRONTING ON PRIVATE STREETS - SPECIAL PROVISIONS.

(1) Lots with frontage only on private streets shall be allowed by conditional use permit only, and shall conform to Town right of way standards.

4.8 YARD SPACE FOR ONE BUILDING ONLY.

(1) 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 Code 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.

4.9 YARDS TO BE UNOBSTRUCTED - EXCEPTIONS.

(1) Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylight, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than 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 feet.

4.10 EXCEPTIONS TO HEIGHT LIMITATIONS.

(1) 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, radio, or television masts, theater lofts, silos, energy generation and conservation apparatus, or similar structures may be erected above the height limits herein prescribed. Nonetheless no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other ordinances or regulations of The Town of Rush Valley.

4.11 ADDITIONAL HEIGHT ALLOWED.

(1) Public buildings and utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

4.12 MINIMUM HEIGHT OF DWELLINGS.

(1) No dwelling shall be erected to a height less than 1 story above grade, except in as otherwise specified in this Ordinance or by conditional use permit.

4.13 MAXIMUM HEIGHT AND FLOOR AREA OF ACCESSORY BUILDINGS.

(1) 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 20 feet, nor contain greater square foot floor area than the principal building to which it is accessory.

4.14 AREA OF ACCESSORY BUILDINGS.

(1) No accessory building or group of accessory buildings in any residential district shall cover more than 25 percent of the rear yard.

4.15 WATER AND SEWERAGE REQUIREMENTS.

(1) In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by the Utah State Division of Health is not available, and in all cases where a connection to a public water system approved by the Utah State Division of Health is not available the sewage disposal system and the domestic water supply shall comply with requirements adopted by The Town of Rush Valley. The application for a building permit shall be accompanied by evidence of the physical presence, legal right to and availability of culinary water acceptable to The Town of Rush Valley and showing the actual physical presence, legal right and availability of a sewer system for the proposed budding or use.

4.16 CLEAR VIEW OF INTERSECTING STREETS.

(1) In all districts which require a front yard, no obstruction to view in excess of three feet 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 40 feet from the intersection of the street lines, except pedestal type identification signs and pumps at gasoline service stations, and a reasonable number of trees pruned so as to permit unobstructed vision to automobile drivers.

4.17 FENCES MAY BE REQUIRED.

(1) When approved by the Town Council, the Planning Commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit where, in the opinion of said Commission, this is necessary to protect life and property, or to prevent conflict of uses. Such fences shall be of a type and size necessary, in the opinion of the Planning Commission, to accomplish the above-stated purpose. View obscuring fences shall be installed by the property owner to block the view from the public right-of-way, or from neighboring properties whenever uses of land are found by the Planning Commission to be offensive, detracting, obnoxious, visually polluting or otherwise visually devaluing to the Community.

4.18 MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES.

(1) Fences, walls, and hedges may be erected or allowed to the permitted building height in the district when located within the required buildable area. Fences, walls, and hedges may not exceed 6 feet in height within any required rear yard or interior side yard. No view-obscuring fence, wall or hedge exceeding 3 feet in height shall be erected or allowed closer to any street line than the required building setback line. Non-view-obscuring fences or walls may be erected to a maximum height of 5 feet within the front yard. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any 2 plants is and remain at least 5 feet.

(a) Where a fence, wall, or hedge is located along a property line separating 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.

(b) All fence construction higher than six feet requires a building permit to be issued by the Town Building Official.

(c) There shall be no fence nor hedge within 3 feet of any fire hydrant.

4.19 SALE OR LEASE OF REQUIRED SPACE.

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

4.20 CONSTRUCTION SUBJECT TO GEOLOGIC OR FLOOD HAZARDS.

(1) Whenever development or construction is or may be subject to geologic or flood hazards, the Planning Commission may require the applicant to submit a geologic and soils survey report prepared by a qualified professional team. When such report indicates a lot to be subject to unusual potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the Planning Commission to reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for a building or conditional use permit shall be denied.

4.21 LOCATION OF GASOLINE PUMPS.

(1) Gasoline pumps shall be set back no less than 18 feet from any street line (property line) to which the pump island is perpendicular, and 12 feet from any street line to which the pump island is parallel, and not less than 10 feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

4.22 PROPERTY DIVIDED BY ZONING DISTRICT BOUNDARIES.

(1) Where a zoning district boundary cuts through a lot, the use regulations to each portion of the lot shall strictly apply to it and shall not extend into the other portion of the lot that has a different zoning district designation.

4.23 UTILITY EXTENSIONS AUTHORIZED ONLY TO PERMITTED STRUCTURES AND BUILDINGS.

(1) No sewer service line, water service line, electrical nor gas utility line shall be installed by a public or private company to a building, structure, or use which does not comply with the provisions of this Code or other local regulations.

4.24 UTILITIES RESPONSIBLE FOR EXCAVATIONS.

(1) It is the intent of this Code to hold franchised utilities responsible for all excavations, back-filling and paving. To this end all such work, whether done by a private or public entity, shall be commenced only pursuant to the issuance of a permit (see Chapter 9 of this Code). Cuts and fills shall be constructed according to standards established by The Town of Rush Valley.

4.25 EFFECT OF GENERAL PLAN ON FRONT YARD REQUIREMENTS.

(1) Wherever a lot is adjacent to a mapped street on the adopted General Plan of The Town of Rush Valley, there shall be a front yard provided which is measured from planned edge of the future right-of-way.

4.26 CONSERVATION OF VALUES.

(1) The appearance and condition of premises has a significant effect on property values, wholesomeness of surroundings and moral values. Accordingly, the following regulations shall apply:

(a) (repealed 4-26-06)

(b) (repealed 4-26-06)

(c) Trash, weeds or other material liable to contribute to a fire hazard, shall not be allowed to remain on any lot outside of approved containers in the Town of Rush Valley and no junk, debris, abandoned or dismantled vehicles, or similar refuse material shall be stored or allowed to remain outdoors, except in an MD or MG district by conditional use permit. No moveable personal property, shall be allowed to be placed or stored within two feet of a property boundary line or fence boundary line.

4.27 EXTERIOR APPEARANCE RESIDENTIAL FACILITY.

(1) Roof, exterior siding, dimensions, and skirting or foundation of a residential facility shall meet the following standards:

(a) Roofs shall have a minimum pitch of 2.5 to 12 over at least 75% of the structure and have a surface of wood shakes, wood or composition asphalt mineral surface shingles, concrete, fiberglass or metal tiles, single-ply, slate, built-up gravel, or standing rib metal roofing. Roof overhangs must not be less than twelve inches, excluding rain gutters which may account for up to four inches of overhang measured from the vertical side of the dwelling.

(b) Exterior siding materials shall consist of wood, masonry, concrete, stucco, "masonite", metal or vinyl clad lap, or any material with similar appearance which meets the Uniform Building Code.

(c) The minimum width of any dwelling shall be at least 22 feet at the narrowest point of the main floor at ground level for at least 32 feet measured at right angles to the width face exclusive of garage area.

(d) Skirting is required with materials which meet the Uniform Building Code standards and is aesthetically consistent with concrete or masonry type foundation materials. A masonry foundation constructed in accordance with plans and specifications available upon request from The Town of Rush Valley is acceptable.

4.28 Storage Space Required For Dwelling

(1) A residential facility must provide a minimum of 72 square feet of enclosed storage space with at least six feet of clear height located within the residential facility, in the basement, in the garage area (supplemental to) or in an accessory storage structure on site which conforms to all applicable zoning and building code regulations and requirements.

4.29 NEW DWELLINGS CONSTRUCTED ON-SITE OR MANUFACTURED OFF-SITE.

(1) Construction of dwellings shall comply with all applicable regulations in effect in The Town of Rush Valley, be constructed on a legal lot in a zone which permits the residential facility and obtain the appropriate building permit. A certificate of occupancy is required and will be issued upon finding that the residential facility has complied with the controlling regulations.

(2) New construction of dwellings on site shall meet the requirements of the Uniform Building Code (UBC), and be inspected by the local Building Official. Additions, alterations, foundations, and accessory buildings require building permits.

(3) New dwellings constructed or manufactured off-site in a "factory" must be certified to be in compliance with the Uniform Building Code or the National Manufactured Housing Construction and Safety Standards Act of 1974 and bear the approved U. S. Department of Housing and Urban Development approved (HUD) insignia. The HUD insignia may not be removed from its original location on the structure nor any unapproved modification made to the structure without approval of The Town of Rush Valley. Installation of an off-site manufactured residential facility that is designed to meet UBC requirements shall be permanent and comply with Uniform Building Code requirements for component assemblies. The installation shall be designed to meet seismic and windload requirements. A copy of the calculations shall become part of the building permit application.

(4) Installation of the off-site manufactured residential facility constructed to meet HUD requirements and bears the HUD insignia shall comply with the authorized "installation manual" which accompanies the unit from the factory. The installation shall be designed to meet seismic and wind load requirements. A copy of the calculations shall become part of the building permit application. The residential facility shall be permanently installed on an approved foundation which is constructed according to the HUD installation manual or the Uniform Building Code.

4.30 PREVIOUSLY USED AND OLDER DWELLINGS.

(1) Before being moved into, or within The Town of Rush Valley, used dwellings, constructed off-site shall:

(a) Provide a certification from a qualified licensed professional, approved by The Town of Rush Valley, that the structure was constructed to meet HUD requirements and retains the insignia of approval, has not been modified, or, if it has been modified that such modification does not invalidate the original factory certification for its intended use; or

(b) Provide a certification from a qualified licensed professional approved by The Town of Rush Valley that the facility was constructed to meet UBC requirements and has not been modified, or, if it has been modified that such modification does not invalidate the original approval of having been constructed to meet UBC requirements.

(2) If a residential facility does not meet the above criteria and the local Building Official is convinced that the plans for its installation in The Town of Rush Valley will bring it in to full compliance with the Uniform Building Code, said Building Official may approve the plans and allow the residential facility to be moved to its intended permanent legal location in The Town of Rush Valley.

4.31 REGULATION OF LONG TERM USE OF RECREATIONAL VEHICLES. (adopted 1/28/09)

No recreational vehicle (recreational coach), including campers, camp trailers or other motor vehicles, shall be used as a human dwelling place or living or sleeping quarters, within the Town of Rush Valley, for longer than 14 days during any six month period, in a calendar year, unless the owner of the real property on which the recreational or other vehicle is located, has obtained an appropriate conditional use permit.