ORDINANCE NO. 2014-08

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING THE SENSITIVE LANDS ORDINANCE

WHEREAS the Ivins City Planning Commission held a Public Hearing on March 4, 2014, regarding various amendments to Ivins City's Sensitive Lands Ordinance (Part 2 of Chapter 8, Title 16 of the Ivins City Code); and

WHEREAS the Ivins City Planning Commission voted on March 4, 2014, to recommend approval of the proposed amendments; and

WHEREAS the Ivins City Council held a Public Hearing on April 11, 2014, regarding the Planning Commission's recommendation to approve the proposed amendments to the Sensitive Lands Ordinance; and

WHEREAS on _____, 2014, the Ivins City Council voted to adopt the Planning Commission's recommendation and to amend the Sensitive Lands Ordinance as proposed;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that Part 2 of Chapter 8 of Title 16 (Sensitive Lands Ordinance) of the Ivins City Code be amended to now read as follows:

16.08.201: PURPOSE: The purposes of the sensitive lands overlay district (SL) are to:

(1) Protect and preserve the sensitive lands areas of the city, as defined by this chapter and this title.

(2) Protect the health, welfare and safety of all residents, and minimize any risks to life and property.

(3) Minimize the potential for demands on the fiscal resources of the city to mitigate and correct any risks to the health, welfare and safety of the public, property owners, individuals, public infrastructure, facilities and services, and private investment.

(4) Preserve the natural setting of the city to maintain and strengthen private property values, provide a desirable environment for businesses and residents, protect and enhance the city economy, and protect the quality of life and amenities of existing and future residents.

(5) Guide and require responsible land use and development for those lands identified to have development limitations due to environmental sensitivity.

(6) Require that all development and construction located on sensitive lands areas occur in harmony with the natural features and topography of the site, thereby reducing visual and site impacts. (Ord. 2005-13, 2005)

16.08.202: SENSITIVE LANDS DEFINED: For the purposes of this chapter, and this title, the following lands are hereby determined and identified to be "sensitive lands", and subject to the requirements of this chapter and this title:

(1) All areas subject to flooding, as identified by the city sensitive lands map, incorporated herein by reference.

(2) All areas of wetlands, as identified by the city sensitive lands map, or as may be identified by the U.S. army corps of engineers.

(3) All areas of hillsides:

(a) In low density residential zones where the ~~increase or decrease in the elevation~~ slope of the natural grade is equal to or greater than eight percent (8%) (1 foot of grade change for every $12^{1}/_{2}$ feet of horizontal run) for a minimum distance of forty feet (40') measured in the predominant slope direction of a hillside meeting all of the following conditions:

(i) The hillside is conspicuously visible from major public viewing areas defined as collector streets, arterial streets and public gathering places.

(ii) The hillside rises more than 30 vertical feet over a distance of 375 feet or less (greater than or equal to an eight percent (8%) slope).

(b) Not in low density residential zones (i.e. commercial and medium to high density residential) where the slope of the natural grade is equal to or greater than twelve percent (12%) (1 foot of grade change for every $6^{2}/_{3}$ feet of horizontal run) for a minimum distance of forty feet (40') measured in the predominant slope direction of a hillside meeting all of the following conditions:

(i) The hillside is conspicuously visible from major public viewing areas defined as collector streets, arterial streets and public gathering places.

(ii) The hillside rises more than 30 vertical feet over a distance of 200 feet or less (greater than or equal to a twelve percent (12%) slope).

(4) All ridgeline protection areas defined as:

(a) areas within one hundred (100) vertical feet of ~~a~~the ridgeline of Landhill, as identified on the city ridgelines map, incorporated herein by reference.

(b) and areas within one hundred fifty (150) horizontal feet of interior City bluff ridgelines as identified on the city ridgelines map, incorporated herein by reference.

(i) The ridgeline of an interior city bluff is identified as the point where the slope become steeper than eighteen percent (18%) and coinciding with a very steep slope boundary of the area defined in the city ridgelines map. See Figure 8-7.

(5) Habitat Conservation Plan areas, as identified by the city sensitive lands map.

(6) Areas of lava fields and rock outcroppings with an area of eight thousand (8,000) square feet, or larger, as identified by the city sensitive lands map.

(7) Areas of known geologic hazard, as identified by the city sensitive lands map, or as may be identified by a county, state or federal agency with authority. (Ord. 2014-08, 2014)

16.08.203: ALL APPROVALS, LICENSES AND PERMITS TO COMPLY:

(1) All approvals, licenses and permits issued for any use and/or construction on any sensitive lands areas are required to recognize any requirements of the land use authority, as applicable.

(2) No approval, license or permit, including any required building permits, proposed on any sensitive lands areas, shall be issued until the sensitive lands committee has either decided the approval, license or permit, or provided a recommendation to the land use authority, with authority, for the approval, license or permit. (Ord. 2005-13, 2005)

16.08.204: APPLICATION REQUIREMENTS FOR USE APPLICATIONS AND SUBDIVISION APPLICATIONS PROPOSED IN SENSITIVE LANDS AREAS: In addition to the other requirements of all land use ordinances for use or subdivision applications, the following additional information and materials are required when such applications propose the location of a use or subdivision on any sensitive lands area:

(1) Plan Details: Ten (10) copies of a site plan or subdivision layout plan, drawn at a scale of one inch equals twenty feet (1" = 20'), or as required by the zoning administrator, prepared by a licensed engineer or architect, plus ten (10) copies of an eleven inch by seventeen inch (11" x 17") reduced copy of the site plan identifying the following:

(a) For use applications, the location and dimension of the property and all proposed uses and buildings, and existing buildings or other structures located on the property, and existing buildings and structures located within one hundred feet (100') of the property. Existing property lines and existing fence lines shall be shown. For subdivision applications, the location and dimension of the property and all proposed lots, streets, roads and other rights of way shall be shown. Existing property lines and existing fence lines shall be shown.

(b) A calculation, identifying all pervious and impervious areas.

(c) A description of all proposed uses and buildings, including the total site area and building square footage, by building.

(d) The location of all zoning district boundaries.

(e) The location and dimension of all sensitive lands areas, as defined herein.

(f) The proposed setbacks and exterior dimensions of all proposed buildings and structures.

(g) The location of roads and streets adjacent to the site, or proposed to serve the site, and including any permits as required by Washington County, or the state department of transportation, as applicable.

(h) The location and dimension of all proposed ingress and egress points, off street parking and loading areas, including the total number of parking and loading spaces.

(i) The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.

(j) All public and private rights of way and easements located on or adjacent to the property proposed to be continued, created, relocated or abandoned, shall be shown.

(2) Site Model; Use Applications: A three-dimensional representation of the site (a model or a computer generated visualization/simulation), identifying the form, and massing of all proposed structures showing the relationships of all buildings, structures and proposed improvements to the site topography. The three-dimensional representation must accurately depict the proposed building lines and massing of all structures and roof forms as well as visually relating the proposed buildings and structures to the natural terrain and showing the location and appearance of the building, lot, landscaping and skyline.

(3) Site Model; Subdivision Applications: A three-dimensional representation of the site (a model or a computer generated visualization/simulation), identifying the location of all existing and proposed streets and roads adjacent to the subdivision site, or proposed to be created on the subdivision site; proposed lot arrangement; and the location, form and massing of all proposed structures, showing the relationships of all buildings, structures and proposed changes to the site topography. The three-dimensional representation must accurately depict the proposed subdivision design features as well as visually relating the proposed locations of all buildings and structures to the natural terrain and showing the location and appearance of all buildings, lots, landscaping and skyline.

(4) Site Photographs: Photographs of the site looking out from the property in all directions and of the property from several different viewpoints.

(5) Grading and Drainage Plan: A detailed grading and drainage plan shall be provided, prepared by a registered engineer or geologist, identifying the existing topography, and the proposed finished grade of the site, shown at a maximum contour interval of two feet (2'), or as required by the zoning administrator. All areas of excavation and fill, slopes of cut and fill, total cubic yards of excavation and fill, methods of concealment for each exposed cut and fill, and calculations identifying the limits and amount of disturbance for the total site shall be shown. This plan shall show the original drainage pattern (natural course) and proposed changes, if any. If any structures or culverts are involved, it will be necessary to include an estimate of peak flows for a 100-year storm event to establish drainage facility cross sections. Any sheet flows diverted from their original drainage shall be returned to the natural course before leaving the property.

(6) Erosion Control Plan: Information and plans identifying proposed temporary and permanent erosion control measures.

(7) Landscaping and Revegetation: A landscape plan shall be provided, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, including the building envelope; building footprint; all accessory structures and locations; significant natural features; plant materials list with type, quantity and size; plant location; location and species of plant materials existing on the site; and methods for the revegetation of all disturbed areas. All proposed plant materials should be drought tolerant. Native vegetation shall be identified and preserved to the maximum extent possible in the landscape plan.

(8) Fences and Walls: The location of all fences and walls, identifying the proposed height, materials and colors. All fences and walls shall be located within the maximum limits of disturbance area for each lot, as applicable. No retaining wall shall exceed three feet (3') in height, measured from the immediately adjacent lowest natural or finished grade. Retaining walls shall not be terraced or stacked in any manner that increases the height of any retaining wall, or series of retaining walls, to a height greater than three feet (3') from the immediately adjacent lowest natural or finished grade.

(9) Building Plans: The exterior elevations of every side of all proposed structures, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board, including color chips and material samples, identified with the manufacturer's name, color and LRV number, where applicable. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.

(10) Site and Building Lighting Plans: Information and plans shall be provided identifying all proposed site and building lighting, identifying the type, design, location, intensity, height and direction of all site and building lighting. A photometric plan of the site, including all site and building lighting, may be required by the sensitive lands committee and/or land use authority.

(11) Waste and Storage Areas: The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening.

(12) Construction Plans: A narrative identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed uses, as applicable. (Ord. 2005-13, 2005)

16.08.205: SENSITIVE LANDS DETERMINATION AND INVENTORY REQUIRED WITH APPLICATION: A sensitive lands determination and inventory, complying with the requirements of section 16.08.206of this chapter, shall be required to accompany any land use application required by this title when:

(1) The property, that is the subject of the application, is identified as being located, wholly or in part, within a sensitive land area, as identified by the city sensitive lands map or city ridgelines map.

(2) The city council, commission, sensitive lands committee or zoning administrator has information or knowledge that indicates the possibility that sensitive lands may exist. (Ord. 2005-13, 2005)

16.08.206: SENSITIVE LANDS DETERMINATION AND INVENTORY REQUIREMENTS: When required by section 16.08.205 of this chapter, a sensitive lands determination and inventory shall comply with the following:

(1) Be performed by qualified professionals with the necessary licensure, certification or expertise required to identify and delineate all sensitive lands areas occurring on the proposed development site.

(2) Be based on a survey of the subject property.

(3) Include necessary text and map materials sufficient to clearly identify and delineate the following site features and conditions, as may be applicable to the site:

(a) The area and boundaries of all areas subject to flooding, including the boundaries of all natural drainageways and 100-year floodplains, including a map identifying the base and 100-year floodplain elevations.

(b) The area and boundaries of all wetlands, as identified by the U.S. army corps of engineers, or a wetlands delineator, as certified by the U.S. army corps of engineers.

(c) A color shaded slope analysis of the site area, using a contour interval of two feet (2') or less and identifying all areas and boundaries where the ~~increase or decrease in the elevation~~ slope of the natural grade of the subject property is:

(i) Less than eight percent (8%) (less than 1 foot of elevation change for every $12^{1}/_{2}$ feet of horizontal run) .

(ii) Equal to, or greater than eight percent (8%) (1 foot of elevation change for every $12^{1}/_{2}$ feet of horizontal run), but less than fifteen percent (15%) (one foot of elevation change for every 6 feet of horizontal run) ~~for a minimum distance of forty feet (40')~~. These areas shall be identified as "areas of steep slope".

(iii) Equal to, or greater than fifteen percent (15%) (equal to, or greater than, 1 foot of elevation change for every $6^{2}/_{3}$ feet of horizontal run) for a minimum distance of forty feet (40'). These areas shall be identified as "areas of very steep slope".

(d) Cross-sections of the site topography across the subject site at approximately 200 foot intervals in the predominant direction of slope with at least two cross-sections. The cross-sections should be located in areas considered to be representative of the site slopes, have angled vertices to roughly follow the predominant slope, and may need to be placed more frequently as necessary to define the boundaries of sensitive lands.

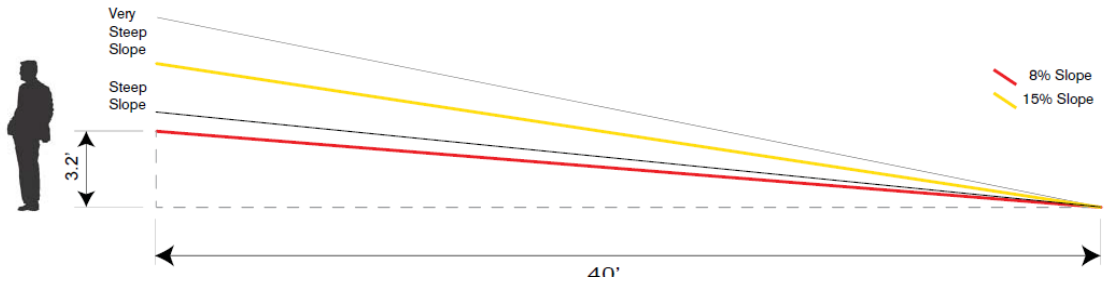
(e) All areas within one hundred (100) vertical feet of ~~a~~ the Landhill ridgeline, as identified on the city ridgelines map and areas within one hundred fifty (150) horizontal feet of interior city bluff ridgelines as identified on the city ridgelines map, incorporated herein by reference.

(f) Habitat Conservation Plan areas, as identified by the city sensitive lands map.

Figure 8-1: Slope Areas

AREAS OF STEEP SLOPE - equal to or greater than 8%, but less than 15%

AREAS OF VERY STEEP SLOPE - equal to or greater than 15%



(g) The area and boundaries of lava fields and rock outcroppings with an area of eight thousand (8,000) square feet, or larger, as identified by the city sensitive lands map.

(h) Areas of known geologic hazard, as identified by the city sensitive lands map, or as identified by a county, state or federal agency with authority. (Ord. 2014-08, 2014)

16.08.207: SENSITIVE LANDS PROTECTION REGULATIONS; STREAMS AND FLOODPLAINS: The following requirements and standards are provided to promote, preserve and enhance stream corridors and areas subject to flooding, to protect them from potentially irreversible impacts, and to protect private and public property from damage due to flooding. Unless modified by this section, all development standards of the zoning district in which the property is located, and any zoning district overlay provisions, shall apply.

(1) Prohibited Activities: No person shall disturb, remove, fill, dredge, clear, destroy or alter any stream corridor, except as may be expressly allowed by a valid stream channel alteration permit, as issued by the state department of natural resources.

(2) Required Setbacks: Setbacks for any building, structure or improvement located within or adjacent to a stream corridor shall comply with the more restrictive setback requirements of the zoning district, including any overlay districts, in which it is located, or the requirements of the state department of natural resources, or the U.S. army corps of engineers, as applicable.

(3) Runoff Controls: All construction and development projects located adjacent to a stream corridor shall apply best management practices for both temporary and permanent runoff controls to minimize sediment and other contaminants, as may be required by a local, state or federal agency with jurisdiction.

(4) Management Recommendations: The sensitive lands committee, commission or city council, as applicable, may request recommendations from any local, state or federal agencies, or other professionals, prior to deciding a land use application for any required approval, permit or license.

(5) Any development or construction within a floodplain must comply with the Ivins City Flood Damage Prevention ordinance, Title 7, Chapter 11. (Ord. 2014-08, 2014)

16.08.208: SENSITIVE LANDS PROTECTION REGULATIONS; WETLANDS: The following requirements and standards are provided to promote, preserve and enhance wetland areas and to protect them from potentially irreversible impacts. Unless modified by this section, all development standards of the zoning district, including any overlay districts in which the property is located, and any zoning district overlay provisions, shall apply.

(1) Prohibited Activities: No person shall disturb, remove, fill, dredge, clear, destroy or alter any wetland, as identified by the city sensitive lands map, or as may be identified by the U.S. army corps of engineers, except as may be expressly allowed by a valid and necessary permit, as issued by the U.S. army corps of engineers.

(2) Required Setbacks: Setbacks for any building, structure or improvement located within or adjacent to a wetland, as identified by the city sensitive lands map, or as may be identified by the U.S. army corps of engineers, shall comply with the more restrictive setback requirements of the zoning district in which it is located, or the U.S. army corps of engineers, as applicable.

(3) Runoff Controls: All construction and development projects located adjacent to a wetland shall apply best management practices for both temporary and permanent runoff controls to minimize sediment and other contaminants, as may be required by U.S. army corps of engineers.

(4) Management Recommendations: The sensitive lands committee, commission or city council, as applicable, may request recommendations from any local, state or federal agency, or other

professionals, prior to deciding a land use application for any required approval, permit or license. (Ord. 2005-13, 2005)

16.08.209: SENSITIVE LANDS PROTECTION REGULATIONS; SLOPES, LOW DENSITY RESIDENTIAL: To protect and preserve the natural beauty of the city, to avoid unnecessary excavation and grading, to preserve naturally occurring landscape features, to protect the visual quality, character and view amenities of the city, the following requirements and standards are provided for low density residential zoned areas determined to have a slope equal to, or greater than eight percent (8%) as previously defined in this ordinance ~~(1 foot of elevation change for every 12 ½ feet of horizontal run) for a minimum horizontal distance of forty feet (40')~~. Unless modified by this section, all development standards of the zoning district in which the property is located, and any zoning district overlay provisions, shall apply.

(1) Street Alignment: All street alignments shall parallel contours of the natural terrain, as practicable. Short sections of roadways that run perpendicular to contours and serve the purpose of connecting main parallel sections should follow natural drainageways, where possible, and should be curved and contoured to minimize any adverse visual impact. Public street lighting~~, if required, shall be fully shielded and be unobtrusive in design and color~~ shall be in compliance Ivins City Standards.

(2) Maximum Street Grade: The maximum grade of any street or road located in areas determined to have a slope equal to, or greater than eight percent (8%), shall be eight percent (8%). Short runs may be permitted to exceed eight percent (8%) if the sensitive lands committee, commission and the city council finds that such street grades are necessary and will not create significant visual, environmental or safety impacts, and the street design and alignment follows contour lines to preserve the natural character of the land, and all cut and fill slopes are minimized and revegetated, as identified in an approved landscape and revegetation plan.

(3) Street Design: In accordance with City standards (See current Transportation Master Plan). A rural cross-section may be considered if it is demonstrated to achieve a reduction of impact to sensitive lands. ~~In recognition of the city's goals of protecting the naturally occurring site features and the physical environment, the city shall require a modified street design cross section for areas determined to have a slope equal to, or greater than, eight percent (8%). A modified street cross section shall be as follows:~~

~~(a) Dedicated right of way, fifty feet (50')~~

~~(b) Pavement width, twenty six feet (26')~~

~~(c) Curb and gutter on one (low) side of the street.~~

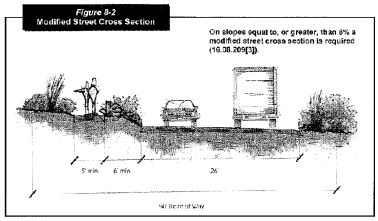
~~(d) Sidewalk on one side of the street.~~

~~(e) Roadways shall be cross sloped from the uphill to the downhill side, unless horizontal curve design requires otherwise.~~

~~(f) Horizontal and vertical curves shall be designed for speeds of twenty (20) miles per hour.~~

(~~g~~a) Drainages shall be crossed perpendicular to flow lines.

(~~h~~b) Drainage crossings shall utilize sag curves to lower roadway profiles.



(***delete this figure, there is no longer a special sensitive lands cross-section***)

(~~i~~c) Roadway profiles shall be designed to minimize areas of both cut and fill. Cut sections are preferred over fill sections.

(~~j~~d) All cut and fills shall be minimized as much as practical and limited to conform to the street design criteria of this section, including that all street alignments conform to, and parallel the contours of the natural terrain, as practicable.

(~~k~~e) All cut and fill areas shall be recontoured to the natural, varied contour of surrounding terrain with a maximum tapered slope back to natural grade of not greater than two to one (2:1).

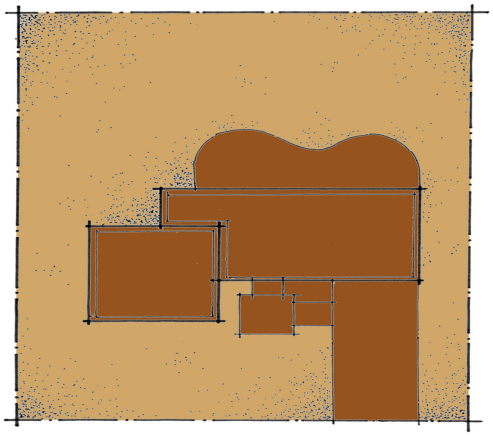
(~~l~~f) All areas of cut and fill shall be temporarily planted or otherwise protected from erosion during the period of construction and shall be permanently planted or otherwise protected from erosion within twenty (20) days after the completion of all grading or excavation, as identified by an approved landscape and revegetation plan.

(~~m~~g) All streets shall be located and screened to minimize any visual impacts associated with streets, street locations and other infrastructure.

(4) Benching and Terracing Prohibited: No cutting, grading, filling, excavating, benching or terracing of any proposed lot or parcel shall be permitted or authorized to occur outside of the maximum limits of disturbance area for each lot or parcel, as provided herein.

(5) Maximum Limits of Disturbance Area: The maximum area of any lot or parcel that may be disturbed shall be limited as determined by the average slope of the subdivision lot or parcel, as provided by table 8-3 of this section. The maximum area of any lot or parcel that may be disturbed may be increased, as further provided by table 8-3 of this section, if the lot or parcel is located in an area within a planned development overlay (PD) district. The maximum limits of disturbance area shall be identified on each lot or parcel and shall include all graded, excavated, filled or otherwise disturbed areas, the area occupied by the primary building, all accessory building areas, areas of hard surfacing, including driveways, walkways, patios, off street parking areas, and all areas of disturbance or nonnative vegetation.

Figure 8-2
Limits of Disturbance Area



Limits of disturbance include all impervious surfaces and all areas of site disturbance and non-native vegetation. (Section 802-9[5]).

TABLE 8-3
MAXIMUM SUBDIVISION LOT OR PARCEL LIMITS OF DISTURBANCE

Average Lot Slope (Column A)	Maximum Limits of Disturbance Area (Column B)	Maximum Limits Of Disturbance Area For Lots Located In Planned Development Overlay (PD) District (Column C)
Less than 8 percent	100 percent	100 percent
Less than 8 percent but surrounded by lots on at least 3 sides with average slopes greater than 8 percent.	50 percent	1 percent increase in the maximum limits of disturbance area (column B) for each 1 percent of open space area being provided as identified by an approved planned development project plan
8 percent to less than 9 percent	45 percent	1 percent increase in the maximum limits of disturbance area (column B) for each 1 percent of open

		space area being provided as identified by an approved planned development project plan
9 percent to less than 10 percent	40 percent	1 percent increase in the maximum limits of disturbance area (column B) for each 1 percent of open space area being provided as identified by an approved planned development project plan
10 percent to less than 11 percent	35 percent	35 percent
11 percent to less than 12 percent	30 percent	30 percent
12 percent to less than 13 percent	25 percent	25 percent
13 percent to less than 14 percent	20 percent	20 percent
14 percent to less than 15 percent	15 percent	15 percent
15 percent or greater	10 percent	10 percent

For the purposes of this section, the average slope of a lot shall be ~~determined as follows:~~ the average slope of a connecting line drawn from the lowest point of the lot to the highest point following the path most nearly perpendicular to the natural grade contours.

Any areas of the lot that are excluded from disturbance with a restriction on the subdivision plat (or other equivalent method of restriction) may be excluded from the calculation of the average lot slope, provided that the revised average lot slope does not increase the disturbance area by more than two times the original calculation or to more than 45% of the entire lot.

Figure 8-3
Representation of Limits of Disturbance

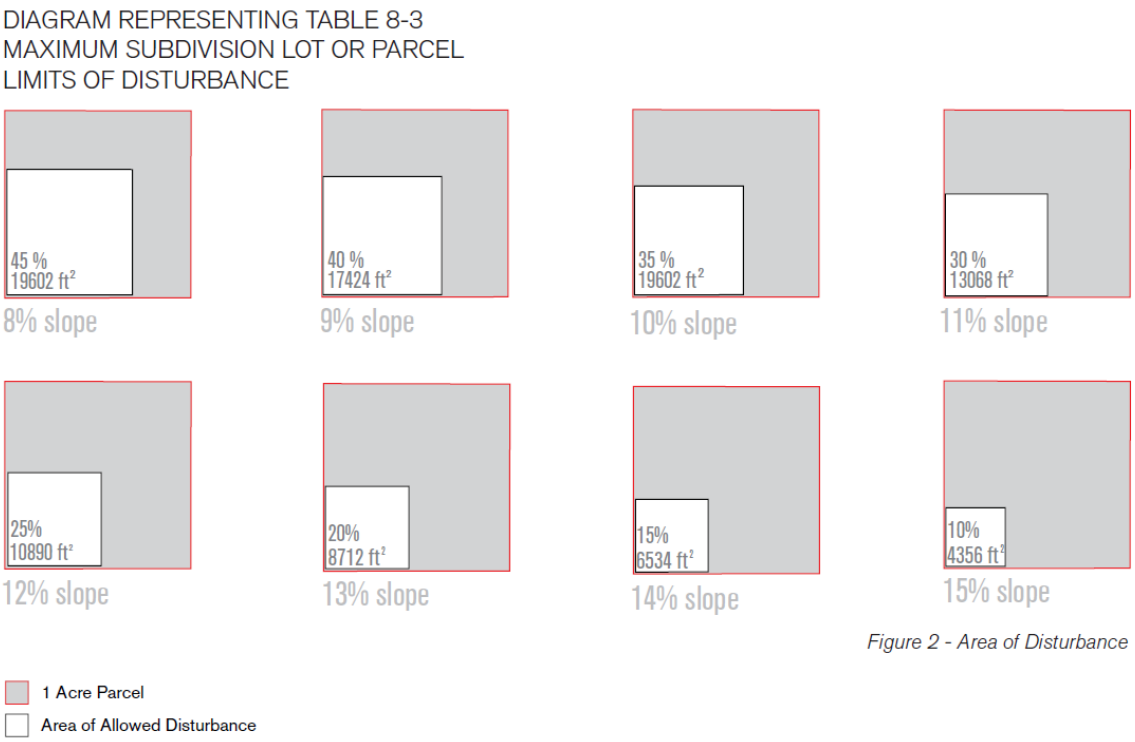


Figure 2 - Area of Disturbance

~~AS = 100(CI x CL)/A~~

~~Where:~~
~~AS = Average lot slope~~
~~CI = Contour interval in feet, at not more than 2 foot intervals~~
~~CL = Sum of the length of all the contour lines across the lot, in feet~~
~~A = Total area of the lot, in square feet~~

(6) Maximum Building Height: The maximum height of all primary buildings shall not exceed eighteen feet (18') above the natural or finished grade, whichever is lower.

Figure 8-4
Maximum Building Height

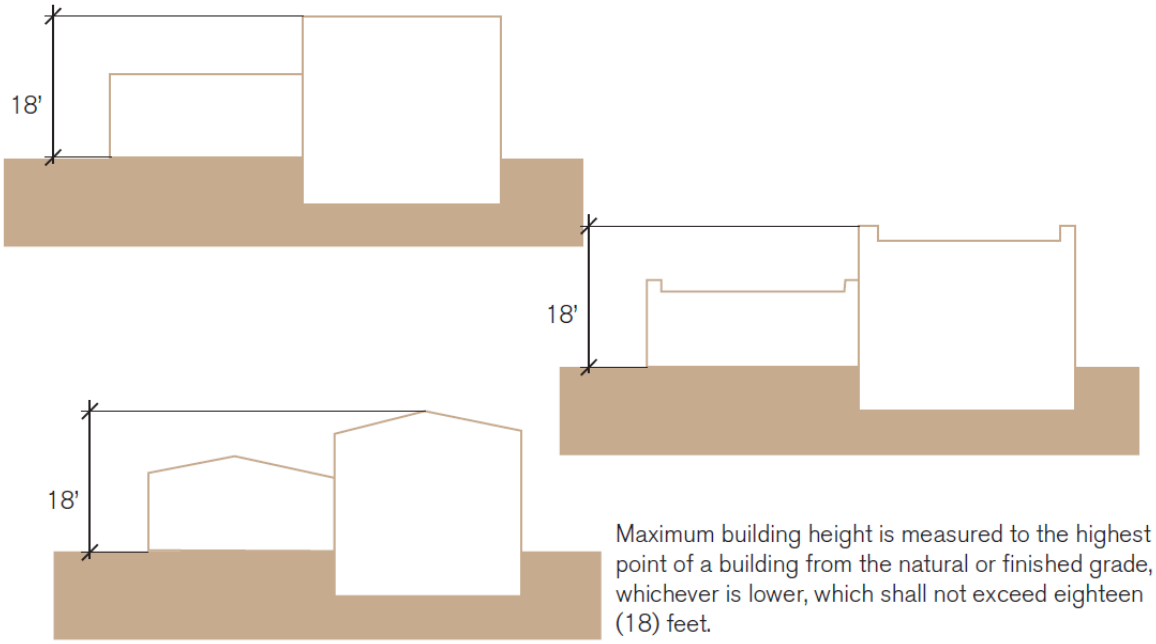


Figure 8-5
Building Heights

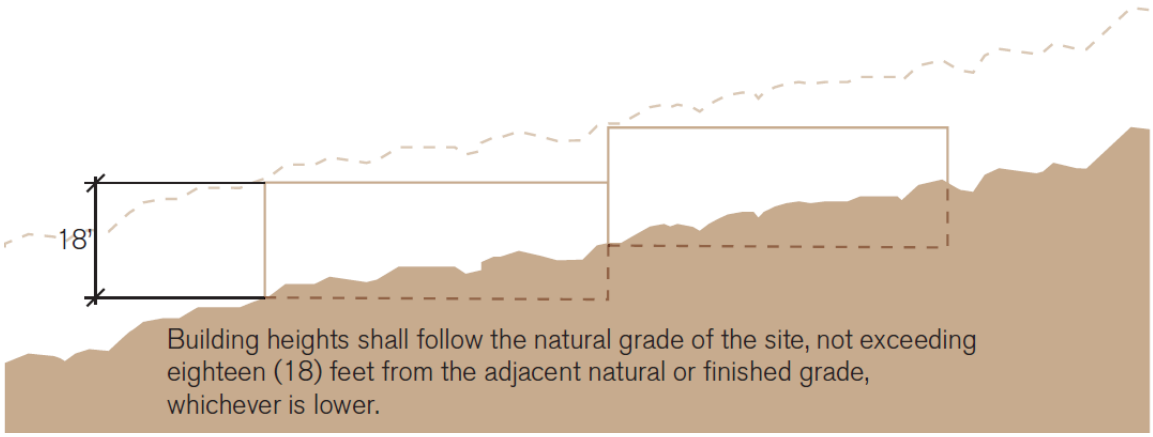


Figure 8-6
Landhill Ridgeline Protection

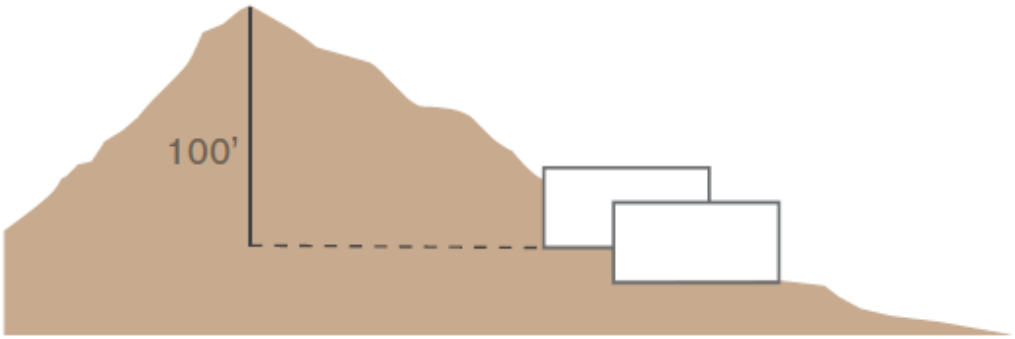
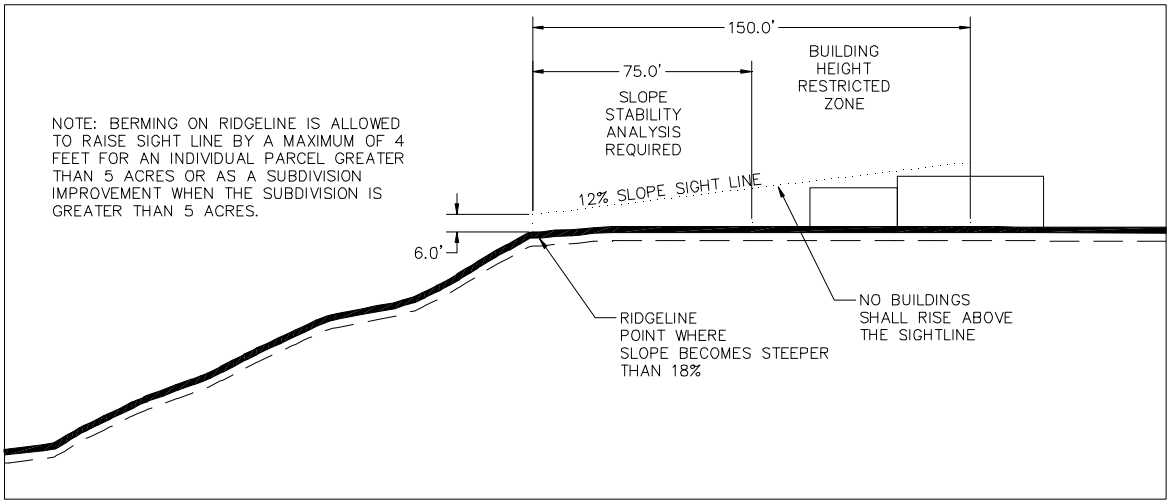


Figure 8-7
Interior City Bluff Ridgeline Protection



(7) Ridgeline ~~And View Shed~~ Protection: The purpose of this subsection is to ensure all development and construction occurring near ridgelines blend with the natural topography. No building or structure shall be permitted within any area identified within one hundred (100) vertical feet of ~~a~~ the ridgeline of Landhill, as identified by the city ridgelines map.

For the purposes of identifying ridgelines for the city, and the city ridgelines map, the following viewpoints have been used: a) five feet (5') above the elevation at the intersection of Kayenta Parkway and Sage Circle; b) five feet (5') above the elevation at the intersection of Kayenta Parkway and Highway 91; c) five feet (5') above the elevation at the intersection of 600 West Street and Highway 91; and d) five feet (5') above the elevation at the intersection of 400 West Street and Highway 91.

Also no permanent building or structure shall be permitted within seventy-five horizontal feet (75') of any interior city bluff ridgeline without a slope stability analysis performed by a qualified geotechnical engineer of the adjacent slope as defined in this ordinance and identified by the city ridgelines map, and no building or structure within one hundred fifty horizontal feet

(150') of the ridgeline shall rise above a projected sightline originating at the ridgeline point and projected vertically 6 feet and then at a twelve percent (12%) slope away from the ridgeline and very steep slope.

~~Berming on the ridgeline is allowed to raise the sightline by a maximum of four feet (4') for an individual parcel greater than five (5) acres or as a subdivision improvement when the subdivision is greater than five (5) acres.~~

(8) Areas of Cut and Fill Slope: All proposed areas of cut and fill on lots shall meet the following requirements:

(a) All cut and fill areas shall be minimized as much as practicable.

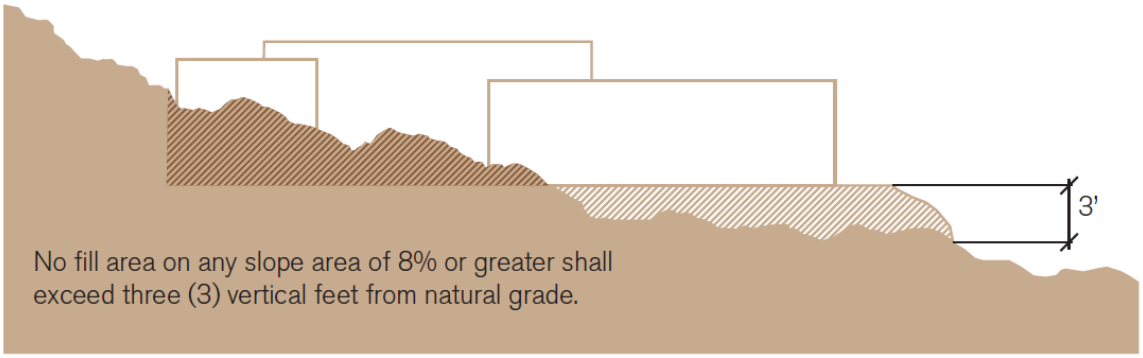
(b) All cut and fill areas shall be located within, and included in, the maximum limits of disturbance area for each lot.

(c) All cut and fill areas shall be recontoured to the natural, varied contour of surrounding terrain with a maximum tapered slope back to natural grade of not greater than two to one (2:1).

(d) All areas of cut and fill shall be temporarily planted or otherwise protected from erosion during the period of construction and shall be permanently planted or otherwise protected from erosion within twenty (20) days after the completion of all grading or excavation, as identified by an approved landscape and revegetation plan.

(e) No fill areas shall exceed three (3) vertical feet, measured from the naturally occurring grade. No retaining walls shall be used in association with any fill areas or fill slopes. All fill slopes shall be recontoured to the natural, varied contour of surrounding terrain with a maximum tapered slope back to natural grade of not greater than two to one (2:1).

Figure 8-8
Fill Area Requirements



(f) All cut areas shall be minimized, as much as practicable, and shall only be allowed for the purposes of siting a primary structure. All cut areas shall be screened with buildings, building walls or other screening treatments, as allowed by the sensitive lands committee, commission or city council, as applicable. All cut areas shall be included in the maximum limits of disturbance area.

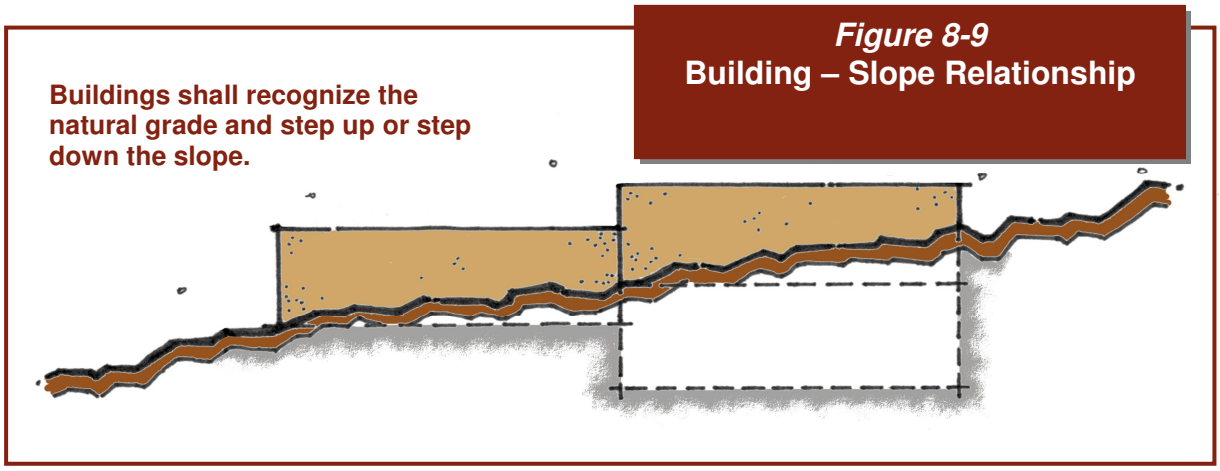


Figure 8-9
Building – Slope Relationship

(9) Topsoil Quality: All topsoil from any disturbed portion of the development site shall be preserved and utilized in revegetation. All fill soil shall be of a quality sufficient to support native plant growth.

(10) Subdivision Layout and Site and Building Design Requirements:

(a) Chapter 19 this title provides requirements for site and building design. The requirements of chapter 19 of this title shall apply to all land use application approvals, permits and licenses, including all use and subdivision application approvals and building permits for buildings or structures located in areas of steep, or very steep, slope.

(b) All provisions of chapter 19 of this title shall apply, as applicable, but specifically the color of all exterior building materials and surfaces shall blend new buildings with the natural environment. Exterior building colors that respect and enhance the natural tones of the southern Utah environment shall be used. All wall extensions from buildings, and walls and fences, shall be the same or similar color, as the main building. The light reflective value (LRV) of materials used on all exterior walls and roof areas shall be between seven (7) (darkest value of shaded vegetation) and thirty eight (38) (approximate value of red sandstone and soil in the city). Generally, the more visible the structure, the lower its LRV should be. The strength, intensity and brightness of the color selected (chroma) shall be in the range from very weak (grayish) to medium weak (neutral or earth tone). Strong chroma colors should be avoided. Stains, flat paints and matte finishes are required. High gloss paints, factory finished metals or other materials which increase visual impacts are not permitted. Chimneys, flues, vents, gutters, downspouts, mechanical and electrical equipment, railings, window shading devices and other exterior devices shall be similar in LRV and chroma to the surrounding surfaces of the building.

(11) Lighting: All street lighting, if required, shall be fully shielded and hooded and be unobtrusive in design and color. All exterior building lighting shall be shielded and hooded so no light source is visible from adjacent properties. All lighting shall be in compliance with the current Ivins City outdoor lighting ordinance, Title 14, Chapter 10.

(12) Additional Off Street Parking: In addition to the off street parking requirements provided by chapter 20 of this title, additional off street parking may be required or recommended by the sensitive lands committee, commission or city council, sufficient to protect public safety vehicle access. For any dwelling, a minimum of four (4) off street parking spaces shall be provided.

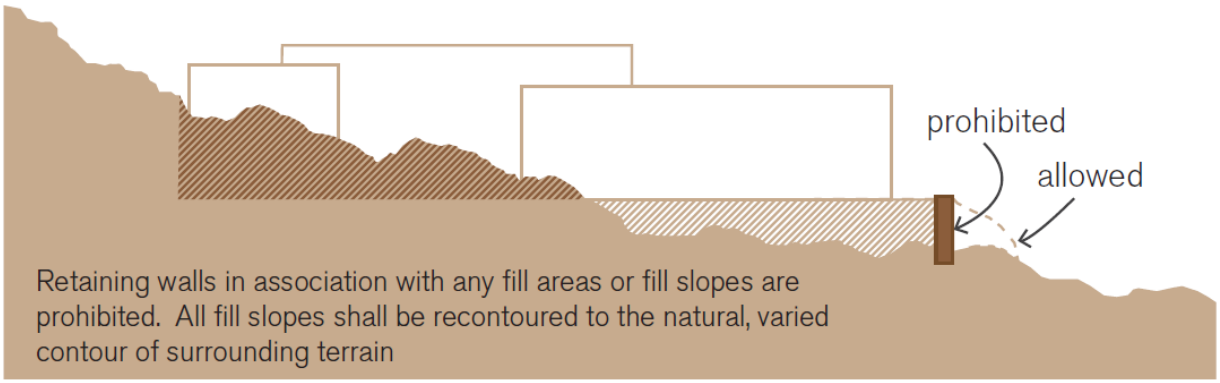
(13) Retaining Walls and Fences:

(a) The location of all retaining walls and fences, identifying proposed height, materials and colors, shall be shown.

(b) All walls and fences shall be located within the maximum limits of disturbance area for each lot.

(c) No retaining walls shall be used in association with any fill areas or fill slopes. All fill slopes shall be recontoured to the natural, varied contour of surrounding terrain with a maximum tapered slope back to natural grade of not greater than two to one (2:1).

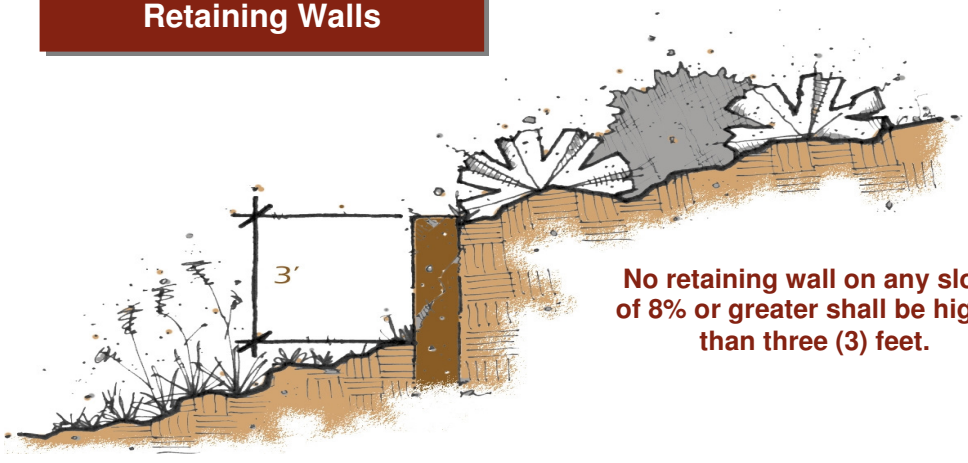
Figure 8-10
Retaining Walls on Fills Prohibited



(d) Retaining walls shall only be used to minimize areas of cut slopes.

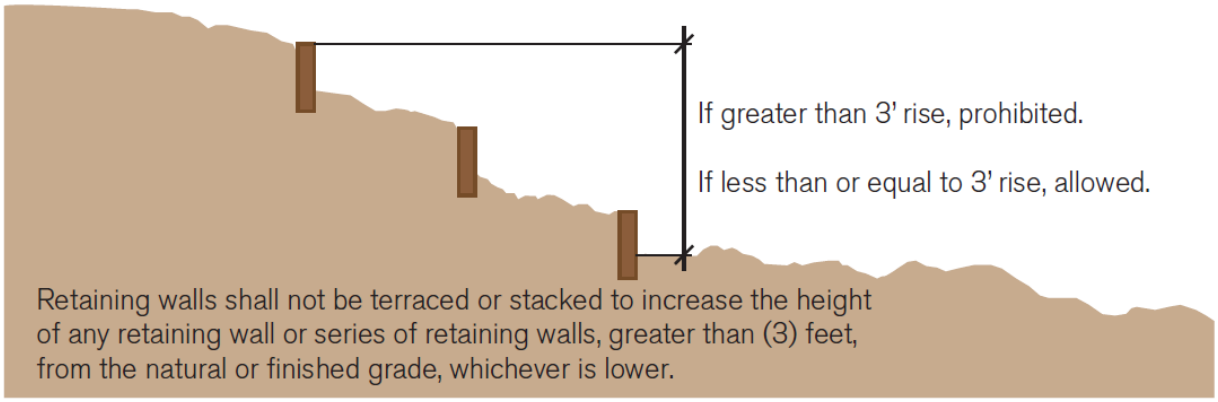
(e) No retaining wall shall exceed three feet (3') in height, measured from the adjacent natural or finished grade, whichever is lower.

Figure 8-11
Retaining Walls



(f) Retaining walls shall not be terraced or stacked in any manner that increases the height of any retaining wall, or series of retaining walls, to a height greater than three feet (3') from the adjacent natural or finished grade, whichever is lower.

Figure 8-12
Stacking of Retaining Walls Prohibited

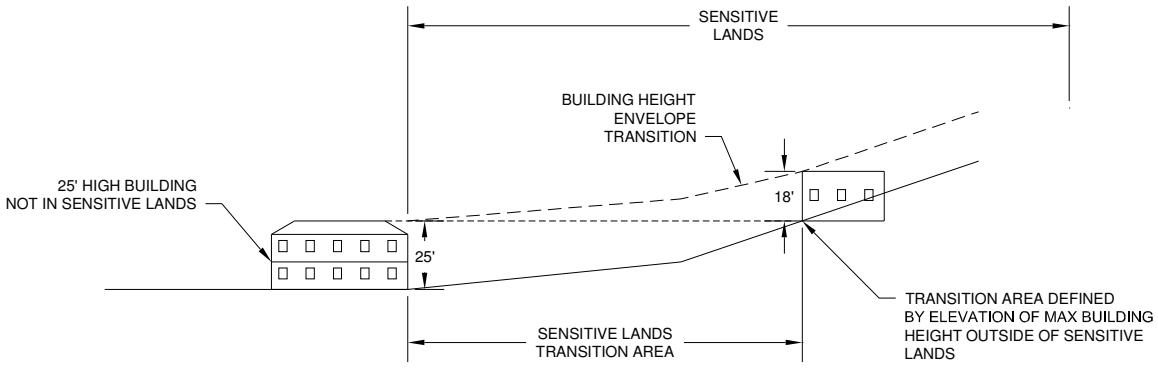


(g) Retaining walls shall be constructed of materials, or be finished to blend the wall with the surrounding landscape colors and features. All exposed portions of any retaining walls shall be treated and finished and be a color so that no untreated concrete, concrete block or similar materials are visible.

(14) Transition Areas: For projects located in areas that transition from areas with slopes less than eight percent (8%) to areas greater than or equal to eight percent (8%). A transition area shall be established defined as the area within the slope of the first 25 feet of vertical rise in residential areas and the first 35 feet of vertical rise in commercial areas. See figure 8-13 for illustration.

(a) Transition areas shall be exempted from the slope restrictions of the sensitive lands ordinance except for building height which shall be restricted by an interpolated building height envelope that will transition from the non sensitive lands zone through the transition area as illustrated in Figure 8-13.

Figure 8-13
Transition Area



(15) Management Recommendations: The sensitive lands committee, commission or city council may request recommendations from any local, state or federal agency, or other professionals, prior to deciding a land use application for any required approval, permit or license. (Ord. 2014-08, 2014)

16.08.210: SENSITIVE LANDS PROTECTION REGULATIONS; SLOPES, NONRESIDENTIAL AND MEDIUM TO HIGH DENSITY RESIDENTIAL: To protect and preserve the natural beauty of the city, to avoid unnecessary excavation and grading, to preserve naturally occurring landscape features, to protect the visual quality, character and view amenities of the city, the following requirements and standards are provided for nonresidential and medium to high density residential zoned areas determined to have a slope equal to, or greater than fifteen percent (15%) as previously defined in this ordinance.

(1) Street Alignment: See 16.08.209 (1)

(2) Maximum Street Grade: The maximum grade of any street or road shall be twelve percent (12%).

(3) Street Design: See 16.08.209 (3)

(4) Benching and Terracing: See 16.08.209 (4)

(5) Maximum Limits of Disturbance: Nonresidential (i.e. commercial and industrial) or medium to high density residential lots shall identify areas where slopes are greater than 15% based on the predominant slope of hillsides that have a vertical rise greater than 30 feet as previously defined in this ordinance. No more than 30% of these areas shall be disturbed by building construction, grading or placement of impervious surfaces.

(6) Maximum Building Height: The maximum height of all primary buildings shall not exceed twenty-six feet (26') above the natural or finished grade, whichever is lower. Special exceptions may be allowed per chapter 28 of this title. (Ord. 2014-08, 2014)

16.08.213: SENSITIVE LANDS DEVELOPMENT RIGHTS: The development rights, applicable to "sensitive lands" areas, as defined herein, are provided and identified by table 8-4 in this section. The allowed development rights for a sensitive land area are dependent on:

(1) The nature and type of sensitive lands areas determined to exist on the development site; and

(2) Whether an applicant for an approval, permit or license proposes construction or development on any sensitive land area, identified as "sensitive land development rights" by table 8-4 in this section, or proposes to transfer available development rights to another area of the development site, located outside of any sensitive lands areas, determined by a sensitive lands determination and inventory, identified as "transferable sensitive land development rights" (table 8-4 in this section).

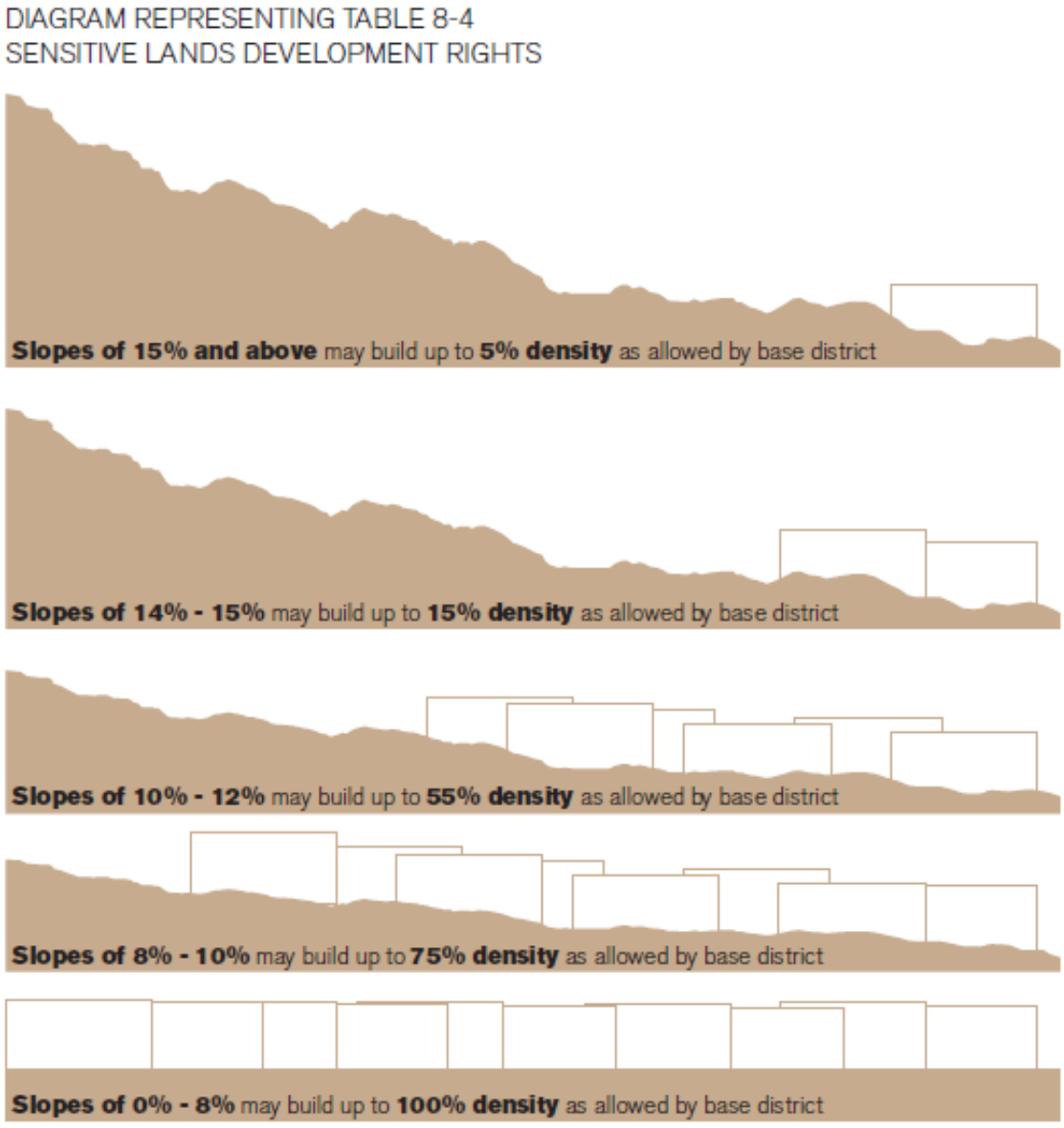
TABLE 8-4
SENSITIVE LANDS DEVELOPMENT RIGHTS

Sensitive Land	Column A Sensitive Land Development Rights	Column B Transferable Sensitive Land Development Rights
Areas subject to flooding, as identified by the city sensitive lands map	20 percent of density allowed by the base district	40 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas of wetlands, as identified by the city sensitive lands map, or as may be identified by the U.S. army corps of engineers	20 percent of density allowed by the base district	40 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas of slope less than 8 percent	100 percent of density allowed by the base district	100 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas of slope equal to 8 percent, but less than 10 percent	75 percent of density allowed by the base district	80 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan

Areas of slope equal to 10 percent, but less than 12 percent	55 percent of the density allowed by the base district	65 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas of slope equal to 12 percent, but less than 14 percent	35 percent of the density allowed by the base district	50 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas of slope equal to 14 percent, but less than 15 percent	15 percent of the density allowed by the base district	35 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas of slope greater than 15 percent	5 percent of the density allowed by the base district	30 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan
Areas within 100 vertical feet of a ridgeline, as identified on the city ridgelines	5 percent of density allowed by the base district	30 percent of density allowed by the base district, plus any density incentives that may apply through a planned

map		development overlay district (PD) and approved planned development project plan
Habitat conservation plan areas, as identified by the city sensitive lands map	20 percent of density allowed by the base district or in compliance with an approved habitat conservation plan	40 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan or in compliance with an approved habitat conservation plan
Areas of lava fields and rock outcroppings with an area of 8,000 square feet, or larger, as identified by the city sensitive lands map	The density allowed by the base district shall apply when a minimum of 30 percent of the lava area remains undisturbed and provided at locations to provide access and views, otherwise 5 percent of the density allowed by the base district	The density allowed by the base district shall apply when a minimum of 30 percent of the lava area remains undisturbed and provided at locations to provide access and views, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan, otherwise 5 percent of the density allowed by the base district
Areas of known geologic hazard, as identified by the city sensitive lands map, or as may be identified by a county, state or federal agency	5 percent of density allowed by the base district	30 percent of density allowed by the base district, plus any density incentives that may apply through a planned development overlay district (PD) and approved planned development project plan

Figure 8-14
Transfer of Development Rights



(Ord. 2014-08, 2014)

16.08.214: CONSTRUCTION OR DEVELOPMENT PROJECTS PROPOSED ON SENSITIVE LANDS: In addition to the other requirements of this chapter, the following requirements shall apply to all land use applications for any approval, permit or license required by this title, and proposing construction or development on any sensitive lands areas, as identified by the sensitive lands determination and inventory:

(1) Unless previously provided for by the provisions of an approved habitat conservation plan, a land use application for any approval, permit or license, proposing construction or development on any sensitive lands areas, shall be accompanied by an environmental and development

suitability analysis, including necessary text and map materials, as may be required, performed by qualified professionals, sufficient to identify:

(a) All adverse impacts to the natural condition of the site and all adverse visual or environmental impacts to adjoining properties or the public interest because of the proposed construction or development. Impacts to soil and slope stability, visual character of slopes, flooding potential, wetlands loss, erosion potential, proposed site grading and cut and fill slopes, vegetation and wildlife habitat loss shall be identified.

(b) The areas determined to be the most suitable for construction or development that create the least impacts to sensitive lands, including the minimization of adverse visual or environmental impacts to adjoining properties or the public interest will be identified.

(c) All best management practices, mitigation actions and strategies proposed to minimize any construction or development related on site or off site sensitive land impacts.

(2) The maximum density allowed for any development or subdivision project proposed on any sensitive lands areas shall comply with the density requirements of column A, "Sensitive Land Development Rights", table 8-4 of this chapter, as applicable.

(3) Compliance with all requirements of the zoning district in which the subject property is located, including any overlay districts, unless modified by the requirements of this chapter. (Ord. 2005-13, 2005)

16.08.215: TRANSFER OF SENSITIVE LANDS DEVELOPMENT RIGHTS: In addition to the other requirements of this chapter, the following requirements shall apply to all land use applications for any approval, permit or license required by this title, and proposing the transfer of development rights available to any sensitive lands areas to other areas on the development site, outside of any sensitive lands areas, as identified by the sensitive lands determination and inventory:

(1) A land use application for any approval, permit or license proposing the transfer of development rights available to any sensitive lands areas to other areas on the development site, shall be accompanied by an environmental and development suitability analysis, including necessary text and map material, as may be required, performed by qualified professionals, sufficient to identify:

(a) All adverse impacts to the natural condition of the site and all adverse visual or environmental impacts to adjoining properties or the public interest because of the proposed construction or development. Impacts to soil and slope stability, visual character of slopes, flooding potential, wetlands loss, erosion potential, proposed site grading and cut and fill slopes, vegetation and wildlife habitat loss shall be identified.

(b) The areas determined to be the most suitable for construction or development that create the least impact to sensitive lands, including the minimization of adverse visual or environmental impacts to adjoining properties or the public interest will be identified.

(c) All best management practices, mitigation actions and strategies proposed to minimize any construction or development related on site or off site sensitive land impacts.

(2) The maximum density allowed for any development or subdivision project that proposes to transfer development rights available to a sensitive lands area (column A, table 8-4 of this

chapter) to another area of the development site, located outside of any sensitive lands areas, determined by a sensitive lands determination and inventory, shall comply with the density requirements of column B, "Transferable Sensitive Land Development Rights", table 8-4 of this chapter, as applicable.

(3) Compliance with all requirements of the zoning district in which the subject property is located, unless modified or changed by the requirements of this section or the requirements of the planned development overlay district (PD) or planned development project plan, as applicable. (Ord. 2005-13, 2005)

16.08.216: ON SITE TRANSFER OF DEVELOPMENT RIGHTS; APPLICATION TO ESTABLISH PLANNED DEVELOPMENT OVERLAY DISTRICT (PD) REQUIRED:

(1) A land use application for any approval, permit or license required by this title, and proposing the transfer of development rights, shall be accompanied by a zoning districts map amendment application to establish a planned development overlay district (PD).

(2) An application to establish a planned development overlay district (PD) shall be approved by the city council, following the receipt of a sensitive lands committee and commission recommendation, prior to any approval, permit or license authorizing any transfer of sensitive land development rights. A planned development project plan and development agreement shall be approved by the city council concurrent with the approval of a zoning districts map amendment application to establish a planned development overlay district (PD). (Ord. 2005-13, 2005)

16.08.217: OPEN SPACE AREAS: All matters related to open space use regulations, open space design standards, permanent open space protections and open space ownership and maintenance options shall be governed by the requirements and provisions of the planned development overlay district (PD), as provided by sections 16.07.417 through 16.07.421of this title. (Ord. 2005-13, 2005)

16.08.218: DEVELOPMENT APPROVAL PROCEDURES: Once approved by the city council, the planned development layout plan and development agreement shall be controlling for all required future approvals, permits and licenses, including, but not limited to, the submission and approval of use and subdivision applications, and any additional procedural requirements set forth in this chapter, this title and all other applicable land use ordinances. Any amendments to an existing approval, permit or license shall be considered and approved by following the procedure required for original approval. (Ord. 2005-13, 2005)

16.08.219: BENEFICIAL USE OF PROPERTY: See section16.11.109 of this title. (Ord. 2005-13, 2005)

16.08.220: REASONABLE USE OF PROPERTY: If an applicant for any approval, permit or license required by this title demonstrates that application of the requirements of this chapter would deny all reasonable use of the subject property, the city council may modify the application of these requirements to the extent necessary to provide a reasonable use of the subject property. (Ord. 2005-13, 2005)

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2014 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
George E. Elwell, Jr.	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Lesley Mendenhall	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder