



# Providence City

164 North Gateway Drive  
Providence, UT 84332  
(435) 752-9441 Fax: (435)753-1586

## PROVIDENCE CITY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Project Type: City Code Amendment

Applicant: Providence City

Project Description: Amendments to Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations, Section 1 Area Regulations and Section 3 Setbacks

Hearing Date: January 22, 2020

Hearing Time: 6:10 PM

Hearing Location: Providence City Office Building, 164 North Gateway Drive, Providence UT

Prior to making a recommendation on the proposed code amendment, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments. You may also email comments to the City Recorder, [sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov) by 2:00 PM the day of the meeting. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,

Skarlet Bankhead  
City Recorder

Newspaper Publication Date(s): January 11, 2020

Posting Date: January 11, 2020

Posting Locations:

1. Providence City Office Building, 164 North Gateway Drive, Providence UT
2. Providence City website [www.providencecity.com](http://www.providencecity.com)
3. Utah Public Notice Website

10-8-1: **AREA REGULATIONS:** Except as herein provided, no building, structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformance with all of the minimum regulations specified on the space requirement chart show below.

SPACE REQUIREMENT CHART

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH
Min. lot area, square feet	5 ac	1 ac	20,500	12,000	10,000	8,000	6,000	5,000
Min. lot width (measured at setback line)	150	120	100	95	80	70	60	50
Min. lot area increase ea. add'l unit, square feet	<del>5 ac</del>	<del>1 ac</del>	No add'l units	No add'l units	<del>2,000</del>	<del>4,000</del>		
	See 10-13 Accessory Dwelling Units							
Max. unites / ac excluding ROW, infrastructure^	0.2	1	2.13	3.75	4.5	5.5	5.5	8.5
Max. lot area per ea. twin home, square feet^^					6,000	6,000		
Min. lot width, each unit (measured at setback line)					47.5'	47.5'		
<b>Setbacks</b>								
Principal uses								
Front yard, ft.	<del>25</del> 20	<del>AAA</del> 20	<del>AAA</del> 20	<del>AAA</del> 20	<del>AAA</del> 20	<del>25</del> 20	20	20
Side yard, interior	<del>25</del> 10	<del>20</del> 10	10	10	10*	10	<del>5###</del> 7.5	<del>5###</del> 7.5
Side yard, Street (OM 33-2004)	<del>25</del> 20	20	20	20	20	20	15	15
Rear yard	<del>25</del> 15	<del>AAA</del> 15	<del>AAA</del> 15	<del>AAA</del> 15	<del>AAA</del> 15	<del>20</del> 15	<del>20</del> 15	10
Accessory Dwelling Unit - Detached								
Front yard, ft.	20	20	20	20	20	20	15	15
Side yard, interior	10	10	10	10	10	10	7.5	7.5
Side yard, Street (OM 33-2004)	20	20	20	20	20	20	15	15
Rear yard	15	15	15	15	15	15	15	10
Detached Accessory Uses								
Front yard, ft.	25	30	30	30	30	25	25	20
Side yard, interior	10	5	5	5	5	5	5	5
Side yard, street	20	20	20	20	20	20	20	20
Rear yard	10	5	5	5	5	5	5	5

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH
Detached Accessory Building (Small)								
Front yard, ft.	25	30	30	30	30	25	25	20
Side yard, interior	MUST be placed in such a manner that runoff from the roof does not spill onto adjacent property.							
Side yard, street	20	20	20	20	20	20	20	20
Rear yard	MUST be placed in such a manner that runoff from the roof does not spill onto adjacent property.							
Distance between residential structures on same lot	<del>20</del> 15	<del>10</del> 15	15	<del>10</del> 15	15	15	15	10
<b>Height</b>								
Principal Use, Max. hgt. ft.	35	35	35	35	35	35	35	35
Accessory Use, ft. max.	35	35	35	35	35	35	35	35
Principal Use, ft. min.	10	10	10	10	10	10	10	10
Accessory Bldg (Small)	15	15	15	15	15	15	15	15
Fences – non-game (max. height)								
Front yard, ft.	4	4	4	4	4	4	4	4
Side yard, interior	8	6	6	6	6	6	6	8
Side yard, street	6 <sup>^^^</sup>	6 <sup>^^^</sup>	6 <sup>^^^</sup>	6 <sup>^^^</sup>	6 <sup>^^^</sup>	6 <sup>^^^</sup>	6 <sup>^^^</sup>	6 <sup>^^^</sup>
Rear yard	8	6	6	6	6	6	6	8
Fences – game								
Front yard, ft.	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Side yard, interior	8	8	8	8	8	8	8	8
Side yard, street	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>	8 <sup>^^^</sup>
Rear yard	8	8	8	8	8	8	8	8

\*See subsection 10-8-3:B.5 of this Chapter for further regulation and explanation.

\*\*See subsection 10-8-3:B.9 of this Chapter for further regulation and explanation.

\*\*\*See subsection 10-8-3:C.7 of this Chapter for further regulation and explanation.

**#See subsection 10-8-3B4 of this Chapter for further regulation and explanation.**

##See subsection 10-8-3:C.2, C.3, C.4 of this Chapter for further regulation and explanation.

###See subsection 10-8-3:B.10 of this Chapter for further regulation and explanation.

^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.

^^Lots of record for twin homes are limited to 20% of total lots in development.

^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.

^^^See subsection 10-9-2

	MFR	MFM	MFH	<del>CND</del>	CGD	CHD	MXD	PUB	REC
Min. lot area, square feet	10,000								
Min. lot width (measured at setback line)	80								
Min. lot area increase ea. add't unit, square feet)									
Max. units / ac excluding ROW, infrastructure^	7.25	12	18						
Max. lot area per ea. twin home, square feet^^	5,000								
Min. lot width, each unit (measured at setback line)	40.0'								
<b>Setbacks</b>									
Principal uses									
Front yard, ft.	25	25	25	<del>30</del>	35	35			
Side yard, interior	10**	10**	10**	<del>10</del>	#	#		#	#
Side yard, street	20**	20**	20**	<del>20</del>	#	#		#	#
Rear yard	20***	10***	10***	<del>20</del>	#	#		##	##
Detached Accessory Uses									
Front yard, ft.	25	25	25	<del>30</del>	35	35			
Side yard, interior	5	5	10	<del>5</del>	10	10		#	#
Side yard, street	20	20	25	<del>20</del>	10	10		#	#
Rear yard	5	5	5	<del>5</del>	10	10		##	##
Distance between residential structures on same lot									
<b>Height:</b>									
Principal use, Max, hgt. ft.	<del>35</del> 45	<del>IBC</del> 50	<del>IBC</del> 50	<del>IBC</del> 50	<del>IBC</del> 50	<del>IBC</del> 50	<del>IBC</del> 45	<del>IBC</del> 50	<del>IBC</del> 50
Accessory use, ft. max	<del>35</del> 45	<del>IBC</del> 35	<del>IBC</del> 35	<del>IBC</del> 35	<del>IBC</del> 50	<del>IBC</del> 50	<del>IBC</del> 45	<del>IBC</del> 50	<del>IBC</del> 50
Principal use, ft. min.	10	10	10	<del>10</del>	10	10	10	10	10

	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB	REC
Fences (max. height)									
Front yard, ft.	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>Δ</sup> <sup>Δ</sup> <sup>Δ</sup> <sup>Δ</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	6 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>
Side yard, interior	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>Δ</sup> <sup>Δ</sup> <sup>Δ</sup> <sup>Δ</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>
Side yard, street	20 <sup>**</sup>	20 <sup>**</sup>	20 <sup>**</sup>	6 <sup>Δ</sup> <sup>Δ</sup> <sup>Δ</sup> <sup>Δ</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	C <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>	8 <sup>^</sup> <sup>^</sup> <sup>^</sup> <sup>^</sup>
Rear yard	20 <sup>***</sup>	10 <sup>***</sup>	10 <sup>***</sup>	6	8	8		8	8

\*See subsection 10-8-3: B C.5 of this Chapter for further regulation and explanation.

\*\*See subsection 10-8-3: B.9 of this Chapter for further regulation and explanation.

\*\*\*See subsection 10-8-3: C.7 of this Chapter for further regulation and explanation.

#See subsection 10-8-3B4 of this Chapter for further regulation and explanation.

##See subsection 10-8-3: C.2, C.3, C.4 of this Chapter for further regulation and explanation.

###See subsection 10-8-3: B.10 of this Chapter for further regulation and explanation.

^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.

^^Lots of record for twin homes are limited to 20% of total lots in development.

^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.

^^^See subsection 10-9-2

**10-8-2: LOT SIZE:**

**A. Lot Areas – Flexibility Exception:**

1. The individual lot size must meet the minimum square footage requirements as indicated in the space requirement chart, as set forth in Section 10-8-1 of this Chapter. The following exception applies in a subdivision of six (6) lots or more in SFE, SFL and SFT Zones.

- a. Purpose: To provide a means for desirable development, utilizing public facility space and open space, through the use of variations in lot size and frontage width. This is not intended to increase density.
- b. The average of all lots must be equal to or greater than the minimum lot size for the zone, excluding non-residential uses such as schools, churches, etc.
- c. The number of lots cannot exceed the maximum units for the zone.
- d. A limit of ten percent (10%) of the lots can be less than the minimum lot size and/or reduced frontage width, but no lot can be less than twelve thousand (12,000) square feet in the subdivision and the frontage requirement at the setback line must be a minimum of eighty feet (80').
- i. In areas that contain sensitive areas and hazard zoned (see Chapter 5 of this Title) thirty percent (30%) of the lots can be less than the minimum lot size and/or reduced frontage width, but no lot can be less than twelve thousand (12,000) square feet in the subdivision and the frontage requirement at the setback line must be the minimum for the zone.

2. Lots having less area than required, which were officially recorded with the Cache County Recorder's office at the effective date hereof, may continue to be used; provided, that all other requirements set forth herein are satisfied. No lot may hereafter be reduced in area below the minimum requirements set forth, except for the provisions of averaging listed in subsection A1 of this Section.

(Zon. Ord., 5-8-1991; 1998 Code)

3. A twin home lot size must meet the minimum square footage requirements as indicated in the space requirement chart, as set forth in this Chapter, with the following exceptions:
  - a. Lot size average may be used as listed in subsection A1 of this Section.
  - b. Two adjacent lots with combined area meeting the minimum lot area shown in 10-8-1 plus the minimum lot area for one additional unit may be used to build a single family attached dwelling on each lot. The dwellings area joined at the boundary between the two lots. This applies to zones where single family attached dwellings are permitted. (Ordinance Modification 98-021 10/13/98)
  
- B. Lot Width: The minimum lot width for uses in each of the zoning districts shall be in accordance with the information indicated on the space requirement chart shown in Section 10-8-1 of this Chapter. A lot having less width than herein required which was a lot officially on record in the office of the Cache County Recorder at the effective date hereof shall be acceptable; provided, that all other requirements set forth herein are satisfied. No lot may hereafter be reduced in width below the minimum requirements set forth.
  1. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten (10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)
  
- C. Restricted Lots:
  1. A restricted lot which meets all the requirements of this Title for a lot, but the creation of which has caused any adjacent lot, from which it was severed, to be insufficient in area, width, setback, yard, space or other requirements may be considered otherwise by adding or designating sufficient acreage to the adjacent lot to meet all the requirements of this Title for a lot. The added or designated land must be duly recorded in the Cache County Recorder's Office before a building permit may be issued.
  
  2. Building permits will not be issued for construction on restricted lots. (Zon. Ord., 5-8-1991)

**10-8-3: SETBACKS:** Required setbacks describe areas on lots where no buildings, structures, or additions to them may be located, and which thereby become yard areas. Setbacks may be required between buildings, structures and property lines; between structures and road easements; between buildings and structures themselves; between buildings, structures and natural features such as watercourses; or between other features of site development. The setback requirements of this title are listed for each zone district in the Space Requirements Chart found in PCC 10-8-1.

**A. General Setback Requirements:**

1. **Subdivision Setbacks.** Where a setback line is called for or shown on a recorded subdivision plat or on a recorded development plan, the required setback shall be the

- setback line shown on the subdivision plat or development plan.
2. Setbacks adjacent to Alley. See PCC 10-4-6:F.3. Setbacks for Single Family Attached and Apartment Housing.
  3. Lots Reduced by Road Widening or One or More Land Use Ordinance Changes. See PCC 10-1-4: Definitions for Nonconforming Building or Structure, Nonconforming Lot, and/or Nonconforming Use.
  4. Use of Setbacks. Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in PCC Title 10; and except for the ordinary projections of sills, buttresses, cornices, chimneys, eaves, and window wells; but in no case shall such projections exceed the distance restrictions for each yard type. In all cases, if a public utility easement (PUE) is included in the setback, projections cannot extend into the PUE.
  5. Projections into Rights-of-Way. In any area where a building can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way not more than thirty inches (30"); provided that all such encroachments shall be at least eight feet above any area used by pedestrians, and at least fourteen feet above any area used for vehicular traffic; and provided further, an encroachment permit for such projections is obtained from the city engineer.
  6. Porches, Stoops, Stairs that are Thirty Inches in Height or Greater. A porch, stoop or stairs which are thirty inches (30") or greater in height shall be regarded as part of the building. Such porch, stoop or stairs requires a railing of not less than thirty inches (30") in height. This requirement applies to front, side, and rear yards.
  7. Window Wells.
    - a. Window Wells may encroach up to a maximum three (3) feet into the required rear yard and may encroach up to a maximum of two (2) feet into a required side yard.
    - b. The maximum amount of all window wells located along any wall may not exceed forty percent (40%) of the length of that wall.
    - c. When more than one window well is installed along a wall, each shall be separated at least three feet from one another.
    - d. Window wells used for egress shall comply with the provisions of the building code for an emergency escape window.
  8. Retaining Walls.
    - a. Less than three feet (3') in height. Retaining walls less than three feet (3') in height are exempt from setback requirements.
    - b. Three feet (3') to six feet (6') in height. Retaining walls from three feet (3') to six feet (6') in height may be located within a required non-street side or rear setback

area in residential zones and any setback area in nonresidential zones provided the exposed side of the wall faces into the subject parcel.

- c. Greater than six feet (6') in height. Rear and non-street side setbacks for retaining walls greater than six feet (6') in height, or where the exposed side of the wall faces out from the subject parcel without regard to height, shall be subject to the same requirements as the main structure in the applicable zoning district.
9. Elements that are placed directly upon the finish grade.
- a. Elements that are placed directly upon the finish grade that do not exceed thirty inches (30") in height at any point above the surrounding finish grade in front and street side setbacks areas are exempt as follows:
    1. Driveways, walks, and steps. The driveway shall be limited to the area necessary to provide safe and efficient ingress and egress from the required off-street parking spaces located behind a setback area.
    2. Decks, patios, and terraces. See 10-8-3.D.5
    3. One (1) flagpole that does not exceed fifteen feet (15') in height and is set at least five feet (5') from the property line.
    4. Lampposts adjacent to walkways, stairways, and driveways that do not exceed six feet (6') in height.
    5. Landscape accent lighting that does not exceed eighteen inches (18") in height.
    6. Public utility vaults, including footings, if completely underground. Any mechanical or electrical equipment shall be subject to the setback requirements.

**B. Front Yard:**

- ~~1.~~ The minimum required front yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section ~~10-8-1~~ of this Chapter.
- ~~2.~~ **1.** The front yard shall be measured from the property line to the front face of the building, attached accessory building, accessory building, covered porch or covered terrace. Steps, uncovered porches, eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4'); and placed so as to not obstruct light or ventilation of building or ready use of the yards for ingress or egress, and where allowed by the Building Code.
  - a. For existing homes, that do not meet the building code for entry landings:
    - i. A covered, unenclosed, entry may extend further than four feet (4') into the required front yard; but shall not extend further than the minimum to meet the requirements in the building code for entry landings.
    - ii. Ramps that are added to allow for ADA access may extend into the required front yard; but shall not extend further than the minimum to meet the grade and landing requirements for ADA access.
    - iii. A site plan shall be submitted for zoning approval.



Ordinance No. 2015-020, 11/17/2015

The above section was adopted on

- ~~3.~~ Where a building line has been established by a plat or covenant and such line requires a greater setback than is required by this Title, the building line established by plat or covenant shall prevail.
- 4.2 Gasoline service station pump islands may not be located closer than fifty feet (50') to the front property line (see subsection 10-8-6:C.7 of this Chapter).
- ~~5.~~ A porch, stoop or stairs which are thirty inches (30") or greater in height shall be regarded as part of the building. Such porch, stoop or stairs requires a railing of not less than thirty inches (30") in height. This requirement applies to side and rear yards as well.
- ~~6.~~ In residential districts, accessory buildings may be placed no closer than twenty five feet (25') to the property line, except in the SMH District which shall require only twenty feet (20').

**B.C.** Side Yard:

- ~~1.~~ The minimum required side yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. Where a lawfully existing building at the effective date hereof has a smaller side yard than required herein, said side yard may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied. No side yard may hereafter be reduced below the minimum requirement set forth.
- 2.1 Every part of the required side yard shall be open and unobstructed, except for normal projections of window sills, belt courses, cornices, chimneys and other architectural features projecting no more than twenty four inches (24") into the required side yard, roof eaves projecting no more than thirty six inches (36") into the required side yard and accessory buildings occupying no more space of any principal use side yard than that permitted in Section 10-9-6 of this Title.
- ~~3.~~ 2. Where a fire wall of a dwelling, garage or carport is located on a property line, the roof shall be so designed and constructed so as not to drain water onto the adjoining lot and except for properties located in the Mixed Use District abutting other properties also located in the Mixed Use District, there shall be one side yard of at least twenty feet (20').
- 4.3 Whenever any use or district not normally requiring a side yard adjoins a use or district requiring a side yard, a minimum ten foot (10') side yard shall be maintained.
5. A single family attached dwelling unit separated by a fire or party wall need not provide a side yard on the fire or party wall side, except that no complex of attached dwelling

units shall exceed three hundred feet (300') in length. A minimum side yard of ten feet (10') on the separated side of any attached dwelling unit shall be required so that the end of any two (2) building complexes shall be at least twenty feet (20') apart. (Ordinance Modification 98-021 10/13/1998)

6. A complex of multiple-family dwelling units shall maintain a minimum side yard of ten feet (10') so that any two (2) adjacent complexes shall be at least twenty feet (20') apart and maintain an open corridor for fire and other emergency vehicle access.
7. In residential districts, accessory buildings may be placed no closer than five feet (5') to the side property line if adjacent to a separate lot of record, nor less than twenty feet (20') if adjacent to a public street or road.
8. Gasoline service station pump islands shall be located no closer than twenty feet (20') from the side yard line if adjacent to a separate lot of record, nor less than fifty feet (50') if adjacent to a public street or road.
9. ~~Residential S~~structures containing four family units or more exceeding forty-five feet (45') in height as determined in PCC 10-8-4:B shall maintain a minimum side yard of equal to fifty percent (50%) of the building height, but in no case less than ten feet (10') if adjacent to a separate lot of record nor less than twenty feet (20') if adjacent to a public street or road.
10. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten (10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)
11. Property in a Mixed Use District may have lots which contain no side yards when the buildings on the adjoining lots utilize shared party walls. If the adjoining properties do not share party walls than a minimum of thirty (30) feet is required between adjoining buildings (15 foot side yard on each property.) In the Mixed Use District a thirty (30) foot alley is required a minimum of every 500 feet for access to parking located behind the buildings.

**D. Rear Yard:**

- ~~1. The minimum required rear yard for uses in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. Where a lawfully existing building at the effective date hereof has a smaller rear yard than required herein, said rear yard may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied. No rear yard may hereafter be reduced below the minimum requirement set forth.~~

- ~~2~~ 1. Nonresidential uses which have a rear lot line adjacent to an alley or other public right of way that is at least twenty feet (20') in width requires no minimum rear yard.
- ~~3~~ 2. Nonresidential uses which have a rear lot line adjacent or contiguous to another nonresidential use requires no minimum rear yard, provided the rear wall satisfies fire wall standards.
- ~~4~~ 3. Nonresidential uses abutting or adjacent to a residential district shall maintain a minimum rear yard of twenty feet (20').
- ~~5~~ 4. Normal projections of window sills, belt courses, cornices, chimneys and ~~other architectural features~~ may project no more than twenty four inches (24") into the required rear yard and roof eaves projecting no more than thirty six inches (36") into the required rear yard.
- ~~6~~ 5. A deck is considered as an exterior floor system supported on at least two opposing sides by adjoining structures and/or posts, piers or other independent supports.
  - a. A deck which is less than 120 square feet and less than 30 inches above adjacent grade, and independently supported, will not require a building permit and is not considered part of the main structure.
  - b. An attached covered deck is considered part of the main dwelling and required to meet the associated setbacks.
  - c. A portion of an attached uncovered deck may project into the required rear yard no more than ½ of the distance of the required rear yard (ie: required rear yard is 20 feet, the deck can project no more than 10 feet into the required yard); and, the projection may take up no more than 50% the required rear yard. The projection of the deck is included in the overall 25% limitation in Chapter 9 Section 6 of this Title.
  - d. Detached decks (designed and constructed having no physical connection to the primary structure) are considered an accessory use; and must be a minimum of five feet (5') from the primary structure.
  - e. No portion of any deck is permitted to be located within an easement or within 5 feet of a property line.
- ~~7~~ 6. Accessory buildings may be placed no closer than five feet (5') to the rear property line in residential districts (see Section 10-9-6 of this Title) and no closer than ten feet (10') in nonresidential districts.
- ~~8~~ 7. Structures containing four-family dwelling units or more shall maintain a minimum rear yard equal to fifty percent (50%) of the building height, but in no case less than twenty feet (20'). Zon. Ord., 5-8-1991)

**E. Double Frontage, Interior, and Odd-Shaped Lots.**

- 1. **Double Frontage Lots. Rather than a front and rear yard, there shall be two front yard setbacks for the purpose of computing setbacks.**

2. Interior Lots. The setback requirements for the applicable zone district shall apply. The setback shall be measured from the property lines of the interior lot for the respective yards. If the access to the property is included in the property (not an easement through adjacent property), the access property lines are not considered for setback determination.
3. Odd-Shaped Lots. In the case of odd-shaped lots, the Administrative Land Use Authority (ALUA) shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district. In determining the required setbacks for odd-shaped lots, the ALUA shall consider the following:
  - a. The setback(s) will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.
  - b. The setback(s) conform with other applicable provisions of the PCC Title 10 Zoning Regulations.
  - c. The setback(s) will not conflict with any easements required for public access through, or the public use of, a portion of the property.

**10-8-4: HEIGHT:**

A. Established: The maximum and minimum heights for principal (or main) structures and the maximum height for accessory structures in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in Section 10-8-1 of this Chapter. There shall be no minimum height required of accessory structures. Where a lawfully existing building at the effective date hereof has a greater or lesser height than allowed herein, said height may be altered if said alteration in no way increases the degree of nonconformity and provided all other requirements are satisfied.

B. Determination: The height of a building or structure shall be determined as the vertical distance as measured from the highest point of the roof of the building or structure down to a point representative of the average finished grade of the land around the perimeter of the building or structure. (Zon. Ord., 5-8-1991)