

**10-9B-1: LEGISLATIVE INTENT:**

The general purpose of the Critical Environment 3 (CE-3) zone is to promote safe, environmentally sensitive, development that balances the rights and long-term interests of property owners and those of the general public. These standards are intended to:

- A. Preserve and maintain the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein.
- B. Protect public health and safety by adopting standards to reduce risk associated with natural and man-made hazards, with an emphasis on wildfire prevention.
- C. Provide efficient, environmentally sensitive, and safe transportation routes of roads and trails for vehicles and pedestrians.
- D. Incorporate parking areas at major trailheads that can also serve as emergency staging areas.
- E. Encourage development that conforms to the natural contours of the land and minimizes scarring and erosion.
- F. Minimize disturbance of existing trees and vegetation, conserve wildlife habitat and contiguous corridors, protect aquifer recharge areas, promote revegetation with indigenous trees and plants, and otherwise preserve environmentally sensitive natural areas.
- G. Reduce flooding by protecting drainage channels, absorption areas and flood plains.

**10-9B-2: MINIMIZE IMPACTS:**

- A. Development must minimize impacts to the present terrain and natural conditions.
- B. It must be demonstrated to the planning commission and city council that any proposed development will preserve the natural features and conditions of the area, following the restrictions outlined on the Sensitive Areas map.
- C. Roadways and building envelopes shall conform to the lay of the land as much as possible.

**10-9B-3: MITIGATION:**

This code establishes the need for mitigation of potentially adverse or unsafe conditions arising from development activities for the protection of the interests of subsequent purchasers and occupants and adjacent landowners.

**10-9B-4: PROPERTY RIGHTS:**

This code recognizes the rights of current owners to the reasonable use of the developable property providing development falls within the guidelines of the zone.

**10-9B-5: LOCATION AND DESIGN:**

This code facilitates the location, design, use, and construction of development projects and building sites within the zone. Design and location will provide safety consistent with the natural limitations and the need for protection of the environment.

**10-9B-6: PERMITTED AND CONDITIONAL USES:**

Various activities are allowed within the CE-3 Zone. Some uses can be allowed with conditions.

#### **10-9B-6-1: PERMITTED USES:**

Uses permitted within the CE-3 Zone are the standard uses allowed within the zone. Though their use is permitted, they must be constrained to the intent and regulations of the CE-3 Zone. Permitted uses include:

- A. Foster care homes.
- B. Home occupations.
- C. Livestock grazing must be managed to avoid stripping the land of vegetation, creating erosion issues.
- D. Minor utility transmission projects.
- E. ~~Non-livestock and livestock animals specifically listed in section 10-18-5, table 10-18-B of this title, in 40,000 sq. ft. lots or larger.~~ This zone has livestock rights.
- F. Orchards and field crops.
- G. Residential facilities for persons with a disability.
- H. Residential facilities for the elderly.
- I. **Single-family residential dwellings, subject to the requirements set forth in this Article**

#### **10-9B-6-2: CONDITIONAL USES:**

Conditional uses are those that can be allowed if approved by the planning commission and city council and they meet the requirements of section 10-12-33 and 10-12-29 in the city code. It should be demonstrated that the proposed use is in concert with the General Plan, and zoning ordinances. The following can be allowed as conditional uses:

- A. Accessory apartments (section 10-12-29 of the city code)
- B. Agricultural buildings directly associated with agricultural development are allowed to stand alone or as an accessory building. (Ord. 17-9, 9-26-2017)

#### **10-9B-7: NATURAL HAZARDS:**

Development must avoid or mitigate the potential impact of natural hazards from earthquakes, landslides, floods, fires and similar calamities, and reduce the extent of public involvement or expenditure in subsequent mitigation of the adverse or unsafe conditions.

#### **10-9B-8: PROTECTION AND CONSERVATION:**

Development must protect and conserve the following:

- A. Culinary water supply
- B. Watersheds/water drainage
- C. Vegetation
- D. Soil
- E. Wildlife habitat and contiguous corridors

## **SUBDIVISION DEVELOPMENT**

### **10-9B-9: SUBDIVISION DESIGN AND ENVIRONMENTAL CONSTRAINTS:**

Designing a development that conforms to the natural constraints of the terrain and the unique geologic features of the area is a main concern for preserving the aesthetic appearance of the open space hillside terrain, allowing wildlife to continue to reside in the area and maintaining the safety of current and future residents.

- A. The development design in the CE-3 Zone shall indicate what areas shall be left in a natural condition.
- B. The development design will minimize impacts to the open space and hillside terrain.
- C. The design will incorporate an interconnected trail system for public use, which includes trail access to natural spaces beyond the development area.

### **10-9B-9-1: SENSITIVE AREA DETERMINATION:**

In designing a development an applicant must first identify the property's sensitive environmental and aesthetic areas: steep slopes, ridgeline areas, ravines and drainages, fault lines, unstable soils, wildlife habitat areas and major wildlife corridors **as established on the current city Sensitive Areas Map and wildlife corridors as recognized and certified by the State of Utah.** The General Plan Sensitive Areas map outlines areas that should be preserved and protected.

- A. Impacts of development to these areas should be minimized or be deemed to ~~open space~~ **unbuildable**.
- B. A sensitive areas plan shall be required prior to the preliminary plat, mapping all environmental constraints and illustrating that the proposed layout of the subdivision limits or avoids sensitive environmental and aesthetic areas.

### **10-9B-9-2: RAVINES AND DRAINAGES:**

A ravine is considered a continual low point in topography that slopes down a hillside. A drainage is similar to a ravine but is shown on the General Plan Sensitive Areas Map as a low point that could carry water. No building envelope shall be within these areas.

- A. The area thirty feet (30') from each side of the center of these features shall be designated as **unbuildable**.
- B. All slopes twenty percent (20%) or greater and any incidental lesser slopes interspersed within these steeper slopes, rising from ravines and drainages, shall be designated as ~~open space~~ **unbuildable**.
- C. City staff or the Planning Commission can require a larger setback if the drainage is wide in nature or if greater distances are required as established by a professional geologist, geotechnical engineer, the city engineer and the engineer of record ~~or civil engineer registered in the State of Utah.~~

### **10-9B-9-3: RIDGELINES:**

A ridge is defined as an elongated crest or series of crests of a hill and a "ridgeline" is defined as the highest elevation of a ridge running parallel with the long axis of the ridge. Major ridgelines are identified on the city General Plan Sensitive Areas map. No building envelope shall be within these areas.

- A. Any ridge or ridgeline or portion of a ridge or ridgeline with slopes twenty percent (20%) or greater shall be designated as ~~open space~~ **unbuildable**.
- B. The open space area associated with the ridgeline will include all slopes twenty percent (20%) or greater and any lesser slopes interspersed within these steeper slopes.
- C. Required ~~open space~~ **unbuildable** space shall also extend uphill fifty feet (50') from the crest of the twenty percent (20%) slopes.
- D. All structures must be set back from the crest of a slope for a minimum of 30 feet for each story and not located within or above an adverse terrain feature.

#### **10-9B-9-4: FAULT LINES:**

A fault line is defined as a fracture in the earth's crust accompanied by displacement of one side relative to the other. No building envelope shall be located within a minimum of one hundred feet (100') of a fault line as shown on the sensitive lands map on file, unless greater distances are required as established by a professional geologist or geotechnical engineer registered in the state of Utah.

#### **10-9B-9-5: WILDLIFE CORRIDORS:**

The area in CE-3 contains important wildlife habitat for a variety of animals. Wildlife corridors, as identified on the Sensitive Areas map and as designated by the state and certified as such, are designated as natural open space and should be preserved and protected.

#### **10-9B-9-6: UNSTABLE SOILS:**

No building envelope shall be located within one hundred feet (100') of an area identified to have unstable soils that cannot be stabilized through engineering as disclosed within a geotechnical report, unless greater distances are required as established by the city engineer and the engineer of record. ~~a professional geologist or geotechnical engineer registered in the state of Utah.~~ (Ord. 08-4, 2-26-2008)

#### **10-9B-9-7: SLOPES TWENTY PERCENT TO TWENTY NINE PERCENT:**

- A. All land having a slope of twenty ~~percent~~ **percent to twenty nine percent (20% - 29%)** or greater that is not a part of an approved limit of disturbance shall remain in its natural state and shall not be graded, ~~fenced~~, or otherwise disturbed.
- B. The planting of additional vegetation and/or the addition of sprinkler irrigation systems is allowed.
- C. Roads, trails, firebreaks, utilities, retention walls, and driveways can traverse these areas if it is demonstrated that they adhere to cuts and fills requirements in section ~~10-9A-17-4~~ **10-9B-13-5** of this article and other requirements in this code or that by their construction other adverse conditions are mitigated.

#### **10-9B-9-8: SLOPES THIRTY PERCENT OR GREATER:**

All land having a slope of thirty percent (30%) or greater shall not be disturbed.

**10-9B-9: REVEGETATION/RETENTION PLAN:**

- A. A revegetation/retention plan shall be submitted as part of the preliminary plat.
- B. The revegetation/retention plan shall show all areas that will be disturbed, retained and revegetated. These areas include: roads, utility corridors, firebreaks, trails, and other proposed work that requires cuts and/or fills, any grading or retention.
- C. The slope, height, and depth of cuts and fills and/or retention walls shall be included.
- D. The plan shall show designated storage areas for debris, dirt, and topsoil.
- E. On slopes of twenty percent or greater, manmade or natural, plant materials with deep rooting characteristics shall be selected for revegetation, to minimize erosion and reduce surface runoff
- F. The Revegetation/Retention plan may not include landscaping or other elements that conflict with the approved fire protection plan.
- G. Disturbed areas must be revegetated ~~with indigenous plants~~ **as outlined in the revegetation plan** before any bonds are returned by the city.
- H. ~~A licensed civil engineer shall endorse the plan.~~
- I. The city engineer, planning commission, and city council must approve the plan.

**10-9B-10: CUTS AND FILLS:**

- A. Development is required to conform to natural terrain conditions. At the subdivision phase, cuts and fills should only be associated with the construction of roads, trails, utilities, or other approved activities.
- B. Cuts, fills, and any grading to a lot should be completed at the time individual lot development occurs in the building process.
- C. Benching or terracing to provide additional or larger building sites is prohibited.

**10-9B-11: OPEN SPACE**

Open space and preserving the natural conditions are a fundamental aspect of the CE-3 zone. Open space is defined as land preserved in its natural state, and is designated as unbuildable, except for those uses outlined in 10-9B-11-3. ~~In the CE-3 code, there are three general categories of open space: land with public access, private land left in its natural state, land deemed unbuildable due to natural constraints.~~

- A. Open spaces shall be shown on the plat map marked as open space.
- B. Open spaces must remain in the natural state unless revegetation or retention is needed to mitigate adverse conditions due to past uses or if the city council approves an allowed use.
- C. The city council must approve the locations of proposed open space and any uses within them.

**10-9B-# UNBUILDABLE AREA:** Unbuildable area is defined as land that can be publicly or privately held and that must be left in its natural state.

**10-9B-11-1: REQUIREMENTS OF OPEN SPACE UNBUILDABLE AREAS:**

- ~~A. All slopes twenty percent (20%) or greater that are not a part of a building envelope are required to be preserved as open space, an unbuildable area. Ravines, drainages, ridgelines, unstable soils and wildlife corridors shall be preserved as open space unbuildable areas.~~
- ~~B. Open space Unbuildable areas shall be shown on the plat map marked as unbuildable.~~
- ~~C. Open space Unbuildable areas must remain in their natural state unless revegetation or retention is needed to mitigate adverse conditions due to past uses or if the city council approves an allowed use.~~
- ~~D. The city council must approve the locations of proposed open space unbuildable areas and any uses within them.~~
- ~~E. The city council can also require additional areas of open unbuildable space to further implement the intent of the zone. Open space Unbuildable areas can be public or part of a private lot.~~

#### **10-9B-11-2: OPEN SPACE DEDICATION TO CITY:**

- ~~A. Any open space to be deeded to the city must be recommended by the planning commission and approved by the city council.~~
- ~~B. If approved, the title must be conveyed to the city and be designated for open space purposes.~~
- ~~C. Open space deeded to the city should be contiguous to other open space areas, roads, trails, or adjacent properties that have the potential to become open space.~~
- ~~D. These areas will be labeled on the preliminary and final plats as unbuildable (except for areas approved for building allowed uses) and must be cordoned off during any grading and construction activities with nylon fencing or equivalent.~~
- ~~E. The applicant and the city shall enter into a preservation agreement (conservation easement) requiring the open space area to remain as such in perpetuity.~~
- ~~F. Open space deeded to the city cannot be part of a building lot or homeowners' association.~~

#### **Protection Of Dedicated Open Space Or Preservation Areas**

Development in accordance with the provisions of this Chapter will result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

1. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.

2. The proposed ownership of the open space or park land.
3. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
  1. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
  2. A conservation easement in favor of Elk Ridge City or another qualified not for profit agency approved by Elk Ridge City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
  3. Dedication of ownership to Elk Ridge City or another recipient approved by Payson City.
  4. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Elk Ridge City.
4. A maintenance plan for the open space or park land. The maintenance plan will need to include:
  1. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
  2. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

#### **10-9B-11-3: ALLOWED USES WITHIN OPEN SPACE:**

- A. Roads, trails, utility corridors, and driveways can traverse open space areas if it is demonstrated that they pose a minimal impact to the area or that by their construction other adverse conditions are mitigated.
- B. Cuts and fills for these activities shall be revegetated and shown on the revegetation plan.
- C. Developed parks with lawn and xeriscape, play equipment, picnic areas, pavilions, or other park facilities can be interspersed within open space areas.
- D. Open space can be linear along road corridors to allow for trails, sidewalks, or entrance features.

#### **10-9B-11-4: TRAILS:**

- A. All proposed development in CE-3 shall be consistent with the city's General Plan regarding trails, parks, and trail access locations. A dedication of private land may be required for public trails if the required dedication complies with the exaction requirements set forth in Utah Code Section 17-27a-507(1).
- B. All land offered for dedication for trails or public access to trails must be ~~verified~~ approved by planning commission and city council before approval of the site plan. The city has the option of rejecting the applicant's offered land dedication if the proposed dedication does not comply with the exaction requirements set forth

in Utah Code Section ~~17-27a-507(1)~~ **10-9a-508(1)**, or the requirements set forth in subsection (C) below. The city may suggest more suitable land for the applicant's consideration that does comply with each of these requirements.

- C. Land offered for dedication for trails must be located so that:
  - a. Proposed trail construction and maintenance is feasible.
  - b. Side slopes do not exceed seventy percent (70%)
  - c. Rock cliffs and other insurmountable physical obstructions are avoided.
- ~~D. Trails required along roadways shown on the city trail plan shall have a 10 foot (10') easement, surfaced as described within the trail plan, in addition to the standard street right-of-way. Trails can be road shared.~~
- E. In addition to trails along roadways and as part of the city trail plan, natural trails traversing and interconnecting open space areas throughout the development, as identified on the trails map, are required.
- F. Trail easement connecting roads through open space to adjoining developments, public facilities, or adjacent cul-de-sacs shall be ten feet (10') wide and paved. The planning commission can waive the paved trail requirement in areas that a natural trail would be more appropriate to help preserve natural conditions.
- G. Public parking areas at major trailheads, that can also serve as emergency staging areas, must be included in the proposed development.
- H. Planning Commission and City Council can determine the required surface for each trail. (For example, but not limited to: paved, natural, gravel)
- I. Trails-in-lieu of sidewalks do not count towards the percentage of open space required for clustering.

#### **10-9B-12: STREET DESIGN REQUIREMENTS:**

The varying slopes within the CE-3 zone make road designs complicated at best. As with other requirements of the zone, minimal impact to the current slopes, ravines, drainages, wildlife corridors, and vegetation is required. These roadway regulations are required within all developments of the CE-3 zone.

##### **10-9B-12-1: IMPROVEMENT REQUIRED:**

All roads shall conform to city code 10-15C-2: Streets and Roads.

All existing public streets and all streets proposed to be dedicated to the public shall be improved in accordance with city standards for public streets. All roads must be in compliance with the city traffic management code. Until that code is adopted, all local streets will not exceed 1000 vehicles per day or 100 vehicles per hour. Study showing compliance will be paid for by the developer.

##### **10-9B-12-2: ROAD GRADE**

No major collector/arterial street shall have a grade of more than 10% and no local street shall have a grade of more than ten percent (10%), except that the planning commission may recommend, and the city council approve, up to an additional 2 percent (2%) grade for short straight stretches of roadway under three hundred feet (300') in length.

A. City staff must conclude that the ten percent (10%) standard would result in undesirable extra earthwork or circuitous routes and that the proposed steep grade section will not result in the establishment of a hazardous condition. It is the

responsibility of the developer to present evidence that the additional allowance in grade is desirable.

B. The city engineer shall provide recommendation regarding hazardous conditions and any other concerns on the proposed steep grade section.

C. It must also be demonstrated that for dead end or temporary stubbed streets constructed on grades over ten percent (10%), that the road shall not be constructed in a manner that would make adjacent future development be out of compliance with the three hundred foot (300') requirement.

**10-9B-12-3: STABILIZATION AND REVEGETATION:**

- A. All disturbed cut and fill slope areas shall be stabilized and revegetated.
- B. Submitted plans for the preliminary plat shall include a general revegetation/retention plan showing the intended revegetation and retention treatment for all cut and fill slope areas of roads.

**10-9B-12-4: CUL-DE-SACS:** All cul-de-sacs shall conform to section 10-15C-5, "Cul-De-Sacs", of the city's general code.

- A. Cul-de-sac Turnaround Diameter: Each cul-de-sac shall be terminated with a turnaround or loop road of not less than one hundred fifty (150') in diameter at the property line.

**10-9B-12-5. Snow Removal and Storage.**

- A. The road system shall be designed to accommodate snow removal and storage. Consideration shall also be given for snow storage.
- B. Cul-de-sacs with diameters of 150' (one hundred fifty feet) or greater are required to allow for essential use of emergency equipment and service vehicles.
- C. Plans for snow storage are required for all roads and cul-de-sacs.

**10-9B-12-6: SECONDARY ACCESS:**

- A. All development in the CE-3 zone shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation.
- B. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two (2) access points. Looped roads with a single access are not allowed.
- C. Specifications: All roads shall conform with the city development code, subsection 10-15C-2 A of this title, streets and roads. (Ord. 11-7, 8-9-2011, eff. 8-10-2011)

**10-9B-12-7: GRADING PERMIT:**

- A. No grading, filling or excavation of any kind shall commence on land within the CE-3 zone without the developer first having obtained a grading permit.
- B. A revegetation/retention plan, ~~endorsed by a licensed civil engineer~~, must be approved by the city engineer prior to preliminary plat approval.
- C. A grading permit for subdivisions shall not be issued and shall not become active until the proposed development has final plat approval, all fees have been paid, and the bonding has been posted, guaranteeing the construction of all ~~uncompleted~~ required improvements.

- D. Areas outside of approved grading areas shall be cordoned off ~~with nylon fencing or equivalent~~ during the grading and construction process and shall not be disturbed.

## **INDIVIDUAL LOT REQUIREMENTS**

### **10-9B-13: LOT DESIGN REQUIREMENTS:**

The design of lots shall conform to the environmental constraints of the property. The size, buildable areas and frontage to city streets are explained in this section.

#### **10-9B-13-1: LOT SIZE:**

- A. 4 acre (160,000 Square foot) and larger lots are the allowed base density of the zone for traditional methods of development and the open space requirement met.
- B. Lot sizes of no less than 1 acre are allowed within a subdivision if open space requirements for 1 acre lots is adhered to.

#### **10-9B-13-2: OPEN SPACE REQUIREMENT:**

Open space areas are required in the CE-3 zone to preserve natural features that sustain hillside stability. Open space areas shall conform to the requirements listed under sections 10-9B-11 through 10-9B-11-4 of this article. Open space can be part of individual lots. Ravines, drainages, steep slopes, ridgelines, fault lines, unstable soils, and wildlife habitat corridors all must be included within open space areas.

#### **10-9B-13-3: OPEN SPACE-WITH 1 ACRE LOTS**

The desired outcome of allowing homes to be built on 1 acre lots is to preserve open space and help mitigate fire damage. Therefore, a development may subdivide to smaller lots of 1 acre or greater, on slopes of less than twenty percent (20%), if 40% of the development site is dedicated to public open space. Open space areas shall conform to the requirements listed under sections 10-9B-11 through 10-9B-11-4 of this article. 1 acre lot subdivisions shall include:

1. A 1 acre lot subdivision that the Planning Commission and the City Council determine meets the intent of this ordinance.
2. Open space area for public access to trails which includes area for trailheads.
3. Public parking at trailhead locations.
4. Fire Chief must approve that clustering has placed the home in lower fire risk areas.

#### **10-9B-13-4: BUILDING ENVELOPE:**

The building envelope location shall conform to the natural terrain and remain within the areas of least slope. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size is four thousand (4,000) square feet. The front, side and rear setback requirements must be met. No building design envelope can be located within areas of thirty percent (30%) or greater slopes, nor can these slopes be graded to provide for a buildable area.

#### **10-9B-13-5: STEEPER BUILDABLE SLOPES:**

Lots that contain natural terrain with slopes between twenty percent (20%) and twenty nine percent (29%) must be engineered ~~and approved by a licensed engineer~~. The city engineer must approve lots incorporating these slopes. A building envelope can only contain a maximum of fifty percent (50%) of its area of these steeper slopes.

**10-9B-13-6: LOT FRONTAGE:**

- A. Frontage along a city street shall be a minimum of one hundred twenty feet (120')
- B. Each lot shall abut upon and have direct access to a city street.
- C. The distance of said abutting side shall be not less than the minimum width requirement of the zone, except that the length of the abutting side may be reduced to not less than sixty feet (60') when the lot fronts upon a cul-de-sac or curve in a designated city street and the lot lines radiate in such a manner that the width of the lot will meet or exceed the minimum lot width requirements as determined in accordance with city code.

**10-9B-13-7: FRONT SETBACK:**

All dwellings and other main buildings shall be set back not less than thirty (30') feet from the front lot line which abuts on any existing or proposed public street right of way.

**10-9B-13-8: FRONT SETBACK EXCEPTION:**

The planning commission can recommend and city council approve an adjustment to the front setback of not less than thirty feet (30') from the front lot line abutting a street if it is demonstrated that by doing so sensitive areas such as steep slopes, ridgelines, drainage areas, or wildlife corridors would be preserved. A forty-five foot (45') clear view at the corner of a road intersection is still required. Exception must be defined on the final plat.

**10-9B-13-9: SIDE SETBACK:**

All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of twenty feet (20') or greater from any side property line.

**10-9B-13-10: REAR SETBACK:**

All dwellings or other main buildings shall be set back thirty feet (30') or greater from the rear lot line. On corner lots for a garage that is attached to the rear of the dwelling, the required rear setback for the garage may be reduced to twenty feet (20') or greater from the rear lot line. No living area can be included within the garage footprint in the reduced area.

**10-9B-13-11: LOT REQUIREMENT TABLE:**

Lot size Minimum	4 Acres or greater 1Acre with Open Space
Minimum Lot frontage	120 feet
4 acre Minimum Front setback	50 <del>30</del> feet

Front exception	30 feet
4 acre Minimum Side setback	150 20 feet
4 acre Minimum Rear setback	150 30 feet
Clustering Minimum Front Set Back	TBD
Clustering Minimum Side Setback	TBD
Clustering Minimum Rear Setback	TBD
Building envelope	4,000 square feet minimum
Envelope slope	50 percent under 20 percent slope
Minimum Cul-de-sac Frontage	60 feet

**10-9B-13-12: ACCESS:**

Each lot shall front upon and have direct access to a designated city street.

**10-9B-13-13: BUILDING WITH THE NATURAL TERRAIN:**

The intent of the CE-3 zone is to construct with the natural terrain. ~~All structures should be built using the current natural terrain configuration.~~ Some grading can be approved if it is demonstrated that it is needed for safety, erosion control, or that the alternative is less desirable. Dwellings on the down slope side of a road should utilize the natural slope while designing the grade around the structure to drain away from it. ~~Using fill to raise the finished grade around a structure to rise above a road is prohibited.~~

**10-9B-13-14: GRADING OF INDIVIDUAL BUILDING LOT:**

All grading, removal of natural vegetation and retention on building lots requires a revegetation/retention plan and a grading permit.

**10-9B-13-15: REVEGETATION/RETENTION PLAN:**

A revegetation/retention plan is required for each lot prior to any removal of vegetation or the issuance of a grading permit. The plan must follow, at a minimum, the IBC (International Building Code) standards. Areas requiring retention over four feet (4') will require the plan to be approved by a licensed civil engineer. The city engineer and planning commission shall approve the revegetation/retention plan.

**10-9B-13-16: REMOVAL OF NATURAL VEGETATION:**

Natural vegetation including indigenous hardwood trees can be removed from the portions of the lot to be committed to the dwelling, driveway, retention walls, firebreaks and areas required to be modified as described within the urban interface area requirements (section 9-3-9 of the city code). Areas with slopes twenty percent (20%) or greater that are not a part of an approved building envelope, ravines, drainages, and wildlife corridors shall remain in a natural state. (Ord. 08-4, 2-26-2008)

**10-9B-13-17: CUTS AND FILLS:**

Cut or fill slopes shall be no steeper than two feet (2') horizontal to one foot (1') vertical and shall be designed with acceptable erosion control systems. An erosion control system is generally composed of a combination of long term nondegradable erosion mat, structural geogrid and/or geotextile.

**10-9B-13-18: GRADING PERMIT:**

- A. No grading, filling or excavation of any kind shall commence on a lot within the CE-3 zone without first having obtained a grading permit.
- B. A revegetation/retention plan, ~~endorsed by a licensed civil engineer~~, must be approved by the city engineer and planning commission.
- C. A grading permit is required for each individual lot prior to a building permit being issued.
- D. Areas outside of approved grading areas shall be cordoned off during the grading and construction process and shall not be disturbed.

**10-9B-13-19: DWELLING REQUIREMENTS:**

Each dwelling within any development in the CE-3 zone shall conform to the following requirements.

**10-9B-13-20: BUILDING ENVELOPE:**

All buildings shall be constructed within the building envelope. The building envelope is identified on the approved subdivision plat and is located on the lot detailing the front, side and rear setback requirements. The building envelope must exclude all areas as defined in the Sensitive Areas Plan, the Slope Analysis Plan, and the set backs as outlined above.

**10-9B-13-21: RAMBLER DWELLINGS:**

For dwelling size requirements, see supplemental regulations, section 10-12-41 of this title.

**10-9B-13-22: MULTI-STORY DWELLINGS:**

For dwelling size requirements, see supplemental regulations, section 10-12-41 of this title.

**10-9B-13-23: MULTI-STORY DWELLINGS:**

For dwelling size requirements, see supplemental regulations, section 10-12-41 of this title.

**10-9B-23 Accessory Buildings**

Accessory buildings must be located within the building envelope. Accessory buildings must be located thirty (30) feet from any other building on the property.

**~~10-9B-13-24: Minimum Dimension:~~**

~~The minimum width and length of any dwelling as measured from the outside wall shall be a minimum of twenty-four feet (24'). Non living spaces such as garages, porches, and sheds shall not be included in determining compliance with this requirement. (Ord. 08-4,2-26-2008)~~

**~~10-9B-13-25~~24: HEIGHT OF BUILDING:**

Shall conform to the special provisions relating to dwellings found in 10-12-39.

~~The maximum height of any dwelling shall be thirty-six feet (36') as measured from the highest point of finished grade of the ground surface adjacent to the foundation of the structure to the top of the roofline. The minimum height of a building used as a dwelling shall be not less than eight feet (8'). Chimneys, flagpoles, television antennas and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of fifteen feet (15') above the building.~~

**~~10-9B-13-26~~25: CONFORMANCE WITH SPECIAL DWELLING REQUIREMENTS:**

In addition to the requirements herein set forth, all dwellings shall conform to the special provisions relating to dwellings set forth under section 10-12-27 of this title.

**~~10-9B-13-27~~26: DWELLING OCCUPANCY LIMIT:**

The number of unrelated individuals residing in a dwelling unit shall not exceed four (4).

**~~10-9B-13-28~~27: OFF STREET PARKING AND DRIVEWAYS:**

All dwellings within the CE-3 zone shall adhere to the following parking and driveway requirements.

**~~10-9B-13-28~~27-1: OFF STREET PARKING:**

~~A minimum of two (2) off street parking spaces shall be required for each dwelling unit. Each off street parking space shall be not less than ten feet by twenty feet (10' x 20') per space and shall not be located within any portion of a side setback area adjacent to a street.~~

**~~10-9B-13-28~~27-2: GARAGE:**

~~A minimum of two (2) off street parking spaces shall be enclosed within a garage. A minimum of one off-street parking space shall be enclosed within a garage for an accessory dwelling. (10-12-29)~~

**~~10-9B-13-28~~27-3: REVERSE SLOPE DRIVEWAYS:**

A. No driveway providing access to a garage or off-street parking area within a lot shall have a down slope grade from the adjacent street to the garage or covered off street parking area.

A. Applicability. These provisions apply to all developments in CE-3, with the following exceptions:

- a. The planning commission may approve a down slope driveway if:
  - i. The drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area
  - ii. The proposed diversion of surface water will not impact adjacent property.

#### **10-9B-13-2928-4: DRIVEWAY GRADE:**

- A. Any driveway providing access to a building envelope shall have a slope of not more than twelve percent (12%) at any point.
- B. A driveway grade up to fifteen percent (15%) is allowed if heated.
- ~~C. Construction of a driveway shall not result in any cut or fill slopes greater than seven feet (7').~~
- ~~D. Any cut or fill between five feet (5') and seven feet (7') shall be subject to planning commission approval and shall be retained.~~

#### **10-9B-14: FENCING:**

- A. No fence may be constructed or installed unless shown on an approved site plan.
- B. Fences are subject to the intersecting streets and clear visibility restrictions of this code.
- ~~C. Fencing requirements will conform to the standards listed in section 10-12-13 of this title. Additionally, to preserve drainage and wildlife corridors, no fence shall be constructed on ravines, drainages, open space areas, and slopes of twenty percent (20%) or greater.~~
- D. Fences in identified wildlife corridors are strongly discouraged, but in no case may exceed forty-two inches in height.

### **10-9B-15 Subdivision Development Requirements**

#### **10-9B-15-1: CONCEPT PLAN:**

Conceptual work done before the extensive work needed to gain preliminary plat approval can guide the applicant in a direction that can help make development layout better, obtain approvals in a timely manner, and be overall less expensive. A concept plan is not required but is highly recommended.

#### **10-9B-15-2: APPLICATION AND FEE:**

The concept stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application along with the fee schedule. There are recommended guidelines that can be followed to help give the planning commission enough detail to adequately review a concept proposal.

#### **10-9B-15-3: VESTING:**

Since a concept plan is not required, projects are not vested at concept. Any advice or direction given by staff or the City Council shall not be construed as an approval.

**10-9B-15-4: SENSITIVE AREAS PLAN:**

A full sensitive areas plan is not required in the concept stage, but it is recommended that a cursory plan be done to aid in designing the concept plan layout. See section 10-9B-9-1 of this article for the requirements of a sensitive areas plan.

**10-9B-15-5: STAFF REVIEW:**

City staff will review the concept plan and make comments that can guide the applicant to design a development that meets the CE-3 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to a public meeting and planning commission review.

**10-9B-15-6: PRELIMINARY PLAT AND REQUIRED PLANS:**

A preliminary plat is required and is the first official step toward gaining approvals of a development. With the plat being preliminary in nature, larger developments and those being proposed on unique terrains can require multiple renditions of the plat as prescribed by staff and the planning commission.

**10-9B-15-7: APPLICATION AND FEE:**

The preliminary plat stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application along with the fee schedule.

**10-9B-15-8: VESTING:**

Once an application is found complete and all fees paid, an applicant is vested with all applicable development codes and standards.

**10-9B-15-9 PRELIMINARY PLAT REQUIREMENTS:**

- A. The preliminary plat shall contain the following:
  - a. Delineate the location of designated setback areas.
  - b. The building envelope.
  - c. Areas of cuts and fills.
  - d. Retention
  - ~~e. Limits of disturbance.~~
  - f. Open space areas
  - g. Conform to the requirements set forth in chapter 15, article B of this title.
- B. Plans that shall be submitted and approved in conjunction with the Preliminary Plat:
  - a. Sensitive Areas Plan
  - b. Slope Analysis Plan
  - c. A revegetation/retention plan.
  - d. Erosion control plan
  - e. Geotechnical report
  - f. Fire Protection Plan
  - g. Trails Plan
  - h. Traffic Management Plan
  - i. Open Space Conservation Plan, if clustering.

**10-9B-15-9-1: SENSITIVE AREAS PLAN:**

Purpose. To promote safe, environmentally sensitive, development that balances the rights and long-term interests of property owners and those of the general public.

The sensitive area plan shall contain the following:

- A. Slope analysis ~~and~~ with an aerial map as a base, showing the non-disturbed conditions that exist prior to any grading or construction.
  - a. The map shall outline and have the following overlays: current vegetation including clusters or groves of trees, natural features that include ravines, drainages, steep slopes, ridgelines, fault lines, unique soil features (collapsible soil or large rock features).
  - b. wildlife habitat corridors and existing trails,
  - c. proposed trails, lots, and open space, the building envelope, and roads
- B. The plan shall be submitted and recommended by the planning commission and approved by the city council with the submittal of the preliminary plat. The commission can require redesigns of lots, roads, and other development features to better implement the intent of this code.
- C. Data from the sensitive areas plan shall be used to develop the preliminary plat by locating areas that should be preserved to meet the intent and regulations of the CE-3 zone.

**10-9B-15-9-2: SLOPE ANALYSIS PLAN:**

- A. A slope analysis plan shall be submitted in conjunction with the sensitive areas plan and with the submittal of the preliminary plat.
- B. Application.
  - a. The slope analysis shall show contour lines at two-foot (2') intervals.
  - b. It will also identify by color the following slopes:
    - i. under fifteen percent (15%).
    - ii. Fifteen percent (15%) to nineteen percent (19%).
    - iii. Twenty percent (20%) to twenty nine percent (29%).
    - iv. Thirty percent (30%) to thirty nine percent (39%).
    - v. Forty percent (40%) and above.
  - c. It shall also contain the following:
    - i. Proposed lots.
    - ii. Building envelopes.
    - iii. Roads.
    - iv. Trails.
    - v. Open space.
    - vi. Area of disturbance.
  - d. The slope analysis shall aid the applicant, staff, and the planning commission in determining that the intent and regulations of the CE-3 zone are met.

**10-9B-15-9-3: REVEGETATION/RETENTION PLAN:**

- A. A revegetation/retention plan is required for each lot prior to any removal of vegetation or the issuance of a grading permit.
- B. The plan shall illustrate all areas proposed for removal of vegetative materials and retention.
- C. The plan may not include landscaping or other elements that conflict with the approved fire protection plan.

- D. Revegetation with natural plants is required for areas of cuts and fills, around retention walls, and areas where previous activities have disturbed natural conditions.
- E. Areas requiring retention over four feet (4') will require the plan to be approved by a licensed civil engineer.
- F. The city engineer and planning commission shall approve the revegetation/retention plan.

**10-9B-15-9-4: SURFACEWATER AND EROSION CONTROL PLAN:**

Must be submitted with the Preliminary Plat

- A. The plan shall detail the following:
  - a. Water runoff control to avoid flooding problems on neighboring properties.
    - i. In accordance with section 10-15D-3
  - b. Erosion control.
  - c. Debris and silt prevented from infiltrating storm water system during construction.
  - d. Detail how erosion will be managed in cut and/or fill areas.
- B. City Engineer must approve Plan.
- C. Planning Commission must recommend plan.
- D. City Council must approve plan

**10-9B-15-9-5: PRELIMINARY GEOTECHNICAL REPORT:**

- E. A preliminary geotechnical report shall be completed and submitted as a part of the preliminary plat.
- F. The report shall consider and address all recommendations in any reports prepared by the Utah geological survey (UGS) in relation to the subject property.
- G. If no prior reports have been prepared, the applicant shall consult with the appropriate UGS official, obtain comments addressing the geologic conditions affecting the area, and provide those comments.
- H. If unsafe geologic conditions that may affect the property and the probability that those conditions will detrimentally impact the proposed development or surrounding properties within fifty (50) years from the date of the statement, the environmental impact of the proposed action, including a projected "worst case scenario" of the detrimental effects the proposed action or development may have on the safety and environmental stability of the property and adjacent properties shall be required.
- I. Any adverse environmental effects that cannot be avoided, should the proposal be implemented, as well as alternatives to the development to avoid any unsafe geologic conditions, shall be documented.
- J. The geotechnical report shall be stamped and signed by a licensed professional geotechnical engineer registered in the state of Utah with experience in preparing and rendering geotechnical reports.
- K. The city can require that the report undergo a peer review by a separate engineering firm selected by the city at the applicant's expense.

#### **10-9B-15-9-6: Fire Protection Plan.**

A fire protection plan shall be submitted as part of the preliminary plat. Approval by the city Fire Chief is required for preliminary and final. All Standards of the International Fire Code must be met with regards to fire flow and structure size. Additional water source and supply may also be required to meet the fire flow requirements for the use of the structure. Additional requirements to recommendations for defensible space may also be required. Wildland Urban Interface (WUI) will also need to be referenced followed for all structures within the CE-3 zone. If clustering is part of the development plan, the Fire Chief must approve the placement of all clustering.

#### **10-9B-15-10: STAFF REVIEW:**

City staff will review the preliminary plat and its associated plans and reports and make comments that can guide the applicant to a development that meets the CE-3 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to the public hearing and planning commission review. Staff shall make recommendations to the planning commission stating the general plan, city code, and the development standards to support their recommendations.

#### **10-9B-15-11: PUBLIC HEARING:**

A public hearing shall be held with the neighboring property owners in accordance with subsection 10-11F-4D of this title. This is a formal meeting. Concerns and comments from the public shall be taken. Staff and/or the commission shall address any comments that cite code violations or health, safety, and welfare concerns. Comments from this hearing can aid the applicant, staff, and the commission to address design elements of the development.

#### **10-9B-15-12: PLANNING COMMISSION REVIEW:**

After staff reviews and comments from the public hearing have been addressed, the planning commission shall review the preliminary plat and associated plans and reports. The commission can require adjustments to the building envelope, roadways, open space areas, and other elements of the development that better accommodate the natural conditions present and ensure that location or construction of such elements will not result in the creation of an adverse or unsafe condition. The commission shall conclude that the development will accomplish and preserve the intent and regulations of the zone.

#### **10-9B-15-13: PLANNING COMMISSION ACTION:**

The commission can approve, approve with conditions, or deny the plat giving findings drawn from the general plan, city codes, and development standards. The motion shall be sent to the city council with the recommendation and findings from the commission. If the commission finds that the plat is not ready to be forwarded to the council, the commission can table the plat requiring the applicant to supply additional information or make changes.

#### **10-9B-15-14: CITY COUNCIL REVIEW:**

After staff reviews and comments from the public hearing have been addressed, and the planning commission has approved, the city council shall review the preliminary plat and associated plans and reports. The council can require adjustments to the building

envelope, roadways, open space areas, and other elements of the development that better accommodate the natural conditions present and ensure that location or construction of such elements will not result in the creation of an adverse or unsafe condition. The council shall conclude that the development will accomplish and preserve the intent and regulations of the zone.

**10-9B-15-15: CITY COUNCIL ACTION:**

The city council can approve, approve with additional conditions, or deny the plat basing their decision on the planning commission recommendations and their findings. If the council denies or significantly changes the plat, it shall be sent back to the planning commission for additional work. Significant changes shall include adding or subtracting five (5) or more building lots, adding development to sensitive lands (slopes over 20 percent, drainages, ravines, ridgelines, sensitive soils, fault lines, wildlife corridors), changes to open space, or changes that require additional engineering work. Additional public hearings could be required. Once a preliminary plat is approved, the developer has one year to gain final approval. If final approval is not obtained within the one year period, the plat approval and vesting shall be void.

**10-9B-15-16: FINAL PLAT:**

A final plat is required and is the last official step toward gaining approvals of a development. Changes to the preliminary plat should be minimal.

**10-9B-15-17: APPLICATION AND FEE:**

The final plat stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application and the fee schedule.

**10-9B-15-18: FINAL PLAT REQUIREMENTS:**

The final plat shall conform to the city development standards.

**10-9B-15-19: FINAL GEOTECHNICAL REPORT:**

All projects require a final geotechnical report. The geotechnical report shall be stamped and signed by a licensed professional engineer registered in the state of Utah with experience in preparing and rendering geotechnical reports. The report shall include as a minimum the following: field investigation; description and classification of site soils including boring and pit logs; depth to ground water if applicable; depth to bedrock if applicable; suitability of site soils for proposed project improvements including foundations; identification of expansive/collapsible soils and remedial action if required; liquefaction potential and remedial action if required; hazardous geologic conditions not accounted for or identified in the preliminary geotechnical report such as unstable soils, faults, etc.; stability of natural slopes; slope and retaining recommendations for graded slopes; soil weights, loads, and allowable bearing pressures; soil preparation recommendations; seismic recommendations, subgrade and pavement recommendations; a percolation test at the proposed stormwater basins, other recommendations applicable to the project site. This report shall be completed and approved by staff prior to planning commission review of the final plat. The city can require that the report undergo a peer review by a separate engineering firm selected by the city at the applicant's expense.

**10-9B-15-20: OPTIONAL PUBLIC MEETING:**

A public hearing is not required for the final plat though staff or the planning commission can decide to hold one if substantial changes from the preliminary plat would require additional comment. If a second hearing is not desired, the planning commission meeting where the final plat shall be reviewed is a public meeting. Staff can require an applicant to notify residents and landowners in the area of the meeting where the final plat shall be reviewed.

**10-9B-15-21: PLANNING COMMISSION REVIEW/ACTION:**

The commission can approve, approve with conditions, or deny the plat giving findings drawn from the general plat, city codes, and development standards. The motion shall be sent to the city council with the recommendation and findings from the commission. If the commission deems that the plat is not ready to be forwarded to the council, the commission can table the plat requiring the applicant to supply additional information or make changes.

**10-9B-15-22: CITY COUNCIL REVIEW/ACTION:**

The city council can approve, approve with additional conditions, or deny the plat basing their decision on the planning commission recommendations and their findings. If the council denies or significantly changes the plat, it shall be sent back to the planning commission for additional work. Once a final plat is approved, the developer has six (6) months to record the development with the county. If the final plat is not recorded with the county within the six (6) month period, the plat approval and vesting shall be void.

<b>Report</b>	<b>Concept</b>	<b>Preliminary</b>	<b>Final</b>
Sensitive Area	Advised	Mandatory	
Slope Analysis	Advised	Mandatory	
Erosion Control Plan		Mandatory	
Revegetation Plan		Mandatory	
Retention Plan		Mandatory	
Geotechnical Report		Mandatory	
Limits of Disturbance		Mandatory	
Fire Protection Plan		Mandatory	
Trails		Mandatory	
Open Space Conservation Plan	Advised	Mandatory	
Traffic Management Plan	Advised	Mandatory	

**Other reports may be required by code or due to unique circumstances found at concept/preliminary review.**