

- b. Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.
- B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)
- C. Off Street Parking:
- 1. Not less than 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 front or side setback area adjacent to a street.
 - 2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.
- D. Special Provisions: All dwellings shall conform to the special provisions relating to dwellings set forth under section 10-12-27 of this title. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. Ord. 08-15, 9-23-2008, eff. 9-24-2008)

10-7B-9: BUILDING SITE:

- A. Reverse Slope Driveways Prohibited;
Exceptions: No driveway providing access to a garage or off street parking area within a lot shall have a downslope grade from the adjacent street to the garage or covered off street parking area except when approved by the planning commission. The planning commission may approve a downslope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the proposed diversion treatment will not impact adjacent properties.
- B. Buildable Area Required For Lots In All Residential Zones; Exceptions:
- 1. Each lot shall contain a "buildable area", as defined in section 10-2-2 of this title, of not less than four thousand (4,000) square feet. All dwellings shall be located within said buildable area.
 - 2. Notwithstanding the requirements of subsection B1 of this section, a building permit may be issued for any existing lot of record which does not contain a "buildable area", as defined in section 10-2-2 of this title, upon an approval of a site plan by the planning commission and a finding that the proposed placement of the building conforms to all other requirements of the zone.
- C. Grading Plan Required: A final grading plan will be required for each lot prior to the issuance of a building permit for construction of a dwelling therein. (Ord. 98-5-26-6, 6-26-1998)

**CHAPTER 7:
RESIDENTIAL ZONES****ARTICLE C. R-1-12,000 RESIDENTIAL ZONE****SECTIONS:****10-7C-1: LEGISLATIVE INTENT:****10-7C-2: PERMITTED USES:****10-7C-3: CONDITIONAL USES:****10-7C-4: LOT SIZE AND FRONTAGE:****10-7C-5: ACCESS:****10-7C-6: LOCATION:****10-7C-7: UTILITIES:****10-7C-8: DWELLINGS:****10-7C-9: BUILDING SITE:****10-7C-1: LEGISLATIVE INTENT:**

A. The R-1-12,000 residential zone covers the portion of the city which is primarily suited for denser development abutting adjacent development in bordering cities. Development within the zone is represented by a commingling of one-family dwellings and parks, schools, churches, and other community facilities designed to serve the residents of the city. The zone is characterized by smaller lots, quiet residential conditions favorable to the rearing of children and an abundance of open space. Owners and developers of property within this zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof.

B. The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth.

10-7C-2: PERMITTED USES:

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this title:

- Common Household Pets

- Foster care homes containing not more than 3 nonrelated foster care occupants.
- Home occupations subject to the provisions of section 10-12-17 of this title.
- Orchards and field crops.
- Residential facilities for persons with a disability pursuant to Utah Code Annotated section 10-9-605.
- Residential facilities for the elderly pursuant to Utah Code Annotated section 10-9-502.
- Single-family dwellings.
- Utility transmission projects, minor. (Ord. 04-7, 8-17-2004, eff. 9-17-2004)

10-7C-3: CONDITIONAL USES:

The following buildings, structures and uses of land shall be permitted conditional uses upon compliance with the applicable requirements of this title and after approval has been given by the designated review agency: (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002; amd. 2003 Code)

- Accessory apartments (see 10-12-29 for requirements).
- Wells, water storage tanks and similar facilities and structures. (Ord. 04-7, 8-17-2004, eff. 9-17-2004; amd. Ord. 08-9, 7-8-2008)

10-7C-4: LOT SIZE AND FRONTAGE:

12,000 sq. ft. or larger lots are the allowed base density of the zone. Frontage along a city street shall be a minimum of 80 ft. For lots abutting an elbow type curve or cul-de-sac the frontage requirement may be reduced to 60 feet, provided that the width requirement is satisfied at the front lot line adjoining the street.

10-7C-5: ACCESS:

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

10-7C-6: LOCATION:

- A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be setback not less than thirty feet (30') from the front lot line which abuts on any existing or proposed public street. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

2. Side Setback:

- a. Interior Lot: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than twelve feet (12') from any side property line not abutting a street. (Ord. 02-4-9-6, 4-9-2002, eff. 4-25-2002)
- b. Corner Lots; Side Abutting Street: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the side lot line which abuts on any existing or proposed public street, subject to section 10-15C-4 of this title.

3. Rear Setback:

- a. Interior Lots: All dwellings or other main buildings shall be set back not less than thirty feet (30') from the rear lot line.
- b. Corner Lots: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building.

- B. Accessory Buildings: For accessory building requirements, see supplemental regulations, section 10-12-5 of this title. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

10-7C-7: UTILITIES:

All dwellings and other structures used for human occupancy shall be served by the city's culinary water and sanitary sewer system or other approved system, in accordance with the provisions of section 10-12-21 of this title, and also electric, natural gas and telephone utility systems. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

10-7C-8: DWELLINGS:

- A. Area of Dwellings: Each dwelling shall conform to one of the following:

1. A rambler type dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or

2. A multi-story dwelling shall meet or exceed all of the following:

- a. The dwelling shall have a total "building footprint area" of not less than one thousand (1,000) square feet as measured from the outside of the foundation wall;

- b. Not less than nine hundred (900) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and

- c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.

- B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be

included in determining compliance with this requirement. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

C. Off Street Parking:

1. Not less than 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 front or side setback area adjacent to a street.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage or other covered structure.

D. Special Provisions: All dwellings shall conform to the special provisions relating to dwellings set forth under section 10-12-27 of this title. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002; amd. Ord. 08-15, 9-23-2008, eff. 9-24-2008)

feet. All dwellings shall be located within said buildable area.

2. Notwithstanding the requirements of subsection B1 of this section, a building permit may be issued for any existing lot of record which does not contain a "buildable area", as defined in section 10-2-2 of this title, upon an approval of a site plan by the planning commission and a finding that the proposed placement of the building conforms to all other requirements of the zone.

C. Grading Plan Required: A final grading plan will be required for each lot prior to the issuance of a building permit for construction of a dwelling therein. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

10-7C-9: BUILDING SITE:

- A. Reverse Slope Driveways Prohibited;
Exceptions: 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 except when approved by the planning commission. The planning commission may approve a down slope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the proposed diversion treatment will not impact adjacent properties.
- B. Buildable Area Required For Lots in All Residential Zones; Exceptions:
1. Each lot shall contain a "buildable area", as defined in section 10-2-2 of this title, of not less than four thousand (4,000) square

CHAPTER 8 | RESIDENTIAL AND LIVESTOCK RAISING ZONES

TITLE 10 DEVELOPMENT CODE

CHAPTER:

10-8: RESIDENTIAL AND LIVESTOCK RAISING ZONES

ARTICLE A. RR-1 RURAL RESIDENTIAL ZONE

ARTICLE B. R&L-1-20,000 RESIDENTIAL AND LIMITED LIVESTOCK ZONE

ARTICLE A. RR-1 RURAL RESIDENTIAL ZONE

SECTIONS:

10-8A-1: LEGISLATIVE INTENT:

10-8A-2 PERMITTED USES

10-8A-3 CONDITIONAL USES

10-8A-4: AREA AND WIDTH:

10-8A-5: ACCESS:

10-8A-6: LOCATION:

10-8A-7: UTILITIES:

10-8A-8: DWELLINGS:

10-8A-9: BUILDING SITE:

10-8A-1: LEGISLATIVE INTENT:

- A. The objective in establishing the RR-1 rural residential zone is to provide a location within the city for a residential and agricultural environment where the residents may engage in significant agricultural pursuits, including the keeping of livestock. Quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. (Ord. 97-7-8-8, 7-8-1997)
- B. Representative of the uses within the RR-1 zone are one-family dwellings, the keeping of domestic livestock, parks, churches and other community facilities designed in harmony with the characteristics of the zone. (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 04-7, 8-17-2004, eff. 9-17-2004)
- C. Residents and developers within the zone should bear in mind that the proximity of animals to dwellings is an integral part of the

zone and should occupy the residences in recognition thereof.

- D. The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth. (Ord. 97-7-8-8, 7-8-1997)

10-8A-2 PERMITTED USES

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this development code:

- Common Household Pets
- Foster care homes containing not more than 3 nonrelated foster care occupants.
- Home occupations subject to the provisions of section 10-12-17 of this title.
- Livestock Animals
- Orchards and field crops.
- Residential facilities for persons with a disability pursuant to Utah Code Annotated section 10-9-605.
- Residential facilities for the elderly pursuant to Utah Code Annotated section 10-9-502.
- Single-family dwellings.
- Utility transmission projects, minor. (Ord. 05-7, 10-11-2005, eff. 11-3-2005)

10-8A-3 CONDITIONAL USES

The following buildings, structures and uses of land shall be permitted conditional uses upon compliance with the requirements set forth in this development code and after approval has been given by the designated reviewing agencies. (Approval of other agencies or levels of government may be required.) (Ord. 02-4-9-5, 4-9-2002, eff. 4-25-2002; amd. 2003 Code)

- Accessory apartments (see 10-12-29 for requirements)
- Arenas, public or private, indoor or outdoor, subject to all applicable provisions of chapter 12 of this title.
- Hobby Animals
- Wells, water storage tanks and similar facilities and structures. (Ord. 04-7, 8-17-

CHAPTER 8 | RESIDENTIAL AND LIVESTOCK RAISING ZONES

TITLE 10 DEVELOPMENT CODE

2004, eff. 9-17-2004; amd. Ord. 08-9, 7-8-2008)

10-8A-4: AREA AND WIDTH:

The minimum area and width requirements for a zoning lot shall be as follows:

Use	Minimum Area	Minimum Width ¹ (Feet)
One-family dwellings	20,000 sq ft	120
Churches	2.5 acres	200
Schools	5 acres	200

Note:

¹.For purposes of determining compliance with the width requirements, the measurement of lot width shall be made along the front lot line at the minimum front setback line, except as may be permitted pursuant to section 10-8A-5 of this article.(Ord. 97-7-8-8, 7-8-1997)

10-8A-5: ACCESS:

Each lot shall abut upon and have direct access to a city maintained street. The distance of said abutting side shall be not less than the minimum width requirement of the zone, as measured at the minimum front setback line, except that for interior lots which front upon a curve or cul-de-sac, the length of the abutting side may be reduced to not less than sixty feet (60'); provided, that the side 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 the provisions of section 10-8A-4 of this article at a distance of not more than forty feet (40') from the front lot line. (Ord. 08-9, 7-8-2008)

10-8A-6: LOCATION:

A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the front lot line which abuts on any existing or proposed

public street. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

2. Side Setback:

- a. Interior lots: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than twelve feet (12') from any side property line not abutting a street. (Ord. 02-4-9-6, 4-9-2002, eff. 4-25-2002)
- b. Corner lots; side abutting street: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the side lot line which abuts on any existing or proposed public street.

3. Rear Setback:

- a. Interior lots: All dwellings or other main buildings shall be set back not less than thirty feet (30') from the rear lot line.
- b. Corner lots: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building.

B. Accessory Buildings: For accessory building requirements, see supplemental regulations, section 10-12-5 of this title. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

10-8A-7: UTILITIES:

All dwellings and other structures used for human occupancy shall be served by the city culinary water and sanitary sewer system or other approved system in accordance with the provisions of section 10-12-21 of this title, and also electric, natural gas and

CHAPTER 8 | RESIDENTIAL AND LIVESTOCK RAISING ZONES

TITLE 10 DEVELOPMENT CODE

telephone utility systems. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

10-8A-8: DWELLINGS:

A. Area Of Dwellings: Each dwelling shall conform to one of the following:

1. The rambler type dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
2. The multi-story dwelling shall meet or exceed all of the following:
 - a. The dwelling shall have a total "building footprint area" of not less than one thousand four hundred (1,400) square feet, as measured from the outside of the foundation wall;
 - b. Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.

B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

C. Off Street Parking:

1. Not less than 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 front or side setback area adjacent to a street.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

D. Special Provisions: All dwellings shall conform to the special provisions relating to dwellings set forth under section 10-12-27 of this title. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. Ord. 08-15, 9-23-2008, eff. 9-24-2008)

10-8A-9: BUILDING SITE:

A. Reverse Slope Driveways Prohibited;
Exceptions: No driveway providing access to a garage or off street parking area within a lot shall have a downslope grade from the adjacent street to the garage or covered off street parking area except when approved by the planning commission. The planning commission may approve a downslope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the proposed diversion treatment will not impact adjacent properties.

B. Buildable Area Required For Lots In All Residential Zones; Exceptions:

1. Each lot shall contain a "buildable area", as defined in section 10-2-2 of this title, of not less than four thousand (4,000) square feet. All dwellings shall be located within said buildable area.
2. Notwithstanding the requirements of subsection B1 of this section, a building permit may be issued for any existing lot of

record which does not contain a "buildable area", as defined in section 10-2-2 of this title, upon an approval of a site plan by the planning commission and a finding that the proposed placement of the building conforms to all other requirements of the zone.

- C. Grading Plan Required: A final grading plan will be required for each lot prior to the issuance of a building permit for construction of a dwelling therein. (Ord. 98-5-26-6, 6-26-1998)

CHAPTER 8 | RESIDENTIAL AND LIVESTOCK RAISING ZONES

TITLE 10 DEVELOPMENT CODE

CHAPTER:

10-8: RESIDENTIAL AND LIVESTOCK RAISING ZONES

ARTICLE B. R&L-1-20,000 RESIDENTIAL AND LIMITED LIVESTOCK ZONE

SECTIONS:

10-7C-1: LEGISLATIVE INTENT:

10-7C-2: PERMITTED USES:

10-7C-3: CONDITIONAL USES:

10-7C-4: LOT SIZE AND FRONTAGE:

10-7C-5: ACCESS:

10-7C-6: LOCATION:

10-7C-7: UTILITIES:

10-7C-8: DWELLINGS:

10-7C-9: BUILDING SITE:

10-8B-1: LEGISLATIVE INTENT:

- A. The objective in establishing the R&L-1-20,000 residential and limited livestock zone is to provide a location within the city for a residential development associated with the keeping of limited livestock. Quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. (Ord. 97-7-8-8, 7-8-1997)
- B. Representative of the uses within the R&L-1-20,000 zone are one-family dwellings, the keeping of domestic livestock, parks, churches and other community facilities designed in harmony with the characteristics of the zone. (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 04-7, 8-17-2004, eff. 9-17-2004)
- C. Residents and developers within the zone should bear in mind that the proximity of animals to dwellings is an integral part of the zone and should occupy the residences in recognition thereof.
- D. The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth. (Ord. 97-7-8-8, 7-8-1997)

10-8B-2 PERMITTED USES

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this title:

- Common Household Pets
- Foster care homes containing not more than 3 nonrelated foster care occupants
- Home occupations subject to the provisions of section 10-12-17 of this title
- Livestock Animals
- Orchards and field crops
- Residential facilities for persons with a disability pursuant to Utah Code Annotated section 10-9-605
- Residential facilities for the elderly pursuant to Utah Code Annotated section 10-9-502
- Single-family dwellings
- Utility transmission projects, minor (Ord. 04-7, 8-17-2004, eff. 9-17-2004; amd. Ord. 05-7, 10-11-2005, eff. 11-3-2005)

10-8B-3 CONDITIONAL USES:

The following buildings, structures and uses of land shall be permitted conditional uses upon compliance with the requirements set forth in this development code and after approval has been given by the designated reviewing agencies. (Approval of other agencies or levels of government may be required.) (Ord. 02-4-9-5, 4-9-2002, eff. 4-25-2002; amd. 2003 Code)

- Accessory apartments (see 10-12-29 for requirements)
- Arenas, public or private, indoor or outdoor, subject to all applicable provisions of chapter 12 of this title.
- Hobby Animals
- Wells, water storage tanks and similar facilities and structures. (Ord. 04-7, 8-17-2004, eff. 9-17-2004; amd. Ord. 08-9, 7-8-2008)

CHAPTER 8 | RESIDENTIAL AND LIVESTOCK RAISING ZONES

TITLE 10 DEVELOPMENT CODE

10-8B-4: AREA AND WIDTH:

The minimum area and width requirements for a zoning lot shall be as follows:

Use	Minimum Area	Minimum Width ¹ (Feet)
One-family dwellings	20,000 sq ft	120
Churches	2.5 acres	200
Schools	5 acres	200

Note:

¹. For purposes of determining compliance with the width requirements, the measurement of lot width shall be made along the front lot line at the minimum front setback line. In the instance of a lot where more than 75 percent of the front lot line abuts upon a cul-de-sac or curve having a radius of less than 80 feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve at its approximate midpoint, and at a distance of not more than 40 feet from the front lot line. (Ord. 97-7-8-8, 7-8-1997)

10-8B-5: ACCESS:

Each lot shall abut upon and have direct access to a city street. 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 the provisions of section 10-8B-4 of this article. (Ord. 97-7-8-8, 7-8-1997)

10-8B-6: LOCATION:

A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the front lot line which abuts on any existing or proposed

public street. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

2. Side Setback:

- a. Interior lots: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than twelve feet (12') from any side property line not abutting a street. (Ord. 02-4-9-6, 4-9-2002, eff. 4-25-2002)
- b. Corner lots; side abutting street: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the side lot line which abuts on any existing or proposed public street.

3. Rear Setback:

- a. Interior lots: All dwellings or other main buildings shall be set back not less than thirty feet (30') from the rear lot line.
- b. Corner lots: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building.

B. Accessory Buildings: For accessory building requirements, see supplemental regulations, section 10-12-5 of this title. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

10-8B-7: UTILITIES:

All dwellings and other structures used for human occupancy shall be served by the city's culinary water and sanitary sewer system or other approved system in accordance with the provisions of section 10-12-21 of this title, and also electric, natural gas

CHAPTER 8 | RESIDENTIAL AND LIVESTOCK RAISING ZONES

TITLE 10 DEVELOPMENT CODE

and telephone utility systems. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

10-8B-8: DWELLINGS:

- A. Area Of Dwellings: Each dwelling shall conform to one of the following:
1. The rambler type dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
 2. The multi-story dwelling shall meet or exceed all of the following:
 - a. The dwelling shall have a total "building footprint area" of not less than one thousand four hundred (1,400) square feet, as measured from the outside of the foundation wall;
 - b. Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.
- B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

C. Off Street Parking:

1. Not less than 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 front or side setback area adjacent to a street.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

- D. Special Provisions: All dwellings shall conform to the special provisions relating to dwellings set forth under section 10-12-27 of this title. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. Ord. 08-15, 9-23-2008, eff. 9-24-2008)

10-8B-9: BUILDING SITE:

- A. Reverse Slope Driveways Prohibited; Exceptions: No driveway providing access to a garage or off street parking area within a lot shall have a downslope grade from the adjacent street to the garage or covered off street parking area except when approved by the planning commission. The planning commission may approve a downslope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the proposed diversion treatment will not impact adjacent properties.
- B. Buildable Area Required For Lots In All Residential Zones; Exceptions:
1. Each lot shall contain a "buildable area", as defined in section 10-2-2 of this title, of not less than four thousand (4,000) square feet. All dwellings shall be located within said buildable area.
 2. Notwithstanding the requirements of subsection B1 of this section, a building permit may be issued for any existing lot of

record which does not contain a "buildable area", as defined in section 10-2-2 of this title, upon an approval of a site plan by the planning commission and a finding that the proposed placement of the building conforms to all other requirements of the zone.

- C. Grading Plan Required: A final grading plan will be required for each lot prior to the issuance of a building permit for construction of a dwelling therein. (Ord. 98-5-26-6, 6-26-1998)

CHAPTER 9 | RESIDENTIAL AND ENVIRONMENTAL CONSERVATION ZONES

TITLE 10 DEVELOPMENT CODE

CHAPTER:

10-9: RESIDENTIAL AND ENVIRONMENTAL CONSERVATION ZONE

ARTICLE A. HR-1 HILLSIDE RESIDENTIAL 1 ZONE

ARTICLE B. CE-2 CRITICAL ENVIRONMENTAL ZONE

ARTICLE A. HR-1 HILLSIDE RESIDENTIAL 1 ZONE

SECTIONS:

10-9A-1: LEGISLATIVE INTENT:

10-9A-2: PRESERVATION OF NATURAL ENVIRONMENT:

10-9A-3: MITIGATION:

10-9A-4: PROPERTY RIGHTS:

10-9A-5: LOCATION AND DESIGN:

10-9A-6: NATURAL HAZARDS:

10-9A-7: PROTECTION AND CONSERVATION:

10-9A-8: MINIMIZE IMPACTS:

10-9A-9: PERMITTED AND CONDITIONAL USES:

10-9A-10: SUBDIVISION DESIGN AND ENVIRONMENTAL CONSTRAINTS:

10-9A-11: OPEN SPACE REQUIREMENTS:

10-9A-12: LOT DESIGN REQUIREMENTS:

10-9A-13: STREET DESIGN REQUIREMENTS:

10-9A-14: CONCEPT PLAN:

10-9A-15: PRELIMINARY PLAT AND REQUIRED PLANS:

10-9A-16: FINAL PLAT:

10-9A-17: GRADING OF INDIVIDUAL BUILDING LOT:

10-9A-18: DWELLING REQUIREMENTS:

10-9A-19: OFF STREET PARKING AND DRIVEWAYS:

10-9A-20: FENCING:

10-9A-1: LEGISLATIVE INTENT:

The intent and purpose of the HR-1 zone is to delineate environmentally sensitive areas within the city and to establish standards and guidelines for the uses and development activities occurring therein which recognize and appropriately balance the diverse interests arising from development. Because of the sensitive nature of the land in this zone, special conditions and requirements are attached to

developments and building within the zone to promote the implementation of the legislative intent and to mitigate potential adverse aspects of developing in the area. Removing natural vegetation, creating large cuts and fills, and extensive grading can lead to hazards and are detrimental to the natural hillside environment of the city. The intent of the HR-1 zone is to limit such activities. (Ord. 08-4, 2-26-2008)

10-9A-2: PRESERVATION OF NATURAL ENVIRONMENT:

This code supports the need for the preservation of the natural environment conditions through clustering of development on flatter land, dedication of open space, preserving ravines and drainages, minimal or no building on steep slopes and ridgelines, and preserving wildlife habitat corridors in their natural state. (Ord. 08-4, 2-26-2008)

10-9A-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. (Ord. 08-4, 2-26-2008)

10-9A-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. (Ord. 08-4, 2-26-2008)

10-9A-5: LOCATION AND DESIGN:

This code facilitates the location, design and construction of uses, development projects, and building sites within the zone, which provide safety consistent with the natural limitations and the need for protection of the environment. (Ord. 08-4, 2-26-2008)

10-9A-6: 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. (Ord. 08-4, 2-26-2008)

10-9A-7: PROTECTION AND CONSERVATION:

Development must protect and conserve the culinary water supply, sensitive vegetation, soil, wildlife habitat and other natural resources within the area. (Ord. 08-4, 2-26-2008)

10-9A-8: MINIMIZE IMPACTS:

Development must minimize impacts to the present terrain and natural conditions. 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. Roadways and building envelopes shall conform to the lay of the land as much as possible. (Ord. 08-4, 2-26-2008)

10-9A-9: PERMITTED AND CONDITIONAL USES:

Various activities are allowed within the HR-1 zone. Also some uses can be allowed with conditions. (Ord. 08-4, 2-26-2008)

The section below has been affected by a recently passed ordinance, 09-03 - ANIMAL REGULATIONS. Go to new ordinance.

10-9A-9-1 PERMITTED USES

Uses permitted within the HR-1 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 HR-1 zone. Permitted uses include:

- Common Household Pets
- Foster care homes.
- Home occupations.
- Livestock Animals
- Livestock grazing
- Orchards and field crops
- Minor utility transmission projects.
- Residential facilities for persons with a disability.
- Residential facilities for the elderly.
- Single-family residential dwellings on forty thousand (40,000) square foot lots or larger. (Ord. 08-4, 2-26-2008)

10-9A-9-2 CONDITIONAL USES

Conditional uses are those that can be allowed if approved by the planning commission. It should be

demonstrated that the proposed use is in concert with the general plan, zoning ordinances, adjacent land uses and adjacent conditional uses. The planning commission can require additional conditions be placed on these uses if such requirements help mitigate potential adverse effects that the use could cause. These uses can be denied if found that the negative effects outweigh the positive or if the health, safety, and welfare of the people is jeopardized. The following can be allowed as conditional uses:

- Accessory apartments.
- Agricultural buildings directly associated with agricultural development. (Ord. 08-4, 2-26-2008)
- Hobby Animals

**10-9A-10: 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 maintaining the safety of current and future residents, preserving the aesthetic appearance of the hillside terrain, and allowing wildlife to continue to reside in the area. The first stage in designing a development in the HR-1 zone shall be to determine what areas shall be left in a natural condition and how development shall minimize impacts to the hillside terrain. (Ord. 08-4, 2-26-2008)

10-9A-10-1: SENSITIVE AREA DETERMINATION:

In designing a development an applicant must first identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridgeline areas, ravines and drainages, fault lines, unstable soils, and wildlife habitat areas. Impacts of development to these areas should be minimized or be dedicated to open space. A sensitive areas plan shall be required prior to the preliminary plat mapping all environmental constraints and illustrating the proposed layout of the subdivision demonstrating that impacts to the sensitive environmental and aesthetic areas are avoided or minimized. (Ord. 08-4, 2-26-2008)

10-9A-10-2: 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 soils map as a low point that could carry water. The area thirty feet (30') from each side of the center of these features shall be designated as open space. All slopes twenty percent (20%) or greater and any incidental lesser slopes interspersed within these steeper slopes, rising from ravines and drainages, shall also be designated as open space. No building envelope shall be within these areas. 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, or civil engineer registered in the state of Utah. (Ord. 08-4, 2-26-2008)

10-9A-10-3: 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. Any ridge or ridgeline or portion of a ridge or ridgeline with slopes greater than twenty percent (20%) shall be designated as open space. 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. Required open space shall also extend uphill fifty feet (50') from the crest of the twenty percent (20%) slopes. City staff shall designate ridgeline areas citywide and show them on the sensitive lands map on file. No building envelope shall be within these areas. (Ord. 08-12, 7-22-2008, eff. 8-12-2008)

10-9A-10-4: FAULT LINES:

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. (Ord. 08-4, 2-26-2008)

10-9A-10-5: WILDLIFE CORRIDORS:

Development shall preserve features, such as ridgelines, drainages, ravines, and other areas

identified as a wildlife corridor. City staff shall designate wildlife corridors citywide and show them on the sensitive lands map on file. (Ord. 08-4, 2-26-2008)

10-9A-10-6: UNSTABLE SOILS:

No building envelope shall be located within one hundred feet (100') of an area identified to have unstable soils as disclosed within a geotechnical report, unless greater distances are required as established by a professional geologist or geotechnical engineer registered in the state of Utah. (Ord. 08-4, 2-26-2008)

10-9A-10-7: SLOPES TWENTY PERCENT OR GREATER:

All land having a slope of twenty percent (20%) or greater that is not a part of an approved building envelope shall remain in its natural state and shall not be graded, fenced, or otherwise disturbed. The planting of additional vegetation and/or the addition of sprinkler irrigation systems is allowed. 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 of this article and other requirements in this code or that by their construction other adverse conditions are mitigated. (Ord. 08-4, 2-26-2008)

10-9A-10-8: REMOVAL OF NATURAL VEGETATION FOR A DEVELOPMENT:

Natural vegetation including indigenous hardwood trees shall not be removed except for those portions of the site to be committed to the construction of roads, trails, firebreaks, utilities, and retention walls. All areas proposed for removal of vegetative materials shall be shown on the revegetation/retention plan. Revegetation of the types of trees removed may be required by the planning commission or from a professional landscaping firm for areas of cuts and fills and around retention walls. Areas requiring revegetation will be shown on the revegetation/retention plan. (Ord. 08-4, 2-26-2008)

10-9A-10-9: CUTS AND FILLS:

Since 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. Cuts, fills, and any grading to a lot should be completed at the time individual lot development occurs in the building process. Benching or terracing to provide additional or larger building sites is prohibited. (Ord. 08-4, 2-26-2008)

10-9A-11: OPEN SPACE REQUIREMENTS:

Open space and preserving the natural conditions are a fundamental aspect of the HR-1 zone. The following are requirements for all developments within the HR-1 zone. (Ord. 08-4, 2-26-2008)

10-9A-11-1: REQUIREMENT OF OPEN SPACE:

Open space areas shall be shown on the plat map marked as unbuildable. Open space areas must remain in their natural state unless revegetation or retention is needed to mitigate adverse conditions due to past uses or if the planning commission approves an allowed use. The commission must approve the locations of proposed open space and any uses within them. The commission can also require additional areas of open space to further implement the intent of the zone. Open space can be public or private, part of a homeowners' association, or part of a private lot. (Ord. 08-4, 2-26-2008)

10-9A-11-2: AREAS REQUIRED AS OPEN SPACE:

All slopes twenty percent (20%) or greater that are not a part of a building envelope are required to be preserved as open space. Ravines, drainages, ridgelines, unstable soils, and wildlife corridors shall also be preserved as open space. (Ord. 08-4, 2-26-2008)

10-9A-11-3: TYPES OF OPEN SPACE:

Open space areas include three (3) categories: land deeded to the city as open space; areas preserved as open space as part of a homeowners' association; areas preserved as open space on private lots. (Ord. 08-4, 2-26-2008)

10-9A-11-4: OPEN SPACE DEDICATION TO CITY:

Any open space to be deeded to the city must be recommended by the planning commission and approved by the city council. If approved, the title must be conveyed to the city and be designated for

open space purposes. Open space deeded to the city should be continuous to other open space areas, roads, trails, or adjacent properties that have the potential to become open space. These areas will be labeled on the preliminary and final plats as nonbuildable (except for areas approved for building allowed uses) and must be cordoned off during any grading and construction activities with nylon fencing or equivalent. The applicant and the city shall enter into a preservation agreement requiring the open space area to remain as such in perpetuity. Open space deeded to the city cannot be a part of a building lot or homeowners' association. (Ord. 08-4, 2-26-2008)

10-9A-11-5: OPEN SPACE ON PRIVATE LAND:

Designated open space areas on private property either on an individual lot or as part of a homeowners' association shall be required to have an open space preservation agreement with the city. The owner agrees to refrain from excavating, constructing roadways, or installing utilities not approved as part of a preliminary/final plat, or constructing any dwellings or other structures within the designated open space area. These areas will be labeled on the preliminary and final plats and must be cordoned off during any grading and construction activities with nylon fencing or equivalent. The applicant and the city shall enter into a preservation agreement requiring the open space area to remain as such in perpetuity. Open space cannot be a part of a building envelope. These areas will remain in private ownership. The owner can allow or limit access. (Ord. 08-4, 2-26-2008)

10-9A-11-6: ALLOWED USES WITHIN OPEN SPACE:

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. Cuts and fills for these activities shall be revegetated and shown on the revegetation plan. Developed parks with lawn and Xeriscape, play equipment, picnic areas, pavilions, or other park facilities can be interspersed within open space areas. Open space can be linear along road corridors to allow for trails, sidewalks, or entrance features. (Ord. 08-4, 2-26-2008)

10-9A-11-7: TRAILS:

Trails required along roadways shown on the city trail plan shall be ten feet (10') wide and paved as described within the trail development standard. Trails traversing and connecting open space areas are required in cluster developments. Trail access must be provided in all developments from cul-de-sacs connecting to open space areas or to adjoining current or future developments. Trails connecting roads through open space to adjoining developments shall be six feet (6') wide, paved, and be set back from adjoining lot property lines at least fifteen feet (15') on each side. The planning commission can waive the paved trail requirement for gravel in areas that a gravel trail would be appropriate to help preserve natural conditions. (Ord. 08-4, 2-26-2008)

10-9A-12: 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. (Ord. 08-4, 2-26-2008)

10-9A-12-1: LOT SIZE:

Forty thousand (40,000) square foot and larger lots are the allowed base density of the zone and can be platted on terrain of any slope as long as the following requirements are met. (Ord. 08-4, 2-26-2008)

10-9A-12-2: OPEN SPACE REQUIREMENT:

Open space areas are required in the HR-1 zone to preserve natural features that sustain hillside stability. For base density developments, open space areas shall conform to the requirements listed under sections 10-9A-10 through 10-9A-11-7 of this article. Open space can be a 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. (Ord. 08-4, 2-26-2008)

10-9A-12-3: 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 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. (Ord. 08-4, 2-26-2008)

10-9A-12-4: 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 and planning commission 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. (Ord. 08-4, 2-26-2008)

10-9A-12-5: LOT FRONTAGE:

Frontage along a city street shall be a minimum of one hundred fifty feet (150'). (Ord. 08-4, 2-26-2008)

10-9A-12-6: FRONT SETBACK:

All dwellings and other main buildings shall be set back not less than fifty feet (50') from the front lot line which abuts on any existing or proposed public street right of way. (Ord. 08-4, 2-26-2008)

10-9A-12-7: FRONT SETBACK EXCEPTION:

The planning commission can approve an adjustment to the front setback of not less than twenty feet (20') 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 zone at the corner of a road intersection is still required. (Ord. 08-4, 2-26-2008)

10-9A-12-8: SIDE SETBACK:

All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of thirty feet (30') or greater from any side property line. (Ord. 08-4, 2-26-2008)

10-9A-12-9: 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. (Ord. 08-4, 2-26-2008)

10-9A-12-10: LOT REQUIREMENT TABLE:

Lot size	40,000 sq ft or greater
Lot frontage	150 feet
Front setback	50 feet
Front exception	20 feet
Side setback	30 feet
Rear setback	30 feet
Building envelope	4,000 sq ft minimum
Envelope slope	50% under 20% slope

(Ord. 08-4, 2-26-2008)

10-9A-13: STREET DESIGN REQUIREMENTS:

The varying slopes within the HR-1 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 HR-1 zone. (Ord. 08-4, 2-26-2008)

10-9A-13-1: ACCESS:

Each lot shall front upon and have direct access to a designated city street. (Ord. 08-4, 2-26-2008)

10-9A-13-2: IMPROVEMENT REQUIRED:

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. (Ord. 08-4, 2-26-2008)

10-9A-13-3: ROAD GRADE:

No street shall have a grade of more than eight percent (8%), except that the planning commission may approve up to a ten percent (10%) grade for short straight stretches of roadway under three hundred feet (300') in length. The commission must conclude that the eight percent (8%) 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. The city engineer and fire chief shall provide recommendation regarding hazardous

conditions and any other concerns on the proposed steep grade sections. It must also be demonstrated that for dead end or temporary stubbed streets constructed on grades over eight percent (8%), 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. (Ord. 08-4, 2-26-2008)

10-9A-13-4: TRAVERSING TEN PERCENT SLOPES:

Roads proposed to cross slopes greater than ten percent (10%) are allowed if proof that such road will be built with the preservation and mitigation of environmental impacts to drainages, ravines, steep slopes of twenty percent (20%) or greater, ridgelines, fault lines, and wildlife corridors. The road design must follow the contour of the land to preserve the natural character of the land, and be screened with trees or vegetation. Cutting and filling is minimized and must be stabilized and revegetated to a natural state within the two (2) year durability time period. The planning commission and city engineer must approve a revegetation/retention plan. (Ord. 08-4, 2-26-2008)

10-9A-13-5: TRAVERSING THIRTY PERCENT SLOPES:

Roads that cross slopes greater than thirty percent (30%) must be approved by the planning commission and the city engineer; they must conclude that such roads will meet the regulations regarding cuts and fills and that such cuts and fills along with the placement of the road will not have adverse visual or safety impacts. Screening of cuts and fills with vegetation or other means can be required by the planning commission to minimize visual scarring. A segment of a road can cross short stretches of thirty percent (30%) or greater slopes for up to one hundred feet (100') in length. The planning commission can grant an exception to the one hundred foot (100') rule up to three hundred feet (300') if it is demonstrated that there are no other alternatives for the placement of the road. A road crossing these slopes must provide access to a larger developable area. No road can cross slopes greater than forty percent (40%). (Ord. 08-4, 2-26-2008)

10-9A-13-6: INTERSECTION GRADE:

The maximum grade of intersecting roads shall be a four percent (4%) grade extended a minimum of one

hundred feet (100') on each leg of the intersection. The planning commission can make an exception and allow a three percent (3%) grade extended a minimum of fifty feet (50') on each leg of the intersection if the developer demonstrates that the four percent (4%) base requirement cannot adhere to the cut and fill standards in section 10-9A-13-7 of this article. Grade shall be measured from the edge of the asphalt of the intersecting roadway to the nearest grade break/vertical curve. (Ord. 08-4, 2-26-2008)

10-9A-13-7: CUTS AND FILLS:

No road providing access to a lot shall be constructed in a location or in such a manner that results in the creation of a slope arch exceeding the critical angle of repose or a disturbed cross section which exceeds the cut and fill slope standards for streets in the city. 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. The maximum combined cut or fill allowed at any point of a road section shall be limited to thirty feet (30') with the maximum of twenty feet (20') in height on one side of the roadway. Retaining walls can only be fifteen feet (15') for a cut and fifteen feet (15') for a fill at any place in the road cross section. Any retaining wall associated with a road that extends outside of the standard road right of way area shall be dedicated to the city as part of the road system. (Ord. 08-4, 2-26-2008)

10-9A-13-8: STABILIZATION AND REVEGETATION:

All disturbed cut and fill slope areas shall be stabilized and revegetated. The submittal materials for the preliminary plat shall include a detailed revegetation/retention plan showing the intended revegetation and retention treatment for all cut and fill slope areas of roads and the performance guarantee amounts shall include their costs. (Ord. 08-4, 2-26-2008)

10-9A-13-9: CUL-DE-SACS:

The design of the road system shall provide for continuous circulation throughout the project. Cul-

de-sacs and temporary dead end roads stubbed for future development must have approval by the planning commission and are only allowed where unusual conditions exist which make other designs undesirable. Cul-de-sac streets shall be not longer than four hundred fifty feet (450') and shall be terminated by a turnaround or loop road of not less than one hundred twenty feet (120') in diameter. The planning commission can grant an exception for a cul-de-sac of up to one thousand feet (1,000') in length if the developer demonstrates that this design is less damaging to the natural terrain than a through street. Surface water must drain away from the turnaround unless the city catch basins and drainage easements are provided. No cul-de-sac shall have more than sixteen (16) building lots. All cul-de-sacs shall provide pedestrian connectivity to open space areas, public facilities, trails, or adjacent subdivisions. (Ord. 08-4, 2-26-2008)

10-9A-13-10: THROUGH ROADS:

The road system shall conform to the city master transportation plan. Driveway access to arterial and major collector roads should be limited. For traffic calming purposes, local streets should be short in length to promote livable neighborhoods. Major roads on the city master transportation plan shall not be longer than two thousand feet (2,000') in length without an intersecting street; local roads shall not be longer than one thousand feet (1,000'). If terrain features require a longer street, the planning commission can grant an exception to the distance requirement. Pedestrian connectivity to open space areas, public facilities, trails and adjacent cul-de-sacs must be provided. (Ord. 08-4, 2-26-2008)

10-9A-13-11: SECONDARY ACCESS:

Any development over sixteen (16) building lots must have a secondary public access street. (Ord. 08-4, 2-26-2008)

10-9A-14: 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. (Ord. 08-4, 2-26-2008)

10-9A-14-1: APPLICATION AND FEE:

The concept stage does not require an application or fee. There are recommended guidelines that can be followed to help give the planning commission enough detail to adequately review a concept proposal. (Ord. 08-4, 2-26-2008)

10-9A-14-2: VESTING:

Since a concept plan is not required, projects are not vested at concept. Any advice or direction given by staff or the planning commission shall not be construed as an approval. If needed, the concept stage is the appropriate time to adjust the development code if needed to create a better project. (Ord. 08-4, 2-26-2008)

10-9A-14-3: 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 10-9A-15-3 of this article for the requirements of a sensitive areas plan. (Ord. 08-4, 2-26-2008)

10-9A-14-4: STAFF REVIEW:

City staff as part of the technical review committee will review the concept plan and make comments that can guide the applicant to design a development that meets the HR-1 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to a public meeting and planning commission review. (Ord. 08-4, 2-26-2008)

10-9A-14-5: NEIGHBORHOOD MEETING:

A neighborhood meeting is recommended to be held with the neighboring property owners and others nearby that could be affected by the development. This meeting is informal and can occur during a planning commission work session. This is an opportunity to gauge public sentiment and garner ideas that might help form a better development. (Ord. 08-4, 2-26-2008)

10-9A-14-6: PLANNING COMMISSION REVIEW:

After staff reviews and any public meetings, the planning commission shall review in a work session the revised concept plan and give comments to the applicant that can help guide the development to

meet the intent of the HR-1 zone and its regulations. Additional reviews and a field trip to the site may occur. (Ord. 08-4, 2-26-2008)

**10-9A-15: 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. (Ord. 08-4, 2-26-2008)

10-9A-15-1: 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. (Ord. 08-4, 2-26-2008)

10-9A-15-2: VESTING:

Once an application is found complete and all fees paid, an applicant is vested with all applicable development codes and standards. (Ord. 08-4, 2-26-2008)

10-9A-15-3: SENSITIVE AREAS PLAN:

The sensitive areas plan shall use as a base an aerial map showing the nondisturbed conditions that exist prior to any grading or construction. The map shall outline the current vegetative conditions including clusters or groves of trees. It shall also illustrate natural features including ravines, drainages, steep slopes, ridgelines, fault lines, wildlife habitat corridors, unique soil features such as collapsible soil, rock features, etc. Proposed lots, building envelopes, roads, trails, and open space areas shall be overlaid on the map. The plan shall be submitted and approved by the planning commission prior to 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. 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 HR-1 zone. (Ord. 08-4, 2-26-2008)

CHAPTER 9 | RESIDENTIAL AND ENVIRONMENTAL CONSERVATION ZONES

TITLE 10 DEVELOPMENT CODE

10-9A-15-4: SLOPE ANALYSIS PLAN:

A slope analysis plan shall be submitted in conjunction with the sensitive areas plan and prior to the submittal of the preliminary plat. The slope analysis shall show contour lines at two foot (2') intervals. It will also identify by color slopes under fifteen percent (15%), fifteen percent (15%) to nineteen percent (19%), twenty percent (20%) to twenty nine percent (29%), thirty percent (30%) to thirty nine percent (39%) and forty percent (40%) and above. Proposed lots, building envelopes, roads, trails, and open space areas shall be shown on the map. The slope analysis shall aid the applicant, staff, and the planning commission in determining that the intent and regulations of the HR-1 zone are met. (Ord. 08-4, 2-26-2008)

10-9A-15-5: PRELIMINARY PLAT REQUIREMENTS:

The preliminary plat shall delineate the location of designated setback areas, the building envelope, areas of cuts and fills, retention, open space areas, and conform to the requirements set forth in chapter 15, article B of this title. A revegetation/retention plan, erosion control plan, and geotechnical report are required to be submitted and approved with the preliminary plat. (Ord. 08-4, 2-26-2008)

10-9A-15-6: REVEGETATION/RETENTION PLAN:

A revegetation/retention plan shall be submitted as part of the preliminary plat. The revegetation/retention plan shall show all areas that will be disturbed, retained and revegetated. These areas include roads, utility corridors, firebreaks, trails, or other proposed work that require cut and/or fills, any grading or retention. The plan shall show designated storage areas of debris, dirt, and topsoil. The plan shall detail where vegetation will be removed and replaced and the types of vegetation to be planted. Disturbed areas must be revegetated with indigenous plants before any bonds are returned by the city. Detail of how vegetation will be established shall be listed. Also shown are all cuts and fills and retention wall depths, slope, and height. A licensed civil engineer shall endorse the plan. The city engineer and planning commission must approve the plan. (Ord. 08-4, 2-26-2008)

10-9A-15-7: EROSION CONTROL PLAN:

An erosion control plan shall be submitted as a part of the preliminary plat. The erosion control plan shall detail how runoff will be controlled to avoid flooding problems on neighboring properties and how erosion will be controlled and how construction debris and silts will not be collected by the storm water system during construction. It will also detail how erosion will be managed in cut and/or fill areas. The city engineer and planning commission must approve the plan. (Ord. 08-4, 2-26-2008)

10-9A-15-8: PRELIMINARY GEOTECHNICAL REPORT:

A preliminary geotechnical report shall be completed and submitted as a part of the preliminary plat. The report shall consider and address all recommendations in any reports prepared by the Utah geological survey (UGS) in relation to the subject property. 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. 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. 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. 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. 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. (Ord. 08-4, 2-26-2008)

10-9A-15-9: STAFF REVIEW:

City staff as part of the technical review committee 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 HR-1 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. (Ord. 08-4, 2-26-2008)

10-9A-15-10: PUBLIC HEARING:

A public hearing shall be held with the neighboring property owners in accordance with section 10-14-5 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. (Ord. 08-4, 2-26-2008)

10-9A-15-11: 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. (Ord. 08-4, 2-26-2008)

10-9A-15-12: 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. (Ord. 08-4, 2-26-2008)

10-9A-15-13: 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. (Ord. 08-4, 2-26-2008)

10-9A-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. (Ord. 08-4, 2-26-2008)

10-9A-16-1: 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. (Ord. 08-4, 2-26-2008)

10-9A-16-2: FINAL PLAT REQUIREMENTS:

The final plat shall conform to the city development standards. (Ord. 08-4, 2-26-2008)

10-9A-16-3: 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; 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. 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. (Ord. 08-4, 2-26-2008)

10-9A-16-4: 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. (Ord. 08-4, 2-26-2008)

**10-9A-16-5: 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. (Ord. 08-4, 2-26-2008)

10-9A-16-6: 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. 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. (Ord. 08-4, 2-26-2008)

10-9A-16-7: GRADING PERMIT:

No grading, filling or excavation of any kind shall commence on land within the HR-1 zone without the developer first having obtained a grading permit. A revegetation/retention plan, endorsed by a licensed civil engineer, must be approved by the city engineer and planning commission prior to preliminary plat approval. 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. 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. (Ord. 08-4, 2-26-2008)

10-9A-17: 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. (Ord. 08-4, 2-26-2008)

**10-9A-17-1: BUILDING WITH THE NATURAL
TERRAIN:**

The intent of the HR-1 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. (Ord. 08-4, 2-26-2008)

10-9A-17-2: 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 shall illustrate all areas proposed for removal of vegetative materials and retention. Revegetation of indigenous hardwood trees and grasses is required for areas of cuts and fills, around retention walls, and areas where previous activities have disturbed natural conditions. 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. (Ord. 08-4, 2-26-2008)

10-9A-17-3: 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 cleared as described within the urban interface area requirements (section 9-3-9 of this code). Once these areas are cleared, seventy five percent (75%) of the remaining hardwood trees shall remain on the property. 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)

10-9A-17-4: 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. The maximum cumulative cut or fill allowed on a lot is fifteen feet (15'). (Ord. 08-4, 2-26-2008)

10-9A-17-5: GRADING PERMIT:

No grading, filling or excavation of any kind shall commence on land within the HR-1 zone without first having obtained a grading permit. A revegetation/retention plan, endorsed by a licensed civil engineer, must be approved by the city engineer and planning commission. A grading permit is required for each individual lot prior to a building permit being issued. 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. (Ord. 08-4, 2-26-2008)

10-9A-18: DWELLING REQUIREMENTS:

Each dwelling within any development in the HR-1 zone shall conform to the following requirements. (Ord. 08-4, 2-26-2008)

10-9A-18-1: 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. (Ord. 08-4, 2-26-2008)

10-9A-18-2: RAMBLER DWELLINGS:

The rambler type dwelling shall contain a main floor living area of one thousand two hundred (1,200) square feet or greater. (Ord. 08-4, 2-26-2008)

10-9A-18-3: MULTI-STORY DWELLINGS:

The multi-story dwelling shall have, as a minimum, a total building footprint area of one thousand four hundred (1,400) square feet, as measured from the outside of the foundation wall. A minimum of one thousand (1,000) square feet of the building footprint area shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded). The dwelling shall contain a minimum total living area of one thousand eight hundred (1,800) square feet located entirely above the finished grade of the ground surface. (Ord. 08-4, 2-26-2008)

10-9A-18-4: MINIMUM DIMENSION:

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

10-9A-18-5: HEIGHT OF BUILDING:

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. (Ord. 08-4, 2-26-2008)

10-9A-18-6: 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. (Ord. 08-4, 2-26-2008)

10-9A-19: OFF STREET PARKING AND DRIVEWAYS:

All dwellings within the HR-1 zone shall adhere to the following parking and driveway requirements. (Ord. 08-4, 2-26-2008)

10-9A-19-1: OFF STREET PARKING:

A minimum of two (2) off street parking spaces shall be required for each dwelling unit and additionally for each accessory dwelling. 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 front or side setback area adjacent to a street. (Ord. 08-4, 2-26-2008)

10-9A-19-2: 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. (Ord. 08-4, 2-26-2008)

10-9A-19-3: REVERSE SLOPE DRIVEWAYS:

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 except when approved by the planning commission. The planning commission may approve a down slope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the

proposed diversion treatment will not impact adjacent properties. (Ord. 08-4, 2-26-2008)

10-9A-19-4: DRIVEWAY GRADE:

Any driveway providing access to a building envelope shall have a slope of not more than twelve percent (12%) at any point. A driveway grade up to fifteen percent (15%) is allowed if heated.

Construction of a driveway shall not result in any cut or fill slopes greater than seven feet (7'). Any cut or fill between five feet (5') and seven feet (7') shall be subject to planning commission approval and shall be retained. (Ord. 08-4, 2-26-2008)

10-9A-20: FENCING:

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. (Ord. 08-4, 2-26-2008)

CHAPTER:

10-9: RESIDENTIAL AND ENVIRONMENTAL CONSERVATION ZONE

ARTICLE B. CE-2 CRITICAL ENVIRONMENTAL ZONE

SECTIONS:

10-9B-1: LEGISLATIVE INTENT:

10-9B-2 PERMITTED USES

10-9B-3: CONDITIONAL USES:

10-9B-4: AREA AND WIDTH:

10-9B-5: ACCESS:

10-9B-6: LOCATION:

10-9B-7: UTILITIES:

10-9B-8: DWELLINGS AND ACCESSORY BUILDINGS:

10-9B-9: SPECIAL PROVISIONS:

10-9B-10: STREETS AND ROADS:

10-9B-1: LEGISLATIVE INTENT:

- A. The CE-2 zone consists of the more mountainous areas of the city which, because of the presence of steep slopes, unique soil characteristics, wildfire hazards or similar natural conditions are considered environmentally sensitive.
- B. It is declared that the intent and purpose of the city council in establishing the CE-2 zone is to:
1. Delineate the environmentally sensitive areas of the city.
 2. Establish minimum standards and guidelines for the use of land within the zone and development activities occurring thereon which recognize and balance: a) the need to sustain and promote the preservation of the natural environmental conditions in the area; b) the need for mitigating potential unsafe and adverse conditions in the area and avoid the creation of hazards from flood, fire and other natural conditions; c) the rights of

property owners to the reasonable use and enjoyment of their land; and d) the need to otherwise preserve a healthy and safe living environment for the present and future occupants of the zone and adjacent territories. (Ord. 97-7-8-8, 7-8-1997)

- C. Characteristic of the uses in the zone are one-family dwellings on five (5) acre or larger lots in naturalistic settings, situated in those portions of the zone which are most suitable for development activity interspersed with large undisturbed open space areas. Development clustering in these areas is encouraged through the use of the planned mountain home development (MHD) standards listed in chapter 14, article B of this development code. (Ord. 06-9, 5-23-2006, eff. 6-14-2006)
- D. Each development area and each lot or building site within a development area are to be located only on lands having a demonstrated physical suitability for accommodating housing and other permitted development activity. All dwellings and other uses are to be constructed under conditions which will safely and adequately accommodate the needs of both part time and permanent occupants of the area. (Ord. 97-7-8-8, 7-8-1997)

10-9B-2 PERMITTED USES

The following buildings, structures and uses of land shall be permitted upon compliance with the conditions set forth in this title: (Ord. 02-4-9-5, 4-9-2002, eff. 4-25-2002)

- Common Household Pets
- Home occupations subject to the provisions of section 10-12-17 of this title.
- Livestock Animals
- Livestock grazing.
- Orchards and field crops.
- Residential facilities for persons with a disability pursuant to Utah Code Annotated section 10-9a-520.

CHAPTER 9 | RESIDENTIAL AND ENVIRONMENTAL CONSERVATION ZONES

TITLE 10 DEVELOPMENT CODE

- Residential facilities for the elderly pursuant to Utah Code Annotated section 10-9a-517.
- Single-family residential dwellings.
- Utility transmission projects, minor. (Ord. 04-7, 8-17-2004, eff. 9-17-2004)

10-9B-3: CONDITIONAL USES:

The following buildings, structures and uses of land may be permitted conditional uses upon compliance with the provisions of this title and after approval shall have been given from the designated review agency: (Ord. 02-4-9-5, 4-9-2002, eff. 4-25-2002)

- Accessory apartments (see 10-12-29 for requirements)
- Hobby Animals
- Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan in accordance with the provisions of section 10-12-19 of this title.
- Wells, water storage tanks and similar facilities and structures when owned and operated by a public agency. (Ord. 04-7, 8-17-2004, eff. 9-17-2004; amd. Ord. 08-9, 7-8-2008)

10-9B-4: AREA AND WIDTH:

The minimum area and width requirements for a zoning lot, except when located within a planned mountain home development, shall be as follows:

Use	Minimum Area	Minimum Width ¹ (Feet)
One-family dwellings	5 acres	200
Churches	2.5 acres	200
Schools	5 acres	200

(Ord. 97-7-8-8, 7-8-1997)

10-9B-5: ACCESS:

Each lot shall abut upon and have direct access to a city maintained street which is shown on the official street map or which has been formally accepted by action of the city council. The distance of said abutting side shall be not less than the minimum lot width requirement of the zone, except that the

length of said abutting side may be reduced to not less than eighty feet (80') when the lot fronts upon a cul-de-sac or sharp curve in a designated city street and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at points one hundred sixty feet (160') from the front lot line, will meet or exceed the minimum width requirements of the zone. (Ord. 08-9, 7-8-2008)

10-9B-6: LOCATION:

All buildings shall be set back in accordance with the following setback requirements, except that where the building is to be located upon a lot in an approved planned mountain home development showing a building setback envelope on the final plat, the building shall be located in accordance with the plat:

- A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:
 1. Front Setback: All dwellings and other structures shall be set back not less than fifty feet (50') from the front lot line; provided, that on lots qualifying as a cul-de-sac lot under the provisions of section 10-9B-5 of this article, the required front setback shall be the distance from the front lot line at which the minimum width requirements are met, but not less than fifty feet (50'). (Ord. 08-9, 7-8-2008)
 2. Side And Rear Setback: All dwellings and other structures shall be set back not less than fifty feet (50') from the side or rear lot line.
- B. Accessory Buildings: Accessory buildings shall be set back not less than fifty feet (50') from any lot line which abuts upon a street and not less than ten feet (10') from any interior lot line. (Ord. 97-7-8-8, 7-8-1997)

10-9B-7: UTILITIES:

All dwellings and other structures used for human occupancy shall be served by the city's culinary

water and sanitary sewer system or other approved system in accordance with the provisions of section 10-12-21 of this title, and also electric, natural gas and telephone utilities. (Ord. 97-7-8-8, 7-8-1997)

10-9B-8: DWELLINGS AND ACCESSORY BUILDINGS:

A. Area Of Dwellings: Except when located in an approved planned mountain home development, each dwelling shall conform to one of the following:

1. The rambler type dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
2. The multi-story dwelling shall meet or exceed all of the following:
 - a. The dwelling shall have a total "building footprint area" of not less than one thousand four hundred (1,400) square feet as measured from the outside of the foundation wall;
 - b. Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.

B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this

requirement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

C. Off Street Parking:

1. Not less than 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 front or side setback area adjacent to a street.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. Ord. 08-15, 9-23-2008, eff. 9-24-2008)

10-9B-9: SPECIAL PROVISIONS:

- A. Buildable Area: Each lot shall contain at least one area of not less than four thousand (4,000) square feet which qualifies as a "buildable area", as defined in section 10-2-2 of this title. Said buildable area shall be readily accessible from a public street over a private driveway having a slope not greater than seven feet (7'). Any cut or fill slope greater than five feet (5') shall be subject to approval by both the planning commission and city council. (Ord. 98-5-26-6, 6-26-1998)
- B. Mountain Home Development; Buildable Area Designated: Where the lot is situated within an approved planned mountain home development, for which the buildable area has been previously designated on the plat, said designated area shall be construed as the buildable area.
- C. Site Plan Requirements: The site plan required pursuant to section 10-9B-3 of this article shall delineate the location of the territory qualifying as buildable area or the designated buildable area as shown on the final plat of the planned mountain home development, where applicable (see section 10-14B-7 of this title), and also the alignment of the proposed

driveway access. All dwellings and other habitable structures and accessory buildings shall be located within the buildable area. For purposes of determining compliance herewith, no territory having a natural slope of thirty percent (30%) or greater which has been graded or altered shall be considered as part of the buildable area.

D. Review By Planning Commission: The planning commission shall review the site plan, the recommendations of the city engineer and any technical reports submitted in connection with a request for adjustment of the standards or criteria of this development code, and shall approve the application only upon a finding that:

1. All the plan submissions necessary for an adequate review and decision shall have been submitted and in a form suitable for evaluation by the city.
2. The plan conforms, in all respects, to applicable city requirements, standards and criteria; provided, however, in the course of performing the site plan review the planning commission may approve minor adjustments to the specific standards (i.e., inclusion of incidental areas of steep slope as part of the buildable area, closer setbacks), upon a finding that the requested adjustment is incidental, the supporting data provides adequate justification for the adjustment and that granting the adjustment will not be inimical to the intent of the standard or the purpose of the zone.
3. The location and arrangement of the buildings, roadways, open areas and other elements of the development duly recognize and accommodate the natural conditions present and construction of such elements will not result in the creation of an adverse or unsafe condition.
4. The development will accomplish and preserve the intent of the zone.

The city may require changes in the plan in order to more fully accomplish the intent of the zone. Such changes may include, but are not limited to, adjustments in the boundaries of the buildable area and changes in the location of roadways, structures, drain fields and similar elements. (Ord. 97-7-8-8, 7-8-1997)

E. Grading Permit: No grading, filling or excavation of any kind shall be commenced on land within the zone without first having obtained a grading permit from the city and signed by the city engineer, who shall not issue such permit until a grading plan, endorsed by a licensed civil engineer, shall have been approved by the planning commission. All land surface having a slope of twenty percent (20%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required firebreaks or access easements, or when such disturbance is specifically provided for under an approved site plan. A grading permit shall not be issued and shall not become active until the proposed development has reached final approval status, all fees have been paid, and the bonding has been posted, guaranteeing the construction of all uncompleted required improvements. (Ord. 07-5, 4-10-2007)

F. Removal Of Natural Vegetative Material: Natural vegetative material shall not be removed except for those portions of the site to be committed to the dwelling and attendant yard area, required roadways, driveways and for firebreaks. All areas proposed for removal of vegetative materials shall be shown on the site plan, and shall conform to the requirements of the city's urban/wildlife interface ordinance (title 9, chapter 3 of this code).

G. Dwellings Conform: All dwellings shall conform to the special provisions relating to

dwellings set forth under section 10-12-27 of this title. (Ord. 97-7-8-8, 7-8-1997)

10-9B-10: STREETS AND ROADS:

- A. Access: Each lot shall front upon and have direct access to a designated city street.
- B. Improvement Required: 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.
- C. Grade: No major collector/arterial street shall have a grade of more than eight percent (8%) and no local street shall have a grade of more than ten percent (10%), except that the city council may approve up to an additional two percent (2%) grade for short stretches of roadway where, in its opinion, the eight percent (8%)/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. The city engineer shall provide recommendation regarding hazardous conditions and any other concerns on the proposed steep grade sections.
 - 1. Roads that cross slopes greater than thirty percent (30%) must be reviewed by the planning commission and the city engineer; they must conclude that such streets or roads will not have significant adverse visual, environmental, or safety impacts.
 - 2. Streets and roads proposed to cross slopes greater than ten percent (10%) are allowed, subject to the following:
 - a. Proof that such street and/or road will be built with minimum environmental damage (see subsection F of this

section) and within acceptable public safety parameters.

- b. Such street and road design follows contour lines to preserve the natural character of the land, and are screened with trees or vegetation.
 - 3. Cutting and filling is minimized and must be stabilized and revegetated to a natural state within the first year of the two (2) year durability time period. A stabilization and revegetation plan must be approved by the planning commission and city engineer.
- D. Intersection Grade: The maximum grade of intersecting roads shall be either four percent (4%) and extended a minimum of one hundred feet (100') on each leg of the intersection, or three percent (3%) and extended a minimum of fifty feet (50') on each leg of the intersection. Grade shall be measured from the edge of the asphalt of the intersecting roadway to the nearest grade break/vertical curve.
- E. Slope: No street providing access to a lot shall be constructed in a location or in such a manner which results in the creation of a slope arch exceeding the critical angle of repose or a disturbed cross section which exceeds the cut and fill slope standards for streets in the city. Any driveway providing access to a buildable area shall have a slope of not more than twelve percent (12%) and shall not result in any cut or fill slopes greater than seven feet (7'). Any cut or fill between five feet (5') and seven feet (7') shall be subject to planning commission approval.
- F. Stabilization And Revegetation: All disturbed cut and fill slope areas shall be stabilized and revegetated. The submittal materials for any plat plan shall include a detailed revegetation plan showing the intended revegetation treatment for all cut and fill slope areas of streets and the performance guarantees

amounts shall include the cost of
revegetation. (Ord. 07-3, 2-27-2007)

CHAPTER 10 | COMMERCIAL AND INDUSTRIAL ZONES

TITLE 10 DEVELOPMENT CODE

10-10: COMMERCIAL AND INDUSTRIAL ZONES

ARTICLE A. C-1 RETAIL COMMERCIAL ZONE

SECTIONS:

10-10A-1: LEGISLATIVE INTENT:

10-10A-2: PERMITTED AND CONDITIONAL USES:

10-10A-3: TEMPORARY BUILDINGS FOR HOUSING GUARDS, WATCHMEN:

10-10A-4: AREA, WIDTH, LOCATION AND HEIGHT:

10-10A-5: ACCESS:

10-10A-6: SPECIAL PROVISIONS:

10-10A-7: COMPLIANCE WITH STATE AND FEDERAL REGULATIONS:

10-10A-8: APPROVAL BY ENGINEER AND FIRE CHIEF REQUIRED:

10-10A-9: SITE PLAN REQUIRED:

10-10A-1: LEGISLATIVE INTENT:

A. The C-1 retail commercial zone has been established for the primary purpose of providing a place where retail and service facilities can be established, where residents in the surrounding area can conveniently obtain daily household necessities and where the traveling public may also obtain goods and services. The commercial zone will also allow for the development of fully integrated, mixed use pedestrian oriented commercial development.

B. In order to accomplish the objectives and purposes of this development code and to stabilize and protect essential characteristics of this zone, the following regulations shall apply in the C-1 retail commercial zone. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-2: PERMITTED AND CONDITIONAL USES:

The following buildings, structures and uses of land shall be permitted or conditional uses in the C-1 commercial zone upon compliance with requirements as set forth in this title. P = permitted

use, C = conditional use. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002; amd. 2003 Code)

P=Permitted Use | C=Conditional Use

Automobile parts sales, new or rebuilt, inside storage and sales only	P	Office, business and professional	P
Bank or financial institution	P	Park and playground	C
Beauty culture school	P	Pharmacy	P
Boarding house or lodging house	C	Public utilities substation	C
Boat sales and service	C	Post office	P
Building materials, sales or yard	C	Private education institutions	C
Car wash	C	Physician or surgeon	P
Church	C	Radio, television or FM broadcasting station	C
Civic theaters and halls (public only)	C	Reception center or wedding chapel	C
Clinics and medical facilities	P	Recording and sound studios	C
Dance hall	C	Recreation center or facilities	C
Eating establishments	P	Residential, second story only	P
Education facilities	P	Retail sales and services	P
Golf courses (public or private)	C	Seasonal businesses	P
Government buildings or uses, noncorrectional	C	Service station, automobile, with or without rotating brush car wash as accessory use	C
Health club	C	Shooting range, indoor only	C
Hospitals	C	Supermarket	C
Hotel	C	Taxidermist	C
Kennels	C	Theater, outdoor or indoor	C
Laboratory, dental and medical	C	Trade or industrial school	P

CHAPTER 10 | COMMERCIAL AND INDUSTRIAL ZONES

TITLE 10 DEVELOPMENT CODE

Library	P	University, college, junior college, professional school education	P
Light manufacturing	C	Utility transmission projects, minor	P
Lodge or social hall	C	Wells, water storage tanks and similar facilities and structures	C
Museums	C		

(Ord. 04-7, 8-17-2004, eff. 9-17-2004)

10-10A-3: TEMPORARY BUILDINGS FOR HOUSING GUARDS, WATCHMEN:

Temporary buildings, and other mobile units, incidental to construction, including living quarters for a guard or night watchman, are permitted, but must be removed upon completion or abandonment of construction work. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-4: AREA, WIDTH, LOCATION AND HEIGHT:

There shall be no area, width, location, height and size requirements, except that all buildings shall be set back from public streets a distance of not less than fifteen feet (15') nor more than thirty feet (30') from the right of way line of any public street. Within the required setback area from the street, there shall be only paved walks, driveways, lawns and landscaping. No parking shall be allowed in this required setback. Maximum height of all buildings shall be thirty five feet (35') as measured from the median grade level located along the building to the highest point on the building. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-5: ACCESS:

Each lot occupied by a commercial structure shall abut upon and have direct access to a city street. No access driveway shall be located closer than forty feet (40') from the closest point of intersection of any two (2) city rights of way boundaries. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-6: SPECIAL PROVISIONS:

A. Parking: All off street parking shall be hard surfaced, of which ninety five percent (95%) of all parking shall be located to the rear of the building. Adjacent parking lots shall have vehicular connections by an alley or internally. For off street parking requirements, see section 10-12-15 of this title.

B. Second Level Residential: Residential uses are encouraged on the second level of all commercial structures. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-7: COMPLIANCE WITH STATE AND FEDERAL REGULATIONS:

All proposals for approval shall comply with applicable state and federal imposed requirements, and all applications for tanks for storage of flammable liquids shall include written evidence of such compliance. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-8: APPROVAL BY ENGINEER AND FIRE CHIEF REQUIRED:

Any proposal which includes storage or sale of flammable liquids shall be reviewed and approved by the city engineer and fire chief. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

10-10A-9: SITE PLAN REQUIRED:

Any proposed development within the zone shall be required to submit a site plan and building and architectural plans to the planning commission for approval. A site plan shall be prepared in accordance with the provisions of section 10-12-19 of this title. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002)

CHAPTER:

10-11: OTHER ZONES

ARTICLE A. PF PUBLIC FACILITIES ZONE

**ARTICLE B. TRANSFERABLE DEVELOPMENT RIGHTS
OVERLAY ZONE**

ARTICLE C. HILLSIDE CLUSTER OVERLAY ZONE

ARTICLE D. SENIOR HOUSING OVERLAY ZONE

**ARTICLE E. PLANNED UNIT DEVELOPMENT
OVERLAY ZONE**

**ARTICLE F. MOUNTAIN HOME DEVELOPMENT
OVERLAY ZONE**

ARTICLE A. PF PUBLIC FACILITIES ZONE

SECTIONS:

10-11A-1: LEGISLATIVE INTENT:

10-11A-2: PERMITTED USES:

10-11A-3: AREA, YARD, AND HEIGHT REGULATIONS:

10-11A-4: LIGHTING:

10-11A-5: APPROVAL PROCEDURE:

10-11A-6: SITE PLAN REQUIRED:

10-11A-1: LEGISLATIVE INTENT:

- A. The PF public facilities zone is established to provide areas for the location and establishment of facilities owned and maintained by public and quasi-public entities and which utilize relatively large areas of land.
- B. It is the intent of this zone district to provide for effective regulation of the placement and construction of major public systems and facilities within the city in order to ensure that said facilities will be consistent with the purposes of the general plan and be located, constructed and maintained in a manner that will further the interests of the city and its residents and facilitate the implementation of Utah Code Annotated sections 10-9-106 and 10-9-305, as amended. (Ord. 08-7, 4-8-2008)

10-11A-2: PERMITTED USES:

Buildings shall be designed, erected, altered, moved or maintained in a public facilities district only for land uses set forth as follows:

- Accessory buildings and uses: Public parking area, storage garage, and maintenance and heating facility.
- Civic: Churches, libraries, places for public assembly, memorials, monuments, cemeteries.
- Educational: Primary and secondary public, private or parochial schools.
- Governmental: Municipal uses for administrative functions and uses by the general public.
- Public utility facilities: Public sewage treatment, water treatment, water wells, reservoirs and storage tanks, electric substations and similar uses.
- Recreational: Parks, recreation fields and playgrounds, pools and public gardens, public restrooms, open space and golf courses. (Ord. 08-7, 4-8-2008)

10-11A-3: AREA, YARD, AND HEIGHT REGULATIONS:

The area or parcel of land for a permitted public facility shall be not less than required to provide a site adequate for the main and accessory buildings, off street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood, provided, however, churches shall have a minimum area of three (3) acres. The area or parcel of land for a permitted public facility shall be approved by the planning commission.

A. Yard Regulations:

1. The front yard setback shall be not less than the required front yard setback for any adjacent district.
2. The side and rear yards for each public facility building shall be not less than the criteria set forth in the following schedule when adjacent to any residential district:

Use	Side and Rear Yard (feet)
Civic Nonassembly buildings	50
Assembly buildings	75
Educational Public, private and parochial schools	75
Recreational Buildings	75

3. Driveways and parking areas serving the public facility may be located within the side or rear yard set forth in the above schedule, but driveways shall be located not less than ten feet (10') and parking areas not less than the side yard setback of the adjacent district, and play areas shall not be located closer than fifty feet (50') from any adjacent boundary line of a residential district.

- B. Height Regulations: Chimneys, spires, cupolas, towers, flagpoles, water tanks, monuments and other mechanical appurtenances located upon or constituted as an integral part of the main building, shall not exceed a height of fifty feet (50') above finished grade except for church spires which may rise to seventy feet (70') above finished grade. (Ord. 08-7, 4-8-2008)

10-11A-4: LIGHTING:

Floodlighting or other lighting of play fields, buildings, bulletin boards and parking areas shall be located and designed so as to shield the light source from adjoining residences; and except for general lighting, shall be extinguished between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. unless a longer lighting period is approved by the planning commission. (Ord. 08-7, 4-8-2008)

10-11A-5: APPROVAL PROCEDURE:

Approval for the placement of the zone district and for the location and layout of uses within this zone shall be obtained from the city council, following recommendations of the planning commission in the manner required for an amendment of the zoning ordinance. Final approval by the city council shall be by adoption and publication of an ordinance amending the official zone map to show and identify

the area included with the development, together with a copy of the site plan, required pursuant to section 10-11A-6 of this article, showing the improvements to be constructed thereon and any conditions attached to said approval. Upon adoption and publication of the ordinance, the specific requirements of the zone shall be as set forth upon the plan and conditions of approval. Any subsequent modification of said plans or conditions of approval shall require submittal and approval of an amended plan in the same manner as required for the original approval. (Ord. 08-7, 4-8-2008)

10-11A-6: SITE PLAN REQUIRED:

To facilitate evaluation of the potential impact from the zoning of the property and the placement of proposed uses thereon, a site plan showing the area proposed to be included in the zone district, the proposed placement of major buildings and facilities to be located on the site and provisions intended to minimize adverse impacts resulting from the construction or operation of said use shall be provided to the planning commission and city council as part of the submittal materials. (Ord. 08-7, 4-8-2008)

CHAPTER:
10-11: OTHER ZONES

**ARTICLE B. TRANSFERABLE DEVELOPMENT RIGHTS
OVERLAY ZONE**

SECTIONS:

10-11B-1: LEGISLATIVE INTENT; PURPOSE:

**10-11B-2: TRANSFERABLE DEVELOPMENT RIGHTS;
CREATION; SENDING SITES:**

**10-11B-3: TRANSFERABLE DEVELOPMENT RIGHTS;
RECEIVING SITES:**

10-11B-4: DEVELOPMENT APPROVAL PROCEDURE:

10-11B-5: EASEMENT REQUIRED:

**10-11B-6: COORDINATION WITH OTHER
PROVISIONS AND PROCESSES:**

10-11B-1: LEGISLATIVE INTENT; PURPOSE:

The objective in establishing the transferable development rights overlay zone is to provide locations in the city where the right to develop property may be transferred from one property to another. Each property shall be designated as a sending site (TDR-S) or a receiving site (TDR-R) as set forth herein. The purposes of the TDR overlay zone are to:

- A. Allow development to occur on undeveloped property without impacting the capacity of the city's current infrastructure;
- B. Discourage development in areas deemed hazardous;
- C. Encourage new connections to the city's culinary water and sanitary sewer systems to provide for fees to reduce the city's bonds;
- D. Provide a method whereby development rights may be transferred from sending sites to receiving sites in order to accomplish the purposes set forth in subsections A through C of this section. (Ord. 00-9-12-12, 9-12-2000, eff. 10-9-2000)

**10-11B-2: TRANSFERABLE DEVELOPMENT RIGHTS;
CREATION; SENDING SITES:**

- A. Creation: Development rights shall be created and transferred only by means of documents, including an easement, which meet the requirements of this article.
- B. Eligibility: In order to be eligible to transfer one or more development rights from a parcel of property, such property shall be located in a sending area. The property must be in a recorded subdivision within the current corporate boundaries of the city. The owner of such property shall apply for and receive approval to have the property placed in the TDR overlay zone, pursuant to rezoning procedures set forth in this title.

1. Upon rezoning approval:

- a. The property shall be shown on the official zoning map as a sending site by designating it as a TDR-S overlay zone;
- b. A certificate shall be issued to the property owner by the city recorder, pursuant to subsection B2 of this section, indicating the total number of development rights which may be transferred from the property; and
- c. The property owner shall be eligible, after complying with subsection B2 of this section, to transfer development rights from the property in accordance with the requirements of this article.

2. No transfer of development right certificate shall be issued, and no development right shall be transferred, unless and until an easement is recorded among the land records of Utah County, as required by section 10-11B-5 of this article on the property from which such right originates.

- C. Expiration: If a TDR-S has not been used or renewed, it shall expire five (5) years from the date of approval. (Ord. 00-9-12-12, 9-12-2000, eff. 10-9-2000)

10-11B-3: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:

- A. Conditions: In order to transfer one or more development rights to a parcel of property, such parcel shall be located within a receiving area. The property must be within the current corporate boundaries of the city. The owner of such parcel shall apply for and receive approval to have the property placed in the TDR overlay zone pursuant to rezoning procedures set forth in this title. Upon rezoning approval:

1. The property shall be shown on the official zoning map as a receiving site by denominating it as a TDR-R overlay zone;
2. The property owner shall be eligible to transfer development rights to the property in accordance with the requirements of this article;
3. A certificate shall be issued to the property owner by the city recorder indicating the total number of development rights which may be transferred to the property.

- B. Expiration: If a dwelling has not been constructed on a TDR-R site or the TDR-R has not been renewed, it shall expire two (2) years from the date of approval.

- C. No Density Increase: A TDR-R may not be used to increase the density of a parcel of property beyond what would normally be allowed under the current provisions of this code. (Ord. 00-9-12-12, 9-12-2000, eff. 10-9-2000)

10-11B-4: DEVELOPMENT APPROVAL PROCEDURE:

- A. Preliminary Subdivision Plan: A request to utilize development rights on a receiving site shall be in the form of a preliminary

subdivision plan submitted in accordance with regulations contained in chapter 15 of this title. When the request is made:

1. The TDR-S certificate shall be submitted to the city to hold until the transfer request is either completed or withdrawn.
2. A temporary notice of interest shall be recorded on the sending parcel stating the right to develop the parcel is in the process of being transferred.

- B. Approval By City Council: The city council, after receiving a recommendation from the planning commission, shall approve a request to utilize development rights on a receiving site if the request:

1. Does not exceed the density limitations permitted in this title for the underlying zone;
2. Is in accordance with the provisions of this article;
3. Is in accordance with the subdivision regulations contained in chapter 15 of this title;
4. Is consistent with other recommendations of the general plan; and
5. Achieves a desirable development compatible with both site conditions and surrounding existing and proposed future development.

- C. Final Plan: A final plan for a subdivision or a site plan which uses transferred development rights shall contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the easement required by section 10-11B-5 of this article.

- D. Approval: After the request to transfer a right has been approved by the city council:

1. The city council shall cancel the TDR-S certificate.
2. The city council shall determine if all previously paid impact and hookup fees associated with the sending parcel are transferred to the receiving parcel.
3. The property owner of the receiving parcel shall pay all applicable fees associated with the development. (Ord. 00-9-12-12, 9-12-2000, eff. 10-9-2000)

10-11B-5: EASEMENT REQUIRED:

- A. Area Of Easement: An easement shall be established on each sending site from which development rights are transferred.
1. In situations where all development rights attached to a sending site are transferred, the easement shall cover the entire sending site.
 2. If only a portion of the development rights attached to a sending site are transferred, the area of the easement shall be the same as the total area of all the lots which could otherwise be established on the site but for the transfer of development rights.
- B. Recordable Form; Terms: The easement required by this article shall be in a recordable form approved by the city attorney and shall meet the requirements of Utah Code Annotated section 57-18-1 et seq. The easement shall also include the following terms:
1. The holder of the easement shall be the city;
 2. The easement shall require that the property be maintained and kept free of weeds and debris;
 3. The easement shall include a reference to the extinguishment of the development

rights transferred from the sending site. If additional rights are transferred after the recordation of an easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter;

4. The easement shall include a reference to any impact or hookup fees which were transferred with the development right;
5. All parties who have a declared interest in the property, recorded on the books of the Utah County recorder, must consent to the granting of the easement. (Ord. 00-9-12-12, 9-12-2000, eff. 10-9-2000)

10-11B-6: COORDINATION WITH OTHER PROVISIONS AND PROCESSES:

- A. Review Necessary: If subdivision review and approval is necessary, review of an application under this article shall be carried out simultaneously, and under the same application, referral, notice and public hearing procedural requirements as is provided for site plan review as set forth in this title.
- B. Conditional Use Permit: In cases where a conditional use permit is required for a proposed use, review of an application under this article shall be carried out simultaneously with the conditional use permit review as set forth in this title. (Ord. 00-9-12-12, 9-12-2000, eff. 10-9-2000)

CHAPTER:**10-11: OTHER ZONES****ARTICLE C. HILLSIDE CLUSTER OVERLAY ZONE****SECTIONS:****10-11C-1: LEGISLATIVE INTENT:****10-11C-2: ZONE REQUIREMENTS:****10-11C-3: HILLSIDE RESIDENTIAL 1 ZONE
REQUIREMENTS:****10-11C-4: OVERLAY ZONE APPROVAL:****10-11C-5: MINIMUM DEVELOPMENT SIZE:****10-11C-6: OVERALL DENSITY:****10-11C-7: SUBDIVISION DESIGN REQUIREMENTS:****10-11C-8: BONUS DENSITY FOR AMENITIES:****10-11C-1: LEGISLATIVE INTENT:**

Clustering of lots on the flatter terrain and preserving open space is a priority of the general plan. A hillside cluster overlay development can allow for more density by allowing smaller lots on the flatter terrain in return for more open space and amenities that preserve unique and steep terrains and add usable open space amenities to the city. (Ord. 08-5, 2-26-2008)

10-11C-2: ZONE REQUIREMENTS:

Developments in utilizing the overlay zone are required to adhere to the underlying zone requirements, gain council approval, and be larger in scale. (Ord. 08-5, 2-26-2008)

**10-11C-3: HILLSIDE RESIDENTIAL 1 ZONE
REQUIREMENTS:**

All developments utilizing the hillside cluster overlay zone must also adhere to the requirements of the hillside residential 1 (HR-1) zone as well as other codes applicable citywide. Exceptions include the requirements listed in the hillside cluster overlay zone. These include lot size, lot slopes, and building envelope setbacks. (Ord. 08-5, 2-26-2008)

10-11C-4: OVERLAY ZONE APPROVAL:

Use of the hillside cluster overlay zone must be approved by the city council. If an applicant is denied the use of the overlay zone, the development will

revert back to the underlying HR-1 zone requirements. It shall be the city council's sole discretion to decide if a project should be allowed to use the hillside cluster overlay within the intent of the ordinance as noted above. (Ord. 08-5, 2-26-2008)

10-11C-5: MINIMUM DEVELOPMENT SIZE:

A cluster development must include twenty (20) or more acres. The development may include multiple phases to achieve the twenty (20) acres required. (Ord. 08-5, 2-26-2008)

10-11C-6: OVERALL DENSITY:

The density for a development shall conform to the base density of the HR-1 zone of forty thousand (40,000) square foot lots. (Ord. 08-5, 2-26-2008)

10-11C-7: SUBDIVISION DESIGN REQUIREMENTS:

When developing a cluster development the following should be considered. (Ord. 08-5, 2-26-2008)

10-11C-7-1: LOT SIZE:

The minimum lot size shall be one-half (1/2) acre. One acre lots and larger are not allowed within a cluster development. Larger size lots must be a part of a separate plat outside of the cluster development and follow the requirements of HR-1 zone forty thousand (40,000) square foot lot developments. (Ord. 08-5, 2-26-2008)

10-11C-7-2: CLUSTERING:

The purpose of clustering is to allow smaller lots on flatter terrain surrounded or interspersed by open space. The planning commission can deny a cluster development if it is not demonstrated that the intent of the overlay zone is being met. (Ord. 08-5, 2-26-2008)

10-11C-7-3: LOT SLOPES:

All lots within a cluster development must be platted on land with the current natural slopes under twenty percent (20%). A clustered lot can include up to ten percent (10%) of the total area incidental slopes of twenty percent (20%) or greater. The planning commission must approve their inclusion. Their finding should be that including these slopes would be more consistent with the intent of this article

rather than requiring them as open space. (Ord. 08-5, 2-26-2008)

10-11C-7-4: BUILDING ENVELOPE:

The building envelope location within a lot should conform to the natural terrain and remain within the flattest areas of the lot. 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 still must be met. (Ord. 08-5, 2-26-2008)

10-11C-7-5: LOT FRONTAGE:

Frontage along a city street shall be a minimum of one hundred ten feet (110'). (Ord. 08-5, 2-26-2008)

10-11C-7-6: FRONT SETBACK:

All dwellings and other main buildings shall be set back not less than thirty feet (30') from the front lot line which abuts on any existing or proposed public street right of way. (Ord. 08-5, 2-26-2008)

10-11C-7-7: SIDE SETBACK/INTERIOR LOTS:

All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of fifteen feet (15') or greater from any side property line not abutting a street. (Ord. 08-5, 2-26-2008)

10-11C-7-8: SIDE SETBACK/CORNER LOTS:

All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of fifteen feet (15') or greater on the side not abutting any existing or proposed road, and shall have a side setback of thirty feet (30') or greater on the side which abuts on any existing or proposed road. (Ord. 08-5, 2-26-2008)

10-11C-7-9: 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 fifteen feet (15') or greater from the rear lot line. No living area can be included within the garage footprint in this reduced area. (Ord. 08-5, 2-26-2008)

10-11C-7-10: LOT REQUIREMENT TABLE: (Ord. 08-5, 2-26-2008)

Lot size	20,000 to less than 40,000 sq ft
Lot frontage	110 feet
Front setback	30 feet
Front exception	20 feet
Side setback	15 feet
Rear setback	30 feet
Building envelope	4,000 sq ft minimum

10-11C-7-11: OPEN SPACE REQUIREMENT:

It shall be required that at least forty percent (40%) of a cluster development be dedicated as open space. Open space cannot be a part of individual lots. Ravines, drainages, ridgelines, fault lines, unstable soils, and wildlife habitat corridors all must be included within open space areas. All slopes of twenty percent (20%) or greater (unless approved by the planning commission to be included as part of a lot) must be included within open space areas. Unique land features could require more than forty percent (40%) of the development be dedicated as open space. (Ord. 08-5, 2-26-2008)

10-11C-7-12: CUL-DE-SAC LENGTH:

The planning commission can grant an exception for a cul-de-sac of up to one thousand feet (1,000') in length if the developer demonstrates that this design is less damaging to the natural terrain than a through street. The planning commission can allow up to twenty (20) lots on a cul-de-sac without a secondary access. (Ord. 08-5, 2-26-2008)

10-11C-8: BONUS DENSITY FOR AMENITIES:

Additional density up to thirty percent (30%) of the base density can be allowed in return for amenities. The planning commission shall determine what percentages to allow for the types of amenities proposed. (Ord. 08-5, 2-26-2008)

10-11C-8-1: FLATTER OPEN SPACE:

Up to ten percent (10%) additional density can be allowed for providing natural open space areas on terrain on slopes under fifteen percent (15%). This type of open space shall include a trail system. (Ord. 08-5, 2-26-2008)

10-11C-8-2: PARK SPACE:

Up to ten percent (10%) additional density can be allowed for providing park space. This space shall intersperse the natural terrain with grass areas. Amenities in the park can include play areas, fields, trails, benches, picnic areas, pavilions, or gazebos. The planning commission shall determine the appropriate mix of park amenities. (Ord. 08-5, 2-26-2008)

10-11C-8-3: DEVELOPMENT THEME:

Up to ten percent (10%) additional density can be allowed for providing a development theme. This can include upgraded signage, special curb, trail, or sidewalk treatments, entrance monuments, or other proposed enhancements. (Ord. 08-5, 2-26-2008)

CHAPTER:**10-11: OTHER ZONES****ARTICLE D. SENIOR HOUSING OVERLAY ZONE****SECTIONS:****10-11D-1: FINDINGS:****10-11D-2: ELDERLY/SENIOR DEFINITION:****10-11D-3: PURPOSE:****10-11D-4: OVERLAY ZONE CREATED:****10-11D-5: USES:****10-11D-6: UNDERLYING ZONE DEVELOPMENT****STANDARDS AND REGULATIONS:****10-11D-7: OVERLAY ZONE DEVELOPMENT****STANDARDS AND REGULATIONS:****10-11D-8: COMPLIANCE WITH SUBDIVISION****PROCEDURE:****10-11D-9: COMPLIANCE WITH OVERLAY ZONE:****10-11D-10: DEVELOPER'S AGREEMENT:****10-11D-1: FINDINGS:**

The city council of Elk Ridge hereby finds that senior housing is a necessary component of a well rounded and sustainable community. Further, the council hereby finds that current demographic trends indicate a substantial increase in the aging population and the city deems it necessary and desirable to address such trends by providing proper housing to give seniors the opportunity to socialize with one another and engage in minimal or no individual yard care by providing for development of planned units with professional maintenance of common areas in a park like setting. Carefully planned developments shall enhance the beauty of Elk Ridge. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-2: ELDERLY/SENIOR DEFINITION:

Housing that meets the fair housing act definition of housing for older persons including housing specifically designed for and occupied by elderly persons under a federal, state, or local government program; or housing that is occupied solely by persons who are sixty two (62) or older; or housing that has at least one person who is fifty five (55) or older in at least eighty percent (80%) of the occupied units and adheres to a policy that demonstrates

intent to house persons who are fifty five (55) or older. For compliance with this zone, the sixty two (62) or older rule shall be used. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-3: PURPOSE:

The purpose of the senior housing overlay zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that senior citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-4: OVERLAY ZONE CREATED:

To further the purposes stated herein, there is hereby established a senior housing overlay zone within the city of Elk Ridge in the R-1-12,000-PUD and R-1-15,000 zones. In considering a request to rezone a parcel as a senior housing overlay zone, the planning commission and city council shall consider the following:

- A. The harmony and compliance of the proposed location of the overlay zone with the objectives and requirements of the city general plan and zoning ordinances;
- B. Whether or not the application of the overlay zone may be injurious to potential or existing development within the vicinity;
- C. The current development or lack of development adjacent to the proposed location and the harmony of the proposed location with the existing uses in the neighborhood;
- D. The proposed location is in proximity to the arterial or major collector streets;
- E. The senior housing overlay zone can only be applied within the R-1-12,000-PUD, R-1-15,000 zones;
- F. The compatibility of the proposed location of the overlay zone with the density analysis of

the underlying zone and neighboring development;

- G. The economic impact of the proposed facility or use on the surrounding area;
- H. A demonstrable need for senior housing in the area of the proposed location.

It shall be the city council's sole discretion to decide if a project should be allowed to use the senior housing overlay within the intent of this article as noted above. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-5: USES:

The following uses shall be permitted in the senior housing overlay zone containing one or a combination of both:

- Accessory apartments are not permitted in the senior housing overlay zone.
- Home occupations shall be permitted.
- Single or attached dwellings (not more than 2 attached) intended to be used as senior housing as defined herein by older or elderly persons using the allowed definition of sixty two (62) years old or older. Also, caregivers eighteen (18) years old and older can reside with the elderly person. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-6: UNDERLYING ZONE DEVELOPMENT STANDARDS AND REGULATIONS:

All uses within the senior housing overlay zone shall be conducted within buildings that conform to the requirements of the underlying zone unless specifically specified within the senior housing overlay zone code. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-7: OVERLAY ZONE DEVELOPMENT STANDARDS AND REGULATIONS:

The following development standards and regulations shall apply to all developments within the senior housing overlay zone:

- A. Parking: Parking for the senior housing overlay zone will be a minimum of two (2) parking

spaces per dwelling; additional parking will be determined by specific review by the planning commission.

- B. Private Building Lots To Conform To Building Footprint: Developments shall have the private building lots conform to the building footprint of each unit. An area behind each unit can be included within the private lot area to allow for a private patio area, garden plot, etc. The planning commission must approve the size of this area. Their finding shall recognize the intent of the zone, being for senior housing, and keep the patio/garden area size to a minimum.

- C. Setback: Setback from main private building lot:

Front setback	25 feet to road right of way
Side setback – neighboring building lot	20 feet
Side setback – neighboring development	30 feet
Side setback – corner lot	25 feet to a road right of way
Rear setback	30 feet

- D. Minimum Acreage: Minimum acreage for a senior housing project shall be one acre and the maximum project area is six (6) acres.
- E. Density: The maximum dwelling units per acre shall be four (4) with the total units allowed in a development being twenty four (24).
- F. Maintenance: Professional maintenance must be provided.
- G. Restrictive Covenants: The developer of a development within the senior housing overlay zone shall be required to establish restrictive covenants to limit occupancy to elderly persons, and their caregivers eighteen (18) years old and older, and to carry out the conditions of the permitted uses and to assure that the uses approved for the

development will be maintained. In addition the covenants must also include professional maintenance for the development. Such covenants shall be recorded to run with the land to ensure against conversion to less desirable land uses.

- H. Architectural Character: The planning commission may request the use of an architectural style, exterior color, or material that would be most compatible with the purpose of the underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically pleasing visual theme for the project.
- I. Landscaping: Adequate landscaping shall be designed. Landscaping shall be of the same general character or better as yards in the neighborhood. Not less than thirty percent (30%) of the project shall be landscaped for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkways, and driveways shall not be included in meeting this landscaping requirement. A complete landscaping plan shall be provided at the time of preliminary review of the project showing a minimum of two (2) trees with a caliper of two inches (2") and ten (10) 1-gallon shrubs per dwelling unit. Areas of the development that have steeper slopes (over 10 percent) with native hardwood trees shall be included within the overall landscaping plan to preserve this natural feature and to continue to stabilize the slope. The planning commission can require additional plantings of native hardwood trees to aid in stabilization.
- J. Fencing: Fencing can be included surrounding the development, but the planning commission must approve the type and location. Fencing on steeper slopes should be avoided.
- K. Development Grades: Since the development is for senior living, road, driveway, and usable open space areas shall be designed with

gradual slope. No road, driveway, sidewalk, or trail shall have a grade over six percent (6%).

- L. Development Amenities: Senior housing overlay zone developments shall include enhancement amenities that can include pocket park, trail or walking path, finish garden area, benches, picnic or pavilion area, central barbecue, upgraded signage and street furniture, ornamental yard pole lighting, entrance monuments and gates (gates cannot be closed across a public street, but can be permanently secured open as an entrance feature). The decision of what amenities to include shall be negotiated between the developer, the planning commission, and the city council. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-8: COMPLIANCE WITH SUBDIVISION PROCEDURE:

All proposed development within the senior housing overlay zone shall be reviewed and approved in accordance with the city of Elk Ridge subdivision ordinance and with the following additions for concept approval:

- A. Once the planning commission has given a recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the city council for review. After the city council reviews the concept plan, if the applicant chooses to continue the project the applicant will continue the planning process in accordance with the city of Elk Ridge subdivision ordinance. The planning commission shall continue to move forward with the applicable general plan and zone change. The actual general plan and zone change will coincide with city council's approval of the final plat. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-9: COMPLIANCE WITH OVERLAY ZONE:

All proposed development within the senior housing overlay zone shall go through the general plan and zone change process to have the property zoned for the senior housing overlay zone. The planning

commission will review the proposed zone change along with the concept plan and send a recommendation to the city council. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-10: DEVELOPER'S AGREEMENT:

All developments in senior housing overlay zone shall have a developer's agreement outlining the terms and conditions of approval. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

CHAPTER:

10-11: OTHER ZONES

ARTICLE E. PLANNED UNIT DEVELOPMENT OVERLAY ZONE

SECTIONS:

10-11E-10 Legislative Intent

10-11E-20 Zone Requirements

10-11E-30 Open Space Requirement

10-11E-40 Landscaping

10-11E-50 Lighting

10-11E-60 Subdivision Design Requirements - Single Family

10-11E-70 Subdivision Design Requirements - Multi- Family

10-11E-10 Legislative Intent

Clustering of lots, well designed neighborhoods and streetscapes, a variety of housing units, and creating park space are all a priority of the general plan. A Planned Unit Development (PUD) Overlay development can allow for more density by allowing smaller lots, and in some areas, multifamily units, in return for development amenities and parks. The main focus of the PUD is to gain park space.

10-11E-20 Zone Requirements

Developments in utilizing the overlay zone are required to adhere to the underlying zone requirements, gain council approval, and be larger in scale.

10-11E-20-1 Planned Unit Development Zone Regulations

All developments utilizing the Planned Unit Development Overlay Zone must also adhere to the requirements of the underlying zone as well as other codes applicable citywide. Exceptions include the requirements and exceptions listed in the Planned Unit Development Overlay Zone. These include lot size, density, and building envelope setbacks.

10-11E-20-2 Overlay Zone Approval

Use of the Planned Unit Development Overlay Zone must be approved by the city council. If an applicant is denied the use of the overlay zone, the

development will revert back to the underlying zone requirements. It shall be the city council's sole discretion to decide if a project should be allowed to use the Planned Unit Development Overlay within the intent of the ordinance as noted above.

10-11E-20-3 Minimum Development Size

A Planned Unit Development must include 20 or more acres. The development may include multiple phases to achieve the 20 acres required.

10-11E-20-4 Housing Design Mix

A mix of housing elevations with varying siding types is required. Vinyl siding can be used on up to 25% of a structure. Hard siding types such as brick, stucco, composite board, stone, etc. can be used in full or in combination to create a mix of elevations.

10-11E-20-5 Multi-Family Development

Multi-family housing is considered town homes and condominiums. Multi-family housing is only allowed in a PUD when the underlying zone allows 12,000 sq. ft. lots.

10-11E-20-6 Overall Density

Overall density is based on the underlying zone. In designing a development, undevelopable land on 30% or greater slopes, ravines and drainages, earthquake faults, or other undevelopable lands identified by the planning commission, must first be removed from the total acreage of the development to arrive at a net acreage. Land for roads, trails, and the required 25% parks/open space can be kept within the net acreage calculation. The following table illustrates the dwelling units allowed in a PUD based on the underlying zone minimum lot size. The Dwelling Units per Acre (DUA) would be multiplied by the net acreage to arrive at the amount of lots allowed in a development.

10-11E-20-7 PUD Dwellings per Acre Table

Underlying Zone	PUD Dwelling Units p/Acre
20,000	2.00 DUA
15,000	2.50 DUA
12,000	3.00 DUA

10-11E-20-8 Development Phasing

A PUD shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the planning commission at or before the submission of the preliminary plan. The phasing plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided. Phasing of a public park can occur if in the first phase of a development, the land for the park is deeded to the city. Subsequent park phases must be approved by the planning commission with an emphasis that the timeline represents a balance between economic and community needs. A developer must request approval by the planning commission a revision of the overall phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. Failure to revise an outdated plan can result in a lapse of PUD approval.

10-11E-30 Open Space Requirement

The main purpose of utilizing the PUD is to provide parks and recreation facilities for the city. It shall be required that at least 25% of a PUD be dedicated as open space. Open space cannot be a part of individual lots. Any area 25 feet from a dwelling cannot be counted toward the 25% open space requirement. Ravines, drainages, fault lines, unstable soils, can be included within open space areas. All slopes of 20% or greater (unless approved by the planning commission to be included as part of a lot) must be included within open space areas. Unique land features could require more than 25% of the development be dedicated as open space.

10-11E-30-2 Open Space Ownership

All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners' association if sold separately, or dedicated and accepted by the city for maintenance purposes. All open space areas must provide emergency vehicle access.

10-11E-30-1 Park Space

The 25% open space requirement shall include park space. The planning commission shall decide the appropriate percentage of park space versus other open space, but generally at least 80% of the acreage set aside as open space should be in the form of a park. Park space can be interspersed with natural terrain and turf grass areas. Amenities in the park can include, play areas, soccer, basketball court, football, and/or baseball fields, volley ball court, trails, benches, picnic areas, pavilion, bathrooms, gazebo, parking area, and any other features approved by the planning commission. Proper size and construction of fields and equipment shall be required at a municipal park standard. Adequate lighting for game play, security, and parking shall be provided. Parking will include 1 stall per 3,500 sq ft. of park space. The following table shows the minimum improvements in park space based off the acreage of a development applied to a points system. Multiple features can be added to gain the required points needed. The larger the development, the more emphasis shall be given to recreation facilities. The planning commission shall work with the developer in determining the appropriate mix of park amenities and can adjust items in the table in negotiation with the developer. The planning commission shall review current recreation facilities in choosing mix of facilities.

10-11E-30-2 Park Space Amenities Table

		Development Size in Acres			
		<30	30-50	51-75	76>
Points Needed ➡		100	175	225	275
Feature	Points ➡	Park Must Include = X			
Playing Field	(min.) ➡	X (2)	X (4)	X (6)	X (8)
Baseball Field	20				
Soccer/Football Field	20				
Basketball Court	20				
Bench	1				
Gazebo	5				
Parking Lot	12	X	X	X	X
Pavillion/w Tables	10		X	X	X
Picnic Tables	1				
Play Area	15	X	X	X	X
Restrooms	15	X	X	X	X
Trail - Linear	7				
Trail - Loop	7				

10-11E-30-3 Other Open Space

Other open space areas not within the park can be allowed, generally up to 20% of the acreage set aside as open space, and can include landscape strips along major roadways (outside the area required in the road right-of-way), entrance features, trails, roundabouts, steep sloped native areas, etc. Small pockets of improved open space as parks are not allowed.

10-11E-40 Landscaping

Landscape materials must be installed prior to completion of all Planned Unit Developments. A landscaping plan must be drawn, designed and certified by a licensed landscape architect and submitted to the planning commission for their approval. The plan shall show planting materials, irrigation, structural features, playgrounds, sport fields, building locations, and hard surfaces (streets, sidewalks, trails, etc.). It shall also show grading with contours and spot elevations before construction and anticipated contours and elevations after completion. A cash bond of 125% of landscaping costs will be posted prior to recording whether the landscaped area is proposed to be in city ownership or in a private homeowners association. If weather does not permit for landscaping to be installed prior to subdivision

completion, the city can extend installation up to May 15 the following year. An inspection shall be performed by the city building inspector to verify work complies with all city code and ordinance requirements before the bond is released.

If the subdivision contains individual lots to be built upon after subdivision completion, only common areas and front yards in the subdivision will be subject to this requirement.

10-11E-40-1 -- Types of Landscaping

Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In addition, a combination of xeriscape plantings and the utilization of native vegetation are encouraged in clusters on smaller and flatter terrain lots and allowed exclusively on slopes over 15%. Native vegetation includes grasses and trees that are currently established in the non-developed hillside areas of the city. Erosion control and elimination of noxious weeds must be accomplished in order to qualify as native plantings. Simply grading the ground and letting vegetation to grow back is not allowed because this promotes noxious weeds to grow. Landscaping may also include other decorative surfacing such as bark chips, crushed stone, mulch materials, or pavers. Structural features such as fountains, pools, statues, playgrounds, and benches shall also be considered a part of the landscaping, but such objects alone shall not meet the requirements of landscaping. Hard surfaces, such as concrete or asphalt, shall not cover more than 30% of a front yard area.

10-11E-40-2 Street Trees

To allow for proper root depth needed within planter strips and to recognize the higher elevation growth requirements, the following trees are approved to be planted within the planter strip area between the sidewalk and the street; Autumn Blaze Maple, Norway Maple, Honey Locust, Summit Ash, Green Spire Linden, Autumn Purple Ash. Street trees shall be shown on the landscaping plan. Trees shall have a trunk of at least 2 inch caliper and be potted rather than burlap balled to provide for stronger growth in the Elk Ridge environment. Each street

within a these type of developments shall have the same type of tree planted along it. All units shall have at least 2 trees within the planter strip adjacent to the unit (4 on corner lots). The required sight distance at intersections shall be maintained.

10-11E-40-3 Monument Signs

In the entry way to a development, neighborhood, and for each park, a monument sign shall be erected stating the name of the development, neighborhood, or park.

10-11E-50 Lighting

Street lighting is required on major transportation corridors, in parks, and along the trail system. Lighting shall be Dark Sky Compliant and shall not shine into the yards of adjoining properties.

10-11E-60 Subdivision Design Requirements - Single Family

When developing a PUD the following must be considered for each single family phase of the development:

10-11E-60-1 Lot Size - SF

Minimum lot size of a single family unit development is based on the underlying zone minimum lot size. Table 10-11E-30-2 shows the underlying zone minimum lot size with a minimum lot size for a PUD overlay in the corresponding zone.

10-11E-60-2 Minimum Lot Size Table

Underlying Zone	PUD Overlay
20,000	10,000
15,000	8,000
12,000	7,500

10-11E-60-3 Building Envelope - SF

The building envelope location within a single family unit development lot should conform to the natural terrain and remain within the flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size for a single family unit lot is 4,000 square feet. The front, side and rear setback requirements still must be met.

10-11E-60-4 Lot Frontage - SF

Frontage for a single family unit lot along a city street shall be a minimum of 80 feet.

10-11E-60-5 Front Setback - SF

All dwellings and other main buildings in a single family unit development shall be set back not less than 25 feet from the front lot line which abuts on any existing or proposed public street right-of-way. An exception for a 20 foot front setback can be given by the planning commission for a staggering effect of the units, if they conclude that street line of sight views are not compromised.

10-11E-60-6 Side Setback/Interior Lots - SF

All dwellings and other main buildings in a single family unit development, including any attached garage or similar structure, shall have side setbacks of 8 feet or greater from any side property line not abutting a street.

10-11E-60-7 Side Setback/Corner Lots - SF

All dwellings and other main buildings in a single family unit development, including any attached garage or similar structure, shall have side setback of 8 feet or greater on the side not abutting any existing or proposed road, and shall have a side setback of 25 feet or greater on the side which abuts on any existing or proposed road. A line of sight triangle of 30 feet measured from the back of curb on a corner shall be preserved.

10-11E-60-8 Rear Setback - SF

All dwellings or other main buildings in a single family unit development shall be set back 25 feet 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 15 feet or greater from the rear lot line. No living area can be included within the garage footprint in this reduced area.

10-11E-60-9 Lot Frontage/Setback Table - SF

Area	Setback/Width
Lot Frontage on Road	80 feet
Front Setback	25 feet
Front Setback - Exception	20 feet
Side Setback - Interior lot	8 feet
Side Setback - Corner lot	25 feet
Line of Sight Triangle - Corner lot	30 feet
Rear Setback - Main Structure	25 feet
Rear Setback - Garage	15 feet
Public Utility Easement - Front	10 feet
Public Utility Easement - Sides/Rear	8 feet
Building Envelope Size	4,000 sq ft. min.

10-11E-70 Subdivision Design Requirements - Multi-Family

When developing a PUD the following must be considered for each multi-family phase of the development:

10-11E-70-1 Lot Size - MF

There is no minimum lot size in a multi-family development. Zero lot lines are allowed.

10-11E-70-2 Building Envelope - MF

The building envelope location within a lot should conform to the natural terrain and remain within the flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The building envelope can be only to the extent of the structure. There is no minimum building envelope size for a multi-family unit lot.

10-11E-70-3 Lot Frontage/Parking - MF

All units in a multi-family unit development must have access to a city street. This can be through direct access or through a parking lot. All shared parking lots must have two accesses to a city street and shall be obscured from an adjacent street with landscaping such as berming, vegetation, or fencing.

10-11E-70-4 Front Setback - MF

All dwellings and other main buildings in a multi-family unit development shall be set back not less than 20 feet from the front lot line which abuts on

any existing or proposed public street right-of-way. An exception for a zero front setback can be given by the planning commission if they conclude that street line of sight views are not compromised.

10-11E-70-5 Side Setback/Interior Lots - MF

All dwellings and other main buildings in a multi-family unit development, including any attached garage or similar structure, are not required a side setback if abutting an interior unit or lot in that specific phase of the PUD development.

10-11E-70-6 Side Setback/Corner Lots - MF

All dwellings and other main buildings in a multi-family unit development, including any attached garage or similar structure shall have a side setback of 20 feet or greater on the side which abuts on any existing or proposed road. A line of sight triangle of 30 feet measured from the back of curb on a corner shall be preserved.

10-11E-70-7 Rear Setback - MF

All dwellings or other main buildings in a multi-family unit development shall be set back 25 feet 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 15 feet or greater from the rear lot line. No living area can be included within the garage footprint in this reduced area.

10-11E-70-8 Setback from Adjoining Development - MF

All dwellings in a multi-family PUD development must setback 30 feet from any adjoining property, including any other phase of the PUD development.

CHAPTER 11 | OTHER ZONES

TITLE 10
DEVELOPMENT
CODE

10-11E-70-9 Lot Frontage/Setback Table - MF

Area	Setback/Width
Front Setback	20 feet
Front Setback - Exception	0 feet
Side Setback - Interior lot	None
Side Setback - Corner lot	20 feet
Line of Sight Triangle - Corner lot	30 feet
Rear Setback - Main Structure	25 feet
Rear Setback - Garage	15 feet
Setback to Adjacent Development	30 feet
Public Utility Easement - Dev. Parameter	10 feet
Building Envelope Size	None

CHAPTER:**10-11: OTHER ZONES****ARTICLE F. MOUNTAIN HOME DEVELOPMENT
OVERLAY ZONE****SECTIONS:****10-11F-1: INTENT; APPLICATION:****10-11F-2: PERMITTED USES:****10-11F-3: PLANNING AND DOCUMENTATION:****10-11F-4: PROCEDURE FOR APPROVAL:****10-11F-5: DENSITY:****10-11F-6: MINIMUM PROJECT AREA:****10-11F-7: DWELLING CLUSTERS:****10-11F-8: STREETS AND TRAVEL WAYS:****10-11F-9: WATER:****10-11F-10: SEWAGE DISPOSAL:****10-11F-11: FIRE PROTECTION:****10-11F-12: OPEN SPACE:****10-11F-13: IMPROVEMENTS:****10-11F-14: DOCUMENTATION:****10-11F-15: REVIEW GUIDELINES AND STANDARDS
ADOPTED:****10-11F-1: INTENT; APPLICATION:**

Planned mountain home developments may be constructed in those zones in which they are specifically listed as a conditional use, subject to compliance with the following conditions and procedures. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

10-11F-2: PERMITTED USES:

The following buildings, structures and uses of land may be permitted within a MHD:

- Access streets and roads, water and sewer systems and facilities, picnic areas, corrals and similar common recreation areas and facilities for the use and enjoyment of the members of the development.
- Any use permitted in the CE-2 zone.
- Walls, fences. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

10-11F-3: PLANNING AND DOCUMENTATION:

Review and approval of a proposed project by the city shall be carried out through the submission of a preliminary and final application as follows:

A. Preliminary Application and Plan:

1. The preliminary application and plan for approval of a planned mountain home development shall contain:
 - a. A preliminary layout plan showing:
 - (1)The proposed layout of the project, including the location of each development cluster area and each existing and proposed lot or building site within the cluster;
 - (2)Common areas and facilities;
 - (3)Areas to be designated for open space;
 - (4)Roads and travel ways;
 - (5)Location and size of existing and proposed water lines and other utility facilities and the easements appurtenant thereto.
 - b. A contour map of the proposed project area.
 - c. Profile and cross sections of existing and proposed streets and travel ways.
 - d. A statement indicating the availability of water rights (private systems only).
 - e. A preliminary statement of approval of the proposed water and sewer facilities.
 - f. Preliminary copies of proposed organizational documents and open space preservation agreement.

g. Such other materials as may be reasonably required by the planning commission.

2. The layout plan and supplementary materials shall be prepared in substantial compliance with the standards required for a preliminary plan of a subdivision.

B. Final Plan:

1. The application and plan for final approval of the project shall contain the following:

a. A final layout plan (final plat) showing:

- (1) The boundaries of the project;
- (2) The boundary of each development cluster;
- (3) The location of each lot or building site;
- (4) The location of all areas proposed for use as common areas and open space areas;
- (5) The location of all building setback lines; and
- (6) The location of all utility and travel easements.

b. Final copies of organizational documents and open space preservation agreement.

c. Copies of water rights documents.

d. Evidence of approval of the water system plan by the state health department.

e. Estimates of the cost of constructing the required improvements and a bond guaranteeing the installation of the required improvements. The content of the estimates and bond shall be the

same as required under the city subdivision ordinance.

f. Evidence of approval of the sewage disposal facilities by the city-county health department.

2. The final layout plan required hereunder shall be considered as the final plan of the project and shall be prepared in accordance with the requirements for a final plat of a subdivision and be suitable for recording in the office of the county recorder.

3. In the instance of a development where building sites are to be held in common ownership, the individual building sites within a cluster shall be identified on the final plan, but need not be individually described. In such instance, each development cluster shall be described and shall be considered as a separate parcel.

4. Upon final approval by the city council the final plat, describing the outer boundary of the project, the boundary of each development cluster, each lot within the cluster (where individual lots are to be sold), the designated open space areas and all parcels and easements for roads and other common purposes shall be recorded in the office of the county recorder. (Ord. 97-7-8-8, 7-8-1997)

10-11F-4: PROCEDURE FOR APPROVAL:

The procedure to be followed in securing approval of a large scale development project shall be as follows:

A. Acquire Submission Materials: Any person desiring to undertake a large scale development project within the city shall first acquire copies of the relevant application materials and regulations relating to the type of large scale development proposed for development. The purpose of this requirement is to ensure that the developer is fully aware of the approval procedure, the

requirements and standards for design and construction of the project and the content of the required documents and statements.

B. Pre-Application Conference:

1. The developer shall prepare and present to the planning commission, or their designated representatives, where applicable:
 - a. A sketch plan and general written description of the project.
 - b. A statement indicating the present ownership status of the land.
2. The purpose of the conference is to provide informal assistance to the developer in the preparation of the plans early in the process and in a form which will facilitate the required reviews and action by the planning commission and other approval agencies.
3. Members of the planning commission or the designated representative may suggest changes in the proposed layout or other materials in order that the project may be more fully consistent with the city's general plan and also with the city's development regulations and policies.
4. The sole purpose in holding the conference shall be to aid the developer in the preparation of his plans and documents. In no way shall the conference or any of the suggestions made therein be construed to constitute approval of the plan or a waiver of compliance with any requirement of this development code.

C. Developer Prepares and Submits Preliminary Plans and Documents:

1. Following the pre-application conference, the developer shall prepare and submit the required preliminary plans and documents to the planning commission or

its designated representative. The materials submitted shall include:

- a. Copies of all required preliminary plans, documents and statements.
 - b. Evidence of payment of the required review fee.
 - c. Evidence of compliance with the water rights conveyance requirements of this development code.
2. The number of copies of application materials, time of submittal prior to meetings, place of delivery and other particulars relating to the application process shall be as determined, from time to time, by the planning commission.
 3. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, all plans, documents and submittals must be submitted to the planning commission office in accordance with the submittal procedures in effect at the time of the request. (Ord. 97-7-8-8, 7-8-1997)

D. Planning Commission Review; Action; Public Hearing:

1. The planning commission shall review the preliminary plans, documents and submittal materials and shall advertise and hold a public hearing on the proposed project. The hearing shall be called, noticed and conducted by the planning commission in accordance with current law. Following the public hearing, the planning commission shall act to approve or disapprove the proposal, approve it subject to modification, or table action subject to modification.
2. Approval by the planning commission shall not constitute approval of the project but shall be deemed as a finding that the

project plan and documents conform with the minimum requirements and intent of the development code provisions relating to the specific project and a recommendation to the city council regarding approval of the proposed project.

- E. City Council Review: The city council shall review the preliminary plans, documents and submittal materials, as recommended by the planning commission, and shall issue a decision regarding approval. (Ord. 06-7, 4-25-2006, eff. 5-16-2006)

F. City Council Action:

1. Determination:

- a. Following the public hearing, the city council shall act upon the preliminary plans, documents and submittal materials to approve, disapprove, or approve subject to modification. If disapproved, no further action is required. If approved subject to significant modification, the plans, documents and submittal materials shall be returned to the planning commission with instructions that the developer modify the plans and/or documents in accordance with required changes and to resubmit the modified proposal to the planning commission for its further review and recommendation.

- b. If approved or approved with incidental modification, the preliminary plans and documents shall be returned to the planning commission with instruction to authorize the developer to proceed to prepare and submit the final plans and documents through the planning commission.

2. Project Vested Upon City Council Motion: Upon passage of a motion by the city council to approve the preliminary plans

and documents, the project shall be considered to have vested and the city shall be committed to grant final approval of the final plans and documents, subject to compliance with all procedures, standards, requirements and any conditions attached to said approval related to the applicable large scale development.

3. Validity: Approval of the preliminary plans and documents shall be valid for twelve (12) months from the date of action by the city council. The time limit may be extended for an additional year upon approval by the city council, subject to the prior recommendation of the planning commission. Any extension of time shall be officially requested in writing, and submitted to the planning commission office thirty one (31) days prior to the end of the twelve (12) month preliminary approval period.
4. Final Approval Prior To Construction: No construction shall be permitted until final approval of the development has been obtained from the city council, in accordance with the following provisions. (Ord. 98-5-26-6, 6-26-1998)

G. Final Plats, Plans and Documents:

1. After receiving preliminary approval from the city council, the developer shall prepare and submit to the planning commission:
- a. Application for final approval.
- b. A reproducible tracing suitable for recording, where applicable.
- c. Copies of the final plat, plans, documents, statements and engineering drawings.

- d. An itemized estimate of the cost of constructing the required improvements.
 - e. Evidence of payment of review and recording fee.
 - f. Documents conveying evidence of compliance with water rights requirements of the city.
2. The number of copies for each of the above items shall be as determined, from time to time, by the planning commission.
3. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, the final plans, plat and documents must be submitted to the planning commission office in accordance with the submittal procedures in effect at the time of the request.
- H. Planning Commission Acts on Final Plat, Plans, Documents and Statements:
- 1. When the plans, plat, documents, cost estimates, and other materials required for approval have been completed in final form, the developer may make application to the planning commission, and the planning commission will grant final approval after reviewing the final plan and ascertaining that:
 - a. The final plans conform with the conditions of the preliminary approval.
 - b. The final plat complies with the requirements and standards relating to the applicable type of large scale development.
 - c. The dedications, documents and statements comply with the standards relating to Mountain Home Development zone.
 - d. The estimates of cost of constructing the required improvements are acceptable.
 - e. Tax liabilities of the common open space (wherever a development involves the reservation of common open space) have been determined.
 - f. The proposed performance guarantee is in accordance with the provisions of chapter 16 of this title and is in an amount sufficient to cover the cost of the outstanding required improvements.
2. Upon a finding of approval, the planning commission chair shall be authorized to sign required final plats.
- I. Developer Submits Performance Guarantees: Upon approval of the final plat by the planning commission, the applicant shall proceed to make arrangements suitable to the city for posting a bond or other financial assurance guaranteeing construction of all uncompleted required improvements. Said performance guarantee shall be in conformance with the provisions of chapter 16 of this title.
- J. City Council Acts on Final Plans, Plats and Documents:
- 1. After the planning commission has approved the final plans, plats, documents and other materials, a copy of the same shall be submitted to the city council for its approval. The city council will review said materials and also the proposed performance guarantees and, subject to a properly presented motion, may approve said plans; execute all appropriate documents, agreements and final plats; and accept all public dedications.
 - 2. Final approval shall be by adoption and publication of an "ordinance of approval" by the city council. The ordinance of

approval shall identify the territory included in the project and shall incorporate, by reference, all applicable documents and materials.

3. Upon adoption and publication of the ordinance of approval, the ordinance, together with the referenced plats, documents and materials shall be considered as an amendment of the official zone map and constitute the specific lot area and width, setback, access and similar requirements applicable to the project area.

K. City Records Plats And Documents: Upon acceptance of the performance guarantees, compliance with any conditions of approval, receipt of all executed documents and passage and publication of the amending ordinance, the city shall record, or cause to be recorded, all final plats, documentation and agreements in the office of the county recorder and shall notify the developer to proceed with construction.

L. Amendments: The plans, plats, documents and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the city land use plan or the standards and requirements of this development code. Any amendment of a recorded final plat which also qualifies as a subdivision (division of the property into 2 or more separate parcels) shall not be approved or recorded until the existing recorded plat has been amended in accordance with the then applicable requirements and procedures for amendment of subdivision plats. (Ord. 97-7-8-8, 7-8-1997)

10-11F-5: DENSITY:

The maximum number of lots or dwelling sites permitted within a proposed mountain home development shall be as determined by the planning commission, upon a detailed slope analysis of the proposed project area, in accordance with the following schedule:

Percent Of Slope	Density
0% to 15%	1 lot per acre
15% to 30%	1 lot per 10 acres
30% and greater	1 lot per 20 acres

(Ord. 97-7-8-8, 7-8-1997)

10-11F-6: MINIMUM PROJECT AREA:

The minimum base area required to qualify for a planned mountain home development project shall be one hundred (100) acres. (Ord. 97-7-8-8, 7-8-1997)

10-11F-7: DWELLING CLUSTERS:

A. Location: All lots and all designated dwelling sites (for projects where the building area is to be retained in common ownership) shall be located within a designated development cluster. A project may contain more than one development cluster. Each cluster shall contain not less than five (5) separate building sites (except for developments having fewer than 5 building sites for the entire development).

B. Area: Each individual lot or designated dwelling site shall contain an area not less than twenty thousand (20,000) square feet or more than two and one-half (2 1/2) acres. (Ord. 97-7-8-8, 7-8-1997)

C. Buildable Area:

1. Each individual lot or building site shall contain at least one area of not less than four thousand (4,000) square feet which qualifies as a "buildable area", as defined in section 10-2-2 of this title. The location of each buildable area shall be designated on the preliminary and final plans for the project (designated buildable area) and a notation placed on the recorded plat that all main and accessory buildings shall be located within the designated buildable area.

2. For purposes of compliance with this subsection, the designated buildable area shall be determined based on its current natural state. No portion of any designated buildable area shall contain territory which has been subject to artificial grading or which requires grading in order to comply, except the city council, with the prior recommendation of the planning commission, may approve minor inclusions of incidental areas having a slope of twenty percent (20%) or greater as part of the designated buildable area upon a finding that the requested area comprises an incidental part of the lot and that the inclusion of the area will not be inimical to the intent of the standard or the purpose of the zone. (Ord. 98-5-26-6, 6-26-1978)
- D. Access: Each lot or building site shall abut upon and have direct access to a city street or designated private travel way. The distance of the abutting side shall be not less than one hundred feet (100'), except that the length of the abutting side may be reduced to not less than seventy feet (70') in instances where the lot fronts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot measured at a point not less than forty feet (40') from the front lot line will meet the minimum width requirements of this section. (Ord. 08-9, 7-8-2008)
- E. Setback: Each dwelling in the project shall be set back from the lot boundary line in accordance with the setback line as shown on the approved plat, except that where the dwelling sites are to remain in common ownership and no setback lines are shown on the plan, no portion of any occupied structure shall be located closer than eighty feet (80') to another occupied structure. (Ord. 97-7-8-8, 7-8-1997)
- F. Slope: Up to ten percent (10%) of the area of a lot or building site may consist of territory having a slope in excess of thirty percent (30%), as shown on the slope analysis map. (Ord. 08-9, 7-8-2008)
- 10-11F-8: STREETS AND TRAVEL WAYS:**
- A. Access: Each development cluster and each lot or designated dwelling site within a development cluster shall front upon and have direct access to a designated city street or a private vehicular travel way. Where access is to be provided over a private travel way, ownership of said travel ways shall be held by the homeowners' association from the point of connection to an existing public street and throughout the project area.
- B. Improvement Required: 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 vehicular travel ways intended to remain in private ownership shall be improved in accordance with city standards for mountain home developments.
- C. Road Slope: No street shall have a grade of more than 8%, except that the planning commission may approve up to a 10% grade for short straight stretches of roadway under 300 feet in length. The commission must conclude that the 8% 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. The city engineer and fire chief shall provide recommendation regarding hazardous conditions and any other concerns on the proposed steep grade sections. It must also be demonstrated that for dead end or temporary stubbed streets constructed on grades over 8%, that the road shall not be constructed in a manner that would make adjacent future development be out of compliance with the 300 foot requirement.

- D. Slope: No street or travel way providing access to a development cluster shall be constructed in a location or in such a manner which results in the creation of a slope face exceeding the critical angle of repose or a disturbed cross section which exceeds the cut and fill slope standards for streets in the city. Any driveway providing access to a buildable area shall have a slope of not more than twelve percent (12%) and shall not result in any cut or fill slopes greater than seven feet (7'). Any cut or fill between five (5) and seven feet (7') shall be subject to planning commission and city council review.
- E. Stabilization and Re-vegetation: All disturbed cut and fill slope areas shall be stabilized and re-vegetated. The submittal materials for any planned mountain development project shall include a detailed re-vegetation plan showing the intended re-vegetation treatment for all cut and fill slope areas and the performance guarantees amounts shall include the cost of re-vegetation.
- F. Continuous Circulation; Cul-De-Sacs: To the maximum extent possible, the design of the road/travel way system shall provide for continuous circulation throughout the project. Cul-de-sacs (dead end roads) shall be allowed only where unusual conditions exist which make other designs undesirable. Cul-de-sac streets shall be not longer than four hundred fifty feet (450') and shall be terminated by a turnaround or loop road of not less than one hundred twenty feet (120') in diameter.
- G. Easement: An easement granting the city the right of access upon all private travel ways for city purposes shall be provided. (Ord. 97-7-8, 7-8-1997)

10-11F-9: WATER:

- A. Each lot or building site shall be served by the city water system; provided, that the city may approve the use of a private system upon a finding that connection to the city system is not reasonably feasible and that such

proposed private system will conform to the standards of a public water system and be approved by the state health department.

- B. Where a private system is to be used, documentation shall be submitted with the application showing that the water supply shall be from a source capable of providing an adequate flow to meet the needs of all lots or building sites shown on the final plat and that the collection works, storage reservoirs and distribution line shall be sufficient in size to provide a volume of flow and level of pressure adequate for both culinary and fire protection in accordance with that document entitled wildfire hazards and residential development hereinafter adopted.
- C. Where the requirements of the standards, relating to storage and flow for firefighting purposes, adopted pursuant to section 10-11F-15 of this article, are at variance with the provisions of the city's fire code, the provisions adopted by this article shall prevail.
- D. Where a private water system is proposed, satisfactory evidence of an entitlement to a permanent year-round right to the use of water in an amount adequate for all lots or building sites proposed for final approval shall be submitted with the application. (Ord. 97-7-8-8, 7-8-1997)

10-11F-10: SEWAGE DISPOSAL:

Each lot or dwelling site shall be served by a central sewage collection and disposal system. (Ord. 01-12-11-19, 12-11-2001, eff. 1-11-2002)

10-11F-11: FIRE PROTECTION:

- A. Spacing: Fire hydrant spacing shall conform to the standards adopted pursuant to section 10-11F-15 of this article, except that in no case shall a lot or dwelling site be more than two hundred fifty feet (250') from the closest hydrant.
- B. State Recommendations: The proposed plan shall, to the maximum extent practicable,

incorporate the recommendations of the state department of natural resources as contained within the document adopted under section 10-11F-15 of this article.

10-11F-12: OPEN SPACE:

- A. Required: All areas of the project not included within lots or building sites, used for roads or travel ways and developed common facilities shall be designated as common open space for the use and enjoyment of the occupants of the development.
- B. Preservation Agreement: To assure that the designated open space area will remain as open space, the applicants/owners shall execute an open space preservation agreement with the city in which the owner agrees to refrain from excavating, making additional roadways, installing additional utilities or constructing any dwellings or other structures within the designated open space area without the prior approval of the city.
- C. Included Area: The designated open space area shall include and contain all 100-year floodplain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of thirty percent (30%) or greater (except those portions included as part of a lot pursuant to section 10-11F-7 of this article), or any other area of known significant physical hazard for development. (Ord. 97-7-8-8, 7-8-1997)

10-11F-13: IMPROVEMENTS:

- A. Required; Minimum Standards: The following improvements shall be constructed in all developments. All required improvements shall meet minimum city standards and any such improvements not in place prior to the approval of the final plat by the city council shall be installed by the developer prior to the October 1 next following the date of final plat approval; provided, however, that upon a showing of good and sufficient cause (i.e., lateness of the final approval date,

unexpected delays, etc.), the city council may extend the date of completion or authorize a longer period of time for completing construction of part or all of the uncompleted improvements to a date not more distant than July 1 of the next succeeding year.

- B. Performance Guarantee: A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the city council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with the provisions of chapter 16 of this title. (Ord. 97-7-8-8, 7-8-1997)
- C. Included Minimum Improvements: The minimum improvements shall include:
 - 1. Streets and travel ways, and including provisions for stabilization and re-vegetation of cut and fill slopes.
 - 2. Water and sewerage mains and facilities.
 - 3. Fire hydrants.
 - 4. Any required drainage or flood control structures.
 - 5. Any required restoration of cut and fill slopes.
 - 6. The costs of installing landscaping and common facilities within any common open space area.
 - 7. Secondary irrigation water system. (Ord. 06-4, 1-10-2006, eff. 2-10-2006)

10-11F-14: DOCUMENTATION:

The following documents and statements shall be submitted as part of the application for approval:

- A. Organizational documents (articles of incorporation, bylaws, etc.).
- B. Open space preservation agreement.

- C. Letters or other statements from health authority regarding approval of water and sewer systems.
- D. Water rights documents, service agreements from water company, as applicable.
- E. Conveyance to city of right of access on private travel ways for city purposes. (Ord. 97-7-8-8, 7-8-1997)

10-11F-15: REVIEW GUIDELINES AND STANDARDS ADOPTED:

In conducting its review, the planning commission and the city council shall be guided by the terms of this title and the recommendations contained within that certain document entitled "Wildfire Hazards And Residential Development" as prepared by the state department of natural resources, 1986 printing, which document is by this reference adopted for use by the city; and also the terms and conditions set forth under the urban/wildland interface ordinance (see title 9, chapter 3 of this code). (Ord. 97-7-8-8, 7-8-1997)

CHAPTER 12 | SUPPLEMENTARY REGULATIONS WITHIN ZONES

TITLE 10
DEVELOPMENT
CODE

CHAPTER:

10-12: SUPPLEMENTARY REGULATIONS WITHIN ZONES

SECTIONS:

10-12-1: INTENT:

10-12-2: YARD SPACE FOR ONE BUILDING ONLY:

10-12-3: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

10-12-4: EACH DWELLING TO BE ON A ZONING LOT:

10-12-5: ACCESSORY BUILDING REGULATIONS:

10-12-6: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS:

10-12-8: YARDS TO BE UNOBSTRUCTED; PROJECTIONS EXCEPTED:

10-12-9: CLEAR VIEW OF INTERSECTING STREETS:

10-12-10: SETBACK OF BUILDINGS FROM PROPOSED STREETS:

10-12-11: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

10-12-12: DRAINAGE:

10-12-13: FENCES, WALLS AND HEDGES:

10-12-14: UTILITY BUILDINGS AND STRUCTURES PERMITTED IN RESIDENTIAL ZONES:

10-12-15: OFF STREET PARKING:

10-12-16: TEMPORARY USES:

10-12-17: HOME OCCUPATIONS:

10-12-18: PUBLIC BUILDINGS AND STRUCTURES TO BE APPROVED:

10-12-19: SITE PLAN REVIEW:

10-12-20: RECREATION VEHICLES AND MOBILE HOMES PROHIBITED AS DWELLINGS:

10-12-21: CONNECTION TO UTILITY SERVICES REQUIRED:

10-12-22: RESIDENTIAL FACILITIES FOR DISABLED PERSONS:

10-12-23: SIGNS AND ADVERTISING STRUCTURES:

10-12-24: MINIMUM LEVEL OF IMPROVEMENTS INSTALLED BEFORE ISSUANCE OF BUILDING PERMIT:

10-12-25: FLAG LOT DEVELOPMENT:

10-12-26: STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES PROHIBITED; EXCEPTIONS:

10-12-27: SPECIAL PROVISIONS RELATING TO DWELLINGS:

10-12-28: LOW POWER RADIO SERVICE ANTENNA FACILITIES (CELLULAR PHONE TRANSMISSION TOWERS AND FACILITIES):

10-12-29: ACCESSORY APARTMENTS:

10-12-30: ZONE DEVELOPMENT STANDARDS; EXCEPTION:

10-12-31: ASSISTED LIVING FACILITIES:

10-12-32: WATER RIGHTS CONVEYED TO CITY; EXCEPTIONS:

10-12-33: CONDITIONAL USE PERMITS:

10-12-34: DEVELOPMENT OF SLOPED LAND:

10-12-35: LOT ORIENTATION:

10-12-36: LANDSCAPING REQUIREMENTS; RESIDENTIAL AND COMMERCIAL:

10-12-37: APPROVAL PROCESSES AND REQUIREMENTS:

10-12-38: FIRE SPRINKLING SYSTEMS REQUIREMENTS:

10-12-39: RESIDENTIAL BUILDING HEIGHT:

-12-1: INTENT:

The intent of this chapter is to provide for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this chapter shall be in addition to development standards contained within the various zones. Where the provisions of this chapter may be in conflict with other provisions of this development code, the more stringent shall prevail. (Ord. 97-7-8-8, 7-8-1997)

10-12-2: YARD SPACE FOR ONE BUILDING ONLY:

All required yards (setback areas) shall be situated on the same lot as the building or structure to which it applies. No required yard, area or other open space around a building or use which is needed to comply with the area, setback or open space requirements of this development code shall be considered as providing the required area, yard, setback or open space for any other building or use; nor shall any area, yard, setback or other required open space on an adjoining lot be considered as providing the area, setback or open space requirement of a building or use. (Ord. 97-7-8-8, 7-8-1997)

CHAPTER 12 | SUPPLEMENTARY REGULATIONS WITHIN ZONES

TITLE 10
DEVELOPMENT
CODE

10-12-3: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the area, frontage, width, coverage, off street parking, frontage on a public street, or other requirement of this development code for a lot or building may be sold, bequeathed or leased apart from such lot or building unless other space so complying is provided, nor shall any land be sold which will result in an existing or future lot that does not comply with all of the provisions of this development code. Any lot or parcel created in violation of this provision shall not acquire the status of a nonconforming lot of record or otherwise be considered as a zoning lot. (Ord. 97-7-8-8, 7-8-1997)

10-12-4: EACH DWELLING TO BE ON A ZONING LOT:

Only one building which contains a dwelling shall be located and maintained on each zoning lot. (Ord. 07-13, 9-25-2007, eff. 9-28-2007)

10-12-5: ACCESSORY BUILDING REGULATIONS:

All accessory buildings shall be built in accordance with the following, except in the CE-2 critical environmental zone (see regulations in chapter 9, article B of this title):

- A. Combined Total Area: The combined total area of all approved accessory buildings on any one lot shall cover not more than the area listed in the table below:

Lot Area (Square Feet)	Maximum Combined Area
Not more than 11,000	3 percent of lot size
More than 11,000, but not more than 12,000	350 square feet
More than 12,000, but not more than 13,000	420 square feet
More than 13,000, but not more than 14,000	485 square feet
More than 14,000, but not more than 15,000	560 square feet
More than 15,000, but not more than 16,000	675 square feet
More than 16,000, but not more than 17,000	800 square feet
More than 17,000, but not more	900 square feet

than 18,000	
More than 18,000, but not more than 19,000	1,000 square feet
More than 19,000, but not more than 20,000	1,100 square feet
More than 20,000, but not more than 25,000	1,200 square feet
More than 25,000, but not more than 30,000	1,565 square feet
More than 30,000, but not more than 35,000	1,950 square feet
More than 35,000, but not more than 40,000	2,365 square feet
More than 40,000, but not more than 80,000	2,800 square feet
More than 80,000, but not more than 200,000	6,400 square feet
More than 200,000, but not more than 400,000	18,000 square feet
Over 400,000	10 percent of lot

(Ord. 01-12-11-22, 12-11-2001, eff. 1-11-2002)

- B. Accessory Buildings Setbacks: All accessory buildings shall be located in accordance with the following:

1. Setback From Main Building; Front
Setback: Accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall of the main building, and not less than twelve feet (12') from the closest side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building may be permitted following conditional use approval by the planning commission in accordance with section 10-12-33 of this chapter. Following said approval, a detached accessory building shall be set back not less than seventy five feet (75') from the front lot line and set back from the side and rear property lines in accordance with the regulations set forth for the zone in which

the property is located. (Ord. 02-7-23-14, 7-23-2002, eff. 8-15-2002)

2. Side Setback; Corner Lot, Side Abutting Street: Accessory buildings shall be set back not less than forty feet (40') from the side lot line which abuts on a street. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

3. Side And Rear Setback; Interior Lot Line: Accessory buildings shall be set back not less than five feet (5') from the lot line, and shall conform to the applicable provisions set in the building code. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. 2003 Code)

4. Drainage: No drainage from the roof will be discharged onto an adjacent lot.

5. Easement: The building will not be placed on land designated as an easement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

- C. Height Of Building: The maximum accessory building height shall be twenty feet (20'). Accessory building height shall be the vertical height as measured from the average elevation of the natural grade of the four (4) major corners, where the structure is to be located, to the highest point of the structure. If the measurements used for building height are questioned by city staff, the planning commission will review and make a determination. (Ord. 08-15, 9-23-2008, eff. 9-24-2008)

10-12-6: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters shall not be permitted in any accessory building. (Ord. 07-13, 9-25-2007, eff. 9-28-2007)

10-12-8: YARDS TO BE UNOBSTRUCTED; PROJECTIONS EXCEPTED:

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, eaves, bay

windows and fireplace keys not wider than eight feet (8'), and other ornamental features and unenclosed steps and unwallled stoops, and porches, which may project up to three feet (3') into a required yard. No portion of any building shall be closer than three feet (3') to any property line. (Ord. 01-4-10-7, 4-10-2001, eff. 4-10-2001)

10-12-9: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front setback, no fence or structure in excess of thirty six inches (36") in height which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed on a corner lot within a triangular area formed by the street right of way lines and a line connecting them at points forty five feet (45') from the point of intersection of said street lines (clear vision area). Trees and other landscaping plantings are permitted within the clear vision area, provided they are pruned and trimmed to a height of not more than thirty six inches (36") nor less than seven feet (7') above the established grade so as to not obstruct the clear view of motor vehicle drivers. Landscape earth berms shall also be permitted within the clear vision area, provided they are not of such a height as to obstruct the clear view of motor vehicle drivers. (Ord. 97-7-8-8, 7-8-1997)

10-12-10: SETBACK OF BUILDINGS FROM PROPOSED STREETS:

The front or side setback for structures abutting on a proposed future street or an existing street needing to be widened, as shown on the major street plan as a future street, shall be measured from the planned street line. For purposes of determining the setback requirement and similar location standards, said planned street line shall be considered as the property line. (Ord. 97-7-8-8, 7-8-1997)

10-12-11: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

Public buildings and churches in residential zones may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 97-7-8-8, 7-8-1997)

CHAPTER 12 | SUPPLEMENTARY REGULATIONS WITHIN ZONES

TITLE 10 DEVELOPMENT CODE

10-12-12: DRAINAGE:

Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two (2) parties. Surface drainage from corrals, pens or coops shall not be permitted to drain into a waterway that drains into a natural stream. (Ord. 97-7-8-8, 7-8-1997)

10-12-13: FENCES, WALLS AND HEDGES:

- A. Retaining Walls Not Included: For the purpose of this section, the term "wall" shall not include retaining walls. (Ord. 01-11-27-17, 11-27-2001, eff. 12-27-2001)
- B. Height: The maximum height for fencing, walls, hedges and/or similarly enclosing planting, whether or not sight obscuring, shall be eight feet (8') above finished grade level. Fences may be permitted in excess of eight feet (8') in accordance with section 2-2-6 of this code. No fence, wall, hedge or similarly enclosing planting or structure shall be permitted in the front and/or clear view area of a lot at a height greater than thirty six inches (36") above the finished grade level.
- C. Retaining Walls: Retaining walls greater than ten feet (10') in height shall be terraced. Such terracing shall be designed and constructed so that each vertical segment of terracing is the same height with each segment being no greater than ten feet (10') in height. Terracing shall not be required when in the case of retaining walls constructed for the purpose of providing support for external basement stairways. The height of retaining walls shall be determined as the height of earth being retained. Fencing atop retaining walls shall not exceed eight feet (8') above the finished grade of earth being retained. For any retaining wall above thirty inches (30"), a fence or guardrail must be installed, as per uniform building code (UBC) or its successor. If the purpose of the retaining wall is to contain soil, or assist in the slope of the property, the wall must be properly

engineered and the plans designed and stamped by a certified engineer.

- D. Corner Lots: On corner lots, a sight obscuring fence, wall, hedge or similarly enclosing planting or structure having a height of more than thirty six inches (36") may extend into the required side or rear setback area adjacent to a street subject to compliance with the following:
 - 1. No portion of the fence, wall, hedge or similarly enclosing planting or structure shall extend into the front setback area or the clear vision area of the lot as defined under section 10-12-9 of this chapter; (Ord. 03-10-14-5, 10-14-2003, eff. 11-3-2003)
 - 2. The fence, hedge or wall shall not exceed the maximum height as set forth above; and
 - 3. Placement of the fence, wall or hedge in the location proposed shall not result in the establishment of a hazardous condition as determined by the zoning administrator. (Ord. 01-11-27-17, 11-27-2001, eff. 12-27-2001; amd. 2003 Code)
- E. Double Frontage Lots: On double frontage lots, a sight obscuring fence, wall or hedge or similarly enclosing planting or structure may be placed along the rear property line provided that the placement will not result in the establishment of a hazardous condition to adjacent properties, as determined by the zoning administrator.
- F. Material, Design And Construction: All fences and walls shall be of appropriate design and construction and the design and construction should be consistent with the nature, type, and aesthetics of other such improvements within the surrounding area. (Ord. 03-10-14-5, 10-14-2003, eff. 11-3-2003)
- G. Nonconforming; Referral; Appeal: Where, in the opinion of the zoning administrator, a

proposed or existing fence, wall, hedge or similarly enclosing planting or structure does not conform to the above criteria, he or she shall immediately pursue the removal of the planting or structure or the correction of issues that may exist causing violation of the provisions herein or refer the application back to the applicant for correction, as applicable. Any person aggrieved by a decision of the zoning administrator may appeal said decision to the appeal authority, who shall have the authority, as an appeal under the terms of the Utah state code, to reverse or affirm any decision of the zoning administrator. (Ord. 03-10-14-5, 10-14-2003, eff. 11-3-2003; amd. Ord. 07-7, 4-24-2007)

H. Tennis Courts, Sport Courts, Batting Cages, Etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than eight feet (8') but not more than eighteen feet (18'), including any retaining walls, provided:

1. Such enclosure does not constitute a part of a fence enclosing a property.
2. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.
3. All portions of the enclosure above a height of eight feet (8') shall be nonsight obscuring.
4. The enclosure shall be set back from the property line of adjoining properties and also the main building upon the lot to which it is appurtenant for a distance of not less than twenty feet (20').
5. On corner lots, the enclosure shall be set back not less than ten feet (10') from the street. (Ord. 05-11, 12-13-2005, eff. 1-13-2006)

10-12-14: UTILITY BUILDINGS AND STRUCTURES PERMITTED IN RESIDENTIAL ZONES:

Utility buildings and structures such as electric buildings and substations may be constructed in all residential zones, but only after the appeal authority has approved as a special exception. The appeal authority may require conditions which are reasonably necessary to protect surrounding property values and residential amenities. (Ord. 01-11-27-17, 11-27-2001, eff. 12-27-2001; amd. Ord. 07-7, 4-24-2007)

10-12-15: OFF STREET PARKING:

- A. Intent: Regulations relating to off street parking have been established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off street parking according to the amount of traffic generated by each use, and to reduce the on street storage of vehicles. (Ord. 01-11-27-17, 11-27-2001, eff. 12-27-2001)
- B. Number Of Off Street Parking Spaces:
 1. One- And Two-Family Dwellings: Not less than 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 the required setback area adjacent to a street. Not less than two (2) of the off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.
 2. Multiple-Family Dwellings: Not less than three (3) 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. Not less than two (2) of the off street parking spaces appurtenant to a dwelling shall be enclosed within a garage. (Ord. 07-14, 9-25-2007, eff. 9-28-2007)