

CHAPTER 4 REGULATIONS APPLICABLE FOR ALL ZONES

10-4-1: EFFECT OF CHAPTER

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.

10-4-2: CONDITIONAL USE PERMIT REQUIRED FOR RESTRICTED LOTS

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.

10-4-3: SUBSTANDARD LOTS AT TIME OF CODE PASSAGE

Any lot legally held in separate ownership at the time of adoption of the first Wendover City Zoning Ordinance December 2, 1980, which lot is below the requirements for lot area or lot width or frontage for the 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 if such a lot is located in a residential district. 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, nor shall the total width of the two yards be less than thirteen (13) 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.

10-4-4: NON-CONFORMING LOTS PROHIBITED AFTER ADOPTION OF CODE

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.

10-4-5: LOT STANDARDS AND STREET FRONTAGE

Except for planned unit developments, condominiums, and as otherwise 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 five (5) acres or less shall be created which is more than three (3) times as long as it is wide.

10-4-6: 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 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.

10-4-7: LOTS AND DWELLINGS FRONTING ON PRIVATE STREETS - SPECIAL PROVISIONS

Lots with frontage only on private streets shall be allowed by conditional use permit only, and shall conform to City right-of-way standards.

10-4-8: 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 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.

10-4-9: YARDS TO BE UNOBSTRUCTED - EXCEPTIONS

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 (5) feet.

10-4-10: 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, 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 Wendover City.

10-4-11: ADDITIONAL HEIGHT ALLOWED

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.

10-4-12: MINIMUM HEIGHT OF DWELLINGS

No dwelling shall be erected to a height less than 1 story above grade, except in a planned unit development.

10-4-13: ACCESSORY TO A DWELLING PRIOR TO RESIDENCE

No building which is customarily accessory to a dwelling shall be erected prior to the dwelling, unless a conditional use permit has been approved by the Planning Commission.

10-4-14: WATER AND SEWERAGE REQUIREMENTS

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 Wendover City. 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 Wendover City and showing the actual physical presence, legal right and availability of a sewer system for the proposed building or use.

10-4-15: CLEAR VIEW OF INTERSECTING STREETS

In all districts which require a front yard, no obstruction to view in excess of three (3) 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.

10-4-16: FENCES MAY BE REQUIRED

When approved by the City 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.

10-4-17: 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 7 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 4 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 7 feet requires a building permit to be issued by the City Building Official.
 - c) There shall be no fence nor hedge within 3 feet of any fire hydrant.

10-4-18: SALE OR LEASE OF REQUIRED SPACE

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.

10-4-19: CONSTRUCTION SUBJECT TO GEOLOGIC OR FLOOD HAZARDS

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.

10-4-20: LOCATION OF GASOLINE PUMPS

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.

10-4-21: PROPERTY DIVIDED BY ZONING DISTRICT BOUNDARIES

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.

10-4-22: UTILITY EXTENSIONS AUTHORIZED ONLY TO PERMITTED STRUCTURES AND BUILDINGS

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.

10-4-23: UTILITIES RESPONSIBLE FOR EXCAVATIONS

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. Cuts and fills shall be constructed according to standards established by Wendover City.

10-4-24: EFFECT OF GENERAL PLAN ON FRONT YARD REQUIREMENTS

Wherever a lot is adjacent to a mapped street on the adopted General Plan of Wendover City, there shall be a front yard provided which is measured from planned edge of the future right-of-way.

10-4-25: 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) The outside surface of buildings which are constructed of wood shall be coated with paint or other wood preservative before such building is occupied or used.
 - b) Whenever a front yard is required, such yard shall be planted and maintained in lawn and shrubbery, except for walks and driveways.
 - c) Trash, weeds or other material liable to contribute to a fire hazard, infestation by rodents or insects shall not be allowed to remain on any lot outside of approved containers in Wendover City and no junk, debris, abandoned or dismantled vehicles, or similar refuse material shall be stored or allowed to remain outdoors by conditional use permit.

10-4-26: 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 International Building Code.
 - c) Skirting is required with materials which meet the International 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 Wendover City is acceptable.

10-4-27: STORAGE SPACE REQUIRED FOR DWELLING

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.

10-4-28: NEW DWELLINGS CONSTRUCTED ON-SITE OR MANUFACTURED OFF-SITE

1. Construction of dwellings shall comply with all applicable regulations in effect in Wendover City, 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 Building Code as adopted by the State of Utah, 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 International 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 Wendover City. Installation of an off-site manufactured residential facility that is

designed to meet Building Code requirements shall be permanent and comply with the Building Code as adopted by the State of Utah for component assemblies. 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.

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 International Building Code (IBC).

10-4-29: PREVIOUSLY USED AND OLDER DWELLINGS

1. Before being moved into, or within Wendover City, used dwellings, constructed off-site shall:
 - a) Provide a certification from a qualified licensed professional, approved by Wendover City, 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 Wendover City that the facility was constructed to meet IBC 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 IBC 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 Wendover City will bring it in to full compliance with the International Building Code, said Building Official may approve the plans and allow the residential facility to be moved to its intended permanent legal location in Wendover City.

10-4-30: ANIMALS AND THEIR OFFSPRING

Under all circumstances that this Ordinance allows or permits a limited number of animals to be kept on property, as a conditional or non-conforming use, the offspring of such animals may also be kept on said property, without violating any numerical restrictions, until such time as said offspring are no longer suckling or are nine (9) months of age, whichever occurs first, at which time said offspring or other animals shall be removed from property to maintain the permitted number.

10-4-31: GARAGE AND YARD SALES

Garage and yard sales mean the display or advertisement for sale of more than one article of tangible personal property by a person who does not have a Wendover City business license and is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail. Four (4) garage or yard sales may be held at a single address during any calendar year, provided each sale does not last longer than five (5) consecutive days.

10-4-32: PRIVATE PARK, PLAYGROUND OR RECREATION AREA

1. The lands and facilities used for such purpose shall be owned or leased and operated by a non-profit corporation for the exclusive benefit of the members, their immediate families and non-paying guests.
2. Adequate restrooms and sanitary facilities shall be provided and kept available for use by members, their families and guests, and shall be maintained in proper working order and in clean and sanitary condition and in full compliance with the reasonable standards, rules and regulations established by the Tooele County Health Department.

3. Twenty-five (25) off-street parking spaces, or one off-street parking space for each four members in the operating corporation, whichever is greater, shall be provided on the lot devoted to the principal use.
4. Operation or use of the recreational or other facilities provided is forbidden between the hours of 11:00 P.M. to 6:00 A.M. next following.
5. All facilities, equipment and buildings shall be set back not less than twenty (20) feet from any property line and shall be located not less than fifty (50) feet from any main building on an adjoining lot and from any area upon which any such main building may be constructed upon said adjoining lot if no such main building is in existence.
6. The minimum size of the lot or site used for such recreation or other purposes shall be one (1) acre.
7. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.

10-4-33: PUBLIC UTILITY SUBSTATION

In all residential zones, Public Utility substations shall meet the following requirements:

1. Each public utility substation in a residential zone shall be located on a lot not less than two thousand (2,000) square feet in area.
2. Each public utility substation in a residential zone shall be provided with a yard on each of the four sides of the building or structure not less than five (5) feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards and rear yard shall equal this required for a single family residence in the same zone.
3. Each public utility substation in a residential zone shall be located on a lot which had adequate access from a street, alley or easement.
4. The location of public utility substations in a residential zone shall be subject to approval by the Planning Commission.

Adopted this 16th day of April, 2015.