

**GENERAL DEVELOPMENT STANDARDS****Section 1601—Purpose:**

The purposes of this Chapter and general property development standards is to further the purposes of the General Plan, this Ordinance, and all other applicable Land Use Ordinance and requirements. Compliance with this Chapter and all other applicable Land Use Ordinance and requirements shall be required by the Land Use Authority, as applicable for any Land Use Application approval or any other approval, permit, or license required by this Ordinance, and all other Land Use Ordinances.

**Section 1602—Applications Required:**

All requests to establish any use, or construct, alter, enlarge, repair, or remove any building, structure, or part thereof, located within the City shall be initiated by the submission of a Land Use Application or Building Permit Application, as applicable, and available from the Office of the Zoning Administrator of City Building Official.

**Section 1603—Allowed Uses:**

All uses allowed within the City are identified in the Tables of Uses, as contained in Chapter 30, herein.

**Section 1604—Prohibited Uses:**

Any use not specifically identified in the Tables of Uses, either as a Temporary (T) Use, Permitted (P-1 or P-2) Use, or Conditional (C-1 or C-2) Use, is hereby declared a prohibited use within the City.

**Section 1605—Uses on Land Purchased, Leased, or other Arrangement from Federal or State Government:**

Land purchased, leased, or otherwise acquired or obtained from a Federal, State or Local agency shall comply with this Ordinance, and all other applicable Land Use Ordinance and requirements.

**Section 1606—All Uses, Buildings, and Structures to Comply with Zoning District Requirements:**

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any allowed use shall be built or used only as allowed by the requirements of this Ordinance, and all other applicable Land Use Ordinances and requirements, including the requirements of the Zoning District in which the building, structure, or use is located.

If a change of an allowed use occurs within an existing building or structure; every building or structure shall comply with all requirements of this Ordinance and all other applicable Land Use Ordinances, including the requirements of the Zoning District in which the building, structure, or use is located.

**Section 1607—Subdivision and Sale of Property:**

No person shall subdivide any land parcel, located wholly, or in part within the City, for any purpose unless and until an approval for such subdivision has been received from the applicable Land Use Authority, as identified by the Richfield City Subdivision Ordinance.

**Section 1608—Allowed Minimum Use of Legal Lots:**

A legal lot, or any parcel of record, legally existing on the date of adoption of this Ordinance shall:

1. Be eligible for a Building Permit authorizing the construction of one (1) single family dwelling, complying with the provisions of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, even though such lot or parcel may not conform to the requirements of the Zoning District in which the legal noncomplying lot or parcel is located. provided:
  - 1.1. That such lot or parcel of land is located in a Zoning District that allows single family dwellings, and
  - 1.2. The proposed construction can qualify for the issuance of a Building Permit for a single-family dwelling, as required by the Building Codes as adopted.

### **Section 1609—General Building Requirements:**

1. **Minimum Width of all Dwelling Units.** All dwelling units shall be a minimum of twenty-four (24) feet wide at the narrowest point, excluding any attached accessory structure. The building width shall be considered the lesser of the two (2) primary dimensions of the building.
2. **Permanent Foundation Required.** All buildings shall be located on and permanently attached to a site-built permanent foundation that meets the Building Code, as adopted.
3. **Minimum Off-Street Parking Requirements.** The minimum off-street parking requirements, as identified by Chapter 19, herein, shall be met for the use proposed.

### **Section 1610—Minimum Height of All Primary Buildings:**

No building shall be erected to a height less than one (1) story entirely above natural or finished grade.

### **Section 1611—Exceptions to Maximum Height Limitations:**

The requirement for maximum building height, as required by this Ordinance, shall not apply to:

1. Flagpoles.
2. Public Buildings and Churches, as provided by Section 1702 herein.

### **Section 1612—Reasonable Diligence Required by Applicant to Maintain Approval Validity:**

As provided by the Act, the continuing validity of all approval, permits, and licenses, required by this Ordinance and all other applicable Land Use Ordinances are conditioned upon the Applicant proceeding after approval to implement the approval, permit, or license with reasonable diligence. For the purposes of this Ordinance, and this requirement, the approval of any Application, permit, or license shall be effective for a period of one hundred eighty (180) calendar days, at the end of which time the Applicant shall have proceeded to implement the approved Application, permit, or license. If the approved Application, permit, or license is not commenced within one hundred eighty (180) calendar days from the date of approval by the Land Use Authority, as applicable, the Application, permit, or license approval shall expire and shall be rendered void.

**Section 1613—Buildable Area:**

Every lot or parcel created after the effective date of this Ordinance shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards of the Zoning District in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that a buildable lot or parcel is provided, and to inform future owners of the approved buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the City Attorney.

**Section 1614—Creation of Noncomplying Lots and Parcels Prohibited:**

Every lot or parcel created after the effective date of this Ordinance, or prior enactments thereof, shall comply with all minimum development standards of the Zoning District in which the lot or parcel is located, including minimum lot size, frontage, and all other requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, or prior enactments thereof. No lot or parcel shall be created that does not conform to the Zoning District requirements in which the lot or parcel is located.

**Section 1615—Every Building or Structure to be on a Lot:**

All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, including the requirements of the Zoning District in which the lot is located.

**Section 1616—Minimum Lot Frontage Required:**

Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the Zoning District in which the lot is located, except as follows:

1. For lots which front upon a curve or cul-de-sac, the distance may be reduced to not less than fifty (50) feet, provided that the side lot lines radiate in such a manner that the width of the lot at the minimum front yard setback line is not less than the minimum requirement of the Zoning District in which the lot is located; or
2. Lots being approved as required by the provisions for flag-lots as set out in Section 805 of the Richfield City Subdivision Ordinance.

**Section 1617—Lots Located in Two (2) or More Zoning Districts:**

When a lot or parcel of record at the time of passage of this Ordinance, or prior enactments, is located such that the lot or parcel falls into two (2) or more Zoning Districts, the requirements of the more restrictive Zoning District shall apply.

**Section 1618—Required Yard Areas for One Building Only:**

1. No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.
2. No yard area required to meet the lot width, area, setback, or other requirements of this Ordinance for any lot or building shall be divided, sold, leased, or used separate from such lot or building.

**Section 1619—Required Yard Areas to be Unobstructed—Exceptions:**

Every part of a required setback area shall be open to the sky and unobstructed except for:

1. Accessory buildings located in the rear yard.
2. Architectural projections of skylights, sills, belt courses, cornices, chimneys, flues, eaves, roof overhangs, and other ornamental features which project into a yard not more than two and one-half (2½) feet.
3. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a setback area not more than five (5) feet.
4. Walls and fences, complying with the requirements of this Ordinance and as may be required by a Land Use Authority as a requirement or condition for Application approval, as applicable.
5. An unenclosed projection of a front porch shall be a maximum of eight (8) feet into the front yard setback, but shall be a minimum of twenty (20) feet from the front property line.
6. An unenclosed projection in the rear yard setback may be up to fifteen (15) feet; but shall be a minimum of ten (10) feet from the rear property line. The total area of the projection shall be no larger than one-third (1/3) of the total area of the rear yard or eight hundred (800) square feet, whichever is less.

## **Section 1620—Requirements for Fences and Walls:**

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.

### **1. Fence requirements are as follows:**

- 1.1. All fence construction requires a building permit to be issued by the City Building Official.**
- 1.2. Fences, walls, and hedges may be erected or maintained to the permitted building height in the zone when located within the allowed buildable area. For the purpose of this section, a single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five (5) feet. Neither trees nor shrubs shall obscure the clear view area. (See Sections 1802.11 thru 1802.15, and Table 31-4.)**
- 1.3. There shall be no fence or hedge within three (3) feet of any fire hydrant, water meter, telephone pedestal, power pole, power boxes, cable boxes or any other existing utility feature.**
- 1.4. Fences, walls, and hedges bordering or within any required rear yard set back or side yard set back (other than side yard of corner lot) shall not exceed six (6) feet in height unless approval is obtained from the Planning Commission at the time of the application for the related building permit. In no event shall any such fence, wall, or hedge exceed nine (9) feet in height measured from the higher finished grade. Any fence or wall that is taller than eight (8) feet, measuring from the lower finished grade of the fence, shall be an engineered wall.**
- 1.5. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the two properties, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on the higher finished grade side of the property line. If a fence is built upon a retaining wall, the retaining wall height is included in the maximum fence height.**
- 1.6. Except as otherwise provided herein, no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street property line than the required building setback line. Non view-obscuring fences may be erected to a maximum height of four (4) feet within the front yard. A non view-obscuring shall be a fence which is at least 50% open.**

- 1.7. A non view-obscuring fence exceeding three (3) feet in height shall be allowed on a street property line in the Manufacturing and Distributing (M-D), and Industrial (M-G) Zoning Districts. Any area between the fence and the street must be maintained consistent with the property maintenance ordinance. *(Amended by Ordinance 2012-5 adopted August 14, 201*
2. **Fence Height/Corner Lot.** Subject to the exceptions hereafter set forth, the minimum standard setback for a six (6) foot high fence is twelve (12) feet from the sideyard property line and forty (40) feet from the front property line. The front setback must also be at least ten (10) feet behind the main building's front corner common to both streets. The area between the fence and the street must be maintained with landscaping consistent with the property maintenance ordinance. Such fences, wall, hedges, or other screening material greater than three (3) feet in height that are permitted within the street sideyard setback shall not be in close proximity to a driveway on an abutting lot and shall not be located within the clear view area.
3. **Fence Setback Exceptions/Corner Lot.** Exceptions to the twelve (12) foot sideyard requirement for six (6) foot and higher fences are as follows:
  - 3.1. **Back-to-Back Lots.** Where two corner lots exist back-to-back and the homes constructed thereon face, or substantially face (e.g. diagonal), in opposite directions, the minimum sideyard for each lot may be reduced to eight (8) feet, but in no case less than ten (10) feet from the back edge of the sidewalk.
  - 3.2. **Adjoining Rear Fences.** Where a corner lot adjoins a lot whose rear fence (as approved by the City) is permitted closer to a street than twenty (20) feet, the Zoning Administrator is authorized to reduce the setback so the sideyard fence aligns with the rear fence on the adjoining lot, and may allow the full height fence to continue forward on this alignment to the front setback ten (10) feet behind the main building's front corner. The Zoning Administrator may allow a lower profile fence to extend forward on the same alignment provided it is consistent with the height and clear view requirements of this ordinance.
  - 3.3. **Intentional "Wall-off".** Where a sideyard fence extends to a canal, flood channel, industrial or commercial zone, or other area the nature of which suggests a clear reason to depart from the minimum standard and to wall-off the lot from such area, the Zoning Administrator is authorized to reduce the sideyard requirement to eight (8) feet, and upon a determination by the Planning Commission that no injury will result to other property owners in close proximity or to community interests, may further reduce the sideyard requirement as the circumstances reasonably warrant.
4. **Clear View Area.** (See Clear View Area Diagram)

- 4.1. **Street Intersections/Corner Lot.** In all zones that require a front yard, no obstruction to view in excess of three (3) feet in height, or four (4) feet in height for a non view-obstructing fence, shall be placed on any corner lot within a triangular area formed by the curb lines and a line connecting them at points thirty (30) feet from the intersection of the curb lines. In the event there is not a curb, the triangular area shall be formed by the property lines and a line connecting them at points ten (10) feet from the intersection of the property lines. (See diagram.)
- 4.2. **Major Roads.** The clear view area on arterial and major collector roads shall be formed by the curb lines and a line connecting them at points forty-five (45) feet from the intersection curb lines. In the event there is not a curb, the triangular area shall be formed by the property lines and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. (See diagram.)
- 4.3. **Driveways.** The intersection of a street and a driveway shall also include the area within a triangle within the following three points: Point B: the point on the curb where the edge of the driveway intersects; Point C: the point on a line perpendicular to the street and 25 feet from Point B measured away from the street; Point A: a point on the curb face located adjacent to the street and 25 feet from Point B in the direction away from the driveway. If there is no curb face located to any intersecting street the clear vision area shall be calculated by substituting the edge of the right-of-way line for the curb face.
- 4.4. **Modification of Clear View Area.** Any modification of the clear view areas described on the Clear View Area Diagram may be made by the Zoning Administrator. These areas shown on the diagram are based on "typical factors" that are generally found in most instances in Richfield City. However, the Zoning Administrator may increase the required clear view area if he determines that based on the existence or absence of certain factors affecting the safety of the intersection that there is a need to maintain a larger clear vision area on the lot.
- 4.5. The factors that the Planning Commission may consider in making a modification to the Clear View Area requirements include, but are not limited to:
  - 4.5.1. The existence of traffic control devices.
  - 4.5.2. The grade of the streets.
  - 4.5.3. The angle and curvature of the intersection.
  - 4.5.4. The location of buildings.
  - 4.5.5. The average number of daily trips on the streets comprising the intersection.
  - 4.5.6. The existence and location of plants and structures.

- 4.5.7. The posted speed limits.
- 4.5.8. The condition of street pavement.
- 4.5.9. The width of the streets.

**5. Fences to be Required in Certain Areas.** Site-obscuring fences shall be required along the boundary line in the following cases:

5.1. Commercial, Manufacturing, and Industrial Developments:

5.1.1. Commercial and Industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall require the construction of a site-obscuring masonry fence with a minimum height of six (6) feet measuring from the commercial side; or

5.1.2. Residential developments having a common lot line with property used for Commercial, Manufacturing, or Industrial purposes shall require the construction of a sight-obscuring masonry fence with a minimum height of six (6) feet measuring from the residential side.

5.2. Apartments, Condominiums, and Town Homes: Any lot with four (4) or more dwelling units and having a common lot line with property used for less-dense residential purposes, or vacant property that is presently zoned for less-dense use, shall require the construction of a sight-obscuring masonry fence with a height of six (6) feet. Said fence shall be reduced to three (3) feet in height inside the front yard setback area of the residential property.

5.3. The fences required in Sections 5.1 and 5.2 shall be constructed and maintained by the owner of such development and shall be consistent in material, height, and design. The owner shall not allow any person or business to occupy or use any building located on the said properties until all fences required by this section are completed and the City issues a Certificate of Occupancy.

**6. Modification of Fence Requirement.** For all fences required in sections 5.1 and 5.2, the Planning Commission may modify the height of the fence and/or approve a fence constructed of materials other than masonry if it makes the following findings:

- 6.1. The proposed fence provides an adequate buffer for the adjoining residential zone.
- 6.2. The appearance of the fence will not detract from uses in the residential zone.
- 6.3. The proposed fence will shield the residential use from noise, storage, traffic, or any other characteristic of commercial or professional office uses that are incompatible with residential uses.

**7. Prohibited Fences.** The following types of fences are prohibited:

- 7.1. Electrified fences.

- 7.2. Barbed wire fences.
- 7.3. Concertina/razor wire fences.
- 7.4. Barbed wire outriggers are allowed in the MD and MG zones with Planning Commission approval.

**Section 1621—Effect of the Official Maps:**

When a required front yard faces on a road or street, the depth of such front yard shall be measured from the mapped road or street right-of-way line, as identified on the Official Map.

An official map does not:

1. Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection 3.3; or
2. Require the City to immediately acquire property it has designated for eventual use as a public street.
3. This section does not prohibit the City from:
  - 3.1. Recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section 10-9a-508 of the Act;
  - 3.2. Acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
  - 3.3. Requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section 10-9a-508 of the Act.

**Section 1622—Adequate Public Facilities:**

Land shall only be developed to the extent that adequate public infrastructure, facilities, and services are available, or will be made available concurrent with the development activity, and sufficient to meet the needs of the proposed development. A Land Use Authority may require a Public Facilities and Services Analysis to be provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds existing service levels.

Public infrastructure, facilities and services that may be required by a Land Use Authority to be included in a Public Facilities and Services Analysis include, but are

not limited to, road and street facilities, intersections and bridges, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, emergency services and response times, police protection services and response times, and other required public facilities and services. A Land Use Authority may deny a Land Use Application if the demand for public infrastructure, facilities and services exceeds existing service levels, or may require an applicant for a Land Use Application to provide the required infrastructure, facilities, or services, necessary to meet the anticipated demand, consistent with all applicable legal authorities.

### **Section 1623—Culinary Water and Sanitary Sewer Requirements:**

All dwellings and other structures used for human occupancy shall be connected to and served by adequate culinary water and sewage disposal facilities approved by the Culinary Water Authority and Sanitary Sewer Authority, as identified by the Land Use Ordinances of Richfield City, including the Richfield City Subdivision Ordinance.

### **Section 1624—Utilities:**

1. All primary buildings shall be connected to all necessary and required utilities.
2. All water, sewer, telephone, cable television, power, and other utilities shall be provided underground, with the following exceptions;
  - 2.1. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground.
  - 2.2. The development of existing and new lots in areas of the City served with existing above-ground utilities, are exempt from this requirement.

### **Section 1625—Required Streets, Curb, Gutter, Sidewalks, and Trails:**

1. The installation of necessary streets, street widening and improvement(s), including dedication of necessary rights-of-way for existing and future streets as shown on the current Richfield Transportation Master Plan, curbs, gutters, sidewalks, trails, and street trees of a type as required by the Land Use Ordinances of the City shall be required as a condition of any required approval, permit, or license.
2. The Council, upon the receipt of a Commission recommendation, may provide that the installation of necessary streets, street widening and improvement, curbs, gutters, sidewalks, and trails be delayed until a date certain, or provided

as part of any area-wide improvement plan(s). The timing of any improvement plan(s) shall be at the sole discretion of the Council.

**Section 1626—Required Property Maintenance:**

All buildings, structures, uses, lots, and parcels located within the City shall be maintained and/or conducted in a manner to enhance community pride and beautification. No junk, rubbish, weeds, or other unsightly material or conditions shall be permitted on any lot, right-of-way, or easement, or as part of any building or use.

No building or structure shall be allowed to continue if such building or structure constitutes a risk to the public safety. The City may seek all remedies as provided by this Ordinance, as adopted, and all other Land Use Ordinances, and other remedies provided by the Utah Code and under the law, to correct any risk to the safety of City residents. (Also see Richfield City Municipal Code.)

**Section 1627—Noxious Weeds:**

All property owners shall comply with the requirements of the Utah Noxious Weeds Act, Utah Code Annotated, 1953, as amended.

**Section 1628—All Buildings Taxed as Real Property:**

All buildings shall be taxed as real property. For all mobile homes, an affidavit shall be filed with the State Tax Commission, pursuant to the requirements of the Utah Code Annotated, as amended.

**Section 1629—Time Limits for Construction:**

Within one (1) year of the commencement of any construction, authorized by an Application approval, including a Building Permit Application approval, all exterior features of building(s) shall be completed and the property cleared of all building materials, construction debris, and construction equipment. All outside surfaces of buildings, or part thereof that are constructed of wood shall be painted, or coated with other wood preservative.

**Section 1630—Required Mechanical Equipment Screening:**

1. In all Nonresidential Zoning Districts and in the RM-11 District, all at-grade mounted, electrical service equipment, air conditioning, heating, cooling and ventilating equipment, swimming pool equipment, pumps and heaters, propane

tanks and all other similar mechanical equipment shall be screened from surrounding properties and streets by landscaping materials, or enclosed within a building or screening wall.

2. All roof mounted equipment and vents serving a commercial or industrial use or building located in a Nonresidential Zoning District or located in the RM-11 District shall be screened to not visible from any adjacent public right-of-way.
3. No roof-mounted equipment shall exceed the maximum height requirements of the Zoning District in which the building is located.

**Section 1631—Construction Subject to Geologic, Flood, or Other Natural Hazards:**

**(Reserved for Future Use).**