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16.11.101: PURPOSE:

The purpose of general development standards is to further the purposes of the general plan, this title and all other land use ordinances. Compliance with all general development standards, as well as all other requirements of this title, and all other federal, state and local requirements, as applicable, is required for any land use application approval required by this title, or any other approval, permit or license required by all other land use ordinances. (Ord. 2005-13, 2005)

16.11.102: APPLICATIONS REQUIRED:

All requests to establish a use, or construction, alteration, enlargement, repair or removal of any building, structure or part thereof, shall be initiated by the submission of a land use application, as required by all land use ordinances and/or building permit application, as required by the adopted building code, as applicable. (Ord. 2005-13, 2005)

16.11.103: LAND USE APPLICATION APPROVAL AND BUILDING PERMIT REQUIRED PRIOR TO ANY CONSTRUCTION:

The construction, alteration, enlargement, repair or removal of any building, structure, or part thereof, shall not be commenced until after the receipt of a land use application approval, or building permit approval, as applicable. (Ord. 2005-13, 2005)

16.11.104: ALLOWED USES:

All uses allowed within the city are identified in the tables of uses, as contained in chapter 33 of this title. (Ord. 2005-13, 2005)

16.11.105: PROHIBITED USES:

Any use not specifically provided in the tables of uses is hereby declared a prohibited use in the city. (Ord. 2005-13, 2005)

16.11.106: ALL USES, BUILDINGS AND STRUCTURES TO COMPLY WITH ZONING DISTRICT REQUIREMENTS:

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure or land rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this title, including the requirements of the zoning district in which the building, structure or use is located, and all other land use ordinances. (Ord. 2005-13, 2005)

16.11.107: ALL BUILDINGS TAXED AS REAL PROPERTY:

All buildings shall be taxed as real property. For all mobile homes, an affidavit shall be filed with the state tax commission, pursuant to the requirements of Utah Code Annotated, as amended. (Ord. 2005-13, 2005)

16.11.108: SUBDIVISION AND SALE OF PROPERTY:

No person shall subdivide any land parcel, located wholly or in part within the city, for any purpose unless and until an approval for such subdivision has been received from the applicable land use authority. (Ord. 2005-13, 2005)

16.11.109: ALLOWED MINIMUM USE OF LEGAL LOTS:

Nothing in this title shall be construed to prevent the establishment of one single-family dwelling on any legal lot or parcel of land, as determined by the zoning administrator; provided, that such lot or parcel is located in a zoning district that permits single-family dwellings, and all proposed construction can qualify for a building permit, as required herein 1 . (Ord. 2005-13, 2005)

Notes

1 1. See also section 16.25.105 of this title.

16.11.110: STATUS OF LOTS IN REPEALED PLANNED DEVELOPMENT ZONE (PD):

A legal lot, created in any now repealed planned development zone (PD), as previously provided by chapter 16 of the city zoning ordinance adopted October 1996 and revised May 2000, and legally existing on the effective date hereof, is hereby determined to be a conforming lot, even if such lot is a size less than required by the zoning district. Such lot shall qualify for one single-family dwelling, provided the lot is located in a zoning district that permits single-family dwellings, and all proposed construction can qualify for a building permit 1 . (Ord. 2005-13, 2005)

Notes

1 2. See also section 16.25.105 of this title.

16.11.111: ADEQUATE PUBLIC FACILITIES:

(1) Land shall only be developed to the extent that adequate public infrastructure, facilities and services are available, or will be available concurrent with the development activity, and sufficient to meet the needs of the proposed development. A land use authority may require an adequate public facilities and services analysis to be provided to determine if adequate public facilities and services are available to serve the proposed development, and if such development will change the existing levels of service, or will create a demand for services that exceeds existing service levels.

(2) Public facilities that may be required by a land use authority to be included in an adequate public facilities and services analysis include, but are not limited to, road and street facilities, intersections and bridges, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services and response times, police protection services and response times, and other required public facilities and services. A land use authority may deny a land use application if the demand for public facilities and services exceeds existing service levels, or require the applicant for a land use application to provide the required infrastructure, facilities or services, concurrent with demand, consistent with all applicable legal authorities. (Ord. 2005-13, 2005)

16.11.112: CULINARY WATER AND SANITARY SEWER REQUIREMENTS:

All primary buildings requiring culinary water and sanitary sewer services shall be connected to the culinary water and sanitary sewer systems of the city. An on site sewer system may be approved by the city council only when the boundary of the lot or parcel on which the primary building is proposed is further than three hundred feet (300') from a public sewer line. (Ord. 2005-13, 2005)

16.11.113: UTILITIES:

(1) All primary buildings shall be connected to all necessary and required utilities.

(2) All water, sewer, telephone, cable television, power and other utilities shall be provided underground, with the following exceptions:

(a) Transformers, pedestals, fire hydrants and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.

(b) The development of existing lots in areas of the city now served with existing aboveground utilities, are exempt from this requirement.

(3) As practicable, underground utilities shall be located within or immediately adjacent to the disturbed areas of a development site, lot or parcel. (Ord. 2005-13, 2005)

16.11.114: REQUIRED STREETS, CURB, GUTTER, SIDEWALKS AND TRAILS:

(1) The installation of necessary streets, street widening and improvements, curbs, gutters, sidewalks and trails of a type as required by the land use ordinances of the city shall be required as a condition of any required approval, permit or license.

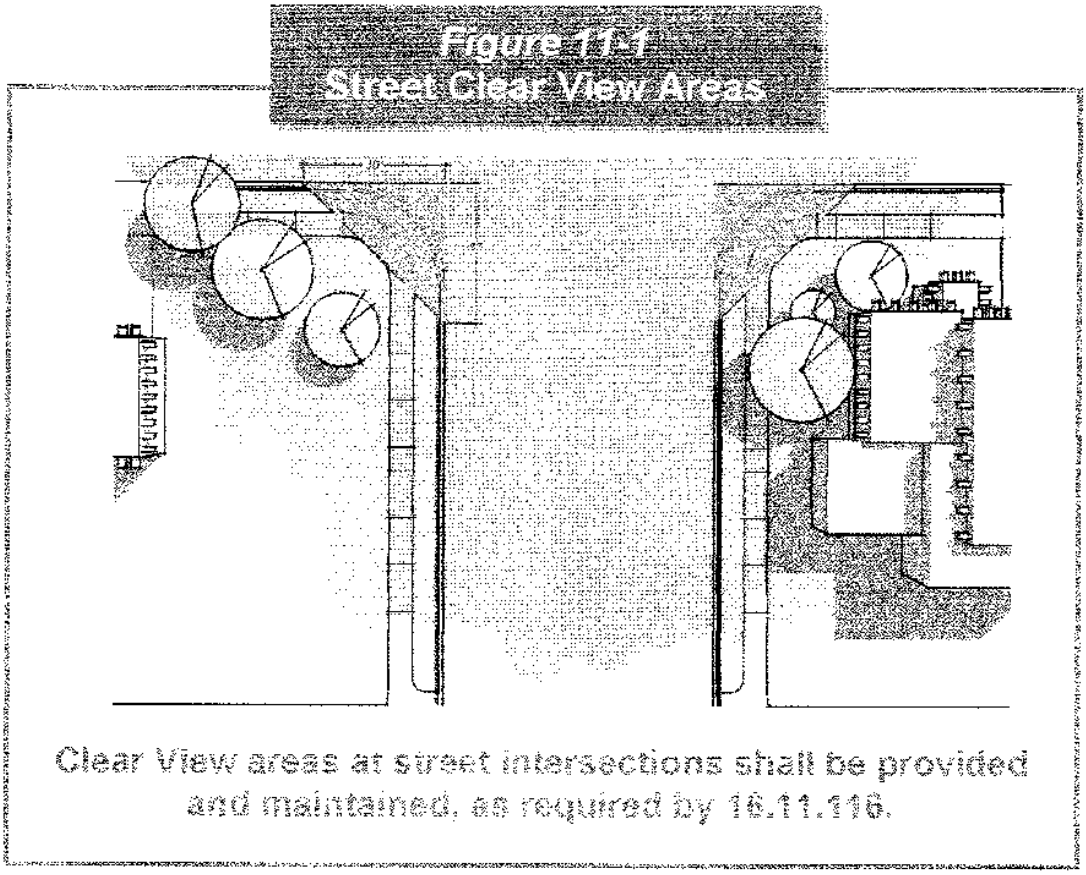
(2) The city council, upon the receipt of a sensitive lands committee and/or commission recommendation, may provide that the installation of necessary streets, street widening and improvement, curbs, gutters, sidewalks and trails be delayed until a date certain, or provided as part of any areawide improvement plan. The timing of any improvement plan shall be at the sole discretion of the city council. (Ord. 2005-13, 2005)

16.11.115: STREETS AND ROADS ON STEEP SLOPES:

See section 16.08.209 of this title. (Ord. 2005-13, 2005)

16.11.116: CLEAR VIEW AT INTERSECTING STREETS:

In all zoning districts, no view obstruction, including a sight obscuring fence, wall, sign or other similar structure, and no landscaping which exceeds two feet (2') in height, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point thirty feet (30') from the intersection of the street lines, except for a reasonable number of trees pruned high enough to permit unobstructed vision for automobile drivers, bicyclists and pedestrians.



(Ord. 2005-13, 2005)

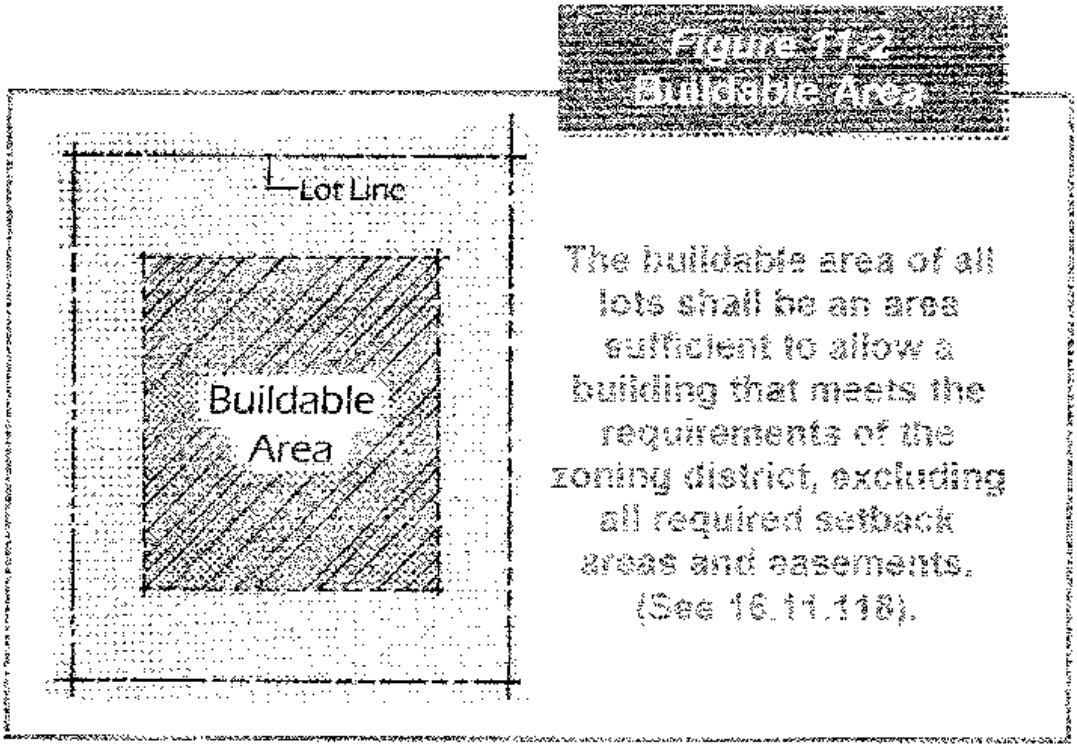
16.11.117: CLEAR VIEW AT DRIVEWAYS:

In all zoning districts, no view obstruction, including a sight obscuring fence, wall, sign or other similar structure, and no landscaping which exceeds two feet (2') in height, shall be placed within a triangular area formed by a driveway line, the street property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve feet (12') along the street property line, except for a reasonable number of trees pruned high enough to permit unobstructed vision for automobile drivers, bicyclists and pedestrians. (Ord. 2005-13, 2005)

16.11.118: BUILDABLE AREA AND SURVEY REQUIREMENTS:

(1) Every lot or parcel created after the effective date hereof shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards

of the zoning district in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that a buildable lot or parcel is provided, and to inform future owners of the approved buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the city attorney.



(Ord. 2005-13, 2005; amd. Ord. 2008-17, 2008)

(2) In the event that a lot lacks clearly identified boundaries, the building inspector shall require official recorded survey pins to be placed prior to the issuance of a building permit. Such survey pins shall remain in place for required inspections (footing, foundation, etc.). A copy of the survey shall be provided to confirm that the survey pins' placement corresponds with the property corners. In the event site constraints make it difficult to place survey pins at a property corner, the affected survey pin may be placed at a different location and noted on the survey. This subsection shall not apply to small accessory buildings.

(3) In the case of lots abutting nondeveloped public property, all survey pins must be in place. (Ord. 2008-17, 2008)

16.11.119: LOT STANDARDS; NONCOMPLYING LOTS PROHIBITED:

Every lot existing, or created, shall comply with the minimum lot size, frontage and all other requirements of this title, and the city's other land use ordinances, or prior enactments, for the zoning district in which such lot is located. No lot shall be created that does not conform to the zoning district requirements in which it is located. (Ord. 2005-13, 2005)

16.11.120: EVERY BUILDING OR STRUCTURE TO BE ON A LOT:

All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of the land use ordinances, including the requirements of the zoning district in which the lot is located. (Ord. 2005-13, 2005)

16.11.121: LOT FRONTAGE REQUIRED:

Every lot shall have frontage upon a dedicated or publicly approved road or street, or right of way providing direct access to a dedicated or publicly approved road or street. (Ord. 2005-13, 2005)

16.11.122: LOTS IN TWO OR MORE ZONING DISTRICTS:

Where a lot of record at the time of passage of the ordinance codified herein, or any amendment thereto, falls into two (2) or more zoning districts, the requirements of the more restrictive zoning district shall apply. (Ord. 2005-13, 2005)

16.11.123: REQUIRED YARD AREAS FOR ONE BUILDING ONLY:

(1) No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.

(2) No area required to meet the lot width, area, setback or other requirements of this title for any lot or building may be divided, sold or leased separate from such lot or building. (Ord. 2005-13, 2005)

16.11.124: GENERAL BUILDING REQUIREMENTS:

Ivins City is uniquely located at the base of Red Mountain in a desert environment. Views are spectacular. Aesthetic features of the city have significant economic value for all city residents, businesses, and property owners. It is in the best interest of the city and the general welfare of all residents, businesses, and property owners to protect the environmental values of the city. In recognition of the goal of the city to protect and preserve the naturally occurring values of the city, the following requirements are provided:

(1) Architectural Style: Architectural styles that are inconsistent with a desert environment and the Ivins City site plan and design requirements and found to be foreign to Ivins City and tending to detract from the appearance of the city are prohibited. Prohibited building styles shall include, but are not limited to, A-frames, geodesic domes, Swiss chalets, log and earth shelter homes. Prohibited building materials shall include, but are not limited to, glass bottles, used tires, carpet tiles or other atypical exterior finish materials.

(2) Minimum Width Of Single-Family Dwelling Units: All single- family dwelling units shall be a minimum of twenty feet (20') wide at the narrowest point of the first story, excluding any accessory structure. The building width shall be considered the lesser of the two (2) primary dimensions of the building.

(3) Permanent Foundation Required: All buildings shall be located on and permanently attached to a site built permanent foundation that meets the Building Code, as adopted. All manufactured homes shall meet the applicable requirements of the Building Code for the construction, establishment, and location for manufactured housing installations.

(4) Garage Requirements: All accessory dwelling units for an owner or employee and all single-family, two-family, condominium, manufactured and mobile home dwelling units shall provide a minimum of a two car garage (400 square foot minimum). All multi-family dwelling units shall provide a minimum of one (1) covered off street parking space, and one (1) additional off street parking space.

(5) Enclosed Storage Required: All dwellings, excepting single-family dwellings, shall provide a minimum of sixty four (64) square feet of enclosed storage with a minimum height of six feet (6') located in the garage area, or in an accessory building, meeting the requirements of this title. (Ord. 2009-09, 2009)

16.11.125: MINIMUM HEIGHT OF ALL PRIMARY BUILDINGS:

No primary building shall be erected to a height less than one (1) story entirely above grade. (Ord. 2009-09, 2009)

16.11.126: MAXIMUM HEIGHT OF ALL PRIMARY BUILDINGS:

(1) No primary building located on a lot or parcel in any RA-5, RA-1, RE-43.0, RE-37.0, RE-25.0, RE-20.0, RE-17.5, RE-15.0, RE-12.5, R-1-10, R-1-7.5, R-1-5, R-2-10, Townhouse, or R-M District, such lot or parcel being and created after the effective date hereof, shall be constructed to a height greater than twenty five feet (25'), including the height of all roof mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls. Additional height restrictions and architectural restrictions may apply in accordance with section 16.11.134 Grading and Drainage for lots that abut existing developments that lie downhill from the new development.

(2) No primary building located on a lot or parcel in a Sensitive Lands Overlay District (SL) shall be constructed to a height greater than eighteen feet (18'), including the height of all roof mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls. (Ord. 2009-09, 2009; amd. Ord. 2017-06, 2017)

(3) No primary building located on a lot or parcel in any CN, C-1, RC, RMU, or CLM District shall be constructed to a height greater than thirty five feet (35'), including the height of all roof mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls. (Ord. 2014-05, 2014; amd. Ord. 2017-06, 2017)

(4) The height of all accessory buildings shall comply with the requirements of chapter 12 of this title. (Ord. 2009-09, 2009; amd. Ord. 2017-06, 2017)

(5) Maximum height of all buildings and structures shall be measured to the highest point of the building from the natural or finished grade, whichever is lower, unless a higher

finished grade is required by the City for proper drainage in which case it will be measured from the finished grade.

(a) Exception: Where there is a variation in the grade on a lot or parcel, the building height may be measured from the "average grade" height as measured between the "upper grade" and the "lower grade" with the following restrictions (see illustration):

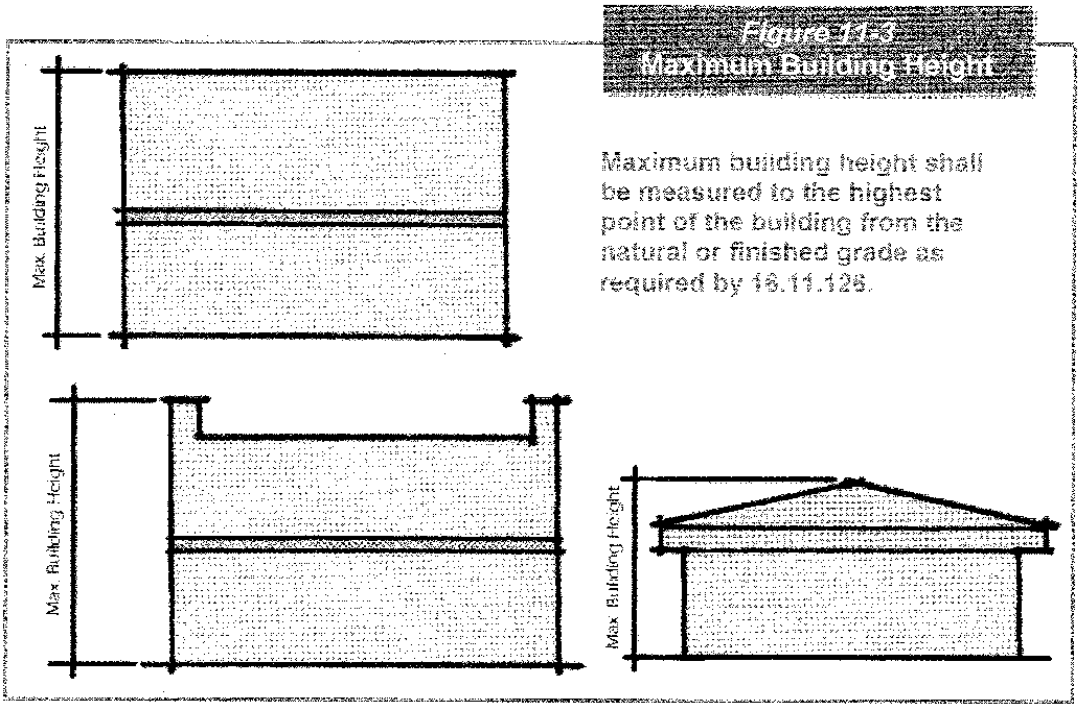
(i) The highest point on a building or structure, as defined in this section, shall not exceed the maximum allowed height as measured from the "average grade".

(ii) The top of the concrete foundation wall shall not exceed eighteen inches (18") above the "upper grade" level.

(iii) The structure shall be limited to a maximum of one (1) story above the foundation.

(iv) The rear yard setback shall be increased one hundred percent (100%) when the rear yard is located on the perimeter of the subdivision or is adjacent to a minor or major arterial or collector street.

(v) The maximum variation allowed between "upper grade" and "lower grade" is ten feet (10') (figure 11-3 of this section). (Ord. 2013-09, 2013; amd. Ord. 2017-06, 2017)



(Ord. 2009-09, 2009; amd. Ord. 2017-06, 2017)

16.11.127: EXCEPTIONS TO MAXIMUM HEIGHT LIMITATIONS:

The requirement for maximum building height shall not apply to:

(1) Flagpoles.

(2) All primary buildings for which a special exception to the allowed maximum building height has been approved by the City Council, as provided by chapter 28 of this title. (Ord. 2005-13, 2005)

16.11.128: TIME LIMITS FOR USE AND BUILDING PERMIT APPROVALS:

All use approvals, and all building permit approvals, shall be valid for a maximum period of one hundred eighty (180) days from the date of approval. If work has not commenced, or a use or building established within one hundred eighty (180) days from date of approval, the approval, permit or license, as required and approved, shall be void and a new application, approval, permit or license required. (Ord. 2005-13, 2005)

16.11.129: TIME LIMITS FOR CONSTRUCTION:

(1) Within one (1) year of the commencement of any construction, authorized by a use approval, or building permit approval, all exterior features of buildings shall be completed and the property cleared of all building materials, construction debris and construction equipment. All outside surfaces of buildings, or part thereof that are constructed of wood, shall be painted or coated with other wood preservative.

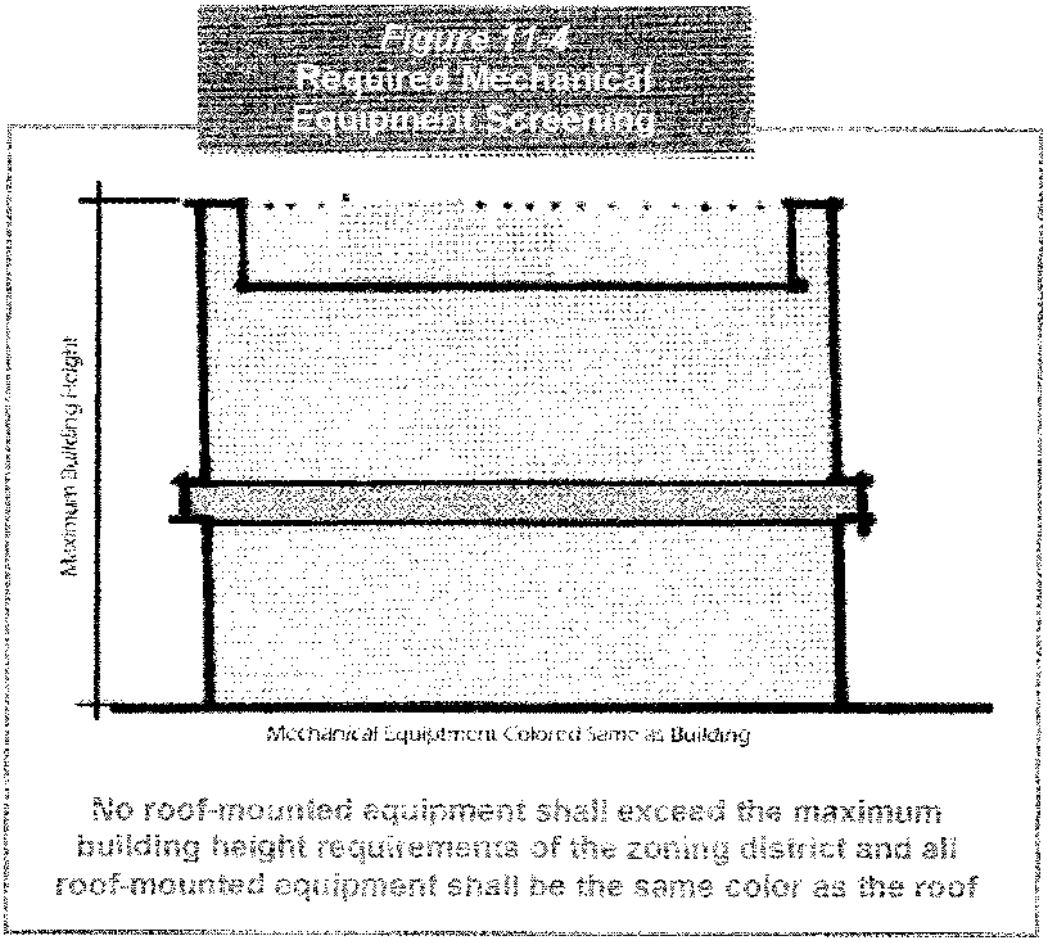
(2) In the event that exterior features of buildings have not been completed and the property cleared of all building materials, construction debris and construction equipment within one (1) year of the commencement of any construction, the building official shall "red tag" the property and issue a stop work order. The building official shall determine what corrective actions are required, and identify a schedule for completion, to comply with this section and for the stop work order to be lifted. If no action is taken within the period identified by the building official, the City may initiate enforcement actions as provided by this title, the Building Code, as adopted, and may proceed with all other remedies available to the City. (Ord. 2005-13, 2005)

16.11.130: REQUIRED MECHANICAL EQUIPMENT SCREENING:

(1) In all zoning districts, all at grade mounted, electrical service equipment, air conditioning, heating, cooling and ventilating equipment, swimming pool equipment, pumps and heaters, propane tanks and all other mechanical equipment shall be painted the same color as the exterior color of the adjacent building and screened from surrounding properties and streets by landscaping materials, or enclosed within a building.

(2) The color of all roof mounted equipment and vents shall be the same color as the roof. Solar energy systems shall be exempt from this requirement if the required color would affect the efficient operation of solar energy systems.

(3) No roof mounted equipment shall exceed the maximum height requirements for the zoning district in which the building is located.



(Ord. 2005-13, 2005)

16.11.131: CITY POLICY ON BASEMENTS:

Because of random subsurface water flows associated with agricultural operations, and groundwater flow associated with extreme weather conditions, the construction of basements is discouraged within the city. The city accepts no responsibility to property owners who suffer any flooding damage to any basement. (Ord. 2005-13, 2005)

16.11.132: FRONT YARD PARKING PROHIBITED:

In all zoning districts, no vehicle parking shall be permitted in any required front yard setback areas, except on driveways located in residential zones that directly access a garage or carport. (Ord. 2005-13, 2005)

16.11.133: REQUIRED YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

(1) All required setback areas shall to be open to the sky and unobstructed, except for permitted and approved accessory buildings and structures and for projections of sills, unenclosed steps, unwalled stoops, bay windows, unenclosed porches and similar building

features; provided, that such features do not encroach more than three feet (3') into the required setback area.

(2) Walls and fences, complying with the requirements of this title, or approval granted by a land use authority. (Ord. 2005-13, 2005)

16.11.134: SITE GRADING AND DRAINAGE:

All site grading and drainage shall meet the following requirements:

(1) All proposed site grading for each lot shall be identified on the land use drawings and allowed cut and fill areas shall be approved at the time of the land use application approval.

(2) All cut and fill areas shall be minimized as much as practicable and shall be recontoured to the natural, varied contour of the surrounding terrain with a maximum tapered slope back to natural grade of two to one (2:1) or less.

(3) Definitions of grading terms:

(a) Approved Building Pad Elevation or Pad Elevation: The City approved finished grade elevation of an approximately flat pad readied for construction of the building.

(b) Finished Floor Elevation: The elevation of the finished floor of the first story of a building. The first story shall be defined as the floor with the main entry. For structures without basements, the finished floor elevation shall be no more than 6-inches above the approved pad elevation.

(c) High Flood Risk Lots: Identified by the City Engineer as lots that have a high risk of flood waters overtopping the curb due to any one of the following conditions: storm water study indicates high velocity storm water changing directions near lot, curb and gutter (or similar drainage facility) storm water flow in the 100-year event is more than 65 percent full, lot is in an area of known historical flooding, down stream floodway for a detention basin spillway passes in front of lot, or other similar conditions.

(4) The designer of the road network shall set road centerline elevations and pad elevations such that fill areas are minimized with the following requirements as applicable:

(a) All road centerline elevations shall be generally established at least one foot below natural existing grade, drainage and connectivity permitting, and in many instances may be required to be lower as outlined in the following paragraphs.

(b) Additional road connections may be required by the City to adjacent properties to aid in proper grading and drainage.

(c) The designer shall make a reasonable best effort to set pad elevations of new lots equal where possible to the pad elevations of adjacent existing developments or the existing natural grade of adjacent undeveloped properties as approved by the City.

(d) When developing on the uphill side of a property/development boundary the designer shall apply the following requirements, see Figure 11-6 and 11-7.

Figure 11-6 Developing on Slopes – Grading residential pads next to a property on the downhill side of the development adjacent to existing development

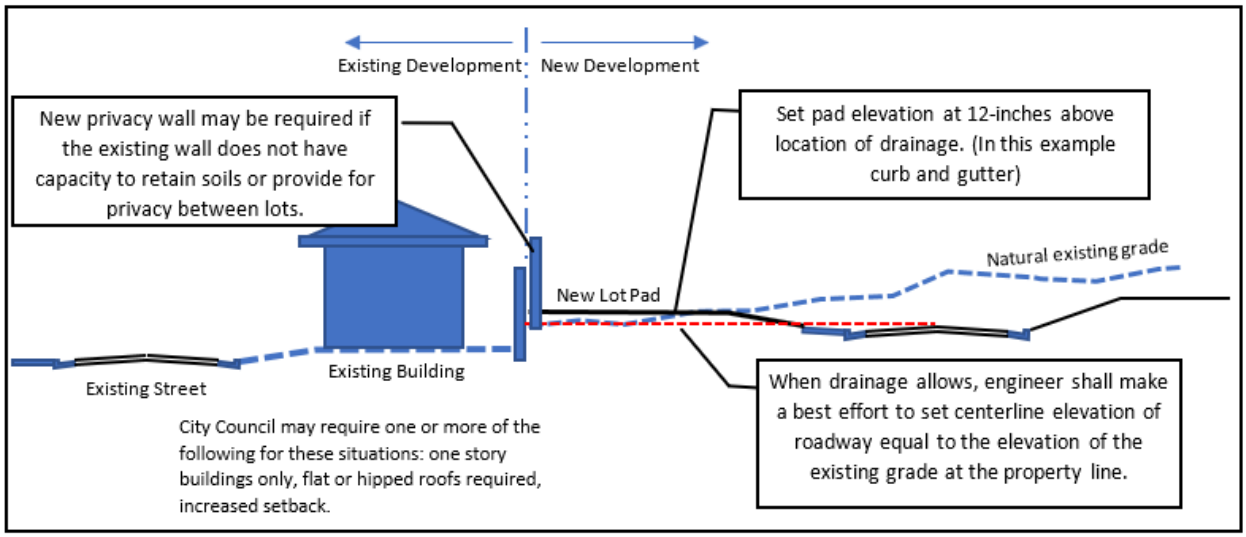
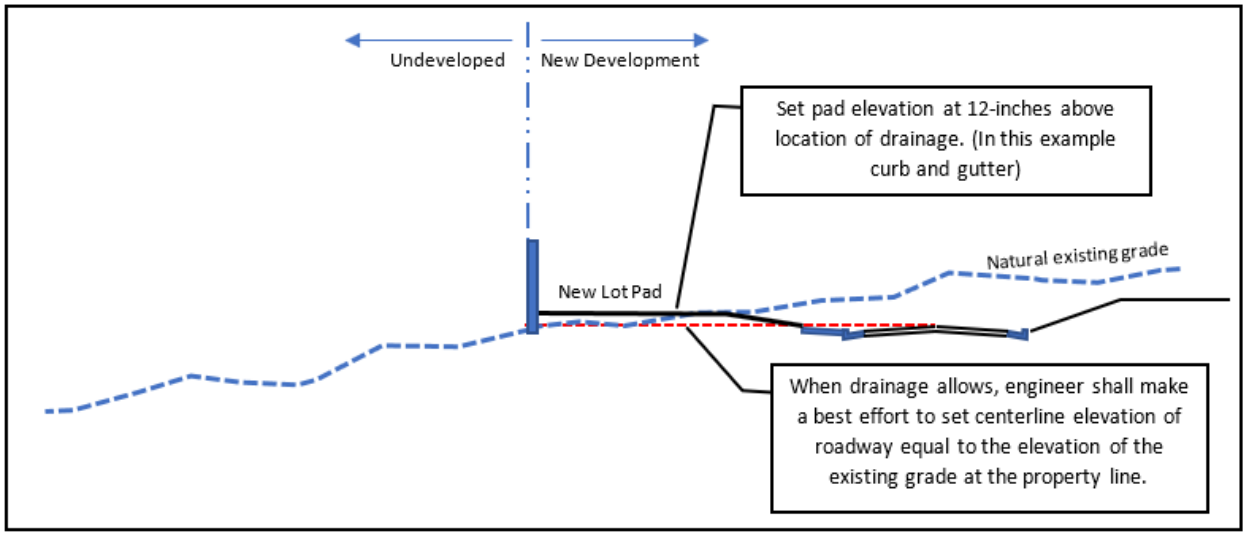


Figure 11-7 Developing on Slopes – Grading residential pads next to a property on the downhill side of the development adjacent to undeveloped property



(i) When drainage conditions allow, the designer, as approved by the City, shall make a best effort to set the centerline elevation of all adjacent roadways equal to the elevation of the existing natural grade at the new development boundary line.

(ii) The pad elevation of the lot adjacent to the new development must be set no higher than 12-inches above the lowest point of the approved drainage facility (usually curb and gutter) unless there is a high risk of flooding that might require a higher pad.

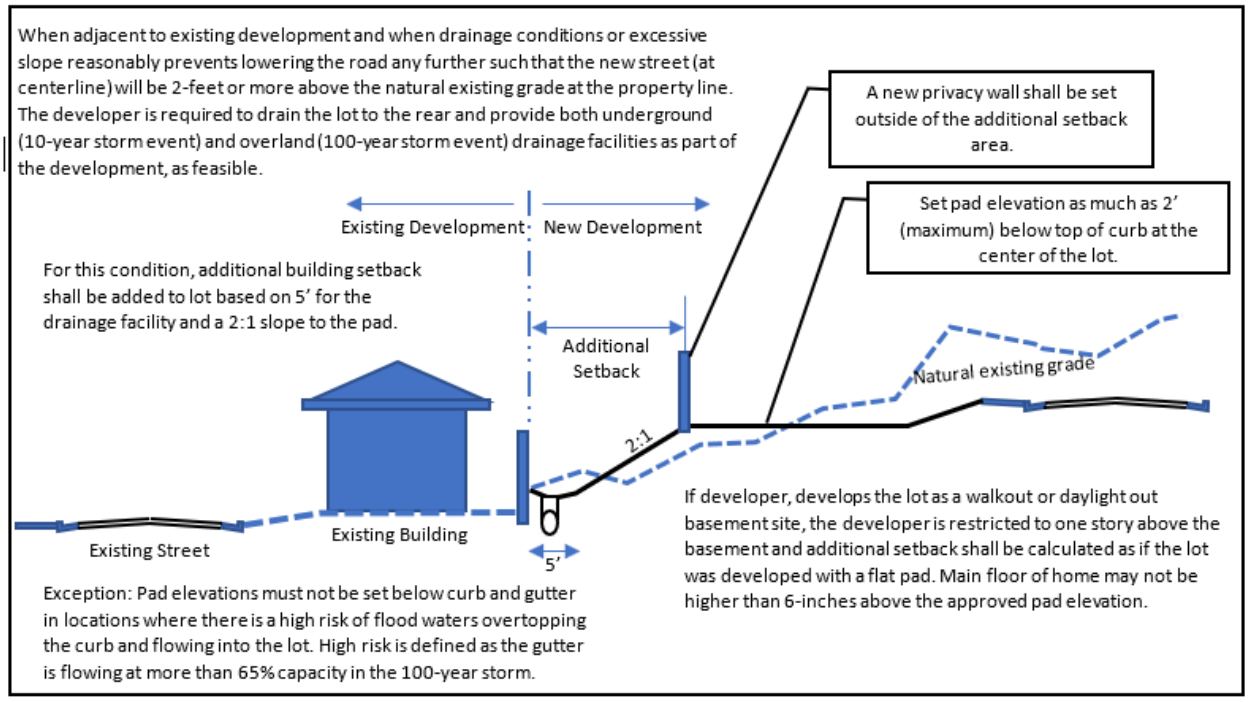
(iii) A new privacy wall may be required to be built unless the existing wall is designed to handle additional height and soil retention.

(iv) Building constructed on the new lot pads must be limited to 18-feet height above the pad, with 4:12 pitch or less hipped roofing or flat roofs with 50 percent at no higher than 15-feet and the remaining no higher than 13-feet. No roof top patios shall be allowed on these lots.

(v) These requirements also apply when a development is uphill and adjacent to collector/arterial street.

(e) When drainage conditions or excessive slopes reasonably prevents lowering the road, as per the requirements above, such that the new lot pad elevation is more than 2-feet above the average natural existing grade at the property boundary of the new development, then the following additional restrictions apply (See Figure 11-8):

Figure 11-8 - Developing on Slopes – Grading residential pads next to a developed property on the downhill side of the development – steep slopes example



(i) If the lot is not considered to be high flood risk, the pad elevation shall be lowered up to 2-feet (maximum) below the top of the curb measured at the center of the lot, but may be less if the pad elevation is no higher than 2-feet above the average natural existing grade elevation at the property/development boundary.

(ii) In the rear of the lot, the developer shall install privately maintained underground (to handle 10-year storm events) and above ground (to handle 100-year storm events) drainage facilities as part of the required development improvements.

(iii) The developer is required to increase building setback as follows. New setback shall be the setback as required by zoning plus the additional setback. The additional setback shall be calculated as 5-feet plus 2 feet for every 1 foot of grade difference between the average natural existing grade at the development boundary and the approved pad elevation of the lot.

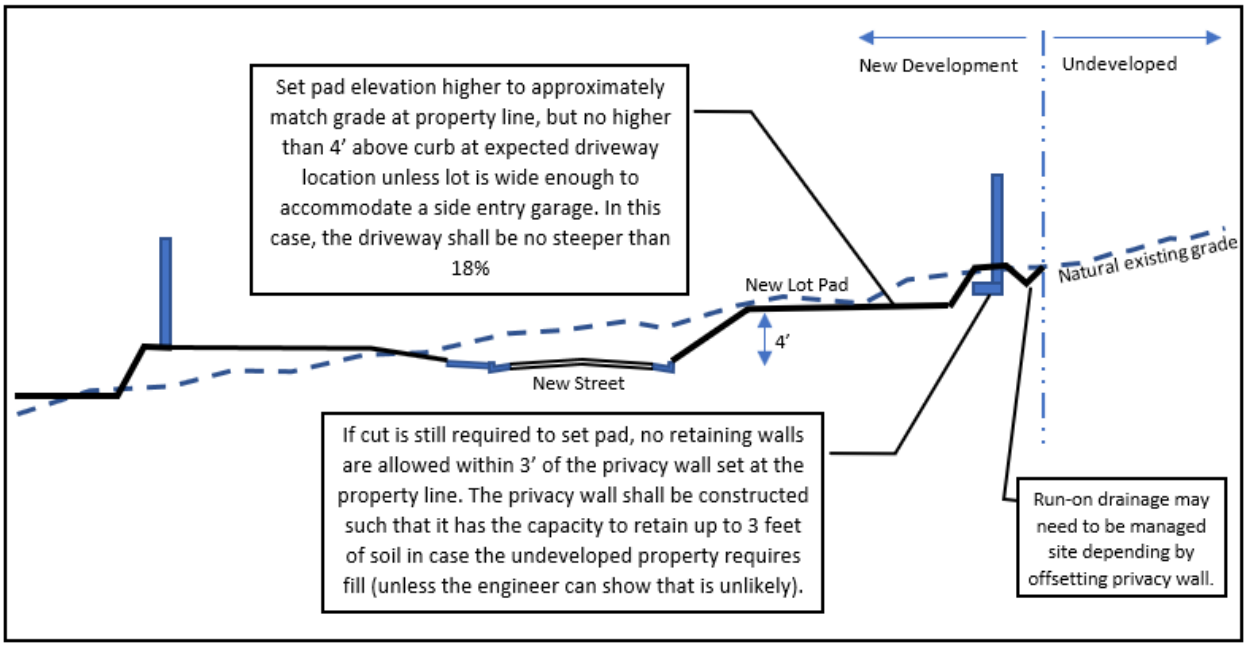
(iv) A new privacy wall shall be installed at a distance equal to the additional setback distance unless the rear yard grade is lowered to within 1-foot of the average natural existing grade elevation at the property/development boundary.

(vi) Building constructed on the new lot pads must be limited to 18-feet height above the pad, with 3:12 pitch or less hipped roofing or flat roofs with 50 percent at no higher than 15-feet and the remaining no higher than 13-feet. No roof top patios shall be allowed on these lots.

(vii) Walkout basements or daylight out basements are allowed if it meets the same height restrictions identified above and finished floor elevation of the main floor is no higher than 6-inches above the approved pad elevation.

(f) When designing grades of lot pads and roads adjacent to undeveloped property on the uphill side, the following requirements apply, (see Figure 11-9).

Figure 11-9 - Developing on Slopes – Grading residential pads next to an undeveloped property on the uphill side of the development



(i) The privacy wall shall be set at existing natural grade and shall not retain any soil as approved by the City. It shall be constructed and engineered to retain up to 3-feet of soil by a future development unless the engineer/designer can show that that much soil retention is unlikely.

(ii) The engineer shall evaluate whether there is a need to collect run-on drainage that may be interrupted by the privacy wall. If the interruption of run-on drainage for any reason could cause harm or damage to the undeveloped property, then the privacy wall must be offset from the property line to create space for a drainage facility.

(iii) The adjacent building pads shall be set at an elevation to minimize the future difference. It may be necessary, where reasonable, to raise new lot pads up to 4-feet above the adjacent roadway curb to minimize this difference as approved by the City.

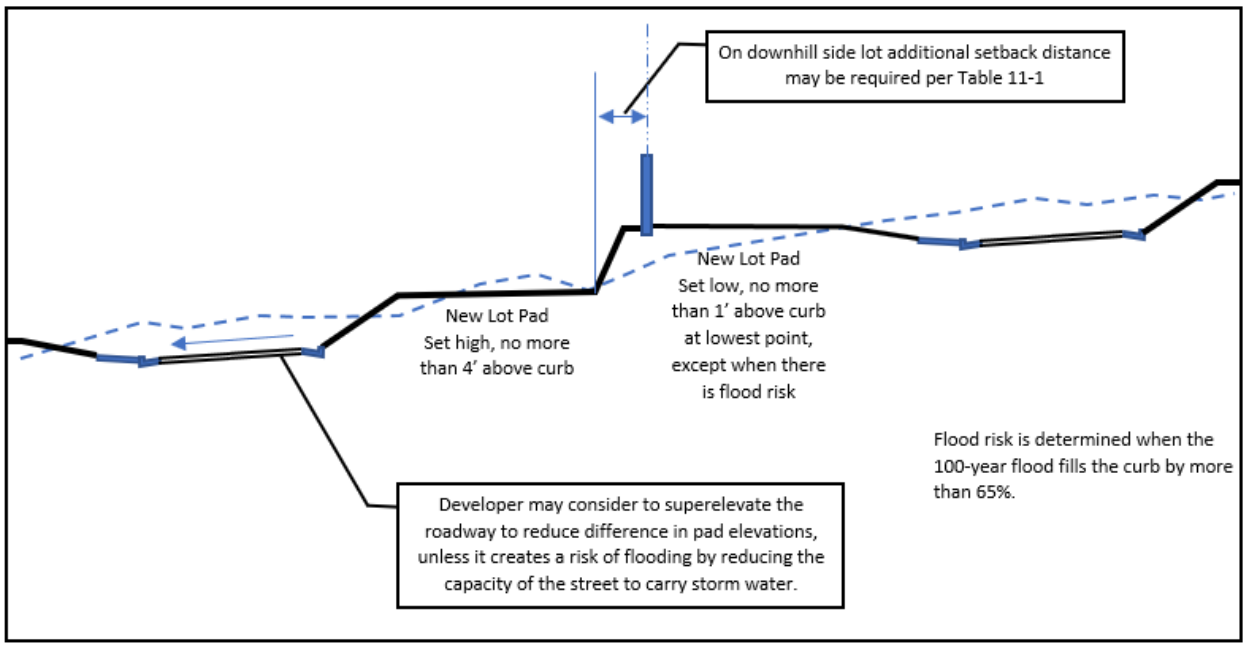
(5) All grading design shall consider drainage as follows:

(a) Drainage shall be directed away from structures and directly discharged to an approved public drainage facility (i.e., public street, public storm drain).

(b) Whenever possible drainage should be directed to the front of the lot.

(c) In order minimize the height of retaining walls between lots when developing on steep slopes, the design should increase pad elevations on the uphill side of a street and decrease pad elevations on the downhill side of a street as much as possible as shown in Figure 11-10.

Figure 11-10 - Grading residential pads on the interior of the subdivision to reduce grade differences.



(i) Maximum pad height is 4-feet above curb on driveway side of the lot unless the lot is wide enough to accommodate a side garage for which case the maximum driveway slope is 18 percent.

(ii) Minimum pad height for lots that drain to the street is 1-foot above the curb (or similar approved drainage facility) at the lowest point in the street frontage.

(iii) Pad heights may need to be raised above minimum in areas with high flood risk as determined by the City Engineer.

(iv) When grade difference between two adjacent lots is greater than 4 feet. The building set back on the downhill lot shall be increased in accordance with the following table:

Table 11-1 Increased Setback for Development in Steep Slopes

Difference in Pad Elevations in Feet	Additional Setback to be added to setback required by zoning
0 to 4 feet	None
4.1 to 5 feet	5 feet
5.1 to 10 feet	10 feet
10.1 to 15 feet	15 feet
> 15 feet	Determined by City Council

(d) Drainage across property lines is prohibited except in extreme situations and may not in any case exceed that which existed prior to grading.

(e) In a development where a fence or wall that would interrupt surface drainage is allowed but not installed with the development improvements, all drainage and grading must be designed as if such fencing were existing.

(6) If the pad elevations for two (2) adjacent eleven thousand (11,000) square foot or smaller lots vary more than two feet (2'), a retaining wall shall be required.

(a)If retaining wall is to be constructed on the property line, the retaining wall shall be constructed of masonry or concrete. and designed so that a privacy wall up to 7-feet in height may be constructed on top of the retaining wall by drilling in dowels.

(b) Gravity rock retaining wall shall not be allowed on side lots unless the lot width is wider than 110-feet.

(i) The rock retaining wall shall be offset from property lines so that there is enough space for proper footing for a privacy wall as per a geotechnical engineer's recommended design.

(7) Cut and fill areas shall be protected from erosion during the period of construction and shall be permanently planted or otherwise protected from erosion in accordance with state and federal laws.

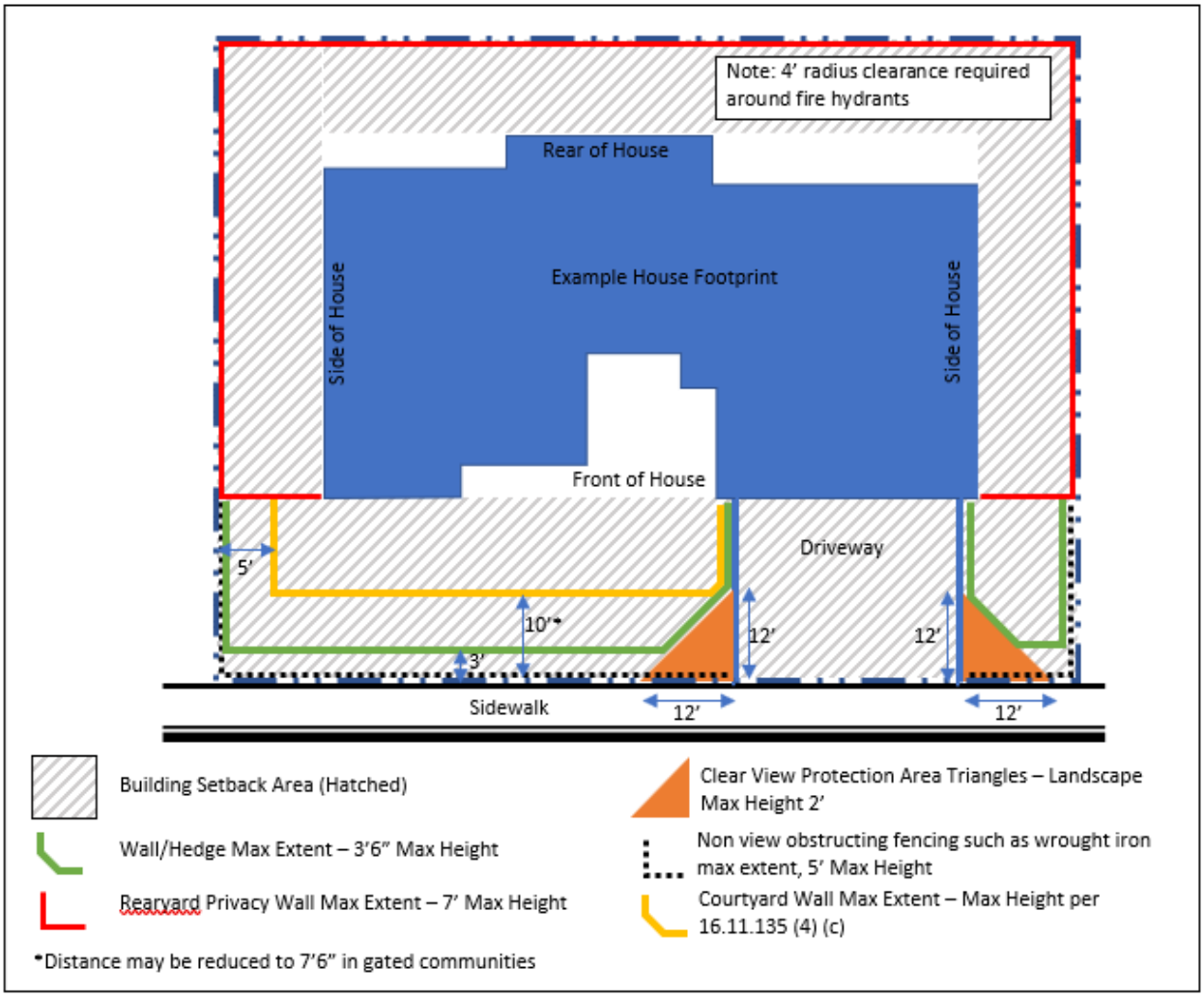
(8) All cut and fills proposed on any sensitive land areas shall comply with the requirements of chapter 8 of this title.

16.11.135: REQUIREMENTS FOR FENCES AND WALLS:

(1) Setback Area Defined: The term "front setback area" for the purpose of this title shall refer to the setback area (as required by this title) along any street frontage.

(2) Interior Lot Requirements (See Figure 11-11):

Figure 11-11 – Interior Lot Example – Maximum Wall Extents Allowable



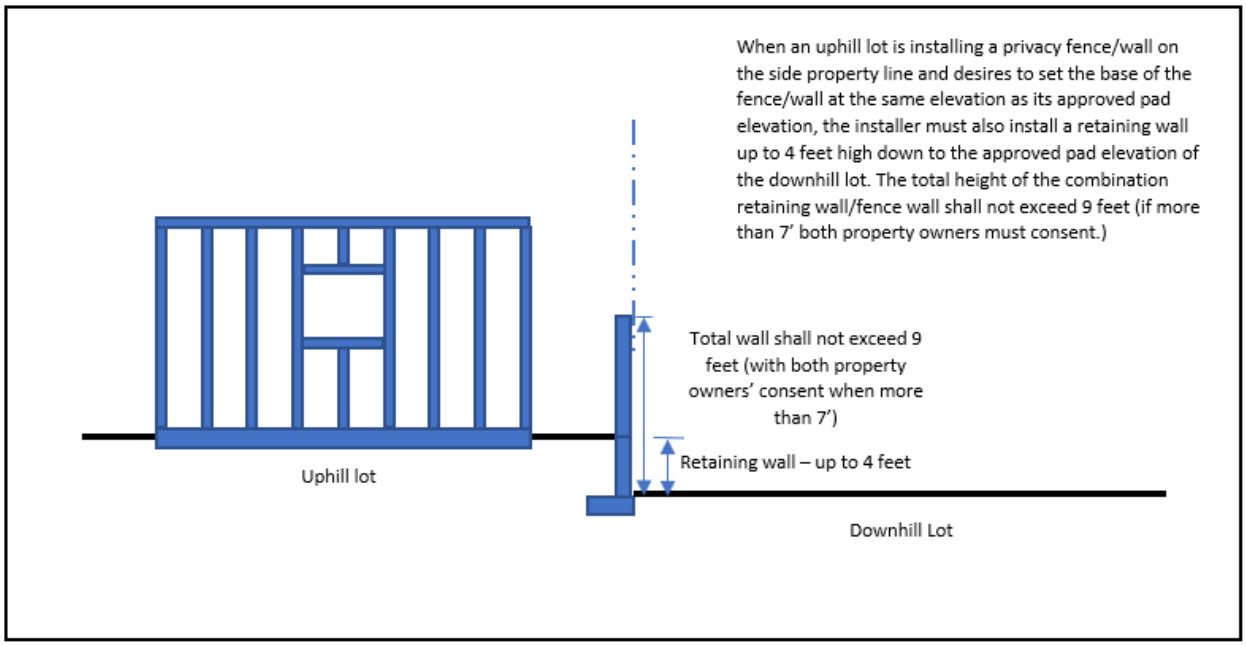
(a) A wall or fence not to exceed seven feet (7') in height measured from finish grade, may be erected along side and rear property lines, except within the front setback area.

(b) Within the front setback area, no wall, fence or hedge shall exceed three feet six inches (3'6") and shall not be located within 3 feet of the property line, back of a street curb or sidewalk, whichever is most restrictive, to allow for landscaping to soften the appearance of the fence.

(c) A fence, wall or retaining wall located on an interior property line separating two (2) residential lots with differing elevations, the maximum height of the fence, wall, or retaining wall shall not exceed seven feet (7') above grade on either side of the fence, wall or retaining wall unless: 1) the property owners adjoining the fence, wall or retaining wall agree in writing to a greater height; or 2) a retaining wall is placed against a cut area to retain the natural grade, in which case the fence, wall, and retaining wall combined shall not exceed nine feet (9') in height unless first approved by the planning commission. Fences may not be bermed for the purpose of increasing the allowable height.

(d) When an uphill lot is installing a privacy fence/wall on the side property line and desires to set the base of the fence/wall at the same elevation at its approved pad elevation, the installer must also install a retaining wall, up to 4 feet high, down to the approved pad elevation of the downhill lot. See Figure 11-12.

Figure 11-12 - Grading residential pads on the interior of the subdivision to reduce grade differences.



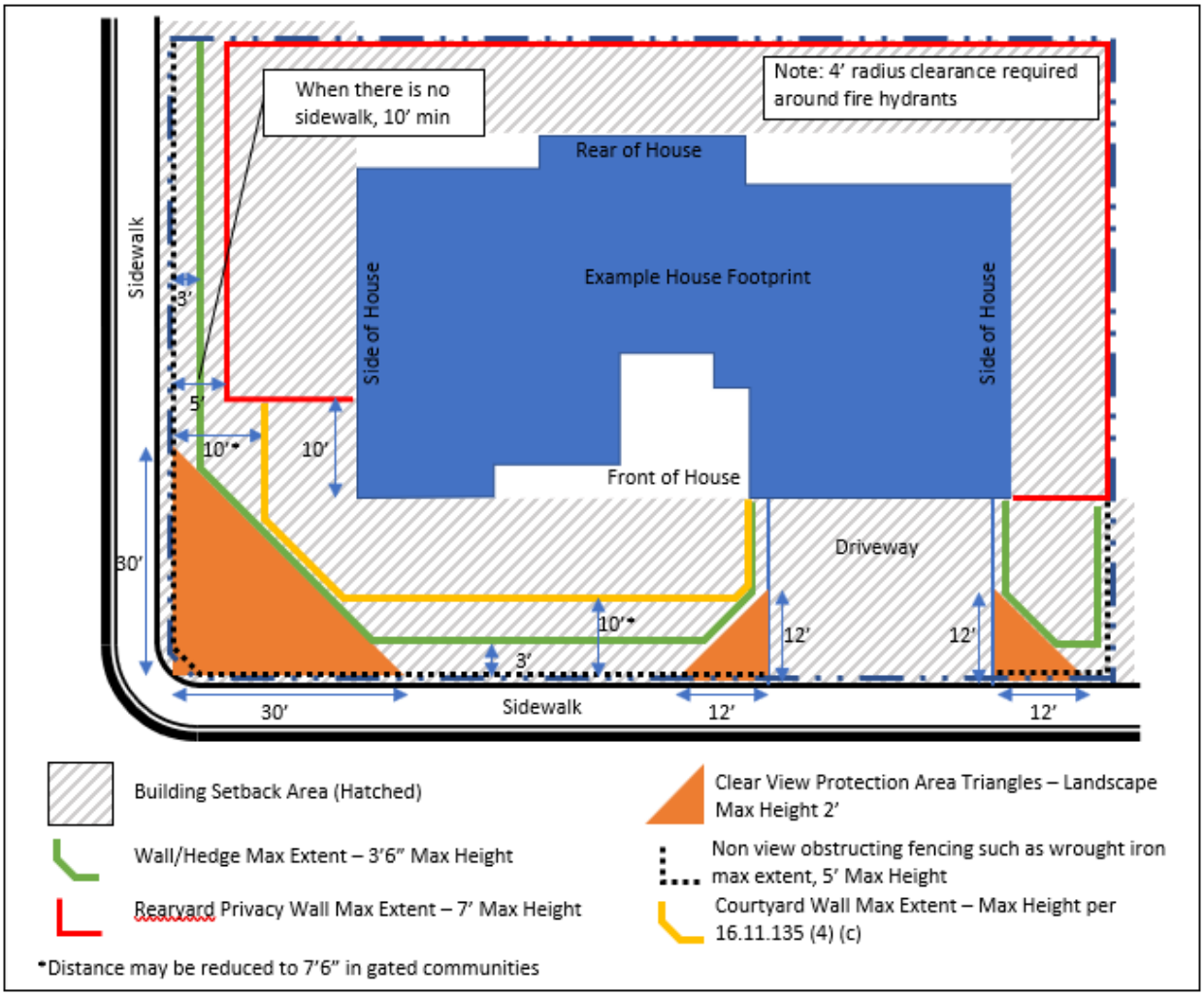
(3) Corner Lots:

(a) Requirements (See Figure 11-13):

(i) On all corner lots, a fence or wall not to exceed seven feet (7') in height may be erected along the rear and interior side lot line, but a fence or wall shall not be erected in the front yard or street side yard setback areas to a height in excess of three feet six inches (3'6").

(ii) In all zones requiring a front yard setback, no obstruction in excess of three feet six inches (3'6") in height shall be placed on any corner lot within the triangular area formed by the property lines adjacent to the streets and a line connecting them at points thirty feet (30') from the intersection of the property lines.

Figure 11-13 – Corner Lot Example – Maximum Wall Extents Allowable



(b) Exceptions To Corner Lot Requirements:

(i) In a side yard setback that fronts on a public street, a wall or fence height of up to seven feet (7') is allowed provided such wall or fence is a minimum of ten feet (10') behind the front building line and provided that such wall or fence is set back at least five feet (5') from the property line where there is sidewalk or ten feet (10') from the property line where no sidewalk exists.

(ii) A fence, which does not obstruct view (e.g., chainlink fence or wrought iron) may be erected to a height of five feet (5') in any yard abutting a street within the setback area. The fence shall in no way be closed in with adjacent plant materials, or strips of material inserted into the fence to obstruct vision.

(4) Front Yard Courtyard Walls: "Front yard courtyard walls" or "courtyard walls" is defined as a walled area within the front yard which is open to the sky for use as a private, outdoor patio. (See Figures 11-11 and 11-13)

(a) Front Yard Setbacks:

(i) Courtyard walls located in the front yard shall be located not less than ten feet (10') from the back of the sidewalk or ten feet (10') from the property line where no sidewalk exists and shall comply with subsection (4)(h)(i) of this section, clear view restriction.

(ii) Courtyard walls located in the front yard in controlled access developments (gated developments) shall be located not less than seven feet six inches (7'6") from the back of the sidewalk or seven feet six inches (7'6") from the property line where no sidewalk exists.

(b) Side Yard Setbacks:

(i) Courtyard walls shall be located not less than five feet (5') from the side yard property line and shall comply with subsection (4)(h)(ii) of this section, clear view restriction.

(ii) Courtyard walls located in the front yard in controlled access developments (gated developments) may be located on the side yard property line.

(c) Height:

(i) Front yard facing courtyard walls located ten feet (10') to fifteen feet (15') from the front property line shall not exceed four feet six inches (4'6") excepting undulating walls (entrada type walls) may have fifty percent (50%) of the wall at five feet (5') maximum height.

(ii) Side yard facing courtyard wall located fifteen feet (15') or greater from the front property line shall not exceed five feet six inches (5'6").

(iii) Courtyard walls located in the front yard in controlled access developments (gated developments) shall not exceed six feet (6').

(d) Columns:

(i) Courtyard wall columns shall be no higher than twelve inches (12") above the immediately adjacent courtyard wall but shall not exceed six feet (6').

(e) Entrance Archway And Gates:

(i) Archway: A maximum of one courtyard entrance archway is allowed. Entrance archways shall be located a minimum of fifteen feet (15') from the back of the sidewalk or fifteen feet (15') from the property line where no sidewalk exists. Archways shall have a maximum ten foot (10') height and ten foot (10') width.

(ii) Gates: Gates are allowed in any area of the courtyard wall. Gate height shall not exceed six feet six inches (6'6"). Gate side column height shall not exceed six feet (6').

(f) Permit And Plans Required:

(i) Front yard courtyards shall require a building permit with the following plans:

(A) A plot plan showing all property lines, structures, setbacks;

(B) Front and side design elevations of courtyard incorporating primary residence.

(g) Additional Requirements:

(i) Front yard areas outside the courtyard wall shall be landscaped.

(ii) Courtyard design, color, and materials shall complement and blend with the primary residence.

(h) Clear View Restrictions:

(i) Front yard courtyards shall not be placed within a triangle area formed by a driveway line, the front yard property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve feet (12') along the front yard property line.

(ii) Side yard courtyards shall not be placed within a triangle area formed by the front yard property line, the side yard property line, and line connecting them at points twenty feet (20') along the front yard property line and twenty feet (20') along the side yard property line.

(5) Tennis/Sports Court: On side and rear property lines, an appropriately colored chainlink fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court or other sports court area. Said fence may not be located within the required setback area of required front or street facing side yards.

(6) Swimming Pools:

(a) A fence not less than four feet (4') shall be erected around all private swimming pools, hot tubs, or other similar pools not otherwise enclosed (or covered for hot tubs).

(b) A fence not less than six feet (6') shall be erected around all public or commercial swimming pools.

(7) Fences On Public Right Of Way: No fence approved under this chapter shall be erected beyond the property line or on the public right of way, without the issuance of a special permit by the city.

(a) No fence shall be erected within three feet (3') of an existing or future sidewalk.

(b) No fence shall be erected within a four foot (4') radius of a fire hydrant.

(c) The city shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.

(8) Fences Required In Certain Areas: In all commercial, industrial, or multi-family zones having a common lot line with single-family residential zones a six foot (6') high solid masonry or similar fence shall be required (reduced to 3 feet in height inside the front yard setback area).

(9) Fencing And Wall Materials: It is the intent of this subsection to identify wall and fence materials that are preapproved or prohibited or that may be approved as part of a land use application approval.

(a) The following consistent wall design is required for use in wall and fence installations adjacent to all major and minor arterial and collector streets including, but not limited to, Snow Canyon Parkway, Highway 91, 400 East, 200 East, 400 South, 400 West, Tuacahn Drive, and Snow Canyon Drive:

(i) Sandstone colored Concrete Masonry Unit (CMU) block

(ii) Snow Canyon Parkway and Center Street - from 200 East eastward: all fence block facing the streetscape shall be textured split faced. All other locations shall have one split faced textured row of block set on the second row beneath the capstone block.

(iii) Capstones shall always be 4-inches thick and overhang the wall front by 1-inch

(iv) CMU Pilasters with smooth faced block shall be set at each change in wall direction.

(v) Fencing/walls shall be segmented horizontally with the appearance of randomness in variable lengths with no straight unbroken wall segments longer than 40' and no intermediary pilasters in any one segment.

(vi) Short horizontal offset distances between the longer wall segments should have an appearance of randomness in variable lengths between 24-inches up to 72-inches. In some limited cases where the available space is constricted due to issues that are not in the control of the developer, the offset maybe reduced to as low as 10-inches.

(vii) Each adjacent wall segment shall be at least one block higher or lower than an adjacent segment, preferably segments that are closer to the street are lower than segments that are further away.

(viii) If due to excessive grade change, the wall needs to increase in height at a faster rate than one block per long segment than a height change may be allowed in the middle of the long segment.

(ix) Gates to rear yards are not encouraged but are allowed when requested. They must be at least 50-percent screened and placed in a perpendicular orientation to the street in offset space between the longer segment walls.

(x) Fencing/walls, generally, when possible, should be centered on property lines. Maintenance of the wall is shared between both property owners. Responsibility of repair of walls depends on which side the wall damage or blemish occurred. Gates are maintained by the individual private property owner that has the sole use of the gate.

(xi) If a developer can provide an acceptable justification that the design is not compatible to a proposed development and a different architectural design is proposed that does not use any prohibited materials given in the following paragraph, exceptions to this consistent design may be evaluated and approved on a case by case basis as part of a subdivision preliminary plan approval or a conditional use permit approval by the City Council.

(b) The following types of materials may be allowed for use in wall and fence installations on other public and private streets:

(i) Native stone.

(ii) Wood.

(iii) Textured block or stucco surfaced walls compatible with adjacent buildings.

(iv) Wrought iron.

(v) Colored concrete block.

(vi) Chainlink with interlaced vegetation.

(vii) Other materials consistent with the materials specifically listed.

(c) The following types of materials are prohibited for use in wall and fence installations:

(i) Used materials.

(ii) Corrugated metal.

(iii) Barbed wire (except in the agriculture and residential agriculture districts).

(iv) Plywood and wafer weld.

(v) Wood pallets.

(vi) Lightweight trellis materials.

(vii) Bright colored plastic (except white).

(viii) Unfinished concrete, excepting retaining walls.

(ix) Untextured concrete.

(x) Other materials not manufactured for or typically used for fences or walls.

(10) Compatible Design: All walls and fences shall be compatible with the surrounding landscape and the architecture and building materials of buildings on and adjacent to the property.

(11) Quality Of Construction: All walls and fences shall be constructed in a workmanlike manner according to industry standards.

(12) Maintenance Of Fences And Walls: All fences and walls shall be maintained in good repair. Areas adjacent to the wall or fence shall be maintained by the property owner.

(13) Retaining Walls Used In Association With Fences: Retaining walls used in association with any fence 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 wall(s) shall be constructed using decorative materials or finished in such a way that no untreated concrete, concrete block or similar materials are visible.

16.11.136: REQUIREMENTS FOR RETAINING WALLS:

(1) Consistent with the requirements of section 16.11.134 of this chapter, no retaining wall higher than four feet (4') above existing grade within ten feet (10') of the property line boundary of a development shall be authorized unless the adjacent property owner provides written approval.

(2) Retaining wall height is restricted as follows:

(a) No retaining wall higher than four feet (4') shall be allowed if the exposed face of the retaining wall faces a public or private street.

(b) Retaining walls higher than four feet (4') are allowed if the retaining wall is obscured by a building, structure or fencing.

(c) Retaining walls higher than five feet (5') must be terraced.

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

(4) Any retaining wall used in association with any wall or fence located on a property line shall comply with the requirements of section 16.11.135 of this chapter and subsection (3) of this section.

(5) Retaining walls shall be moisture proofed on the retaining side of the wall below grade. (Ord. 2006-32, 2006)

16.11.137: CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD OR OTHER NATURAL HAZARDS:

To protect the public health, welfare and safety from geologic, flood or other natural hazards, all applications for any approval, permit or license, and located in any area identified to be a "sensitive lands" area, as defined herein, shall comply with all

requirements of the sensitive lands overlay district, as provided by chapter 8 of this title. (Ord. 2005-13, 2005)

16.11.138: EFFECT OF OFFICIAL MAPS:

When a required front yard faces on a road or street, the depth of such front yard shall be measured from the mapped street line, as identified on the official map. (Ord. 2005-13, 2005)

16.11.139: REQUIRED PROPERTY MAINTENANCE:

All buildings, uses, lots and parcels located within the city shall be maintained and operated in a manner to enhance community pride and beautification. No junk, rubbish, weeds or other unsightly material or conditions shall be permitted on any lot, right of way or easement, or as part of any building or use. (Ord. 2005-13, 2005)

16.11.140: NOXIOUS WEEDS:

All property owners shall comply with the requirements of the Utah noxious weeds act, Utah Code Annotated, as amended. (Ord. 2005-13, 2005)