

CHAPTER 9

SUPPLEMENTARY REGULATIONS WITHIN ALL DISTRICTS

SECTION:

- 10-9-1: Applicability
- 10-9-2: Corner Lot Obstruction
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- 10-9-4: Frontages; Curb, Gutter and Sidewalk
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- 10-9-7: Mining and Similar Activities
- 10-9-8: Repealed

10-9-1: **APPLICABILITY:** The regulations in this Chapter shall supplement all regulations of all districts in this Title, unless otherwise specifically detailed herein. (Zon. Ord., 5-8-1991)

10-9-2: **CORNER LOT OBSTRUCTION:**

- A. Obstruction of vision on corner lots within thirty feet (30') of said corner right of way shall not be permitted from two feet (2') to eight feet (8') above finished grade of road. Trunks of trees, open-work fences at least seventy percent (70%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted within the clear-view area.
 - 1. Obstruction of vision within ten feet (10') of intersection of a private drive with a City right of way will not be permitted. Trunks of trees, open-work fences at least fifty percent (50%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted within the clear-view area. However, vertical protrusions of up to twenty four inches (24") in width may be allowed in driveway clear-view area.
 - 2. Obstruction of vision within twenty feet (20') of intersection in a MX District will not be permitted. Trunks of trees, open-work fences at least seventy percent (70%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted within the clear-view area. Non permanent street signs greater than two feet (2') in height are not permitted within the clear-view area.
 - 3. Fence height is measured from the finished grade on its uphill side, where there is a grade difference. (Ord. 98-OM006, 3-24-1998)

10-9-3: **IRRIGATION WATERS:** Changes in any irrigation water system, including the rerouting or alteration of open ditches, shall be approved by the City and the associated water company before any alteration or construction begins. Where said water system resides and terminates on one private lot, approval by the City and the water association shall not be required. (Zon. Ord., 5-8-1991)

10-9-4: **FRONTAGES; CURB, GUTTER AND SIDEWALK:** Curb, gutter and sidewalk shall be required in accordance with Title 11 Chapter 4 of this Code. Curb, gutter and/or sidewalk along frontages of lots in nonresidential districts may be required by the City. Where curb, gutter and/or sidewalk previously installed by the City exists on a proposed building lot or development, then compensation not to exceed fifty percent (50%) of said improvements at current installation costs shall be made by the homeowner or developer to the City. The City reserves the right to negotiate the placement and compensation requirements described in this Section. Under no circumstances, however, shall said homeowner or developer be required to provide more than fifty percent (50%) compensation of existing said improvements, at current installation costs, to the City. (Ord. 97-OM001, 1-28-1997, eff. 1-29-1997)

10-9-5: **LOT AREA; OTHER BUILDINGS:** Other than in the Mixed Use District, no portion of a lot area, open space, off-street parking area or yard required about or in connection with any building or use for the purpose of complying with this Zoning Title may be included as part of a lot area, open space, off-street parking area or yard similarly required for any other building or use. (Zon. Ord., 5-8-1991)

10-9-6: **ACCESSORY BUILDINGS:** No accessory building or group of accessory buildings shall occupy more than twenty five percent (25%) of the area of any side or rear yard of any required main building or principle use setback. (Zon. Ord., 5-8-1991)

10-9-7: **MINING AND SIMILAR ACTIVITIES:** The purposes of this Section are to regulate mining and similar activities in the City and to protect the citizens and environment from any hazards and detriments which might result from such activities.

- A. Permitted Zones: Mining and similar activities shall not be permitted in any zoning district in the City, unless expressly approved by the City Council. If approved as detailed herein, said use shall operate as a conditional use, subject to annual review by the City Council. Mining and similar activities shall not be permitted which might violate the provisions of any City Master Plan.
- B. Sensitive Areas: Mining and similar activities shall not be permitted in any sensitive area as designated in and subject to Chapter 5 of this Title and the Zoning Map of this Zoning Title.

- C. Criteria for Approval: The Planning and Zoning Commission and the City Council shall make specific findings to confirm that any proposed mining or similar activity for which and annual conditional use permit is requested fully complies with the following criteria:
1. The applicant shall provide a detailed description of the specific use.
 2. A determination shall be made as to whether the property is located within any waterway or wetland, and if so, all Federal and State regulations must be satisfied. See subsection B of this Section for further regulation.
 3. The applicant shall provide evidence of proposed management practices and waste prevention facilities necessary to prevent the pollution of any public waters.
 4. The applicant shall show compliance with all applicable provisions of this Zoning Title and any other City ordinance or regulation including the protection of irrigation and culinary water supplies or systems. The applicant shall provide a statement of approval form the State Water Engineer regarding the location, impact and any comments or observations of the State as to the proposed use.
 5. The applicant shall provide detailed plans of the intended mining or similar operation waste disposal system, including toxic or hazardous waste and a statement of approval of such system or plan from the Bear River Department of Health.
 6. The applicant shall provide documentation concerning roads, streets and accesses indicating the proposed type and volume of traffic, including the need for any traffic-control devices. A determination of impact on City roads and streets shall be made by the City and appropriate fees to cover said impact shall be assessed by the City and paid by the applicant.
 7. An impact fee may be assessed toward the applicant for any cost incurred or service provided by the City as a result of the intended mining or similar use.
 8. Any affected property owner shall be specifically notified and given opportunity to comment concerning the application.
 9. The City shall review all other environmental impacts as well as the impact upon the City to provide services to its citizens as a result of the proposed use and may require documentation of the applicant to assure complete compliance with all ordinances and concerns of the City.

10. The applicant shall provide a site plan illustrating intended uses, structures, accesses, disposal areas and other pertinent information and indicate any phased buildings, developments or uses for a reasonable amount of time, including any specific proposed future expansion or modification of the use.
 11. The applicant shall provide documentation that State quality controls for air (including dust control) and water pollution standards will be met.
 12. The applicant shall provide a plan to be approved by the City that meets all Federal requirements pertaining to operational and reclamation practices. The applicant shall comply with State rules R613-003-107 and R613-003-108 and subsequent applicable rules; chapter 5 of title 40, Utah Code Annotated; and other applicable provisions, rules and regulations adopted or promulgated by the State; the Utah Mine Land Reclamation Act as set forth in chapter 8 of title 40, Utah Code Annotated; and the public nuisance provisions contained in chapter 10 of title 76, Utah Code Annotated. Said references are to include any amendments, revisions and replacement provisions.
- D. Annual Mining License: In addition to obtaining a conditional use permit as required by this Zoning Title, any person conducting mining or similar operations must obtain an annual mining license before said operations are permitted to begin. (Zon. Ord., 5-8-1991)
- 10-9-8 **Repealed:** (Ordinance No. 020-2007, 10/23/2007)