

CHAPTER 12 | SUPPLEMENTARY REGULATIONS WITHIN ZONES

TITLE 10
DEVELOPMENT
CODE

3. Commercial Zones And Public Facilities Within Residential Areas:

- a. Any such development shall provide a minimum of five (5) spaces per one thousand (1,000) square feet of the facility. Parking spaces must be a minimum of ten feet (10') wide and twenty feet (20') long, allowing a minimum of twenty four feet (24') for any aisle between rows of parking spaces. Off street parking will not be permitted in any fire lane or aisle space. Additionally, each facility shall provide handicapped accessible parking in accordance to the following minimums and meet the Americans with disabilities act (ADA) requirements. All parking must be hard surfaced.

Total Parking Spaces Present	Handicapped Accessible
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent
1,001 and over	20 plus 1
100 spaces over 1,000	space for every

- b. The lighting used to illuminate parking areas shall be such that it reflects light downward and away from adjacent properties. Landscaping for such developments shall provide a buffer from streets and adjoining properties, measuring a distance deemed suitable by the planning commission and city council. All such landscaping should be consistent with the standards of the

zone and that of adjoining properties, unless otherwise stipulated by the planning commission and city council.

4. Public Facilities Within Residential Areas:

- a. Such facilities include dentist and doctor offices, city buildings, libraries, schools, churches and other such developments, as determined by the planning commission and/or city council. Any such development shall provide a minimum of three and one-half (3 1/2) spaces per one thousand (1,000) square feet of the facility. Parking spaces must be a minimum of ten feet (10') wide and twenty feet (20') long, allowing a minimum of twenty four feet (24') for any aisle between rows of parking spaces. Off street parking will not be permitted in any fire lane or aisle space.

Additionally, each facility shall provide handicapped accessible parking in accordance to the minimums specified in subsection B3a of this section and meet the Americans with disabilities act (ADA) requirements. All parking must be hard surfaced.

- b. The lighting used to illuminate parking areas shall be such that it reflects light downward and away from adjacent properties. Landscaping for such developments shall provide a buffer from streets and adjoining properties, measuring a distance deemed suitable by the planning commission and city council. All such landscaping should be consistent with the standards of the zone and that of adjoining properties, unless otherwise stipulated by the planning commission and city council. (Ord. 01-11-27-17, 11-27-2001, eff. 12-27-2001; amd. Ord. 07-14, 9-25-2007, eff. 9-28-2007)

10-12-16: TEMPORARY USES:

A. Intent: The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature.

B. Permitted Temporary Uses: Certain uses may be permitted on a temporary basis in any zone when approved by the city council. Said temporary uses may include, but will not be limited to:

- Carnivals and circuses.
- Christmas tree sales lots.
- Fireworks sales stands (commercial zones only).
- Itinerant merchants (commercial and industrial zones only).
- Promotional displays and exhibits.
- Other uses determined by the city council to be similar to those set forth above.

C. Application For Temporary Use: Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the city council. Said application shall contain the following information:

1. A description of the proposed use.
2. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
4. A copy of the lease agreement or other evidence of the right of the applicant to occupy the proposed site.

D. Approval Required: The city council may approve said application, provided the city council finds that:

1. The proposed use is listed as a permitted temporary use or in the opinion of the city council is similar to those uses permitted.
2. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
3. The proposed use shall occupy the site for a period not to exceed ten (10) days, except for Christmas tree lots which shall not exceed forty (40) days, and fireworks sales which shall be in accordance with the time limits as set forth in state law.
4. The applicant will have liability insurance for the requested use or event.
5. The applicant shall provide, at his own expense, for the restoration of the site to its original condition, including cleanup and replacement of facilities as may be necessary.
6. There is adequate access, provision for sanitation and solid waste disposal, and other essential elements of the proposed use.
7. All required fees have been paid.

E. City Council May Delegate Approval Responsibility; Exceptions:

1. The city council may authorize the zoning administrator to issue temporary use permits for certain temporary uses without city council review. Where the request is for a temporary use which is not listed or where, in the opinion of the zoning administrator, the characteristics of the proposed use are not in compliance with the above standards, the zoning administrator shall refer the application to the city council for their action.

2. In granting approval, the city council may attach additional conditions as they deem appropriate to ensure that the use will not pose any detriment to persons or property. The city council may also require a bond to ensure that necessary cleanup or restoration work will be performed. (Ord. 97-7-8-8, 7-8-1997)

10-12-17: HOME OCCUPATIONS:

- A. Intent: The following regulations have been established to provide minimum standards for the establishment and operation of home occupations within residential zones.
- B. Application And Approval Required: Home occupations may be permitted by the zoning administrator, or such other person or board (hereafter referred to as "designated approval authority"), as may be delegated by the city council, following receipt of an application and subject to the following conditions:
 1. Home occupations are listed as a permitted use in the zone.
 2. The home occupation is conducted entirely within a dwelling.
 3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
 4. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
 5. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
 6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change

the character of the building from that of a dwelling.

7. Signs shall be limited to one identification nameplate, constructed and installed in accordance with the provisions of subsection 10-12-23B1c of this chapter.
8. Not more than the equivalent of twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
9. The home occupation shall obtain a business license from the city.
10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the state health department or other public agency.
11. The physical appearance, traffic, parking space and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values as determined by the zoning administrator.
12. Business activity may be conducted by the residing family and not more than three (3) persons not residing in the dwelling where the home occupation takes place, subject to the following:
 - a. On an annual basis, the individual holding the business license must make a statement on the business renewal application regarding the number of employees working in the home and if the nature of the business has changed in any manner. All business licenses are subject to this provision upon renewal.
 - b. The holder of a home occupation business license is responsible to comply with all county, state and

federal regulations, such as, but not limited to, fire codes, building codes, OSHA safety requirements, EPA, FICA, the Americans with disabilities act (ADA), etc., which are applicable to their business.

- C. Conditions May Be Attached: In order to achieve the objectives of this development code and to protect the health, safety and quality of life in the community, the designated approval authority may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated. (Ord. 98-12-8-13, 12-8-1998)
- D. Review; Appeal:
1. Any person aggrieved by a determination of the designated approval authority may request a review before the city council who shall have the authority to reverse, affirm or modify any decision of the approval authority. Any such request for review shall be filed with the city recorder within ten (10) days of the determination of the designated approval authority. (2003 Code)
 2. Any person aggrieved by a determination of the city council may request a hearing before the appeal authority who shall have the authority to reverse, affirm or modify any decision of the city council. Any such appeal shall be filed with the city recorder within ten (10) days of the determination of the city council. (2003 Code; amd. Ord. 07-7, 4-24-2007)
- E. Continuing Obligation; Business License Required:
1. All home occupations shall be operated in compliance with the conditions hereinabove set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation, the applicant shall be eligible

to acquire a business license to operate. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

2. The approval shall be valid for the remainder of the year in which it is first granted. Thereafter, the approval will be extended for successive one year periods, commencing on January 1 of the calendar year; provided, that: a) the home occupation remains substantially the same as initially approved; and b) the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

- F. Termination Of Approval Permitted;
Procedure: The city may revoke the approval of the home occupation or refuse renewal of the business license upon a determination made by the city council, following notice and hearing on the matter, that the home occupation is not in compliance with the provisions of this section or the conditions attached at the time of approval. The zoning administrator shall have a reasonable right of entry for the purpose of inspection of the premises to determine compliance with the provisions of this section. (Ord. 98-12-8-13, 12-8-1998)

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

Prior to the construction of any building or other structure by a local governmental entity (i.e., school district, county, special service district) within the city, a site plan for the same shall be submitted to and approved by the city in accordance with the provisions of section 10-12-19 of this chapter. (Ord. 97-7-8-8, 7-8-1997)

10-12-19: SITE PLAN REVIEW:

Wherever the terms of this title require submission and approval of a site plan, such review shall be

conducted in accordance with the following provisions:

- A. Application Required: Application for site plan approval shall be submitted and reviewed in accordance with section 10-12-37 of this chapter. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)
- B. Approval Of Site Plan; Appeals Permitted: All reviewing bodies shall review all proposed site plans and shall issue all decisions within a reasonable time. Any person aggrieved by a determination of any reviewing body may request in writing a hearing before the appeal authority who shall have the authority to reverse, affirm, or modify any decision of the reviewing body. Any such appeal shall be filed within thirty (30) days of the determination of the reviewing body. (Ord. 04-6, 7-13-2004, eff. 8-13-2004; amd. Ord. 07-7, 4-24-2007)
- C. Building Permit: No building permit shall be issued for any use, building, structure or external alterations thereto which requires site plan approval until the provisions of section 10-12-37 of this chapter have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this title.
- D. Business License Not To Be Issued Without Site Plan Approval: No business license shall be issued for any use requiring site plan approval until such approval has been obtained in accordance with the terms of section 10-12-37 of this chapter. Any license issued prior to site plan approval shall be null and void. (Ord. 02-5-28-12, 5-28-2002, eff. 6-12-2002; amd. Ord. 04-6, 7-13-2004, eff. 8-13-2004)

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

It shall be unlawful to place any recreation vehicle or mobile home on any lot or parcel of land and to use the same for human habitation, except as provided for in section 10-10A-3 of this title. (Ord. 01-11-13-16, 11-13-2001, eff. 12-14-2001)

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

- A. Culinary Water System¹: All dwellings and other buildings used for human occupancy shall be served by the city water system or by an existing private central water system which is approved by the appropriate state approval authority and which is capable of providing and delivering adequate supplies for both culinary and firefighting purposes.
- B. Fire Hydrants: Each dwelling or other structure used for human occupancy shall be located not more than two hundred fifty feet (250') from the closest fire hydrant. (Ord. 97-7-8-8, 7-8-1997)
- C. Domestic Sewage Disposal:
 - 1. All dwellings and other buildings intended for human occupancy shall be served by the city central sewage collection and disposal system.
 - 2. Existing dwellings and other buildings of human use and occupancy currently serviced through a septic system must connect to the city sanitary sewer system at the point in time in which the availability of said system extends to within three hundred feet (300') of the property, pursuant to the Utah Code Annotated section 10-8-38, and subject to the following conditions:
 - a. Should a property owner connect to the city sanitary sewer system within one year of the date of said availability, the following shall apply:
 - (1) The sewer hookup fee shall be waived.
 - (2) The full sewer impact fee shall be paid by the property owner, except that said fee may be

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financed over thirty six (36) months without interest.

- b. Should a property owner not connect to the city sanitary sewer system within one year of the date of said availability, the following shall apply:

- (1) The full sewer hookup fee shall be paid in full by the property owner.
- (2) The full sewer impact fee shall be paid in full by the property owner.
- (3) Neither the hookup fee nor the full sewer impact fee may be financed by the city.
- (4) Following the expiration of one year from the date of said availability, if the property owner has not connected to the city sanitary sewer system, the property owner shall be responsible for payment of a monthly fee equal to the amount of the monthly sewer fee until a connection is established, at which time the property owner shall assume normal billings for sewer services from the city.
- (5) Any fees or charges, as outlined above, which are not kept current, shall fall under the city's normal procedure for such situations. (Ord. 01-12-11-19, 12-11-2001, eff. 1-11-2002)

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

Residential facilities for disabled persons shall be as regulated by the appropriate state agencies. (2003 Code)

10-12-23: SIGNS AND ADVERTISING STRUCTURES:

- A. Intent: It is the intent of this section to provide standards and requirements relating

to the location and design of signs and similar advertising structures.

- B. Permitted Signs An All Zones: The following accessory signs shall be permitted in all zones, subject to the terms and conditions as may be stated; and provided, that no sign shall be positioned in such a manner as to result in the creation of an unsafe visual clearance at any driveway location or intersection:

1. Signs Not Requiring Permit: The following signs shall be permitted without the necessity of obtaining a permit from the city: (Ord. 97-7-8-8, 7-8-1997)

- a. Real estate sales; one sign per street frontage advertising the sale, lease or rental of the premises; provided, that such signs shall not exceed six (6) square feet in residential zones and eight (8) square feet in other zones. All such signs shall be removed within six (6) months from the date of installation. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)
- b. Political signs; signs for the purpose of announcing the candidacy of any person seeking public office; provided, that such signs shall be removed not more than seven (7) days following the election.
- c. Identification nameplates; accessory nameplates for professional persons or home occupations. Said signs shall be not more than two (2) square feet in area, be unlighted, and contain no advertising material.
- d. Institutional identification signs; one sign or bulletin board per street front denoting the name of any public, charitable or religious institution when located on the premises of the main structure, and provided such sign shall not exceed twenty four (24) square feet in area.

- e. Governmental signs; signs erected by a governmental unit for regulatory or informational purposes such as traffic signs, street signs and public notices.
 - f. Public signs; signs of a nonadvertising nature intended to identify a condition or provide information to the public, such as public utility information signs, safety and danger signs, trespass signs, entrance and exit markers, provided, no sign shall exceed four (4) square feet in area.
2. Signs Requiring Permit: The following signs shall be permitted upon acquisition of a permit therefor:
- a. Building and development project identification signs; one sign for each parcel upon which a building or development project is being constructed announcing the character of the activity or the purpose for which the building is intended, including the names of the contractor, engineers, architects, financial providers, etc., and provided the area of the sign shall not exceed thirty two (32) square feet. All such signs shall be removed prior to the issuance of a certificate of occupancy.
 - b. Directional and public service signs; signs which identify or provide direction to scenic or historic sites, sports facilities or signs which serve as community entrance signs or which convey community service information; provided, that the area of the sign shall not exceed sixteen (16) square feet. (Ord. 97-7-8-8, 7-8-1997)

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

No building permit for the construction of a dwelling or other structure intended for human occupancy shall be issued unless and until the lot upon which

said structure is proposed to be constructed is served by the following minimum level of improvements:

A. Culinary Water Main3:

1. A culinary water main which connects to an existing city water main having sufficient capacity to serve both culinary and fire flow requirements, and which extends from the point of connection to the existing main to and across the full width of the adjacent lot (except in the area serviced by the Goosenest Water Company located west of 1600 West, where there is presently no extension, but where a future extension as a result of contiguous development may be anticipated). Also a permanent water service lateral, extending from the main to the property line and including the service tap, lateral pipe, constructed in accordance with city standards.
2. Prior to the issuance of the permit, said water main shall have been:
 - a. Tested and sanitized;
 - b. Inspected and approved by the city engineer;
 - c. Charged; and
 - d. Capable of delivery of the water for both culinary and fire flow purposes to the premises.

- B. Sanitary Sewage4:** A sanitary sewage collection main which connects to an existing adequate city sewer main at the most appropriate location, as determined by the city. Said sewer main extension shall run from the point of connection to the existing main, to and across the full width of the adjacent lot (except in the area serviced by the Goosenest Water Company located west of 1600 West, and the Loafer Canyon recreation area south of the private gate on Loafer Canyon Road,

where there are presently no extensions, but where future extensions as a result of contiguous development may be anticipated). Also, the premises shall connect to the main through a permanent sewage service lateral extending from the main line to the property line.

C. Street Improvements:

1. A hard surfaced city street having a right of way width which conforms to the minimum city standards. The hard surfaced street shall extend from the point of connection to an existing hard surfaced street to and across the full width of the lot seeking approval. The city may allow a building permit to be issued on a lot in a subdivision without asphalt surfacing, if the applicant agrees in writing that a certificate of occupancy for the structure will not be issued until asphalt surfacing is complete. All other requirements of this section shall be met prior to the issuance of a building permit. If building permits are issued before asphalt surfacing is in place, it is the applicant's responsibility to:
 - a. Clear and maintain the roads to allow fire and emergency vehicle access to the building site.
 - b. Strip the road base after winter months.
 - c. Replace and recompact the road base prior to installation of asphalt to meet city requirements.
2. For purposes of compliance with this requirement, the term "hard surfacing" shall mean and include the installation of road subbase, gravel base and asphalt surfacing, all in accordance with city standards.
3. The provisions of this subsection C shall not be applicable to approved projects which shall have been approved in

accordance with the applicable provisions of this title for which vehicular access to individual units is from private streets.

- D. Drainage: All required drainage requirements shall be met. (Ord. 07-17, 11-13-2007, eff. 12-13-2007)

10-12-25: FLAG LOT DEVELOPMENT:
(Rep. by Ord. 08-9, 7-8-2008)

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

- A. The storage or continuous parking of: 1) trucks having a rated capacity of one and one-half (1 1/2) tons or greater, or trailers intended to be pulled thereby; or 2) motorized construction, excavation or other equipment having a weight of two and one-half (2 1/2) tons or greater, shall not be permitted in any residential zone except when located on a lot during the construction of a primary dwelling thereon.
- B. The provisions of this section shall not be construed to prohibit the owner/occupant of a lot containing a dwelling from parking his/her recreation vehicle on the lot. (Ord. 99-7-13-5, 7-13-1999)

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

- A. Building, HUD Code Compliance: The dwelling shall meet the requirements of the current edition of the building code as adopted by the city or, in the instance of a manufactured housing unit, the current version of the HUD code.
- B. Prior Occupancy: In the event that the dwelling has had prior occupancy, the dwelling shall meet the requirements of the existing applicable code.
- C. Utility Connection: The dwelling shall be approved for permanent connection to all required utilities.

D. Foundation:

1. Each dwelling shall have a code approved site built foundation capable of transferring design dead loads and live loads and any other design loads unique to local homes (i.e., wind, seismic or water conditions, etc.), that are imposed by or upon the structure into the underlying soil or bedrock without failure, and shall be adequately tied to the foundation.
2. All foundations and all tie down devices shall be in accordance with the city adopted building codes, the manufacturer's recommendations, or an approved engineered design.

E. Perimeter Foundation, Skirting: The space beneath the structure shall be enclosed at the perimeter with a foundation which meets the requirements of the building code or, in the instance of a manufactured housing unit, a concrete or masonry skirting wall. The perimeter foundation or skirting wall shall be continuous, except for the placement of doors, windows or access openings and shall be placed upon footings which are not less than thirty inches (30") below grade, as measured to the bottom of the footing, for frost protection.

F. Transportation Devices: In the instance of a factory built dwelling or moved structure, any tongues, axles, wheels or other devices required for the transportation of a dwelling and not required to retain the structural integrity of the building shall be removed at the time of installation.

G. Roof Surface: The roof surface shall consist of fire retardant roofing materials conforming to the applicable standards of the building code and urban/wildland interface ordinance (see title 9, chapter 3 of this code).

H. Roof Pitch: Where the design provides for a pitched roof, the pitch shall be not less than

2.5:12. There shall be a roof overhang at the eaves and gable ends of not less than six inches (6"), excluding the rain gutters, as measured from the outer surface of the adjacent vertical wall. The roof overhang requirement shall not apply to areas above porches, alcoves and similar appendages, which together do not exceed twenty percent (20%) of the length of the structure.

I. Exterior Siding Material: Dwellings shall have exterior siding material consisting of wood, hardboard, brick, concrete, stucco, glass, metal or vinyl lap, tile or stone.

J. Garage: Each dwelling shall be provided with a two (2) car garage.

K. Exit Landing: At each exit door there must be a landing that is a minimum of thirty six inches by thirty six inches (36" x 36") and constructed to meet the requirements of the building code. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

L. Deviations: The planning commission may approve deviations from one or more of the developmental or architectural standards set forth above, upon receipt of an application from the owner and a finding that: 1) the proposed deviation provides compensating features meeting the intent of the standard appealed from; and 2) the appearance of the proposed dwelling, including any proposed deviation, will be compatible and harmonious with existing structures in the vicinity. A determination made by the planning commission may be appealed to the appeal authority. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code; Ord. 07-7, 4-24-2007)

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

A. Intent: It is the intent of this section to establish an approval procedure and placement standards and criteria to more adequately address the various planning

issues relating to the placement of low power radio service antenna facilities within the city, including issues of demand, visual mitigation, noise, engineering, residential impacts, health, safety and facility sites, while ensuring that such procedure, standards and/or criteria do not unreasonably discriminate among competing wireless telecommunications service providers.

- B. Procedure For Approval: Same as required for approval of a large scale development (see section 10-14-5 of this title).
- C. Standards And Criteria; Definitions: For purpose of facilitating regulation, low power radio service antenna facilities are divided into three (3) categories. The characteristics of each category and the specific standards and criteria applicable to each shall be as hereinafter set forth: (Ord. 97-7-8-8, 7-8-1997)
1. Monopole Antenna: A "monopole antenna" is defined as a single cylindrical steel or wooden pole attached directly to the ground that acts as the support structure for the antenna and antennas.
 - a. Location: Monopole antennas shall be permitted in any zone or development project in which minor utility transmission projects are listed as a permitted or conditional use. The pole may be placed on a separate site owned by the user and dedicated exclusively as an antenna or may be "collocated" on a site occupied by a primary or "host" structure and occupied on a lease basis. The placement site shall have adequate access, and in the instance of a lease site shall not have the effect of reducing the requirements applicable to the host structure or use in violation of the development code or an approved development plan.
 - b. Height: The maximum height of any monopole structure shall be sixty feet (60') as measured from the prevailing ground surface in the vicinity of the pole. Each monopole structure shall be freestanding and shall not require the use of guy wires for support.
 - c. Antenna: The size, type and placement of the actual antenna structure attached to the monopole shall be in accordance with the standards for antenna type as set forth on figures 1 and 2 following this section. Not more than one antenna structure shall be placed on each monopole, except that the monopole may contain one whip type antenna in addition to any of the antenna structures identified under figures 1 and 2 following this section.
 - d. Spacing: No monopole structure shall be located closer than one-half (1/2) mile from any other monopole structure.
 - e. Distance From Residences: No monopole structure shall be located closer than three hundred feet (300') from any residence when the pole is located in a residential zone, or three hundred feet (300') from any residential zone boundary when proposed for placement in a professional office, commercial or industrial zone.
 - f. Placement On Undeveloped Parcels Not Permitted: Monopoles proposed to be located within a residential zone shall be placed only upon property currently developed, e.g., park, golf course, and school campus property. No such facility shall be permitted on lands which are currently vacant, used for agriculture, or otherwise considered probable for development for residential purposes.

- g. Lighting: No portion of the antenna or structure shall be lighted; and no such structure shall be permitted in a location which requires the use of flashing or other warning lights.
- h. Color: The color of the monopole and antenna structure shall be white, or such other color as will blend with the surrounding environment, as approved by the approval authority.
- i. On Site Placement: Collocated monopole structures shall be placed in the interior yard area of the host lot. Such structures shall not be placed in required landscape areas or required parking spaces.
- j. Accessory Facilities: Appurtenant buildings or facilities shall comply with the setback requirements of the zone or development plan. Monopoles shall be protected from unauthorized access through the use of an enclosure fence having a height of six feet (6'), and by ensuring that the climbing pegs are removed from the lower twenty feet (20') of the pole. All electric power lines leading to any freestanding accessory building or structure shall be underground.
- k. Exception To Height And Lighting Restrictions: The height and light restrictions of subsections C1b and C1g of this section may be waived by the approval authority where the low power radio service antenna facility is to be mounted on an existing pole that lawfully exists under current law and was placed for a purpose other than that of providing telecommunications service (e.g., park lighting at a ballpark), where: 1) no lighting is placed thereon that further illuminates, advertises or draws attention to the pole, the low power radio service antenna facility, or the provider of any

telecommunications service; and 2) the mounting of such facility complies in all respects with all other provisions of this section.

- 2. Wall Mounted Antenna: A "wall mounted antenna" is defined as an antenna or series of individual antennas mounted against the vertical wall of a building.
 - a. Location: Wall mounted antennas shall be permitted in any zone or development project in which minor utility transmission projects are listed as a permitted or conditional use.
 - b. Placement: The size, type and placement of antenna structure shall be in accordance with the standards for antenna type as set forth on figure 3 following this section. No portion of the antenna shall project above the wall to which it is attached.
 - c. Color, Architectural Compatibility: Antennas, equipment and supporting structure shall be painted or otherwise colored to match the building facade, structure or background against which they are most commonly seen, and shall be architecturally compatible with the building to which they are attached.
 - d. Accessory Facilities: All facilities and equipment for the operation of the antenna shall be located within the structure to which the antenna is attached.
- 3. Roof Mounted Antenna: A "roof mounted antenna" is defined as an antenna or series of individual antenna mounted on a flat roof, mechanical room or penthouse of a building.
 - a. Location: Roof mounted antennas shall be permitted in any zone or development project in which minor

utility transmission projects are listed as a permitted or conditional use.

- b. Placement: The size, type and placement of antenna structure shall be in accordance with the standards for antenna type as set forth on figure 4 following this section and shall be located within the placement envelop as defined therein.

- c. Roof Placement: Roof mounted antennas shall be permitted only on a flat roof, and shall be screened, constructed and/or colored to match the structure to which they are attached.

D. Review Criteria; Additional Requirements May Be Attached: In conducting its review and/or making its determination, the approval authority and/or reviewing body shall, in addition to any other matters it may choose to consider, consider the following:

1. Compatibility: Compatibility of the proposed structure with the height and mass of existing buildings in the area.
2. Placement: Whether placement of the structure in the proposed location will result in a significant impact to other uses or the reception or transmission of existing facilities.
3. Location: The location of the antenna in relation to existing vegetation, topography and buildings to obtain the best visual screening.
4. Impacts: Visual and economic impacts upon the adjacent properties.
5. Compliance: Compliance with federal communications commission (FCC) emission standards.

The approval authority may deny placement of a low power radio service antenna facility which does not conform to the

required standards and criteria, or which is inconsistent with the review criteria of this subsection; or it may require changes or additional measures in order to more fully protect the interests of adjacent properties and the public and to accomplish the purposes of this section.

E. Denial:

1. Requirements: The approval authority may not deny a request for approval of a proposed low power radio service antenna facility unless it satisfies the requirements of this subsection:

- a. Evidence, facts, arguments, comments, advice and/or recommendations, not otherwise protected from disclosure by law or legally recognized privilege, which are relied upon by the approval authority in denying the request, must be reduced to written form.

- b. The approval authority shall prepare and issue its findings, conclusions, final decision or determination, and supporting reasons therefor, in writing.

2. Written Submissions: The approval authority, or any recommending governmental body or officer, may require the applicant, city staff members and/or interested members of the public to prepare their comments and arguments in the form of written submissions to the approval authority.

3. Minutes: Written minutes of any public meeting of the city wherein a request made under this section results in a denial shall be kept in accordance with the Utah open meetings act.

4. Written Record: The official minutes of the public meeting, along with the written submissions and documentation referenced above in this subsection, shall constitute the approval authority's written

record as required by provisions of the telecommunications act of 1996; shall be made available upon request to the applicant and the public pursuant to the Utah government records access and management act; and shall constitute the official written record for the purpose of any legal, equitable or administrative review of said denial.

F. Continuing Obligation; Business License Required:

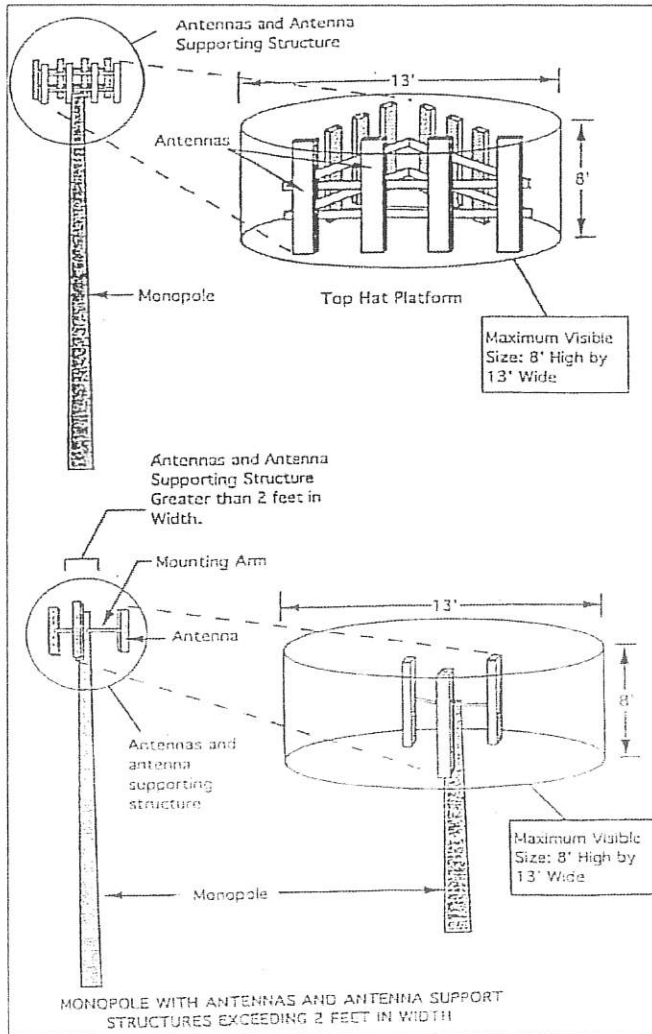
1. **Maintenance:** Every antenna, pole or support structure, and all ancillary facilities, comprising a low power radio service antenna facility, shall at all times be maintained in good structural and aesthetic condition. The owner of any property on which any such antenna, pole, support structure or ancillary facility or facilities, is located, and those responsible for or receiving benefit from its placement, shall keep the area clean and free from noxious or offensive substances, rubbish and/or flammable waste material.
2. **Compliance:** In addition to complying with any and all standards and criteria, review criteria, conditions and requirements of the city under this section, a low power radio service antenna facility is expected to and shall fully comply with all other applicable ordinances of this city, and with all applicable state and federal laws and regulations, including, but not limited to, the regulations of the FCC (including emissions standards of any radio frequency emissions emitted, discharged or otherwise radiating from such facility); the federal aviation administration (FAA), and the environmental protection agency (EPA).
3. **Use Separate:** Each separate low power radio service antenna facility shall be considered as a separate use; and an annual business license shall be required for each such facility.

4. Failure; Abandonment:

- a. Failure to properly maintain the low power radio service antenna facility, or the premises upon which it is located, as set forth in subsections F1 and F2 of this section; or
 - b. Failure to secure and maintain the required business license for a continuous period of one year, shall be considered an abandonment of said low power radio service antenna facility.
5. **Revocation Of License:** Failure to comply with any of the requirements of this section, any applicable ordinance of the city, or any state or federal law or regulation, may constitute grounds to revoke the business license of and pertaining to the low power radio service antenna facility. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

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

10-12-29: ACCESSORY APARTMENTS:

A. Intent: The following regulations have been established to:

1. Provide minimum standards for the establishment and operation of accessory apartments within the city.
2. To facilitate the implementation of the affordable housing element of the general plan by adopting provisions allowing the construction and operation of accessory apartments within one-family dwellings.

B. Application And Approval Required:

1. Accessory apartments situated within one-family dwellings may be approved by the zoning administrator, or such other city officer or board (hereafter referred to as "designated approval authority"), as may be delegated by the city council, following receipt of an application and subject to a finding that the primary dwelling and proposed accessory apartment conforms to the conditions and standards hereinafter set forth.

2. Any person constructing or causing the construction of a one-family dwelling containing an accessory apartment, or any person remodeling or causing the remodeling of a one-family dwelling intended to include an accessory apartment shall first obtain an accessory apartment permit. Before the permit is issued the applicant shall:

- a. Submit the following materials relating to the proposed accessory apartment:

- (1) An application for approval of an accessory apartment.
- (2) A site plan, drawn accurately to scale, that shows property lines and dimensions, the location of all existing buildings, the location of existing and proposed entrances, and the location of existing and proposed off street parking stalls.
- (3) A detailed floor plan of the dwelling, drawn to scale, and showing the use of each room and the location of the rooms included in the accessory apartment.

- (4) Request to establish a utility service account with the city which includes the accessory apartment.
- (5) All plans and other submittal shall conform with the standards set forth in this section. (Ord. 99-6-22-4, 6-22-1999)
 - b. Make payment of impact fees applicable to the establishment of accessory apartments. The amount of said impact fees are in such amounts as established by resolution of the city council. (Ord. 99-6-22-4, 6-22-1999; amd. 2003 Code)
 - c. Make payment of such fees as are required for the processing of the application.
- C. Standards And Design Criteria: Any proposal for the establishment of an accessory apartment shall comply with the following standards and criteria:
 1. Accessory apartments are specifically listed as a permitted or conditional use within the zone.
 2. Accessory apartments shall be permitted only in the instance where the primary dwelling is owner occupied.
 3. A one-family dwelling may include not more than one accessory apartment.
 4. The lot occupied by a one-family dwelling with an accessory apartment shall include not less than three (3) off street parking spaces. No portion of the required off street parking shall be situated within the front setback area or side setback area adjacent to a street. All off street parking areas shall be paved with concrete, asphalt, masonry or concrete pavers.
 5. One-family dwellings containing an accessory apartment shall be served by a single water and sewer connection.
 6. An accessory apartment shall contain not less than three hundred (300) square feet. The primary dwelling shall conform to the building area requirements of the zone, not including the portion devoted to the accessory apartment.
 7. All construction and remodeling to accommodate the accessory apartment shall conform to the building code in effect at the time of construction or remodeling.
 8. A new one-family dwelling approved with an accessory apartment shall not have a separate entrance for the accessory apartment at the front of the dwelling adjacent to a street.
 9. Where the proposed accessory apartment is to be located in an existing one-family dwelling, the entrance shall: a) conform to the requirements applicable to a new dwelling; or b) be the same as the entrance door for the primary dwelling on any side of the dwelling that faces a street. The purpose of this requirement is to preserve the single-family residential look of the structure. (Ord. 99-6-22-4, 6-22-1999)
 10. The primary dwelling shall either: a) be served by the city sanitary sewer system; or b) if served by septic tank disposal system, provide written evidence from the county health department, or its successor agency, that the septic tank and drain field system is adequate to accommodate the additional demand from the accessory apartment. (Ord. 99-6-22-4, 6-22-1999; amd. 2003 Code)
- D. Duration Of Permit; Continuing Obligation: An accessory apartment permit shall be valid for the year in which it is first issued and until May 1 of the year following its issuance.

Thereafter, the accessory apartment permit shall be automatically renewed for the next succeeding year upon receipt of: 1) payment of an annual accessory apartment permit fee; 2) evidence that the primary dwelling is occupied by the owner; and 3) a determination by the city that all conditions of approval remain in effect.

E. **Preexisting Accessory Apartments:** Where an existing one-family dwelling contains an accessory apartment, the city will issue a permit for continued operation of the accessory apartment existing at the time of the adoption hereof if all the following conditions are met:

1. Accessory apartments are permitted within the zone in which the dwelling is located;
2. The primary dwelling and the portion intended for use as an accessory apartment shall have been inspected by the building inspector and certified as being safe for occupancy;
3. The owner of the primary dwelling shall have submitted an application to continue operation of the accessory apartment within ninety (90) days of the adoption of this section;
4. The city shall have received payment of all required impact or processing fees required as a condition of approval of an accessory apartment (see subsection B2b of this section).

F. **Penalty:** Failure to secure approval of an accessory apartment as provided in this section or to operate an accessory apartment in accordance with the terms of this section shall be considered a violation of this development code and punishable as provided herein. (Ord. 99-6-22-4, 6-22-1999)

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

The planning commission may approve, following a public hearing, a subdivision with a lot that has a width, side setbacks and/or area less than that required by this title, provided the following conditions are met:

- A. The proposed lot width, side setbacks and/or area in the R-1-20,000 and R-1-15,000 zones shall be at least eighty percent (80%) of the minimum lot width, side setbacks and/or area required by these zones or at least the same width, side setbacks and/or area as eighty percent (80%) of the lots within four hundred feet (400') of the property fronting on the same street.
- B. The proposed subdivision shall contain no more than two (2) lots.
- C. The proposed subdivision shall meet all other subdivision and zoning ordinance requirements, including front and rear setbacks.
- D. Any person requesting a subdivision under this exception shall submit a plan showing compliance with the setback, driveway slope and buildable area requirements for the lot that has a width or area less than that required by this title. (Ord. 06-16, 11-14-2006)

10-12-31: ASSISTED LIVING FACILITIES:

Assisted living facilities are a conditional use in all zones based on the following conditions and standards:

- A. The facility conforms to all applicable standards and requirements of the Utah state department of human services.
- B. No person being treated for alcoholism or drug abuse shall be placed in an assisted living facility.
- C. Placement in an assisted living facility shall be on a strictly voluntary basis and not part of, or

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in lieu of, confinement, rehabilitation or treatment in a correctional facility.

- D. The facility conforms to all building, safety, health and zoning requirements of this code applicable to structures in the zone in which it is located.
- E. The facility shall be of a size, scale and design such that it is in harmony with other residential uses in the vicinity.
- F. The facility shall not be located closer than one thousand three hundred twenty feet (1,320') (1/4 mile) to any other similar use, as measured in a straight line between the closest property lines of the lots on which they are located.
- G. All required yard areas and all other nonpaved or nonbuilt areas shall be landscaped.
- H. The facility shall have a rear yard sight obscuring fence.
- I. The facility shall be allowed one wall or monument sign, which shall not exceed twelve (12) square feet and which shall have no internal illumination. All signage shall be approved by the planning commission at the same time as the facility site plan. (Ord. 00-9-12-11, 9-12-2000, eff. 9-21-2000)
- J. The facility shall have no more than two (2) stories or thirty six feet (36') above grade, as measured from the highest point of finished grade of the ground adjacent to the foundation of the structure to the top of the roofline. (Ord. 06-6, 4-25-2006, eff. 4-26-2006)
- K. There shall be at least three (3) parking spaces for the first two (2) beds and one additional parking stall for each additional three (3) beds. All parking shall meet current Americans with disabilities act requirements. (Ord. 00-9-12-11, 9-12-2000, eff. 9-21-2000)

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

- A. Amount Of Water Right: As a condition of approval of a building permit for a dwelling or other use which proposes to obtain water service from the city water system, the applicant shall convey to the city title to water rights in the amount shown in the water rights table in the "Elk Ridge City Development And Construction Standards Manual". The exact amount required varies with the size of the lot or if the intended use will require more than the amount shown on the table. In the special case of large common areas in a development or commercial developments, the city may require the conveyance of additional water rights to accommodate the anticipated additional demand for water. In no case shall less than one acre foot for each dwelling be conveyed to the city.
- B. Prior Approved Lots: Where an application for building permit is requested for construction on a lot for which water rights have been previously conveyed, the amount of water rights previously conveyed shall be construed as a credit toward satisfaction of the water rights conveyance requirement required pursuant to this section.
- C. Type Of Water Rights: The water rights proposed for conveyance to the city shall: 1) be of a type which is capable of ready conversion for municipal purposes from an existing city supply source (i.e., domestic well, natural flow right); 2) have received approval by the state engineer of a change application permitting the use of the water for municipal sources; and 3) the owner thereof shall have executed a warranty deed and certificate of title search to the city providing for the actual conveyance of the water right to the city at the time of final plat approval.
- D. Water Rights Conveyance Classified As Project Improvement: For purposes of compliance with the terms of the Utah impact fee act, the

conveyance of the water right shall be construed as a project improvement.

- E. **Acceptance Of Cash In Lieu Of Water Rights:** The city may at its discretion, accept cash in lieu of water rights at any time, based on competent engineering advice, and the city has deeded water rights in its name properly permitted for municipal use, in excess of the quantity required to meet the "peak day demand and average yearly demand" of the current connections plus platted lots, as defined in the Utah administrative code R309-510-7. The amount of cash in lieu shall be based on the water quantity per lot shown in the water rights table in the "Elk Ridge City Development And Construction Standards Manual", or as determined under special case calculations, multiplied by the current fair market value of the water right. Fair market value shall be set by the city council after periodic review and shall be based on comparable market values of water rights of similar type and quality. (Ord. 06-8, 5-9-2006, eff. 5-29-2006)

10-12-33: CONDITIONAL USE PERMITS:

- A. **Purpose:** Uses designated as conditional uses require special consideration from the planning commission. These uses may or may not be appropriate for a specific piece of property. The purpose of this section is to allow the planning commission to evaluate the appropriateness of designated conditional uses on a case by case basis. The conditional use permit procedure allows the planning commission to approve, deny or conditionally approve any request for a conditional use permit.
- B. **Permit Required:** No person or entity shall operate or conduct a use designated as a conditional use within the applicable zone without first obtaining a conditional use permit from the city.
- C. **Procedure For Approval:** The applicant for a conditional use permit shall submit a completed application form and a site plan with sufficient information to allow the planning commission to make a well informed decision. The applicant shall also pay a fee in an amount established by resolution of the city council with the application. (Ord. 01-6-26-12, 6-26-2001, eff. 6-26-2001)
- D. **Notice:** Notification shall be performed by the applicant in conformance with the terms of section 10-12-37 of this chapter.
- E. **Planning Commission Review:** Planning commission review shall be performed by the applicant in conformance with the terms of section 10-12-37 of this chapter.
- F. **Criteria And Factors To Be Considered:** The following factors shall be weighed and considered when determining whether a conditional use permit application should be approved, approved with conditions or denied:
1. Harmony of the request with the general objectives of the general plan, the zoning ordinance, the subdivision ordinance, any other city ordinance and/or master plan and the particular zone in which the request is located. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)
 2. Harmony of the request with existing uses in the neighborhood.
 3. Development or lack of development adjacent to the site.
 4. Whether or not the request may be injurious to potential development in the vicinity.
 5. Present and future requirements for transportation, traffic, water, sewer and other utilities.
 6. Suitability of the specific property for the proposed use.

7. Number of other similar conditional uses in the area and the public need for the conditional use.
 8. Economic impact on the neighborhood.
 9. Aesthetic impact on the neighborhood.
 10. Safeguards to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor.
 11. Attempts by the applicant to minimize other adverse effects on people and property in the area.
 12. Impact of the proposed use on the health, safety and welfare of the city, the area, and persons owning or leasing property in the area. (Ord. 01-6-26-12, 6-26-2001, eff. 6-26-2001)
- G. Duration: Unless otherwise specified by the planning commission, and subject to the provisions of this section relating to the amendment or revocation of a conditional use permit, a conditional use permit shall run with the land and be valid until such use expressed in the conditional use permit changes or is abandoned for a period of six (6) months or more. The planning commission may grant a conditional use permit for a limited period of time if it finds that a limited permit is reasonable to protect the health, safety, or welfare of the community or to ensure compliance with the terms of permit approval. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)
- H. Fees: Fees shall be established from time to time by the city council by resolution, and shall be assessed as a condition of the submission of any conditional use permit application. Conditional use permit fees are nonrefundable.
- I. Other Requirements: An applicant or user of a conditional use permit shall be held to all of the requirements relating to site plan approval, improvements, bonding, maintenance and completion. The conditional use permit shall not be valid until a bond guaranteeing all required and proposed improvements has been posted. Nothing in this section shall be interpreted to waive the bonding, licensing or permit requirements set forth in other city ordinances. (Ord. 01-6-26-12, 6-26-2001, eff. 6-26-2001)
- J. Appeals: Any person aggrieved by or affected by any decision of the planning commission may appeal the decision to the city council. Any person aggrieved by or affected by any decision of the appeal by the city council may appeal the decision to the appeal authority, subject to the provisions of the Utah state code, section 10-9-704. (Ord. 04-6, 7-13-2004, eff. 8-13-2004; amd. Ord. 07-7, 4-24-2007)
- K. Implementation: A conditional use permit shall expire and become null and void if the permit has not been implemented by the recipient within one year of the date of approval. The permit shall be considered implemented if the recipient either engages or participates in the conditional use or completes substantial construction on the project for which the permit was granted.
- L. Amendment Or Revocation: Any interested party may apply to the city for the amendment or revocation of a conditional use permit. Any person or entity, other than the city, seeking to amend or revoke a conditional use permit, shall pay a fee in an amount established by resolution of the city council. For purposes of this section, "any interested party" shall include the following persons or entities:
1. The owner or lessee of the property for which the conditional use was granted.
 2. The city.
 3. Any owner or lessee of property that lies within two hundred feet (200') of the

property for which the conditional use permit was granted.

4. Any person that can show that the conditional use has a direct impact upon his or her health, safety or welfare.

M. Procedure For Amendment Or Revoking Of Permit: The procedure for amending or revoking a conditional use permit shall be the same as the original application procedure set forth in this section. A conditional use permit may be amended at the request of the holder of the permit upon showing of good cause. A conditional use permit may be amended or revoked at the request of any other interested party if the planning commission finds one or more of the following:

1. The conditional use permit was obtained by misrepresentation or fraud.
2. The use for which the permit was granted has ceased or has been suspended for six (6) months.
3. The holder or user of the conditional use permit has failed to comply with any of the conditions placed on the issuance of the permit.
4. The holder or user of permit has failed to comply with any city regulation governing the conduct of the use.
5. The holder or user of the conditional use permit has failed to construct or maintain the approved site as shown on the approved site plan.
6. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

N. Revocation: No conditional use permit shall be amended or revoked against the wishes of the applicant for the permit without first

giving the applicant an opportunity to appear before the city council and show cause as to why the permit should not be amended or revoked. Amendment or revocation of the permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit.

- O. Violation:** A violation of any terms of this section or any conditions imposed as part of a conditional use permit shall be unlawful, and may be remedied or punished as allowed by law. (Ord. 01-6-26-12, 6-26-2001, eff. 6-26-2001)

10-12-34: DEVELOPMENT OF SLOPED LAND:

No property of thirty percent (30%) or more slope shall be incorporated as part of the designated building area of any building lot. All development on land of twenty percent (20%) or more slope shall be designed and stamped by a licensed engineer prior to submitting plans to any city body or official for review. (Ord. 01-12-11-21, 2-11-2001, eff. 1-11-2002)

10-12-35: LOT ORIENTATION:

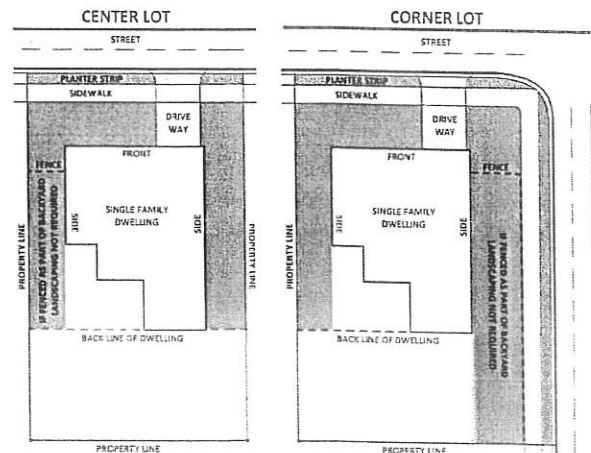
- A. Corner Lots:** For all existing, undeveloped corner lot properties not to be subdivided, vehicular access and egress routes, upon development, shall be oriented toward a street of minor collector class or lower. In addition, the following shall apply:
1. In the instance that such a property abuts two (2) streets of minor collector class or lower, the access and egress routes shall be oriented towards the street of lowest classification.
 2. In the instance that such a property abuts two (2) streets of major collector class or higher, the access and egress routes shall be oriented towards the street of lowest classification. In addition, one of the following shall be installed as a part of the access or egress route:
 - a. Circular driveway.

- b. Hammerhead driveway.
 3. When access or egress onto the street of lesser classification is thought to be inconsistent with the planned development for the property, the applicant may petition the planning commission requesting access or egress onto the street of higher classification. (Ord. 02-4-9-7, 4-9-2002, eff. 4-25-2002)
 4. Upon a decision being rendered by the planning commission, the applicant may petition the city council for review of the planning commission's decision. Upon a decision being rendered by the city council, an applicant feeling aggrieved by said decision may appeal to the appeal authority as stipulated in Utah state code annotated section 10-9-704. (Ord. 02-4-9-7, 4-9-2002, eff. 4-25-2002; amd. Ord. 07-7, 4-24-2007)
- B. Interior Lots: For all existing, undeveloped interior lot properties not to be subdivided where the property has frontage on a street of major collector class or higher, vehicular access and egress routes, upon development, shall be provided in one of the following manners in order to allow for safe access onto a major collector class, or higher, street, without doing so with a vehicle moving in reverse:
1. Circular driveway.
 2. Hammerhead driveway. (Ord. 02-4-9-7, 4-9-2002, eff. 4-25-2002)

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

- A. Residential Lot; Front Yard: Front yards of single-family lots, including any area in front of the dwelling, including the sidewalk planter strip, shall be landscaped. Side yards to the back line of the dwelling or to a sight

obscuring fence, shall also be landscaped. On corner lots the side yard and sidewalk planter strip adjacent to the street shall be landscaped, except areas behind a sight obscuring fence. Lots without street curbing shall be landscaped to the asphalt of the road or to the shoulder gravel area.



B. Residential Lot; Rear Yard: Rear yards of single-family lots, including any area to the rear of the dwelling and side yard not included as part of the front yard shall at a minimum, be required to maintain weed control. Noxious weeds and native grasses shall be kept less than four inches (4") tall within thirty feet (30') of a structure. Noxious weeds shall be kept less than twelve inches (12") tall for all other areas.

- C. Commercial And Large Residential Developments: Landscape materials must be installed prior to completion of all commercial projects, planned unit, senior housing, hillside cluster, and mountain home 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 one hundred twenty five percent (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 in the subdivision will be subject to this requirement. Individual lots will be required to follow front and rear yard landscaping requirements.

- D. 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 is encouraged in clusters on smaller and flatter terrain lots and allowed exclusively on slopes over fifteen percent (15%). Native vegetation includes grasses and trees that are currently established in the nondeveloped 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 thirty percent (30%) of a front yard area.

- E. Zones With Animal Rights: Properties within zones with animal rights shall be allowed to keep areas of the property for use of raising livestock and agriculture uses. This can include corrals, pastures, coops, barnyards, etc. These areas will still be required to maintain weed control. Noxious weeds and native grasses shall be kept less than four inches (4") tall within thirty feet (30') of a structure. Noxious weeds shall be kept less than twelve inches (12") tall for all other areas.
- F. Vegetative Clearance: The use of native vegetation is encouraged on steeper slopes over fifteen percent (15%) and on larger lots over one-half (1/2) acre in size to conserve water and to help preserve the native hillside areas of the city. Properties within the urban/wildland interface area (generally hillside areas in the southern area of the city) shall adhere to the requirements for vegetative clearance as listed in section 9-3-9 of this code. Properties within the hillside residential 1 zone have additional native vegetation preservation requirements.
- G. 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. It is recommended that trees have a two inch (2") caliper trunk and be potted rather than burlap balled. Street trees in the planter strip of commercial, planned unit, senior housing, hillside cluster, or mountain home developments shall be shown on the landscaping plan. Trees shall have a trunk of at least two inch (2") caliper and be potted rather than burlap balled to provide for stronger growth in the Elk Ridge environment. Each street within these types of developments shall have the same type of tree planted along it. All units shall have at

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least two (2) trees within the planter strip adjacent to the unit (4 on corner lots). The required sight distance at intersections shall be maintained.

- H. Time Allowed For Residential Landscaping Installation: Landscape materials must be installed within twenty four (24) months of occupancy of residential structures built on lots not constructed as part of subdivision construction. If in noncompliance after twenty four (24) months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.
- I. Existing Residential Yard Requirements: Existing residential yards associated with a structure, which do not comply with this section, shall be brought into compliance within twenty four (24) months of enactment of this section (October 31, 2008). If in noncompliance after twenty four (24) months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.
- J. Maintenance: The landowner shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to water wise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept visually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing, or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within six (6) months, or the next planting period (spring or

fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three (3) months. Gravel shoulder areas on lots without street curbing shall be kept weed and vegetation free. If utility work is needed within the city owned road right of way the city or utility company shall restore landscaping and other improvements to their original state.

- K. Hazards: Landscaping shall be maintained to minimize property damage and public safety hazards, including the removal/replacement of dead or decaying plant material, removal of low hanging branches and those obstructing sidewalks and traffic sight distance requirements. In the event a tree, shrub, or other plant causes damage to streets, sidewalks, trails, or other public improvements, the city may order the removal of the offending vegetation and/or other landscape features and may require the repair or replacement of the damaged city property at the landowner's expense. (Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)

10-12-37: APPROVAL PROCESSES AND REQUIREMENTS:

- A. Intent And Purpose: It is the intent and purpose of this section to develop and establish approval processes by which all new developments and project proposals are approved within Elk Ridge City. It is also the intent of this section to promote orderly growth and development within Elk Ridge City. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)
- B. General Provisions:
1. Projects That Necessitate Such Action: All proposed development projects within the city shall adhere to the regulations and requirements of this section with the exception of the construction of signs and those projects which require only a building permit. Planned mountain home developments, planned unit

developments, and all other similar development types are also required to follow the provisions set forth herein, as applicable. (Ord. 04-6, 7-13-2004, eff. 8-13-2004; amd. Ord. 08-4, 2-26-2008)

2. Reviewing Bodies:

- a. City Council: The city council is a body of elected officials, as provided in the city code, who shall review proposed developments as provided in this section.
 - b. Planning Commission: The planning commission is a body of appointed officials, as provided in the city code, who shall review proposed developments as provided in this section.
 - c. Technical Review Committee: The technical review committee shall be composed of city staff, elected officials, and others, as determined by the city. The technical review committee shall review proposed developments, as provided in this section and the city code.
3. Process: The process by which proposed projects shall be approved shall be in accordance with this section, and in harmony with this development code, building and construction standards, and the Elk Ridge City general plan and appropriate master plans.
4. Simultaneous Approvals: Any development requiring annexation and development approval may receive preliminary approval from the planning commission and city council along with final annexation approval subject to the following:
- a. No project shall receive preliminary development approval before receiving final annexation approval;

- b. No proposed project shall submit final plans or have final plans reviewed by any city body until any and all annexation approval has been granted and preliminary approval has been given by the city council;
 - c. Planning commission or city council approval of an annexation proposal does not equate to preliminary project approval for any such development unless specifically stated by motion of the reviewing body; and
 - d. It shall be the responsibility of the applicant to submit preliminary plans to be reviewed simultaneously with an annexation proposal including, but not limited to, the payment of all nonrefundable application fees.
5. Scheduling: No reviewing body shall review any application within four (4) calendar days of another reviewing body's review of the same application. Furthermore, no project shall receive any preliminary or final approval from any city body, except as explicitly outlined in this section or without proper review as part of an adequately noticed agenda as per the Utah state code.
6. Fees: All required development application, review and processing fees, as outlined in this section, shall be established by resolution of the city council.
7. Plan Submittal Deadlines: All project submittals to be reviewed by any reviewing body must be submitted in whole, as described herein, according to the following deadline schedule:
- a. City Council: In order to be eligible to be placed on a city council agenda following the receipt of a planning commission recommendation, a complete submittal, including all

required plans, application forms, and fees must be submitted to the Elk Ridge City recorder by the end of business hours on the Thursday before the meeting in question.

- b. Planning Commission: In order to be eligible to be placed on a planning commission agenda, a complete submittal, including all required plans, application forms, and fees must be submitted to the Elk Ridge City planning department by the end of business hours on Thursday, one week before the meeting in question.
 - c. Technical Review Committee: In order to be eligible to be placed on a technical review committee agenda, a complete submittal, including all required plans, application forms, and fees must be submitted to the Elk Ridge City office by the end of business hours on Thursday, one week before the meeting in question.
 - d. Holidays: In the event that a submittal deadline date, as determined in this section, falls on a city observed holiday, the deadline submittal date shall be determined to be the last regular workday before the city observed holiday.
8. Notice: All agendas for meetings of any city reviewing body shall be noticed in accordance with the Utah state code.
 9. Conditional Uses: All proposed projects containing a conditional use, as provided for in this development code, shall receive conditional use approval by the planning commission prior to any development review submittal.
 10. Public Hearings: All public hearings shall be held in accordance with the provisions of the Utah state code.
 11. Development Requirements: The development plan checklists detail the requirements of a complete submittal of plans. All submittals requiring staff review shall be required to have no more than two (2) checklist items absent or obviously out of compliance from the combined total of all plans in order to be accepted as a complete submittal. Checklists for all development and review types shall be made available in the Elk Ridge City office.
- C. Annexations: All proposed annexations shall conform to the process depicted in exhibit A located at the end of this section and those outlined in the Utah state code.
 - D. Subdivisions:
 1. Projects That Apply: All residential subdivision projects resulting in three (3) or more lots shall be required to conform to the provisions set forth herein. Developments consisting of a division of a single, large lot which results in a total of two (2) lots shall adhere to the provisions set forth in subsection D4 of this section.
 2. Subdivision Approval Process: Proposed subdivision proposals shall conform to the review processes depicted in exhibits B and C located at the end of this section.
 3. Notification To Public Utility Companies: At least fourteen (14) days prior to planning commission preliminary review of any proposed subdivision, the subdivider shall provide the city with a notification packet as proof that notice of the proposed subdivision has been issued to each public utility company. The city may, at its discretion, maintain the contact information of the necessary utility companies, although it shall remain the sole responsibility of the subdivider to ensure that all public utility companies have been properly notified. The notification packet shall be in accordance with the following:

- a. A copy of the signed notification letter sent to the utility companies including any and all maps and attachments and at least the following:
 - (1) The date of the notice;
 - (2) The exact time, location and place of the planning commission's preliminary review of the proposed subdivision, as determined and scheduled by the city;
 - (3) That the utility company has the right to be present at each review of the proposal, or provide input by other means, in order to express any comments or concerns they may have regarding the proposed subdivision;
 - (4) The approximate address of the property on which the proposed subdivision would occur;
 - (5) A detailed description of the proposal including copies of maps, plans or graphics;
 - (6) A description of the requirement for notification;
 - (7) The zoning of the property on which the proposed subdivision would occur;
 - (8) A statement declaring the planning commission's preliminary review is to be the first in a series of reviews of the proposed subdivision;
 - (9) Contact information for the applicant and the city; and
 - (10) The signature of the applicant;
 - b. A complete list of names and addresses of the utility companies to which the notices have been sent, including the individual of attention; and
 - c. Photocopy(ies) of all receipts from an office of the United States post office which clearly displays at least the following:
 - (1) The stamped date of mailing through U.S. certified mail; and
 - (2) The names and addresses of each intended recipient, as displayed on the notification list.
4. Division Of Large Lots (Single Lot Splits): Residential developments consisting solely of the division of a single, large lot which results in no more than two (2) total lots shall be determined to be a single lot split and shall be reviewed in accordance with the following:
- a. Application Requirements: Submission materials and accompanying maps and drawings shall conform to the requirements of a final subdivision plat submittal. In addition, the applicant shall be responsible for the payment of fees for the submittal as established in the Elk Ridge City fee schedule.
 - b. Technical Review Committee Review: Prior to review by the planning commission, applications for a single lot split shall be subject to the review and approval of the technical review committee to ensure that the application materials and accompanying maps and drawings conform to the requirements of this title, construction standards, and any other applicable city or state requirements.

c. Planning Commission Review: After proper review by and recommendation from the technical review committee, the planning commission shall review all such submittals for compliance with this title, general plan, and all applicable master plans of Elk Ridge City. Following adequate and sufficient review, the planning commission shall recommend the application for approval, approval with conditions or denial to the city council. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)

d. City Council Review: Upon receipt of a recommendation from the planning commission, the city council shall review such applications for compliance with the general plan and the health, safety, and general welfare of the citizens of Elk Ridge. Following review of such applications, the city council shall render a decision of approval, approval with conditions or denial for the application within a reasonable time period. Any party aggrieved by the decision of the city council may file a written appeal of the decision with the appeal authority within thirty (30) days of the decision. (Ord. 04-6, 7-13-2004, eff. 8-13-2004; amd Ord. 07-7, 4-24-2007)

e. Recording: After receiving all required approvals, the applicant shall prepare a plat of the lot split with any and all conditions of approval to be recorded in the office of the Utah County recorder. Said plat shall first be submitted to the city office for the necessary stamps and signatures of city officials. Once completed and properly stamped and signed, it shall be the sole responsibility of the applicant to pick up the plat from the city office and submit said plat, including the payment of all required recording fees, to the office of the Utah County recorder. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)

E. Plat Vacation:

1. Planning Commission Recommendation
Required: Prior to any city council review, with or without a petition, of a proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat, the proposal shall be referred to the planning commission for its recommendation. The planning commission shall hold a public hearing, following appropriate public notice, and shall give its recommendation to the city council with regard to the proposal within thirty (30) days after the proposed vacation, alteration, or amendment is referred to it. The city council shall issue a decision regarding the proposal.

2. File Petition: Any citizen wishing to vacate, alter, or amend a subdivision plat may file a petition to do so with the planning commission and the planning commission shall then hold a public hearing. The city council shall issue a decision regarding the proposal within forty five (45) days after receipt of a recommendation from the planning commission regarding the petition.

3. Petition Contents: A petition to vacate, alter, or amend a subdivision plat, any portion of a subdivision plat, or a street, lot, or alley contained in a subdivision plat shall include:

- a. The name and address of all owners of record of real property contained in the entire plat;
- b. The name and address of all owners of record of real property located within four hundred feet (400') of any street that is proposed to be vacated, altered, or amended; and

- c. The signature of each property owner who consents to the petition.
- 4. Public Hearing: When the city council proposes to vacate, alter, or amend a subdivision plat, any portion of a subdivision plat, or a street, lot, or alley contained in a subdivision plat, they shall consider the recommendation of the planning commission given following a public hearing after giving the notice required by this chapter. (Ord. 06-7, 4-25-2006, eff. 5-16-2006)
- 5. Notice Of Hearing For Plat Change:
 - a. The applicant shall notify each owner of real property located within three hundred feet (300') of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the most recent assessment rolls of the Utah County assessor.
 - b. The notice shall include the date, place, and time when the hearing will be held to consider such proposed plat change, as well as a description of the desired change.
 - c. If the proposed change involves the vacation, alteration, or amendment of a street, the city council shall also cause notice of the date, place, and time of the hearing regarding the matter to be given by publishing the notice for at least four (4) consecutive weeks prior to such hearing in a newspaper of general circulation in the city and posting a notice in three (3) public places in the city for at least four (4) consecutive weeks prior to such hearing.
- 6. Grounds For Vacating Or Changing A Plat:
 - a. Within thirty (30) days after the public hearing required by this chapter, the city council shall consider the petition.
 - b. If the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, then the city council may take action to vacate, alter or amend the plat, any portion of the plat, or any street or lot.
 - c. The city council may ensure that the vacation, alteration, or amendment is recorded in the office of the Utah County recorder, as applicable.
 - d. Any aggrieved party may appeal to a court of competent jurisdiction as detailed within Utah state code section 10-9-1001. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)
- F. Lot Line Adjustments: Petitions to adjust lot lines between adjacent properties, whether or not in a recorded subdivision, shall be reviewed in accordance with the following:
 - 1. Application Requirements: Submission materials and accompanying maps and drawings shall conform to the requirements of a final subdivision plat submittal. In addition, the applicant shall be responsible for the payment of fees for the submittal as established in the Elk Ridge City fee schedule.
 - 2. Technical Review Committee Review: Prior to review by the planning commission, applications for a lot line adjustment shall be subject to the review and approval of the technical review committee to ensure that the application materials and accompanying maps and drawings conform to the requirements of this title, and construction standards. The technical review committee shall also ensure that

the application is in complete compliance with the following:

- a. No new dwelling lot or housing unit results from the lot line adjustment;
 - b. The adjoining property owners consent to the lot line adjustment;
 - c. The lot line adjustment does not result in remnant land that did not previously exist;
 - d. The adjustment does not result in violation of the city code;
 - e. The proposal has been reviewed and/or approved by all appropriate utility companies, as determined by the zoning administrator, to ensure the integrity of a public utility easement; and
 - f. Any and all other provisions of the Utah state code.
3. Planning Commission Review: After proper review by and recommendation from the technical review committee, the planning commission shall review all such submittals for compliance with this title, general plan, and all applicable master plans of Elk Ridge City. Following adequate and sufficient review, the planning commission shall recommend the application for approval, approval with conditions or denial to the city council. (Ord. 06-3, 1-10-2006, eff. 2-10-2006)
 4. City Council Review: Upon receipt of a recommendation from the planning commission, the city council shall review such applications for compliance with the general plan and the health, safety, and general welfare of the citizens of Elk Ridge. Following review of such applications, the city council shall render a decision of approval, approval with conditions or denial for the application within a

reasonable time period. Any party aggrieved by the decision of the city council may file a written appeal of the decision with the appeal authority within thirty (30) days of the decision. (Ord. 06-3, 1-10-2006, eff. 2-10-2006; amd. Ord. 07-7, 4-24-2007)

5. Recording: After receiving all required approvals, the applicant shall prepare a plat of the lot line adjustment with any and all conditions of approval to be recorded in the office of the Utah County recorder. Said plat shall first be submitted to the city office for the necessary stamps and signatures of city officials. Once completed and properly stamped and signed, it shall be the sole responsibility of the applicant to pick up the plat from the city office and submit said plat, including the payment of all required recording fees, to the office of the Utah County recorder. (Ord. 06-3, 1-10-2006, eff. 2-10-2006)

G. Commercial Site Plans:

1. Projects That Apply: Site plan review shall be required of all new and expanding commercial development projects in accordance with this section. Development shall occur according to the following standards and requirements.
2. Plan Reviews: Site plan reviews must be completed prior to an application for a building permit.
3. Submission Requirements: The following items shall be submitted for design review of all commercial site plan proposals:
 - a. Five (5) twenty four inch by thirty six inch (24" x 36") sets of the site plan;
 - b. Eight (8) eleven inch by seventeen inch (11" x 17") sets of the site plan; and
 - c. Application fees, as determined in the Elk Ridge City fee schedule.

4. Site Plan Requirements: The following shall be included on site plan drawings (as they apply):
 - a. A vicinity map accurately locating the property within the city;
 - b. The names and addresses of property owner(s), the developer, and the surveyor and/or engineer;
 - c. Adjacent property lines and names of property owners;
 - d. Boundary lines of the site and sufficient information to define their location, length, and bearing;
 - e. Dimensions and square footage of the site;
 - f. Names and locations of adjacent streets;
 - g. Locations and dimensions of existing and proposed on and off site improvements, showing and including the following information:
 - (1) Buildings, including a notation as to whether they will remain, be modified, or be demolished and showing their finished floor elevations;
 - (2) Building elevation showing dimensions and materials present or proposed;
 - (3) Vehicular accesses and egresses;
 - (4) Parking facilities showing the dimensions of stalls and aisles, the number of stalls present and proposed, compliance with ADA requirements and this development code, and surfacing type;
 - (5) Spot elevations on the asphalt surface, as will be needed for construction, showing the direction and magnitude of slopes;
 - (6) Curb and gutter with spot elevations and slopes in plan view;
 - (7) Sidewalk location, width, and spot elevations in plan view;
 - (8) The location, size, and elevations of storm water detention areas, locations, sizes, flow line, and grate elevations of storm water improvements, the locations, sizes, types, lengths, slopes, and flow line elevations of storm water pipes, the maximum water surface contour in detention areas, and details of any special structures, including outlet control structures such as orifice plates;
 - (9) The locations and sizes of existing and proposed utility mains and laterals;
 - (10) The location of fire hydrants with valves to be placed at the main line connection, subject to fire department approval;
 - (11) The location and size of water meters which are to be placed behind sidewalk or curb, as applicable, with vaults being required when the meter is in asphalt or concrete;
 - (12) Backflow prevention devices;
 - (13) Pressure reducing valves;
 - (14) Landscaping, showing compliance with all applicable city

landscaping ordinances and regulations, and details on specific types and locations of landscaping features, including materials to be used;

- (15) Detailed description and design of the irrigation system to be used for landscaping purposes;
- (16) The location, heights, and type of materials used for fencing (a 6 foot masonry fence may be required when commercial development is adjacent to a residential zone or use);
- (17) The locations, sizes, and descriptions of signs;
- (18) The size, direction of flow, and any proposed changes to irrigation ditches;
- (19) The location of solid waste disposal dumpsters and details of the required sight obscuring enclosure;
- (20) Loading and unloading areas for products to be used or sold in the development;
- (21) Floor drains within buildings or a note on the plans indicating that there will be no floor drains;
- (22) The location, size, and elevation of manholes; and
- (23) The location, nature and detail drawings of any grease traps.
- h. Tabulations showing square footage of the following:
 - (1) The total site;
 - (2) Landscaping;
 - (3) Impervious and other hard surfaced areas;
 - (4) Undeveloped area, if applicable; and
 - (5) Footprint area of all proposed and/or remaining buildings.
- i. Existing contours at two foot (2') intervals in areas of slope less than thirty percent (30%), and at ten foot (10') intervals in areas of slope greater than thirty percent (30%);
- j. Proposed finished grade contours at two foot (2') intervals;
- k. The location of any areas of potential flood hazard within the site or within three hundred feet (300') of the site;
- l. Storm drainage calculations, as applicable, including:
 - (1) Hydrologic calculations showing peak flow calculations for the site with all input data, calculations, and results being submitted;
 - (2) Hydrologic calculations and capacity calculations for each segment of the system; and
 - (3) Detention calculations, including:
 - (A) An analysis of the detention volume requirements that identifies the storm whose duration creates the greatest detention volume requirement, given storm duration, stage storage curve, and outlet discharge curve; and

- (B) Orifice calculations showing the maximum release rate is not exceeded.
- m. Notes on all site plans and site plan amendments addressing at least the following:
- (1) The applicant is responsible for compliance with all requirements of the Americans with disabilities act (ADA);
 - (2) Detailed fire protection plans shall be submitted and approved with the building permit plans;
 - (3) Additional requirements may be identified during the plan review by the fire department, which may be mandated by the international fire code, or subsequently adopted code;
 - (4) All landscaped areas shall have an automatic, underground sprinkling system with a backflow prevention device and a backflow prevention device to the building;
 - (5) All improvements and work to be done on site shall be done in accordance with city standards; and
 - (6) Water meters are to be located behind the sidewalk or behind the curb in an area that is accessible, not located behind fenced areas, or under covered parking.
5. Approval Process: Site plans, as required by this section, shall be approved according to the process depicted in exhibit D located at the end of this section. The planning commission and/or city council shall have the ability to require any such submittal to conform to the approval process as depicted in exhibits B and/or C located at the end of this section if it finds that:
- a. The site includes areas of environmental sensitivity that necessitates extra cautious review;
 - b. The site contains oddities that may require added or special attention;
 - c. The site plan is deemed too complex and necessitates additional review time and attention;
 - d. The review time for the site plan becomes cumbersome;
 - e. The review of the site plans is contested by one or more citizens of Elk Ridge; or
 - f. Compliance with the provisions of the application or approval requirements are sufficiently lacking or not met. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)
- H. Conditional Uses:
1. Projects That Apply: Any use of land or development proposed which is determined within the city code to be a conditional use shall comply with the requirements of this section prior to seeking any other approval necessary to permit the proposed activity or use.
 2. Notification To Property Owners: At least 10 days prior to the planning commission meeting at which the permit request will be first considered, the city shall mail notice of the pending review to all adjacent property owners, as they appear on the official current rolls of the Utah County assessor, within 300 ft. of the outermost boundary of the property on which the conditional use is proposed to occur. The notice shall advise the property owner that he or she has the right to be present at the meeting and to express any comments or concerns they may have regarding the proposed conditional use.

3. Planning Commission Approval: The planning commission shall be the final approving authority, subject to the right of appeal as detailed elsewhere in this code, for all applications for conditional use permits. The planning commission shall review the proposed conditional use permit application while considering the criteria and factors set forth in this section and subsection 10-12-33F of this chapter. An application for a conditional use permit shall be approved, approved with conditions, or denied. Because every application is unique and different, planning commission review, approval, or denial, for every conditional use permit application shall take into consideration only those facts and information pertaining to the application specifically and may not take into consideration information or base decisions upon other similar projects or uses, or denial thereof, within the city. The validity of the permit shall be conditioned upon strict compliance with applicable city ordinances, the approved site plan, and any additional conditions of approval handed down by the planning commission.

I. Residential Site Plans:

1. Projects That Apply: At any time that a site plan is required within this code for a single lot residential construction, the subject development shall conform to the regulations as stipulated herein.
2. Plan Reviews: Site plan reviews must be completed prior to an application for a building permit.
3. Submission Requirements: The following items shall be submitted for design review of all residential site plan proposals:
 - a. Five (5) twenty four inch by thirty six inch (24" x 36") sets of the site plan;

- b. Eight (8) eleven inch by seventeen inch (11" x 17") sets of the site plan; and
 - c. Application fees, as determined in the Elk Ridge City fee schedule.
4. Site Plan Requirements: At least the following information shall be included on site plan drawings (as they apply):
 - a. The name of the property owner and address of the property being depicted, as well as proof of ownership of the property which is to accompany the drawings and not be depicted;
 - b. The scale at which the site plan is drawn with the scale being of a reasonable, traditional engineering type scale of no greater than one inch to fifty feet (1":50');)
 - c. The date on which the drawings were produced, as well as the date of any subsequent revisions;
 - d. A north arrow;
 - e. The name and address of the professional and/or firm producing the plans;
 - f. A vicinity map showing the location of major streets, city boundaries, and the rough location of the property within the city;
 - g. The legal description of the property;
 - h. The size of the property in square feet with lots of greater than one acre showing lot size in acres and square feet;
 - i. All lot or property lines, including bearing and distance, and the buildable area boundaries;

- j. The location and nature of any and all existing and proposed structures to be built or placed on the lot;
- k. The location, size, and type of all existing and proposed drives, sidewalks, curb and gutter, curb cuts, signs, parking facilities, recreation areas, common use areas, and areas to be dedicated to the city for public use;
- l. The location, dimension, and type of all rights of way, easements, streets, alleys, or roads on or abutting the lot or property;
- m. The existing zoning of the property;
- n. Contours for the entire lot or property at no more than two foot (2') intervals for areas of less than thirty percent (30%) slope and ten foot (10') intervals for areas of greater than thirty percent (30%) slope;
- o. Random natural state spot elevations, in an amount deemed sufficient by the city engineer, with corresponding elevations for finished grade, including spot elevations for finished floor elevation of the main floor of the primary structure;
- p. The general location and type of landscaping or vegetation anticipated to be installed, as well as the description and general location of any part of the lot or property to be left native;
- q. The location, type, and size of any and all existing, proposed, or anticipated fencing, walls, or retaining walls (all retaining walls are to be engineered as required within the international building code);
- r. The location of the nearest fire hydrant to the property and the location of any fire hydrant to be installed as a part of or associated with the development depicted on the site plan;
- s. The location, type, and size of any and all existing and proposed utility mains and service laterals, including, but not limited to, water, sewer, natural gas, and electricity, and storm drainage facilities;
- t. An original stamp, on each twenty four inch by thirty six inch (24" x 36") drawing of the professional engineer and/or surveyor preparing the site plan; stamps may be photocopies on eleven inch by seventeen inch (11" x 17") drawings;
- u. Notes on all site plans and site plan amendments addressing at least the following:
 - (1) The applicant is responsible for compliance with all requirements of the Americans with disabilities act (ADA);
 - (2) Detailed fire protection plans shall be submitted and approved with the building permit plans;
 - (3) Additional requirements may be identified during the plan review by the fire department, which may be mandated by the international fire code, or subsequently adopted code;
 - (4) All landscaped areas shall have an automatic, underground sprinkling system with a backflow prevention device and a backflow prevention device to the building;
 - (5) All improvements and work to be done on site shall be done in accordance with city standards; and

- (6) Water meters are to be located behind the sidewalk or behind the curb in an area that is accessible, not located behind fenced areas, or under covered parking.
5. Approval Process: Site plans, as required by this section, shall be approved according to the process depicted in exhibit D located at the end of this section. The planning commission and/or city council shall have the ability to require any such submittal to conform to the approval process as depicted in exhibit B located at the end of this section if it finds that:
- a. The site includes areas of environmental sensitivity that necessitates extra cautious review;
 - b. The site contains oddities that may require added or special attention;
 - c. The site plan is deemed too complex and necessitates additional review time and attention;
 - d. The review time for the site plan becomes cumbersome;
 - e. The review of the site plans is contested by one or more citizens of Elk Ridge; or
 - f. Compliance with the provisions of the application or approval requirements is sufficiently lacking or not met.
- J. Building Lots: A lot of record which meets the minimum lot standards for the zoning classification in which it is located and which, according to the records of Elk Ridge City, has not been approved as a building lot may be approved for construction on the site following application to the city council for review. The city council, based on the lot's compliance with the general intent of the city code and evidence of the availability of municipal services to the lot, may approve,

approve with conditions, or deny an application for a lot of record to be considered buildable. Nonconforming lots of record shall comply with the terms of section 10-13-8 of this title. Following approval of a buildable lot, the owner of said lot shall be required to fulfill all application, process and fee requirements for any desired construction on the lot. (Ord. 04-6, 7-13-2004, eff. 8-13-2004; amd. Ord. 08-9, 7-8-2008)
(Ord. 04-6, 7-13-2004, eff. 8-13-2004)

10-12-38: FIRE SPRINKLING SYSTEMS REQUIREMENTS:

Fire sprinkler systems are required to be installed in all new residential development serviced by the Elk Ridge City and Goosenest Water Company water systems. This requirement is for new construction of any heated structure or construction that constitutes more than fifty percent (50%) expansion of any dwelling unit and shall include any attached garage. The fire sprinkler system shall comply with the fire code and related regulations and the National Fire Protection Association article 13D standards adopted by the city. Sprinklers shall be provided with an exterior inspector's test port that complies with the following specifications or other material approved by the fire chief: a wall hydrant that is a Woodford model 65 (exposed type) or B65. (Ord. 08-6, 4-8-2008)

10-12-39: RESIDENTIAL BUILDING HEIGHT:

- A. Building Height: The maximum main building height in a residential zone shall be thirty five feet (35'). 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 roofline. For a home that steps down a slope, the four (4) major corners of each step of the main structure can be used. If the measurements used for building height are questioned by city staff, the planning commission will review and make a determination.
- B. Determining Roofline: The roofline of the structure shall be as follows:

1. Flat Roof: The highest of a flat roof or top of any adjacent parapet wall, whichever is higher.
 2. Mansard Type Roof: The deck line.
 3. Gable, Hip Or Gambrel Roof: The elevation measured at the midpoint between the highest part of the roof ridgeline and the lowest elevation of the eaves of the main roof structure (not including independent, incidental roof structures over porches, garages and similar add on portions of the structure).
 4. Individual Heights: For a home that steps down a slope, individual heights for each step of the main structure roofline can be used.
- C. Structures Not Calculated In Height: Chimneys, flagpoles, television antennas, satellite dishes, and similar ancillary structures not used for human occupancy shall be excluded in determining height provided that no such structure shall extend over fifteen feet (15') above the building.
- D. Building Design On Hillside: Single-family residences constructed on hillsides should step down the hillside rather than regrading the hillside into a flat site. A simple box form will stand out from the natural, complex undulations of hillsides more than a building form that is broken into smaller elements. A building can be broken up by raising and lowering the roofline, varying the face of the building, adding balconies and overhangs, etc. These elements create shadow patterns that are similar to shadows cast by rocks, trees and cliffs on hillsides and tend to lessen the apparent size of the building.
- E. Building With Natural Terrain: To the maximum extent feasible, buildings shall be sited in locations that are sympathetic to existing contours rather than those that require a building solution that would dominate the site. Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. Cuts and fills shall be kept to a minimum and be used to allow for proper drainage away from dwellings and neighboring properties.
- F. Exception To Building Height/Building With Natural Terrain: The planning commission can grant an exception to the average height and the strict compliance of building with the natural contours if the commission finds the following to apply:
1. The building design is better suited for the site than what can be achieved by strict compliance to these regulations.
 2. The topography of the lot presents practical difficulties for construction when the height/cutting and filling/grading limitations are applied.
 3. The structure has been designed for the topographic conditions existing on the particular lot.
 4. The impact of additional height on neighboring properties has been identified and reasonably mitigated.
 5. Additional cuts or fills are needed to allow for development of the lot and are not being used just to achieve a better view.
 6. Additional fill is needed due to the location of sewer lines.
 7. If the front side of the structure is proposed for additional height, the fire chief shall give approval.
- G. Minimum Height: The minimum height of any building shall be not less than eight feet (8') above the natural grade. (Ord. 08-15, 9-23-2008, eff. 9-24-2008)

CHAPTER 13 | NON CONFORMING BUILDINGS AND USES

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CHAPTER:

10-13: NON CONFORMING BUILDINGS AND USES

SECTIONS:

10-13-1: MAINTENANCE, REPAIR PERMITTED:

10-13-2: DAMAGED BUILDINGS, STRUCTURES MAY BE RESTORED:

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10-13-7: RECLASSIFICATION OF TERRITORY:

10-13-8: NONCONFORMING LOTS OF RECORD:

10-13-1: MAINTENANCE, REPAIR PERMITTED:

- A. The owners of land and buildings shall not be deprived of any use of property for the purpose to which it is lawfully devoted at the time of the enactment of this development code.
- B. Any building, structure or use of land, including, but not limited to, the raising of livestock, which is existing and lawful at the time of the enactment of this development code, but which does not conform to the provisions of this development code, shall be considered a nonconforming use and shall be allowed to continue, to the same extent and character as that which legally existed on the effective day of the applicable regulations, although such use does not now conform to provisions of the development code or amendment.
- C. Repairs may be made to a nonconforming building or structure, or to a building or structure housing a nonconforming use, provided such repair: 1) shall be made in accordance with the provisions of the city building regulations, when applicable; and 2) does not have the effect of increasing the size

or altering the character of the nonconforming building, structure or use.

- D. Nonconforming uses shall run with the land. (Ord. 97-7-8-8, 7-8-1997)

10-13-2: DAMAGED BUILDINGS, STRUCTURES MAY BE RESTORED:

- A. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other calamity or act of nature may be restored or reconstructed and the use thereof resumed; provided, that such restoration or reconstruction: 1) is commenced within a period of two (2) years from the date of occurrence of the damage; and 2) does not have the effect of increasing the size of building or structure or the floor space in excess of that which existed at the time the building became nonconforming, except when approved in accordance with the provisions of section 10-13-4 of this chapter.
- B. Any such restored or reconstructed structure shall be constructed in accordance with the provisions of the current city building regulations. (Ord. 97-7-8-8, 7-8-1997)

10-13-3: EXPANSION OF USES WITHIN EXISTING STRUCTURES:

A nonconforming use located within a building may be extended throughout the same building in which said nonconforming use is located, provided no structural change is made or proposed in the building for the purpose of accommodating such extension. (Ord. 97-7-8-8, 7-8-1997)

10-13-4: EXTENSION (ENLARGEMENT) AND RECONSTRUCTION; CONDITIONS:

- A. Conditions: A nonconforming building or structure or a building housing a nonconforming use may be extended or enlarged or reconstructed, subject to the prior approval by the city council, after

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recommendation of the planning commission and upon compliance with the following:

1. The proposed extension or replacement shall be located entirely on the same lot or parcel as the present nonconforming structure and will conform with all existing setback and location requirements.
2. The applicant shall submit a detailed site plan showing the location of existing and proposed structures on the site and in the vicinity, existing lot boundaries, roads, driveways, parking areas, utilities, and other significant features on the site and in the immediate vicinity.
3. A finding made by a majority vote of the city council that:
 - a. The proposed enlargement or extension will not significantly alter the character of the building or use or its impact upon the area.
 - b. The building or use, if extended, will not have the effect of diminishing the value of property or the quality of the living environment of adjacent properties.
 - c. The proposed enlargement will not significantly increase the number of vehicles or pedestrians, or result in the establishment or increase of a safety hazard to the area.
 - d. The proposed enlargement will not result in the establishment of a condition incompatible with the neighborhood area and the stated objective of the zone in which it is located.
- B. Attachment Of Necessary Conditions: The city council may attach such conditions to its approval as are necessary to adequately protect the property and uses in the surrounding territory and the intent of the zone, including, but not limited to, the

providing of off street parking, access ways, landscaping features and additional setback of structures. (Ord. 97-7-8-8, 7-8-1997)

10-13-5: SUBSTITUTION OF NONCONFORMING USES:

- A. A nonconforming use or building may be changed to a conforming use or building. Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.
- B. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use. (Ord. 97-7-8-8, 7-8-1997)

10-13-6: DISCONTINUANCE OR ABANDONMENT:

A nonconforming building or structure or portion thereof, or a lot occupied by a nonconforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of two (2) years or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located; provided, the city council may, upon appeal, authorize the reestablishment of a nonconforming use which has been discontinued for a period longer than provided herein, where the weight of evidence clearly shows that the owner had no intention to terminate the nonconforming use and that the longer period of discontinuance was beyond the control of the owner. (Ord. 97-7-8-8, 7-8-1997)

10-13-7: RECLASSIFICATION OF TERRITORY:

The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment of the ordinance codified herein or the zone map. (Ord. 97-7-8-8, 7-8-1997)

10-13-8: NONCONFORMING LOTS OF RECORD:

In all zones wherein one-family dwellings are listed as a permitted use, a one-family dwelling may be constructed on any lot or parcel of land, even though such lot or parcel does not comply with the area or

width requirements for one-family dwellings within the zone, subject to a determination by the zoning administrator that the lot complies with all of the following:

- A. The lot or parcel qualifies as a nonconforming lot of record (existed as a separately described parcel on the records of the county recorder prior to the effective date of the ordinance), and the parcel does not constitute an illegal subdivision lot;
- B. One-family dwellings are listed as a permitted use in the present zone; and
- C. All setbacks, height, access, building size, utility and special provision requirements of the existing zone and all applicable supplementary regulations can be met. (Ord. 97-7-8-8, 7-8-1997)

CHAPTER:
10-15: SUBDIVISIONS

ARTICLE A. GENERAL PROVISIONS; PROCEDURE
ARTICLE B. DOCUMENTATION REQUIREMENTS;
PLANS AND PLATS
ARTICLE C. DESIGN STANDARDS AND
REQUIREMENTS
ARTICLE D. SUBDIVISION IMPROVEMENTS
ARTICLE E. DEVELOPMENT COSTS
ARTICLE F. REQUIREMENTS
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ARTICLE A. GENERAL PROVISIONS; PROCEDURE

SECTIONS:

10-15A-1: INTENT:

10-15A-2: PLATS REQUIRED; PLANNING

COMMISSION REVIEW1:

10-15A-3: PROCEDURE FOR APPROVAL OF A
SUBDIVISION:

10-15A-1: INTENT:

The intent of this chapter is as follows:

- A. To facilitate the orderly development of the city.
- B. To implement the city major street plan.
- C. To facilitate the development of a safe and efficient street system.
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law.
- E. To ensure the providing of adequate water, sewer, drainage, utilities, and other services to developing areas of the city. To establish the rights, duties and responsibilities of subdividers with respect to the development

of land within the city. (Ord. 97-7-8-8, 7-8-1997)

10-15A-2: PLATS REQUIRED; PLANNING
COMMISSION REVIEW1:

- A. Plats Required; Recording: No person shall subdivide any tract of land within the incorporated limits of the city; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined in section 10-2-2 of this title, unless and until a final plat, prepared in accordance with the provisions of this development code, shall have been first approved by the city council and recorded in the office of the county recorder in accordance with the provisions of this chapter.
- B. Planning Commission Review, Approval: Pursuant to authorization set forth under Utah Code Annotated sections 10-9-204, 10-9-801 and 10-9-805, as amended, and other provisions of similar import, the city council does hereby delegate to the planning commission such authority as is necessary to carry out the term of the subdivision provisions of this development code, including, but not limited to:
 - 1. The responsibility to review, approve and recommend approval to the city council of all proposed subdivision projects within the city;
 - 2. The authority to require changes in subdivision plans and documents in order to more fully implement the purposes and provisions of state law, this development code and the city's general plan;
 - 3. The authority to require that proposed subdivision projects and the plans and documents submitted in support thereof conform to city requirements; and

4. The authority to withhold planning commission approval and the submitting of a recommendation to the city council until the commission is satisfied that a proposed project and appurtenant documents conform to city standards and that the proposed design represents an appropriate balance between the interests of the property owner and public purposes, as set forth in this development code and state law. (Ord. 97-7-8-8, 7-8-1997)

10-15A-3: PROCEDURE FOR APPROVAL OF A SUBDIVISION:

- A. Submission: All submissions for subdivision review shall conform to the review and approval process as outlined in section 10-12-37 of this title.
- B. Planning Commission And City Council Approval Of Preliminary Plan:
 1. Approval of the preliminary plan shall remain valid for a period of one year from the date of approval by the city council or until final plat approval by the city council, whichever time period is less. The approval may be extended or reaffirmed by the city council, for a period not to exceed one year, following receipt of a written request from the owner, submitted in accordance with the rules of operation of the city council and upon a finding that the conditions applicable to the project and the vicinity are substantially the same as at the time of initial approval.
- C. City Council Takes Action On Final Plat; Duration Of Approval:
 1. Upon receipt of the final plat, bearing all required signatures, and also submission of evidence of ability to satisfy the performance guarantee requirements, the city council shall consider the plat, final engineering drawings, construction agreement and performance guarantee and shall act to approve or disapprove the

plat or approve it with modification. If disapproved, the city council shall state its reasons therefor to the subdivider. If significant modifications are required, such modifications must first be referred to the planning commission for its further review and recommendation, if such modifications have not been previously addressed by the commission. If approved, the plat shall be signed by the city council and authorized for recording.

2. The action by the city council shall be construed as tentative approval of the final plat and authorization to the city staff to record the plat at the office of the county recorder upon completion of any outstanding terms or conditions.
3. The action of approval by the city council shall be valid for a period of six (6) months. In the event that any terms or conditions of approval are not satisfied, or the performance guarantees or other document required for final approval under this code or as a condition of final approval by the city council shall not have been completed within six (6) months from the date of approval by the city council, said approval shall be null and void.
- D. Subdivider Submits Performance Guarantee: Upon final approval by the city council, as outlined in section 10-12-37 of this title, the subdivider shall proceed to:
 1. Provide the executed financial assurance documents guaranteeing construction of the required improvements (performance guarantees) to the city; and
 2. Complete any other outstanding term or condition of approval.
- E. City Records Final Plat: Upon approval of the final plat and performance guarantees and receipt of the executed documents and all other outstanding submissions and fees, the

city shall submit the plat for recording at the office of the county recorder and the building inspector may thereafter issue permits for the construction of the required subdivision improvements. Upon the recording of the plat, the owner may thereafter proceed to convey title to the lots as described by the plat. The recording of the final plat at the office of the county recorder shall constitute complete approval of the subdivision. (Ord. 04-6, 7-13-2004, eff. 8-13-2004)

- F. Release Of Performance Guarantees: All partial and final releases of performance guarantees shall be approved in accordance with the provisions of section 10-16-5 of this title. The granting of the final release by the city council shall constitute the acceptance of the improvements by the city.
- G. Release Of Durability Retainer: At the conclusion of the durability guarantee period and subject to compliance with the provisions of section 10-16-7 of this title, the city council shall authorize the release of the improvements durability retainer and the subdivider shall thereafter be released from any obligation with respect to the improvements. (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 04-6, 7-13-2004, eff. 8-13-2004)

CHAPTER:
10-15: SUBDIVISIONS

**ARTICLE B. DOCUMENTATION REQUIREMENTS;
PLANS AND PLATS**

SECTIONS

10-15B-1: DOCUMENTATION REQUIREMENTS:

10-15B-2: PRELIMINARY PLAN:

**10-15B-3: FINAL PLAT AND ENGINEERING
DRAWINGS:**

10-15B-1: DOCUMENTATION REQUIREMENTS:

The content of all plans, plats, engineering drawings and other materials submitted in support of an application for review of a concept plan or approval of a preliminary plan or final plat of a subdivision shall include and be in accordance with the requirements of this development code and also the city development and construction standards; provided, in the event of conflict, the more stringent shall apply. (Ord. 97-7-8-8, 7-8-1997)

10-15B-2: PRELIMINARY PLAN:

See city development and construction standards.
(Ord. 00-9-26-14, 9-26-2000, eff. 9-26-2000)

**10-15B-3: FINAL PLAT AND ENGINEERING
DRAWINGS:**

See city development and construction standards.
(Ord. 00-9-26-15, 9-26-2000, eff. 9-26-2000)

CHAPTER 15 | SUBDIVISIONS

TITLE 10 DEVELOPMENT CODE

CHAPTER:

10-15: SUBDIVISIONS

ARTICLE C. DESIGN STANDARDS AND REQUIREMENTS

SECTIONS:

10-15C-1: GENERALLY:

10-15C-2: STREETS AND ROADS:

10-15C-3: BLOCKS:

10-15C-4: LOTS; DESIGN STANDARDS:

10-15C-1: GENERALLY:

The layout and design of all subdivision developments shall be in accordance with the requirements and criteria of this article and also the applicable provisions of the city development and construction standards; provided, in the event of conflict, the more stringent shall apply. (Ord. 97-7-8-8, 7-8-1997)

10-15C-2: STREETS AND ROADS:

A. General Criteria:

1. Subdivision Plans Consistent With Street Plan: Subdivision plans shall be consistent with the major street element of the general plan (major street plan) as adopted by the city, as follows:
 - a. Collector streets (feeder); where the area of a proposed subdivision includes any collector class streets, as shown on the major street plan, the subdivision plan shall incorporate such streets in the location shown on the major street plan and the approval of the final plat shall include the dedication of the right of way and its improvement in accordance with the applicable city standards.
 - b. Minor streets (local service); where the area of a proposed subdivision includes any minor class streets, as shown on

the major street plan, the subdivision plan shall provide for such street in the approximate location shown on the major street plan and the approval of the final plat shall include the dedication of the right of way and its improvement in accordance with the applicable city standards.

- c. No subdivision plan which proposes the deletion or significant realignment of any street shown on the major street plan shall be given preliminary approval unless and until the major street plan shall have been amended, in accordance with state law.

2. Relationship To Adjacent Streets: The proposed street system shall properly align and be compatible with adjacent streets.

3. Access To Adjacent Properties: In order to facilitate the development of an adequate and convenient circulation system within the city and to provide access for the logical development of adjacent vacant properties, the city may, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets), which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street.

- B. Right Of Way Width: The minimum width of right of way for streets shown on the major street element of the general plan shall conform to the width as designated on the said plan. The minimum right of way width for streets not shown on the plan shall be as follows:

Class of Street	Right-of-Way (in feet)
Minor Class	56
Collector Class	66

C. Dedication:

1. Subdivision Streets Dedicated To Public: All streets within and adjacent to a subdivision and all streets required to provide access to the proposed subdivision (off site) shall either have been previously conveyed to the city by deed or dedication, or shall be shown on the final plat for dedication to the city for street purposes.
2. Cross Section Standards Adopted: The width of the hard surfacing and the location and type of other required street improvements shall be in accordance with the typical street cross section standards for the type of street, as set forth within the city construction and development standards.
3. Full Width Streets: All streets shown on the final plat for dedication to the city shall conform to the minimum standards for street width and improvements for the entire width of the street.

D. System Design Standards: The layout and design of the subdivision streets shall be in accordance with the requirements and criteria of this section and also the applicable provisions of the city development and construction standards; provided, in the event of conflict, the more stringent shall apply.

E. Appeal Of Curb And Gutter Requirement:

1. Appeal: The developer of any subdivision which contains street improvements shall have the ability to appeal the requirement to install curb and gutter with the necessary road improvements for the subdivision. Such appeals and decisions rendered shall be in conformance with the terms of this subsection.
2. Process: Any developer wishing to appeal the requirement for curb and gutter within their proposed subdivision shall complete

the requirements prior to making application for preliminary subdivision review. All appeals of the curb and gutter requirement shall be heard by the city council, following recommendation from the planning commission, at a regularly scheduled meeting and following proper agenda notice, as provided in the Utah state code. All appeal hearings shall be considered an administrative action and all discussion and decisions shall be based around evidence introduced during the hearing. No opinion and speculation shall be admitted into evidence and shall be considered and handled as hearsay and public clamor.

3. Criteria For Approval: In order to grant an appeal of the requirement for curb and gutter within a proposed subdivision, the city council must find all of the following:
 - a. The developer will make necessary improvements at no cost to the city which:
 - (1) Contains and adequately disposes of all storm water within the boundaries of the subdivision; or
 - (2) Adequately disposes of all storm water in a location outside the boundaries of the subdivision in such a manner as to not impact properties outside the subdivision which are not under the ownership or control of the developer.
 - b. The developer will post a bond, in an amount established by the city engineer, for a term of two (2) years for the sole purpose of maintenance of the asphalt roadways within the subdivision; and
 - c. All concerns of the city council regarding roadway improvements will

be satisfied in a manner deemed appropriate by the city council.

F. 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 F3 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.

- G. 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.
- H. 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. (Ord. 07-3, 2-27-2007)

10-15C-3: BLOCKS:

- A. Length: The maximum length of blocks, generally, shall be one thousand two hundred feet (1,200') and the minimum length of blocks shall be five hundred feet (500'). In blocks over eight hundred feet (800') in length, the subdivider may be required to dedicate a walkway through the block at approximately the center of the block. Such walkway shall not be less than ten feet (10') in width.
- B. Width: The width of blocks generally shall be sufficient to allow two (2) tiers of lots.
- C. Use: Blocks intended for business or industrial use shall be designed especially for such purposes with adequate space set aside for

off street parking and delivery facilities. (Ord. 97-7-8-8, 7-8-1997)

10-15C-4: LOTS; DESIGN STANDARDS:

- A. Building Sites: The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to requirements set forth herein. Building sites shall not be designed to contain areas which are determined to be a peninsula unless the exclusion of said area would result in the creation of residual or remnant property or parcels. Under no circumstances shall the area of any such peninsula in a lot be included in computing the total or buildable area of the lot. (Ord. 03-8-26-4, 8-26-2003, eff. 9-26-2003)
- B. Conform To Zoning Provisions: All lots shown on the subdivision plat must conform to the minimum requirements of the zone in which the subdivision is located. (Ord. 97-7-8-8, 7-8-1997)
- C. Corner Lots:
1. Orientation: All vehicular access and egress routes shall be oriented toward a street of minor collector class or lower. In addition, the following shall apply:
 - a. In the instance that such a property abuts two (2) streets of minor collector class or lower, the access and egress routes shall be oriented towards the street of lowest classification.
 - b. In the instance that such a property abuts two (2) streets of major collector class or higher, the access and egress routes shall be oriented towards the street of lowest classification. In addition, one of the following shall be installed as a part of the access or egress route:
 - (1) Circular driveway.

(2) Hammerhead driveway. (Ord. 06-17, 11-14-2006)

2. Petition For Higher Classification: When access or egress onto the street of lesser classification is thought to be inconsistent with the planned development for the property, the applicant may petition the planning commission requesting access or egress onto the street of higher classification. (Ord. 02-1-8-1, 1-8-2002, eff. 2-8-2002; amd. Ord. 06-17, 11-14-2006)
3. Review; Appeal: Upon a decision being rendered by the planning commission, the applicant may petition the city council for review of the planning commission's decision. Upon a decision being rendered by the city council, an applicant feeling aggrieved by said decision may appeal to the appeal authority as stipulated in Utah Code Annotated section 10-9-704. (Ord. 02-1-8-1, 1-8-2002, eff. 2-8-2002; amd. Ord. 06-17, 11-14-2006; Ord. 07-7, 4-24-2007)
- D. Angle Of Lot Lines: Side lot lines shall be approximately at right angles, or radial to the street line, except where topographic conditions make it advisable to have side lot lines deflect at sharper angles. (Ord. 97-7-8-8, 7-8-1997)
- E. Water And Sewer:
 1. All lots within the subdivision shall be served by a central, state approved water system (i.e., city, Goosenest, Loafer Canyon water system), providing adequate flow and pressure for both culinary and fire purposes.
 2. All lots within the subdivision shall be served by the city sanitary sewer collection system.
 3. All lots within subdivisions of at least five (5) acres in size shall be served by separate

connections for a secondary irrigation water system.

Exception: The city council may approve an exception to this requirement in certain areas and developments where the installation of a secondary water system may not be deemed practical or feasible in the foreseeable future. (Ord. 06-4, 1-10-2006, eff. 2-10-2006)

CHAPTER:

10-15: SUBDIVISIONS

ARTICLE D. SUBDIVISION IMPROVEMENTS

SECTIONS:

10-15D-1: REQUIRED; SPECIFICATIONS:

**10-15D-2: TIME LIMIT FOR INSTALLATION;
PERFORMANCE GUARANTEE:**

10-15D-3: LIST OF REQUIRED IMPROVEMENTS:

10-15D-1: REQUIRED; SPECIFICATIONS:

- A. The improvements set forth under section 10-15D-3 of this article shall be required to be installed for all areas shown on the final plat and at all off site locations designated at the time of final plat approval. The required improvements shall meet minimum city standards for design and quality of materials and shall be installed in accordance with minimum city standards and specifications (see section 10-15F-1 of this chapter), as directed by the city.
- B. The placement, size and type of all required improvements shall be shown on the preliminary plan, and the detailed specifications relating to such improvements shall be shown on the final engineering drawings. (Ord. 97-7-8-8, 7-8-1997)

**10-15D-2: TIME LIMIT FOR INSTALLATION;
PERFORMANCE GUARANTEE:**

- A. All required improvements not in place prior to the approval of the final plat by the city council shall be installed by the subdivider 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. 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)

10-15D-3: LIST OF REQUIRED IMPROVEMENTS:

The improvements required for subdivisions within the city shall be as follows:

- A. Streets And Roads:
 1. All streets shown on the final plat for dedication to the city and any existing street, whether or not shown on the final plat, which is contiguous and provides access to any lot in a subdivision shall be improved in conformance with the applicable cross section and construction standards as set forth in the city development and construction standards.
 2. All streets shall be installed with a two and one-half inch (2 1/2") surface layer of asphalt at the time of initial development construction. At such a time that ninety percent (90%) or more of the lots have been permitted for site construction, or not more than two (2) years from the date of initial performance guarantee, the developer shall be responsible for any and all street repairs necessary and the installation of a one inch (1") asphalt overlay on all parts of all roads in and associated with the subdivision. At no time shall a street in a subdivision be completed with a street surface asphalt layer being thinner than three and one-half inches (3 1/2") total thickness.
 3. Street 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%) standards 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. (Ord. 06-19, 11-28-2006)

B. Sidewalks And Trails:

1. **Sidewalks; Compliance:** Sidewalks shall be provided along both sides of streets, at the developer's expense, and in compliance with the detailed performance standards of "city of Elk Ridge construction specifications and standards". Sidewalks are "required improvements", subject to the guarantee provisions of chapter 16 of this title.
2. **Sidewalks; Infill Areas/Agricultural Zones:** Sidewalks may not be required in infill areas not required to have curb and gutter. They are also not required in agricultural zones. The city council can require sidewalk in infill or agricultural zones if deemed appropriate. Such determination may be made if lot sizes, traffic patterns, wider roads or other related design factors support installation of sidewalks.
3. **Sidewalks; Placement:** Notwithstanding other provisions of this title, the city council may determine in the development agreement that sidewalks will not be required on one or both sides of the street. Such determination may be made if lot sizes, traffic patterns, wider roads or

other related design factors support a more flexible approach. If sidewalks are not required, the city council may specify the completion of other public facilities in lieu of sidewalks.

4. **Improved Trails:** Developments shall provide improved trails constructed to "city of Elk Ridge construction specifications and standards" for bicycle/pedestrian use which connect the development to other public facilities such as parks or the major existing and planned trails established in the city's general plan. The trail requirement also is extended to cul-de-sacs that require a trail easement connecting neighborhoods. Trails are required improvements, subject to the guarantee provisions of chapter 16 of this title. (Ord. 06-14, 10-10-2006)

C. Culinary Water System:

1. The subdivider shall be responsible for installing all off site and on site water mains. All on site mains shall be installed in such a way that each lot shall be served there from. All water mains shall extend to the boundaries of the subdivision.
2. All water mains shall be sufficient in size to provide a volume of flow and level of pressure adequate for culinary use (in accordance with state and city standards) and fire protection purposes (in accordance with the city fire code); provided, that no water main shall be less than eight inches (8") in diameter.
3. Water service laterals shall be installed from the main line to each adjacent lot. The service lateral shall consist of: a) the corporation stop adjacent to the main line; b) the lateral pipe running from the main to the adjacent lot; and c) the stop and waste valve, meter box and meter setter located within the boundary of the lot1.

4. All mains and laterals shall be constructed prior to the installation of road base and hard surfacing of the road and curb and gutter, where such is required.
 5. The subdivision water system shall be connected to a water supply facility (source, reservoir and delivery system) which is capable of delivering adequate flows for both culinary and fire purposes.
 6. The type and quality of materials, location and placement of pipes and other particulars relating to design and construction of the system shall be in accordance with the city development and construction standards.
- D. Fire Hydrants:
1. All subdivisions shall have fire hydrants installed at locations approved by the fire chief and city engineer.
 2. Fire hydrants shall be installed in accordance with city standards, as determined by the city engineer.
- E. Sewerage:
1. Both off site and on site sewer mains of not less than eight inches (8") in diameter shall be installed in such a way that each lot in the subdivision will be connected thereto.
 2. Separate sewer service laterals shall be installed from the main to each adjacent lot. (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 06-14, 10-10-2006)
 3. All new development must connect to the city sanitary sewer collection system at the time of construction. (Ord. 01-12-11-19, 12-11-2001, eff. 1-11-2002; amd. Ord. 06-14, 10-10-2006)
 4. The quality of materials, location and placement of pipes and other particulars relating to design and construction of the system shall be in accordance with the city development and construction standards.
- F. Permanent Survey Markers: Permanent survey monuments shall be installed in each subdivision. The location of the monuments shall be as required by the city engineer and shall be shown on the final plat. Also, all corners on the subdivision and all lot corners in the subdivision shall be marked.
- G. Electric, Telephone And Natural Gas: Electric power, telephone and natural gas shall be provided to each lot. All lines and appurtenant facilities shall be located a minimum of thirty six inches (36") underground, except when approved by the city council upon a finding that compliance with the standard set forth herein is not practically feasible.
- H. Street Signs: Street signs shall be installed at all locations indicated on the preliminary plan. All required signs shall conform to city standards and be provided and installed by the city, at the expense of the subdivider.
- I. Environmental Hazards: Adverse environmental conditions must be eliminated or accommodated as follows:
1. Soils:
 - a. The placement of streets, buildings and the designation of building sites on areas of unstable soils shall be prohibited.
 - b. Soils with a significant erosion hazard shall be protected. Revegetation or other erosion control measures may be imposed as a condition of subdivision approval. (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 06-14, 10-10-2006)
 2. Surface Water Disposal:
 - a. To the maximum extent possible, surface water produced from the subdivision development shall be

properly disposed of within the limits of the subdivision.

- b. Pipes, sumps and other facilities for the collection, transport and disposal of surface water shall be installed where required by the city. The location, size and design of said facilities and any easements relating thereto, shall be in accordance with the city storm water disposal plans and standards or as directed by the city engineer.
- c. The location of all facilities and easements shall be shown on the plans, plats and engineering drawings, as applicable.
- d. All plans for subdivision or development shall identify the location of all existing natural drainage channels and final plats of subdivision, and similar land development projects shall provide a drainage easement which includes the natural channel.
- e. No structure shall be located less than thirty feet (30') from the boundary of any designated drainage channel, and the layout of any subdivision or similar development project which contains a natural drainage channel shall be so arranged to ensure that all required building setbacks can be maintained.
- f. Facilities for storm water runoff shall be required to be constructed on development sites and according to the following requirements:
 - (1) Such facilities shall be the first improvement of facilities on the property.
 - (2) Such facilities shall be designed to retain safely and adequately the maximum expected storm water runoff for a 25-year storm event for a sufficient length of time so

as to prevent flooding and erosion during storm water runoff flow periods.

- (3) The plan shall also identify and make provisions for the accommodation of flows during a 100-year storm event in a manner that will minimize damage to permanent structures.
- (4) Such facilities shall be so designated as to divert surface water away from cut surfaces or sloping surfaces of a fill. (Ord. 00-9-12-13, 9-12-2000, eff. 10-9-2000; amd. Ord. 06-14, 10-10-2006)

3. Flooding:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. The subdivision layout must make adequate provision for natural drainage channels and floodways.
- c. All water, sewer and other utility systems and facilities located in designated flood areas shall be designed and constructed to minimize flood damage, including the infiltration of floodwater into the system, or discharge of the system into the floodwaters.

- J. Irrigation Water System: All subdivision plans shall recognize and accommodate the irrigation system within the city, including, as necessary, the installation of culverts and pipes, the rerouting of ditches and the reconstruction of head gates. All canals, ditches and other watercourses which lie within or are contiguous to a proposed subdivision shall not be interfered with by the subdivider without complying with the requirements of Utah Code Annotated section

73-1-15, as amended, and the applicable provisions of this development code.

- K. Other: Where applicable, other adverse environmental conditions must also be eliminated or adequately accommodated. The additional conditions shall include, but not be limited to, seismic, landslide and ground water. (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 06-14, 10-10-2006)

CHAPTER 15 | SUBDIVISIONS

TITLE 10
DEVELOPMENT
CODE

CHAPTER:
10-15: SUBDIVISIONS

ARTICLE E. DEVELOPMENT COSTS

SECTIONS
10-15E-1: RESPONSIBLE PARTY; EXCEPTIONS:

10-15E-1: RESPONSIBLE PARTY; EXCEPTIONS:

All costs and charges in connection with the planning and development of subdivisions shall be borne and paid by the subdivider; provided, that in instances where oversized improvements are required by the city, the city may pay a portion of the excess cost for such oversized improvements in an amount as determined by negotiations between the subdivider and the city. (Ord. 97-7-8-8, 7-8-1997)

CHAPTER:

10-15: SUBDIVISIONS

ARTICLE F. REQUIREMENTS

SECTIONS:

10-15F-1: STANDARDS AND SPECIFICATIONS:

10-15F-2: DEVELOPMENT AGREEMENTS

AUTHORIZED:

10-15F-3: LOTS ABUT ON PUBLIC STREET; DOUBLE FRONTAGE LOTS PROHIBITED, EXCEPTIONS:

10-15F-4: AMENDED PLATS:

10-15F-5: WORK DONE BY ENGINEER OR SURVEYOR:

10-15F-6: DRAWINGS OF RECORD REQUIRED:

10-15F-7: ADJUSTMENTS TO STANDARDS PERMITTED; PROCEDURE:

10-15F-8: APPLICATION FEES AND CHARGES:

10-15F-9: DERELICT PARCELS PROHIBITED:

10-15F-10: UNIMPROVED RESIDUAL LOTS NOT PERMITTED:

10-15F-11: WATER RIGHTS CONVEYED TO CITY; EXCEPTIONS:

10-15F-12: REIMBURSEMENT FOR OFF SITE IMPROVEMENTS; CONDITIONS AND LIMITATIONS:

10-15F-1: STANDARDS AND SPECIFICATIONS:

The city council is hereby authorized to prepare standards and specifications for the content of subdivision plans and for the layout, design and construction of subdivisions and required improvements. Said city construction and development standards shall be adopted by ordinance of the city council. All such requirements shall be considered the minimum standards which must be met and shall apply to all subdivisions. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

10-15F-2: DEVELOPMENT AGREEMENTS

AUTHORIZED:

The city council is hereby authorized to require and enter into development agreements with specific subdividers in order to more fully set forth the terms and conditions of approval of a specific subdivision

project, the extent of the understandings between the city and the subdivider regarding the scope of any shared responsibility in the construction of improvements and similar matters relating to the approval of a specific subdivision project. (Ord. 97-7-8-8, 7-8-1997)

10-15F-3: LOTS ABUT ON PUBLIC STREET; DOUBLE FRONTAGE LOTS PROHIBITED, EXCEPTIONS:

Each lot in a subdivision shall abut on a street dedicated to the city by the subdivision plat or an existing public street, either dedicated or which has become public by right of use, and is more than fifty six feet (56') wide. Interior lots having frontage on two (2) streets are prohibited except in instances where topographic conditions make such design desirable. (Ord. 97-7-8-8, 7-8-1997)

10-15F-4: AMENDED PLATS:

A. Approval Required: No change shall be made in a plat which has received final approval unless and until approval for said change has been given by both the planning commission and city council.

B. Final Plat Recorded: Any request proposing the vacation, alteration or amendment of a subdivision or portion of a subdivision for which a final plat has been recorded in the office of the county recorder, or of any street, lot or alley contained in the plat shall be in accordance with the procedure set forth in Utah Code Annotated section 10-9-808 et seq., as amended. Where such alteration or amendment necessitates the filing of a new plat at the office of the county recorder, said plat of the subdivision or the affected area thereof, shall conform to the procedures and requirements for approval of a subdivision as set forth in this development code. (Ord. 97-7-8-8, 7-8-1997)

10-15F-5: WORK DONE BY ENGINEER OR SURVEYOR:

All engineering work must be done by, or under direction of, a professional engineer registered in the state. All land survey work must be done by, or

under the direction of, a land surveyor registered in the state. (Ord. 97-7-8-8, 7-8-1997)

10-15F-6: DRAWINGS OF RECORD REQUIRED:

Plans showing the location, size, grade and depth of all water and sewer mains, valves, manholes and other subsurface utility and service lines and facilities shall be required prior to the release of performance guarantees. (Ord. 97-7-8-8, 7-8-1997)

10-15F-7: ADJUSTMENTS TO STANDARDS PERMITTED; PROCEDURE:

- A. Adjustments or waivers to the strict application of the standards and specifications of this chapter or the city development and construction standards as adopted pursuant to section 10-15F-1 of this article, may be authorized by the city council after recommendation from the planning commission. Any such adjustment shall be granted only upon a finding that, because of topographic or other unique physical condition, the standard appealed from:
1. Is unnecessary for the proper development of the subdivision and will not be required in the future;
 2. Would cause an unreasonable hardship if adhered to;
 3. May be granted without destroying the intent of the standard or this development code; (Ord. 97-7-8-8, 7-8-1997)
 4. The adjustment does not constitute a variance from the terms of the zoning ordinance (such variances are to be granted only by the appeal authority).
- B. The powers of the appeal authority shall not be construed to have authority to grant variances or waive the requirements for approval of subdivision, any design or construction standard for subdivision improvements or any provision of the city's development and construction standards.

(Ord. 97-7-8-8, 7-8-1997; amd. Ord. 07-7, 4-24-2007)

10-15F-8: APPLICATION FEES AND CHARGES:

All costs for the processing of subdivision proposals and the administration of this chapter shall be borne by the subdivider. The city council may, from time to time, establish by resolution a schedule of fees for that purpose and provide for the assessment and collection thereof. Such schedule of fees shall be on file in the city office and open to public inspection during normal office hours. (Ord. 97-7-8-8, 7-8-1997)

10-15F-9: DERELICT PARCELS PROHIBITED:

No subdivision plan shall have the effect of creating a derelict parcel. Any such parcel must be attached to adjacent lots rather than allowed to remain as an independent parcel. Privately owned protection or retainer strips shall not be permitted. (Ord. 97-7-8-8, 7-8-1997)

10-15F-10: UNIMPROVED RESIDUAL LOTS NOT PERMITTED:

No subdivision plan shall have the effect of leaving a residual zoning lot for which the required subdivision improvements: a) have not been previously constructed; or b) are not to be included as part of the required improvements for the proposed subdivision. For purposes of this section, a "residual zoning lot" shall be construed to include a parcel created by the proposed subdivision but not included as a lot on the final plat, which qualifies as a zoning lot, but because of insufficient size, dimension or other limitation is not readily capable of further division in accordance with the requirements of the zoning ordinance. (Ord. 97-7-8-8, 7-8-1997)

10-15F-11: WATER RIGHTS CONVEYED TO CITY; EXCEPTIONS:

- A. Amount Of Water Rights: As a condition of approval of a subdivision which proposes to obtain water service from the city water system, the developer thereof shall convey to the city title to water rights in the amount of two and six-tenths (2.6) acre feet for each acre of development. The exact amount required shall be determined by multiplying

two and six-tenths (2.6) by the acreage of the lot(s), or if the intended use will require more than two and six-tenths (2.6) acre feet per acre per year, the city may require the conveyance of additional water rights to accommodate the anticipated additional demand for water. In no case shall less than one and three-tenths (1.3) acre foot for each dwelling be conveyed to the city.

B. Type Of Water Right: The water right proposed for conveyance to the city shall: 1) be of a type which is capable of ready conversion for domestic purposes from existing city supply source (i.e., domestic well, natural flow right); 2) have received approval by the state engineer of a change application permitting the use of the water for municipal purposes, uses within the city and diversion of the water from municipal sources; and 3) the owner thereof shall have executed a warranty deed with the city providing for the actual conveyance of the water right to the city at the time of final plat approval.

C. Water Right Conveyance Classified As Project Improvement: For purposes of compliance with the terms of the Utah impact fee act, the conveyance of the water right shall be construed as a project improvement. (Ord. 01-11-13-15, 11-13-2001)

10-15F-12: REIMBURSEMENT FOR OFF SITE IMPROVEMENTS; CONDITIONS AND LIMITATIONS:

A. Reimbursement shall be allowed for off site improvements which are required as a condition of approval of a subdivision. Whenever an extension of any required off site improvement benefits property contiguous to the extension, other than property owned by the subdivider, the city will enter on its records the amount of the actual cost of the extension across the benefited property. The owner of the benefited property shall reimburse the subdivider the charges assessed against such benefited property for a period of thirty (30) years from the date of completion and

acceptance of the extension by the city. All reimbursable improvements under this section shall be constructed to the fullest extent of the improvement, including, but not limited to, full width and fully improved rights of way.

B. The amount of the reimbursement to be paid by a benefited property shall be determined by an engineer's estimate submitted to the city on a per linear foot basis. The extension reimbursement charge shall be paid before any service connection is made to the benefited property and shall be in addition to all other fees and charges. (Ord. 05-4, 2-22-2005, eff. 3-22-2005)

CHAPTER:

10-15: SUBDIVISIONS

ARTICLE G. ACCESS DESIGN

SECTIONS

10-15G-1: DWELLING LOCATION:

10-15G-2: ACCESS DRIVEWAYS:

10-15G-1: DWELLING LOCATION:

- A. Fire Chief Approval: Any dwelling proposed to be located such that any part of the structure is further than one hundred fifty feet (150') from the nearest street, as measured along the centerline of the access driveway, must be approved by the fire chief prior to a building permit being issued.
- B. Exception By City Council Required: Any dwelling proposed to be located such that any part of the structure is further than two hundred feet (200') from the nearest street, as measured along the centerline of the access driveway, must be granted an exception by the city council prior to a building permit being issued.
- C. Exception Not Permitted: In no event shall any such exception be granted for the placement of a dwelling to be located more than five hundred feet (500') from the nearest street as measured along the centerline of the access driveway. (Ord. 00-9-12-13, 9-12-2000, eff. 10-9-2000)

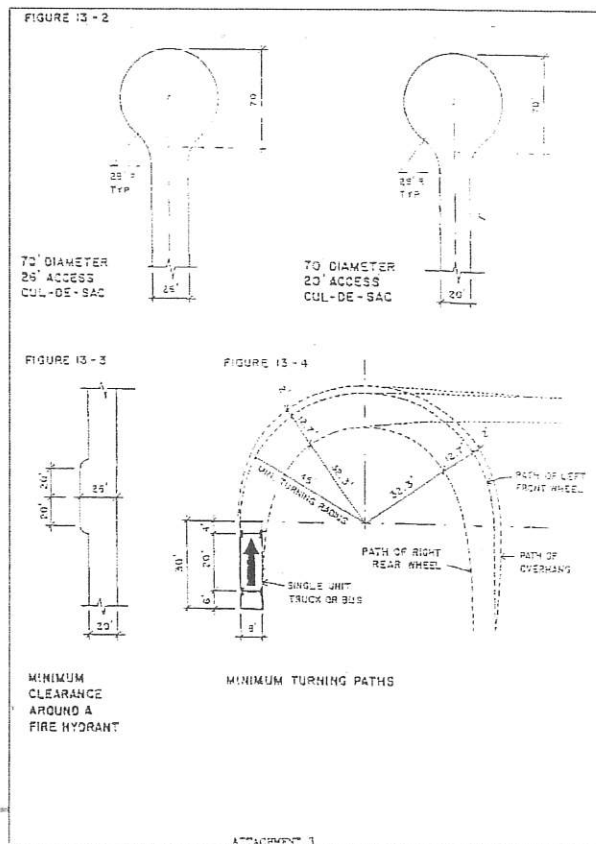
10-15G-2: ACCESS DRIVEWAYS:

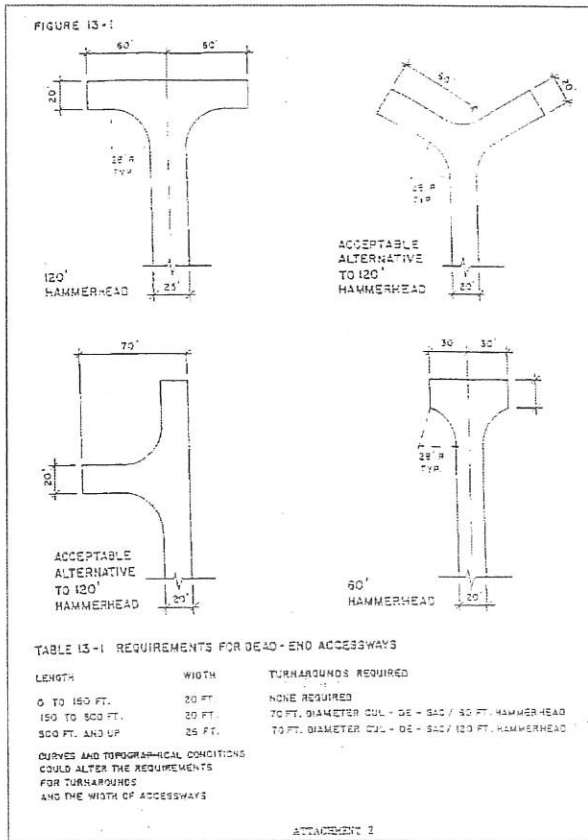
All access driveways having a length greater than one hundred fifty feet (150'), as measured along the centerline from the street to the nearest point of the dwelling, shall conform to the following standards:

- A. All Weather Route: The driveway shall consist of an all weather route, not less than twenty feet (20') in width, capable of supporting the

imposed load of fire apparatus. Access roads and rights of way shall be maintained by the property owner, or possessor of the premises, in good condition and repair, with adequate snow removal so as to provide free and uninhibited access by emergency vehicles.

- B. Surface: The driveway surface shall consist of asphalt having a depth of not less than two and one-half inches (2 1/2") over a minimum of six inches (6") of compacted road base, or concrete having a depth of not less than five inches (5") over a compacted road base. The driveway shall have minimum vertical clearance of no less than thirteen and one-half feet (13 1/2').
- C. Curves: All curves to the driveway shall conform to the minimum standards set forth under figure 4. Each drive shall terminate with a turnaround or hammerhead conforming to the requirements set forth, as applicable in attachments 2 and 3.





(Ord. 00-9-12-13, 9-12-2000, eff. 10-9-2000)

CHAPTER 16 | PERFORMANCE GUARANTEES

TITLE 10 DEVELOPMENT CODE

CHAPTER:

10-16: PERFORMANCE GUARANTEES

SECTION

10-16-1: APPLICATION:

10-16-2: TYPE AND AMOUNT OF GUARANTEE:

10-16-3: DURATION OF GUARANTEE:

10-16-4: PARTIAL RELEASES PERMITTED:

10-16-5: FINAL DISPOSITION AND RELEASE:

10-16-6: DEFAULT:

10-16-7: DURABILITY RETAINER:

10-16-8: ENGINEERING INSPECTION BOND:

10-16-1: APPLICATION:

Wherever a performance guarantee is required under the terms of this development code, said guarantee shall be submitted in conformance with this chapter. (Ord. 97-7-8-8, 7-8-1997)

10-16-2: TYPE AND AMOUNT OF GUARANTEE:

All performance guarantees shall be posted in the form of a performance bond, an escrow account or an irrevocable letter of credit. Whichever form of performance guarantee is employed for any development project, the performance guarantee shall be made through an adequate and appropriate agency acceptable to the city. The amount of the guarantee shall include at least one hundred percent (100%) of the cost of all materials and labor for the work to be performed as established by the city engineer and the costs of administration by the city. (Ord. 04-11, 11-23-2004, eff. 12-23-2004)

10-16-3: DURATION OF GUARANTEE:

The duration of the performance guarantee shall be for the period of time specified for completion of required improvements (see section 10-15D-2 of this title) and any extensions to such period as may be approved by the city council. The date of beginning of the durability performance period (see section 10-16-7 of this chapter) shall be the date of acceptance of the improvement by the city council. (Ord. 97-7-8-8, 7-8-1997)

10-16-4: PARTIAL RELEASES PERMITTED:

Where a guarantee is provided for the purpose of ensuring the timely installation of required improvements, the city may authorize a partial release of the guarantee. The amount of any partial release shall be in an amount commensurate with the estimated cost of the completed improvements, as determined by the city engineer, less a holdback of ten percent (10%). (Ord. 97-7-8-8, 7-8-1997)

10-16-5: FINAL DISPOSITION AND RELEASE:

- A. Request: At the completion of the work, the subdivider shall submit to the city one copy of a written notice of completion, copies of lien releases from all suppliers of materials and subcontractors, and a request for release. Following receipt of the notice and request, the city engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the condition of such facilities.
- B. Acceptable Condition: If the condition of said improvements is found to be satisfactory and all liens are paid, the city council shall act to accept the improvements and authorize release of the remainder of the guarantee, except any portion of said performance guarantee intended to be applied as part of the durability retainer required pursuant to the terms of section 10-16-7 of this chapter.
- C. Unacceptable Condition: If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if there are any outstanding liens, or if any other terms of the guarantee have not been satisfied, the matter shall be referred to the city council, and in accordance with the provisions of section 10-16-6 of this chapter, the city council may declare the developer in default and take such actions as are determined necessary to secure performance. (Ord. 97-7-8-8, 7-8-1997)

10-16-6: DEFAULT:

If a developer fails or neglects to satisfactorily install required improvements make required corrections

pay all liens in connection with said improvements, make payment to the city for administration and inspections, or otherwise fails in carrying out the activity for which the performance guarantee was required, the city council may declare the performance guarantee forfeited. The city may install or cause the required improvement to be installed using the proceeds from the guarantee to defray the costs; provided, that the city shall not be responsible for work beyond the limits of the bond amount. Any funds remaining after completion of the required improvements will be returned to the developer. (Ord. 97-7-8-8, 7-8-1997)

10-16-7: DURABILITY RETAINER:

- A. At the time of posting the performance guarantee for a development project, the developer shall also post a durability retainer of not less than 20% of the total amount of the performance guarantee, in the form of a cash escrow account, irrevocable letter of credit, or a bond letter, and an additional engineering inspection bond in cash, irrevocable letter of credit, or a bond letter, including a surety bond, to cover engineering services. Whichever form of bonding is utilized, the following wording must be included: "payable upon demand of the city" and "the bond will only be released with proper authorization from the city council".
- B. The durability retainer is to be retained by the city for a period of not less than 1 year following the date of final acceptance of the improvements by the city. The city can extend the required time of the durability retainer to up to 2 years if it determines that a lesser period would be inadequate to protect the public health, safety, and welfare, has substantial evidence of prior poor performance of the applicant, or unstable soil conditions within the subdivision or development area, or there are extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a 1 year period.

- C. The durability retainer shall be a guarantee of the durability of said improvements. If during the durability period, the durability of said improvements is found by the city to be satisfactory, said retainer may be released following the procedure outlined under section 10-16-5 of this chapter. If however, during said period, the condition, materials or workmanship of the improvements, whether in whole or in part, fails or shows unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person responsible for the performance guarantee. If the corrections are not made within a reasonable time, as outlined within section 10-15D-2 of this title, the city council, in accordance with section 10-16-6 of this chapter, may declare such person in default and hire a separate contractor to construct or correct the necessary improvements using the retainer to defray the cost of any required work, administration and inspection costs. At the conclusion of the durability guarantee period, the retainer may be released by the city in accordance with the release procedure outlined under section 10-16-5 of this chapter.

10-16-8: ENGINEERING INSPECTION BOND:

- A. The following tiered rate structure shall be used to determine the amount of the engineering inspection bond: Developer shall pay city all engineering and inspection fees required for each development project at the rate of 6% of the value of the bonded improvements up to \$1,000,000.00 of the bonded improvements, but in no case shall the fee be less than \$1,000.00. Also if the bonded improvements in a particular development project exceed \$1,000,000.00, the engineering and inspection fees for that portion exceeding \$1,000,000.00 shall be at the rate of 3%. Developer shall also pay an administration fee which shall be a percentage of the engineering and inspection

bond as set forth in the city fee schedule.

Upon final inspection and acceptance of the development project by city, developer shall provide the city all engineering and inspection fees required for the durability period for each development project at the rate of 5% of the durability retainer, but in no case shall the fee be less than \$500.00.

CHAPTER:
10-17: ANNEXATIONS

SECTIONS

10-17-1: TITLE AND INTENT:

10-17-2: PROCEDURE FOR APPROVAL:

10-17-3: CONDITIONS OF ANNEXATION:

10-17-4: FEES:

10-17-1: TITLE AND INTENT:

A. Title: This chapter shall be entitled the ANNEXATION ORDINANCE OF ELK RIDGE CITY, UTAH, and may be so cited and pleaded. In addition, the provisions of this chapter, as may from time to time be amended, are hereby included in and shall constitute part of the development code of the city.

B. Intent: The intent of this section is to set forth a procedure consistent with Utah Code Annotated section 10-2-401 et seq., as amended, which both property owners and municipal officials may use to facilitate desirable annexations to the city and to outline the conditions which must be complied with in accomplishing the same. Annexations are legislative in nature. The city is not required to accept a petition for annexation even though the petitioners may comply with all provisions required for annexation.

C. Annexation Policy Plan: As per Utah Code Annotated section 10-2-401.5, the city has established and adopted a formal annexation policy plan as a part of the general plan. (Ord. 01-12-11-25, 12-18-2001, eff. 1-18-2002)

10-17-2: PROCEDURE FOR APPROVAL:

The procedure for hearings and potential approval of annexations and annexation petitions shall conform in whole to the provisions of Utah Code Annotated sections 10-2-402 through 10-2-426. (Ord. 01-12-11-25, 12-18-2001, eff. 1-18-2002)

10-17-3: CONDITIONS OF ANNEXATION:

A. Water Rights To Be Conveyed:

1. Intent: It is intended that land annexed to the city be accompanied by water rights, sufficient in amount to satisfy the needs of the existing and future occupants of the annexed territory. The water rights conveyance requirements of this section shall be considered solely as condition and requirement of annexation.

2. Amount Of Water Rights Required: Any person annexing land to the city shall, as a condition of annexation, convey to the city title to water rights having both a quantity and rate of flow which is sufficient in amount to meet the water use requirements of future development, as follows:

a. Residential Uses: Two and six-tenths (2.6) acre feet of water for each acre of development, but in no case less than one and three-tenths (1.3) acre feet of water rights for each potential lot or dwelling unit, as determined by:

(1) The terms of any concurrent annexation concept plan submitted as a condition of annexation, the terms of the annexation agreement (if addressed therein); or

(2) By the lot area requirements for the zone classification proposed for the annexation area, whichever is applicable.

Additional water rights shall be conveyed to the city prior to final plat approval for any deficiency in water right conveyance at annexation.

b. Other Uses: Sufficient water to satisfy the projected needs of the development proposed by the development as set forth under the terms of the annexation agreement.

3. Type Of Water Rights Acceptable to City:
The type of water rights proposed for conveyance to the city shall be of a type which is capable of ready conversion for municipal purposes from existing city supply sources, and may include one or a combination of the following:
 - a. Irrigation Water Stock Or Water Rights:
Sufficient water rights to provide the amount of water required for area after adjustment by the state engineer.
 - b. Well Rights: The right to the withdrawal of water from a well source.
 - c. In Lieu Purchase Of Surplus City Acquired Water Rights: An in lieu cash payment for the assignment of the right to utilize surplus city acquired water rights previously acquired by the city for the purpose, if available. Utilization of this option shall be in accordance with the terms of the then policy regarding purchase of the surplus city acquired water rights.
4. City To Evaluate Rights Proposed For Conveyance: Prior to acceptance of a water right proposed for conveyance to the city, the city shall evaluate the characteristics of the right and may refuse to accept any right which it believes to be insufficient in amount or flow or not readily capable of use and conversion for municipal purposes.
 - a. Change Application: Where, in the opinion of the city council, the conversion of municipal purposes of a water right proposed for transfer is uncertain, the city may require that a change application, quantifying the amount of water and approving its use for municipal purposes, shall have been submitted and approved by the state engineer.
 - b. Statement Of Agreement From Irrigation Company: In addition, where the proposed right consists of shares of stock in an irrigation company, the city may require that the applicant also provide a statement from the irrigation company agreeing to the conversion of the shares for municipal purposes.
5. Exceptions And Adjustments To Water Rights Conveyance Requirements:
 - a. Lands Restricted Against Future Development: Where the annexation contains lands which, as a result of topographic extremes or other unique conditions, will be permanently restricted from development or other activity requiring the use of city provided water, the city may waive the water rights conveyance requirements; provided, that the restriction against future use of water is secured through the deeding of the development rights to the public or other legal device acceptable to the city.
 - b. Lands Owned By Nonsignatory Owners: Whenever land is annexed without the consent of the owner, the conveyance of water rights by the nonsignatory owners will not be required at the time of annexation; provided, however, that the ordinance annexing the territory shall note all parcels annexed without the owner's consent and shall provide that future development of these lands will require the conveyance of water rights prior to the granting of any approval of development or the issuance of a building permit. The city may also file a notice of interest to the effect for each parcel so annexed, and may maintain a map showing all parcels which have been annexed without satisfying the water rights requirements.

6. Time Of Conveyance; Deferral Permitted; Conditions: For all parcels signatory to the petition, and except as hereinafter provided, the conveyance of title to water rights shall occur prior to the time of final action on the annexation by the city council. Notwithstanding the above, the city council may authorize the conveyance of the water rights at a time after completion of annexation proceedings in the instances and under the conditions hereinafter set forth:
 - a. Good And Sufficient Reason: The city council, with the recommendation of the planning commission, determines that there is a good and sufficient reason to delay the time of conveyance; and
 - b. Assurance Of Commitment: There is adequate assurance that the water rights proposed for conveyance are irrevocably committed to the city through execution of a water transfer agreement or placement in a conveyance escrow or similar third party arrangement established prior to the action to annex; and
 - c. No Encumbrances: There are no encumbrances on the rights which may prohibit their subsequent conveyance without cost to the city.
- B. Conveyance Of Land For Park Or Other Public Purpose:
 1. Intent: It is the intent of this subsection to provide a method whereby the city may acquire such lands, or interest therein, as are considered necessary to adequately accommodate the needs of existing and subsequent occupants of the land proposed for annexation, and also the general public, for street, park, trail, flood control and/or other similar purpose. Any conveyance of land, or interest therein to the city pursuant to this subsection, shall be considered solely as a condition and requirement of annexation, except as provided under subsection B4 of this section.
 2. Conveyance Of Land May Be Required: All persons annexing territory to the city shall, as a condition of annexation, convey to the city fee title (or easement where applicable) to such lands as are determined essential for street, park and open space, trails, flood control, fire control, and similar purposes.
 3. Time Of Conveyance: For all parcels signatory to the petition, the conveyance of the title to lands shall occur prior to the time of recording the annexation plat.
 4. Conveyance To Be Consistent With Impact Fee Ordinance: Where the land conveyed pursuant to the terms of this subsection is for a purpose included within the terms of the city's impact fee ordinance, the conveyance shall be accounted for and credited to the owner as an offset against the impact fee, pursuant to the terms of said impact fee ordinance.
- C. Annexation Agreement Authorized; Approved By Council:
 1. Annexation Agreement: In order to more fully implement the terms, conditions and understandings in connection with an annexation of land to the city, the city council may, but under no circumstances is required to, enter into agreements hereinafter to be known as annexation agreements between the applicant (and any successor in interest) and the city, and shall contain such terms and conditions as agreed to as conditions of annexation. (Ord. 01-12-11-25, 12-18-2001, eff. 1-18-2002)
 2. The mayor, city attorney, zoning administrator, city planner, city engineer and/or any member of the city council,

when authorized to do so by said body, may negotiate the terms and conditions of annexation agreements on behalf of the city; provided, that all annexation agreements shall be reviewed for legal sufficiency by the city attorney and submitted to the planning commission for its review and recommendation thereon prior to a final approval or disapproval by the city council. (Ord. 01-12-11-25, 12-18-2001, eff. 1-18-2002; amd. 2003 Code)

- D. Other Conditions: The city council may attach other conditions, as it may deem to be necessary for the general welfare of the city, as a prerequisite to the annexation of any land. (Ord. 01-12-11-25, 12-18-2001, eff. 1-18-2002)

10-17-4: FEES:

The applicant shall be responsible for the costs of processing annexation requests as set forth below:

- A. Petition Review And Processing Fee: A petition review and processing fee in an amount as may be fixed by resolution of the city council shall be submitted to the city recorder with each annexation request.
- B. Annexation Plat Preparation Fee: In the event that the annexation plat for a specific annexation petition is prepared by the city, the city shall be entitled to assess the costs incurred in the preparation thereof to the petitioners.
- C. Protest Study Fee: In the event that an annexation petition is protested and requires the appointment of a feasibility consultant and preparation of a feasibility study by the boundary commission, the city shall assess the costs incurred by the city in the conduct of the feasibility study upon the petitioners. (Ord. 01-12-11-25, 12-18-2001, eff. 1-18-2002)

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CHAPTER:

10-18: ANIMAL LAND USE REGULATIONS

SECTIONS:

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10-18-4 Common Household Pets

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10-18-1 What This Chapter Does

This chapter establishes the land use regulations for animal uses and possession within the limits of the city of Elk Ridge.

10-18-2 Purpose

The purpose of this chapter is to ensure that animals may be kept within the city in a manner that does not jeopardize the health or safety its residents or cause a nuisance.

10-18-3 Existing Animal Uses

The keeping of any animal which existed lawfully prior to the effective date of this ordinance which is not allowed under this ordinance, may be continued as a nonconforming use, except that if the nonconforming use is discontinued for 1 year or more it shall then be deemed abandoned and any future keeping of animals shall be in conformity with this ordinance.

10-18-4 Common Household Pets

Common household pets are considered to be dogs, cats, rabbits, ferrets, and smaller animals such as domesticated rodents, fish, parrots, parakeets, canaries, guinea pigs, hamsters, non-poisonous reptiles, turtles, and other like animals that can be purchased in a licensed Utah pet store. Limits are placed at 2 dogs and 2 cats and 2 ferrets per residential lot, 5 months of age or older. Additional cats can be permitted by obtaining a conditional use

permit through the planning commission through the process listed later in this chapter under 10-18-5 Hobby Animals or 10-18-7 Kennels. No more than 6 rabbits are allowed as common household pets. Other small animals listed do not have a number limit. All common household pets must be kept in a non-nuisance condition and be raised for non-commercial uses. Chickens, ducks, and other like animals are considered hobby animals.

10-18-5 Hobby Animals

Where permitted by the city zoning ordinance, hobby animals include chickens, ducks, pigeons, miniature horses and other like animals approved by the planning commission. Roosters are not allowed as a hobby animal. The number cats above what is allowed as common household pets are considered a hobby animal. The total combined number of hobby animals allowed is 6 animals per residential lot, except additionally up to 50 pigeons are allowed per residential lot. Hobby animals are considered a conditional use and must be approved by the planning commission. All hobby animals must be kept in a non-nuisance condition. Table 10-18-5-1 lists the types of animals allowed, numbers allowed, required living area, and living area setbacks from adjacent residential buildings. In zones that allow livestock animals as a permitted use, chickens, ducks, and miniature horses can also be considered under the livestock animals regulations in 10-18-6

10-18-5-1 Hobby Animals Table

Animal	Allowed per Lot	Living Area Run Pen Coop	*Setback from Adj. Res. Bld.
Cats	3-6	NA	25 ft
Chickens	6	24 sq ft	25 ft
Ducks	6	24 sq ft	25 ft
Miniature Horse	1	1,500 sq ft	50 ft
Pigeons	50	2 sq ft per bird	30 ft

*Living area must be located closer to owner's residential building than to neighboring residential buildings.

10-18-5-2 Hobby Animals Cat Requirements

Breeders or owners of cats are allowed to keep up to a combined total of 6 hobby animals (that list a limit in 10-18-4) per residential lot provided:

- A conditional use permit is obtained from the planning commission.
- Cats must have a proof of rabies certificate.
- Cats may keep 1 litter intact until the kittens reach 5 months of age; 1 animal from the litter may be retained until it reaches 12 months of age. At no time may the holder of the permit retain more than 7 cats over 5 months of age nor more than 6 cats over 1 year of age.
- Other provisions of this chapter are complied with and hobby animal or premises is not deemed a nuisance.

10-18-5-3 Hobby Animals Duck and Chicken Requirements

Breeders or owners of chickens and ducks are allowed to keep up to a combined total of 6 hobby animals per residential lot for non-commercial use provided:

- A conditional use permit is obtained by the planning commission.
- The coop/feeding and pen areas must be maintained and cleaned regularly to avoid odor.
- The coop/feeding and pen areas must be closer to the owner's residential building than neighboring residential buildings.
- Feed must be kept in a container that prevents vermin.
- All feces and odor shall be kept within the confines of the owner's property, and shall not be reasonably noticeable to neighbors.
- The coop/ feeding area and pen area shall be maintained in a manner to prevent odor or feces from becoming a nuisance to neighboring properties.
- Ducks and chickens must not be able to take flight into neighboring properties. If an animal is prone to flying, their wings must be clipped.

10-18-5-4 Hobby Animals Miniature Horse Requirements

The owning of miniature horses is allowed for non-commercial use where permitted by the city zoning ordinance, owners may keep a maximum of 1 miniature horse provided:

- The miniature horse must be kept and maintained in a fenced corral area constructed to prevent escape.
 - All feeding shall be within the confines of this area except for the allowance of grazing non-improved areas on the owner's property.
 - The corral area shall be closer to the owner's residential building than neighboring residential buildings.
 - A stable or other suitable shelter shall be within the corral area for protecting the animal from the elements.
- Feces and odor shall be kept within the confines of the owner's property, and shall not be reasonably noticeable to neighbors.
- A livestock management plan must be submitted as part of the conditional use permit process and approved by the planning commission. A livestock management plan shall include a drawing of:
 - The owners property and adjoining properties
 - Location of the any structures on these properties
 - The location and size corral area and placement of stable
 - Setbacks from corral area to all structures
 - Feeding area
 - Any other information pertinent to mitigate any adverse affects that could occur

10-18-5-5 Hobby Animals Pigeon Requirements

The owning or breeding of pigeons is allowed for non-commercial use where permitted by the city zoning ordinance, breeders or owners may keep a maximum of 50 pigeons provided:

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- Pigeons must be kept and maintained in a loft constructed to prevent escape.
 - The loft shall be constructed to contain the feces that can be maintained in a sanitary manner.
 - All feeding shall be within the confines of the loft. Feed shall be stored in rodent proof containers.
- Each pigeon shall wear a leg band to identify the owner or keeper thereof. All records shall be open for inspection by the animal control officer.
- The loft/feeding area must be closer to the owner's residential building than neighboring residential buildings.
- Pigeons shall be kept in the loft except for exercise, training and racing.
 - Pigeons shall not be allowed to linger on buildings or property other than the owner's.
 - Pigeons shall be permitted to exercise twice a day under the control of the owner or keeper.
 - Pigeons shall not be released for exercise if they have been fed within the last 4 hours.
 - Feces and odor shall be kept within the confines of the owner's property, and shall not be reasonably noticeable to neighbors.
 - The loft interior shall be maintained in a manner to prevent odor or feces from becoming a nuisance to neighboring properties.
- Pigeon owners will assist the animal control officer in controlling the feral pigeon population within the city.

10-18-6 Livestock Animals

Where permitted by the city zoning ordinance, livestock animals are allowed based on the land area of the lot and land provided for the livestock management area. Shown on table 10-18-6-2 are the land use requirements on the types of animals, animals allowed per half acre, size of the livestock animal management area, and setbacks to adjacent residential structures. The numbers of animals allowed per half acre are not cumulative. A

maximum of one species precludes any other species. For example, on a half acre parcel, 2 horses may be kept, or 4 sheep, or 1 horse and 2 sheep, but two horses and four sheep are not allowed. If large and medium or small animals are kept on the property, the large animal requirements for the management area and setbacks shall be used. Unweaned offspring less than 1 year old of any residing animal shall not be counted as part of the total animals allowed. In some zones livestock animals are considered a conditional use and must be approved by the planning commission.

10-18-6-1 Livestock Animals Management Area

All portions of a lot devoted exclusively to the care and keeping of livestock shall be considered the livestock animal management area. The required setback to adjacent residential structures for pens and pastures in the management area is shown by the types of animal in table 10-18-6-2. Barns, sheds, coops, corrals, feeding areas, water troughs, stables, hutches, and other animal related needs shall be located no closer than 75 ft from an adjacent lot residential building. The structures must be closer to the owner's residential building than neighboring residential buildings. No portion of a lot devoted to a dwelling, yard, lawn, parking area, non-animal related accessory structure, or the area between the front of the primary residential structure and the adjacent street can be included in the management area.

10-18-6-2 Livestock Animals Land Use Requirements Table

Animal	Allowed per 1/2 Acre	Livestock Mgmt. Area	Setback from Adj. Res. Bld.
Large Animals Horse Mule Cattle	2	3,000 sq ft per animal	75 ft
Medium Animals Emu Ostrich Sheep	4	1,500 sq ft per animal	50 ft
Donkey Miniature Horse Llama Female Goat	2		
Small Animals Chickens Rabbits Turkeys Ducks	10	12 sq ft per 10 animals	50 ft

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10-18-6-3 Livestock Animals Not Listed

Any animal not listed in table 10-18-6-2 can be approved by the planning commission finding that the animal is similar size and nature to an animal listed. Only 1 male goat or rooster can be allowed by the planning commission finding that the applicant submits a livestock management plan that details how the noise and smell of the animals will be addressed. For a male goat or rooster, the livestock animal management area size and setback to adjacent residential structures distance shall be twice the requirement set forth in the table. Pigs and mink are not allowed within the city.

10-18-6-4 Livestock Animals Requirements

Exceptions

Exceptions to the standards listed in table 10-18-6-2 can be requested and must be presented by the property owner through an animal management plan to be heard by the planning commission. In no case shall large animals be allowed on acreage less than half an acre. Approval of the plan by the commission shall be considered a conditional use and shall be subject to all required conditions.

10-18-7 Kennel

Where permitted by the city zoning ordinance, kennels are allowed for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. Kennels are considered a conditional use and must be approved by the planning commission.

10-18-7-1 Kennel Indoor Animal Room

The basic intent of these regulations is to see that all animals receive proper care, that they are being treated kindly, properly fed, and that their surroundings are being kept in a sanitary condition. Indoor cages shall have a length and width that exceed the animal's length from the base of the tail to the tip of the nose by at least six inches. Cage height shall exceed the animal's height by at least four inches. Small puppies may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of such material as to be maintained in a sanitary condition. Diseased animals must be maintained apart from healthy animals in suitable and separate quarters. The animal or cage room walls and floors

shall be of material easily cleaned and kept in a sanitary condition. The room shall be properly screened, insect and vermin proof. It shall be properly ventilated to prevent drafts and remove odors. Heating and cooling should be provided as required, with sufficient light (preferably natural) to allow observation of animals, and sanitation.

10-18-7-2 Kennel Exercise Facilities

Animals shall be removed from indoor cages and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal. The outdoor area shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. They shall be adequately drained and maintained in a sanitary manner. Adequate and sanitary means of disposing of droppings shall be provided. All kennel runs shall be fenced (chain link or welded wire) such fence to be separate and apart from property boundary fence. Kennel runs shall have a minimum free and clear area of 10 square feet per dog. Indoor shelter, except where animals are caged, shall have a minimum of six square feet per dog. When the minimum area is provided it should be supplemented with exercise yards for dogs which are maintained for extended periods.

10-18-7-3 Kennel Requirements

Each kennel must have a current valid business license. Such licenses are required to be displayed and readily available for inspection by any authorized person. A kennel record must be kept available for inspection, such record to show: the name, current address, and telephone number of the owner of the dog; the date the dog entered the kennel; the reason for its being in the kennel, i.e., for boarding, sale, breeding, grooming, etc.; the description of the dog (age, breed, sex, color, etc.). On any dog over four months of age, a current valid rabies certificate shall be maintained as a part of this record, as long as the dog is maintained in the kennel.

Kennels shall not be left unattended for a period in excess of 24 hours. All animals shall be supplied with sufficient good and wholesome food and fresh water as the feeding habits of such animals require. All areas of kennel runs, yards, food storage, and

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auxiliary buildings shall be subject to inspection by authorized persons. An emergency name, address, and phone number must be posted in a conspicuous place at the front of the property for use by authorized persons.

10-18-8 Applicable Zones

Table 10-18-7-1 lists each animal use and the zones within the city each use is either permitted or is allowed as a conditional use. A conditional use permit must be approved by the planning commission finding that any adverse condition can be mitigated and following the requirements of 10-12-33 of the development code.

Zone	Common Household Pets	Hobby Animals	Kennels	Livestock Animals
RR-1	P	C		P
R&L-20,000	P	C		P ¹
R-1-12,000	P			
R-1-15,000	P	C		
R-1-20,000	P	C		
HR-1	P	C		P
CE-2	P	C		P
PF				
Hillside Cluster Overlay	P	C		P ¹
Senior Housing Overlay	P			
Planned Unit Dev.	P			
Mountain Home Dev.	P	C		
C-1			C	

¹Raising of Livestock Animals for non-commercial use only.

10-18-9 Conditional Use Permit

Notwithstanding the allowance of the types of animals considered a household pet, or where permitted by the city zoning ordinance, any animal use that is listed in a zone as a conditional use must be approved by the planning commission subject to all required conditions. The planning commission shall review conditional use permits in accordance to the standards contained in chapter 12-33 Conditional Use Permits. The Planning Commission

shall conduct a public hearing in accordance with Chapter 12-37 Approval Process. The planning commission must find that the proposed use can be mitigated. Once approved, if the use later violates this code or causes situations that become a nuisance to adjoining property owners the conditional use shall be subject to revocation by the code enforcement officer.

10-18-9-1 Conditional Use Permit Suspension or Revocation of a Permit

The suspension or revocation of a conditional use permit shall be determined because of violation of rules or regulations on the following grounds:

- Falsification of facts in conditional use application.
- Violation of any established ordinances or regulations relating to noise, odor, building, or zoning ordinances.
- Conviction on a charge of cruelty to animals.

The city inspector shall inform owner of such violations by written notice and establish specific and reasonable period of time for the correction of such violation(s) found. An opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing before the planning commission is filed with the department within two weeks of notice.

10-18-10 Wild Animals

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild animal, except for government agencies or otherwise as provided for by state or federal regulations. The keeping of any wild animal which existed prior to the effective date of this ordinance may be continued, except that if it is discontinued for 6 months or more it shall then be deemed abandoned and any future keeping of wild animals shall be in conformity with this ordinance.

10-18-11 Definitions

For the purposes of this ordinance, each of the following words and phrases shall have the following meaning:

- "Animal" means birds, reptiles, and mammals other than the genus homo-sapiens. An animal's offspring shall be considered a separate unit upon completion of weaning.
- "Cages" means individual, portable facilities for containing dogs or cats.
- "Common Household Pet" means a dog, cat, rabbit, and smaller animals such as a domesticated rodent, fish, parrot, parakeet,

canary, guinea pig, hamster, non-poisonous reptile, turtles, and other like animals that can be purchased in a licensed Utah pet store.

- "Exercise yard" means an area of a kennel enclosed by a fence of at least six feet in height wherein dogs are allowed to run and exercise. Every portion of an exercise yard fence shall be separate and removed from any property boundary fence.
- "Fencing," unless otherwise authorized, shall mean a good grade commercial chain link, carried on solid posts set in concrete; suggested minimum is 11-gauge wire, two-inch steel posts set on no greater than 10-foot spans.
- "Hobby Animal" means a dog or cat owners or breeder that has been given a permit to keep a limited number of animals, in a residential area, subject to all provisions of the Animal Control Ordinance and this title.
- "Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein 3 or more dogs over four months of age are kept or maintained for any commercial purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.
- "Kennel building" means a permanent structure designed, intended, or used exclusively for the housing of dogs.
- "Kennel run (inside)" means the separated area inside a kennel building used for the interior housing of dogs.
- "Kennel run (outside)" means an area adjacent to a kennel building and enclosed by a fence at least six feet in height.
- "Livestock" means all animals of the equine, bovine, or fowl, including goats, sheep, mules, horses, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas.
- "Wild animals" means any animals of a species that in their natural life are wild, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies.

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These animals, however domesticated, shall include but not be limited to:

- Alligators and crocodiles;
- Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- Cat Family (Felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
- Dog Family (Canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
- Porcupine (Erethizontidae);

- Primate (Non-human). All subhuman primates;
- Raccoon (Prosynnidae). All raccoons, including eastern raccoon, desert raccoon, ringtailed cat, etc.;
- Skunks;
- Venomous fish and piranha;
- Venomous snakes and lizards;
- Weasels (Mustelidae). All including weasels, martens, wolverines, badgers, otters, ermine, mink, mongoose, etc.

A complete list of other definitions related to animal control may be found in the city's adopted Animal Control Ordinance in title 5 chapter 2.