ORDINANCE NO. 2020-16

AN ORDINANCE OF IVINS CITY, UTAH, REGARDING GRADING AMENDMENTS

WHEREAS the City Council desires to amend certain grading amendments found in Chapter 12 of the Zoning Ordinance, sections 126 through 136;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Sections 16.12.126 through 16.12.136 be amended to now read as follows:

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):

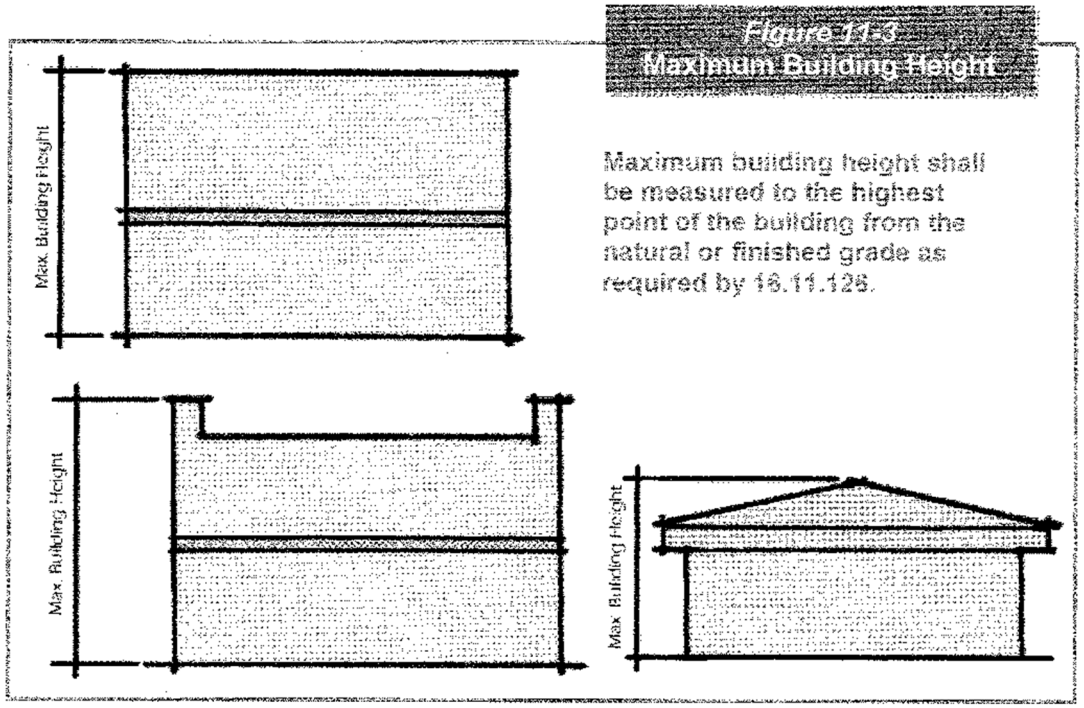
(i) The highest point on a building or structure, as defined in this section, shall not exceed the maximum allowed height as measured from the "average grade".

(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.

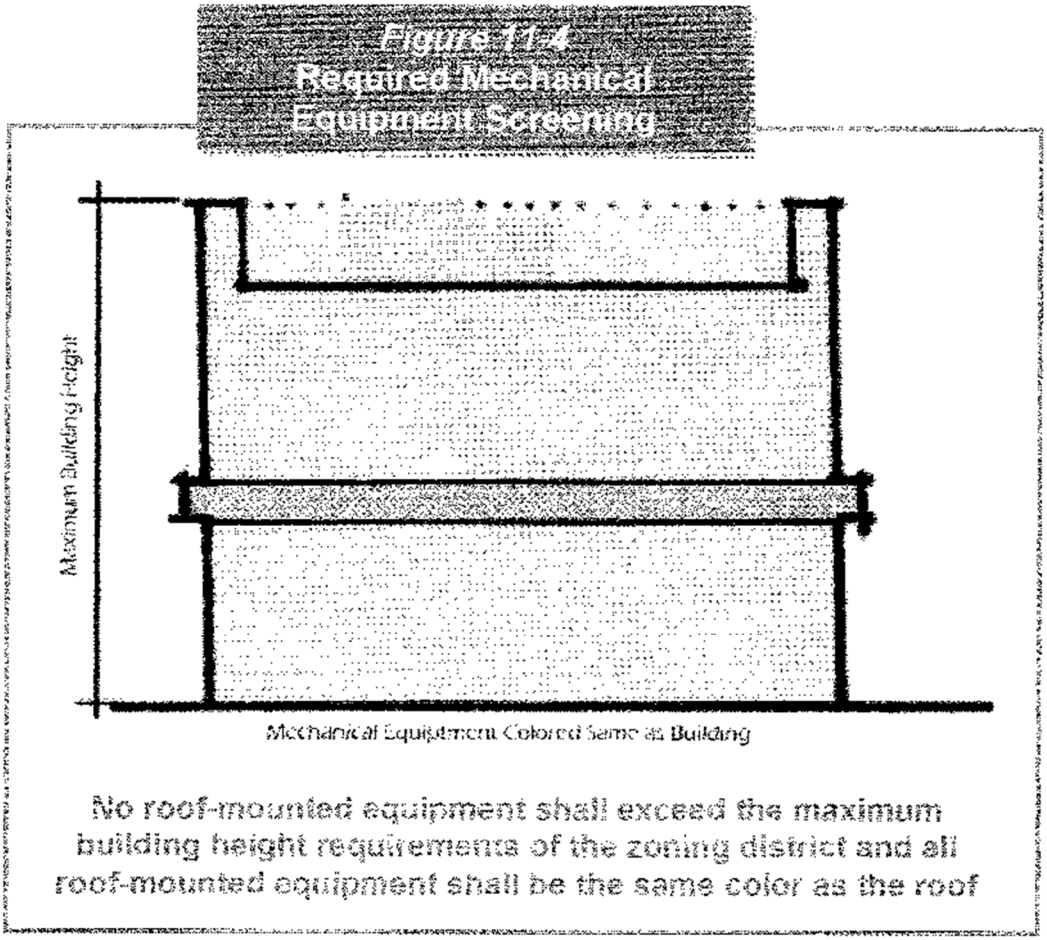
(2) In the event that exterior features of buildings have not been completed and the property cleared of all building materials, construction debris and construction equipment within one (1) year of the commencement of any construction, the building official shall "red tag" the property and issue a stop 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 developer 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 is encouraged to be lower as outlined in the recommended guidelines provided in the following paragraphs. A developer is required to make a good faith effort to follow the recommended guidelines but may option out based on a reasonable justification, which must be written and submitted, to be approved by the City.

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

(c) The developer is encouraged to 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 developer is encouraged 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

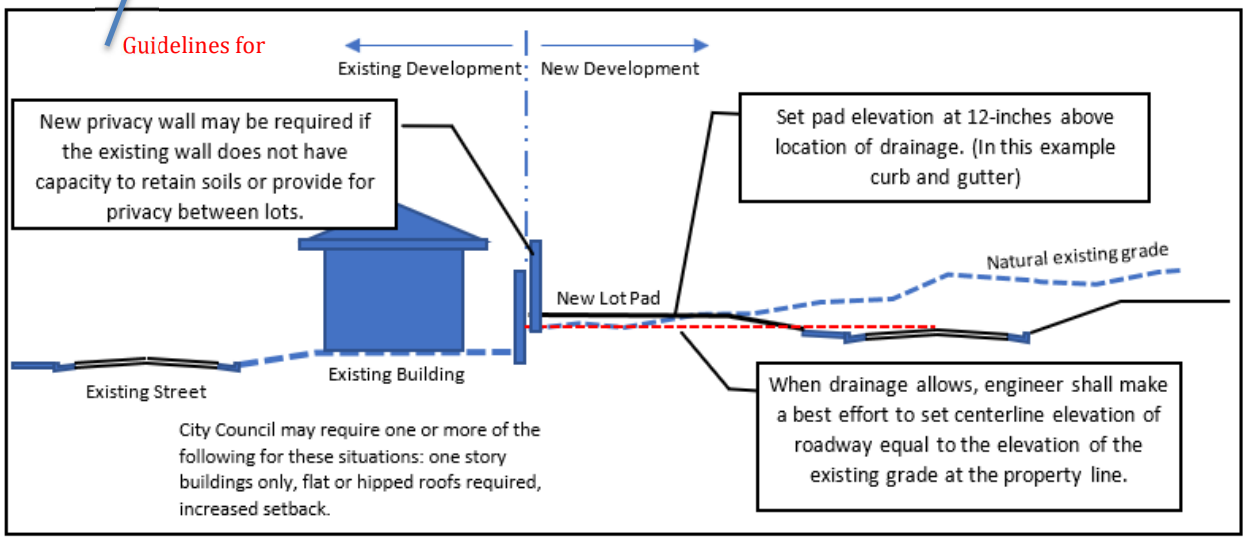
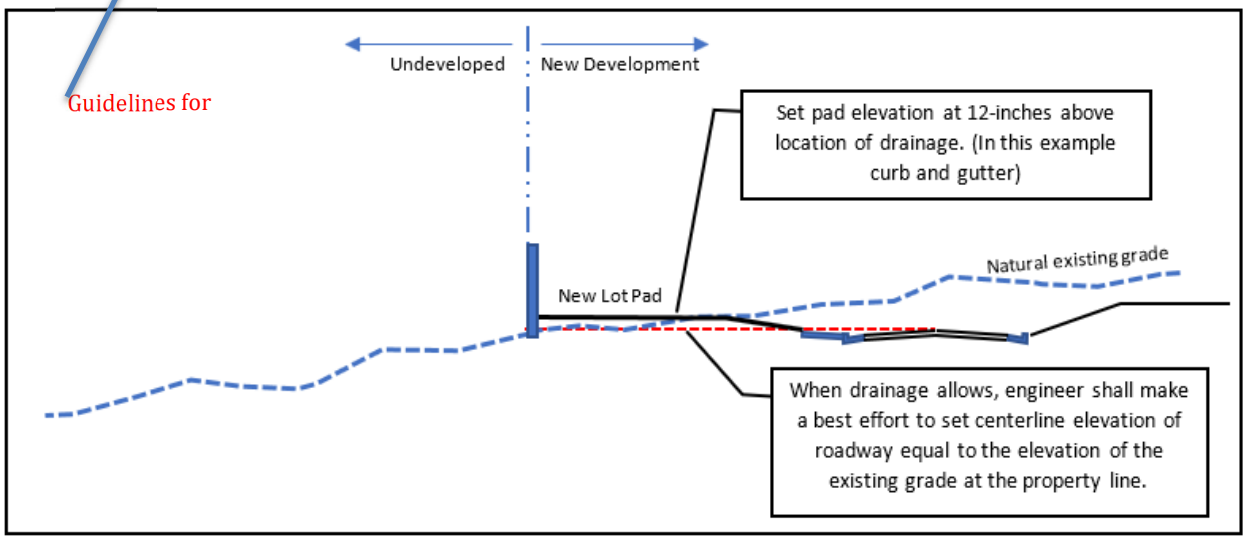


Figure 11-7 Developing on Slopes – Grading residential pads next to a property on the downhill side of the development adjacent to undeveloped property



(i) When drainage conditions allow, the developer, as approved by the City, should 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 shall 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.

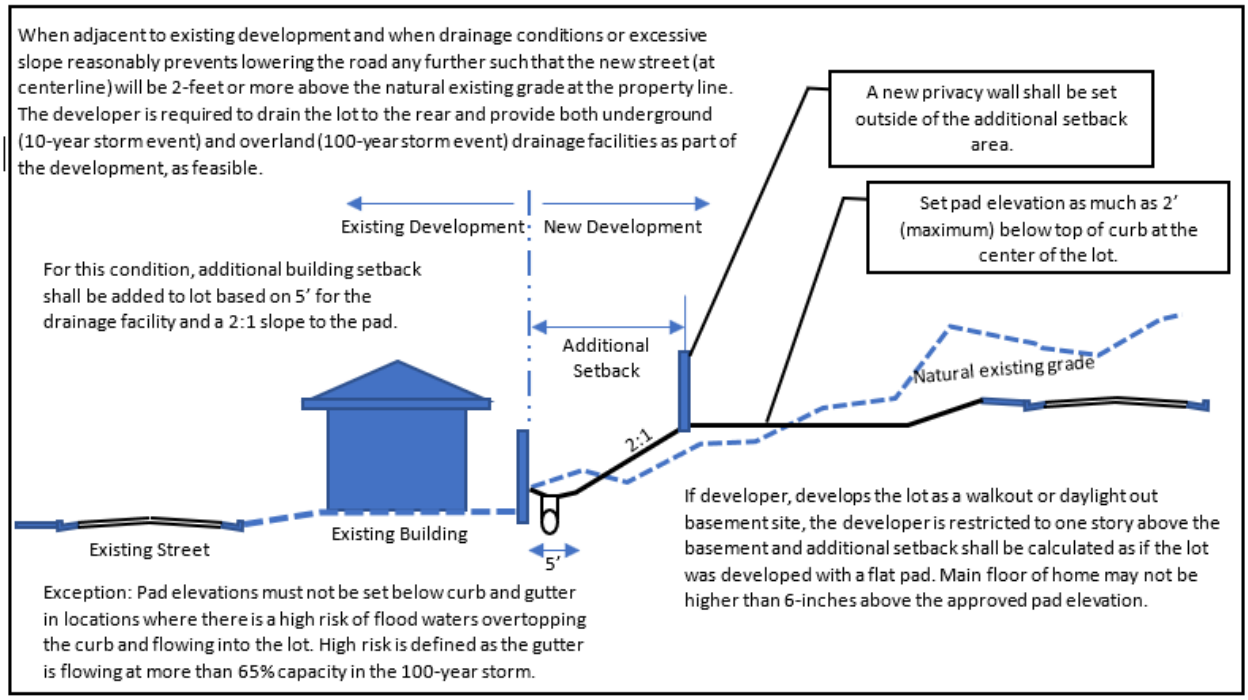
(iv) Building constructed on the new lot pads is encouraged to be limited to 18-feet height above the pad, with 4:12 pitch or less hipped roofing or flat roofs with 50 percent at no higher than 15-feet and the remaining no higher than 13-feet. No roof top patios shall be allowed on these lots.

(v) These guidelines also are encouraged 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 guidelines are encouraged (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

Guidelines for



(i) If the lot is not considered to be high flood risk and has an available location to drain properly, the pad elevation may 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 encouraged to increase building setback as follows. New setback should 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.

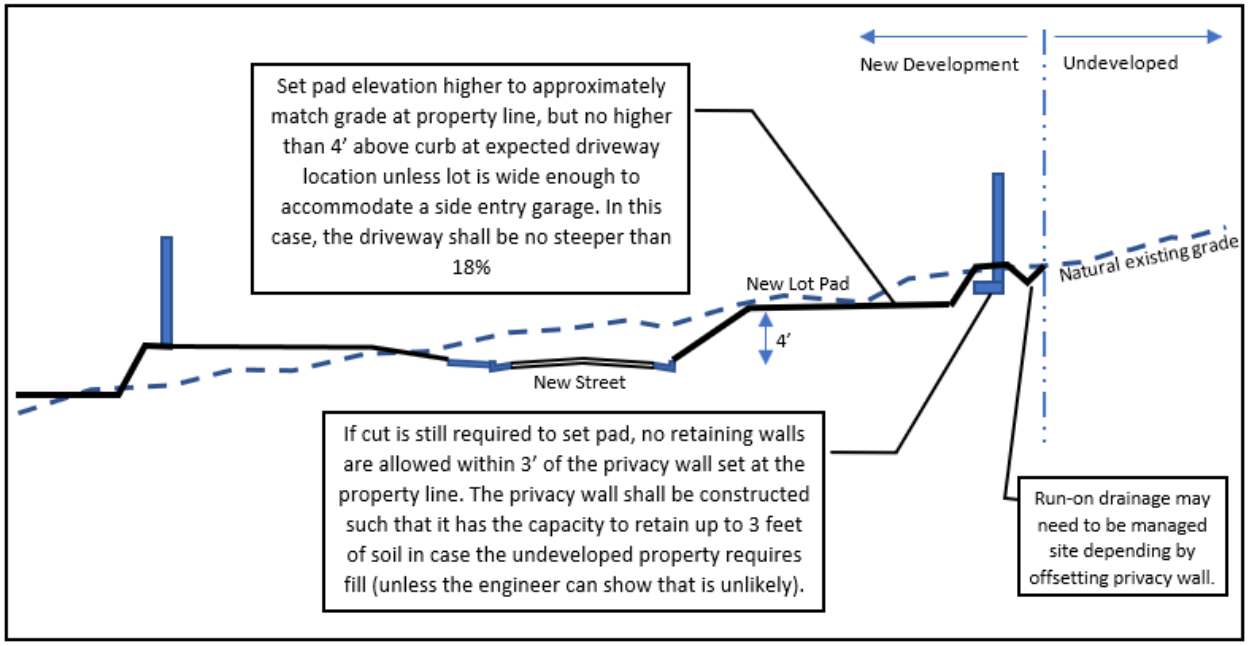
(iv) A new privacy wall should be installed at a distance equal to the additional setback distance unless the rear yard grade is lowered to within 1-foot of the average natural existing grade elevation at the property/development boundary.

(vi) Building constructed on the new lot pads should 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. Roof top patios are not encouraged 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 applies, (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 Guidelines for



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

(ii) The developer 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. Alternatively the developer may coordinate obtaining a drainage easement so that the privacy wall may be placed on the property line.

(iii) The adjacent building pads are encouraged to be set at an elevation to minimize the future difference. It may be encouraged, 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.

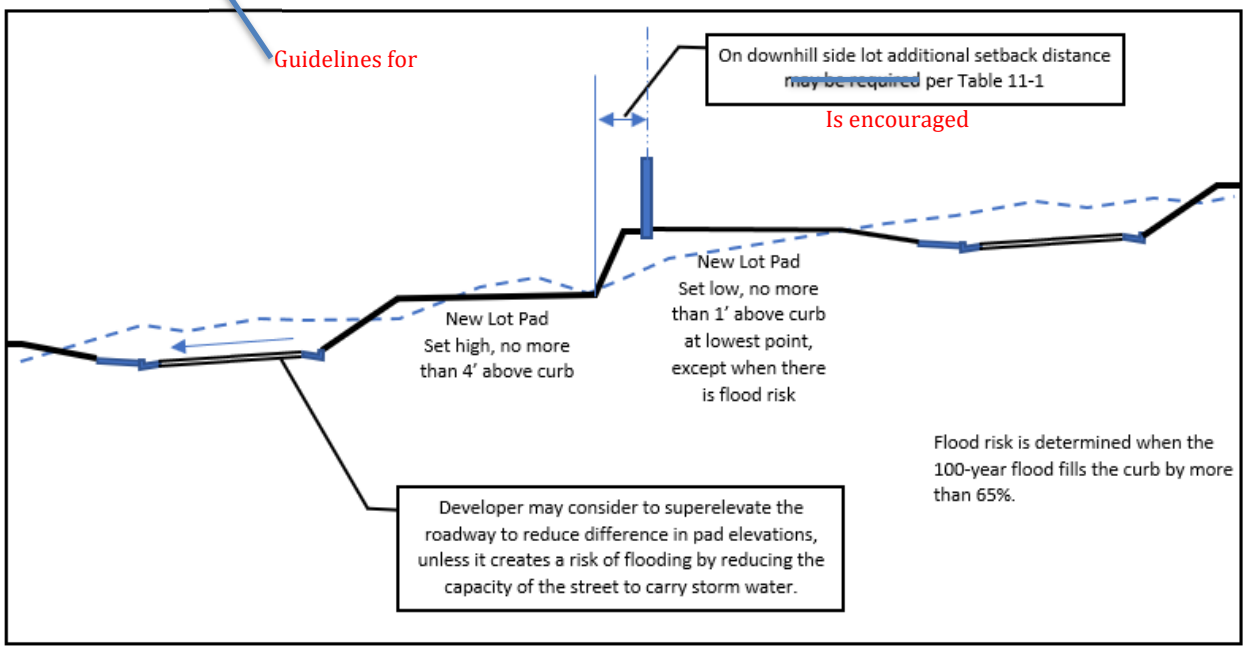
(5) All grading design shall consider drainage as follows:

(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) To minimize the height of retaining walls between lots when developing on steep slopes, the developer is encouraged to 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 is encouraged to be increased in accordance with the following table:

Table 11-1 Guideline for 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 6-feet in height may be constructed on top of the retaining wall by drilling in reinforcement 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 a 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.

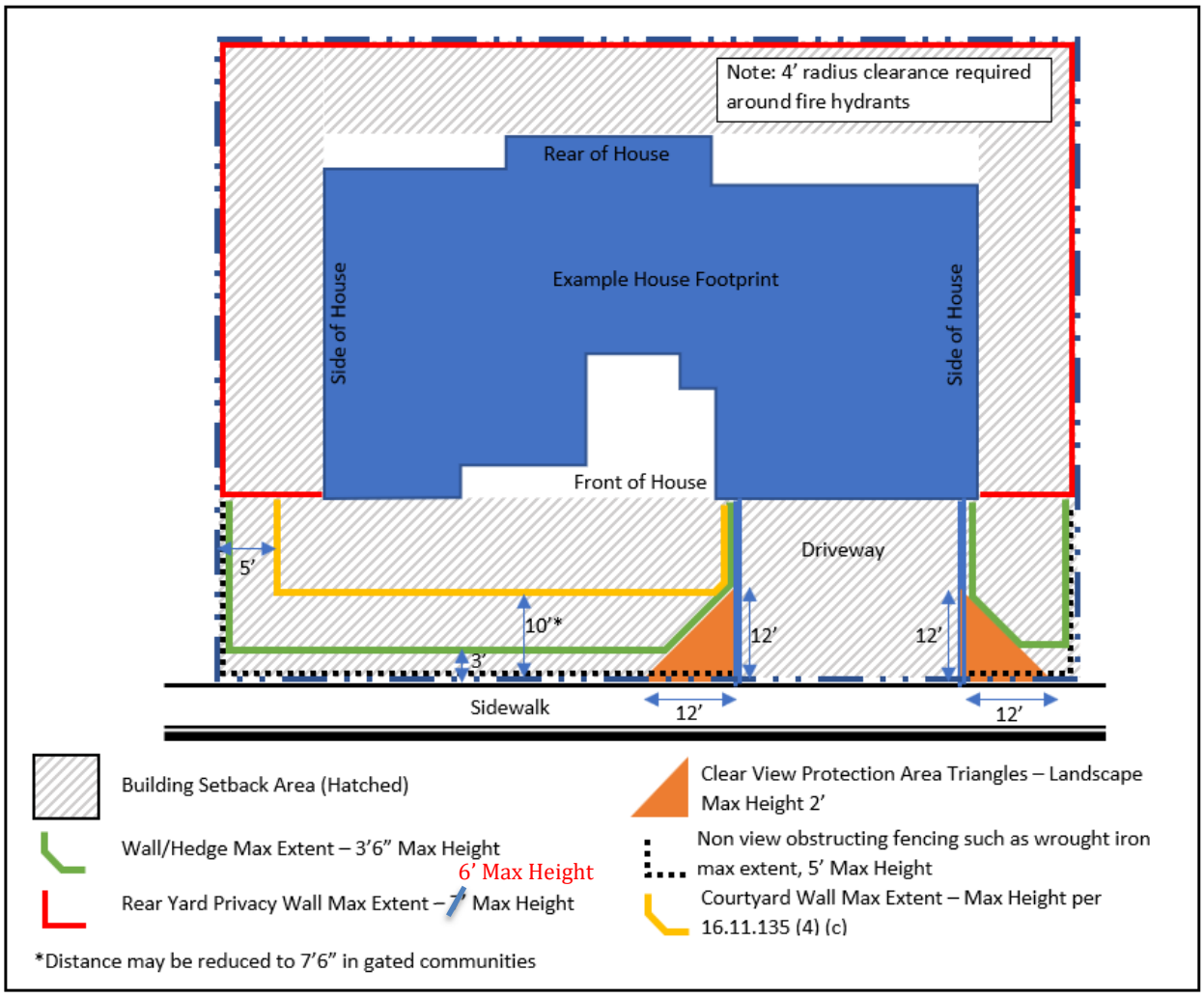
(8) All cut and fills proposed on any sensitive land areas shall comply with the requirements of chapter 8 of this title.

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 six feet (6') 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") in height 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 six feet (6') 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; and 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'). Fences may not be bermed for the purpose of increasing the allowable height.

(d) For situations where there is more than four feet (4') of grade difference, or where a lot owner desires a taller privacy wall such that the combination privacy/retaining wall would exceed nine feet (9') as prohibited above, the privacy wall must be set back from the retaining by a minimum of three feet (3') as measured face of retaining wall to face of privacy wall. See Figure 11-12.

(e) 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 shall also install a retaining wall, down to the approved pad elevation of the downhill lot, not to exceed four feet (4'). See Figure 11-13.

Figure 11-12 – Side Lot Retaining Walls/Privacy Walls

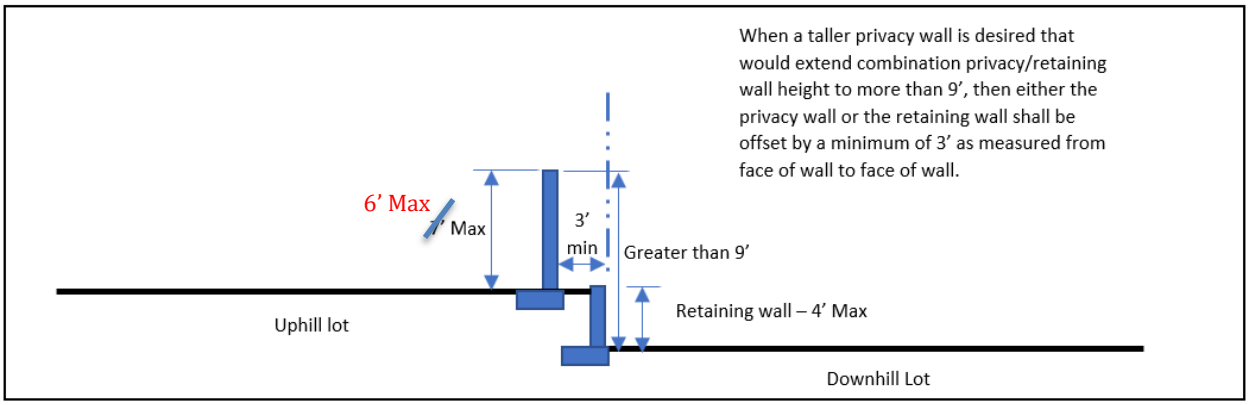
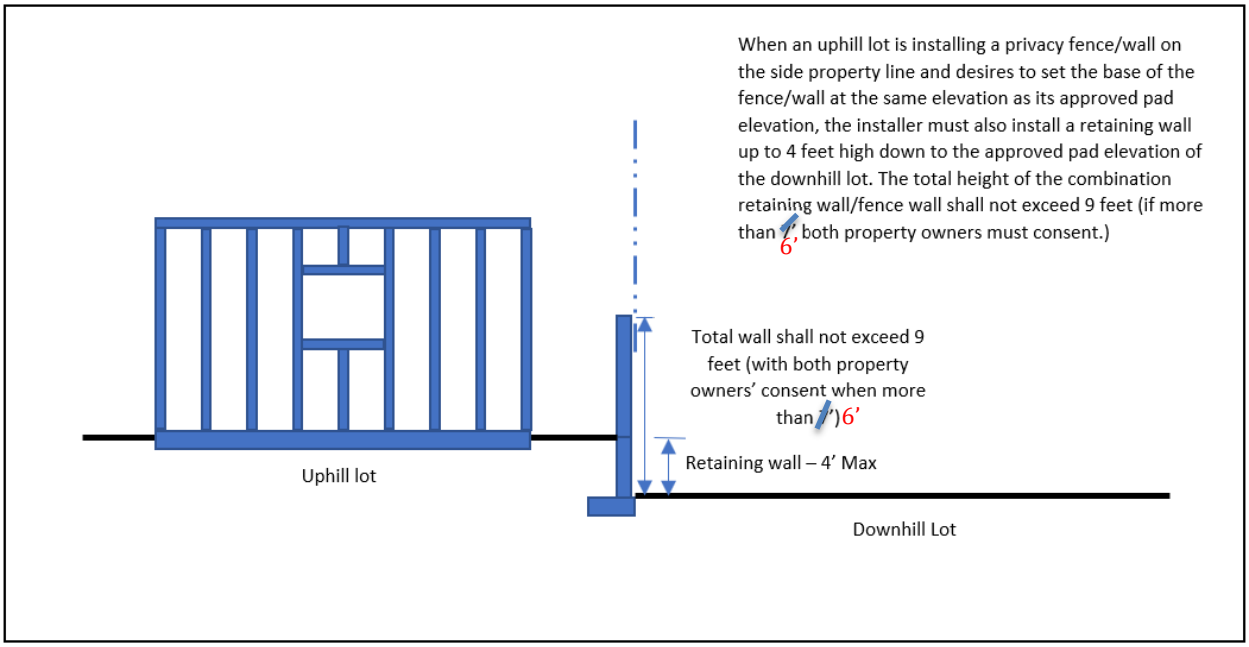


Figure 11-13 - Grading residential pads on the interior of the subdivision to reduce grade differences.



(3) Corner Lots:

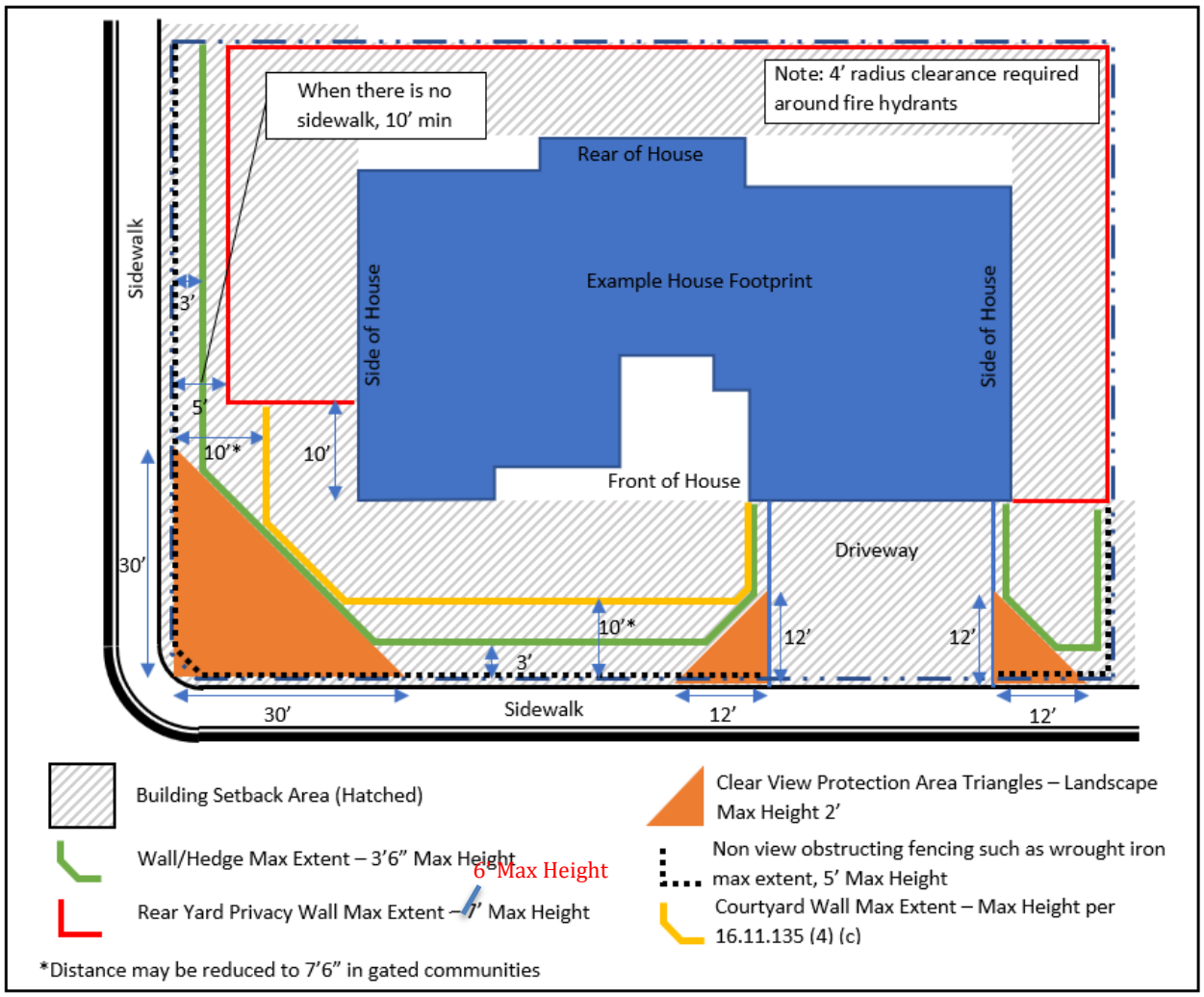
(a) Requirements (See Figure 11-14):

(i) On all corner lots, a fence or wall not to exceed six feet (6') 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 11-14 – 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 sixfeet (6') 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 11-14)

(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.

(iii) The courtyard wall setback may be reduced by as much as 25 percent for short distances if the average distance of the wall setback for its length along a single frontage still meets the distances indicated above.

(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, Old Highway 91, 400 East, 200 East, 400 South, 400 West, Tuacahn Drive, and Snow Canyon Drive:

(i) Concrete Masonry Unit (CMU) block shall be used colored “Sandstone” except on Old Highway 91 which shall be colored “Geneva”.

(ii) All fencing walls shall have one split faced textured row of block set on a row beneath the capstone block, except for Center Street from 200 East eastward and Snow Canyon Parkway which shall have all fence block be split faced textured.

(iii) Capstones shall always be 4-inches tall and overhang the wall front by 1-inch, except on Old Highway 91 which shall be 2-inches tall with no overhang.

(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.

(xii) A landscape buffer width identified by the Transportation Master Plan in its approved cross-sections shall be considered an average width that shall be allowed to be narrowed by no more than 25 percent if the average meets the requirement.

(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 four feet (4') must be terraced with minimum three foot (3’) offset from measured from face of wall to face of wall.

(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)

Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

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 DECEMBER, 2020 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Derek Larsen	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder