

TITLE 10 - ZONING REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

10-1-1: SHORT TITLE:

This title shall be known as the ZONING ORDINANCE OF THE CITY OF ST. GEORGE, UTAH.

10-1-2: CONFLICT:

The provisions of this title are in addition to all other city ordinances, the laws of the State of Utah, the laws of the United States, and applicable common law. The city does not enforce private restrictive covenants, nor shall any such covenant modify the regulations herein.

10-1-3: LAND USE DECISION REQUIRED:

- A. Interpretation of Zoning Ordinance. Any use of land that is not plainly designated as an allowed use in the zone is prohibited. A specific land use category supersedes one that is more general or broader in scope. For example, if a land use has been specified (i.e. drycleaners) in this title, and it has not been listed as a permitted use in a zone, it is prohibited in the zone, even if a use that is more general or broader in scope is permitted (i.e. general commercial) in the zone.
- B. Land Use Decision Required: No development may commence, or land use changed or expanded, without a final land use decision, which determines that the development, or the change or expansion, is allowed in the zone and complies with all land use regulations.

10-1-4: SITE PLAN REQUIRED:

A detailed site plan, drawn to scale, shall be filed as a part of any land use application. The site plan shall show, where pertinent:

- A. Scale used;
- B. Direction of north point;
- C. Lot lines, adjacent streets or rights of way, easements, landscaped areas showing types of ground cover and trees;
- D. Location of all existing structures on the property, including driveway entrances, utility poles, etc.;
- E. Location of the proposed construction and improvements, including setbacks, location and dimensions of signs, location of garbage receptacles, etc.;
- F. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk locations;
- G. Any necessary explanatory notes; and

H. Name, address and telephone number of building contractor and owner.

10-1-5: INSPECTION:

The building official, or an authorized designee of city, shall have the right to enter any building for the purpose of determining the use thereof, or to enter the premises for the purpose of determining compliance with the provisions of the ordinance; provided, such right of entry shall be exercised only at reasonable hours, and in no case shall entry be made to any occupied building in the absence of the owner, manager, or tenant thereof without permission of the owner, manager, or tenant, or the written order or search warrant of a court of competent jurisdiction.

10-1-6: PERMITS, LICENSES TO COMPLY:

- A. All applications for any development activity, including the modification or expansion of a land use, shall comply with all applicable regulations.
- B. All departments, officials and public employees of the city, vested with authority to issue the permits or licenses provided for herein, shall conform to the land use regulations and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with any provision of this title. Any permit or license issued that conflicts with any provision of this title is voidable.

10-1-7: PUBLIC NUISANCE:

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained in violation of the law, and any use of land or structure in violation of any provision of this title, is a public nuisance.

10-1-8: CHANGES AND AMENDMENTS:

All zoning maps, land use maps and regulations, and the general plan, may be amended from time to time by the city council. All proposed amendments shall be submitted first to the planning commission for consideration at a public hearing. City council shall consider the recommendation at a public meeting, and make a final determination to adopt, modify, revise, or reject the proposed amendment. Sixty (60) days after the proposed amendment was submitted to the planning commission for consideration, city council may consider the planning commission's failure to make a timely recommendation as a negative recommendation.

10-1-9: RECONSIDERATION OF DENIED AMENDMENTS:

- A. In the event the city council denies an application to change a zoning map, land use map, regulation, or the general plan, or in the event the application is withdrawn, the planning commission shall not consider a new or revised application for the same change within a period of one year from the date of such denial action, unless the conditions upon which the application was based have substantially changed. A new or revised application is considered withdrawn if it is not submitted for a decision within six (6) months of filing the initial or revised application.
- B. Substantial Change: For purposes of this section, a "substantial change" in an application shall mean a substantial reduction in density and/or land area to be developed, a change in the type or intensity of the proposed use (i.e. residential instead of commercial), or other factors which clearly constitute a substantial change. The community development director or designee shall make a substantial change determination. City council may adopt, modify, revise, or reject the determination.

99
100 **10-1-10: FEES:**

101 Applicant shall pay all fees according to the current fee schedules of the city.
102

103 **10-1-11: ANNEXATIONS:**

104 Unless otherwise established by agreement, all new areas annexed into the city shall have a
105 general plan land use designation of Agriculture, be zoned Agriculture (A-20), and in the Hillside
106 Overlay Zone if the area annexed has slopes that are 20% or greater.
107

108 **10-1-12: COMPLETION OF LANDSCAPING AND PUBLIC INFRASTRUCTURE**
109 **IMPROVEMENTS; PRIVATE SITE DEVELOPMENT IMPROVEMENTS;**
110 **IMPROVEMENT COMPLETION ASSURANCE:**

- 111 A. The following infrastructure improvements are deemed essential for the public health
112 and safety, or that is required for human occupation: all infrastructure improvements
113 required to meet the building code, fire code, flood and storm water management
114 provisions, street and access requirements, and other applicable public safety
115 improvements adopted in city ordinances or St. George Standard Specifications for
116 Design and Construction. Failure to complete all essential improvements may result in
117 the suspension of the building permit. All essential improvements shall be completed
118 prior to recording an approved subdivision plat, or prior to the issuance of a certificate of
119 occupancy, unless the following requirements are met:
- 120 a. the applicant has provided a financial assurance for required and uncompleted
121 infrastructure improvements; or
- 122 b. the applicant has agreed in a written document to terms acceptable to city that
123 vary the conditions and timing of issuance of a certificate of occupancy.
124
- 125 B. All required landscaping improvements shall be completed prior to any development
126 activity or the recording of a plat, or the applicant shall post a 100% improvement
127 completion assurance acceptable to city.
128
- 129 C. All required private site development improvements shall be completed prior to recording
130 of a plat, unless the applicant has entered into a development improvement agreement
131 under terms acceptable to the city and is current in its obligations under that agreement.
132
- 133 D. An improvement completion assurance is required. The two acceptable forms of
134 completion assurance are cash, or a letter of credit. Partial release of an improvement
135 completion assurance is permitted only at the following intervals: upon proof by
136 applicant of 50% of improvement completion, and 70% of improvement completion.
137 Final release of the improvement completion assurance shall occur only upon proof by
138 applicant of 100% of construction completion. City shall consider applicant's proof of
139 construction completion using objective inspection standards by qualified city employees
140 or appointees knowledgeable in landscaping, public infrastructure improvements, or
141 private site development improvements, as applicable.
142
- 143 E. Upon the City's acceptance of public infrastructure improvements, the applicant shall
144 execute an improvement warranty for the improvement warranty period.
145

146 **10-1-13: LAND USE AUTHORITY:**

147 Unless otherwise provided herein, the community development director or designee is the land
148 use authority for land use decisions required in this Title.

149

150 **10-1-14: PENALTY:**

151 Any firm, corporation, person or persons, or any action in behalf of such person, persons, firms
152 or corporations responsible for violating, causing, permitting, or maintaining a violation of this
153 Title is guilty of a class C misdemeanor unless otherwise stated in this Title.

154

CHAPTER 2 DEFINITIONS

10-2-1: DEFINITIONS:

The following terms are defined as follows. Terms used in the present tense include the future tense. Terms defined in the singular number include the plural and the plural the singular. Terms that have not been defined herein but are separately defined in the building code shall be construed as defined therein:

ACCESSORY STRUCTURE: A structure that is incidental and subordinate to a main building located on the same lot or parcel, contains no living space, and is not attached to a main building.

ACCESSORY USE: An allowed land use that is subordinate and incidental to the main use on the lot or parcel.

ADJOINING PROPERTY OWNERS: All owners within one hundred fifty feet (150') in each direction from the lot or parcel, as determined from the tax records of the county.

ADJACENT: Property that is joined, touches, or is directly across a public street, private street, access easement, or alley from the subject property, except a freeway, or a constructed or transportation master planned arterial (eighty-foot (80') right of way) street or greater.

AGRICULTURE: Tilling soil or raising and harvesting crops.

ALLEY: A private paved secondary access constructed to city standards.

ALLOWED USE: A use of land that:

- A. is specifically permitted, or permitted with standards, in the zone;
- B. has received a conditional use permit; or
- C. is a valid non-conforming use.

APIARY: A property where one or more bee colonies is kept.

APPEAL AUTHORITY: The administrative hearing officer is the Appeal Authority unless otherwise specified herein.

ARTS DISTRICT: A defined neighborhood or part of the city which the city council has determined to be appropriate for arts district distinction. Such areas or sites do not have to be contiguous in order to constitute a district.

ATTACHED (STRUCTURE): Sharing a minimum of one common wall and integrated roof, or having portions of a structure, connected with a minimum roof width of twelve feet (12') with the design and materials being consistent.

BACKFLOW PREVENTION ASSEMBLY: A required assembly that prevents the flow of water from the water distribution system back to the culinary water source.

205
206 BASEMENT: That portion of a building that is below the first floor.
207

208 BED & BREAKFAST: A building in which a full time, live-in caretaker resides and serves one or
209 more meals per day, and provides overnight accommodations for short term guests.
210

211 BEE: The common honey bee (*Apis mellifera*), or the mason bee (*Osmia lignaria*). Bee does
212 not include the African honey bee (*Apis mellifera scutellata*), or any hybrid thereof.
213

214 BEE COLONY: All bees in a hive, including queens, workers, or drones.
215

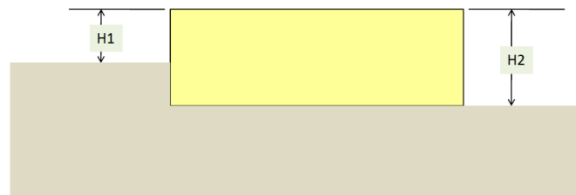
216 BEE KEEPER: A person who owns or maintains one or more colonies of bees on their own
217 private property.
218

219 BODY PIERCING: Creating a new body opening for jewelry or decoration. This term specifically
220 excludes ear piercing.
221

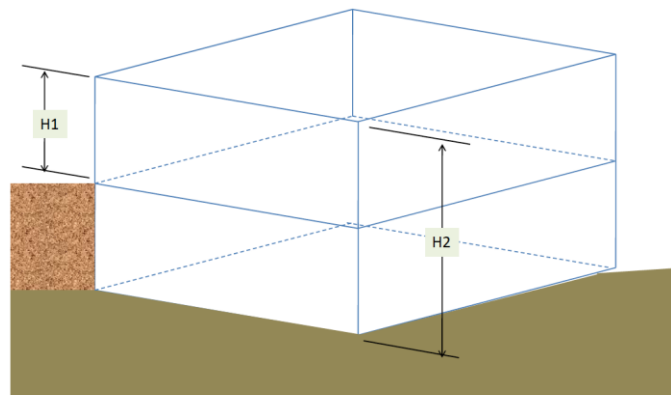
222 BUILDING: Any structure having a roof supported by columns or walls, for the occupancy or
223 enclosure of persons, animals or chattel.
224

225 BUILDING HEIGHT: The vertical distance measured from the average of the midpoint of the two
226 (2) tallest elevations, measured from adjacent grade to the highest point of the coping of a flat
227 roof, the deck line of a mansard roof, or the midpoint between ridge and eaves of a sloped roof,
228 as depicted below:
229

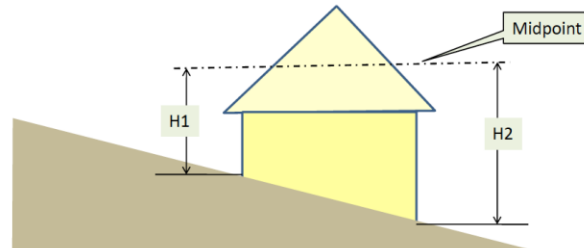
230 Flat Roof (1 story):



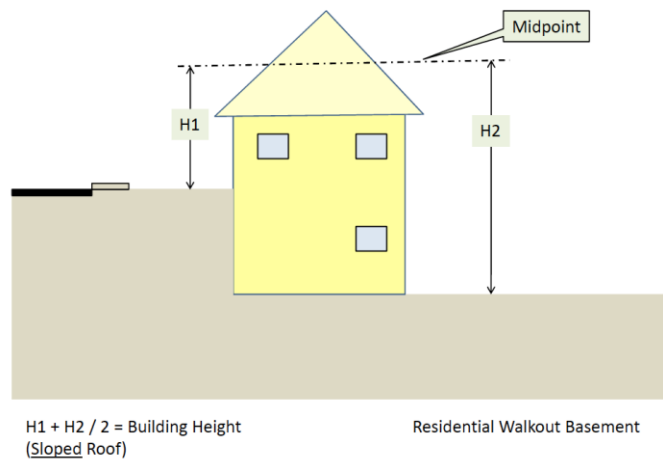
231
232 Flat Roof (2 story):



Sloped Roof (1 Story):



$(H1 + H2)/2 = \text{Building Height}$
Sloped Roof (2 Story):



BULK PLANT: Wholesale for class 1 and 2 flammable or combustible liquids or gases.

CARGO CONTAINER: Any portable, reusable container generally referred to as a sea cargo container, cargo container or shipping container made as a prefabricated metal structure and primarily designed or used for transporting freight by commercial transportation on ships, by rail or mounted on a chassis for movement by a tractor trailer and is built in accordance with the U.S. department of transportation standards. Cargo container does not include semitrailers as defined in section 41-6a-102 Utah Code Annotated and must be free from damage, rust, and exposed metal, painted in one solid muted earth tone color or similar color as a main structure, with no writing, signs, numbers or logos.

CARPORT: A private garage not completely enclosed by walls and a door.

CASITA: See GUESTHOUSE

CERTIFIED WATER AUDITOR: A person who has been certified by the City of St. George, the Washington County Water Conservancy District, the Irrigation Association, or other city approved certification program.

CHILD CARE. The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day. The term does not include babysitting services on a casual, non-recurring nature or in the child's home, nor cooperative, reciprocate child care by a group of parents in their respective domiciles.

- A. Child Care, In-Home Babysitting. The provision of child-care for four (4) or fewer children within a dwelling.
- B. Child Care, Family. The provision of child care for up to ten (10) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

CHILD CARE CENTER. A structure or building, including outside play areas, used for the provision of child care for less than twenty-four (24) hours per day.

CHURCH: see Religious Facility

CITY FACILITY: Land, right of way, easement, structure or appurtenances owned by the city or by an agency or corporation wholly controlled by the city.

COMMERCIAL CENTER: A commonly owned or developed project that shares parking, internal pedestrian circulation and public street access with a variety of commercial uses.

COMMON AREA: Land within a development not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. May include recreation structures, landscaping, and improvements.

COMMON AREA, LIMITED: Land within a development not individually owned or dedicated for public use, which is designed and intended for the use or enjoyment of a specified residence of the development. May include driveways, landscaping, and improvements.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate detrimental impacts.

CONDOMINIUM OR TOWNHOUSE PROJECT: A development designed and approved for separate ownership of a single unit in a multiple-family development, together with an undivided interest in the common area and facilities.

CONSTRUCTION DRAWINGS: All plans, specifications, reports and studies necessary to meet the requirements of this title and other ordinances of the city of St. George in the approval process of a subdivision, and to obtain a building permit. They include, but are not limited to, floor plans, elevations, site plans, utilities and utility design, roadways, drainage, and other infrastructure and improvements.

COPING: A protective cap, top, or cover of all, parapet, pilaster; often of stone, terra cotta, concrete, metal or wood.

319
320 CREMATORIUM: A business, properly licensed by the State, that is devoted to cremation
321 and/or embalming of the dead, but does not include facilities for burial, internment, body
322 viewing, or funeral services.

323
324 CUESTA: A landform that has a steep ascent in one direction and a gentle descent in the
325 opposite direction as designated on the ridgeline map. The steep slope is the cuesta face, an
326 erosion escarpment, and the gentle one is the back slope of the cuesta.

327
328 CUESTA CREST: The ridgeline formed by the highest elevations of a Cuesta.

329
330 CUT: Land surface that is reshaped by man through the removal of soil, rock or other materials.

331
332 DEVELOPMENT ACTIVITY: Means: (a) any construction or expansion of a building or structure;
333 (b) any change in use of a building or structure that creates additional demand and need for
334 public facilities; (c) any change in the use of land that creates additional demand and need for
335 public facilities; or (d) grading, filling, or clearing of land.

336
337 DAIRY: The processing of milk or milk products (excludes on-site livestock).

338
339 DARK SKY: The term “dark sky” means a night-time sky that is substantially free of interference
340 from artificial light.

341
342 DISTRIBUTION UNIFORMITY: The measure of the uniformity of irrigation water over an area.

343
344 DRIP EMITTER: A drip irrigation fitting that delivers water slowly at the root zone of the plant,
345 usually measured in gallons per hour.

346
347 DROUGHT TOLERANT PLANT: A plant that can survive without irrigation for an extended
348 period once established, although supplemental water may be desirable during drought periods
349 for improved appearance and disease resistance.

350
351 DWELLING: Any structure, manufactured home, mobile home, or portion thereof that is used for
352 residential purposes, excluding short-term residential rental use.

353
354 DWELLING, MULTIPLE FAMILY: A building arranged or designed to be separately occupied by
355 more than two (2) dwelling units.

356
357 DWELLING, SINGLE FAMILY: A building designed as a single dwelling unit.

358
359 DWELLING, TWO FAMILY: A building designed as two dwelling units.

360
361 DWELLING UNIT: A building, or separate portion thereof, with sleeping and kitchen facilities for
362 the exclusive use of one family.

363
364 ELEVATED OPEN FRONT PORCH: An open porch that is at least 8 feet wide, 4 feet deep and
365 extends to at least 50% of the front façade facing any street, is covered by a roof that is
366 integrated into and part of the roof or roof extension and is of the same design and material as
367 the roof, and the floor of which is elevated at least 18” above the sidewalk grade.

EROSION HAZARD: The hazard associated with the natural process, either sudden or gradual, which moves a river channel.

EROSION HAZARD AREA: An area designated by the erosion hazard boundary maps.

EROSION HAZARD BOUNDARY MAPS: Maps designating the boundary of the erosion hazard area.

FAMILY:

- A. An individual, or
- B. The Immediate family members and up to one additional unrelated person living with them as a single housekeeping unit in a dwelling unit; or
- C. A group of not more than four (4) persons, who need not be immediate family members, living together as a single housekeeping unit in a dwelling unit; or
- D. Two (2) unrelated persons and any children related to either of them living together as a single housekeeping unit.

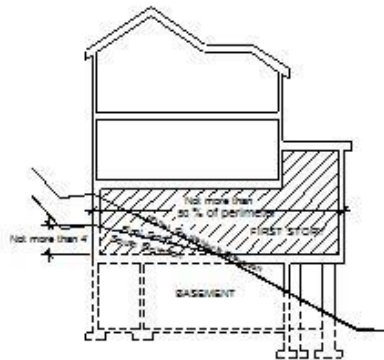
FENCE: A barrier to limit visibility, provide privacy, define a property line, or prevent ingress or egress, made out of materials such as concrete or masonry block, wood, metal, stone, chain link or vegetation. A retaining wall is not a fence.

FENCE, HEIGHT: Fence height is measured vertically, from finished grade to the shortest side of the fence.

FILL: The deposit of soil, rock or other materials placed by man.

FINANCIAL, MEDICAL AND PROFESSIONAL OFFICE: Financial institutions, medical and professional offices/services, limited to daytime hours of operation, and excludes a hospital, pay-day loan and sexually oriented business.

FIRST FLOOR: The lowest above grade story in a structure, provided the floor level is not more than four feet (4') below final grade for more than fifty percent (50%) of the perimeter. It can include habitable or uninhabitable Floor Area, as depicted below:



FIXED SPRAY: The pattern of spray from an irrigation head nozzle, which is fixed and non-changing.

409 FLOOD, BASE: The flood event with one percent (1%) chance of being equaled or exceeded in
410 any given year.

411
412 FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency
413 Management Agency has delineated both the areas of special flood hazard and the risk
414 premium zones.

415
416 FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency
417 Management Agency that includes flood profiles, the flood boundary floodway map, and the
418 water surface elevation of the base flood.

419
420 FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of
421 normally dry land areas from:

422
423 A. The overflow of inland waters; and/or

424
425 B. The unusual and rapid accumulation of runoff of surface waters from any source.

426
427

428 FLOODPLAIN: Land that:

429
430 A. Is within the 100-year floodplain designated by FEMA: or

431
432 B. Has not been studied or designated by FEMA but presents a likelihood of experiencing
433 chronic flooding or a catastrophic flood event, because the land has characteristics that
434 are similar to those of a 100-year floodplain designated by FEMA.

435
436 FLOOD, SPECIAL FLOOD HAZARD: Land subject to a one percent (1%) or greater chance of
437 flooding in any given year.

438
439 FLOODLIGHT: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or
440 fixture designed to direct its output in a specific direction. Such lamps are often designated by
441 the manufacturer and are commonly used for outdoor lighting.

442
443 FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must
444 be reserved in order to discharge the base flood without cumulatively increasing the water
445 surface elevation more than one foot (1').

446
447 FLOOR AREA: The sum of the gross horizontal areas of each story of a building measured
448 from the exterior faces of the exterior walls or from the centerline of party walls. Basement
449 floors, interior balconies and mezzanines, elevator shafts, stairwells and enclosed porches are
450 included. Garage area is not included.

451
452 FLOW RATE: The rate at which water flows through pipes and valves (gallons per minute or
453 cubic feet per second).

454
455 FOOTCANDLE: A unit of measure of the intensity of light falling on a surface, equal to one
456 lumen per square foot.

457
458 FRUIT STAND: A structure that is no more than 1000 square feet and is used exclusively for
459 sale during the harvest season of seasonal crops, seedling plants, or garden, farm, or other

agricultural produce if the seasonal crops are, seedling plants are, or garden, farm, or other agricultural produce is sold by:

- A. the producer of the seasonal crops, seedling plants, or garden, farm, or other agricultural produce;
- B. an employee of the producer; or
- C. a member of the immediate family of the producer.

FULLY SHIELDED: An outdoor light fixture constructed, so in its installed position all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light emitting part of the fixture.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GEOLOGIC OR FLOOD HAZARD AREAS: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood or geologic hazard.

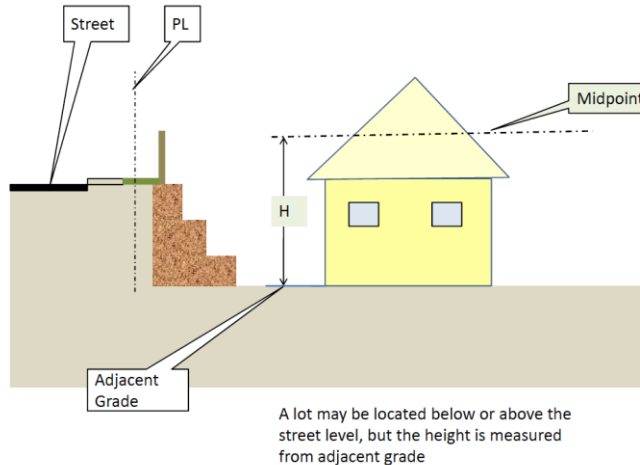
GEOTECHNICAL ENGINEER: A person with a four (4) year degree in civil engineering or engineering geology from an accredited university who, through training and experience, is able to assure that geological factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public.

GLARE: The term "glare" means light, originating from a direct artificial light source, or any light reflected off a reflective surface, that causes visual discomfort or reduced visibility.

GRADE:

- A. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- B. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining the street.
- C. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet (5') from a street line are to be considered as adjoining a street.

GRADE, ADJACENT:



GROUND COVER: Plant material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12").

GUESTHOUSE (CASITA): A detached living quarters located within a building that is subordinate to and located on the same lot or parcel as the primary dwelling. A guesthouse may also be referred to as a "casita".

HARDSCAPE: Elements of the landscape constructed from nonliving materials such as concrete, boulders, brick, blacktop and lumber. Includes patios, decks and paths but does not include driveways and sidewalks.

HILLSIDE REVIEW BOARD: The City of St. George hillside review board created under this title.

HIVE: An artificial or natural receptacle used to house Bees.

HOLIDAY OR FESTIVE LIGHTING: Any low wattage, seasonal decorative outdoor lighting.

HOME OCCUPATION: A business, transaction or activity conducted entirely within a dwelling, and exclusively by persons residing within the dwelling in a manner that is indiscernible from, and clearly incidental and secondary to, the residential use, without altering the dwelling site or structure, the character of the neighborhood, the demand for public facilities or services, or creating an unsafe condition or short term residential rental.

HOUSEHOLD PETS: Animals ordinarily permitted in the house and kept for personal use and not for commercial purposes, not including goats or pigs.

HYDRO ZONE: The grouping of plants with similar water requirements so each zone can be irrigated with a separate irrigation valve.

IMMEDIATE FAMILY: Consists of spouse, parent, children, grandparent or grandchildren and the spouse's parent, children, grandparent or grandchildren.

IMPROVEMENT COMPLETION ASSURANCE: means cash, or a letter of credit under terms acceptable to city, to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

541 A. recording a subdivision plat; or

542
543 development of a commercial, industrial, mixed use, or multifamily project.

544
545 IMPROVEMENT WARRANTY: an applicant's unconditional warranty that the applicant's
546 installed and accepted landscaping or infrastructure improvement:

547
548 A. complies with the municipality's written standards for design, materials, and
549 workmanship; and

550
551 will not fail in any material respect, as a result of poor workmanship or materials, within the
552 improvement warranty period.

553
554 IMPROVEMENT WARRANTY PERIOD: a period:

555
556 A. no later than one year after acceptance of required landscaping; or

557
558 B. no later than one year after acceptance of required infrastructure, unless the city:

559
560 a. determines for good cause that a one-year period would be inadequate to protect the
561 public health, safety, and welfare; and

562
563 2. has substantial evidence, on record:

564 of prior poor performance by the applicant; or

565 that the area upon which the infrastructure will be constructed contains suspect soil,
566 and the municipality has not otherwise required the applicant to mitigate the suspect
567 soil.

568 INFRASTRUCTURE IMPROVEMENT: permanent infrastructure that an applicant must install:

569
570 A. pursuant to published installation and inspection specifications for public improvements;
571 and

572
573 B. as a condition of:

574 a. recording a subdivision plat; or

575
576 b. development of a commercial, industrial, mixed use, condominium, or multifamily
577 project.

578
579 INFILTRATION RATE: The rate of water entry into the soil expressed as a depth of water per
580 unit of time (inches per hour).

581
582 IRRIGATION CONTRACTOR (IC): A person who has been certified by a city approved
583 certification program to install irrigation systems, meets state and local license, insurance and
584 bonding requirements, and is able to show proof of such upon demand. An irrigation contractor
585 installs, repairs, designs and maintains irrigation systems.

IRRIGATION DESIGNER: A landscape architect or a person who has been certified by the Irrigation Association (IA), the city of St. George or other city approved certification programs, to prepare irrigation system designs.

IRRIGATION PLAN: A plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, together with identification of all irrigation equipment.

IRRIGATION RUNOFF: Irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

JOINT UTILITY COMMITTEE (JUC): A committee comprised of city staff and representatives from local utility service providers which meets regularly to discuss the engineering, design, placement, and other issues related to utility improvements within the city.

LANDMARK BUILDING OR SITE: Any site (including significant trees or other plant life located thereon) or structure of particular historic or aesthetic significance to the city or state. Such significance shall exist where cultural, political, spiritual, economic, social or artistic history of the community is reflected or exemplified by the site or structure, or if they are identified with historic personages or with important events, or if the structure or site embody distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction.

LANDSCAPE ARCHITECT: A person who is licensed to practice landscape architecture by the state of Utah.

LANDSCAPE OR LANDSCAPING: Any combination of living plants, berms, trees, shrubs, vines, ground covers, flowers, grass and other plants that are generally not considered to be weeds or noxious plants; natural features such as rock, stone, or wood chips; non-vegetative permeable ground cover; and structural features, including, but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches that create an attractive and pleasing environment.

LANDSCAPE OR LANDSCAPING MAINTENANCE: Maintaining or keeping any landscaping or any area required to be landscaped:

A. In a live and thriving condition, with consideration for normal growth and water needs;

Fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter, refuse, or debris in compliance with regionally accepted horticultural practice.

LANDSCAPE PLAN: A plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape element, and includes an irrigation plan.

LANDSCAPED AREA: An entire parcel of real property less the building footprint, driveways, non-irrigated portions of parking lots, hardscape (such as decks and patios), and other nonporous areas. Water features are included in the calculation of the landscaped area.

LAND USE APPLICANT: The property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION:

- A. means an application submitted by a land use applicant to obtain a land use decision; and

does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: Unless otherwise provided herein, the community development director or designee is the land use authority for land use decisions required in this Title.

LAND USE DECISION: The final action of a land use authority or appeal authority regarding:

- A. land use permit;
- B. a land use application; or
- C. the enforcement of a land use regulation, land use permit, or development agreement.

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE REGULATION:

- A. an ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; and
- B. does not include:
 - 1. the general plan;
 - 2. a land use decision of the City Council, even if the decision is expressed in a resolution or ordinance; or
 - 3. a temporary revision to an engineering specification that does not materially:
 - a. increase a land use applicant's cost of development compared to the existing specification; or
 - b. impact a land use applicant's use of land.

LIGHT, DIRECT ARTIFICIAL: The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source.

LIGHT POLLUTION: The term “light pollution” means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical observations; or interferes with the natural functioning of native wildlife.

LIGHT SOURCE, ARTIFICIAL: The term “artificial light source” means the part of a lighting device that produces light.

LIGHT TRESPASS: The term “light trespass” means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is lawfully permitted.

LIGHTING, OUTDOOR: The term “outdoor lighting” means the illumination of an outdoor area or object by any indoor or outdoor artificial light source.

LIVESTOCK: Large domesticated animals, which are not ordinarily permitted in the house, such as horses, cattle, goats, sheep, llamas, or ostriches, but not hogs or pigs.

LIVESTOCK FEED YARD: A commercial operation to fatten or maintain livestock prior to their shipment to a stockyard for sale or rendering.

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. The terms LOT and PARCEL are used throughout title 10 interchangeably.

LOT, CORNER: A lot having frontage on two (2) or more improved public or private streets. If common area or limited common area is located between the lot line and right of way, it is considered a corner lot.

LOT DEPTH: The minimum distance measured from the front property line to the rear property line of the same Lot.

LOT LINE: Any line defining the boundaries of a Lot.

LOT WIDTH: The distance between the side lot lines measured at the front yard setback.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

LOW FUEL VOLUME AND HIGH-WATER CONTENT PLANTS: Plants that do not produce excessive amounts of leaves and branches that will fuel fires.

LUMEN: Unit of luminous flux; used to measure the amount of light emitted by lamps.

MANUFACTURING, CUSTOM: An establishment primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts,

and the incidental direct sale to customers of only those goods produced on site. Typical uses include ceramic studios, candle making shops or custom jewelry manufacturing.

MANUFACTURING, HEAVY: The converting of raw or partially processed materials into a product used for further processing or distribution. Examples of heavy manufacturing include lumber and paper mills, sewage treatment plants, stone, clay, glass product manufacturing, asphalt and concrete batch plants, and similar operations. These uses may be conducted partially or wholly outdoors and usually create noxious byproducts such as dust, fumes, hazardous waste products, noise, vibration, and glare.

MANUFACTURING, LIGHT: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

MULCH: Any organic material such as leaves, bark, wood chips, straw, or inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of controlling weeds and conserving soil moisture.

NATURAL WATERWAYS: The natural drainage channel along rivers, streams, creeks, springs, gullies or washes.

NONCOMPLYING BUILDING OR STRUCTURE: A structure that:

A. legally existed before its current land use designation; and

because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

NONCONFORMING USE: A use of land that:

A. legally existed before its current land use designation;

B. has been maintained continuously since the land use ordinance that created the non-conformity was enacted; and

because of one or more land use ordinance changes, does not conform to the regulations that currently govern the use of the land.

NURSING HOME: An institution providing long term residence and care for the aged or infirm.

PARCEL: Any real property with a separate tax identification number that is not a lot created by and shown on a subdivision plat recorded in the office of the county recorder. The terms LOT and PARCEL are used throughout title 10 interchangeably.

PARCEL, CORNER: A parcel having frontage on two (2) or more improved public or private streets.

PARCEL DEPTH: The minimum distance measured from the front property line to the rear property line of the same parcel.

PARCEL LINE: Any line defining the boundaries of a parcel.

PARCEL WIDTH: The distance between the side parcel lines measured at the front yard setback.

PARKING LOT: An area, other than a street, used for parking, whether or not required by ordinance

PARKING SPACE: Space within a building, lot or parking lot designated for parking or storing one automobile.

PERMANENT COSMETICS: A mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows, lip coloring, and medical reconstruction procedures only.

PERMANENT COSMETICS ESTABLISHMENT: An establishment engaging in permanent cosmetics as a secondary use to an establishment employing cosmetologist/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under UCA Chapter 58-11a, excluding tattoo establishments and home occupations.

PLANNED DEVELOPMENT: A development that is the subject of a zone change application, submitted to the planning commission and city council, and, when required, presented with a conceptual plan showing the form, manner, layout and other parameters of the planned development prior to the preparation of a preliminary plat.

PLAT, FINAL: A plat prepared in accordance with the provisions of this title, which plat is designed to be placed on record in the office of the Washington County recorder.

PLAT, PRELIMINARY: A plat prepared in accordance with the provisions of this title which plat, and accompanying plans, reports, diagrams and text, is made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. The preliminary plat is essentially a study plan which, when approved, will serve as a basis for the preparation of the construction drawings and final plat.

PLATEAU: A flat or predominantly flat area of land, which is raised sharply above adjacent land on at least one side as designated on the ridgeline map.

PLATEAU EDGE: The junction of the plateau and the sharp vertical rise that separates the plateau from lower adjacent land.

PRIVATE SITE DEVELOPMENT IMPROVEMENT: a required site feature that an applicant must install:

- A. as a condition of development of a commercial, industrial, mixed use, condominium, or multifamily project;

that is not an Infrastructure Improvement.

835 QUALIFYING STUDENT: A student enrolled in spring or fall classes at Dixie State University in
836 classes awarded eight (8) credits or more for each semester.

837
838 RECEIVING AREA: An area within a proposed development that is designated to accept
839 density transferred from a designated sending area within the proposed development.

840
841
842
843 RECREATIONAL VEHICLE: A vehicle that is:

844
845 A. Built on a single chassis;

846
847 B. Four hundred (400) square feet or less when measured at the largest horizontal
848 projections;

849
850 C. Designed to be self-propelled or permanently towable by a light duty truck; and

851
852 Designed primarily not for use as a permanent dwelling, but as temporary living quarters for
853 recreational, camping, travel or seasonal use.

854
855 RELIGIOUS FACILITY: a meetinghouse, church, temple, mosque, synagogue or other
856 permanent structure, used primarily for regular religious worship.

857
858 RETAINING WALL: Includes any structure designed to resist the lateral displacement of soil or
859 other materials, not including rockery walls. An example includes block walls, concrete walls, or
860 a segmented wall designed and approved as a retaining wall.

861
862 RETAINING WALL, HEIGHT: Retaining walls shall be measured from the top of the exposed
863 face to finish grade.

864
865 RESIDENTIAL CENTRAL CITY AREA: The residential central city area, is the area located
866 between 100 South to 700 South, and between 700 East to Bluff Street or bounded by Bluff
867 Street on the west, Diagonal Street to Main Street and then to St. George Boulevard on the
868 north, and by Interstate 15 on the south and east ("RCC").

869
870 RESIDENTIAL TREATMENT FACILITY: a residence where more than one person with a
871 disability resides and the residence is licensed with the State Department of Human Services or
872 the Department of Health as a residential facility to care for the disabled.

873
874 RESTAURANT/CAFÉ: Preparation and sale of food and drink for on-premises public
875 consumption.

876
877 RIDGELINE: The junction of a rising slope and a descending slope, including a cuesta crest and
878 a plateau edge.

879
880 ROCK: A natural solid mineral matter occurring in large masses or fragments.

881
882 ROCKERY WALL: A system of stacked rocks constructed to retain soil or rock and include rock-
883 faced slopes.

SENDING AREA: An area within a proposed development that is designated to transfer density to a designated receiving area within the proposed development.

SETBACK: The minimum distance to a structure from the property lines.

SEXUALLY ORIENTED BUSINESS: See title 3, chapter 8, section 2 of this code.

SHORT TERM GUEST: Guests whose duration of visit is twenty-nine (29) consecutive calendar days or less.

SHORT TERM RESIDENTIAL RENTAL: Property that is occupied, possessed or used by any person or entity for transient lodging where the term of occupancy, possession, or use of the property by the person or entity is offered for twenty-nine (29) consecutive calendar days or less, for direct or indirect compensation or other consideration.

SITE DEVELOPMENT STANDARDS: Minimum lot areas, yard setbacks, exceptions, building height, lot coverage, landscaping, open space for each zone.

SLOPE: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SMALL ANIMAL: An animal that, on average, will reach a mature weight of no more than 15 pounds and does not include a rabbit or chicken.

SPRINKLER, SPRAY: An irrigation head that sprays water through a nozzle.

SPRINKLER, STREAM: An irrigation head that projects water through a gear rotor in single or multiple streams.

STABLE, PRIVATE: A detached building designed and used to care for livestock owned by the residents and not kept for commercial purposes.

STABLE, PUBLIC: A public building designed and used to care for livestock.

STATE AND LOCAL CONSTRUCTION CODES: Regulations adopted in or pursuant to the State Construction and Fire Codes Act, UCA Title 15A.

STORAGE RENTAL UNITS (also known as MINISTORAGE or SELF-STORAGE): A building separated into individual spaces for customer storage and retrieval of personal effects, household goods, furniture or archived materials.

STORY: That portion of a building between the upper surface of a floor and the upper surface of the next floor or roof above.

STREET, PUBLIC: A public thoroughfare that affords principal means of access to abutting property.

STREET, PRIVATE: A private thoroughfare that affords access to property consistent with city standards.

STREET SIDE: An area located between the side of a structure and a public or private street, extending from the front yard setback to the rear yard setback. See also LOT, CORNER, and PARCEL.

STREET TREE: Includes all trees located within the public right of way of all streets within the city.

STRUCTURAL ALTERATION: Any change to the support of a structure, such as a bearing wall, column, beam truss or girder.

STRUCTURE: Anything constructed or erected that is attached, on, or below the ground in any manner.

SUBDIVIDER: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity, having legal title to real property for which a subdivision is proposed. A "subdivider" includes an authorized representative of the subdivider who is authorized to represent the subdivider for the purpose of effecting the subdivision of real property, having legal title to real property for which a subdivision is proposed.

SUBDIVIDER'S ENGINEER: A civil engineer licensed in the state of Utah engaged by the subdivider to prepare a conceptual planned development, a preliminary plat, construction drawings, a final plat, or to compile such data as may be required in connection therewith or in accordance with the provisions of this title.

TABLELAND: Land where the slope in any direction is less than fifteen percent (15%).

TATTOO ESTABLISHMENT: Any location, place, area, structure, or business used for the practice of tattooing or the instruction of tattooing, excluding permanent cosmetics establishments.

TIMESHARE DEVELOPMENT: An enterprise with the primary purpose of offering a timeshare interest, including an interest that gives the purchaser the right to use and occupy an accommodation at a single- or multiple-site development.

TIMESHARE ESTATE: a small, undivided fractional fee interest in real property by which the purchaser does not receive any right to use an accommodation except as provided by contract, declaration, or other instrument defining a legal right.

TIMESHARE INTEREST a right to occupy fixed or variable accommodations during three or more separate fixed or variable time periods over a period of at least three years, including renewal options, whether or not coupled with an estate in land; includes a timeshare estate.

TURF: A surface layer of mowed grass.

UNDISTURBED: An area that remains in a natural, pristine condition and not subject to grading, excavation, or other similar disturbance.

UNPAVED SURFACE: A parcel of land or portion thereof that is not paved with an approved surfacing material such as asphalt or concrete.

URBAN HENS AND RABBITS: Keeping of chickens (hens only) and rabbits, as an accessory use to a single-family dwelling, to produce food for the family residing on the subject property.

VALVE: A device used to control the flow of water in an irrigation system.

VEHICLE: Any form of motorized transport or any trailer.

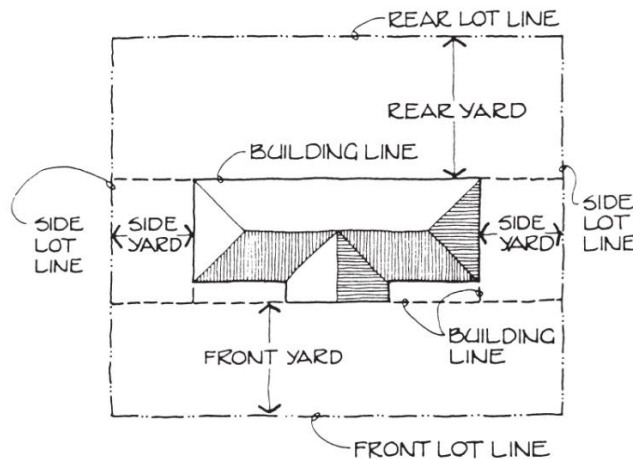
VESSEL: Every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

WATER PERFORMANCE AUDIT: A water performance audit is an on-site survey and measurement of irrigation equipment and management efficiency performed by a certified water auditor.

YARD, FRONT: On a lot or parcel with a building, the area that includes the full width of the lot or parcel from the main building to any lot line abutting a street, or private right of access. On a vacant lot or parcel, the area that includes the full width of the lot from the depth of the minimum setback to any lot line abutting any street. A corner lot or parcel has two front yards.

YARD, REAR: On a lot with a building, the area that includes the full width of the lot from the rear facade of the building to the rear lot line. On a vacant lot, the area that includes the full width of the lot from the rear setback to the rear lot line.

YARD, SIDE: On a lot with a building, the areas between the side lines of the building and the side line of the lot and extending from the front yard line to the rear yard line. On a vacant lot, the areas between the front and rear setback lines, from each side yard setback line to its closest side lot line.



CHAPTER 3 APPEALS AND VARIANCES

10-3-1: APPEAL AUTHORITIES:

- A. LAND USE APPEALS. Except as provided in subsections B and D, the administrative hearing officer, appointed pursuant to Title 1 Chapter 15, is the appeal authority for challenges to all final land use authority decisions, and challenges to fees imposed hereunder. Appeals under this section shall be pursuant to Title 1 Chapter 15.
- B. LAND USE APPEAL OF GEOLOGIC HAZARD DETERMINATIONS. An applicant who has appealed a decision of the land use authority, administering or interpreting a geologic hazard regulation, may request that a panel of qualified experts serve as the appeal authority for purposes of determining the technical aspects of the appeal. Upon the applicant's timely written request, payment of half (½) of the cost of the panel, the city shall assemble a panel of:
1. one expert designated by city and unaffiliated with the project;
 2. one expert designated by the applicant and unaffiliated with the project; and
 3. one expert chosen jointly by the first two designated experts and unaffiliated with the project.
- C. REQUEST FOR VARIANCE. The appeal authority decides requests for variances. A land use applicant may request a variance by submitting the request on a form supplied by the city, and by paying any applicable fees.
- D. CONSTITUTIONAL TAKINGS APPEAL. In order to promote the protection of private property rights, and to prevent the taking, seizure, or exaction of private property without just compensation, the city shall adhere to the following before authorizing the physical taking or exaction of private real property:
1. TAKINGS REVIEW PROCEDURE. Prior to any proposed action to physically take or exact property by the city, the City Attorney should review the proposed action to determine if a constitutional taking requiring just compensation would occur under the Fifth or Fourteenth Amendments to the Constitution of the United States, under Article I, Section 22 of the Utah Constitution, or under any recent court rulings. The City Attorney should determine whether the proposed action bears an essential nexus to a legitimate governmental interest, and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney should also determine whether the action deprives the private property owner of all reasonable use of the property. Upon identifying a possible constitutional taking, the City Attorney should, in a confidential, privileged, and protected writing, inform the Mayor, City Council, and land use authority, of the possible consequences of its proposed action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney. The guidelines in this chapter are advisory only and shall not expand nor limit the scope of the city's liability for a constitutional taking.

2. APPEAL. Any private property owner who believes that his/her property is proposed to be taken by a final action of the land use authority may appeal the that final decision to the appeal authority within thirty (30) days after the written decision is made. The appeal must be filed in writing with the city recorder. The appeal authority shall have fourteen (14) days to hear and decide the appeal after it is filed. The appeal authority can affirm or reverse the decision of the land use authority. The appeal authority, with advice from the City Attorney, shall review the appeal pursuant to subsection (1). The decision of the appeal authority shall be in writing with copies given to the appellant, Mayor, City Council, and the land use authority. Failure to appeal does not constitute a failure to exhaust available administrative remedies, or as a bar to bringing legal action.

10-3-2: APPEAL PERIOD:

The land use applicant, the municipality, or any person adversely affected by the land use authority's decision administering or interpreting this Title, may, within 10 days, file a written notice of appeal with the city recorder, alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of this Title, and pay the appeal fee. The appeal shall be pursuant to the terms in Title 1 Chapter 15.

10-3-4: STANDARD OF REVIEW; APPEALS:

- A. The appeal authority shall ensure due process for the applicant and the adversely affected parties.
- B. At all times, the appellant bears the burden of proof that the land use authority's decision was in error.
- C. The appeal authority shall review the facts "de novo," without deference to the land use authority's determination of factual matters.
- D. The appeal authority shall:
 - 1. determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and
 - 2. interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
- E. Within a reasonable time, the appeal authority shall issue a written decision, supported by findings of fact and conclusions of law consistent with the standards provided herein.

10-3-5: STANDARD OF REVIEW; VARIANCE:

- A. CRITERIA: The appeal authority shall grant a variance only if:
 - 1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone;
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 5. The spirit of the zoning ordinance is observed and substantial justice is done.
- B. UNREASONABLE HARDSHIP: In determining whether enforcement of the zoning ordinance would cause unreasonable hardship under subsection A.1, the appeal authority may not find an unreasonable hardship unless the alleged hardship:
1. Is located on or associated with the property for which the variance is sought; and
 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
 3. Is not self-imposed or economic.
- C. SPECIAL CIRCUMSTANCES: The appeal authority may find that special circumstances exist only if the special circumstances:
1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same zone.
- D. At all times, the applicant bears the burden of proving that all of the criteria justifying a variance have been met.
- E. The appeal authority may not grant a use variance.
- F. For each request for variance, the appeal authority shall issue a written decision that includes the findings of fact and conclusions of law upon which the decision is based, and any conditions of approval the appeal authority determines are reasonable and necessary to mitigate the impact of granting the requested variance.
- G. A variance "runs with the land."
- H. A variance shall expire if the applicant fails to obtain a building permit within one year from the date of the decision or fails to complete the construction authorized by the variance according to the terms of the building permit.

10-3-6: JUDICIAL REVIEW:

Any person adversely affected by the appeal authority's decision may file, within 30 days of the written decision, a petition in the district court for a review of that decision. The standard for the review shall be the standard provided in Utah Code Annotated, 10-9a-801.

1159 **CHAPTER 4**
1160 **ZONES**
1161

1162 **10-4-1: CITYWIDE ZONING:**

1163 All property within the city is subject to the city's zoning districts. If such zoning is invalidated for
1164 any reason, no building permit, subdivision, or approval for any development activity, may be
1165 applied for until the city establishes valid zoning for the property.
1166

1167 **10-4-2: ZONE CHANGES; WATER AND UTILITY SOURCES, ACCESS REQUIRED:**

1168 Zone changes shall not be approved unless the property is served by approved sources and
1169 facilities for water, power, sewer, and access to a dedicated public street. Alternatively, it is the
1170 property owner's responsibility to construct and connect to such approved sources and facilities.
1171

1172
1173

CHAPTER 5 AGRICULTURAL ZONES (A-1, A-5, A-10, A-20)

10-5-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letters “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES					
		A-1	A-5	A-10	A-20
Agriculture		P	P	P	P
Apiaries/Beekeeping		PS	PS	PS	PS
Barns and corrals for agriculture and livestock—at least 100 feet from any dwelling		P	P	P	P
Barns and corrals for agriculture and livestock—at least 50 feet from any dwelling		P			
City facility, primary		P	P	P	P
City facility accessory uses:	Accessory structure and use	P	P	P	P
Commercial kennels—at least 100 feet from any dwelling			PS	PS	PS
Commercial agriculture or livestock business		P	P	P	P
Communication transmission facilities, primary		PS	PS	PS	PS
Greenhouse, high tower or plant nurseries (no retail)		P	P	P	P
Livestock-up to 12 animals per acre		PS	PS	PS	PS
Livestock-over 12 animals per acre			PS	PS	PS
Medical cannabis pharmacy, Utah licensed At least 600 ft from a primarily residential zone			P	P	P
Medical cannabis production establishment, Utah licensed: Cultivation facility Independent testing laboratory Processing facility					P
Public utility facilities, primary		PS	PS	PS	PS
Religious facility, primary		P	P	P	P
Residential treatment facility			PS		
School, public or charter, primary		P	P	P	P

Single family dwelling, primary		P	P	P	P
Single family dwelling accessory uses:	Accessory structure and use	P	P	P	P
	Child Care, In Home Babysitting	P	P	P	P
	Child Care, Family	P	P	P	P
	Guesthouse	PS	PS	PS	PS
	Home occupation	P	P	P	P
	Accessory Dwelling Unit	PS	PS	PS	PS
	Small animals (not produced for food) up to 8 animals	P	P	P	P
	Urban hens and rabbits—up to 6 adult hens and 4 adult rabbits per 1,000 sf of lot area—no more than 16 animals per lot, up to 10 rabbits	P	P	P	P
	Urban hen/rabbit coop, pen or cage—up to 8' tall and 200 sf—allowed only in rear yard, at least 20' from lot line (unless solid perimeter fence); required effective manure management	P	P	P	P

10-5-2: HEIGHT REGULATIONS:

No residential dwelling shall be erected to a height less than ten feet (10'), and no structure shall be greater than forty feet (40'), unless a conditional use permit is granted for a greater height.

10-5-3: AREA, WIDTH AND YARD REQUIREMENTS:

The minimum area, width and yard requirements for each zone are as indicated below:

<u>District</u>	<u>Area Minimum</u>	<u>Minimum Lot Width</u>	<u>Minimum Yard Setbacks</u>		
			<u>Front and Street Side</u>	<u>Side</u>	<u>Rear</u>
A-1	40,000 square feet	100 feet	25 feet	10 feet	10 feet
A-5	5 acres	100 feet	25 feet	25 feet	25 feet
A-10	10 acres	500 feet	25 feet	25 feet	25 feet
A-20	20 acres	500 feet	25 feet	25 feet	25 feet

10-5-4: DESIGN CRITERIA:

A complete application for single-family occupancy must include a site plan, architectural plans and construction drawings of 1/4 scale, that show building materials, exterior elevations and floor plans of all proposed structures that meet the following criteria:

A. HUD Standards, Construction Codes: All development must comply with the construction codes and, as applicable, the national manufactured housing construction and safety standards and ICC guidelines for manufactured housing installations, that are capable of transferring design deadloads and live loads, and other design loads unique to local home sites, due to wind, seismic, soil and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure.

B. Perimeter footings at least twelve inches (12") below grade.

C. For all dwellings:

1. Space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with ICC guidelines and constructed of weather resistant materials aesthetically consistent with concrete or masonry type foundation materials.

A minimum landing of thirty six inches by thirty six inches (36" x 36") at each exit.

All manufactured home running gear, tongues, axles and wheels must be removed and stored off-site or in a separately enclosed structure.

D. Exterior Materials: Each dwelling shall have exterior materials of wood, hardwood, brick, concrete, stucco, glass, metal lap, vinyl lap, tile or stone.

E. Width of Dwelling: The width of each dwelling shall not be less than twenty feet (20') at the narrowest point of its first floor, exclusive of any garage, bay window, or appendages.

F. Minimum Floor Area: Each dwelling shall have a minimum floor area, exclusive of garage and basement, of one thousand (1,000) square feet.

10-5-5: YARDS UNOBSTRUCTED; EXCEPTIONS:

A. Every part of the setback area shall be open to the sky, unobstructed except for:

- a. The ordinary projections of belt courses, eaves, chimneys, flues, cantilevered balconies, decks, ornamental features, open fire escapes, or open outside stairways (in side or rear only), which project into a setback not more than four feet (4');
- b. A porte-cochere may extend from the main dwelling doorway and over a circular drive. The porte-cochere shall be open on three sides and no more than thirty (30) feet wide if it projects into the front setback. Each porte-cochere shall have a fifteen foot (15') or greater setback from the front property line;
- c. City public transit shelters, with or without public restrooms, may be located within a setback area adjacent to a public street;
- d. Patio Cover: A patio or area cover is only permitted in a rear yard and must meet the following standards:

- 1250
- 1251 a. The patio or area covered shall not be enclosed on any side.
- 1252
- 1253 b. No more than one-third (1/3) of the rear yard is covered.
- 1254
- 1255 c. No cover shall be closer than two feet (2') to the rear and side property line.
- 1256

1257 B. Accessory Structures:

1258

- 1259 1. Accessory buildings shall not cover more than 25% of the rear yard.
- 1260 2. If the accessory building is located in the side yard portion of the rear yard, the
- 1261 structure must be designed and constructed to resemble the main structure by
- 1262 incorporating the same building materials, colors, roof pitch, and design.
- 1263

1264 No portion of an accessory structure may be:

1265

- 1266 a. Within twenty-five feet (25') of any property line except a pool may be
- 1267 constructed within ten feet (10') of the property line for a street side yard if a
- 1268 fence is provided;
- 1269
- 1270 b. Within six feet of any structure;
- 1271
- 1272 c. Projected across a property line;
- 1273
- 1274 d. Constructed in a manner that will divert storm water onto adjacent property;
- 1275
- 1276 e. Located over a utility easement without prior written approval from the joint utility
- 1277 committee and an encroachment agreement with terms acceptable to city
- 1278 attorney; or
- 1279
- 1280 f. Permitted, constructed, or used prior to occupancy of the main structure.
- 1281

1282 An accessory building smaller than 120 sq. ft. that does not require a building permit

1283 is allowed in the side and rear yard to property line, provided there is a accessible

1284 walkway at least three (3') feet in width.

1285

1286 **10-5-6: CURB, GUTTER, SIDEWALK AND DRIVEWAY:**

- 1287 A. When Required: The installation of curb, gutter, sidewalk, and pavement of a type
- 1288 approved by the city is required on any future or existing street where such
- 1289 improvements are not already in existence, or where existing improvements are
- 1290 damaged or broken. Said installation shall be required prior to obtaining a certificate of
- 1291 occupancy unless a current improvement completion assurance has been provided.
- 1292
- 1293 B. Driveway improvements: Driveways are required to be paved with an approved surface.
- 1294 Properties located in the A-5, A-10, and A-20 zones are required to pave twenty feet
- 1295 (20') from the public right-of-way. Driveways that extend beyond the twenty feet (20'),
- 1296 may substitute pavement for six inch (6") depth of type II road base, and three inches of
- 1297 gravel, with a minimum size of one-inch diameter.
- 1298

1299 **10-5-7: UTILITY REQUIREMENTS:**

In all areas of the city, connection shall be made to public water, electrical and sewer facilities, unless waived by the city engineer or designee upon a demonstration of an equivalent alternative acceptable to city. All utilities shall be located underground, unless specifically approved by the city engineer or designee. All construction shall comply with state building codes and all city standards.

10-5-8: TEMPORARY BUILDINGS:

A. Construction or sales office: A temporary, onsite construction or sales office that does not meet minimum construction standards may be approved by the city during the construction of permanent facilities for the permitted duration. Such temporary approval may be made for a period up to one year. Extensions may be granted for good cause shown, for an additional six (6) months, up to a maximum of eighteen (18) months.

B. Cargo Containers: Cargo containers may be approved by city for temporary use by an applicant, only when a permitted use exists or is under construction, and under the following standards:

1. Activities with Building Permit: For onsite use only during permitted construction or renovation, provided a building permit has been issued for construction related activities. For the purpose of permitted cargo containers, a building permit will be considered inactive after one hundred eighty (180) days after the last inspection that shows substantial progress toward completion of the project.

Activities without Building Permit: For onsite use during moving or construction activities that do not require a permit on site for thirty (30) days. One thirty (30) day extension may be granted for good cause shown.

Vertical stacking is prohibited.

Cargo containers shall not be located in fire lanes, required parking spaces or landscaping.

10-5-9: SETBACKS ALONG STREETS:

Lots that have the rear or side property lines adjacent to a public street, or common area between property lines and public street, shall maintain the following minimum rear or side setbacks:

A. Side and rear yard setback on a street side yard shall be the same as a front yard. If a six foot (6') masonry wall exists along a side property line, side yard setbacks may be reduced to twenty feet (20'). The masonry wall along a street side yard, may extend to the front plane of the residence, but shall not encroach on the twenty-five (25') setback from the front property line.

B. Double fronting lots in residential zones: Lots that have a rear property line adjacent to a public street shall maintain the following minimum rear setbacks:

1. Double fronting rear yard setback shall be the same as a front yard. If a six-foot (6') masonry wall exists along a rear property line, rear yard setbacks may be reduced to twenty feet (20').

Setbacks for double fronting lots shall be measured from the masonry wall. The landscape strip shall be on the street side of the wall.

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10-5-10: RELATED PROVISIONS:

- A. OUTDOOR LIGHTING— Chapter 10-14
- B. PERMITTED WITH STANDARDS AND CONDITIONAL USES – Chapter 10-17
- C. WALLS, FENCES AND HEDGES— Chapter 10-18
- D. OFF STREET PARKING REQUIREMENTS— Chapter 10-19
- E. MOTOR VEHICLE ACCESS AND LOADING— Chapter 10-20
- F. SIGNS—CHAPTER 9-13

CHAPTER 6 GRAVEL AND GRAZING ZONE (G-G)

10-6-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted uses in this zone.
- B. Uses indicated by the letters “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in this zone.

ALLOWED USES		
		G-G
Airport		PS
Airport accessory uses:	Accessory structures	PS
Agriculture		P
Barns and corrals for agriculture and livestock—at least 100 feet from any dwelling		P
Cemetery		P
City facility, primary		P
City facility accessory uses:	Accessory structure and use	P
Concrete batch plant (no asphalt)		PS
Commercial agriculture or livestock business		P
Communication transmission facilities, primary		PS
Greenhouse, high tower or plant nurseries (no retail)		P
Livestock-up to 12 animals per acre		P
Public utility facilities, primary		PS
Public utility facilities accessory uses:	Accessory structures	PS
Religious facility, primary		P
Sand and gravel—extraction and crushing		PS
School, public or charter, primary		P
Single family dwelling, primary		P
Single family dwelling accessory uses:	Accessory structure and use	PS
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Guesthouse	PS

	Home occupation	P
	Small animals (not produced for food) up to 8 animals	P
	Urban hens and rabbits—up to 6 adult hens and 4 adult rabbits per 1,000 sf of lot area—no more than 16 animals per lot, up to 10 rabbits	P
	Urban hen/rabbit coop, pen or cage—up to 8' tall and 200 sf—allowed only in rear yard, at least 20' from lot line (unless solid perimeter fence); required effective manure management	P

10-6-2: HEIGHT REGULATIONS:

No residential dwelling shall be erected to a height less than ten feet (10'), and no structure shall be greater than forty feet (40'), unless a conditional use permit is granted for a greater height.

10-6-3: AREA, WIDTH, YARD AND HEIGHT REQUIREMENTS:

The minimum lot area, width and yard requirements are as indicated below:

Lot Area <u>Minimum</u>	Minimum Lot <u>Width/Frontage</u>	Minimum Yard Setbacks		
		Front and <u>Street</u> <u>Side</u>	<u>Side</u>	<u>Rear</u>
20 acres	100'	25'	20'	20'

10-6-4: DESIGN CRITERIA:

A complete application for single-family occupancy must include a site plan, architectural plans and construction drawings of 1/4 scale, that show building materials, exterior elevations and floor plans of all proposed structures that meet the following criteria:

- A. HUD Standards, Construction Codes: All development must comply with the construction codes and, as applicable, the national manufactured housing construction and safety standards and ICC guidelines for manufactured housing installations, that are capable of transferring design deadloads and live loads, and other design loads unique to local home sites, due to wind, seismic, soil and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure.
- B. Perimeter footings at least twelve inches (12") below grade.
- C. For all dwellings:

1. Space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with ICC guidelines and constructed of weather resistant materials aesthetically consistent with concrete or masonry type foundation materials.

A minimum landing of thirty-six inches by thirty-six inches (36" x 36") at each exit.

All manufactured home running gear, tongues, axles and wheels must be removed and stored off-site or in a separately enclosed structure.

- D. Exterior Materials: Each dwelling shall have exterior materials of wood, hardwood, brick, concrete, stucco, glass, metal lap, vinyl lap, tile or stone.
- E. Width of Dwelling: The width of each dwelling shall not be less than twenty feet (20') at the narrowest point of its first floor, exclusive of any garage, bay window, or appendages.
- F. Minimum Floor Area: Each dwelling shall have a minimum floor area, exclusive of garage and basement, of five hundred (500) square feet.

10-6-5: YARDS UNOBSTRUCTED; EXCEPTIONS:

Every part of the setback area shall be open to the sky, unobstructed except for:

- A. The ordinary projections of belt courses, eaves, chimneys, flues, cantilevered balconies, decks, ornamental features, open fire escapes, or open outside stairways which project into a setback not more than four feet (4'):
- B. A porte-cochere may extend from the main dwelling doorway and over a circular drive. The porte-cochere shall be open on three sides and no more than thirty (30) feet wide if it projects into the front setback. Each porte-cochere shall have a fifteen foot (15') or greater setback from the front property line;
- C. City public transit shelters, with or without public restrooms, may be located within a setback area adjacent to a public street;
- D. Accessory Structure: An accessory structure shall not cover more than 25% of the rear yard, and is limited as follows:
1. If the accessory structure is located in the side yard portion of the rear yard, the structure must be designed and constructed to resemble the main structure by incorporating the same building materials, colors, roof pitch, and design.

No portion of an accessory structure may be:

- a. Within twenty-five feet (25') of any street (except a pool may be constructed in a street side yard if a fence is provided);
- b. Within six feet of any structure;
- c. Projected across a property line;
- d. Constructed in a manner that will divert storm water onto adjacent property;

e. Located over a utility easement without prior written approval from the joint utility committee and an encroachment agreement with terms acceptable to city attorney: or

f. Permitted, constructed, or used prior to occupancy of the main structure.

An accessory structure smaller than 120 sq. ft. that does not require a building permit is allowed in the side and rear yard, and no separation is required.

10-6-6: CURB, GUTTER AND SIDEWALK:

When Required: The installation of curb, gutter, sidewalk, and pavement of a type approved by the city is required on any future or existing street where such improvements are not already in existence, or where existing improvements are damaged or broken. Said installation may be required as a condition of obtaining a certificate of occupancy unless a current improvement completion assurance has been provided.

10-6-7: UTILITY REQUIREMENTS:

In all areas of the city, connection shall be made to public water, electrical and sewer facilities, unless waived by the city engineer or designee upon demonstration of an equivalent alternative acceptable to city. All utilities shall be located underground, unless specifically approved otherwise by the city engineer or designee, and all construction shall comply with state building codes and all city standards.

10-6-8: TEMPORARY BUILDINGS:

A. Construction or sales office: A temporary, onsite construction or sales office that does not meet minimum construction standards may be approved by city during the construction of permanent facilities for the permitted duration. Such temporary approval may be made for a period up to one year. Extensions may be granted for good cause shown, for an additional six (6) months, up to a maximum of eighteen (18) months.

B. Cargo Containers: Cargo containers may be approved by the city for temporary use by the applicant, only when a permitted use exists or is under construction, and under the following standards:

1. Activities with Building Permit: For onsite use only during permitted construction or renovation, provided a building permit has been issued for construction related activities. For the purpose of permitted cargo containers, a building permit will be considered inactive after one hundred eighty (180) days after the last inspection that shows substantial progress toward completion of the project.
2. Activities without Building Permit: For onsite use during moving or construction activities that do not require a permit on site for thirty (30) days. One thirty (30) day extension may be granted for good cause shown.
3. Vertical stacking is prohibited.
4. Cargo containers shall not be located in fire lanes, required parking spaces or landscaping.

10-6-9: SETBACKS ALONG STREETS:

Lots that have the rear or side property lines adjacent to a public street or common area between property lines and public street, shall maintain the following minimum rear or side setbacks:

A. Side and rear yard setback on a street side yard shall be the same as a front yard. If a six foot (6') masonry wall exists along a side property line, side yard setbacks may be reduced to twenty feet (20'). The masonry wall along a street side yard, may extend to the front plane of the residence, but shall not encroach on the twenty-five (25') setback from the front property line.

B. Double fronting lots in residential zones: Lots that have a rear property line adjacent to a public street shall maintain the following minimum rear setbacks:

1. Double fronting rear yard setback shall be the same as a front yard. If a six-foot (6') masonry wall exists along a rear property line, rear yard setbacks may be reduced to twenty feet (20').

Setbacks for double fronting lots shall be measured from the masonry wall. The landscape strip shall be on the street side of the wall.

10-6-9: RELATED PROVISIONS:

- A. OUTDOOR LIGHTING— Chapter 10-14
- B. PERMITTED WITH STANDARDS AND CONDITIONAL USES – Chapter 10-17
- C. WALLS, FENCES AND HEDGES— Chapter 10-18
- D. OFF STREET PARKING REQUIREMENTS— Chapter 10-19
- E. MOTOR VEHICLE ACCESS AND LOADING— Chapter 10-20
- F. SIGNS—CHAPTER 9-13

CHAPTER 7
RESIDENTIAL ZONES
RESIDENTIAL ESTATE (RE), SINGLE FAMILY, MULTIPLE FAMILY,
MOBILE HOME (MH), RESIDENTIAL CENTRAL CITY (RCC), AND
PLANNED DEVELOPMENT ZONES (PD-R, PD-SH AND PD-TNZ)

10-7-1: YARDS UNOBSTRUCTED; EXCEPTIONS:

- A. Every part of the setback area shall be open to the sky, unobstructed except for:
- a. The ordinary projections of belt courses, eaves, chimneys, flues, cantilevered balconies, decks, ornamental features, open fire escapes, or open outside stairways which project into a setback not more than four feet (4');
 - b. A porte-cochere may extend from the main dwelling doorway and over a circular drive. The porte-cochere shall be open on three sides and no more than thirty (30) feet wide if it projects into the front setback. Each porte-cochere shall have a fifteen foot (15') or greater setback from the front property line;
 - c. City public transit shelters, with or without public restrooms, may be located within a setback area adjacent to a public street;
 - d. Carport in the side yard: A carport open on three (3) sides may be located in an interior side yard area to within one foot (1') of the side property line, subject to the following standards and restrictions:
 - a. The carport roof structure and support columns must be secured, fire rated, and built of fire-resistant materials in compliance with the international residential code and the international fire code;
 - b. Not to exceed fifteen feet (15') in height;
 - c. Have a six foot (6') tall masonry wall along the side property line adjacent to the carport;
 - d. Only one side yard area may be covered, the other side must remain open to the sky, and on corner lots, the street side yard setback must remain open to the sky;
 - e. The wall of the dwelling or any structure on the adjoining property adjacent to the carport must be a minimum of eight feet (8') from the property line; and
 - f. Comply with all other codes and ordinances.
 - e. A patio or area cover is only permitted in a rear yard and must meet the following standards:
 - a. The patio or area covered shall only be enclosed on three (3) sides or less.
 - b. No more than one-third (1/3) of the rear yard is covered.

- 1581 c. No cover shall be closer than two feet (2') to the rear and side property line.
1582
- 1583 B. Accessory Structure: A one (1) story accessory structure is limited as follows:
1584 1. Side yard:
1585
- 1586 a. The structure must be located outside of the required setbacks.
1587
1588 b. Be constructed to resemble the main structure by incorporating the same building
1589 materials, colors, roof pitch, and design.
1590
1591 c. Separated at least six feet of any structure.
1592
- 1593 Rear yard: Rear yard accessory structures are permitted if they meet the
1594 requirements found here:
1595
- 1596 a. No portion of a rear yard accessory structure shall be:
1597
1598 b. Within twenty-five feet (25') of any street, except a pool may be constructed in a
1599 street side yard;
1600
1601 c. Within six feet of any structure;
1602
1603 d. Projected across a property line;
1604
1605 e. Constructed in a manner that will divert storm water onto adjacent property;
1606
1607 f. Located over a utility easement without prior written approval from the joint utility
1608 committee and an encroachment indemnification agreement with terms
1609 acceptable to city attorney; or
1610
1611 g. Greater than twenty feet (20') in height.
1612
1613 h. A rear yard accessory structure may be located zero feet (0') from the rear and
1614 side property lines if no more than 25% of the rear yard is used for accessory
1615 structures;
1616
1617 i. Rear yard accessory structures shall not be permitted, constructed, or used prior
1618 to occupancy of the main structure.
- 1619 Structures with a roof connection that is less than twelve feet (12') in width, which
1620 does not match the materials and design of main structure, will be considered an
1621 accessory structure.
- 1622 An accessory structure smaller than 120 sq. ft., that does not require a building
1623 permit, is allowed in the side and rear yard, and no separation is required.
1624
- 1625 C. Common Area Boundaries-Yard. For limited common area that is assigned to the
1626 specific use of a designated property, the outer boundaries of such limited common area
1627 is considered the lot line of the designated property for purposes of determining
1628 exceptions to open and unobstructed yard regulations. Other common areas shall not be
1629 considered within the ownership of individual properties for the purpose of determining

the setback areas. Driveways to the garage of a pad or unit may be located in limited common area.

10-7-2: CURB, GUTTER AND SIDEWALK:

When Required: The installation of curb, gutter, sidewalk, and pavement of a type approved by the city is required on any future or existing street where such improvements are not already in existence, or where existing improvements are damaged or broken. Said installation may be required as a condition of obtaining a certificate of occupancy unless a current improvement completion assurance has been provided.

10-7-3: UTILITY REQUIREMENTS:

In all areas of the city, connection shall be made to public water, electrical and sewer facilities, unless waived by the city engineer or designee upon a demonstration of an equivalent alternative acceptable to city. All utilities shall be located underground, unless specifically approved by the city engineer or designee. All construction shall comply with state building codes and all city standards.

10-7-4: TEMPORARY BUILDINGS:

- A. Construction or sales office: A temporary, onsite construction or sales office that does not meet minimum construction standards may be approved by the city as a temporary construction or sales office during the construction of permanent facilities for the permitted duration. Such temporary approval may be made for a period up to one year. Extensions may be granted for good cause shown, for an additional six (6) months, up to a maximum of eighteen (18) months.
- B. Cargo Containers: Cargo containers may be approved by the city for temporary use by the applicant, only when a permitted use exists or is under construction, and under the following standards:
 - 1. Activities with Building Permit: For onsite use only during permitted construction or renovation, provided a building permit has been issued for construction related activities. For the purpose of permitted cargo containers, a building permit will be considered inactive after one hundred eighty (180) days after the last inspection that shows substantial progress toward completion of the project.
 - 2. Activities without Building Permit: For onsite use during moving or construction activities that do not require a permit on site for thirty (30) days. One thirty (30) day extension may be granted for good cause shown.
 - 3. Vertical stacking is prohibited.
 - 4. Cargo containers shall not be located in fire lanes, required parking spaces or landscaping.

10-7-5: SETBACKS ALONG STREETS:

- A. Lots that have the rear or side property lines adjacent to a public street or common area between property lines and public street, shall maintain the following minimum rear or side setbacks:

1. Side and rear yard setback on a street side yard shall be the same as a front yard. If a six-foot (6') masonry wall exists along a side property line, the side yard setback may be reduced to twenty feet (20'). The masonry wall along a street side yard, shall extend to the front plane of the residence, but shall not encroach on the twenty-five (25') setback from the front property line.

Double fronting lots in residential zones: Lots that have a rear property line adjacent to a public street shall maintain the following minimum rear setbacks:

- a. Double fronting rear yard setback shall be the same as a front yard. If a six-foot (6') masonry wall exists along a rear property line, the rear yard setback may be reduced to twenty feet (20').
 - b. Setbacks for double fronting lots shall be measured from the masonry wall, if any. The required landscape strip shall be on the street side of the wall.
- B. Less Than Required Front Yard Setback: In areas where the front yard setback on adjacent property is less than twenty-five feet (25'), new construction may be constructed at a distance that is halfway between the distance of the two (2) setbacks of adjacent properties. In a case where one of the adjacent setbacks is greater than twenty-five feet (25'), the setback shall be a distance that is halfway between the distance of the lesser adjacent setback and twenty five feet (25'). In no case shall the setback be less than twenty feet (20'). .

10-7-6: DESIGN CRITERIA:

A complete application for single-family occupancy must include a site plan, architectural plans and construction drawings of 1/4 scale, that show building materials, exterior elevations and floor plans of all proposed structures that meet the following criteria:

- A. HUD Standards, Construction Codes: All development must comply with the construction codes and, as applicable, the national manufactured housing construction and safety standards and ICC guidelines for manufactured housing installations, that are capable of transferring design deadloads and live loads, and other design loads unique to local home sites, due to wind, seismic, soil and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure.

- B. Perimeter footings at least twelve inches (12") below grade.

- C. For all dwellings:

1. Space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with ICC guidelines and constructed of weather resistant materials aesthetically consistent with concrete or masonry type foundation materials.

A minimum landing of thirty-six inches by thirty-six inches (36" x 36") at each exit.

All manufactured home running gear, tongues, axles and wheels must be removed and stored off-site or in a separately enclosed structure.

- D. Prohibited Exterior Materials:

1730 1. Plain concrete block, slump block, weeping mortar

1731
1732 Colored or architectural concrete block

1733
1734 Plywood siding

1735
1736 Metal siding, sheet metal

1737
1738 Untreated metal, or reflective roofing

1739
1740 E. Width of Dwelling: The width of each dwelling shall not be less than twenty feet (20') at
1741 the narrowest point of its first floor, exclusive of any garage, bay window, or
1742 appendages.

1743
1744 F. Minimum Floor Area:

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1746 1. Each dwelling located on a lot of seven thousand (7,000) square feet or less in size
1747 shall have a minimum floor area, exclusive of garages and basement, of nine
1748 hundred (900) square feet.

1749
1750 Each dwelling located on a lot greater than seven thousand (7,000) square feet in
1751 size shall have a minimum floor area, exclusive of garage and basement, of one
1752 thousand (1,000) square feet.

1753
1754 G. Any addition to the main structure, shall be constructed using the same design, finishes,
1755 materials, and colors.

1756
1757 **10-7-8: RELATED PROVISIONS:**

1758 A. OUTDOOR LIGHTING— Chapter 10-14

1759 B. PERMITTED WITH STANDARDS AND CONDITIONAL USES – Chapter 10-17

1760 C. WALLS, FENCES AND HEDGES— Chapter 10-18

1761 D. OFF STREET PARKING REQUIREMENTS— Chapter 10-19

1762 E. MOTOR VEHICLE ACCESS AND LOADING— Chapter 10-20

1763 F. LANDSCAPE STANDARDS— Chapter 10-23

1764 G. SIGNS—CHAPTER 9-13

ARTICLE A.
RESIDENTIAL ESTATE ZONES
(RE-5, RE-12.5, RE-20, RE-37.5)

10-7A-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letters “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES					
		RE-5	RE-12.5	RE-20	RE-37.5
City facility, primary		P	P	P	P
City facility accessory uses:	Accessory structure and use	P	P	P	P
Commercial agriculture or livestock business		P	P	P	P
Communication transmission facilities, primary		PS	PS	PS	PS
Lot Size Averaging				P	P
Private country club, golf course and park		P	P	P	P
Public utility facilities, primary		PS	PS	PS	PS
Public utility facilities accessory uses:	Accessory structures	P	P	P	P
Religious facility, primary		P	P	P	P
School, public or charter, primary		P	P	P	P
Single family dwelling, primary		P	P	P	P
Single family dwelling accessory uses:	Accessory structure and use	P	P	P	P
	Agriculture	P	P	P	P
	Apiaries/Beekeeping	PS	PS	PS	PS
	Barns and corrals for agriculture and livestock—at least 50 feet from any dwelling	PS			
	Barns and corrals for agriculture and livestock—at least 100 feet from any dwelling	PS	PS	PS	PS
	Child Care, In Home Babysitting	P	P	P	P
	Child Care, Family	P	P	P	P

Greenhouse, high tower or plant nurseries (no retail)	P	P	P	P
Guesthouse	PS	PS	PS	PS
Home occupation	P	P	P	P
Livestock—one animal per 12,000 sf; 2 per 20,000 sf; one additional animal for each additional 10,000 sf over 20,000 sf	P	P	P	P
Accessory Dwelling Unit	PS	PS	PS	PS
Small animals (not produced for food) up to 8 animals	P	P	P	P
Sale of homegrown eggs and produce from the residence, subject to the provisions and restrictions in the home occupation ordinance.	P	P	P	P
Urban hens and rabbits—up to 6 adult hens and 4 adult rabbits per 1,000 sf of lot area—no more than 16 animals per lot, up to 10 rabbits	P	P	P	P
Urban hen/rabbit coop, pen or cage—up to 8' tall and 200 sf—allowed only in rear yard, at least 20' from lot line (unless solid perimeter fence); required effective manure management	P	P	P	P

10-7A-2: HEIGHT REGULATIONS:

No residential dwelling shall be erected to a height less than ten feet (10') and no structure shall be greater than forty feet (40'), unless a conditional use permit is granted for a greater height.

10-7A-3: LOT AREA, WIDTH AND YARD REQUIREMENTS:

A. The minimum lot area, width, street frontage and yard requirements are as follows:

<u>District</u>	<u>Minimum lot area</u>	<u>Minimum Lot Width/Frontage</u>	Minimum Yard Setbacks		
			<u>Front and Street Side</u>	<u>Side</u>	<u>Rear</u>
RE-5	5 acres	80 feet	25 feet	10 feet	10 feet
RE-12.5	12,500 square feet	80 feet	25 feet	10 feet	10 feet
RE-20	20,000 square feet	80 feet	25 feet	10 feet	10 feet
RE-37.5	37,500 square feet	80 feet	25 feet	10 feet	10 feet

B. Lot Size Averaging:

1. Lot size averaging is an alternative to traditional minimum lot size standards and encourages a mix of lot sizes within a subdivision. The overall density of the zoning district remains approximately the same, but flexibility is provided in the mixing of lot sizes.

Standards:

a. Lot size averaging is a permitted use within the RE-20, and RE-37.5 zones.

i. Project density shall not exceed the following:

<u>District</u>	<u>Maximum Dwelling Units per Acre</u>
RE-20	2.0 du/acre
RE-37.5	1.2 du/acre

b. No lot size shall be reduced to less than sixty-five percent (65%) of the required lot size for the applicable zoning district.

c. No lot frontage (width) shall be reduced to less than eighty percent (80%) of the required lot frontage for the applicable zoning district.

d. Lot size averaging shall apply to new subdivisions, not to existing recorded plats, and not to amendments to recorded plats.

e. Open space dedications and/or trail easements shall be included in the subdivision density calculations for the purpose of complying with subsection B2a of this section.

f. Not more than half of the proposed lots within the subdivision may be less than the zone's standard lot size.

ARTICLE B.
SINGLE FAMILY RESIDENTIAL ZONES
(R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-20, R-1-40)

10-7B-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letters “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES								
		R-1-6	R-1-7	R-1-8	R-1-10	R-1-12	R-1-20	R-1-40
City facility, primary		P	P	P	P	P	P	P
City facility accessory uses:	Accessory structure and use	P	P	P	P	P	P	P
Communication transmission facilities, primary		PS	PS	PS	PS	PS	PS	PS
Lot size averaging				P	P	P	P	P
Public utility facilities, primary		PS	PS	PS	PS	PS	PS	PS
Public utility facilities accessory uses:	Accessory structures	P	P	P	P	P	P	P
Religious facility, primary		P	P	P	P	P	P	P
School, public or charter, primary		P	P	P	P	P	P	P
Single family dwelling, primary		P	P	P	P	P	P	P
Single family dwelling accessory uses:	Accessory structure and use	P	P	P	P	P	P	P
	Agriculture	P	P	P	P	P	P	P
	Apiaries/Beekeeping					PS	PS	PS
	Child Care, In Home Babysitting	P	P	P	P	P	P	P

Child Care, Family	P	P	P	P	P	P	P
Greenhouse, high tower or plant nurseries (no retail)	P	P	P	P	P	P	P
Guesthouse				PS	PS	PS	PS
Home occupation	P	P	P	P	P	P	P
Accessory Dwelling Unit			PS	PS	PS	PS	PS
Small animals (not produced for food) up to 8 animals	P	P	P	P	P	P	P
Urban hens and rabbits—up to 6 adult hens and 4 adult rabbits per 1,000 sf of lot area—no more than 16 animals per lot, up to 10 rabbits	P	P	P	P	P	P	P
Urban hen/rabbit coop, pen or cage—up to 8' tall and 200 sf—allowed only in rear yard, at least 20' from lot line (unless solid perimeter fence); required effective manure management	P	P	P	P	P	P	P

1843

1844 **10-7B-2: HEIGHT REGULATIONS:**

1845 No residential dwelling shall be erected to a height less than ten feet (10') and no structure shall
 1846 be greater than forty feet (40'), unless a conditional use permit is granted for a greater height.

1847

1848 **10-7B-3: LOT AREA, WIDTH, YARD REQUIREMENTS:**

1849 A. The minimum lot area, width, yard and landscaping requirements in each zone below
 1850 are as follows:

<u>District</u>	<u>Lot Area Minimum In Square Feet</u>	<u>Minimum Lot Width/Frontage</u>	<u>Minimum Yard Setbacks</u>		
			<u>Front and Street Side</u>	<u>Side</u>	<u>Rear</u>
R-1-6	6,000	70 ft.	20 ft.	6 ft. where public utility easement	10 ft.

				doesn't exist 8 ft. if public utility easement exists	
R-1-7	7,000	70 ft. or 65 ft. in the central city residential area.	25 ft.	6 ft. where public utility easement doesn't exist 8 ft. if public utility easement exists	10 ft.
R-1-8:	8,000	70 ft. or 65 ft. in the central city residential area.	25 ft.	8 ft..	10 ft.
Lot size averaging:	Not less than a 80% reduction	Not less than a 65 ft.			
R-1-8 Exceptions:					
R-1-10	10,000	80 ft.	25 ft.	8 ft.	10 ft.
Lot size averaging:	Not less than a 70% reduction	Not less than a 70% reduction			
R-1-12	12,000	90 ft.	25 ft.	8 ft.	10 ft.
Lot size averaging:	Not less than a 70% reduction	Not less than a 70% reduction			
R-1-20	20,000	100 ft.	25 ft.	8 ft.	10 ft.
Lot size averaging:	Not less than a 70% reduction	Not less than a 70% reduction			
R-1-40	40,000	200 ft.	25 ft.	8 ft.	10 ft.
Lot size averaging:	Not less than a 70% reduction	Not less than a 70% reduction			

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1852

B. Lot Size Averaging:

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1. Lot size averaging is an alternative to traditional minimum lot size standards and encourages a mix of lot sizes within a subdivision. The overall density of the zoning district remains approximately the same, but flexibility is provided in the mixing of lot sizes.

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2. Standards:

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- a. Lot size averaging is a permitted use within the R-1-8, R-1-10, R-1-12, R-1-20 and R-1-40 zones.

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- i. Project density shall not exceed the following:

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<u>District</u>	<u>Maximum Dwelling Units per Acre</u>
R-1-8	3.7 du/acre
R-1-10	3.2 du/acre
R-1-12	2.8 du/acre
R-1-20	1.8 du/acre
R-1-40	1.0 du/acre

- b. Lot size averaging shall apply to new subdivisions, and not to existing recorded plats, nor to amendments to recorded plats.
- c. Open space dedications and/or trail easements shall be included in the subdivision density calculations for the purpose of complying with subsection B1a of this section.
- d. Not more than half of the proposed lots within the subdivision may be less than the zone's standard lot size.

ARTICLE C.
MULTIPLE FAMILY RESIDENTIAL ZONES
(R-2, R-3, R-4)

10-7C-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letter “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES				
		R-2	R-3	R-4
City facility, primary		P	P	P
City facility accessory uses:	Accessory structure and use	P	P	P
Communication transmission facilities, primary		PS	PS	PS
Multiple family up to 12 dwelling units		P	P	P
Multiple family over 20 dwelling units or 12 du/ac		C	C	C
Public utility facilities, primary		PS	PS	PS
Public utility facilities accessory uses:	Accessory structures	P	P	P
Religious facility, primary		P	P	P
School, public or charter, primary		P	P	P
Two and single family dwelling, primary		P	P	P
Two and single family dwelling accessory uses:	Accessory structure and use	P	P	P
	Agriculture	P	P	P
	Child Care, In Home Babysitting	P	P	P
	Child Care, Family	P	P	P
	Greenhouse, high tower or plant nurseries (no retail)	P	P	P
	Guesthouse	PS	PS	PS
	Home occupation	P	P	P
	Small animals (not produced for food) up to 2 animals	P	P	P

10-7C-2: HEIGHT REGULATIONS:

No residential dwelling shall be erected to a height less than ten feet (10') and no structure shall be greater than forty feet (40').

10-7C-3: DENSITY REGULATIONS:

- A. The minimum lot size for any single-family dwelling or the first unit of each multifamily dwelling is six thousand (6000) square feet.
- B. The minimum lot size for any two-family dwelling shall be eight thousand (8000) square feet.
- C. Additional multiple-family units may be added to a multiple family structure according to the following schedule (in square feet):

<u>Units</u>	R-2	R-3	R-4
1st unit	6,000	6,000	6,000
2nd unit	2,000	2,000	2,000
3rd and 4th units		2,700/unit	2,000/unit
Additional units		3,200/unit	1,700/unit

- D. In the R-2 zone, no multiple family dwelling shall contain more than two (2) dwelling units per building.
- E. Land outside the multiple family units shall be designated as common or limited common area, and one owner, or a property owners' association, shall be established to own and maintain the common areas.
- F. Any fractional amount of square footage left over in calculating density may not be considered toward an additional dwelling unit unless the full required amount of land is available.

10-7C-4: AREA, WIDTH AND YARD REQUIREMENTS:

The minimum area, width and yard requirements are as follows:

<u>Zone/Unit type</u>	<u>Area Minimum In Square Feet</u>	<u>Minimum Lot Frontage</u>	<u>Required landscaping</u>	<u>Minimum Yard Setbacks</u>		
				<u>Front and Street Side</u>	<u>Side</u>	<u>Rear</u>
R-2	6,000 and 2,000 for each additional unit	65 feet	30% lot area 50% front yard	25 feet	8 feet	10 feet
R-2 MF subdivided	4,000 per unit	30 feet per unit	30% lot area 50% front yard	25 foot	8 feet (excluding common wall)	10 feet
R-3 MF	6,000 per unit	70 feet	30% lot area 50% front yard	25 feet	20 feet Min 25 feet from SF	20 feet Min 25 feet from SF

R-4 MF	6,000 per unit	70 feet	30% lot area 50% front yard	25 feet	20 feet Min 25 feet from SF	20 feet Min 25 feet from SF
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10-7C-5: MINIMUM REQUIRED BUILDING SEPARATION:

Building separation for detached units and multiple family dwellings:	Side	Rear
Where there is common area, or limited common area, between structures and no fence or retaining wall over 3 feet:	10 ft. if height is less than 20'; 20' if height is 20' or greater	10 ft. if height is less than 19 ft; 40' if height is 20' or greater
Where there is common area, or limited common area, between structures and a fence or retaining wall over 3 feet:	16 ft. if height is less than 35'; 20' if height exceeds 35'	16 ft. if height is less than 20'; 20' if height is greater than 20'
Building separation for detached single-family projects, may be reduced to 3 feet if the following standards are met: there is common or limited common area between structures; structures shall be built in accordance to the provisions of the current International Residential Building Code; no fence and no retaining wall exists between units or building offsets; and the reduced separation is approved during the zone change		

- A. Multiple family dwellings eighteen (18') feet or more above grade in height, and adjacent to a single-family use, shall maintain a twenty-five-foot (25') setback adjacent to the single-family use boundary, and a twenty foot (20') setback adjacent to other residential uses, including the same use and a PD planned development residential zone. If adjacent land is vacant, the use will be considered that of the intended use dictated by the zoning and comply with the above setback standards.
- B. Rear yard fences that do not block fire access may be allowed with the approval of the building and fire departments.

10-7C-6: LANDSCAPED AREA AND AMENITY REQUIREMENTS:

- A. At a minimum, all developments with five (5) or more units shall provide usable recreation or playground areas in a central location as follows:
 1. One thousand (1,000) square feet for the first five (5) units;

An additional two hundred (200) square feet for each unit over five (5) units;

The average width and length of each usable recreation or playground area shall not be less than twenty feet (20'); and

All of the required area shall be usable common space accessible to the entire community.

- B. The number of amenities required depends on the size of the development. All amenities shall be approved by the land use authority in accordance with the following:

Units	Amenities
0-4	0
5-50	1
51-100	2
101-200	3
201-300	4
Add 1 amenity for each 50 additional units or fraction thereof.	

- C. The type of amenities required depends on the nature, size, and density of the development. If multiple amenities are required, the type shall vary. All amenities shall be approved by the land use authority in accordance with the following:

1. All required amenities shall be fully constructed, prior to construction of fifty percent (50%) of the total project units, or in accordance with an executed development agreement with terms acceptable to city.

In addition to amenities, a minimum of thirty percent (30%) of the lot area shall be maintained in landscaped area, and at least fifty percent (50%) of the front setback area shall be maintained as landscaped area.

- D. Table of Amenities:

Recreation and Enrichment Amenities
Pool - at least 400 square feet Internal Health or Fitness Facilities Secured, programmed, children's play areas In-ground Hot Tub Community Garden Perimeter Trail Sport Court Indoor, Keyed, Bicycle Storage for Units Community Library, Office, or Meeting Facilities Exterior Social Area - at least 400 square feet

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10-7C-7: ACCESS TO MULTIPLE FAMILY:

A multiple family development with a density of twelve (12) dwelling units per acre or more shall have two separate accesses for ingress and egress via collector, or arterial roads, or via a local access road (50-foot minimum right-of-way).

10-7C-8: MISCELLANEOUS:

- A. Twin Homes: Each unit of a twin home may be platted and sold separately, provided the units are attached and meet the building code requirements for separate ownership and each resulting lot area has a minimum of four thousand (4,000) square feet and a minimum of thirty feet (30') of frontage on a public road. Each unit shall have its own water and power meters and separate sewer lateral.
- B. Guest Parking: For housing projects with a density of six (6) dwelling units per acre or more there shall be provided guest parking spaces in the amount of one guest parking space per three (3) dwelling units. The guest parking spaces shall be located on premises and within two hundred feet (200') of the dwelling unit it is intended to serve.

ARTICLE D.

MOBILE HOME ZONES

(MH-6, MH-8, MH-10, MH-12, MH-20, MH-40)

10-7D-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letter “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

		ALL
City facility, primary		PS
City facility accessory uses:	Accessory structure and use	P
Communication transmission facilities, primary		PS
Mobile home, primary		P
Mobile home accessory uses:	Accessory structure and use	P
	Agriculture	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Home occupation	P
	Small animals (not produced for food) up to 2 animals	P
Public utility facilities, primary		P
Public utility facilities accessory uses:	Accessory structures	P
Religious facility, primary		P
School, public or charter, primary		P
Single family dwelling, primary		P
Single family dwelling accessory uses:	Accessory structure and use	P
	Agriculture	p
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Home occupation	P
	Small animals (not produced for food) up to 8 animals	
Single family dwelling, one story in existing recreation vehicle subdivision lot		P
Single family	Accessory structure and use	P

dwelling accessory uses:	Agriculture	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Home occupation	P
	Small animals (not produced for food) up to 2 animals	P

2026

2027 **10-7D-2: HEIGHT REGULATIONS:**

2028 No building shall be erected to a height less than ten feet (10') and no structure shall be greater
2029 than thirty-five feet (35').

2030

2031 **10-7D-3: AREA, WIDTH AND YARD REQUIREMENTS:**

2032 The minimum lot area, width and yard requirements are as follows:

District	Area Minimum per unit In Square Feet/ minimum subdivision size	Minimum Lot Width	Minimum Yard Setbacks		
			Front and street side	Side	Rear
MH-6	6,000/ 5 acres	60 ft .	20 ft.	8 ft.	10 ft.
MH-8	8,000/ 5 acres	70 ft .	25 ft.	8 ft.	10 ft.
MH-10	10,000/ 5 acres	80 ft .	25 ft.	8 ft.	10 ft.
MH-12	12,000/ 5 acres	90 ft .	25 ft.	8 ft.	10 ft.
MH-20	20,000/ 5 acres	100 ft .	25 ft.	8 ft.	10 ft.
MH-40	40,000/ 5 acres	200 ft .	25 ft.	8 ft.	10 ft.
Single family dwelling, existing recreation vehicle subdivision lots			10 ft. for private streets and 25 ft. for public streets	5 ft. interior lot line and 10 ft. adjacent to an exterior lot line.	5 ft. interior lot line and 10 ft. adjacent to an exterior lot line.

2033

2034 **10-7D-4: DESIGN CRITERIA:**

2035 A complete application for single-family occupancy must include a site plan, architectural plans,
2036 and construction drawings of 1/4 scale, which show building materials, exterior elevations and
2037 floor plans of all proposed structures that meet the following criteria:

2038

2039 A. HUD Standards, Construction Codes: All development must comply with the
2040 construction codes and, as applicable, the national manufactured housing construction
2041 and safety standards and ICC guidelines for manufactured housing installations, that are
2042 capable of transferring design deadloads and live loads, and other design loads unique
2043 to local home sites, due to wind, seismic, soil and water conditions, that are imposed by
2044 or upon the structure into the underlying soil or bedrock without failure.

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2046 B. Perimeter footings at least twelve inches (12") below grade.

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2048 C. For all dwellings:

2049

1. Space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with ICC guidelines and constructed of weather resistant materials aesthetically consistent with concrete or masonry type foundation materials.
 2. A minimum landing of thirty-six inches by thirty-six inches (36" x 36") at each exit.
 3. All manufactured home running gear, tongues, axles and wheels must be removed and stored off-site or in a separately enclosed structure.
- D. Exterior Materials: Each dwelling shall have exterior materials of wood, hardwood, brick, concrete, stucco, glass, metal lap, vinyl lap, tile or stone.
- E. Width of Dwelling: The width of each dwelling shall not be less than twenty feet (20') at the narrowest point of its first floor, exclusive of any garage, bay window, or appendages.
- F. Minimum Floor Area:
1. Each dwelling located on a lot of seven thousand (7,000) square feet or less in size shall have a minimum floor area, exclusive of garages and basement, of nine hundred (900) square feet.
- Each dwelling located on a lot greater than seven thousand (7,000) square feet in size shall have a minimum floor area, exclusive of garage and basement, of one thousand (1,000) square feet.

10-7D-5: LANDSCAPED AREA AND AMENITY REQUIREMENTS

- A. At a minimum, all developments with five (5) or more units shall provide usable recreation or playground areas in a central location as follows:
1. One thousand (1,000) square feet for the first five (5) units;
- An additional two hundred (200) square feet for each unit over five (5) units;
- The average width and length of each usable recreation or playground area shall not be less than twenty feet (20'); and
- All of the required area shall be usable common space accessible to the entire community.
- B. The number of amenities required depends on the size of the development. All amenities shall be approved by the land use authority in accordance with the following:

Units	Amenities
0-4	0
5-50	1

2093	51-100	2
2094		
2095	101-200	3
2096		
2097	201-300	4
2098		
2099	For projects in excess of 300 units, add 1	
2100	amenity for each 100 additional units or fraction	
2101	thereof.	
2102		
2103		
2104		

C. The type of amenities required depends on the nature, size, and density of the development. If multiple amenities are required, the type shall vary. All amenities shall be approved by the land use authority in accordance with the following:

1. All required amenities shall be fully constructed, prior to construction of fifty percent (50%) of the total project units, or in accordance with an executed development agreement with terms acceptable to city.
2. In addition to amenities, a minimum of thirty percent (30%) of the lot area shall be maintained in landscaped area, and at least fifty percent (50%) of the front setback area shall be maintained as landscaped area.

D. Table of Amenities:

Recreation and Enrichment Amenities	
Pool - at least 400 square feet	
Internal Health or Fitness Facilities	
Secured, programmed, children's play areas	
In-ground Hot Tub	
Community Garden	
Perimeter Trail	
Sport Court	
Indoor, Keyed, Bicycle Storage for Units	
Community Library, Office, or Meeting Facilities	
Exterior Social Area - at least 400 square feet	

ARTICLE E. RESIDENTIAL CENTRAL CITY ZONE (RCC)

The following provisions apply to the RCC zone. Additionally, all RCC zone provisions also apply to the R-1-C zone:

10-7E-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letter “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES		
City facility, primary		P
City facility accessory uses:	Accessory structure and use	P
Communication transmission facilities, primary		PS
Public utility facilities, primary		PS
Religious facility, primary		P
School, public or charter, primary		P
Single family dwelling, primary		P
Single family dwelling accessory uses:	Accessory structure and use	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Guesthouse	PS
	Home occupation	P
	Accessory Dwelling Unit	PS
	Small animals (not produced for food) up to 8 animals	P
	Urban hens and rabbits—up to 6 adult hens and 4 adult rabbits per 1,000 sf of lot area—no more than 16 animals per lot, up to 10 rabbits	P
	Urban hen/rabbit coop, pen or cage—up to 8’ tall and 200 sf—allowed only in rear yard, at least 20’ from lot line (unless solid perimeter fence); required effective manure management	P

10-7E-2: DEVELOPMENT STANDARDS:

- A. All dwellings/dwelling units shall front on a public street.

B. All streets within the RCC zone shall comply with St. George Standard Specifications for Design and Construction, and be:

1. a public street, or

a RCC Modified Street, with a minimum width of twenty seven feet (27') of pavement along the entire depth of the property, with the additional following reduced standards:

a. twenty feet (20') of pavement is required along the street side yard of an existing house;

b. HB30-7 curb and gutters on each side (5-foot total);

c. four foot (4') wide sidewalk on both sides of the street;

d. only one four foot (4') wide sidewalk is required if the new dwellings front only on one side of the RCC Modified Street. Sidewalk shall be located on the new dwelling side of the street;

e. if new modified street is adjacent to existing side or rear lots, a 6' solid block wall is required along the existing lots. The wall shall not be located in the required front yard setback of existing lots;

f. six foot (6') solid fencing on a street side yard shall not be located in the required setback. However, a six foot (6') decorative fence, such as a picket fence or a wrought iron fence with at least fifty percent (50%) of the fence open (up to 50 percent may be solid, or non-see through) shall be allowed in the required street side yard setback.

C. All alleys shall comply with St. George Standard Specifications for Design and Construction and be a minimum of twenty-feet (20') wide which serves garages in the rear yards of lots with dwellings that front on a public street.

D. Legally existing multiple family dwelling units may be replaced with the same or lesser number of units, provided such replacement meets all multiple family code requirements in Chapter 7C, and meets all Architectural Design Standards contained in this chapter. The replacement units shall obtain a building permit within twelve (12) months of abandonment, vacancy, discontinuation of use, or demolition of the nonconforming units, whichever is sooner. If a building permit is not obtained, all Residential Central City zone standards for new construction control.

E. All new subdivision and development within the RCC zone shall comply with the following minimum standards and the Architectural Design Standards:

Minimum lot area	5000 square feet
Minimum lot width/frontage	40 feet

Front yard(s)	15 feet from back of sidewalk; Garage setback shall be a minimum of 25 feet from property line.
Exception:	Elevated Open Front Porch, only up to 5' in the setback
Rear yard	10 feet
Exception	Detached garage is allowed in the rear yard; if garage is accessed by an alley, a 5-foot setback is required from the alley.
Side yard	8 feet (5 feet provided no easements or public utilities are located in the side yard.)
Exceptions:	Structures with existing nonconforming setbacks, may expand the existing structure and maintain the same setback.
Street side yard, existing dwelling	5 feet from back of sidewalk, if the side yard is adjacent to a RCC Modified Street
Street side yard	15 feet from back of sidewalk; Garage setback shall be a minimum of 25 feet from property line.
Exceptions:	Elevated Open Front Porch, only up to 5' in the setback

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10-7E-3: ARCHITECTURAL DESIGN STANDARDS:

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Architectural design standards apply to all new dwellings and development:

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2201

A. Height: Minimum above grade height is 13' and maximum above grade height is 35'.

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2203

B. Elevated Open Front Porches: A covered front porch is required which extends at least one-half (1/2) the width of the ground level building frontage and elevated at least 18" above sidewalk grade with a minimum depth of eight feet (8').

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C. Prohibited Exterior Materials:

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1. Plain concrete block, slump block, weeping mortar

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Plastic or vinyl siding

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Colored or architectural concrete block

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Plywood siding

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Aluminum siding,

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Untreated metal, or reflective roofing

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D. Columns: If columns are included in the design, the columns must be 8 inches in diameter minimum.

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- E. Garage: Garage shall not protrude from the façade and shall not exceed fifty percent (50%) of the length of the building’s public street façade.
- F. Prohibited architectural styles:
 - 1. A-frame structures
 - 2. Geodesic dome structures
 - 3. Quonset style
 - 4. Yurts
- G. Prohibited predominant roof styles:
 - a. Geodesic domes
 - b. Conical roofs
 - c. Onion dome roofs
 - d. Mansard

ARTICLE F
PLANNED DEVELOPMENT RESIDENTIAL ZONE
(PD-R)

10-7F-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone only if approved as part of the zone change.
- B. Uses indicated by the letter “PS” are permitted uses with required standards, only if approved as part of the zone change.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES		
		PD-R
City facility, primary		P
City facility accessory uses:	Accessory structure and use	P
Communication transmission facilities, primary		PS
Multiple-family dwelling, primary		P
Multiple-family dwelling accessory uses:	Accessory structure and use	P
	Agriculture	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Home occupation	P
Small animals (not produced for food) up to 8 animals		P
Public utility facilities, primary		PS
Public utility facilities accessory uses:	Accessory structures	P
Religious facility, primary		P
School, public or charter, primary		P
Single family dwelling, primary		P
Single family dwelling accessory uses:	Accessory structure and use	P
	Agriculture	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Guesthouse	PS
Home occupation		P

	Small animals (not produced for food) up to 8 animals	P
	Accessory Dwelling Unit (minimum lot size 8,000 sq ft)	PS
Townhouse and condominiums		P
Townhouse and condominiums accessory uses:	Accessory structure and use	P
	Agriculture	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Home occupation	P
	Small animals (not produced for food) up to 8 animals	P

10-7F-2: GENERAL REQUIREMENTS:

- A. Application requirements: Each application submitted pursuant to this chapter shall include the following:
1. Documents Required: All requests shall be accompanied by a colored site development plan, materials, and a written text for the entire property proposed to be developed.
 2. Description of the Proposed Use of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
 3. Height and Elevations: The type, character and proposed height of all buildings.
 4. Density: The proposed density in terms of dwelling units per gross acre of land and proposed floor area of non-residential uses per acre.
 5. Schools, Churches and Open Spaces: The location and boundaries of any proposed school site, church, park or other common or open spaces.
 6. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases.
 7. Topography: Topography at contour intervals of two feet (2').
 8. Landscape Plan: A landscape plan showing the general location of lawn area and trees (this may be a part of the site or plot plan).
 9. Area Reserved for Landscaping: The location and amount of land area reserved for landscaping.
 10. Utilities: Demonstration that all utilities are underground and transformer equipment is screened from streets and from adjacent properties.
 11. Refuse Storage Areas: Refuse storage areas screened so that materials stored within these areas is not visible from access streets, freeways and adjacent properties.

2302 12. Lighting Plan: A general lighting plan indicating location and luminosity of lights to be
2303 installed on the site.
2304

2305 13. Turning Space: Safe and convenient turning space for cars, sewer vehicles, refuse
2306 collection vehicles, firefighting equipment, etc., at the end of private drives and dead-
2307 end streets.
2308

2309 14. Signs: All signs shall be submitted and approved as part of the PD approval.
2310

2311 B. Signs and Advertising: The requirements of the sign ordinance set forth in Title 9,
2312 Chapter 13 of this code apply, unless a variation is specifically approved, and shall not
2313 exceed the following:
2314

2315 1. Freestanding signs: freestanding signs shall be monuments and limited to seventy-
2316 five (75) square feet. Monument signs shall be limited to ten (10) feet in height.
2317 Only one sign per street frontage is permitted.
2318

2319 2. Wall signs: One wall sign on a multiply family project limited to one hundred and
2320 twenty (120) square feet.
2321

2322 C. Time Limitation: Building permits for construction within planned development zones
2323 must be obtained within thirty-six (36) months of the approval of a zone change to
2324 planned development. If thirty-six (36) months elapse without the issuance of building
2325 permits for the construction of the approved plans within the planned development zone,
2326 the zone shall automatically revert back to the previous zone before the zone change to
2327 planned development was approved.
2328

2329 **10-7F-3: PRELIMINARY PLAT:**

2330 For all Planned Development projects that are proposed to be subdivided, applicant may
2331 prepare and submit a preliminary plat at the same time as the zone change application for the
2332 planned development. In order to be considered for concurrent review, the application must
2333 contain all preliminary plat requirements set forth in Chapter 25 of this code, as amended.
2334

2335 **10-7F-4: PD-R PLANNED RESIDENTIAL DEVELOPMENT STANDARDS:**

2336 A. MINIMUM ZONE REQUIREMENTS: Each planned residential development zone
2337 application shall include a minimum of fifteen thousand (15,000) square feet and four (4)
2338 dwelling units.
2339

2340 B. MAXIMUM DENSITY: The maximum density is 22 dwelling units per acre, and the
2341 general plan land use map.
2342

2343 C. HEIGHT REGULATIONS: No residential dwelling shall be erected to a height less than
2344 ten feet (10'), and no structure shall be greater than forty feet (40').
2345

2346 D. AREA, COVERAGE, DENSITY, YARD, COMMON AREA and LANDSCAPING
2347 REQUIREMENTS: The minimum lot area, maximum density, maximum lot coverage,
2348 yard and common open space/landscaping requirements are as follows:
2349

Maximum Density/ Lot Size	Maximum Lot Coverage	Minimum Area Landscaped Area	Minimum Yard Setbacks		
			<u>Front and Street Side</u>	<u>Side</u>	<u>Rear</u>
As approved by city council with recommendation from the planning commission and not to exceed 22 DUA, and the general plan land use map limits. The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) five thousand (5,000) square feet.	50%	30%	15 ft. 20 ft for a garage or carport.	Adjacent to Single Family zone: 30' Otherwise: 10 ft. if height is less than 20'; 20' if height is 20' or greater On a separate lot: 8'	Adjacent to Single Family zone: thirty feet (30') Adjacent to a street: (20') with a six foot (6') privacy wall along street right of way. Otherwise: 10 ft. if height is less than 20'; 20' if height is 20' or greater On a separate lot: 8'
Building separation for detached single-family projects, where common or limited common area between structures; structures shall be built in accordance to the provisions of the current International Residential Building Code; no fence and no retaining wall exists between units or building offsets; and the reduced separation is approved during the zone change.	50%	30%	3'	Adjacent to Single Family zone: 30' Otherwise: 10 ft. if height is less than 20'; 20' if height is 20' or greater On a separate lot: 8'	Adjacent to Single Family zone: 30' Otherwise: 10 ft. if height is less than 20'; 20' if height is 20' or greater On a separate lot: 8'

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10-7F-5: LANDSCAPED AREA AND AMENITY REQUIREMENTS

2352

- A. At a minimum, all developments with five (5) or more units shall provide usable recreation or playground areas in a central location as follows:

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2355

1. One thousand (1,000) square feet for the first five (5) units;

2356

- B. An additional two hundred (200) square feet for each unit over five (5) units;
- C. The average width and length of each usable recreation or playground area shall not be less than twenty feet (20'); and
- D. All of the required area shall be usable common space accessible to the entire community.
- E. The number of amenities required depends on the size of the development. All amenities shall be approved by the land use authority in accordance with the following:

Units	Amenities
0-4	0
5-50	1
51-100	2
101-200	3
201-300	4
For projects in excess of 300 units, add 1 amenity for each 100 additional units or fraction thereof.	

- F. The type of amenities required depends on the nature, size, and density of the development. If multiple amenities are required, the type shall vary. All amenities shall be approved by the land use authority in accordance with the following:
1. All required amenities shall be fully constructed, prior to construction of fifty percent (50%) of the total project units, or in accordance with an executed development agreement with terms acceptable to city.
- G. In addition to amenities, a minimum of thirty percent (30%) of the lot area shall be maintained in landscaped area, and at least fifty percent (50%) of the front setback area shall be maintained as landscaped area.
- H. Table of Amenities:

Recreation and Enrichment Amenities
--

Pool - at least 400 square feet
Internal Health or Fitness Facilities
Secured, programmed, children's play areas
In-ground Hot Tub
Community Garden
Perimeter Trail
Sport Court
Indoor, Keyed Bicycle Storage for Units
Community Library, Office, or Meeting Facilities
Exterior Social Area – at least 400 square feet

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ARTICLE G
PLANNED DEVELOPMENT – STUDENT HOUSING ZONE
(PD-SH)

The planned development student housing (PD-SH) provisions apply only to projects located within the “student pedestrian emphasis area” as defined in this Title, to provide housing for Dixie State University students.

10-7G-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone only if approved as part of the zone change.
- B. Uses indicated by the letter “PS” are permitted uses with required standards, only if approved as part of the zone change.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES		
		PD-SH
City facility, primary		P
City facility accessory uses:	Accessory structure and use	P
Communication transmission facilities, primary		PS
Multiple-family dwelling, primary		P
Multiple-family dwelling accessory uses:	Accessory structure and use	P
	Agriculture	P
	Home occupation	P
Public utility facilities, primary		PS
Public utility facilities accessory uses:	Accessory structures	P
Religious facility, primary		P
School, public or charter, primary		P
Single family dwelling, primary		P
Single family dwelling accessory uses:	Accessory structure and use	P
	Agriculture	P
	Child Care, In Home Babysitting	P

	Child Care, Family	P
	Guesthouse	PS
	Home occupation	P
	Small animals (not produced for food) up to 8 animals	P
Townhouse and condominiums		P
Townhouse and condominiums accessory uses:	Accessory structure and use	P
	Agriculture	P
	Child Care, In Home Babysitting	P
	Child Care, Family	P
	Home occupation	P
	Small animals (not produced for food) up to 2 animals	P

10-7G-2: GENERAL REQUIREMENTS:

- A. Application requirements: Each application submitted pursuant to this chapter shall include the following:
1. Documents Required: All requests shall be accompanied by a colored site development plan, materials, and a written text for the entire property proposed to be developed.
 2. Description of the Proposed Use of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
- Height and Elevations: The type, character and proposed height of all buildings.
- Density: The proposed density in terms of dwelling units per gross acre of land and proposed floor area of residential and non-residential uses per acre.
- Common Spaces: The location and boundaries of any proposed common, open, recreation, or amenity areas.
- Phasing Plan: A phasing plan, if the development is proposed to be developed in phases.
- Topography: Topography at contour intervals of two feet (2').
- Landscape Plan: A landscape plan showing the general location of lawn area and trees (this may be a part of the site or plot plan).
- Area Reserved for Landscaping: The location and amount of land area reserved for landscaping.
- Utilities: Demonstration that all utilities are underground and transformer equipment is screened from streets and from adjacent properties.

Refuse Storage Areas: Refuse storage areas screened so that materials stored within these areas is not visible from access streets, freeways and adjacent properties.

Lighting Plan: A general lighting plan indicating location and luminosity of lights to be installed on the site.

Turning Space: Safe and convenient turning space for cars, sewer vehicles, refuse collection vehicles, firefighting equipment, etc.

Signs: All signs shall be submitted and approved as part of the PD approval.

B. Signs and Advertising: The requirements of the sign ordinance set forth in title 9, chapter 13 of this code apply, unless a variation is specifically approved, and shall not exceed the following:

1. Freestanding signs: freestanding signs shall be monuments and limited to seventy-two (72) square feet. Monument signs shall be limited to ten (10) feet in height. One sign per street frontage.
2. Wall signs: One wall sign on a multiply family project limited to one hundred and twenty (120) square feet.

C. Time Limitation: Building permits for construction within planned development student housing zones must be obtained within thirty-six (36) months of the approval of a zone change to planned development. If thirty-six (36) months elapse without the issuance of building permits for the construction of the approved plans within the planned development zone, the zone shall automatically revert back to the previous zone before the zone change to planned development was approved.

10-7G-3: PRELIMINARY PLAT:

For all Planned Development Student Housing projects that are proposed to be subdivided, applicant may prepare and submit a preliminary plat at the same time as the zone change application for the planned development. In order to be considered for concurrent review, the application must contain all preliminary plat requirements set forth in Chapter 25 of this code, as amended.

10-7G-4: PD-SH STUDENT HOUSING DEVELOPMENT STANDARDS:

- A. MINIMUM ZONE REQUIREMENTS: Each planned student housing development zone application shall contain a minimum of one acre within the student pedestrian emphasis area.
- B. HEIGHT REGULATIONS: No residential dwelling shall be erected to a height less than ten feet (10') and no structure shall be greater than fifty-five feet (55') or up to seventy feet (70') upon demonstration of architectural merit and specifically approved by city council.

2505 C. AREA, COVERAGE, DENSITY, YARD, COMMON AREA and LANDSCAPING
 2506 REQUIREMENTS: The minimum lot area, maximum density, maximum lot coverage,
 2507 yard and common open space/landscaping requirements are as follows:

<u>Lot Area Minimum/ Maximum Density</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Landscaped Area</u>	<u>Minimum Yard Setbacks</u>		
			<u>Front and Street Side</u>	<u>Side</u>	<u>Rear</u>
One acre/ 40 Dwelling units/acre	50%	20%	25 ft. from public street	Adjacent to Single Family zone: 20' setback, if greater than 20' in height. Otherwise: On a common parcel: 10 ft.	Adjacent to Single Family zone: 20' setback, if greater than 20' in height. Otherwise: On a common parcel: 10 ft.

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 2509 D. LANDSCAPE AREA AND AMENITY REQUIREMENTS: At a minimum, all developments
 2510 shall provide usable amenity areas in a central location:

- 2511 1. Student housing projects shall provide usable amenity and recreation area outside
- 2512 the front setback, with a total minimum area of one hundred (100) square feet for
- 2513 each unit. Fifty percent (50%) of the required area may be in the form of interior
- 2514 recreation facilities;
- 2515
- 2516 2. The average width and length of each usable recreation area shall not be less than
- 2517 twenty feet (20'); and
- 2518
- 2519 3. All of the required area shall be usable common space accessible to the entire
- 2520 community.
- 2521
- 2522 4. The number of amenities required depends on the size of the development, and shall
- 2523 be approved by the land use authority in accordance with the following:
- 2524
- 2525
- 2526

Units	Amenities
0-50	1
51-100	2
101-200	3
201-300	4
For projects in excess of 300 units, add 1 amenity for each 100 additional units or fraction thereof.	

2537

5. The type of amenities required depends on the nature, size, and density of the development. If multiple amenities are required, the type shall vary. All amenities shall be approved by the land use authority in accordance with the following:

a. All required amenities shall be fully constructed in the first phase of the project, in accordance with an approved PD phasing plan, or in accordance with an executed development agreement with terms acceptable to city. In every case, all required amenities shall be fully constructed before fifty percent (50%) of the total project units are constructed.

b. In addition to the amenity and recreation requirement, a minimum of thirty percent (30%) of the lot area shall be maintained in open green space or landscaped area, and at least fifty percent (50%) of the front setback area shall be maintained as landscaped area.

c. Table of Amenities:

Recreation and Enrichment Amenities	
Pool - at least 400 square feet	
Internal Health or Fitness Facilities	
Secured, programmed, children's play areas	
In-ground Hot Tub	
Community Garden	
Perimeter Trail	
Sport Court	
Indoor, Keyed, Bicycle Storage for Units	
Community Library, Office, or Meeting Facilities	
Exterior Social Area – at least 400 square feet	

E. STANDARDS: The standards set forth in section 10-XX, of this chapter, shall also apply unless otherwise provided in this section.

F. DESIGN STANDARDS: Building facades shall have architectural variations such as:

1. Contrasting building materials and textures.
2. Variations in rooflines, colors, reveals and belt courses.
3. Recessed windows and doors, strongly-expressed window mullions, and awnings.
4. Varying building setbacks from property lines and alcoves, outdoor sitting areas, and small public plazas.
5. Corner towers, cupolas, corner clock towers, corner spires, balconies and colonnades.
6. Buildings located on street corners shall have the front facade wrap around the corner to the full depth of the building.

- 2588 G. NUMBER OF STUDENTS/ENFORCEMENT: A minimum of seventy five percent (75%)
2589 of the occupants must be enrolled in Dixie State University as qualifying students. The
2590 property owner shall enter into an agreement with the city in which the property owner
2591 acknowledges its responsibility to ensure and monitor compliance for qualified student
2592 occupancy. The property owner is responsible for entering into an agreement with the
2593 tenant that allows verification and compliance with this section, including waiving any
2594 FERPA restrictions for verification purposes. Monitoring requires the property owner to
2595 obtain verifiable information from Dixie State University, with evidence that seventy five
2596 percent (75%) of the property occupants are qualifying students. The property owner
2597 must provide a semiannual (spring and fall) report to the city indicating the number and
2598 percentage of tenants who are qualifying students at the university. Reporting must be
2599 submitted to the city no later than thirty (30) days after the commencement of the
2600 associated reporting semester. In addition to those penalties provided in section 10-1-
2601 14 of this title, if the property owner fails to meet the minimum student occupant
2602 requirement for one semiannual report, quarterly reports will be required. If the property
2603 owner fails to meet the minimum student occupant requirement at the next quarterly
2604 report, such failure will result in a fifty percent (50%) reduction in unit occupancy
2605 effective at the following quarterly report. Thereafter, if the property owner can show four
2606 (4) consecutive quarterly reports with evidence that seventy five percent (75%) of
2607 property occupants are qualifying students, the fifty percent (50%) reduction in unit
2608 occupancy will be lifted, and semiannual reporting will be reinstated. It is the duty of the
2609 property owner to market and lease to, and maintain the required percentage of,
2610 qualified student occupants.
2611
- 2612 H. Commercial: Commercial may be considered during the PD-SH approval on the ground
2613 floor, and no minimum or maximum commercial is required in accordance with title 10,
2614 chapter XXXX; it must comply with all other mixed use standards therein.
2615
2616

ARTICLE H
PLANNED DEVELOPMENT – TRADITIONAL NEIGHBORHOOD ZONE
(PD-TNZ)

The planned development traditional neighborhood zone (PD-TNZ) provisions apply only to projects located within a designated “traditional neighborhood zone.”

10-7H-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone only if approved as part of the zone change.
- B. Uses indicated by the letter “PS” are permitted uses with required standards, only if approved as part of the zone change.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

10-7H-2: ZONE STANDARDS:

The desired development form shall be emphasized in the traditional neighborhood zone (TNZ), and strict use or density conditions shall be of secondary consideration.

- A. This chapter defines two (2) different neighborhoods of a traditional neighborhood development and anticipates that one neighborhood or a combination of neighborhoods may be employed in a traditional neighborhood zone.
 - 1. Neighborhood Edge (NE): Neighborhood edge is the less dense form of traditional neighborhood development consisting principally of detached single-family homes. NE may also include a limited amount of duplexes and courtyard bungalows. Buildings are situated on larger lots with setbacks on all sides. The permitted building frontage includes porches and front yards. The streetscape consists of the regular, aligned planting of shade trees in a relatively wide planter strip between sidewalk and back of curb. All building forms must be of a scale and appearance compatible with typical single-family homes. Duplexes, courtyard bungalows, and single-family are all acceptable forms in an NE.
 - 2. Neighborhood General (NG): Neighborhood general is a primarily residential development pattern; however, it is denser than neighborhood edge and may consist of both attached and detached residence types. Multiple family residential and nonresidential uses are permitted but shall blend into the neighborhood by occupying buildings that are of a scale and appearance compatible with single-family detached residences. Single-family homes are situated on smaller, narrower lots with shallow setbacks. The narrow lots generally require that off street parking be accessed from the rear by alleys. A diversity of building frontages are appropriate in NG, including front yards, porch yards, door yards, forecourts, stoops, and shopfronts. Parking lot frontages are prohibited except on one street side of corner lots. The NG streetscape consists of the regular, aligned planting of shade trees in a planter strip between sidewalk and back of curb.

- B. ACCESS DESIGN: To the extent permitted by topography, all traditional neighborhood zones shall incorporate traditional block design, which includes the following elements:
1. A regular grid street pattern, unless the city council finds at the time of TNZ approval that it is not feasible due to topographical constraints.
 2. Street cross sections that promote pedestrian activity and social engagement.
 3. Off street parking placed at the rear of buildings and accessed by driveway, alley or lane. On street parking is encouraged in all traditional neighborhood forms in order to create a buffer between car traffic and pedestrians, and to introduce traffic calming friction to thoroughfares.
 4. Car oriented and large scale commercial and industrial uses are incompatible with any of the traditional neighborhood forms.

10-7H-3: ADMINISTRATION:

- A. Design Manual And Form Based Code: Supplemental development standards and definitions are adopted in the document titled "Traditional Neighborhood Design Manual And Form-Based Code." The design manual and form based code is hereby incorporated into this chapter and shall have the same regulatory force and effect hereof, and hereinafter it is referred to as the "design manual."
- B. General Plan: The NE and NG shall be deemed consistent with the city's general plan if located in an area designated for low, medium, medium high, or high density residential use; no general plan amendment shall be required in such circumstances.
- C. Code Applicability: The city ordinances and standards apply to a traditional neighborhood zone and to the design manual unless expressly regulated by this chapter.
- D. PARAMETERS:
- a. Neighborhood(s) Included: A traditional neighborhood zone may include one or both of the two (2) neighborhoods defined in this chapter: neighborhood edge and neighborhood general.
 - b. Minimum Land Area: There is no minimum land area for a neighborhood edge traditional neighborhood zone. The minimum land area for a neighborhood general traditional neighborhood zone is ten (10) contiguous acres.
 - c. NG Minimum Mix Of Forms: In neighborhood general, minimum residential mix of three (3) building forms is required. Single-family form shall comprise at least fifty percent (50%) of the total number of units. Any combination of the following forms shall comprise at least twenty five percent (25%) of all attached unit forms: duplex, triplex, courtyard bungalow or paseo bungalow.
 - d. NE Civic Space: In neighborhood edge, unless overall density exceeds five (5) dwellings per acre, there is no minimum civic space required in a neighborhood edge traditional neighborhood zone. If density is greater than five (5) dwelling units per acre, then a minimum of five percent (5%) usable civic space is required. Civic space must be included in the project phasing plan and approved with the zone change. The civic space shall be built concurrently with the development and shall be fully

constructed prior to forty percent (40%) of the dwelling units being constructed. If the project proposes more than one civic space, the city council, with recommendation from the planning commission, shall determine the appropriate phasing of any additional civic space. The designated civic space shall be within three hundred fifty feet (350') of the geographic center of the neighborhood unless otherwise approved during the zone change process.

- e. NG Civic Space: In neighborhood general a minimum of five percent (5%) of its area shall be designated as usable civic space. The designated civic space shall be within three hundred fifty feet (350') of the geographic center of the neighborhood unless otherwise approved during the zone change process. Civic space shall be included in the project phasing plan and approved with the zone change. Civic space shall be built concurrently with the development and shall be fully constructed prior to forty percent (40%) of the units being constructed. If the project proposes more than one civic space, the city council, with recommendation from the planning commission, shall determine the appropriate phasing of any additional civic space.
- f. TNZ Integration: Where a TNZ neighborhood is proposed adjacent to an existing single-family subdivision, the TNZ must locate single-family detached homes adjacent to existing single-family units. However, up to twenty percent (20%) of those units adjacent to the existing single-family units may be built as duplexes, if approved during the zone change. For the purpose of this requirement, a TNZ and an existing single-family subdivision are considered adjacent if separated by a sixty foot (60') right-of-way or less.
- g. Improvements: All improvements not specifically dedicated to the city, or accepted for ownership or maintenance by the city, shall comply with subsection 10-25 of this title.

10-7H-4: REGULATING TEXT:

- A. All zone change applications for a traditional neighborhood zone shall include, at a minimum, a site plan and written text, which demonstrate how the proposed development will comply with this chapter and the design manual. Upon approval of the zone change application, the site plan and written text shall constitute the regulating text, which shall control implementation of development. For traditional neighborhood zone change applications for projects in excess of 50 acres, the owner and developer shall enter into a development agreement under terms acceptable to the city. At a minimum, the regulating text for a TNZ shall include the following elements:
 - 1. The location and overall dimensions of the proposed traditional neighborhood zone, including the size, percentages, and location of the proposed traditional neighborhood form(s) within the proposed zone.
 - 2. A conceptual block plan, including important connections to adjoining streets and adjacent properties.
 - 3. The maximum number of residential units requested in the proposed traditional neighborhood zone overall, and in the respective neighborhood forms thereof, and a tabulation of the various residential building forms comprising the proposed residential total.

4. Proposed permitted land uses and building forms, including architecture, elevations and materials. Multiple family and commercial buildings shall have specific elevations and materials approved for each building. Representative sample architecture, elevations and materials are adequate for single-family detached homes. Submittals shall include actual samples and colors of proposed materials.
5. The proposed maximum square footage of nonresidential uses within a given neighborhood form, land use category, and individual building.
6. The location, size and maintenance plan for civic space(s) and civic building sites.
7. Proposed streetscape design elements such as street lighting, permanent signage, and street trees. A landscape plan and a street tree plan indicating species, size and spacing shall be provided.
8. A detailed description of any form based neighborhood elements, such as road cross sections, frontages, and setbacks, which the applicant wishes to propose as project enhancements to the standards enumerated in the design manual and form based code.
9. A diagram or table depicting existing and planned land uses within a one mile radius of the project boundary in order to assist the city in understanding the context of the proposed TNZ, and assessing the overall fit of the proposed TNZ with its surroundings.
10. If the project is proposed to be phased, a phasing plan shall be submitted, which includes phasing of all residential, commercial, and civic spaces.

10-7H-5: APPLICATION REVIEW PROCESS:

- A. Concurrent Review Of Zoning And Preliminary Plat: The elements required of an application for a traditional neighborhood zone are essentially the same as those of a preliminary plat, and an application for zone change and preliminary plat may be considered simultaneously. In order to be considered for concurrent review, the application must contain all preliminary plat requirements set forth in title 25, chapter 4 of this code, as amended.
- B. Public Hearing: A public hearing and meeting shall be conducted in accordance with section 10-1-11.
- C. Planning Commission Recommendation: The planning commission shall also forward any recommendations for approval, disapproval, or modification of the TNZ request, as reviewed by them, to the city council to be considered as part of the zone change.
- D. Advertising: The zone change request shall be advertised and heard according to the same requirements as any other zone change request submitted to the planning commission and city council.
- E. Approval: Findings: The city council may approve a TNZ zone change request only after finding that the requirements of this title, and any other ordinances or restrictions affecting the property, have been satisfied. In granting such approval, the city council may impose and enforce such specific conditions as to site development, phasing, building construction or maintenance, and operation as it deems necessary to protect the health, safety, and welfare of the residents of the city.
- F. AMENDMENTS AND MODIFICATIONS: Any amendment or modification of the TNZ deemed substantial by the city, shall be submitted to the planning commission for

recommendation, and to the city council for approval. The applicant must comply with all other steps of the review process enumerated herein for the original zone change application for an amendment or modification.

10-7H-6: USE REGULATIONS:

- A. Land Uses: The table below lists certain land uses. The NE column enumerates the uses permitted (P) or not permitted (N) in the neighborhood edge form. Likewise, the NG column enumerates the uses permitted (P) or not permitted (N) in the neighborhood general form. As part of a TNZ written text, a zone change application pursuant to this chapter may propose land uses similar to those set forth in this chapter. The inclusion of any proposed additional land use category or additional specific permitted use shall be approved by the city council as part of the approval of the zone change request and shall thereby become part of the regulating text. All permitted uses shall be conducted within fully enclosed buildings except those uses customarily conducted in the outdoors, such as outdoor dining ancillary to a permitted restaurant, and community leisure, and recreation. Commercial uses and locations shall be approved as part of the TNZ if it does not comply with title 3, chapter 7, "Home Occupations," of this code, and must conform to parking and landscaping requirements for commercial zones. Specific commercial uses shall be approved as part of the TNZ process. Proposed land uses must conform to the land use categories below. Commercial uses must be of a scale, intensity, impact, and appearance compatible with the surrounding forms.

ALLOWED USES		
	NE	NG
Residential forms:		
Accessory dwelling unit (guest or carriage house)	PS	PS
Bungalow court or paseo	P	P
Duplex (twin or stacked)	P	P
Live-work unit (not home occupation, with commercial front, and comply with parking standards)	N	P
Row/townhouse	N	P
Single-family house	P	P
Small mixed-use building (8,000 square feet maximum)	N	P
Small multiple family building (12 units and 12,000 square feet maximum)	N	P
Zero lot single-family house	N	P
Commercial uses, 10,000 square feet maximum:		
Art gallery	N	P
Consumer convenience services (barbershop/beauty shop, dry cleaner and other similar low impact services)	N	P
Drive-through service of any kind	N	N
Food sales (bakery, delicatessen, ice cream parlor, coffee shop and other similar low impact food sales)	N	P
General retail sales, no gas pumps (bookstore, florist, antique store, fruit and vegetable store, neighborhood grocery, and other similar low impact sales)	N	P
Outdoor sports and recreation	N	P
Professional medical office – nonresidential building occupancy	N	P
Restaurant (general)	N	P
Community leisure and recreation (private)	P	P
Community leisure and recreation (public)	P	P

Civic uses:		
Daycare services, commercial	N	P
Educational facilities	P	P
Government buildings or uses	P	P
Religious assembly	P	P

B. Additional Standards:

1. No more than 10 percent of all dwellings in a single form neighborhood edge traditional neighborhood zone may be comprised of duplex building forms, and no more than 20 percent of all dwellings may be comprised of duplex and bungalow court building forms combined.
2. Standards for zero lot single-family detached homes (not applicable to duplexes sharing a party wall at the zero lot line):
 - a. Approved dwelling units may be placed on 1 interior side property line (a 0 setback). The minimum setback from the other side property line shall be 10 feet.
 - b. The plat shall clearly depict and describe the zero lot lines and the related easements.
 - c. A perpetual maintenance, eave overhang, and drainage easement at least 8 feet wide shall be provided on the lot adjacent to the zero lot-line property line. The easement shall be shown on the plat and recorded on the properties. The residential wall abutting the zero lot-line shall be maintained in its original color and treatment unless otherwise agreed to in writing by the 2 affected lot owners. Eaves, but no other part of any structure, may protrude across a zero lot-line, and such protrusion shall not exceed 18 inches. Notwithstanding the required drainage easement, rain gutters must route runoff from the dwelling away from the adjacent lot.

CHAPTER 8
ADMINISTRATIVE PROFESSIONAL (AP), COMMERCIAL (C), AND
MANUFACTURING ZONES (M), AND PLANNED DEVELOPMENT
ZONES (PD-AP, PD-C, PD-M AND PD-MU)

10-8-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

A. Uses indicated by the letter "P" below are permitted in the designated zone only if approved as part of the zone change.

B. Uses indicated by the letter "PS" are permitted uses with required standards, only if approved as part of the zone change.

C. Uses indicated by the letter "C" are conditional uses in the designated zone.

10-8-2: YARDS UNOBSTRUCTED; EXCEPTIONS:

Every part of the setback area shall be open to the sky, unobstructed except for:

A. The ordinary projections of belt courses, eaves, chimneys, flues, cantilevered balconies, decks, ornamental features, open fire escapes, or open outside stairways which project into a setback not more than four feet (4');

B. City public transit shelters, with or without public restrooms, may be located within a setback area adjacent to a public street.

10-8-3: CURB, GUTTER AND SIDEWALK:

When Required: The installation of curb, gutter, sidewalk, and pavement of a type approved by the city is required on any future or existing street where such improvements are not already in existence, or where existing improvements are damaged or broken. Said installation may be required as a condition of obtaining a certificate of occupancy unless a current improvement completion assurance has been provided.

10-8-4: UTILITY REQUIREMENTS:

In all areas of the city, connection shall be made to public water, electrical and sewer facilities, unless waived by the city engineer or designee upon a demonstration of an equivalent alternative acceptable to city. All utilities shall be located underground, unless specifically approved by the city engineer or designee. All construction shall comply with state building codes and all city standards.

10-8-5: TEMPORARY BUILDINGS:

A. Authorized; Term: A temporary, onsite construction or sales office that does not meet minimum construction standards may be approved by city during the construction of permanent facilities for the permitted duration. Such temporary approval may be made for a period up to one year. An extension may be granted for good cause shown, for an additional six (6) months, up to a maximum of eighteen (18) months.

B. Cargo Containers: Cargo containers may be approved by the city for temporary use by an applicant, only when a permitted use exists or is under construction, and under the following standards:

1. For onsite use only during permitted construction or renovation, provided a building permit has been issued for construction related activities. For the purpose of permitted cargo containers, a building permit will be considered inactive after one hundred eighty (180) days after the last inspection that shows substantial progress toward completion of the project.
2. For use during moving or onsite construction activities that do not require a permit for thirty (30) days. One thirty (30) day extension may be granted for good cause shown.
3. Vertical stacking is prohibited.
4. Cargo containers may be used in association with a licensed firework business, donation center, or other nonprofit collection center for thirty (30) days in any 6-month period.
5. Properties may have temporary cargo containers. No separation is required between cargo containers. Cargo containers must maintain a minimum of ten feet (10') separation between other structures. The cargo container may be allowed on site for up to eighteen months, an extension may be granted for cause, by the city, for an additional six (6) months, up to a maximum of twenty-four (24) months. Cargo containers permitted under this section must comply with the applicable building and zoning regulations.
6. Cargo containers shall not be located in fire lanes, required parking spaces or landscaping.

10-8-6: TEMPORARY OUTDOOR EVENTS:

- A. Temporary outdoor events (i.e., promotions, tent sales, exhibits, carnivals, concerts, etc.) may be permitted by the city on property zoned commercial, including the planned development commercial zones, for a period not to exceed six (6) continuous days within a six (6) month period.
- B. Temporary outdoor events to be held on public property also require review and approval by the city. Applicants shall submit adequate plans and information for the city to determine that the events will not interfere with the safety and general welfare of the community or violate any other requirements or ordinances of the city. Required licenses, permits, and clearances shall be obtained prior to any event taking place.

10-8-7: PEDESTRIAN CIRCULATION PLAN:

Each new commercial development shall provide a plan to address safe pedestrian and bicycle circulation. The plan shall address interior circulation, as well as connections to existing sidewalks and adjacent trails.

10-8-8: CONFLICT:

2993 These provisions in Title 10, Chapter 8, apply to all subchapters, unless a specific provision in
2994 the subchapter replaces and supersedes the one that is more general and broader in scope in
2995 Chapter 8.

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2997 **10-8-9: RELATED PROVISIONS:**

2998 A. OUTDOOR LIGHTING— Chapter 10-14

2999 B. PERMITTED WITH STANDARDS AND CONDITIONAL USES – Chapter 10-17

3000 C. WALLS, FENCES AND HEDGES— Chapter 10-18

3001 D. OFF STREET PARKING REQUIREMENTS— Chapter 10-19

3002 E. MOTOR VEHICLE ACCESS AND LOADING— Chapter 10-20

3003 F. LANDSCAPE STANDARDS— Chapter 10-23

3004 G. SIGNS—CHAPTER 9-13

3005

ARTICLE A ADMINISTRATIVE PROFESSIONAL ZONE (AP)

10-8A-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed in this zone:

- A. Uses indicated by the letter "P" below are permitted in the designated zone.
- B. Uses indicated by the letters "PS" are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter "C" are conditional uses in the designated zone.

ALLOWED USES	
	AP
Accessory structure	P
Child care center	P
City Facility	P
Communication transmission facilities, lines, towers	PS
Financial, medical and professional office	P
Hospital	P
Medical and biological laboratory/research	P
Mortuary	P
Nursing home	PS
School, public or charter	P

10-8A-2: HEIGHT REGULATIONS:

No structure shall be erected to a height less than ten feet (10') or greater than fifty feet (50').

No accessory structure shall be erected to a height greater than fifteen feet (15').

10-8A-3: AREA, WIDTH AND YARD REQUIREMENTS:

The minimum lot area, width and yard requirements are as follows:

District	Minimum Lot Area	Minimum Lot Width/Frontage	Minimum Yard Setbacks		
			Front and Street Side	Side	Rear
AP	10,000 sf	80'	20 feet	10 feet	10 feet
			Setbacks must meet setback of adjacent zone if such setback is greater than normally required by this zone.		
AP abutting residential	10,000 sf	80'	20 feet	10 feet + (height -15')	10 feet + (height -15')

10-8A-4: SITE DEVELOPMENT STANDARDS:

Except in the front setback area, a six foot (6') solid fence or wall shall be placed along a boundary line with any residential zone.

10-8A-5: SPECIAL PROVISIONS: Applications for a building with a ground floor (footprint) area of twenty thousand (20,000) square feet or more or for development with an aggregate ground floor (footprint) square footage of twenty thousand (20,000) square feet or more must include a site plan, colored building elevations of all sides and a three-dimensional rendering that demonstrates the application complies with the following standards:

- A. Vehicle access and parking lots properly designed for safety, efficiency and mitigation of adverse environmental impacts. Parking lot design must incorporate landscaped and shade trees throughout the lot to mitigate for major heat islands, and to break up large asphalt areas.
- B. Building facade must include:
 - a. Substantial façade shifts every ten feet (10') in the horizontal plane, and every fifty feet (50') in the vertical plane;
 - b. Vertical articulation and variation from floor to floor created with color, materials, pitch dormers, gable ends, cornice detailing, or similar details;
 - c. A combination of doors, windows, texture, projections, awnings or canopies on the base floor elevation to reinforce a perception of pedestrian scale.
- C. Building colors are limited to natural, muted tones that emulate the local geologic formations common to the area and blend with the predominant colors of the natural surroundings.

ARTICLE B
COMMERCIAL ZONES
C-1 (Neighborhood Commercial),
C-2 (Highway Commercial),
C-3 (General Commercial),
C-4 (Central Business District Commercial)

10-8B-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letters “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES					
		C-1	C-2	C-3	C-4
Alcohol establishments, including the following:					
	Bar establishment		C	C	C
	Off-premise beer retailer		P	P	P
	Microbrewery or micro-winery (with restaurant or bar establishment)		P	P	P
	Nightclub, dance hall (alcohol)		C	C	C
Ambulance service			P	P	
Amusement centers, recreation and entertainment facilities (indoor)					
	Indoor entertainment activities such as paintball, miniature golf, arcade		P	P	P
	Indoor shooting range (see subsection <u>10-10-5L</u> of this chapter for additional information)		P	P	
	Nightclub, dance hall (without alcohol)		P	P	P
Amusement centers, recreation and entertainment facilities (outdoor)			C	C	C
Animal services, including the following:					
	Animal boarding/care for small animals only and boarded for less than 30 days a year, provided conducted completely within enclosed building		P	P	P
	Animal hospital and veterinarian clinic, including overnight care of large animals		PS	PS	
Automobile and vehicle services, limited to the following uses:					
	Automobiles and other similar vehicle sales lots		PS	PS	

	Automobile parts sales (new parts only) provided conducted within completely enclosed building		P	P	P
	Automobile rental (vehicles up to 26' in length)		P	P	
	Automobile repair, storage, including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building (<_14,001_# GVW)		P	P	P
	Car wash, recirculating water system manual or auto spray	P	P	P	P
	Tire sales and service provided conducted within completely enclosed building		P	P	P
Financial, Medical and Professional Services		P	P	P	P
Food service establishments, including the following and similar uses:					
	Catering establishment		P	P	P
	Restaurant	P	P	P	P
Lodging, temporary, limited to the following and uses:					
	Bed and breakfast		P	P	P
	Hotel/motel		P	P	P
	RV parks, long and short term		PS		
	Timeshare units		PS	PS	PS
Light Manufacturing			P	P	P
Hospitals				P	P
	Counseling center, mental health, alcohol, drugs (non-residential, less than 24 hours)		P	P	P
	Mental health treatment center, with overnight stay		C	C	C
Nursing home			PS	PS	
Religious Facility		P	P	P	P
Residential, limited to the following use:					
	Living quarters for manager or security personnel for business which requires 24-hour assistance or security		PS	PS	PS
Large Floor Area Building (20,000 sf or more)			C	C	C
Retail Shops:					
	Antique store		P	P	P
	Athletic and sporting goods store		P	P	P
	Department store		P	P	P

	Drive-through sales (pharmacy, dairy products, etc.)		P	P	P
	Furniture and large appliances sales (used)		P	P	
	Furniture sales (new) and repair		P	P	P
	Household appliance sales and service		P	P	P
	Office supply, office machines sales and service		P	P	P
	Paint or wallpaper store		P	P	P
Pawnshop			P	P	
Payday lending/title loans			P	P	
Seed and feed store, retail			P	P	
Supermarket/grocery store			P	P	P
Thrift shop/secondhand store/consignment store (no outside storage and no drop off of items during the hours the business is closed)			P	P	P
Vegetable stand			P	P	P
Retail sale of goods with some operations outdoors, limited to the following uses:					
	Building materials sales			P	
	Convenience markets with gas pumps/gas station		P	P	
	Convenience markets with gas pumps located in the rear of the building				P
	Farm implement sales (outdoor display)		P	P	
	Fence, sales and service		P	P	
	Garden supplies and plant material sales		P	P	
	Greenhouse and nursery; soil and lawn service			P	
	Landscape rock sales, ancillary to a permitted use			P	
Service businesses, limited to the following uses:					
	Barbershop/beauty shop	P	P	P	P
	Body piercing, ancillary to a permitted use		P	P	P
	Carpet and rug cleaning		P	P	P
	Child care center	P	P	P	P

	Construction trade services, plumbing shop, electrical shop, etc.			P	
	Crematorium, independent human		PS	PS	PS
	Educational institutions, schools, college, learning centers, trade schools (no residential or 24 hour facilities)		P	P	P
	Gunsmith		P	P	P
	Janitor service and supply		P	P	P
	Locksmith		P	P	P
	Massage establishment	P	P	P	P
	Mortuary		P	P	P
	Moving and storage company			P	
	Permanent cosmetics, a secondary use to an establishment employing cosmetologist(s)/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under 58-11a-101 et seq., Utah Code Annotated, 1953, as amended, excluding tattoo establishments and home occupations	P	P	P	P
	Pest control and extermination		P	P	P
	Pet grooming		P	P	P
	Printing, lithographing, publishing or reproduction sales and service			P	P
	Psychic, tarot card reader, fortune teller, occult art practitioners, hypnotist		P	P	P
	RV storage		PS	PS	
	Sign sales		P	P	P
	Storage rental units, ministorage and self-storage		PS	PS	
	Tattoo establishment		P	P	P
	Taxidermist		PS	PS	
	Towing (towing service office only, no on site vehicle storage or impound yards)		P	P	
Transportation, limited to the following uses:					
	Bus terminal		P	P	P
	Taxi/Shuttle		P	P	P
Government, public services and facilities, limited to the following uses:					
	City, all facility	P	P	P	P
	Electrical substation, power stations (non-city)		PS	PS	PS
	Public utilities and facilities, non-industrial (non-city)		PS	PS	PS

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10-8B-2: AREA, SETBACK AND HEIGHT REQUIREMENTS:

		C-1	C-2	C-3	C-4	
Minimum new lot area		10,000 sf	10,000 sf	10,000 sf	10,000 sf	
Minimum yard setbacks from property line:					Setback	Build-to-line
	Front	20 feet	20 feet	20 feet	0	10 feet
	Side	10 feet	10 feet	10 feet	0	
	Side facing a street on corner lot	20 feet	20 feet	20 feet	0	
	Rear	10 feet	10 feet	10 feet	None	
Setbacks when abutting a residential zone						
	Front	20 feet +1' for every foot of height over 20'	20 feet +1' for every foot of height over 20'	20 feet +1' for every foot of height over 20'	10 feet	10 feet
	Side	10 feet +1' for every foot of height over 15'	10 feet +1' for every foot of height over 15'	10 feet +1' for every foot of height over 15'	10 feet +1' for every foot of height over 15'	
	Side facing a street on corner lot	20 feet +1' for every foot of height over 20'	20 feet +1' for every foot of height over 20'	20 feet +1' for every foot of height over 20'	10 feet +1' for every foot of height over 20'	
	Rear	10 feet +1' for every foot of height over 15'	10 feet +1' for every foot of height over 15'	10 feet +1' for every foot of height over 15'	10 feet +1' for every foot of height over 15'	
Required screening from abutting residential property		Solid 6' masonry wall and 10' landscaping along residential property line	Solid 6' masonry wall and 10' landscaping along residential property line	Solid 6' masonry wall and 10' landscaping along residential property line	Solid 6' masonry wall and 10' landscaping along residential property line	
Min/Maximum Height		8'/50'	8'/50'	8'/50'	8'/50'	
Maximum Structure Area		15,000 sf				
Maximum Lot Coverage		40% for all Conditional uses				

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10-8B-3: SPECIAL PROVISIONS:

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- A. Enclosure of Merchandise And Materials: Unless otherwise specifically provided herein, all materials and merchandise shall be stored in an enclosed building.

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1. Merchandise items specifically allowed to be stored out of doors shall be stored within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall (chain link fencing with slats is not considered a solid fence for purposes of this section).
 2. Authorized outdoor sales of playground equipment, outdoor furniture, plants, pots and similar items may not be displayed within the required landscape area, and not within on-site parking spaces required for the business.
- B. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street. Chain link fencing with sight obscuring slats is not permitted.
- C. Forestry Program: Commercial developments along designated major collector roads shall comply with all provisions of the city's community forestry program. An approved species of tree with at least a one and one-half inch (1 1/2") caliper shall be planted every thirty (30) to forty feet (40') in accordance with tree planting criteria. Landscaping and required street trees shall be installed prior to receiving, permanent power, or release of the improvement completion assurance.
- D. New Buildings Within I-15 Right Of Way: New buildings, which are located within two hundred feet (200') of the I-15 right of way shall comply with the following:
1. Design Standards:
 - a. Buildings backing against the I-15 right of way are considered to have two (2) building fronts for aesthetic purposes. Building walls visible from I-15 shall be constructed of identical or similar materials as the building's front exterior, or shall be landscaped in such a manner that untreated cinder block, concrete or similar materials typical of rear walls are screened or enhanced to give a building front appearance.
 - b. Along the I-15 right of way, landscaping shall be provided to beautify the side and rear walls of buildings. Trees shall be planted at least every thirty feet (30') to forty feet (40') along such rights of way. In addition to landscaping, aesthetic improvements to the buildings' rear and sidewalls are encouraged. Signs painted or attached to the side or rear walls shall not cover more than ten percent (10%) of the face of such walls.
 2. Site Plan and Elevation Drawings Required: Prior to the issuance of a building permit for new commercial buildings within two hundred feet (200') of the I-15 right of way, a site plan along with building elevation drawings showing the building view from I-15 (including signage) all consistent with this Title, is required.

ARTICLE C MANUFACTURING ZONES (M-1, M-2, M-C)

10-8C-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter "P" below are permitted in the designated zone.
- B. Uses indicated by the letters "PS" are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter "C" are conditional uses in the designated zone.

ALLOWED USES			
	M-1	M-2	M-C
Ambulance services	P	P	P
Animal boarding for small animals only and boarded for less than 30 days a year, provided service is conducted completely within enclosed building	P		P
Animal hospital and veterinarian clinic, including overnight care of small and large animals	P		P
Auction establishment (retail goods only and indoor only in the M-C Zone), indoor swap meets			P
Auto salvage yard, storage yards for wrecked or partially dismantled vehicles	C		
Automobile rental			P
Bank or financial institution			P
Bar, beer parlor, tavern, lounge, sale of draft beer			C
Boat sales, service, parts sales, and storage			P
Building truss manufacturing and sales (wood trusses)	P	P	
Bulk plants (Class 1 and 2 flammable liquids and gases)	PS	PS	P
Caretaker's residence, incidental to the use of the land for industrial purposes	PS	PS	PS
Carpenter, cabinet, electrical, plumbing or heating shops	P	P	P
Cesspool cleaning equipment and storage	PS		
Child care center	P	P	P
City facilities	P	P	P
Concrete or asphalt mixing and batching plants	PS		
Construction materials or equipment, sales and storage (less than 50,000 sf)	P		P
Contractor's yard	P	P	

Crematorium, medical waste incinerator	P	P	P
Dairy, dairies (processing of milk products)	P		
Dry cleaning plant	P		
Equipment sales, rental, and service	P		P
Fabrication	P	P	P
Fertilizer and soil conditioner manufacturing and processing and sales, non-animal products	P		
Food processing wholesale excluding slaughter of animals and the processing of vinegar, yeast and fat	P	P	
Food service establishments, including the following or similar uses: bakery and catering establishment,	P	P	P
Furniture manufacturing, upholstery shop	P		P
Gas station, convenience market with gas pumps	P		P
Government facilities (not otherwise listed)	P	P	P
Greenhouse and nursery, garden supplies, and plant material sales; soil and lawn service			P
Shooting or archery range, indoor only <u>10-8B-3</u>	P		P
Laboratory, dental, medical, chemical	P	P	
Laundry and linen service	P	P	P
Livestock feed processing and storage	P		
Locksmith			P
Mail services, retail			P
Manufacturing general	P	P	P
Manufacturing light	P	P	P
Manufacturing heavy		P	
Medical cannabis pharmacy, Utah licensed At least 600 ft from a primarily residential zone	P	P	P
Medical cannabis production establishment, Utah licensed: Cultivation facility Independent testing laboratory Processing facility	P	P	
Monument works and sales	P		P
Moving and storage company	P	P	P
Offices	P		P
Paint and wallpaper store	N		P
Pawnshop	N		PS
Pest control and extermination services	P		P

Pet and pet supply store, groomery	P		P
Pharmaceutical and medical manufacturing not exceeding biosafety level 2	P	P	
Planing mill	P	P	
Printing, publishing or lithography service	P	P	P
Public utility facilities	PS	PS	PS
Truck terminal	P	P	
Vehicle, ATV, RV, or watercraft storage, part sales, or service	P		P
Recreational enterprise, indoor only (go-cart track, climbing walls, ice skating rink, roller skating, soccer, and other recreational sport/entertainment type activities, but not including spectator oriented arenas)			P
Recycling (of paper, glass, metal, plastic, or paper only)	P		
Restaurant	P	P	P
Retail sale of goods with all operations conducted in an enclosed building. Limited to 20% of the overall building square footage in M-1 and M-2.	P	P	P
Sand and gravel extraction	C		
Sandblasting	P	P	
Showroom and retail, up to 10% of the building area	P	P	
Sexually oriented businesses	P		
Storage rental units	P		P
Tattoo establishment and body piercing establishment			P
Taxidermist	P		PS
Telemarketing center	P		P
Television or radio station; cable television and satellite dish provider	P		P
Thrift shop/secondhand store/consignment store (limited outside storage and no drop off of items during the hours the business is closed)			P
Tire recapping or retreading	P		
Tire sales and services	P		P
Towing, including onsite vehicle storage and impound yard	PS		
Utility Trailer sales and services	P		P
Truck sales and repair	P		P
Truck terminal	P	P	P
Truck instructional school	P	P	P
Warehouse storage	P	P	P
Wholesale business	P		
Wind turbines, power generation	P	P	

3155 **10-8C-2: SITE DEVELOPMENT STANDARDS:**

3156 The minimum site development standards are as follows:

	M-1	M-1 Ft. Pierce	M-2	M-C
Minimum lot area	10,000 sf	40,000 sf	40,000 sf	10,000 sf
Minimum setbacks:				
Front	60 feet	40 feet	10 feet	20 feet
Side	10 feet	10 feet	10 feet	10 feet
Street side	60 feet	20 feet	10 feet	20 feet
Rear	10 feet	None	None	10 feet
Minimum zone area	3 acres	-	5 acres	None

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3158 **10-8C-3: SPECIAL PROVISIONS:**

3159 A. Storage Enclosed: All storage except vehicles in running order shall be stored in an
3160 enclosed building or within an enclosure surrounded by a solid fence or wall of not less
3161 than six feet (6') in height, and no material or merchandise shall be stored to a height
3162 greater than that of the enclosing fence or wall. A solid masonry wall or solid vinyl fence
3163 shall be used parallel to the public street(s) where the storage is visible from the public
3164 street. Chain link fencing with slats may only be used for enclosing storage areas in the
3165 following situations:

- 3166
- 3167 1. After a minimum of three hundred (300) linear feet of solid fencing or wall has been
3168 provided to screen the designated storage area, then the remainder of the storage
3169 area may upon approval by the land use authority utilize chain link fencing with slats
3170 or other approved alternative screening solutions along the public street frontage.
- 3171
- 3172 2. Along the interior property lines (or interior fence lines); chain link without slats may
3173 be used.
- 3174
- 3175 3. Along the public street frontage at approved setback distances in the area known as
3176 the St. George Industrial Park, M-1 Zone (in section 20, T42S, R15W).
- 3177

3178 B. If a movable gate is used, it may be constructed of chain link, chain link with slats,
3179 wrought iron, solid, or perforated metal.

3180

3181 C. All chain link fencing with vinyl slats shall be maintained in good condition; all fallen,
3182 broken, or missing slats shall be replaced. No wooden slats may be used.

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3184 D. Drive Aisles, Parking and Storage:

- 3185
- 3186 1. All accesses, drive aisles, required parking, and fire lanes shall be paved with
3187 concrete or asphalt in accordance with St. George Standard Specifications for
3188 Design and Construction;
- 3189
- 3190 2. All outside storage areas for materials, vehicles, and equipment shall be on a surface
3191 improved with gravel at a minimum depth of four inches (4"). Height: Maximum

height is forty feet (40') except for the Ft. Pierce Industrial Park which has a fifty-foot (50') height limit.

E. Solid Waste Storage Facilities: Solid waste storage facilities shall be located so that they are screened from all public streets and not located in the setback.

F. Landscaping: Properties within the M-1, M-2, and M-C Zones shall comply with Chapter 23, "Landscape Standards" of this title. In the M-1 and M-2 Zones, a minimum of five percent (5%) of the lot area shall be maintained as landscaped area. A landscaped area adjacent to the public street shall be provided and planted with trees and shrubs. In the M-C Zone, a landscape strip, outside the public right-of-way along the front of the property on public streets, not less than six feet (6') wide, and an average of at least fifteen feet (15') wide, shall be landscaped. At least half of the landscaped area shall consist of live trees, shrubs, and ground cover.

G. Protection of Residential Zones: Where any manufacturing zone adjoins any residential zone, there shall be provided and maintained along such property line a six foot (6') solid masonry fence, and a 10' landscape buffer to protect the adjoining residential property.

H. Ft. Pierce Industrial Park Additional Special Standards:

1. Loading Docks: No loading dock shall be constructed facing on any public street unless such loading dock and every part thereof is at least seventy-five feet (75') inside the right-of-way line of the street on which such loading dock fronts.

2. Landscaping: Properties within the Ft. Pierce Manufacturing Zone shall comply with chapter 23, "Landscape Standards" of this title. In addition, a minimum of five percent (5%) of the lot area shall be maintained as landscaped area. At least half of the landscaped area shall consist of live trees, shrubs, and ground cover. A landscaped area adjacent to the public street shall be provided and planted with trees and shrubs.

I. Building Height: Up to fifty feet (50').

ARTICLE D
PLANNED DEVELOPMENT ZONES
(PD-AP, PD-C, PD-M AND PD-MU)

10-8D-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

A. Uses indicated by the letter “P” below are permitted in the designated zone only if approved as part of the zone change.

B. Uses indicated by the letter “PS” are permitted uses with required standards, only if approved as part of the zone change.

C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES				
	PD-AP	PD-C	PD-M	PD-MU
Accessory Structure	P	P	P	P
Child Care, In Home Babysitting (in residence only)				P
Child Care, Family (in residence only)				P
Child Care Center	P	P	P	P
City Facility	P	P	P	P
Communication transmission facilities, lines, towers, or substations	PS	PS	PS	PS
AP uses as specified in zone change	P	P		P
C-1, C-2, C-3, C-4 uses as specified in zone change		P		P
M-1 and M-2 uses as specified in zone change for PD-M			P	
Home occupation				P
Light manufacturing business		P	P	P
Limited temporary outdoor display of merchandise		P		
Multiple family dwelling				PS
Parks	P	P	P	P
Public utilities and facilities	PS	PS	PS	PS
Religious facility	P	P		P
School, public or charter	P	P		P
Storage Rental Units		PS	PS	
Townhouse and condominiums				P

10-8D-2: GENERAL REQUIREMENTS:

Planned Development AP, C and M shall comply with (A) below, at the time of the initial zone change application. Planned Development MU shall comply with (A) and (B), below, concurrently at the time of its first submittal of an application.

A. Planned Development Initial Zone Change Application requirements: An applicant may request the planning commission and city council to consider an initial planned development zone change application under (A) which is not accompanied by the secondary application requirements in (B), with a development agreement under terms acceptable to city. Each zone change application submitted pursuant to subsection (A) shall include the following:

1. A detailed narrative of the proposed development of the entire property.
2. A detailed list of proposed land uses.

B. Planned Development Secondary Zone Change application requirements: Each zone change application submitted pursuant to subsection (B) shall include the following:

1. Initial Documents Required: All requests shall be accompanied by a colored site development plan, materials, and a written text for the entire property proposed to be developed.
2. Description of the Proposed Use of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
3. Height and Elevations: The type, character and proposed height of all buildings.
4. Density: The proposed density in terms of dwelling units per gross acre of land and proposed floor area of non-residential uses per acre.
5. Schools, Churches and Open Spaces: The location and boundaries of any proposed school site, church, park or other common or open spaces.
6. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases.
7. Topography: Topography at contour intervals of two feet (2').
8. Landscape Plan: A landscape plan showing the general location of lawn area and trees (this may be a part of the site or plot plan).
9. Area Reserved for Landscaping: The location and amount of land area reserved for landscaping.
10. Utilities: Demonstration that all utilities are underground and transformer equipment is screened from streets and from adjacent properties.

- 3295
- 3296 11. Refuse Storage Areas: Refuse storage areas screened so that materials stored
- 3297 within these areas is not visible from access streets, freeways and adjacent
- 3298 properties.
- 3299
- 3300 12. Lighting Plan: A general lighting plan indicating location and luminosity of lights to be
- 3301 installed on the site. if requested to be more than ordinance.
- 3302
- 3303 13. Turning Space: Safe and convenient turning space for cars, sewer vehicles, refuse
- 3304 collection vehicles, firefighting equipment, etc., at the end of private drives and dead-
- 3305 end streets.
- 3306
- 3307 14. Signs: All signs shall be submitted and approved as part of the PD approval.
- 3308

3309 C. Signs and Advertising: The requirements of the sign ordinance set forth in title 9, chapter 13

3310 of this code apply, unless a variation is specifically approved, and shall not exceed the following:

- 3311
- 3312 1. Freestanding signs: freestanding signs shall be limited to the standards set forth in 9-
- 3313 13-4B for major commercial projects within 1,500 of a freeway exit.
- 3314
- 3315 2. Monument signs: limited to one monument per building.
- 3316

3317 D. Lighting shall comply with the lighting ordinance set forth in the title. Variations may be

3318 approved if located along the I-15 freeway and not adjacent to a residential zone. A variation

3319 may be considered for properties adjacent to a residential zone, if in the opinion of the city

3320 council, additional lighting is needed for security, and any impacts to residential are mitigated.

3321

3322 **10-8D-3: PRELIMINARY PLAT:**

3323 For all Planned Development projects that are proposed to be subdivided, applicant may

3324 prepare and submit a preliminary plat at the same time as the zone change application for the

3325 planned development. In order to be considered for concurrent review, the application must

3326 contain all preliminary plat requirements set forth in Title 10, Chapter 25 of this code, as

3327 amended.

3328

3329 **10-8D-4: CONFLICT:**

3330 These provisions in Title 10, Chapter 8, Subchapter D, apply to all Subparagraphs A-D, unless a

3331 specific provision in the Subparagraph replaces and supersedes the one that is more general

3332 and broader in scope in Chapter 8, Subchapter D.

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3334 **10-8D-5: PD-AP – PLANNED DEVELOPMENT - ADMINISTRATIVE**

3335 **PROFESSIONAL STANDARDS:**

3336

- 3337 A. MINIMUM ZONE REQUIREMENTS: Each Planned Development – Administrative
- 3338 Professional zone application shall include a minimum of ten thousand (10,000) square
- 3339 feet.
- 3340
- 3341 B. HEIGHT REGULATIONS: No structure shall be erected to a height less than ten feet
- 3342 (10') and no structure shall be greater than forty feet (40'), or up to sixty feet (60') upon
- 3343 demonstration of architectural merit and specifically approved by city council.

- C. AREA, COVERAGE, DENSITY, YARD, COMMON AREA and LANDSCAPING REQUIREMENTS: The minimum lot area, maximum lot coverage, yard and common open space/landscaping requirements are as follows:

Lot Area Minimum	Maximum Lot Coverage	Minimum Yard Setbacks		
		Front and Street Side	Side	Rear
10,000 SF Lot	50%	<p>25 ft. from public street or the greater of 20' or the average of existing immediately adjacent homes</p> <p>20 ft from back of sidewalk of private street</p> <p>10 ft from back of curb of private street w/o sidewalk</p>	<p>Adjacent to Single Family zone: 30'</p> <p>Otherwise:</p> <p>On a common parcel: 10 ft. if height is less than 30'; 20' if height exceeds 30'</p> <p>On a separate parcel: 8' if height is < 20' 9' if height is less than 25' 10' if height is 25' or greater</p>	<p>Adjacent to Single Family zone: thirty feet (30')</p> <p>Adjacent to a public street: twenty five feet (25') or twenty feet (20') with a six foot (6') privacy wall along street right of way.</p> <p>Otherwise: For each building: 10' if height is < or = 20' 20' if height is greater than 20'</p>

- D. SOLID WASTE STORAGE FACILITIES: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall that will prevent the facility from being seen from a public street. Chain link fencing with sight obscuring slats is not permitted.

- E. PROTECTION OF RESIDENTIAL PROPERTY: A solid masonry wall and a minimum ten foot (10') wide planting strip along the adjoining property line is required for any PD – Administrative Professional development that adjoins any lot or parcel of ground in any residential zone.

10-8D-6: PD-C - PLANNED DEVELOPMENT - COMMERCIAL STANDARDS:

- A. MINIMUM ZONE REQUIREMENTS: Each Planned Development – Commercial zone application shall include a minimum of ten thousand (10,000) square feet.
- B. HEIGHT REGULATIONS: No structure shall be erected to a height less than ten feet (10') or greater than fifty feet (50'), unless otherwise approved as part of the zone change.
- C. AREA, COVERAGE, WIDTH, YARD and REQUIREMENTS: The minimum lot area, maximum density, maximum lot coverage, yard and / requirements are as follows:

Lot Area Minimum	Maximum Lot Building Coverage	Minimum Yard Setbacks		
		<u>Front/street side yard</u>	<u>Side</u>	<u>Rear</u>
10,000 SF Lot	50%	Adjacent to residential zone: 30' Otherwise: 20' Commercial Exception: Commercial: Parking per G2	Adjacent to residential zone: 30' Otherwise: 10' external 0' internal setback between PD-C zoned buildings	Adjacent to residential zone: 30' Otherwise: 10' Commercial

D. SOLID WASTE STORAGE FACILITIES: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall that will prevent the facility from being seen from a public street. Chain link fencing with sight obscuring slats is not permitted.

E. PROTECTION OF RESIDENTIAL PROPERTY: A solid masonry wall and a minimum ten foot (10') wide planting strip along the adjoining property line is required for PD – Commercial development that adjoins any lot or parcel of ground in any residential zone.

10-8D-7: PD-M - PLANNED DEVELOPMENT – MANUFACTURING STANDARDS:

A. MINIMUM ZONE REQUIREMENTS: Each Planned Development – Manufacturing zone application shall include a minimum of ten thousand (10,000) square feet.

B. HEIGHT REGULATIONS: No structure shall be erected to a height less than ten feet (10') or greater than fifty feet (50'), unless otherwise approved as part of the zone change.

C. AREA, COVERAGE, WIDTH, YARD and REQUIREMENTS: The minimum lot area, maximum density, maximum lot coverage, yard and / requirements are as follows:

Lot Area Minimum	Maximum Lot Building Coverage	Minimum Yard Setbacks		
		<u>Front/street side yard</u>	<u>Side</u>	<u>Rear</u>
10,000 SF Lot	50%	Adjacent to residential zone: 30' Otherwise: 20' Manufacturing Exception: Manufacturing: Parking	Adjacent to residential zone: 30' Otherwise: 10' external 0' internal setback between PD-M zoned buildings	Adjacent to residential zone: 30' Otherwise: 0' Manufacturing

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D. SOLID WASTE STORAGE FACILITIES: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall that will prevent the facility from being seen from a public street.

E. PROTECTION OF RESIDENTIAL PROPERTY: A solid masonry wall and a minimum ten foot (10') wide planting strip along the adjoining property line is required for PD – Commercial development that adjoins any lot or parcel of ground in any residential zone.

10-8D-8: PD-MU - PLANNED DEVELOPMENT - MIXED USE STANDARDS:

In addition to the provisions in sections 10-8A-1-3 the following provisions apply for projects that combine commercial and residential uses within the same building or project.

A. MINIMUM ZONE REQUIREMENTS: Each Planned Development – Commercial/Residential Mixed Use application shall include a minimum of one-half acre.

B. HEIGHT REGULATIONS: No structure shall be erected to a height less than ten feet (10') or greater than fifty-five feet (55') or up to seventy feet (70') upon demonstration of architectural merit and specifically approved by city council.

C. AREA, COVERAGE, DENSITY, YARD, COMMON AREA and LANDSCAPING REQUIREMENTS: The minimum lot area, maximum lot coverage, yard and are as follows:

Lot Area Minimum/ Maximum Density	Maximum lot area coverage	Minimum Area Common Open Space/Landscaped Area	Minimum Yard Setbacks		
			<u>Front</u> and Street Side	<u>Side</u>	<u>Rear</u>
1/2 Acre/ 40 DUA	70%	20%	Adjacent to Single Family zone: 30' Otherwise: 0-10' Max	Adjacent to Single Family zone: 30' Otherwise: 0'-10' 0' internal setback between PD-C zoned buildings	Adjacent to Single Family zone: 30' Otherwise: 0' Commercial 0' Manufacturing

D. Mixed commercial and residential use is permitted in the PD-MU zone only as set forth herein:

1. All development projects seeking a PD-MU zone shall be new construction, and shall submit a detailed site plan pursuant to section 10-XX of this title showing the entire development project and showing the added specificity requirements of this section. In granting such approval, the land use authority may impose and enforce such specific conditions as to the site plan, orientation of the buildings to the public street, phasing, building construction, and maintenance as it deems necessary to protect the health, safety and welfare of the residents of the city. All development projects shall comply with the site plan as approved and adopted by the land use authority.
2. The entire ground floor of any building in the project shall only have commercial uses, except as provided in this section.

- 3432 3. Residential use shall be located above the ground floor commercial use. Allowed
3433 residential density shall be determined by the detailed site plan and subject to all
3434 approvals in subsection xx of this section.
3435
- 3436 4. The requirement that the ground floor be limited to only commercial use may be
3437 altered to allow residential use or a parking structure, if all of the following conditions
3438 are met:
3439
- 3440 a. The view of the ground floor is obstructed from the public street by the building's
3441 location in the interior of the project, or its obstruction from street view by other
3442 buildings in the project;
3443
- 3444 b. A minimum of fifty percent (50%) of the ground floor area within the project shall be
3445 for commercial uses; and
3446
- 3447 c. For buildings that are perpendicular to the street so that the majority of the building is
3448 not adjacent to the street, the end of the building adjacent to the street must have
3449 commercial uses on the ground floor, but may have residential use or a parking
3450 structure on the remainder of the ground floor that is not oriented toward the public
3451 street, if the project complies with the other conditions provided in this section.
3452
- 3453 5. If the project is built in phases, each phase shall be all commercial or may include a
3454 mix of commercial and residential use. No phase shall be solely residential, unless
3455 fifty percent (50%) of the required commercial area has been built in previous
3456 phases.
3457
- 3458 6. All projects must meet the design standards set forth below:
3459
- 3460 a. Minimum height of ground level commercial use shall be twelve feet (12') floor to
3461 ceiling.
3462
- 3463 b. The front building facade and main entrance to all buildings shall be oriented toward
3464 and parallel to the public street. The setbacks for buildings adjacent to a public street
3465 shall be a minimum of zero feet (0') to a maximum of twenty feet (20') from the
3466 property line except:
3467
- 3468 c. The setbacks may be increased as necessary to allow room for outdoor seating
3469 areas, landscaping, or other similar pedestrian and customer amenities.
3470
- 3471 d. Interior buildings may be allowed without frontage on a public street if it is not
3472 possible to fit a building parallel to the street, all other requirements have been met,
3473 and the depth and size of the property and best use of the property would prevent all
3474 buildings from having frontage on a public street.
3475

- 3476 e. All buildings adjacent to a public street shall have primary frontage oriented toward
3477 the public street, and shall have a design typical of a commercial building front with
3478 integrated style features compatible with other street facing buildings in the project,
3479 including a significant entryway.
- 3480
- 3481 f. Building facades shall have architectural variations such as:
- 3482 i. Contrasting building materials and textures.
- 3483
- 3484 ii. Variations in rooflines, colors, reveals and belt courses.
- 3485
- 3486 iii. Recessed windows and doors, strongly-expressed window mullions, and
3487 awnings.
- 3488
- 3489 iv. Varying building setbacks from property lines, alcoves, outdoor sitting areas,
3490 and small public plazas.
- 3491
- 3492 v. Corner towers, cupolas, corner clock towers, corner spires, balconies and
3493 colonnades.
- 3494
- 3495 g. Buildings located on corners shall have the front facade wrap around the corner to
3496 the full depth of the building.
- 3497
- 3498 h. Awnings will be allowed provided that the building is designed to allow awnings
3499 and/or are part of the initial design. Awnings shall have a minimum eight foot (8')
3500 head clearance and shall not project away from the building more than half the
3501 distance from the building to the street, or no more than six feet (6'), whichever
3502 distance is less. Awnings shall be constructed of metal and/or high quality fire
resistant architectural fabrics. Vinyl awnings are prohibited.
- 3503
- 3504 i. Parking lots shall be located in the interior of a project and not adjacent to a public
3505 street, except that access driveways with parking spaces on one or both sides, with a
3506 maximum width of seventy feet (70'), are permitted. For buildings fronting a public
3507 street, all parking shall be located to the rear or side of buildings, or may be located
3508 below grade (underneath building). Buildings located in the interior of the project may
3509 have the parking area on any side of the building, as per the approved site plan.
3510 Underground parking is permitted only if such parking is accessible from the side or
3511 rear of the development and not from the primary street. All projects must comply
3512 with the parking requirements for commercial and residential uses specified
in Chapter 19 of this title.
- 3513
- 3514 j. Parking structures are permitted only if the parking structures do not front the public
street and are not taller than the proposed buildings.
- 3515
- 3516 k. Minimum Ground Floor Glass: The ground floor of the building elevation fronting the
3517 street on all mixed-use buildings shall contain not less than forty percent (40%)
nonreflective glass surface (i.e., windows).
- 3518
- 3519 l. LANDSCAPED OPEN SPACE: Mixed use developments shall provide a minimum of
3520 twenty percent (20%) of the total site area in landscaping, which may include
3521 recreation facilities such as playgrounds, outdoor pools, tennis courts, and basketball
3522 courts. No more than half of the total required landscape area may consist of
3523 recreation facilities. Other than the minimum landscape area requirements, which are
set above, the landscape standards in Chapter 23 of this title shall apply.

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- m. SOLID WASTE STORAGE FACILITIES: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall that will prevent the facility from being seen from a public street. Chain link fencing with sight obscuring slats is not permitted.
- n. PROTECTION OF RESIDENTIAL PROPERTY: A solid masonry wall and a minimum ten foot (10') wide planting strip along the adjoining property line is required for development that adjoins any lot or parcel of ground in any residential zone.

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CHAPTER 9

RESERVED

CHAPTER 10 AIRPORT VICINITY ZONES (ASBP, AVI, C-RM)

10-10-1: AIRPORT VICINITY ZONES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letter “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.
- D. No structures or uses are permitted in the runway protection zone (RPZ), defined as 2000 feet in length from the beginning and end of the runway, and extending 1000 feet wide.
- E. Zone names are:
 - 1. Airport supporting business park (ASBP);
 - 2. Airport vicinity industrial (AVI);
 - Mixed use commercial (C-RM).

ALLOWED USES			
	ASBP	AVI	C-RM
Airfreight and express delivery services	P	P	P
Amusement center (e.g., paintball, miniature golf, etc.)			P
Animal hospital, including care of large animals			P
Animal hospital, small animals only and provided conducted within completely enclosed building			P
Arcade			P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motorboats or motors		P	P
Athletic club/health club/spa	P	P	P
Auction establishment, indoors only (retail goods only)		P	P

Automobile, new or used sales and service (except as provided in "automobile conversion" use listed above)	PS		
Automobile parts sales (new parts only)	P		P
Automobile rental	P	P	P
Automobile repair shop (provided conducted within enclosed building)		P	P
Bakery	P		P
Bank or financial institution	P		P
Barbershop/beauty shop	P	P	P
Bed and breakfast			P
Beer parlor, sale of draft beer	P	C	P
Body piercing, incidental to a permitted use			P
Bookstore	P	P	P
Bowling alley	P		P
Building materials sales	P	P	P
Bulk plants	C	C	
Bus terminal	P	P	P
Business office	P	P	P
Cabinet shop	P	P	P
Call centers/internet sales/telemarketing	P	P	P
Candy manufacture	P	P	P
Car wash	P	P	P
Caretaker's residence, incidental to the use of the land for industrial purposes	PS	PS	PS
Carpenter, electrical, plumbing or heating shops	P	P	
Carpet and rug cleaning	P	P	P
Catering establishment, food service delivery and flight kitchen	P	P	P
Child care center		P	P

Religious Facility			P
Clinics, medical or dental	P	P	P
Concrete or asphalt mixing and batching plants		PS	
Construction equipment sales and rentals	PS	P	
Contractor's yard		P	
Convenience markets	P	P	P
Courier and delivery services	P	P	P
Department store			P
Educational institutions			P
Emergency service (and crew rest) facility	P	P	P
Employment agency	P	P	P
Farm and construction equipment sales, rental and service establishments		P	
Farm implement sales		P	
Fence, sales and service		P	
Financial, medical, and professional office	P	P	P
Florist shop	P	P	P
Food processing wholesale excluding slaughter of animals and the processing of vinegar, yeast and fat		P	
Foundry, lightweight casting, nonferrous without causing noxious odors or fumes		P	
Freight forwarding service and distribution center	P	P	P
Furniture sales and repair, indoor only			P
Furniture upholstery shop	P	P	P
Garden supplies and plant material sales		P	P
Government buildings or uses, nonindustrial	P	P	P
Government facilities (not otherwise listed)	P	P	P
Greenhouse and nursery; soil and lawn service	P	P	P

Grocery store	P	P	P
Gunsmith		P	P
Health club/spa	P	P	P
Hospitals			P
Hotel/motel	P	P	P
Household appliance sales and service	P	P	P
Ice cream parlor	P	P	P
Ice manufacturing and storage	P	P	
Insulation sales and service		P	P
Internet sales and telemarketing	P	P	P
Janitor service and supply	P	P	P
Laboratory, dental or medical	P	P	P
Laundry and linen service	P	P	P
Laundry or dry cleaners, laundromat	P	P	P
Library			P
Liquor store	P	P	P
Locksmith	P	P	P
Lodge or social hall			P
Lumberyard		P	
Machine shop, general	P	P	
Manufacturing establishments	P	P	
Medical/dental office or clinic	P	P	P
Mental health treatment center			P
Microbrewery with restaurant	P	P	P
Monument works and sales	P	P	
Mortuary			P
Motorcycle, boat, or RV sales and service			P

Moving and storage company	P	P	
Museum (*except aviation related)	*	P	P
Newsstand	P	P	P
Nursery, plants		P	P
Nursing home			P
Office supply, office machines sales and service	P	P	P
Offices	P	P	P
Optometrist, optician	P	P	P
Paint or wallpaper store	P	P	P
Park and playground	P	P	P
Pawnshop			P
Permanent cosmetics, a secondary use to an establishment employing cosmetologist/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under 58-11a-101 et seq., Utah Code Annotated, 1953, as amended, excluding tattoo establishments and home occupations	P	P	P
Pest control and extermination	P	P	P
Pet and pet supply store		P	P
Pharmacy	P	P	P
Pool hall		P	P
Post office	P	P	P
Printing	P	P	P
Printing, lithographing, publishing or reproduction sales and service	P	P	P
Professional office	P	P	P
Public utility facilities (not including power transmission lines)	PS	PS	PS
Publishing or lithography shops	P	P	P
RV parks, temporary stay		P	

RV storage	P	P	
Real estate agency	P	P	P
Reception center or wedding chapel			P
Recreation center			P
Rental agency for home and garden equipment	P	P	P
Research and development	P	P	P
Residence for caretaker, manager or security personnel		PS	PS
Residential - mixed use up to 22 du/ac			P
Restaurant	P	P	P
Retail goods establishments (predominately indoor sales)	P	P	P
Retail services establishments	P	P	P
Roller skating rink			P
Rubber welding		P	
Sand and gravel extraction	PS	PS	
Sandblasting (interior use only)		P	
Seed and feed store, retail		P	
Service station, automobile (excluding painting, body fender and upholstery work)	P	P	P
Sheet metal shop and re-tinning, provided all operations conducted within completely enclosed building		P	
Sign manufacture or sign painting	P	P	
Sign sales	P	P	P
Storage rental units	PS	PS	
Supermarket/grocery store	P	P	P
Tattoo establishment		P	
Tavern			P
Testing laboratory	P	P	
Theater, indoor			P

Tire sales and service		P	P
Tool design (precision) repair and manufacture	P	P	
Tour operators	P	P	P
Trailer sales and service		P	
Travel agency	P	P	P
Truck sales and repair	P		
Truck terminal	P	P	
Used car lot (except as provided in "automobile conversion" use listed above)		P	
Vegetable stand	P		P
Veterinary office/clinic - small animals			P
Warehouse storage	P	P	
Welding shop		P	
Wholesale business	P	P	

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3573 10-10-2: AIRPORT VICINITY ZONE RESTRICTIONS:

3574 To prevent airport hazards, in addition to land use regulations imposed by underlying zoning
3575 districts the following restrictions apply:

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3577 A. Height hazards prohibited: Height hazards identified in CFR Title 14, part 77, and part
3578 121 are prohibited.

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3580 B. Electrical and visual hazards prohibited: No use or structure within the zone may:

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3582 1. Create any electrical interference with navigational signals for radio communication
3583 between the airport and an aircraft; or

3584

3585 2. Make it difficult for pilots to distinguish airport lights; or

3586 Result in glare in the eyes of the pilots using the airport; or

3587 Impair a pilot's visibility in the vicinity of the airport, such as smoke or dust; or

3588 Create a hazard to, or endanger the landing, takeoff or maneuvering of aircraft using

3589 the airport.

3590 C. Overnight Camping: Overnight camping is restricted as follows:

3591 a. Recreational Vehicles Only: Overnight camping is restricted to camping only within

3592 validly registered recreational vehicles (RVs); in areas allowed for recreational

3593 vehicle camping;

- 3594 b. for a period no longer than 28 consecutive days.
- 3595 c. Tents Prohibited: Camping is not otherwise allowed.
- 3596 d. Fires Prohibited: No fire or open flame shall be permitted anywhere at the RV
- 3597 campsite.
- 3598 D. New development, including a change or expansion of an existing allowed use, shall:
- 3599 1. Disclose notice of the airport vicinity zone, the presence of the St George Airport,
- 3600 and the fact and noise associated with aircraft over flights on all plats and permits
- 3601 and shall record title notice with the county recorder;
- 3602
- 3603 2. Grant an avigation easement, conveying to the city the right of overflight and other
- 3604 activities and operations associated with aviation, including noise, aircraft engine
- 3605 emissions, and visual impacts;
- 3606
- 3607 3. Comply with the FAA imaginary surface height limitations;
- 3608 E. Development of the following uses is not permitted within the traffic pattern area:
- 3609 1. Religious Facility
- 3610
- 3611 2. Concert halls
- 3612
- 3613 3. Convalescent homes and rest home
- 3614
- 3615 4. Convention centers
- 3616
- 3617 5. Hospitals
- 3618
- 3619 6. Libraries
- 3620
- 3621 7. Mobile home parks
- 3622
- 3623 8. Nonairport related museums
- 3624
- 3625 9. RV parks
- 3626
- 3627 10. Reception centers
- 3628
- 3629 11. Residential uses
- 3630
- 3631 12. Schools
- 3632 F. Development within the approach area shall not include the following uses:
- 3633 1. Religious Facilities
- 3634
- 3635 2. Concert halls
- 3636
- 3637 3. Convalescent homes and rest homes
- 3638
- 3639 4. Convention centers
- 3640

5. Hospitals
6. Hotels and motels
7. Libraries
8. Mobile home parks
9. Museums
10. RV parks
11. Reception centers
12. Residential uses
13. Schools
14. Shopping malls
15. Stadiums
16. Theaters

10-10-3: AREA AND SETBACK REQUIREMENTS:

A. The minimum lot area and setbacks are as follows:

	ASBP	AVI	C-RM
Minimum lot area	1 acre	1 acre	1/4 acre
Minimum yard setbacks from street curb:			
Front	25 feet	20 feet	15 feet
Side	10 feet	10 feet	10
Side facing a street on corner lot	20 feet	20 feet	15 feet
Rear	10 feet	10 feet	10 feet

When abutting a residential zone, or in the C-RM zone when the use is residential, there shall be a minimum setback of ten feet (10') with an additional setback for buildings or structures over fifteen feet (15') in height based on a one to one (1:1) ratio; each additional foot in height requires an additional one-foot setback from the property line.

10-10-4: SITE DEVELOPMENT AND DESIGN STANDARDS:

- A. MAXIMUM LOT COVERAGE: The maximum coverage for any lot is:

	ASBP	AVI	C-RM
Maximum lot coverage	50 percent	75 percent	75 percent (commercial use) 50 percent (residential use)

- B. Pedestrian Oriented Commercial Uses: For pedestrian oriented commercial uses in the commercial residential mixed use zone, the entire area between the curb and the setback line shall be landscaped to create a consistent streetscape, such that facing "blocks" of contiguous properties have uniform setbacks, paving, street trees and other urban design features. This may consist of a combination of plant materials, sidewalks, and access drives as necessary for the development of the property.
- C. Residential Uses: For residential uses in the commercial residential mixed use zone, the entire front yard setback line shall be landscaped using any combination of planting areas and dry scape, subject to the approval of the city. For residential and mixed residential-commercial use projects, no part of the front setback may be used for parking.
- D. Outside Storage: There shall be no outside storage of materials used in sales or in business operation within the airport supporting business park (ASBP) zone. All businesses shall be completely enclosed in the ASBP zone. Within the airport vicinity industrial (AVI) zone, all solid waste storage facilities shall be located at the rear of the main building and behind a sight obscuring solid masonry wall which will prevent the facility from being seen from a public street.
- E. Building Heights: The primary restriction for building heights will be the FAA part 77 surfaces. Building heights within the airport vicinity boundaries shall not exceed part 77 surface elevations. Development proposals may be required to include a part 77 height conformity analysis as part of the project approvals or the following maximum heights:

	ASBP	AVI	C-RM
Minimum	10 feet	10 feet	10 feet
Maximum	35 feet	35 feet	35 feet

- F. Exterior Colors and Materials: Building colors are limited to natural, muted tones that emulate the local geologic formations common to the area and blend with the predominant colors of the natural surroundings. Window glazing shall be nonreflective, energy efficient glass with light to medium gray tint. Within the airport supporting business park (ASBP) zone at least thirty percent (30%) of the building's front facade shall consist of stone, brick, or similar masonry product in order to improve building appearance.

3728 G. Noise Attenuation: Noise sensitive uses located within the 55 DNL noise contour area
3729 (see exhibit A attached to the ordinance codified herein) shall be noise attenuated as
3730 follows:

- 3731
- 3732 1. Residential uses shall provide triple pane exterior windows, and insulation in exterior
3733 walls to achieve an insulation rating of R-21, and a rating of R-38 in the roof/ceiling.
3734
 - 3735 2. Commercial uses shall provide an insulation rating of R-21 for exterior walls, and R-
3736 19 in ceiling/roof insulation, along with providing double pane windows in exterior
3737 walls.
3738
 - 3739 3. Noise sensitive uses that are outside of the 55 DNL noise contour areas shall use
3740 construction techniques that provide noise attenuation within each structure to
3741 substantially reduce the effects of outside noise levels within the structure.
3742

3743 H. C-RM mixed use developments shall comply with the standards set forth in 10-8D-8: of
3744 this title.
3745
3746

10-10-5: DEVELOPMENT PROPOSAL REQUIREMENTS AND PROCESS:

A. GENERAL REQUIREMENTS:

- a. Documents Required: All development proposals, except for on noncommercial airport hangars, shall be accompanied by a colored site development plan and a written text for the entire property proposed to be developed, identifying how the project complies with all standards for development within the zone.
- b. Review: For any properties within any district within the airport overlay zone the applicant shall file the proposed project with the planning staff for review. The planning staff shall coordinate the review with the airport manager's office and contact interested department personnel of the city or other agencies for review purposes. Staff shall furnish to the applicant any comments regarding the development plan that may help the applicant in preparing the submission. The staff shall hold such meetings with the applicant as may be necessary for proper review.

B. APPLICATION REQUIREMENTS - CONTENTS OF WRITTEN TEXT:

The written text of each application shall include the following: All properties, except for on airport noncommercial hangars, within the airport overlay zones shall address subsections 1 through 5 of this section. Properties within the airport supporting business park and airport vicinity industrial (and mixed-use commercial) zones must also address subsections 6 through 13 of this section.

- a. Use of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
- b. Height and Elevations: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings may be prepared as necessary by the applicant to help the planning commission and city council to better understand the proposal.
- c. Density: The proposed development density in terms of dwelling units per gross acre of land for residential uses or building square footage for nonresidential uses shall be indicated.
- d. The location of any proposed conditional uses, especially any school sites, Religious Facilities, parks or other common or open spaces shall be identified.
- e. Topography: Topography at contour intervals of two feet (2') shall be submitted.
- f. Phasing Plan: A phasing plan, if construction is proposed in phases.
- g. Landscape Plan: A landscape plan showing the general location of lawn area and trees.

- 3795 h. Area Reserved for Landscaping: The amount of land area reserved for landscaping
3796 shall be indicated, with square footage of irrigated planting areas versus dry scape
3797 area.
3798
- 3799 i. Utilities: All utilities shall be underground unless otherwise approved by the city
3800 council and upon recommendation of the water and power director. Transformer
3801 equipment shall be screened from streets and from adjacent properties.
3802
- 3803 j. Refuse Storage Areas: Refuse storage areas shall be screened so that materials
3804 stored within these areas shall not be visible from access streets, freeways and
3805 adjacent properties.
3806
- 3807 k. Lighting Plan: The plans submitted shall include a general lighting plan indicating
3808 location of lights to be installed on the site.
3809
- 3810 l. Parking and Site Access: Number and size of parking spaces and width of vehicle
3811 access lanes shall be shown (this may be a part of the site or plot plan). Safe and
3812 convenient turning space shall be provided for cars, sewer vehicles, refuse collection
3813 vehicles, firefighting equipment, etc., at the end of private drives and dead end
3814 streets.
3815
- 3816 m. Signs: Overall sign program to demonstrate compliance with the city sign code.
3817
3818

3819 **10-10-6: RELATED PROVISIONS:**

- 3820 A. OUTDOOR LIGHTING— Chapter 10-14
3821 B. PERMITTED WITH STANDARDS AND CONDITIONAL USES – Chapter 10-17
3822 C. WALLS, FENCES AND HEDGES— Chapter 10-18
3823 D. OFF STREET PARKING REQUIREMENTS— Chapter 10-19
3824 E. MOTOR VEHICLE ACCESS AND LOADING— Chapter 10-20
3825 F. LANDSCAPE STANDARDS— Chapter 10-23
3826 G. SIGNS—CHAPTER 9-13
3827
3828

CHAPTER 11 OPEN SPACE (OS)

10-11-1: ALLOWED USES:

Any use not specifically permitted, permitted with standards, or conditionally permitted, is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter “P” below are permitted in the designated zone.
- B. Uses indicated by the letter “PS” are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in Chapter 17.
- C. Uses indicated by the letter “C” are conditional uses in the designated zone.

ALLOWED USES	
	OS
Agriculture	PS
Cemetery	P
Chickens and rabbits—up to 20 animals per acre (min one acre parcel) provided the coop or pen is at least 100’ from any dwelling and roosters kept at least 500’ from any residential zone	P
City Facility	P
Communication transmission facilities, lines, towers	PS
Livestock corral, barn or pen incidental to livestock grazing and at least 100’ from residential zones without livestock uses	P
Livestock grazing limited to 4 weaned animals per acre or 8 weaned animals per acre for no more than 30 days per year	P

10-11-2: HEIGHT REGULATIONS:

No structure shall be erected to a height less than ten feet (10’) or greater thirty-five feet (35’).

10-11-3: AREA, WIDTH AND YARD REQUIREMENTS:

The area, width and yard requirements are as follows:

<u>District</u>	<u>Area Minimum lot size</u>	<u>Lot Width Minimum</u>	Minimum Yard Setbacks		
			<u>Front and Street Side</u>	<u>Sides</u>	<u>Rear</u>
OS	40 Acres	100’	25 ft.	10 ft.	10 ft.

10-11-4: RELATED PROVISIONS:

- A. OUTDOOR LIGHTING— Chapter 10-14
- B. PERMITTED WITH STANDARDS AND CONDITIONAL USES – Chapter 10-17
- C. WALLS, FENCES AND HEDGES— Chapter 10-18
- D. OFF STREET PARKING REQUIREMENTS— Chapter 10-19

3863 E. MOTOR VEHICLE ACCESS AND LOADING— Chapter 10-20
3864 F. LANDSCAPE STANDARDS— Chapter 10-23
3865 G. SIGNS—CHAPTER 9-13
3866
3867

CHAPTER 12
RESERVED

3868

3869

3870

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3872

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CHAPTER 13

OVERLAY ZONES

ARTICLE A.
HILLSIDE DEVELOPMENT OVERLAY ZONE (HDOZ)

10-13A-1: DENSITY AND DISTURBANCE STANDARDS:

- A. The Hillside Development Overlay Zone (HDOZ) limits development densities and provides specific development incentives to transfer underlying zone densities from hillsides (Sending Areas), to less steep slopes or more safe development areas (Receiving Areas), within a development.
- B. For those portions of a proposed development with natural slopes 120% or less, development density follows the density and development standards in the underlying zone.
- C. For those portions of a proposed development with natural slopes from 21% to 30%, development activity shall not disturb more than 30% of the parcel within this slope category.
- D. For those portions of a proposed development with natural slopes from 31% to 40%, development activity shall not disturb more than 5% of the area within this slope category.
- E. A proposed development may not disturb slopes in excess of 40%.
- F. The applicant may:
 - 1. Transfer all development density from steeper slope categories (Sending Areas), to areas within the development with natural slopes of 20% or less (Receiving Areas); and
 - 2. Develop additional bonus density, calculated from each slope category, as follows:
 - a. Natural slopes 20% or less transferred on a one to one unit basis; plus
 - b. One additional density unit for each density unit transferred from natural slopes of 21-30%; plus
 - c. Two additional density units for each density unit transferred from natural slopes of 31-40%.
 - 3. Unit calculation for the Receiving Area shall be based on the requirements of the Sending Area zone.
- G. Density transfers to the Receiving Area may occur without a zone change within the Receiving Area even though the resulting density or configuration may exceed the density limits of the Receiving Area zone. Other than density, the Receiving Area's zoning requirements apply to development in the Receiving Area. For instance, lot sizes may vary, but single family zoning districts only allow single family detached dwellings.
- H. If the applicant proposes to develop within the twenty-one percent (21%) to forty percent (40%) slope area, the applicant cannot employ partial density transfers from the Sending Area and must propose a design, site development plans, and a grading plan that blends

and harmonizes all aspects of the proposed development into the natural topography, and that minimizes road cuts and fills.

- I. Non disturb areas within a residential lot as shown on the slope analysis map shall not be used to calculate minimum lot size.

- J. Disturbance standards do not apply to city for limited city facilities: trails, parks, and utilities.

10-13A-2: SLOPE AND SLOPE AREAS DETERMINED:

- A. Slope shall be determined for each significant portion of a development parcel.
- B. Procedure: The applicant shall map the location of the natural slope by using the following procedure:
 - 1. Preparation of Contour Maps: The applicant shall submit an accurate, current contour map, prepared and certified by a licensed professional engineer or surveyor, which shows all land contours at intervals no greater than five feet (5'), drawn at a one inch equals one hundred feet (1" = 100') scale maximum.
 - 2. Verification Through Field Surveys: The city engineer or designee may require the applicant to submit a field survey to verify the accuracy of the contour map.
- C. Determination of Slope Areas: Using the contour map, natural slopes shall be calculated using points identified as natural slopes of twenty percent (20%), thirty percent (30%), and forty percent (40%), and shall be located on the contour map and connected by a continuous line. That area bounded by said lines and intersecting property lines shall be used for determining project density. Small washes or outcrops, which have slopes distinctly different from surrounding property, and are not part of the contiguous topography, may be excluded from the slope determination.

10-13A-3: HDOZ SITE DEVELOPMENT PERMIT STANDARDS:

- A. An application to develop in the HDOZ on slopes of 21% or greater shall include the following:
 - 1. Site Development Plans: Site development plans must be prepared by a licensed engineer, or licensed landscape architect, and must include:
 - a. A grading or earthmoving plan showing:
 - i. Topography: Existing and proposed contours and cross sections showing the topography of the existing ground extending at least one hundred feet (100') outside of all boundary lines of the site, or sufficient to show on and off-site drainage. Property contours shall be shown at two-foot (2') intervals for plateaus and five foot (5') intervals for steep slopes.
 - ii. The slope of proposed cuts and fills.
 - iii. The height of any cut or fill does not exceed ten feet (10') when measured vertically from the finished grade to the intersection of the slope with the natural undisturbed ground.

- iv. The combined height of cuts and fills does not exceed twenty feet (20').
- b. A mitigation plan showing:
 - i. proposed retaining, terracing and landscaping or other techniques to stabilize, amend and mitigate the cuts and fills.
 - c. Detailed plans of all surface and subsurface drainage systems and facilities, walls, cribbing or other erosion protection devices, to be constructed in connection with, or as part of the proposed project, together with a map showing the drainage area and estimated runoff of the area served by any drainage systems or facilities.
 - d. Detailed plans of all drainage systems and facilities that store, control, treat, or convey storm water.
 - e. Detailed plans showing that all surface and subsurface drainage shall be consistent with the City's MS4 permit and compatible with the city flood control master plan and stormwater drainage system. Residential plans must show that each lot conveys its drainage to the street, and that there are no shared systems, facilities, or responsibilities with other lot owners to convey it, unless the proposed drainage is in common area with a property owner's association to own and maintain it.
 - f. Streets, Buildings, Easements: The location of any existing and proposed streets, buildings or structures, easements and drainage channels on the property.
 - g. Elevation Drawings: Detailed site plans and elevation drawings showing location of all structures and how and to what extent hillside cuts will be covered and/or retained by proposed development.
 - h. Landscape and Vegetation Plan: A landscape plan, prepared by a licensed landscape contractor or a landscape architect, in conjunction with the overall site plan, shall be submitted for approval. The plan shall outline areas being excavated and filled and describe in detail how the developer will restore or replant these areas. The plan shall specify types of retention being used, together with sprinkler plans and water usage methods suitable to the soils of the project.
 - i. Terrain Details: Special notes and details of the existing terrain shall be noted on the required topographic information.
 - j. Proposed Earthmoving Details: The dimensions, elevations and contours of any proposed earthmoving shall be shown.
 - k. Material Disposal: A description shall be included of the methods to be employed in disposing of soil and other material removed, including the location of the disposal site.
 - l. Timetable: A schedule shall be included showing when each stage of the project will be completed, including the estimated starting and completion dates.

- 4028 b. Drainage Control Plan and Report: A drainage control plan and report prepared by
4029 a licensed professional civil engineer registered in the state shall be submitted
4030 with each application. The design of the drainage control system shall be based
4031 upon the following criteria:
- 4032
- 4033 a. Separate from Sewer System: All drainage systems shall be separate and
4034 independent from the sanitary sewer system.
- 4035
- 4036 b. Design: Drainage and flood control shall be designed in conformance with the
4037 city flood control master plan where applicable.
- 4038
- 4039 c. Natural Drainage Channels: Property development shall not cause a natural
4040 drainage channel to be filled in, obstructed or diverted without prior City approval.
4041 When modification to a natural drainage channel is proposed within the
4042 development, such changes will be addressed in the drainage study and shown
4043 on the improvement plans including offers to dedicate rights of way or record
4044 drainage easements for structures and/or improvements needed to carry storm
4045 runoff in the event approval is given for the proposed modifications.
- 4046
- 4047 d. Approval Required for Change: The point of location where the natural drainage
4048 channel enters and leaves the property may not be changed without approval of
4049 the city engineer or designee.
- 4050
- 4051 e. Drainage Basin Upstream of Development: All of the drainage basins upstream
4052 of the development shall be considered to be fully developed in conformance
4053 with the city's current land use master plan. Effects on the downstream property
4054 owners relative to increased flood potential and nuisance water shall also be
4055 considered in the design, including acquisition of easements or agreements
4056 where necessary, or construction or modification of improvements where
4057 needed.
- 4058
- 4059 f. Use of Existing Facilities: The developer shall provide the necessary means to
4060 assure drainage within the property being developed by making use of existing
4061 facilities or natural washes and constructing master planned improvements.
- 4062
- 4063 g. General Requirement: Each new development shall manage its storm water
4064 runoff and maintain its storm water management system in such a manner that
4065 no net increase in storm runoff above the natural state will occur on the
4066 downstream properties. In other words, the pre-project flows must not be
4067 exceeded by the post-project flows throughout the life span of the project.
- 4068
- 4069 h. Street Usage: Streets are significant and important in urban drainage, and full
4070 use shall be made of streets for storm runoff up to reasonable limits, recognizing
4071 that the primary purpose of streets is for traffic. Reasonable limits of the use of
4072 streets for transportation of storm runoff shall be governed by the below listed
4073 design criteria:
- 4074
- 4075
- 4076
- 4077
- 4078

<u>Street Classification</u>	<u>Maximum Encroachment</u>
Hillside access/hillside local	No curb overtopping. Flow may spread to crown.
Local road	No curb overtopping. Flow spread must leave at least 1 lane free of water.
Minor collector	No curb overtopping. Flow spread must leave 1 lane free of water in each direction (total, 2 lanes free of water).

- i. When the above encroachment is exceeded, an independent storm water system shall be designed and constructed based on a 10-year storm.
- ii. 100-Year Storm: The storm water from a 100-year frequency storm shall be adequately conveyed either within the limits of the street right of way or in storm drain easements without creating flood hazards to buildings or dwellings.
- i. Underground Pipe Systems: When an underground pipe system is required, it shall be designed to carry a 10-year storm. Major hydraulic structures shall be designed to carry a 25-year storm. The minimum storm drain size shall be ten inches (12").
- j. Retention Basins on Hillsides: Unless specifically permitted, retention basins on hillsides are not allowed.
- k. Detention Basins: Detention shall be allowed where it is compatible with all required reports. Detention basins shall be used for the purpose of eliminating the effects of the peak runoff of storms and releasing water flow at the pre-project, or approved rate.
- l. Cross Gutter Drains: Cross gutter drains on streets shall be avoided wherever possible. They are not allowed on major collector, mid-block, and higher order streets.
- m. Drainage Plan Consistency: Drainage plans must be consistent with all other reports, i.e., geotechnical, soils, landscaping, etc.
- n. Groundwater Sources: When springs or other groundwater sources are found on the developer's property, the construction of an underground pipe system to eliminate the nuisance of this water is required. Minimum pipe size shall be twelve inches (12"). Overland flow will not be allowed for water that is continuously present.
- o. Building Construction: All buildings shall comply with the standards set forth in 10-13C.

- 4130 p. Erosion Elimination: Necessary measures shall be taken to prevent erosion and
4131 scour at all points throughout the development. It shall be mitigated at all points
4132 of discharge and at the face of any cut or fill slope throughout the development.
4133
- 4134 q. Control During Grading Or Construction: During grading or construction on any
4135 property (including off site construction), the developer shall control both water
4136 used for construction and storm runoff in such a manner as to not affect any
4137 adjoining properties, nor add silt or debris to any existing storm drain, wash,
4138 channel or roadway.
4139
- 4140 c. Drainage Plan: The drainage plan shall meet city drainage plan specifications.
4141
- 4142 d. Drainage Report (Hydrology Study): The drainage report shall comply with city
4143 specifications.
4144
- 4145 e. Geology and Soils Report: A geology and soils report prepared by a licensed
4146 professional engineer trained and experienced in the practice of geotechnical
4147 engineering that contains the following information:
4148
- 4149 a. Slope Stability Analysis: Slope stability analysis; conclusions and
4150 recommendations concerning the effects of material removal; introduction of
4151 water, both on and off site, including, where applicable, on mesa tops; seismic
4152 activity; and erosion on slope stability.
4153
- 4154 b. Foundation Investigation: Foundation investigation; conclusions and
4155 recommendations concerning the effects of soil conditions on foundation and
4156 structural stability, including bearing capacity, sheer strength, and shrink/swell
4157 potential of soils.
4158
- 4159 c. Spring Location: The location and yield of springs and seeps.
4160
- 4161 d. Structural Features: Structural features including any geological limitations.
4162
- 4163 e. Surface Hazards: Existence of surface hazards including potential for rockfalls
4164 and toppling failures to cliffs, slopes and overhangs above the subject property.
4165
- 4166 f. Effect of Geologic Conditions: Conclusions and recommendations regarding the
4167 effect of geologic conditions on the proposed development, together with
4168 recommendations identifying the means proposed to minimize any hazard to life
4169 or property, or adverse impact on the natural environment.
4170
- 4171 B. HDOZ Permit Expiration: A HDOZ permit expires after two (2) years, if no grading
4172 permit has been issued or at least fifty percent (50%) of the construction on the site for
4173 which the permit was granted has not occurred. An extension of six months may be
4174 granted if the city finds that the it is warranted for good cause shown. Requests for
4175 extension shall be filed not less than thirty (30) calendar days prior to the expiration date.
4176

4177 **10-13A-4: PROPERTY MITIGATION:**

4178 A cashier's check, cash bond, or cash escrow, to assure hillside restoration shall be provided
4179 prior to issuance of a hillside development permit for projects disturbing more than one acre, or
4180 where determined necessary by the city engineer or designee on projects involving less than

one acre. Such financial guarantee shall be provided in an amount sufficient to ensure necessary soil stabilization, including grading, planting and maintenance, in the event the applicant fails to complete the hillside restoration in accordance with the approved plan within one year from the issuance of the permit. The financial guarantee shall cover the cost, as estimated by an approved landscape architect, or qualified contractor, or a civil or a geotechnical engineer, and approved by the city engineer, to restore the hillside to an acceptable level of appearance and stability.

10-13A-5: STREET DESIGN:

The following standards apply to public and private streets within the zone:

- A. Street Grades: The maximum allowed street grade is fifteen percent (15%).
- B. Intersections: Roads shall intersection at ninety-degree (90°) angles.
- C. Intersection Spacing: Intersections should be spaced far enough apart so that the traffic stopped to make left turns at one intersection does not interfere with traffic movements at the adjacent intersections.
 - a. On low volume streets such as access roads to minor collectors or minor collectors to minor collectors, the minimum spacing distance is one hundred twenty-five feet (125').
 - 3. For minor collectors to major collectors, the minimum spacing distance is two hundred fifty feet (250').
- D. Design Speed: The design of geometric features such as horizontal and vertical alignment will depend on the design speed selected for each street. The design speed is primarily determined by the street function and classification and is the maximum speed for safe and comfortable operation of a vehicle. Other than a major collector, all streets in hillside areas are classified as low speed streets (35 miles per hour or less).

<u>Street Design Classification</u>	<u>Design Speed</u>	<u>Posted Speed</u>
Minor collector	30	30
Local road	25 - 30	25
Hillside local	25	25
Hillside access	25	25

- E. Clear Sight Distance at Intersections: Adequate, clear sight distance is required at intersections, as follows:

<u>Posted Speed Of Higher Order Road</u>	<u>Minimum Y</u>	<u>Desired Y</u>
20	210	240
25	260	300
30	310	380
35	365	475

- F. Vertical Curves and Intersection Relationship: The vertical alignment of residential streets shall comply with latest editions of AASHTO geometric design of highways and streets. See table below for listing of pertinent design criteria:

MINIMUM LENGTH OF VERTICAL CURVES

<u>Design Speed</u>	<u>Crest "K" Value</u>	<u>Sag "K" Value</u>
20	10	20
25	20	30
30	30	40
35	40	50

$L = KA$ (for minimum sight distance on a vertical curve).
 L = Length of vertical curve for proper sight distance.
 A = Algebraic difference in grade.

Vertical alignment with the intersection is also of special nature, and design alternatives may be required. As a guideline, the approach area where vehicles stop while waiting to enter an intersection shall not exceed four (4%) to five percent (5%) from the gutter line of the street being intersected for a distance of fifty feet (50'), though a range of fifty feet (50') to one hundred feet (100') is more desirable. This applies to all intersections, except those intersections where both intersecting streets are minor collectors. The landing area for a minor collector shall be designed for a grade of two percent (2%) to three percent (3%) for a distance of one hundred feet (100').

- G. Safe Stopping Sight Distance: The minimum sight distance to be provided before a stop is required is included in the table below:

<u>Design Speed</u>	<u>Computed</u>	<u>Recommended Distance</u>	<u>Add On For 15% Grade</u>
20	106.7	125	20
25	146.5	150	36
30	195.7	200	64
35	248.4	250	95

- H. Horizontal Curves: The minimum centerline radius for horizontal curves on low speed residential streets is:

MINIMUM CENTERLINE RADIUS

<u>Street Classification Or Speed</u>	<u>Curve Radius In Feet</u>
Private streets	50 - 100
20 mph	100 - 150
25 mph	185
30 mph	310

- I. Street Cross Section Standards: The requirements for street cross section configurations are based on the following factors:
- Traffic capacity;
 - Design speed;
 - Projected traffic;
 - Designs to reduce scarring.
- J. Alternate road cross sections, such as grade separated streets, may be used if applicable safety and traffic standards are met.
- K. Elimination of sidewalk on one side of the road may be approved when elimination of one sidewalk can appreciably reduce the amount of hillside disturbance. Other

considerations may also warrant its elimination. When one sidewalk is eliminated, the remaining sidewalk shall be increased by one (1') foot in width.

- L. The following table sets forth the requirements for street standards for single-family residential development.

STREET CROSS SECTION STANDARDS FOR SINGLE FAMILY RESIDENTIAL

<u>Maximum Grade</u>	<u>Street Classification</u>	<u>Width ROW</u>	<u>Width TBC</u>	<u>Pavement Width</u>	<u>Width Sidewalk</u>	<u>ADT</u>
12% ⁶	Minor collector	60 ft.	50 ft.	45 ft.	5 ft.	1,500 - 3,500
15%	Local road	50 ft.	40 ft.	35 ft.	4 ft.	750 - 1,500
15%	Hillside local	45 ft.	35 ft.	30 ft.	4 ft.	150 - 750
15%	Hillside access	41 ft.	31 ft.	26 ft.	4 ft.	0 - 150

10-13A-6: BUILDING SETBACKS AND ADDITIONAL DESIGN STANDARDS:

- A. Front Setback Along Streets: The front setback along streets where the slope of the adjacent property to the street is over fifteen percent (15%) the minimum setback is twenty feet (20').
- B. Setbacks: All setbacks shall conform to the underlying zone criteria except as provided herein. No structure or accessory structure shall be constructed within the setback area as defined below. However, a see-through wrought iron fence with at least fifty percent (50%) of the fence open, landscaping, and a non-vertical swimming pool are permitted in the setback area.
1. Ridgelines: All ridgelines as shown on the ridgeline map shall be subject to the setback provisions contained herein. Setbacks from ridgelines not identified on the ridgeline map shall be a minimum of thirty feet (30'), or greater if recommended in the geotechnical report.
 2. Plateaus: On plateaus, the setback from the ridgeline shall be a minimum of fifty feet (50') unless a greater setback is recommended in the geotechnical reports.
 4. Cuesta: Where a ridgeline occurs on a cuesta, the minimum setback shall be one hundred feet (100') measured normal (perpendicular) to the closest point of the ridge, unless a greater setback is recommended in the geotechnical report.
- C. Additional Design Standards:
1. Retaining walls shall be colored to blend into the surrounding natural geology.

2. Retaining wall height is limited to the heights set forth in section 10-18 of this title and the standards for rock wall construction.
3. Building exterior colors shall be earth tone and blend with the surrounding natural landscape.
4. In residential zones, "no disturbance" areas shall be held as the "common area" of a project. Common areas shall be owned and maintained by the homeowners' association or may be deeded to the city when accepted by the city.
5. In nonresidential zones, any "no disturbance" area shall be identified on the final site plan or final plat.
6. Any required no disturbance area shall be identified on the ground with temporary fencing or other approved means to prevent accidental disturbance of the area during construction and such fencing shall be installed prior to issuance of a grading permit.
7. The building site shall be located on the flattest portion of the parcel.
8. No structure shall extend over any natural ridgeline. The structure shall be in contact with the ground at all edges.

10-13A-7: VERIFICATION OF COMPLIANCE:

For developments on a development parcel of more than one acre containing slopes greater than twenty percent (20%) or in a rock fall hazard area, certification by a Utah registered engineer that the development has been completed in compliance with the approved hillside development permit, including satisfaction of any conditions contained in the permit, is required. The improvements required by the hillside development permit are essential for the life, health and safety of the future users and occupants of the property. All essential improvements shall be completed prior to approval of permanent electric power service. Failure to complete all essential improvements shall result in the suspension of the building permit. The financial assurance shall not be released until such certification has been received by the city engineer or designee of satisfaction of all conditions contained in the permit.

10-13A-8: EXPIRATION OF HILLSIDE DEVELOPMENT PERMIT:

For development with a preliminary plat, the hillside development permit expires at the same time as the preliminary plat. For all other development, the hillside development permit expires with the expiration of the approved site construction drawings.

10-13A-9: APPEALS:

The applicant may appeal a decision in accordance with Title 10 Chapter 3.

ARTICLE B
DEVELOPMENT IN GEOLOGIC HAZARD OR ADVERSE
CONSTRUCTION CONDITION OVERLAY ZONE

10-13B-1: GENERAL REQUIREMENTS:

Overlay areas with geologic hazards: Development is not permitted in overlay areas with geologic hazards without compliance with all requirements in this chapter, and approval of the land use authority. Applications and development that does not meet the requirements of this chapter shall be denied. Geologic hazards include: surface fault rupture, earthquake ground shaking, liquefaction, landslide, and rockfall. Overlay areas with adverse construction conditions: Development is not permitted in overlay areas with adverse construction conditions without compliance with all requirements in this chapter, and approval of the land use authority. Applications and development that does not meet the requirements of this chapter shall be denied. Adverse construction conditions include: expansive soil and rock, collapsible soil, gypsiferous soil and rock, shallow bedrock, caliche, wind blown sand, breccia pipes and paleokarst, soil piping and erosion, and shallow ground water. The Federal Emergency Management Agency (FEMA), the Utah Department of Natural Resources (DNR) and its Utah Geological Survey (UGS) hazard maps for the St. George area, as amended, are adopted.

10-13B-2: DEVELOPMENT IN GEOLOGIC HAZARD AREAS (UGS 1-4, BELOW):

A. Geologic hazard areas (UGS 1-4, below): For any development in the city with a geologic hazard listed below, applicant shall submit a report prepared by a qualified, licensed geologist specializing in engineering geology, or a licensed civil engineer, trained and experienced in the practice of geotechnical engineering. All development in the geologic hazard overlay shall be reviewed by the Hillside Review Board.

1. Surface fault rupture and earthquake: Well defined Holocene, and well-defined fault areas, red and purple lines/categories (extending 500 feet on the downthrown side and 250 feet on the upthrown side of each red/purple fault line).
2. Liquefaction: Very High category.
3. Landslide: Very High category.
4. Rockfall: High category.

B. General requirements for development in a geologic hazard areas:

1. Submit a site-specific report prepared by a qualified, licensed geologist specializing in engineering geology, or a licensed civil engineer, trained and experienced in the practice of geotechnical engineering with the following minimum requirements:
2. Identify all geologic hazard areas (UGS 1-4, above);
3. Identify any other geologic hazards, not listed above (UGS 1-4), which present an unacceptable risk to development;
4. Demonstrate which areas of the development are suitable for the proposed use;
5. Recommend specific measures necessary to make the land suitable for the proposed use; and

- 4429
- 4430 6. Recommend the optimal placement of all structures, roadways, utilities, trails and
- 4431 infrastructure in relation to the geologic hazard area.
- 4432
- 4433 7. Slope Stability Analysis: Slope stability analysis; conclusions and recommendations
- 4434 concerning the effects of material removal, introduction of water, both on and off site,
- 4435 including, where applicable, on mesa tops, seismic activity, and erosion on slope
- 4436 stability.
- 4437
- 4438 8. Foundation Investigation: Foundation investigation; conclusions and
- 4439 recommendations concerning the effects of soil conditions on foundation and
- 4440 structural stability, including bearing capacity, sheer strength, and shrink/swell
- 4441 potential of soils.
- 4442
- 4443 9. Spring Location: The location and yield of springs and seeps which shall be shown
- 4444 on the site plan.
- 4445
- 4446 10. Structural Features: Structural features including any geological limitations.
- 4447
- 4448 11. Surface Hazards: Existence of surface hazards including potential for rockfalls and
- 4449 toppling failures to cliffs, slopes and overhangs above the subject property.
- 4450
- 4451 12. Effect of Geologic Conditions: Conclusions and recommendations regarding the
- 4452 effect of geologic conditions on the proposed development, together with
- 4453 recommendations identifying the means proposed to minimize any hazard to life or
- 4454 property, or adverse impact on the natural environment.
- 4455
- 4456 13. City shall review the applicant's report. If the applicant's report is deemed adequate
- 4457 by the city engineer or designee, development may proceed if the report
- 4458 recommendations are followed. If the report is deemed incomplete or inadequate by
- 4459 the city engineer or designee, the development application shall be denied. If
- 4460 denied, the applicant may request an independent review, and the city engineer or
- 4461 designee may order a review by independent, qualified professionals. The
- 4462 professionals selected by city shall review and prepare written findings and
- 4463 comments on the applicant's report. The cost of the independent, qualified
- 4464 professionals shall be paid to city by applicant. Applicant may develop if the
- 4465 independent review and written findings and comments are implemented, in addition
- 4466 to any non-conflicting recommendations in the initial report of applicant. The city
- 4467 engineer or designee is the land use authority for the decision.
- 4468
- 4469 14. All development shall be outside the geologic hazard areas in paragraph A(3) and
- 4470 (4), above, unless:
- 4471
- 4472 a. City has accepted applicant's report, prepared by a qualified, licensed geologist
- 4473 specializing in engineering geology or a licensed professional engineer trained
- 4474 and practicing in the field of geotechnical engineering, and it recommends
- 4475 development, and shows hazards can be adequately mitigated for the proposed
- 4476 land use;
- 4477

- 4478 b. if City has not accepted applicant's report, the applicant also adopts and
4479 implements the independent review and writing findings and comments, in
4480 addition to any non-conflicting recommendations in applicant's report;
4481
4482 c. all report recommendations adopted by City are conditions of development.
4483
4484 d. Hold the city harmless from all claims resulting from any damage related to
4485 development within a geologic hazard area by executing a "geologic hazard
4486 disclaimer of liability and agreement" and by placing a "notice of hazard" on the
4487 final plat.
4488
4489 e. Interested parties may appeal the decision of the land use authority as set forth
4490 in Title 10, chapter 3.
4491
4492 C. Compliance: No structure or land shall be constructed, located, extended, converted or
4493 altered without full compliance with the terms of this chapter and other applicable
4494 regulations.
4495
4496 D. Abrogation and Greater Restrictions: This chapter is not intended to repeal, abrogate or
4497 impair any existing easement, covenant or deed restriction; however, where this chapter
4498 and another ordinance, easement, covenant or deed restriction conflict or overlap, the
4499 more stringent restriction shall prevail.
4500
4501 E. Interpretation: In the interpretation and application of this chapter, all provisions are
4502 minimum requirements in addition to applicable provisions of this title.
4503

4504 **10-13B-3: DEVELOPMENT IN ADVERSE CONSTRUCTION CONDITION AREAS:**

4505 For any development in the city in an overlay area with an adverse construction condition,
4506 applicant shall submit a site specific report prepared by a qualified, licensed engineer trained
4507 and experienced in the practice of geotechnical engineering identifying all adverse construction
4508 conditions. The report shall recommend development design mitigations to prevent damage due
4509 to the adverse construction conditions. City shall review the applicant's report. If the applicant's
4510 report is deemed adequate by the city engineer or designee, development may proceed if the
4511 report recommendations are followed. If the report is deemed incomplete or inadequate by the
4512 city engineer or designee, the development application shall be denied. If denied, the applicant
4513 may request an independent review, and the city engineer or designee may order a review by
4514 independent, qualified professionals. The professionals selected by city shall review and
4515 prepare written findings and comments on the applicant's report. The cost of the independent,
4516 qualified professionals shall be paid to city by applicant. Applicant may develop if the
4517 independent review and written findings and comments are implemented, in addition to any non-
4518 conflicting recommendations in the initial report of applicant. The city engineer or designee is
4519 the land use authority for the decision. The report shall be specifically identified on the plat and
4520 available to all owners and interested parties.
4521
4522
4523

ARTICLE C
DEVELOPMENT IN FLOOD AND
EROSION HAZARD OVERLAY ZONE

10-13C-1: SPECIAL FLOOD HAZARD AREAS:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "the flood insurance study" for the city of St. George, Utah, dated August 19, 1987, with an accompanying flood insurance rate map (FIRM), is hereby adopted as an overlay zone by reference and declared to be a part of this chapter, and any amendments, alterations or additions to said study or the FIRM hereafter at any time made by FEMA shall immediately and automatically be adopted by reference, and in their amended form, become a part of this chapter. The study and FIRM, as either or both may be revised from time to time, shall be kept on file at the city office, 175 East 200 North, St. George, Utah.

10-13C-2: REQUIREMENTS:

- A. Compliance: No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.
- B. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate or impair any existing easement, covenant or deed restriction; however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, the more stringent restriction shall prevail.
- C. Interpretation: In the interpretation and application of this chapter, all provisions are minimum requirements in addition to applicable provisions of this title.

10-13C-3: ADDITIONAL REQUIREMENTS FOR DEVELOPMENT IN THE FLOOD HAZARD AREA - FLOOD HAZARD DEVELOPMENT PERMIT:

- A. In addition to the general requirements for development, above, all development in the flood hazard area shall meet the following additional requirements:
- B. Flood Hazard Development Permit application prepared by a registered professional engineer shall be submitted before construction or development begins within any area of special flood hazard. Application for a flood hazard permit shall be made on forms furnished by the city engineer or designee and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of any development or substantial improvement, together with any existing structures, fill, storage of materials and drainage facilities. Specifically, the following information is required:
 - 1. Elevation in relation to mean sea level, or the lowest floor (including basement) of all structures;
 - 2. Elevation in relation to HCN (horizontal control network) to which any structure has been floodproofed;

- 4571 3. Certification by a registered professional engineer that the floodproofing methods for
4572 any nonresidential structure meet the floodproofing criteria of FEMA and this chapter;
4573 and
4574
4575 4. Description of the extent to which any watercourse will be altered or relocated as a
4576 result of proposed development. Descriptions shall include details of erosion
4577 protection, floodplain cross sections, profiles, and any other relevant information,
4578 prepared by a registered professional engineer.
4579

4580 C. Land use authority:

- 4581
4582 1. City Engineer: The city engineer or designee is the land use authority to administer
4583 and implement this chapter and maintain for public inspection all records pertaining
4584 to the provisions of this chapter.
4585
4586 2. Authority: The city engineer or designee shall review flood hazard development
4587 permit applications to determine if:
4588
4589 a. all necessary permits have been obtained from federal, state or local
4590 governmental agencies from which prior approval is required.
4591
4592 b. the proposed development is located in the floodway.
4593
4594 c. the encroachment provisions of this chapter are met for any proposed
4595 development in the floodway.
4596

4597 D. Use Of Other Base Flood Data: In areas where no base flood elevation data has been
4598 provided in accordance with subsection 10-13C-1 of this chapter establishing the areas
4599 of special flood hazard, and the city engineer or designee determines flood hazards
4600 exist, s/he shall advise property owners that flood conditions exist, and the city engineer
4601 or designee may use reasonable base flood elevations, floodway or related data
4602 available from other sources as criteria for any new construction, substantial
4603 improvements or other development that may be necessary to comply with the
4604 provisions of this chapter.
4605

4606 a. Information To Be Obtained And Maintained:

- 4607
4608 a. Obtain and record the actual elevation (in relation to mean sea level) of the
4609 lowest floor (including basement) of all new or substantially improved structures,
4610 and whether or not the structure contains a basement.
4611
4612 b. For all new or substantially improved floodproofed structures:
4613
4614 i. Verify and record the actual elevation (in relation to mean sea level) to which
4615 the structure has been floodproofed.
4616
4617 ii. Maintain the floodproofing certifications required in subsection 10-13C-4-G of
4618 this chapter.
4619
4620 c. Maintain for public inspection all records pertaining to the provisions of this
4621 chapter.

b. Alteration of Watercourses:

a. Notify affected communities and the state department of public safety prior to any alteration or relocation of the water course and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance be provided within the altered or relocated portion of said watercourse, so the flood carrying capacity is not diminished.

c. Interpretation of FIRM Boundaries: Make interpretations, where needed, with the exact location of the boundaries of the areas of special flood hazard. The person contesting the location of a boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection C of this section.

E. Appeal Procedure: Persons contesting specific applications of this chapter shall be given a reasonable opportunity to appeal those applications by petitioning the administrative hearing officer in accordance with Title 10, Chapter 3.

10-13C-4: ADDITIONAL REQUIREMENTS FOR DEVELOPMENT IN THE FLOOD HAZARD AREA - PROVISIONS FOR FLOOD HAZARD REDUCTION:

A. Application: In addition to the general requirements for development or zone changes in a flood hazard area, all development in the flood hazard area shall meet the following additional requirements for flood hazard reduction: The general standards set out in subsections B through E of this section are required. In areas of special flood hazard where base flood elevation data has been provided as set forth in subsection 10-13C-1 of this chapter, or hazard determination has been made by the city engineer or designee pursuant to subsection 10-13C-3-C of this chapter, the specific standards of subsections F through H of this section are required.

B. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and make it capable of resisting hydrostatic and hydrodynamic loads.

2. All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and be capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, the use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements are:

a. Over the top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations; with manufactured homes less than fifty feet (50') long requiring one additional tie per side;

b. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points; with manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side;

c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

d. Any additions to the manufactured home shall be similarly anchored.

C. Construction Materials and Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

D. Utilities:

- f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems, and minimize or eliminate discharge from the systems into flood waters; and

E. On site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding.

F. New Development:

- a. All new development proposals, including subdivisions, located within an erosion hazard area shall be consistent with the need to minimize erosion damage. Proposals within these areas shall comply with the following requirements:
 - a. Meet all applicable provisions of this title.
 - b. Meet all applicable provisions of the International Building Code with regard to wall and footing setbacks for slopes, grading, drainage and compaction of fills.
- c. Provide an engineering study, prepared by a professional civil engineer licensed to practice in the state, which includes a hydraulic analysis, a historical and geological evaluation of potential erosion hazards, and an analysis of long term channel degradation, movement and bank erosion. The study shall also include recommendations for erosion protection measures, if any. The study shall include the engineer's professional opinion that when the erosion protection measures, if any, are implemented, the proposed development will not be adversely affected by erosion and that the erosion protection measures, if any, will not adversely affect reaches or development upstream, downstream, and across river over a 100-year planning period.

- d. Provide for the perpetual maintenance of the erosion protection, at no cost to the city or other public agency;
- e. Provide a maintenance and access easement to any erosion protection. Access to erosion protection, shall be located and constructed to minimize flood damage;
- f. Obtain necessary section (404) permit from the United States army corps of engineers, and stream alteration permits from the office of the Utah state engineer prior to any construction activity at no cost to the city;
- g. Hold the city harmless from all claims resulting from erosion or any other flood related damage to development within an "erosion hazard area" by executing a "flood and erosion hazard disclaimer of liability and agreement" and by placing a "notice of hazard" on the final plat if applicable.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage by providing drainage through each lot, unless joint drainage facilities are owned and maintained by an owner's association; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less), or as may be otherwise required by the city engineer or designee.

G. Construction Requirements:

- a. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot (1') above the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight from the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer that the standards of this subsection are satisfied;
 - d. Require within an AO and AH zone on the FIRM that all new construction and substantial improvements of nonresidential structures: 1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least 2 feet if no depth number is specified); or 2) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in this subsection F1 of this section; and
 - e. Require within zones AO and AH, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

2. Residential Construction:

- a. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to two feet (2') or more above the base flood elevation;
- b. Require within any AO and AH zone on the FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least 2 feet if no depth number is specified);
- c. Require within zones AO and AH, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures;
- d. Require within an A zone on the FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basements) elevated at least one foot (1') above the highest adjacent grades;
- e. Require within zone A on the FIRM, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Manufactured Homes:

- a. Manufactured homes shall be anchored in accordance with subsection B of this section.
- b. All manufactured homes or those to be substantially improved shall conform to the following requirements:
- c. Manufactured homes that are placed or substantially improved on a site: 1) outside of a manufactured home park or subdivision; 2) in a new manufactured home park or subdivision; 3) in an expansion to an existing manufactured home park or subdivision; or 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot (1') above the level of the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and
- d. Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in subsection G1 of this section, shall be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty six inches (36") in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles: Recreational vehicles shall either: 1) be on the site for fewer than one hundred eighty (180) consecutive days; 2) be fully licensed and ready for

highway use; or 3) shall meet the permit requirements, elevation, and anchoring requirements for resisting wind forces that are applicable to manufactured homes.

10-13C-6: BUILDING PERMIT REQUIREMENTS:

- A. Drainage and Flood Protection Plan: Prior to issuance of a building permit in any area designated by the city as flood prone, a drainage and flood protection plan shall be submitted for approval by the city engineer or designee. Any or all information as outlined in section 10-23-5 of this chapter shall be provided by the building permit applicant.
- B. Improvements Completed Prior To Occupancy: Prior to occupancy of said building, all flood control improvements, including applicable sections of master planned flood control improvements, shall be completed with approval by the city engineer or designee.

10-13C-7: DRAINAGE ENCROACHMENT:

It shall be unlawful to place any fill, landscaping, walls, fences or material of any kind in any watercourse, whether natural or manmade, which redirects the flow of drainage to create a nuisance or damage to neighboring property.

10-13C-8: FLOODWAYS:

Located within areas of special flood hazard established in subsection 10-13C-1 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. All encroachments are prohibited, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 10-13C-4-F of this chapter relating thereto.
- C. Land within a floodway shall not be included in the calculation of the area of a parcel for the purposes of determining density or minimum lot size.

ARTICLE D.
RESORT OVERLAY ZONE

10-13D-1: ALLOWED USES:

- A. In addition to uses allowed in the underlying zone, within a resort overlay zone, overnight or short-term rental within a development that includes the following minimum criteria is an allowed use:
- a. At least one hundred (100) dwelling units, or fifty (50) dwelling units for single family developments with density under 4 du/ac;
 - b. Written consent from one hundred percent (100%) of the property owners within the recorded plat;
 - c. All final plats and covenants, conditions and restrictions (CC&Rs), which have been recorded shall include a note indicating that short term residential rental properties are a permitted use; and
 - d. The owner or property manager of each short term residential rental property shall obtain a short term residential rental property business license as required in this code prior to commencing the use and shall maintain such license throughout the use.
- B. At a minimum, all developments with five (5) or more units shall provide usable recreation or playground areas in a central location as follows:
1. One thousand (1,000) square feet for the first five (5) units;
 2. An additional two hundred (200) square feet for each unit over five (5) units;
 3. The average width and length of each usable recreation or playground area shall not be less than twenty feet (20'); and
 4. All of the required area shall be usable common space accessible to the entire community.
 5. The number of amenities required depends on the size of the development. All amenities shall be approved by the land use authority in accordance with the following:

Units	Amenities
0-4	0
5-50	1
51-100	2
101-200	3

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201-300	4
For projects in excess of 300 units, add 1 amenity for each 100 additional units or fraction thereof..	

6. The type of amenities required depends on the nature, size, and density of the development. If multiple amenities are required, the type shall vary. All amenities shall be approved by the land use authority in accordance with the following:
- a. All required amenities shall be fully constructed, prior to construction of fifty percent (50%) of the total project units, or in accordance with an executed development agreement with terms acceptable to city.
 - b. In addition to amenities, a minimum of thirty percent (30%) of the lot area shall be maintained in landscaped area, and at least fifty percent (50%) of the front setback area shall be maintained as landscaped area.
 - c. Table of Amenities:

Recreation and Enrichment Amenities
Pool - at least 400 square feet Internal Health or Fitness Facilities Secured, programmed, children’s play areas In-ground Hot Tub Community Garden Perimeter Trail Sport Court Indoor, Keyed Bicycle Storage for Units Community Library, Office, or Meeting Facilities Exterior Social Area – at least 400 square feet

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4919 **ARTICLE E.**

4920 **ST. GEORGE ARTS DISTRICT OVERLAY ZONE, LANDMARK SITES,**
4921 **AND THE HISTORIC PRESERVATION COMMISSION**
4922

4923 **10-13E-1: St. George Arts District Overlay Zone:**

4924 A. St. George Arts District Overlay zone is established, which shall be an overlay zone over
4925 the existing zoning districts shown on the official city zoning map. In cases of conflict
4926 between this article and other provisions of this title, this article shall apply.
4927

4928 B. The boundaries of the district and overlay zone are set forth as follows:
4929

4930 BEGINNING at the control point in the intersection of 100 South and 100 West Streets and
4931 is according to the official St. George city plat located in Township 42 South, Ranges 15 and
4932 15 West SLB&M, and running thence S 89°53'01"E 784.07 feet m/l along the Survey Control
4933 Line; thence N 0°08'44"E 377 feet m/l along the lot line between Lots 3 and 4, Block 15, Plat
4934 "A"; thence easterly 264 feet m/l to the west line of Lot 8 of said Block 15, Plat "A"; thence
4935 northerly 19 feet m/l along said west line to the north line of Southern Utah Title Company
4936 property; thence easterly 191 feet m/l along said north line to the 100 East Street Control
4937 Line; thence N 0°08'44"E 1449 feet m/l to the St. George City Survey Control Point at the
4938 intersection of 200 North and 100 East Streets; thence N 89°51'44"W 323 feet m/l along the
4939 Survey Control Line; thence N 0°08'44"E 178.20 feet m/l along the center block line between
4940 Lots 1 and 2 of Block 2, Plat "D", St. George City Survey to the center point of said Block 2;
4941 thence westerly 295 feet m/l along the east-west centerline of said Block 2, Plat "D" to the
4942 Main Street Survey Control Line; thence S 0°08'44"W 178.20 feet m/l to the 200 North and
4943 Main Street Survey Control Point; thence N 89°51'44"W 458 feet m/l along the 200 North
4944 Control Line to an extension of the lot line of Lots 2 and 3 of Block F-3, Plat "A"; thence
4945 northerly along said line between Lots 2 and 3 to the south line of Diagonal Street; thence N
4946 48°16'24"W along said southerly line of Diagonal Street to the northwesterly corner of Lot 4
4947 of said Block F-3, Plat "A"; thence S 0°08'09"W 69.77 feet along the west line of said Block
4948 F-3, Plat "A" to an extension of the south line of Hanover Court property; thence westerly
4949 190 feet m/l along said line extended to a point on said line 100 feet from the east line of
4950 Block 39, Plat "A"; thence southerly 347 feet m/l parallel to and 100 feet west of said east
4951 block line to the south line of 200 North Street; thence westerly 32 feet m/l to the northwest
4952 corner of Lot 8, Block 31, Plat "A"; thence southerly 346.5 feet m/l along the line between
4953 Lots 7 and 8, 1 and 2 to the north line of Red Hills Investment Inc. property; thence Easterly
4954 191 feet m/l to the 100 West Street Control Line; thence S 0°08'09"E 214.29 feet m/l along
4955 said Control Line; thence S 0°08'56"W 1236.85 feet along said 100 West Street Control Line
4956 to the point of beginning.
4957

4958 C. Design Guidelines: The following are the design guidelines for buildings located in the
4959 district:
4960

4961 1. Signs: All signs within the district shall be part of an overall design scheme and shall
4962 conform to the sign standards.
4963

4964 2. Underground Utility Lines: All utility lines shall be located underground.
4965

4966 D. Rehabilitation Guidelines for Significant Historic Buildings: Rehabilitation of significant
4967 historic buildings shall comply with the guidelines set forth herein and, in addition, all

applicable statutes, codes and ordinances, as amended from time to time, relating to the use, maintenance, construction and occupancy of the property.

1. Standards: All improvements to landmark sites shall be in accord with the general and specific standards for historic preservation as prepared by the secretary of the interior, and in harmony with the architectural character of the neighborhood.
2. Additions: Whenever possible, new additions or adaptive reuse to structures shall be done in such a manner that if such additions or changes were to be removed in the future, the essential form and integrity of the structure would not be impaired.
3. Parking and Access: Off street parking, loading facilities and pedestrian access shall be designed so as not to create conflicting movement. All other areas other than driveways, parking areas, walks and terraces shall be appropriately landscaped and provided with appropriate trees and shrubbery.
4. Accessory Structures: Accessory structures shall be improved to harmonize with any redevelopment of the primary structure.
5. Restoration of Exterior Facades: Restoration of all exterior facades, including the side and rear facade, shall be in keeping with the objectives herein. Roofline, windows and exterior facing materials shall all be considered. Adjoining buildings in separate or the same ownership shall be rehabilitated so as to carry out a unified concept.
6. Harmony of Materials, Techniques and Colors: Materials, techniques and colors must conform to and harmonize with original materials and techniques. To this end, the emphasis should be, where practical, on correct period sash, doors, cornices, wall materials and signs and the removal of present-day anachronisms, such as defacing or out of scale contemporary features. The general requirements shall apply particularly to visible surfaces on the exterior. New work adjoining old must be carefully blended to minimize the separation, unless, in the opinion of qualified architectural experts, it is better to make the joining areas obvious and thereby emphasize the qualities of the original work.
7. Patching: When repairing or replacing masonry details, decorations or parapet walls, care should be taken to prevent an obvious and unsightly patch. Materials, joints, etc., should match the original as closely as possible in composition, color and texture. For additional information on repairing masonry walls, see the preservation brief no. 2, prepared by the technical preservation services division of the United States Department of Interior.
8. Fake Details and Decorations: Fake "historic" details, decorations and other additions should be avoided.
9. Anchoring: Sagging details, decorations, cornices, string courses, lintels, arches, pilasters, and parapet walls should be firmly reanchored. The original height of the parapet wall should not be modified.
10. Repair or Replacement of Architectural Details: Deteriorated building details should be repaired rather than replaced whenever possible. Repair or replacement of

missing architectural decorations and details should be based on accurate duplications, substantiated by historical, physical or pictorial evidence rather than on conjectural design. In the event replacement is necessary, the new material should match the original material in composition, design, color and texture.

11. Painting: Heavy or numerous coats of paint, or paint in the wrong color that obscures architectural decorations and details should be removed before repainting. Refer to preservation brief no. 10, exterior paint problems on historic woodwork, by the technical preservation services division of the United States Department of the Interior.

12. Fixtures: Hardware and lighting fixtures, where practical, shall be selected with care to conform to authentic work of the period, and to match remaining originals where such exist.

13. Ornaments: If the original or significant detail no longer exists or is too deteriorated to save, it is recommended that a contemporary design be undertaken which is compatible with the rest of the building in scale, design, materials, color and texture. An alternative might be to undertake an accurate restoration based on historical research and physical evidence. Where an original or significant detail no longer exists and no evidence exists to document its early appearance, it is generally preferable to undertake a contemporary detail that retains the historic "flavor" of the building.

14. Materials:

- a. Original building wall material should not be covered with any form of inappropriate siding. Where this has already occurred, the inappropriate siding should be removed and the original wall material restored.
- b. Masonry facings shall be cleaned and painted as necessary. Sandblasting is forbidden without prior approval of the historic preservation commission. All repointing, when necessary, shall be done according to the specifications set by preservation brief no. 2, repointing mortar joints in historic brick buildings, by the heritage conservation and recreation service, United States Department of the Interior.
- c. Recommended materials for rehabilitation of masonry buildings include traditional bond pattern, such as running bond or Flemish bond, not stack bond. Clay facing tile may be used if the face size of the tile is that of standard brick and if the bond pattern is typical of contributing buildings in the neighborhood.
- d. The imitation of stone veneer or brick, using stucco, prefabricated plastic, plywood and/or fiber panels is not acceptable, unless documented through historic or pictorial evidence.
- e. Asphalt or wood shingled awnings and diagonal sided panels are not acceptable.
- f. Vinyl or aluminum panels imitating clapboard or wood siding are not acceptable.

- 5069 g. Glazing shall be clear, nonreflective, and untinted. Double glazed insulating glass
5070 or materials such as acrylic or high impact polycarbonate panels is permissible.
5071
5072 h. Wall surfaces that have not been painted should remain unpainted.
5073
5074 15. Color:
5075
5076 a. Color for all rehabilitation work must blend with the existing exterior residential
5077 color palette. If any new brick is used for rehabilitation work, it must be similar in
5078 texture, effect and color to the original brick. Stucco color for exterior walls shall
5079 be similar in tone to the muted pastels typical of historic pioneer stucco buildings
5080 or shall blend with the natural tones of the surrounding geology reflected on the
5081 exterior of adjacent buildings.
5082
5083 b. White and off white may be used on decorative elements such as lintels, sills and
5084 cornices. Bright colors are not appropriate for major architectural elements such
5085 as building walls. However, when used sparingly in fine lines, such as on the
5086 wood trim of a storefront, a brighter color than that of the building face will be
5087 allowed to enhance a particular color scheme.
5088
5089 c. Metallic finishes generally are not allowed, except when used in such treatments
5090 as painted gold or bronze toned lettering on storefront glass.
5091
5092 d. A simple color scheme of up to no more than three exterior colors is required.
5093
5094 16. Mechanical Equipment:
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5096 a. Radio, television, telephone and/or other telecommunication equipment, such as
5097 antennas of satellite "dishes" and ancillary systems, cables, junction boxes and
5098 the like, shall be placed behind or within suitable visual barriers in such a way
5099 that it is not visible from the streets.
5100
5101 b. Heating and air conditioning equipment, including cooling units, blowers, exhaust
5102 fans, ducts and/or ancillary systems, support units, brackets, wiring, junction
5103 boxes and the like, shall be properly screened or installed behind or within
5104 suitable visual barriers.
5105 E. New Construction: The guidelines in this section are to be used by those
5106 planning new construction. Their purpose is to reinforce and enhance the historic
5107 architectural character of the neighborhood by encouraging compatible new
5108 construction. The guidelines do this by describing and illustrating certain design
5109 concepts found in the historic architecture of the neighborhood; concepts which
5110 can be applied in the design of new structures.
5111
5112 17. Considerations: The historic preservation commission will consider design concepts
5113 other than those recommended in these guidelines when necessary to promote
5114 design concepts found in the historic architecture of the neighborhood. However, in
5115 order for a design to be considered for exceptional review, it must not include the use
5116 of elements that are designated as inappropriate in the guidelines.
5117
5118 18. Siting: The ground floor of new structures should relate to the pedestrian's human
5119 scale and continue to display the siting of neighboring structures.

5120
5121 19. Scale:
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- 5123 a. Of the many criteria that must be considered when designing new buildings for
5124 the neighborhood, by far the most important is the scale of the new building and
5125 its relationship to the scale of the neighborhood.
5126
5127 b. Just as the relationship of a new structure to the buildings on its block is
5128 important, so is it important that the elements within its facade be appropriately
5129 scaled. The scale of these elements should recall those of neighboring
5130 structures.

5131 20. Width Of Building: Building widths have a major impact upon the perception of the
5132 scale of a building. The apparent widths of the front facades of new buildings should
5133 correspond to typical widths of the buildings on the same block. A long facade should
5134 be broken into separate elements to suggest facade widths or bays similar to those
5135 of neighboring buildings.
5136

5137 21. Windows: Original windows in the older buildings are predominantly wood double
5138 hung type. A sash pattern of one over one (1/1), that is, one undivided framed pane
5139 above a similar pane, is the most common type. In new construction, one over one
5140 (1/1) type is required, unless the majority of windows in adjacent structures facing
5141 the streetscape clearly indicates otherwise. The pattern of a one over one (1/1)
5142 window may be achieved by the use of fixed glass, with three (3) conditions: a) that
5143 the window frame replicate the proportions of a typical double hung window sash; b)
5144 that no unpainted clear aluminum be used for the frame; and c) that the window
5145 frame be of similar cross sectional size to that of double hung windows typical of the
5146 neighborhood.
5147

5148 22. Ornament: The ornamental details shall be compatible and in scale with those used
5149 in the streetscape.
5150

5151 23. Color: Approved color schemes appropriate for the neighborhood are required.
5152

- 5153 a. Muted background colors are required for the majority of the building surfaces.
5154
5155 b. Up to two complementary (2) accent colors may be used in addition to the
5156 background color.
5157
5158 c. Finish wood surfaces. The rustic or bare wood look is not allowed.
5159
5160 d. The natural color of stone or brick may not be painted.
5161
5162 e. Roofs must be a neutral or muted brown or gray.
5163

5164 **10-13E-2: ARTS DISTRICT SIGN REGULATIONS:**

5165 Within the City's district, the City's sign regulations shall apply with the following special
5166 provisions, additions and exceptions. Where a conflict exists, the special provisions contained
5167 herein shall take precedence over the regulations in the general sign ordinance. The following
5168 provisions shall apply only to property within the district:
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5170 A. Commercial Zones: Permitted signs are as follows:

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1. Wall, Projecting Signs: Wall or projecting signs; provided, that the area does not exceed ten percent (10%) of the front wall face of the building; and further provided, that:
 - a. Wall signs, either attached or painted, shall not rise above the roofline nor project more than eighteen inches (18") from the wall.
 - b. Projecting signs shall not project more than four feet (4') from the building. Signs projecting over the public right-of-way must have a minimum ground clearance of ten feet (10'). Guywires or secondary supports shall not be used.
 - c. Awning signs must have a minimum ground clearance of eight feet (8'), and shiny, "Day-Glo" fluorescent or brilliant luminescent colors are not permitted.
 2. Freestanding Pole Sign, Low Profile Sign: One freestanding pole sign or low profile monument type sign may be allowed for each parcel of property or commercial complex, provided the following standards are met:
 - a. Low profile monument type signs which are wood carved, sandblasted or engraved metal and do not exceed six feet (6') in height and are no more than sixteen (16) square feet in area for an individual business, or twenty-four (24) square feet for multiple businesses.
 - b. Pole signs, provided the support pole is located on private property and the sign does not exceed twenty feet (20') in height, nor exceed twenty-four (24) square feet in area if the sign is rectangular or square shaped, nor exceed thirty-six (36) square feet in area. Sign face may project over the public right-of-way, provided there is a minimum clearance of ten feet (10') from ground to the sign and sign face does not project closer than eight feet (8') to back of curb.
 3. Entrance, Exit Signs: Entrance or exit signs and property signs according to the city sign ordinance.

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B. Prohibited Signs:

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1. Roof signs, or any sign projecting above the roofline.
 2. Off premises signs.
 3. Flashing signs, including any sign or device in which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
 4. Signs made of cardboard, paper, canvas or similar impermanent material.
 5. Bubble shaped awnings and awnings with a shiny or wet look are not appropriate in the district.
 6. Other prohibited signs identified in the city sign ordinance (e.g., portable signs, etc.).

C. Additional Provisions:

1. Color of Signs: Painted signs should be in subdued earth tone colors only. "Day-Glo" or fluorescent colors are not permitted. Neon signs are permitted if appropriate for the building or use. EMS signs are not permitted.

2. Letter Style; Integration:

a. The lettering style shall be simple and in keeping with the architectural character of the building.

b. All permanent signs shall be integrated into the architectural design of the building on which they are placed and into the overall sign layout of the project in character and quality.

10-13E-3: HISTORIC PRESERVATION COMMISSION

A. COMMISSION CREATED: There is hereby created and established an historic preservation commission which shall consist of seven (7) members who are residents of the city and who shall be appointed by the mayor.

B. COMPOSITION OF COMMISSION: The mayor shall select at least two (2) members of the commission from the professions of history, architecture, architectural history, archaeology, planning, urban planning, American studies, American civilization, cultural geography or cultural anthropology, as those professions are defined by national park service regulations.

C. TERMS OF OFFICE: The members of the commission shall serve overlapping terms of four (4) years. Initially, one member shall be appointed for a term of one year, one member shall be appointed for a term of two (2) years, one member shall be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years. Members may be reappointed for consecutive terms. If a member represented a designated profession and ceases to be a member of that profession, or if a vacancy occurs for some other reason, a new appointment shall be made by the mayor for the unexpired term.

D. COMPENSATION: members of the commission shall serve without pay but shall be reimbursed by the city for necessary expenses incurred in connection with their duties.

E. ORGANIZATION; OFFICERS; RULES; MEETINGS: At their first meeting, the appointed commissioners shall elect officers who shall serve for terms of one year. The commission may establish any rules necessary for the orderly conduct of its business. All meetings of the commission shall be open to the public. The commission shall meet at least twice each year and shall keep minutes of its resolutions, proceedings and actions which shall be made available for public inspection.

F. POWERS AND DUTIES:

1. Survey of Historic Resources: The commission shall conduct or cause to be conducted a survey of historic, architectural and archaeological resources within the community. Such survey shall result in an inventory which is able to be readily integrated into statewide comprehensive historic preservation planning and be

compatible with the Utah inventory of historic and archaeological sites. The resulting inventory shall be open to the public and shall be updated at least every ten (10) years.

2. Other Duties: The commission shall review and comment to the state historic preservation officer on all proposed national register nominations for properties within boundaries of the city. In addition, it shall provide information to government officials and citizens of the area regarding historic and archaeological resources and history of the community. The commission shall be considered as an interested individual property owner for the purpose of making application to the planning commission for recommendation of landmark sites under this Chapter. Enforcement of all state laws relating to historic preservation shall be supported by the commission with violations being brought to the attention of the appropriate authority.

G. PUBLIC HEARING: Upon recommendation by the commission that property be nominated for inclusion on the national register, or upon recommendation by the planning commission that a site be designated as a landmark site pursuant to this Chapter, the city council shall hold a public hearing preceded by giving sufficient written notice to the owners and occupants of the affected property and by publication in a newspaper of general circulation at least five (5) but not more than fifteen (15) days prior to the date of the public hearing. The notice shall designate whether the subject property is nominated for inclusion on the national register or whether it is being proposed as a landmark site because of its historical, architectural and cultural significance. The owners, occupants and any party known to be affected by a proposed historic landmark shall be given written notification of such recommendation or nomination as herein provided by utilizing the most current city and county records to obtain current addresses.

H. NOTICE OF ALTERATION: While a site nominated for the national register of historic places shall be subject to federal and state regulations affecting the same, properties designated as landmark sites pursuant to this Chapter, may be demolished, materially altered, remodeled, relocated or put to a different use only after one hundred twenty (120) days' written notice of the owner's proposed action has been given to the commission. During this one hundred twenty (120) day period, the commission may negotiate with the owner of the landmark and with any other parties in an effort to find a means of preserving the property. The commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, not including loss of profit, unless a reduction in the required period were allowed. On the other hand, where application for landmark site designation has been submitted to the planning commission and before decision by the city council, the commission may cause an additional waiting period to be imposed prohibiting demolition, material alteration, remodeling or relocation until there has been action of non-recommendation by the planning commission or action by the city council.

I. MAINTENANCE: Neither the owner nor occupant of a structure nominated for inclusion on the national register or designated as a landmark site pursuant to this Chapter shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the commission, a detrimental effect upon the life and character of the landmark or structure in question, including, but not limited to:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration or crumbling of exterior plaster or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe conditions.

J. PENALTY: Any person who violates any provision of this chapter shall be guilty of a class C misdemeanor or lesser offense, as determined by the city attorney and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Any person who filed with the commission and who refused to furnish, upon demand by the commission, any information relating to such application or request, or who willfully makes any false statement in such application or request, shall be also liable for such misdemeanor or lesser offense. For the purpose of this chapter, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provision.

10-13E-4: LANDMARK SITES:

A. Designation of Landmark Sites:

- a. City Council Designates: Upon application of the property owner, the city council may designate certain areas or structures as landmark sites if the property satisfies the following criteria.
- b. Criteria for Designating A Property As A Landmark Site: Any building, structure, or site may be designated as a city landmark site if it meets the criteria in subsections 2a through 2c of this section, and at least one of the other criteria set forth in subsections 2d through 2h:
 - a. It is located within the boundaries of St. George City.
 - b. The building or structure was constructed before 1970.
 - c. There are no major alterations or additions that have obscured or destroyed significant historic features, such as: changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with nonhistoric materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way.
 - d. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places

5375 under the provisions of 36 CFR 60.6. Properties listed on or determined to be
5376 eligible for the national register must still retain their integrity.

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5378 e. It is associated with events that have made a significant contribution to the broad
5379 patterns of the history of the city, state or nation.

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5381 f. It is associated with lives of persons significant in the history of the city, state or
5382 nation.

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5384 g. It embodies the distinctive characteristics of a rare or unique type, period or
5385 method of construction, or represents the work of an architect or builder
5386 recognized as a master in his/her field, or possesses high artistic values or style,
5387 or represents a significant and distinguishable entity whose components may
5388 lack individual distinction.

5389
5390 h. It has yielded or may be likely to yield information important in prehistory or
5391 history (archeological sites, for example).

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5393 B. Conditional Uses for Landmark Sites: Landmark sites shall be granted a conditional use
5394 permit only if the following conditions are satisfied:

5395
5396 1. The requested use is for low impact professional office or commercial use.

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5398 2. Substantial investment is made to upgrade the property and enhance its historic
5399 significance.

5400 3. Any renovation maintains or enhances the historic, architectural and aesthetic
5401 features of the property.

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5403 4. The proposed use shall generate only minimal traffic or parking demand as
5404 determined by the city council.

5405
5406 5. City council may impose such other conditions for granting a conditional use permit
5407 as it deems necessary to protect the character of the landmark site.

5408
5409 C. Construction Permits: Any construction upon a landmark site that materially changes the
5410 exterior appearance, adds to, reconstructs, or alters a landmark site, shall require a permit
5411 from the city council. Applications for such permits shall be made to the historic preservation
5412 commission who shall recommend the granting or denial of the permit to the city council.
5413 The city council shall have final authority to grant or deny a permit to construct that is
5414 consistent with standards set forth herein.

5415
5416 D. Demolition Prohibited: No structure or building within a landmark site designation shall be
5417 demolished or removed unless the structure poses an immediate hazard to human health
5418 and safety.

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5420 E. Removal of Landmark Site Designation: If a property owner no longer wants its area or
5421 structure designated as a landmark site, the designation shall be removed by recording a
5422 removal document in the property records of the County on a form acceptable to City.
5423 Recording a removal document immediately terminates any conditional use permit
5424 associated with the area or structure.

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10-13E-5: REVIEW PROCESS:

- A. Review Recommendation Committee: The historic preservation commission shall act as the St. George Arts District Overlay Zone design review recommendation committee.
- B. Exterior Proposals: The historic preservation commission shall review the exterior design proposals for landmark sites and significant historic buildings within the district. Exterior proposals shall include:
 - 1. Any rehabilitation, reconstruction or addition to the exterior of a landmark site or significant historic building.
 - 2. Any demolition or relocation of a landmark site or significant historic building.
 - 3. Any new construction within the St. George Arts District Overlay Zone, except for minor additions to existing nonhistoric buildings.
- C. Recommendation Of Commission: The historic preservation commission shall be asked to review items submitted to the community development department pertaining to the St. George Arts District Overlay Zone and provide a recommendation to the community development department on such proposals.
- D. Design Review: For projects requiring review by the historic preservation commission as set forth above, the site plan, exterior design of buildings, architectural treatment, and other items related to design objectives, shall be subject to the review of the historic preservation commission.
- E. Approval Required: The site plan and exterior design of all buildings and development proposed for the district shall be subject to approval by the community development department after recommendation of the historic preservation commission. No building permit shall be issued in the overlay zone without such approval.
- F. Denial; Further Consideration: An applicant who has been denied a permit by the community development department for lack of approval pursuant to subsection E of this section, may apply for a certificate of appropriateness as provided in subsection G of this section, or may ask the community development department for further consideration of the application by the city council. In such event, a decision by the city council shall be final.
- G. Certificate Of Appropriateness: A property owner may be relieved of the restrictions imposed by this article by applying for a certificate of appropriateness, setting forth in the application therefor the reasons why: 1) a particular building is no longer suitable for present purposes; and 2) why he cannot earn a reasonable return from use or rental of the building if altered or demolished and reconstructed within the limitations of this article and the guidelines adopted hereunder. Determination of whether a building is appropriate for exclusion from the application of this article shall be made by the community development department upon recommendation by the historic preservation commission. If an applicant thereafter desires further consideration of the award or denial of a certificate of appropriateness, he may request consideration thereof by the city council, and its decision upon hearing shall be final.

CHAPTER 14 OUTDOOR LIGHTING

10-14-1: GENERAL PROVISIONS:

- A. Applicability: All outdoor lighting, shall conform to the requirements of this chapter, excluding lighting for detached single family dwellings.
- B. General Standards:
 - 1. Light Shielding and Direction: Unless specifically exempted below, all outdoor lighting shall be fully shielded and downward directed in compliance with the following:
 - a. No artificial light source shall project direct artificial light into the night-time sky; and
 - b. No artificial light source shall be placed at a location, angle, or height that creates a light trespass.
 - c. The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.
 - d. Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, or other screening, provided it is in strict compliance with (1) through (3) of this subsection.
- C. Property lighting:
 - 1. Spot or flood lighting from a building or other structure is prohibited.
 - 2. The overall height of any light, on a pole or building, used to illuminate the property shall not exceed thirty feet (30').
 - 3. All parking lot lighting shall use full cutoff fixtures along property lines.
- D. Specific Standards: In addition to the general standards of 10-14-24B, the following are specific standards that apply to certain lighting types and circumstances:
 - 1. Canopy lighting: All direct artificial light sources shall be shielded or recessed and shall not produce more than an average of twenty-five (25) footcandles under the canopy.
 - 2. Property lighting: All artificial outdoor light sources shall not exceed one (1) footcandle at property line and an average of ten (10) footcandles of the property area.
 - 3. Flickering or flashing lights shall not be permitted.

4. Property and Canopy Lighting: Dimming controls shall be installed, which allows the lighting to dim below the required average foot-candles.

E. Exemptions: The following light sources are exempt from the requirements of this chapter:

- a. Federal and state flag lighting.
- b. Seasonal lighting: Outdoor lighting, provided it is in compliance with the following:
 - a. Lighting shall not create a hazard or glare nuisance; and
 - b. The lighting shall be temporary (less than 90 days in a calendar year) and not permanently installed.
- c. Low output light source: An artificial light source having an output equal to or less than one hundred five (105) lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and a half (1.5) lumens per square foot of cumulative illuminated area. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated.
- d. Motion sensor controlled light source: An artificial light source that has a light output equal to or less than nine hundred lumens and is controlled by a motion sensor, provided it is in compliance with the following:
 - a. That the motion sensor is set to turn the artificial light source off no more than ten (10) minutes after the last detection of motion; and
 - b. That the artificial light source is sufficiently shielded in a manner that prevents light trespass.
- e. Tower lighting: Tower lighting required by the FAA or the FCC, provided that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds.
- f. Traffic control devices and city facilities.

E. Procedures for Compliance:

1. Applications: Any application for a permit or approval required under Title 10 shall contain evidence that the proposed project complies with this section. The contents of the submittal are as follows:
 - a. Plans indicating the location of all artificial light sources on the premises, and
 - b. A photometric plan of estimated foot-candle levels with maximum and average illumination are required, and

- 5577 c. Description of each artificial light source device and supporting structure. This
5578 description may include, but is not limited to, device specifications from the
5579 manufacturer, drawings, and details.
5580
- 5581 d. The required plans and descriptions shall be complete and shall be presented in
5582 a manner that clearly demonstrates compliance with this section in a manner that
5583 achieves the least light pollution while accomplishing an important public safety
5584 objective.
5585
5586

CHAPTER 15
RESERVED

5587

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5592 **CHAPTER 16**
5593 **NONCONFORMING USES AND NONCOMPLYING STRUCTURES**
5594

5595 **10-16-1: GENERAL PROVISIONS:**

- 5596 A. Except as provided in this section, a nonconforming use or noncomplying structure may
5597 be continued by the present or a future property owner.
5598
- 5599 B. A nonconforming use may be extended through the same building, provided no
5600 structural alteration of the building is proposed or made for the purpose of the extension.
5601 The addition of a solar energy device to a non-complying structure does not alone constitute
5602 a structural alteration for the purposes of this subsection.
5603
- 5604 C. It is the property owner's burden to establish the legal existence of a nonconforming use
5605 or noncomplying structure.
5606
- 5607 D. A party claiming that a valid, nonconforming use has been abandoned has the burden of
5608 establishing the abandonment.
5609
- 5610 E. A nonconforming use is presumed abandoned if:
5611
- 5612 1. a majority of the primary structure associated with the nonconforming use has been
5613 voluntarily demolished without prior written agreement with the municipality regarding
5614 an extension of the nonconforming use; or
5615
 - 5616 2. the use has been discontinued for one year or more; or
5617
 - 5618 3. the primary structure associated with the nonconforming use remains vacant for a
5619 period of one year or more.
5620

5621 Once the presumption of abandonment has been proven, the property owner must prove that
5622 any claimed abandonment has not occurred.
5623

5624 **10-16-2: REPAIRS AND ALTERATIONS:**

5625 Repairs or structural alterations may be made to a nonconforming building, or a building
5626 housing a noncomplying use, provided they do not increase the extent of nonconformity or non-
5627 compliance.
5628

5629 **10-16-3: ADDITIONS, ENLARGEMENTS AND MOVING:**

5630 A structure occupied by a nonconforming use shall not be added to, remodeled, replaced, or
5631 enlarged in any manner, or moved to another location, where such addition, remodel,
5632 replacement, enlargement or relocation would increase the nonconformity or non-compliance
5633 except as follows:
5634

- 5635 A. Additions, remodels, replacements or enlargements which are minor may be approved
5636 by the city manager or designee if a determination is made that the change will not
5637 increase the negative impact of the nonconformity.
5638
- 5639 B. All other changes must first obtain a recommendation for approval from the planning
5640 commission and approval from the city council. In approving such request, it must be
5641 determined that the proposed change does not impose any unreasonable burden upon

the lands located in the vicinity of the nonconforming use or structure and that the negative impact of the nonconformity is not increased.

10-16-4: RESTORATION OF A DAMAGED BUILDING OR A BUILDING HOUSING A NONCONFORMING USE:

A noncomplying structure, or a building housing a nonconforming use, that is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, may be restored, and the occupancy or use of such building, structure or part thereof that existed at the time of such damage or destruction, may be continued or resumed; provided, such restoration is started within a period of one year from the date of destruction, and is diligently pursued to completion.

CHAPTER 17
PERMITTED WITH STANDARDS AND
CONDITIONAL USES

10-17-1: PERMITTED WITH STANDARDS:

- A. Application requirements: Each permitted with standards applicant shall submit a complete application upon forms provided by the city, which, at a minimum, shall include:
1. A description of the proposed use;
 2. A site plan and supporting materials;
 - A design schematic.
- B. Land use authority: The community development director or designee is the land use authority unless otherwise provided herein.
- C. Review criteria: In reviewing an application for a project that is permitted with standards, the land use authority shall consider whether the application:
1. Identifies the maximum intensity of the proposed development and use;
 2. Complies with all provisions of the code; and
 3. Compared to permitted development and uses within the zone, considers:
 - c. The size and location of the site;
 - d. Traffic generation, timing and nature of traffic impacts and the existing condition and capacity of the streets in the area;
 - e. Utility demand and available capacity, including storm water retention;
 - f. Emergency vehicle access and anticipated average and peak day demand;
 - g. Location and amount of off-street parking;
 - h. Internal vehicular and pedestrian circulation system, including delivery vehicles, loading and unloading;
 - i. Fencing, screening, and landscaping to separate the permitted with standards use from adjoining property and uses;
 - j. Generation and screening of trash, and automated garbage collection (dumpsters);
 - k. Recycling program and pickup areas;
 - l. Hours of operation, delivery and use; and

- 5704
- 5705 m. Demand for public infrastructure or services.
- 5706 D. Requirements for Specific Uses Permitted with Standards: The land use authority shall
- 5707 require the applicant to comply with Title 10 standards, Section 10-17-1 requirements for
- 5708 each application listed above, and these specific additional standards for the following
- 5709 uses:
- 5710
- 5711 1. Accessory Dwelling Unit. An accessory dwelling unit shall meet the following
- 5712 additional standards:
- 5713
- 5714 a. Ownership: An accessory dwelling unit shall not be sold separately or subdivided
- 5715 from the principal dwelling unit or lot unless compliant with subdivision
- 5716 regulations.
- 5717
- 5718 c. Owner Occupancy: The City shall only permit an accessory dwelling unit when
- 5719 an owner occupant lives on the property within either the principal or accessory
- dwelling unit.
- 5720
- 5721 d. The total number of residents that reside in an accessory dwelling unit may not
- exceed the number allowed for a "family" as defined in this title.
- 5722
- 5723 e. Number of Accessory Units Per Parcel: An accessory dwelling unit (ADU) shall
- 5724 be allowed only on parcels containing a single-family dwelling. No more than one
- (1) accessory dwelling unit shall be allowed on a lot or parcel.
- 5725
- 5726 f. Not a Unit of Density: Accessory dwelling units are not considered a unit of
- 5727 density and therefore are not included in the density calculation for residential
- property.
- 5728
- 5729 g. Parking: An additional off street parking space is required. Tandem parking is not
- allowed for accessory dwelling units.
- 5730
- 5731 h. Size and Location Requirements:
- 5732 i. If located within a single-family dwelling:
- 5733 aa. No accessory dwelling unit shall occupy more than forty percent (40%) of
- 5734 the gross square footage of the single-family dwelling. The square
- 5735 footage of an attached garage shall not be included in the gross square
- 5736 footage unless the accessory dwelling unit is located in a basement that
- includes habitable space below the garage.
- 5737
- 5738 bb. Entrance Locations: Entrances to accessory dwelling units that are
- 5739 located within a single-family dwelling are permitted in the following
- locations:
- 5740 (i.) An existing entrance to the single-family dwelling.
- 5741
- 5742 (ii.) On the side or rear of the building. Stairs leading to an ADU in the
- 5743 basement are permitted to encroach into the side yard.
- 5744
- 5745 (iii.) Exterior stairs leading to an entrance above the first level of the
- 5746 principal structure must not be visible from the street.
- 5747
- ii. If located in a detached accessory building:

- 5748 aa. The accessory dwelling unit must meet the setbacks for the main
5749 structure for the zone.
- 5750
- 5751 bb. The accessory dwelling unit and all accessory structures combined on the
5752 parcel must not cover more than twenty-five percent (25%) of the rear
5753 yard area.
- 5754
- 5755 cc. A detached accessory dwelling unit shall not exceed a gross floor area of
5756 six hundred fifty square feet (650 sf).
- 5757
- 5758 dd. Height: The maximum height of a detached accessory building containing
5759 an accessory dwelling unit shall not exceed the height of the single-family
5760 dwelling on the property or exceed twenty feet (20') in height, whichever
5761 is more.
- 5762 iii. Application Requirement: Any homeowner who resides in a single-family
5763 dwelling and whose property is in a residential zone and desires an
5764 accessory dwelling unit is required to obtain an accessory dwelling permit.
5765 The accessory dwelling permit shall be in addition to any building permits that
5766 may be necessary to create the accessory dwelling unit. The applicant shall
5767 submit the following as part of the application for an accessory dwelling
5768 permit:
 - 5769 aa. A site plan drawn accurately to scale that shows property lines and
5770 dimensions, the location of existing buildings and building entrances, any
5771 proposed building and its dimensions from buildings and property lines,
5772 and the location of parking stalls.
 - 5773
 - 5774 bb. Detailed floor plans drawn to scale with labels on rooms indicating uses
5775 or proposed uses.
 - 5776
 - 5777 cc. Written verification that the applicant is the owner of the property and has
5778 permanent residency in the existing single-family dwelling where the
5779 request is being made. A recorded deed restriction that acknowledges
5780 that the single-family dwelling will remain owner-occupant, in order for an
5781 accessory dwelling unit to be permitted.
 - 5782

5783 2. Guesthouse. A guesthouse shall meet the following additional standards:

- 5784
- 5785 a. A guesthouse shall be used only by the occupants of the principal dwelling or
5786 their nonpaying guests.
- 5787
- 5788 b. The guesthouse shall not be leased or rented independent of the main dwelling.
5789 A deed restriction in a form approved by the city prohibiting the lease or rental
5790 shall be recorded against the property, with proof to the community development
5791 director or designee, prior to issuance of a building permit for the guesthouse.
- 5792
- 5793 c. A guesthouse shall only be permitted on a lot containing an area of ten thousand
5794 (10,000) square feet or larger which has an existing owner occupied single-family
5795 dwelling unit, or where a building permit has been issued and construction is in
5796 process for the single-family dwelling unit. A guesthouse may be constructed on
5797 lots of less than ten thousand (10,000) square feet in an approved planned

development (PD) zone, provided a guesthouse is an allowed use within the project's PD text, and other standards in 10-17-1 are met.

- d. Only one guesthouse shall be permitted per lot of record.
 - e. The guesthouse shall be located outside of all setback areas. The guesthouse shall meet the setback requirements for the main dwelling.
 - f. The guesthouse shall not have less than one hundred fifty (150) square feet of floor area or more than four hundred (400) square feet floor area.
 - g. There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), and wet bar sink (12 inches wide or less) is permitted.
 - h. Architectural design, materials, and construction shall match the primary residential structure.
 - i. Utilities shall not be metered separately for a guesthouse.
 - j. Building lot coverage including the guesthouse and other accessory structures shall not exceed twenty five percent (25%) of the rear lot area if the guesthouse is located in the rear yard. (The rear lot area is the area lying between the rear lot line and rear wall of the single-family dwelling extended to the side lot lines.)
 - k. The guesthouse shall not exceed a height of fifteen feet (15') for gable roofs, and twelve feet (12') for shed roofs (flat roofs), as measured from the adjacent grade to the highest part of the roof.
 - l. Separation distance from the main dwelling and guesthouse shall conform to the requirements of the adopted building and fire codes.
 - m. A site plan shall be submitted to the community development department to determine compliance with the requirements herein prior to issuance of a building permit. A fee as established by the city council shall be paid for the site plan review. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
 - n. Guesthouses shall be of new construction only; existing accessory structures (shed, garage, workshop, gazebo, etc.) may not be converted to a guesthouse.
 - o. A guesthouse may not be used as, attached to, or converted into a garage.
 - p. A guesthouse may be used as a pool house.
 - q. A guesthouse may not be placed in the front yard setback or side yard setback areas.
3. Recreational Vehicle Park/Subdivision Development Criteria. Recreational Vehicle Park/Subdivision development shall meet the following additional standards:

- a. Minimum Size: Each recreational vehicle park/subdivision shall have one common owner, and a minimum size of five (5) acres.
- b. Access Roads: A hard surfaced (concrete or asphalt) roadway of at least twenty-five feet (25') in width and constructed to city specifications must serve each recreational vehicle in the park (12 feet wide for one-way streets).
- c. Access: Access to all recreational, vehicle park/subdivision developments shall be from a dedicated and approved public street at an approved point or points. No RV space shall have direct access from a public street.
- d. Off Street Parking: Hard surfaced parking spaces shall be provided for each recreational vehicle located in the RV park/subdivision and at least one additional automobile for each RV space or lot.
- e. Recreation Space: For each RV park/subdivision having ten (10) or more units, at least four thousand (4,000) square feet of common, usable recreation area is required, along with an additional one hundred (100) square feet for each unit in excess of ten (10).
- f. Density: The maximum density for a recreational vehicle park/subdivision shall not exceed sixteen (16) units per gross acre.
- g. Spaces: Each recreational vehicle space shall have a minimum width of twenty feet (20'). All recreational vehicles shall be able to park in designated spaces, and no portion of a driveway or roadway may be used for recreational vehicle parking.
- h. Permitted Vehicles: Only "recreational vehicles," "travel trailers," "motor homes," and "park trailers," as defined in section 10-7D-2 of this article, may be located in an RV park/subdivision.
- i. Minimum Yard Clearances for Recreational Vehicle Park Subdivision:
- i. Front or side yard on a public street: Twenty-five feet (25');
 - ii. Side yard bordering adjacent property: Ten feet (10);
 - iii. Rear yard bordering adjacent property: Ten feet (10');
 - iv. All RVs shall maintain at least ten foot (10') spacing between units.
 - v. A six foot (6') high solid fence shall be erected along all side and rear property lines when a recreational vehicle park/subdivision is located adjacent to any use, except other recreational vehicle park/subdivisions.
- j. Utilities Required: Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. All recreational vehicle parks/subdivisions shall be connected to a public sewer system for all sewer connections or dump stations.

- k. Service Building: All recreational vehicle parks/subdivisions shall contain a service building containing all sanitary facilities required by the Utah state department of health code of recreational vehicle, camp or trailer court sanitation regulations, and shall provide a dump station for dependent recreational vehicles.
- l. Outdoor Living Space: Each recreational vehicle parking space shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to the vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
- m. Additions and Awnings: All structures are regulated by the International Building Code in effect at the time of construction. No addition or enclosure shall exceed four hundred twenty-five (425) square feet of total floor area. The maximum allowed size of a dwelling unit within an RV park shall not exceed eight hundred twenty-five feet (825') of total floor area.
- n. Minimum Separation. In no case shall the RV or the addition be closer to an adjacent RV than ten feet (10'), nor closer than five feet (5') to an interior property line.
4. Residential Treatment Facility. Residential treatment facilities shall meet the following additional standards:
- a. Facility is licensed by the Utah department of human services.
- b. The facility operator must provide prior written notice to the police department of each convicted felon to be treated in such facility.
- c. Provide at least thirty percent (30%) of the area as open green space or playground and one parking space per staff on the highest shift plus one parking space for each five (5) persons housed in the facility.
5. Short Term Residential Rental. Short Term Residential Rental development shall meet the following additional standards:
- a. A single-family residence may be permitted as a short term residential rental property if the short term rental property is:
- i. Located on a lot size of two (2) acres or larger;
- ii. Contiguous to and fronts on a major collector or arterial street (66 foot right of way or more); and
- iii. Separated by at least five hundred feet (500') from another property used for short term rental.
- b. Each single-family and two-family short term rental property shall have two (2) on-site, off-street, parking spaces provided per dwelling unit, one of which shall be covered.

- 5950 c. For multiple family short term rental dwellings, including townhouses and
5951 condominiums, they shall comply with section 10-19-4 of this title.
- 5952 d. Landscape Maintenance: Each short term rental property shall comply with the
5953 landscape requirements outlined in section 4-7-11 of this code.
- 5954 e. License Required: The owner or property manager of each short term residential
5955 rental property shall obtain a short term residential rental property business
5956 license as required in this code prior to commencing the use, and shall comply
5957 with all license conditions, and shall maintain a current license throughout the
5958 duration of the use.
- 5959 6. Storage Rental Units, Ministorage or Self-Storage. Storage Rental Units, Ministorage
5960 or Self-Storage shall meet the following additional standards:
- 5961
- 5962 a. Storage Rental Units, all zones (except a PD-C zone): Storage rental units shall
5963 be limited to twelve feet (12') overall height for the storage unit portion of the
5964 facility.
- 5965
- 5966 b. Site location of storage facilities shall be:
- 5967
- 5968 i. Located behind a retail, office, or similar "storefront" and other appropriate
5969 mixed uses which effectively screen the storage units from public street
5970 views, or
- 5971
- 5972 ii. Located to the rear of existing commercial developments so the storage units
5973 are not the dominant view from public streets, or
- 5974
- 5975 iii. When located adjacent to a residential zone, shall have the front of the
5976 storage units screened behind a front facade typical of a commercial, retail,
5977 or office building, or similar façade.
- 5978
- 5979 c. Exterior vertical surfaces of the storage facilities shall be covered with fifty
5980 percent (50%) of the area in decorative materials such as: decorative brick
5981 veneer, stone, textured block, or other similar materials, and the remaining fifty
5982 percent (50%) shall be finished with stucco. No unfinished metal or painted metal
5983 buildings are permitted.
- 5984
- 5985 d. Colors are limited to natural, muted tones that emulate the local geologic
5986 formations common to the area and blend with the predominant colors of the
5987 natural surroundings.
- 5988
- 5989 e. Lighting shall comply with dark sky principles and regulations.
- 5990
- 5991 f. Individual storage units shall not be used for manufacturing, retail or wholesale
5992 selling, office functions, other business or service uses, and/or human or animal
5993 habitation.
- 5994 g. Storage facilities shall not permit the storage of any hazardous, flammable, or
5995 explosive materials; hazardous or extremely hazardous waste; or any material which
5996 creates obnoxious dust, odor or fumes.
- 5997

5998 h. Main access shall be permitted only from a public street. Access to individual storage
5999 units shall be permitted only from interior private drives.

6000 i. Storage facilities located adjacent to residential zones shall be screened with a solid
6001 block wall no less than six feet (6') in height, and landscaping such as high growing
6002 shrubs or trees placed close together (planted less than 5 feet on center) that will
6003 effectively screen and shield the storage units from public view when abutting the
6004 adjacent residential zone.

6005

6006 j. Storage Rental Units in a PD-C zone: In a PD-C zone, storage rental units shall
6007 meet the following additional standards:

6008

6009 i. The property is located in an isolated area. Isolated is defined as:

6010

6011 aa. The property is not conducive to standard commercial, retail, professional
6012 office, or residential development;

6013

6014 aa. The storage rental units provide a transition from a more intense use or
6015 zoning district to a residential zone;

6016

6017 bb. The property is screened from the public street behind other property or
6018 development that fronts the public street; and

6019 cc. The storage rental units are located along a master planned 90' right-of-
6020 way, but not visible from the public street.

6021

6022 ii. Storage rental units accessed from the exterior of the building, must be
6023 located behind a solid fence, which obstructs the buildings from the public
6024 right of way;

6025

6026 iii. Multiple story storage rental units must provide building facades with
6027 architectural articulation. Building facade articulation shall include a variation
6028 in base, middle, and top of a building created by variations in color and
6029 materials. This can be achieved through: a) combinations of stepping back or
6030 extending a portion of the facade (pop outs); and b) vertical divisions using
6031 different textures and materials. Windows must be opaque, unless the
6032 windows are for the business office on the ground floor;

6033

6034 iv. Single story storage facilities can be constructed of prefabricated metal
6035 buildings, provided that the exterior vertical surfaces of the storage facilities
6036 are covered with fifty percent (50%) of the area in decorative materials such
6037 as: decorative brick veneer, stone, textured block, or other similar materials
6038 and the remaining fifty percent (50%) is finished with stucco;

6039

6040 v. Unfinished metal or painted metal buildings are not permitted;

6041

6042 vi. Colors shall be limited to natural, muted tones that emulate the local geologic
6043 formations common to the area and blend with the predominant colors of the
6044 natural surroundings.

6045

6046 vii. Lighting shall be required to be constructed and shielded (dark sky shielding)
6047 to not directly illuminate, or create glare, visible from adjacent properties or

public rights of way. All outdoor lighting shall be fully shielded and downward directed in compliance with the following:

aa. No artificial light source shall project direct artificial light into the night-time sky;

bb. No artificial light source shall be placed at a location, angle, or height that creates a light encroachment; and

cc. Light source shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted;

viii. Individual storage units shall not be used for manufacturing, retail or wholesale selling, office functions, other business or service uses, and/or human or animal habitation;

ix. Storage facilities shall not permit the storage of any hazardous, flammable, or explosive materials; hazardous or extremely hazardous waste; or any material which creates obnoxious dust, odor or fumes;

x. Main access shall only be allowed from a public street. Access to individual storage units shall be from interior private drives only; and

xi. Storage facilities located adjacent to any residential zone shall be limited to two (2) stories, be screened with a solid block wall no less than six feet (6') in height, and have a ten feet (10') landscape strip along the property line. X.

x. Landscaping shall include shrubs and trees planted at least five feet (5') on center.

7. Sales Lots for Automobiles and Similar Vehicles. Sales Lots for Automobiles and Similar Vehicles shall meet the following additional criteria: Sales lots for automobiles, RVs, boats, trailers, motorcycles, ATVs, and similar vehicles shall be fully improved to comply with current city standards, including fully paved display area, permanent sales office built to the current building code, landscaping, streetlights and permanent signage. Sales lots of automobiles and similar vehicles shall meet the following additional standards:

a. Minimum Parking Requirements and Customer Parking: Every sales lot for automobiles and similar vehicles shall have a minimum number of parking spaces specifically designated for customer parking. Customer parking spaces shall be clearly striped and marked by an upright pole sign placed at the top of each customer parking space stating that the space is designated for customer parking. These spaces shall not be used for parking vehicles which are for sale, or for the display of any merchandise. The minimum number of customer parking spaces shall comply with the parking requirements set forth in Chapter 19 of this title.

b. Parking Vehicles Which Are For Sale: All automobiles and other vehicles which are for sale shall be parked in the automobile showroom or in a parking space which

is specifically designated for displaying merchandise for sale. All vehicles for sale shall be parked and stored solely within the automobile lot. The maximum amount of automobiles which an automobile sales lot is permitted to display for sale shall be based on the amount of approved stalls for noncustomer parking. Noncustomer parking stalls shall not be required to be striped.

c. Minimum Lot Width: Minimum lot width for one side shall be one hundred feet (100') of frontage on a public street.

d. Building Required: A permanent, enclosed building is required on the site of the auto sales lot, which is devoted exclusively to the auto sales business. The building shall be large enough to accommodate the office of the dealership and shall provide restroom facilities. The building or structure shall provide a safe place to keep the books and other records of the business.

e. Display Pads: Display pads for cars may project into the fifteen-foot (15') landscaped area up to ten feet (10') and shall be limited to two (2) display pads (each pad no larger than necessary to accommodate 1 car in any directional orientation) per one hundred (100) linear feet of display frontage.

f. Landscape Replacement: Landscape square footage removed for the display pads shall be replaced with the same square footage elsewhere on the site and noted on the plans.

g. Streets Designated for Automobile Sales Lots: Automobile sales lots shall only be permitted in the zone where it is an allowed, and only on the following specified streets within the zone:

- i. Blackridge Drive,
- ii. Bluff Street,
- iii. Convention Center Drive,
- iv. Desert Color Parkway (north of the Sothern Parkway underpass, approximately 3,400 feet in length to the north end of the former "Welcome Center" parcel),
- v. Hilton Drive,
- vi. Parcel located at 150 East 1160 South,
- vii. Red Hills Parkway from 1000 East to the Washington City boundary,
- viii. St. George Boulevard (excluding the Arts District Overlay Zone),
- ix. 700 South from the east side of I-15 to River Road,
- x. Sunland Drive,
- xi. Sunset Boulevard.

- 6150
6151 h. Minimum Landscape Requirements: All car lots shall comply with minimum
6152 landscape requirements as set forth in this code for commercial developments.
6153
6154 ii. Limited to sales of vehicles of less than 12,000 lbs. gross vehicle weight.
6155
- 6156 8. Timeshare Conversions. Timeshare conversions of motels, hotels and other such
6157 buildings at least ten (10) years old shall meet the following additional standards:
6158
6159 a. No ownership rights may be conveyed to users.
6160
6161 b. No undivided ownership interests in common areas may be conveyed to users.
6162
6163 c. Users acquire only a right to use (RTU) timeshare as opposed to a fee simple (FS)
6164 timeshare.
6165
6166 d. Timeshare owners possess only the right to occupy a unit for a period of time
6167 during each calendar year (typically 1 week) and for a specified number of
6168 years.
6169
6170 f. No timeshare owner or their guests or invitees may occupy the unit for more
6171 than fourteen (14) consecutive days during any six (6) month period.
6172
6173 g. Not more than one vehicle may be parked on the premises for each timeshare
6174 unit.
6175
6176 h. The use of such timeshare units must continue to be in the nature of motel or
6177 hotel use but shall not preclude the installation of convenience features such as
6178 kitchenettes.
6179
6180 i. No timeshare unit may be used as a principal residence by any tenant, owner or
6181 their guests or invitees.
6182
- 6183 9. Wireless Telecommunication Facilities. Wireless Telecommunication Facilities must
6184 meet the following additional standards: A site location development master plan
6185 shall be submitted by each company providing wireless services or a landowner in
6186 joint application with a wireless company desiring placement of wireless
6187 telecommunication facilities. The development master plan shall show the general
6188 location of all proposed sites and show the coverage area provided by the location.
6189 The master plan is intended to show approximate service areas.
6190
- 6191 a. Wall Mounted Antennas: The following criteria apply to wall mounted antennas:
6192
6193 i. Wall mounted antennas shall not extend above the wall line of the building or
6194 extend more than four feet (4') horizontally from the face of the building.
6195
6196 ii. Antennas, equipment and the supporting structures shall be painted to match the
6197 color of the building or structure of the background against which they are most
6198 commonly seen. Antennas and the supporting structures on buildings must be
6199 architecturally compatible with the building. Whip antennas are not allowed on a
6200 wall mounted antenna structure.

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- iii. An antenna mounted directly on an existing parapet wall, penthouse or mechanical equipment room, with no portion of the antenna extending above the roofline of such structure is a wall mounted antenna.

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b. Roof Mounted Antennas:

- i. Allowed on top of existing penthouses or mechanical equipment rooms, provided the antennas and antenna support structures are enclosed by a structure that screens the antenna from public view. The screening structure, antennas and antenna mounting structures shall not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.

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- ii. For antennas not mounted on a penthouse or mechanical equipment room, the antennas shall be mounted at least five feet (5') from the exterior wall of a building.

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- iii. For antennas mounted between five (5) and ten feet (10') from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet (10') above the roofline of the building to which the antenna is attached. Antennas shall be mounted at least five feet (5') behind any parapet wall.

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- iv. For antennas mounted behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum height of ten feet (10') as measured from the top of the parapet wall.

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- v. Roof mounted antennas on a pitched roof shall be allowed, provided the antennas and antenna support structures do not extend higher than the peak of the roof measured by a horizontal line from the peak extending over the roof.

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- vi. Monopole With Antennas And Antenna Support Structures: The maximum visible width of antennas and antenna mounting structures on a monopole shall not exceed eight feet (8') in height or thirteen feet (13') in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure. No such antenna shall be located within one hundred fifty feet (150') of a residential zone.

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- vii. Lattice Tower: A lattice tower is not allowed within any residential or commercial zone unless it is a lattice tower is the only feasible method of transmission.

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- viii. Height Limit: The height limit of any tower or pole is 35' in the M-G zone and one hundred feet (100') in other zones.

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- ix. Prohibited Areas: Monopoles or towers shall not be allowed within any required front yard setback, and not be allowed within any required landscaped area, buffer area or parking area.

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- x. Area Limitation for Wall and Roof Mounted Antennas: A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. Up to three (3) carriers may utilize each building side as a permitted use subject to compliance with this chapter.
- xi. Accessory Buildings to Antenna Structures: Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a six foot (6') solid masonry wall. The climbing pegs shall be removed from the lower twenty feet (20') of the monopole. All power lines on the lot leading to the accessory building and antenna structure shall be underground.
- xii. Antennas and Mounting Structures On or Over Public Right of Way: Antennas and mounting structures are not permitted to encroach on or over the public sidewalk or on or over a public right of way.
- xiii. Non-maintained, Non-operational or Abandoned Facilities: The wireless company and the landowner shall remove all non-maintained, non-operational or abandoned wireless communication tower, antenna, and incidental infrastructure within thirty (30) calendar days.
- xiv. Permits: Prior to construction or installation, applicant shall obtain the proper building permits, encroachment permits and such other permits as required by law.
- xv. The foregoing notwithstanding, outside of the St. George Arts District Overlay Zone, the following facilities are a permitted use:
- aa. Collocation of antennas on existing non-tower structures in Industrial, Commercial, Agricultural, Open Space or Gravel and Grazing zones is a permitted use, provided the additional antennas are no more than ten feet (10') higher than the existing structure, and the color of the antennas blend with the surroundings, and not more than three (3) providers are locating on the structure.
- bb. Wall mounted antennas which do not extend above the wall line of the building or extend more than four feet (4') horizontally from the wall are a permitted use.
- cc. Wireless communication facilities located on city property, subject to complying with standards contained herein, and obtaining a lease agreement with the city.
- dd. Any provider who is authorized to collocate on an existing tower or non-tower structure, or install a new tower as provided above, shall be allowed to install any necessary accessory equipment shelters and related

equipment at or near the base of the tower or structure, or within the structure, so long as the accessory equipment shelter and related equipment is either located completely within the existing structure or is located within the approved fenced area. The equipment shelter shall comply with the development standards (i.e., setbacks, height limitations, bulk, etc.) of the base zone. No previously approved landscaping (trees or shrubs) shall be removed in order to locate the accessory building or equipment unless it is replaced with the equivalent quantity and type of landscaping on site. This shall be done in a manner as to achieve the original intent, or to achieve sufficient screening of any proposed new shelter and/or equipment if the original intent would no longer be applicable.

10. Apiaries/Beekeeping. The city authorizes Apiaries in specific zones, subject to the below requirements intended to mitigate problems that may otherwise be associated with Beekeeping:

- a. Property owners in zones in which Apiaries are allowed uses may maintain two (2) Hives, or equivalent capacity, per 12,000 square feet of property. In no case shall the total number of Hives located on a property exceed eight (8) Hives, or equivalent capacity.
- b. Hives shall not be located on property owned by a person other than the owner of the Hive.
- c. Commercial Apiaries are only permitted in Agricultural zones (A-1, A-5, A-10 and A-20).
- d. Hives shall be located in the Side Yard or Rear Yard.
- e. All Hives shall be situated such that the general flight pattern of Bees in each Colony is in a direction that deters Bee contact with humans and domesticated animals. If any portion of a Hive is located within twenty-five (25) feet of any property line or public right-of-way, as measured from the nearest point on the Hive to the property line, a flyaway barrier of at least six (6) feet in height shall be constructed and maintained around the Hive, except as necessary to provide access to the Hive. A flyaway barrier shall consist of a solid wall, fence, dense vegetation, or combination thereof that extends at least ten (10) feet beyond the Hive in each horizontal direction so that the Bees are forced to fly at an elevation of at least six (6) feet above ground level over property lines or public rights-of-way within the proscribed vicinity of the Hive.
- f. Hives shall be located at least five (5) feet from any property line and at least six (6) inches above the ground, as measured from the ground to the lowest portion of the Hive. Hives shall not exceed six (6) feet in height above ground level, as measured from the ground to the tallest point of the Hive.
- g. Every Hive shall be conspicuously marked with the Beekeeper's name, address, telephone number, and state registration number.
- h. Each Beekeeper shall ensure that a convenient source of fresh water is available to the Colony at all times. The water shall be in a location that minimizes any

nuisance created by Bees that might otherwise seek water on neighboring properties.

- i. Hives shall not be located within 500 feet of a public or private school property.
- j. Hives shall be operated and maintained in accordance with the Utah Bee Inspection Act, as the same may be amended, restated, and/or replaced, from time to time.
- k. Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an Apiary on any property in a manner that creates a nuisance or threatens public health or safety.

11. Public Utility Facilities, Primary. Public utilities are permitted with the following standards:

- a. A six foot (6') in height solid masonry fence is required to screen the facility. The fence shall not be located in the front yard setback.
- b. The front yard setback shall be landscaped in accordance to the commercial standards set forth in 10-25-1.
- c. Lots created and intended for the sole purpose to provide a public utility, may be subdivided with less than required amount of square footage per the zone.

10-17-2: CONDITIONAL USE PERMIT REVIEW:

- A. Application Requirements: Each conditional use permit applicant shall submit a complete application upon forms provided by the city, which, at a minimum, shall include:
 - 1. A description of the proposed use;
 - 2. A site plan and supporting materials;
 - 3. A design schematic;
 - 4. A description of mitigating design elements;
 - 5. A description of mitigating management practices and plan; and
 - 6. Any proposed conditions of approval.
- B. Land use authority: The land use authority for conditional use permit review is the city council.
- C. Review criteria: In reviewing an application for a conditional use permit, the land use authority shall consider whether the application:
 - 1. Identifies the maximum intensity of the proposed development and use;
 - 2. Complies with all provisions of the code; and

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- 6406 3. Compared to permitted development and uses within the zone, substantially
- 6407 mitigates the adverse impacts that are reasonably anticipated from the magnitude
- 6408 and intensity of the development and use, as proposed, considering:
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- 6410 a. The size and location of the site;
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- 6412 b. Traffic generation, timing and nature of traffic impacts and the existing condition
- 6413 and capacity of the streets in the area;
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- 6415 c. Utility demand and available capacity, including storm water retention;
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- 6417 d. Emergency vehicle access and anticipated average and peak day demand;
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- 6419 e. Location and amount of off-street parking;
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- 6421 f. Internal vehicular and pedestrian circulation system, including delivery vehicles,
- 6422 loading and unloading;
- 6423
- 6424 g. Fencing, screening, and landscaping to separate the conditional use from
- 6425 adjoining property and uses;
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- 6427 h. Building mass, bulk, design and orientation, and the location of buildings on the
- 6428 site including orientation to buildings on adjoining lots or parcels;
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- 6430 i. Usable open space;
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- 6432 j. Signs and lighting;
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- 6434 k. Physical design and compatibility with surrounding structures in terms of mass,
- 6435 scale, style, design, and architectural detailing;
- 6436
- 6437 l. Noise, vibration, odors, steam, or other factors that might adversely affect people
- 6438 and property on-site and off-site;
- 6439
- 6440 m. Control of delivery and service vehicles, loading and unloading zones;
- 6441
- 6442 n. Generation and screening of trash, and automated garbage collection
- 6443 (dumpsters);
- 6444
- 6445 o. Recycling program and pickup areas;
- 6446
- 6447 p. The potential adverse impacts arising from the conduct of patrons, guests,
- 6448 employees, occupants, or their affiliates
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- 6450 q. Within and adjoining the site, the impacts of the use on public property and
- 6451 environmentally sensitive lands;
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- 6453 r. Hours of operation, delivery and use;
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- 6455 s. Special hazards arising from the use, or from its reasonably anticipated
6456 secondary effects, including its potential to attract criminal behavior; and
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6458 t. Demand for public infrastructure or services.
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- 6460 D. Conditional use permit standards: Upon review and consideration of the criteria identified
6461 in Section 10-17-2(A) and (C), compared to the impacts of allowed uses in the zone, the
6462 proposal shall:
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- 6464 1. Be compatible in use, scale and design with allowed uses in the zone; and
 - 6465 2. Not compromise the health, safety, or welfare of:
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6467 a. Persons employed within or using the proposed development;
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6469 b. Those residing or working in the vicinity of the proposed use or development;
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6471 c. Property or improvements in the vicinity of the proposed use or development; or
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6473 d. Not impose disproportionate burdens on the citizens of the city.
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6475 e. Conditional use permit determination:
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 - 6478 3. The land use authority shall issue a conditional use permit, if the applicant has
6479 proposed, or if the land use authority can propose, conditions of approval to
6480 substantially mitigate the reasonably anticipated detrimental effects of the proposed
6481 use in accordance with the standards and criteria herein. The conditional use permit
6482 shall describe the scope of the permit, and the conditions of approval.
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 - 6484 4. If the land use authority determines that the applicant has not proposed, and the land
6485 use authority cannot impose additional, reasonable conditions of approval to comply
6486 with the standards and criteria herein, the land use authority may deny the
6487 conditional use permit application.
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- 6489 E. Modification of Conditional Use Permit.
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- 6491 1. The land use authority may reasonably modify the conditions of a conditional use
6492 permit if the actual detrimental effects of previously identified adverse impacts are
6493 greater than anticipated, or the proposed mitigation has been unsuccessful at
6494 mitigating the actual detrimental effects, in order to comply with the standards herein.
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 - 6496 2. Modification may be initiated by the applicant, the city, or an injured party with
6497 standing. The party seeking the modification shall pay the costs associated with the
6498 modification proceedings and file a petition for modification with the city. Modification
6499 proceedings are conducted in the same manner as an initial review.
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 - 6501 3. The conditional use permit holder is a necessary part to the modification proceedings
6502 and shall be afforded due process.
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- 6504 F. Expansion and growth of conditional use:
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1. A conditional use may not be expanded without undergoing modification proceedings, as provided in Section 10-17-2.
2. A person expands a conditional use if the square footage of a structure on the property will be increased by greater than ten percent of the square footage existing at the time of the initial application.
3. A conditional use has grown if the following occurs:
 - a. The pedestrian or vehicle traffic has increased by greater than twenty (20) percent than was anticipated at the time of the initial application, and the increased traffic is a result of the use;
 - ii. Off-street parking has become inadequate due to the number of customers, employees or occupants associated with the use; or
 - iii. Other detrimental effects, such as noise, odor, or light pollution, have increased beyond that which was reasonably anticipated at the time of initial application.
 - iv. The city may initiate modification proceedings if a conditional use has grown to the extent provided in this section.

G. Revocation of conditional use permit:

1. The conditional use permit may be revoked or suspended if any of the following occur or are found to have occurred:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. One or more of the conditions of the permit have not been met;
 - c. The holder or user of the permit has failed to comply with any local, state or federal laws governing the conduct of the use;
 - d. The holder or user of the permit has failed to construct or maintain the site as shown on the approved plans; or
 - e. A conditional use has been expanded or grown and cannot mitigate the detrimental effects of that expansion or growth.
2. Revocation is appropriate when the applicant, holder or user has knowingly engaged in conduct which violates the conditional use permit, or when the applicant, holder or user has previously had its permit suspended. Notice shall be given of a pending revocation, and the property owner will be given reasonable notice, and an opportunity to cure the violation in the same manner as provided for other violations of zoning ordinances.

H. Expiration.

1. Conditional Use Not Implemented. A conditional use permit expires if the permit has not been implemented within one year from the date of approval. The permit is considered implemented if the holder of the permit engages in the conditional use or commences substantial construction on the site for which the permit was granted.

One extension for one year may be granted if the land use authority finds that the use still complies with the review standards. A request for an extension shall be filed not less than thirty (30) calendar days prior to the expiration date.

2. Conditional Use Abandoned. If the approved use or activity ceases for any reason for a continuous period of six consecutive months or more, the conditional use permit shall automatically terminate without further notice, as having been abandoned. A person may only reinstate the conditional use after a new conditional use permit is issued.

- I. Requirements for Specific Conditional Use Permits: The land use authority shall require the applicant to comply with all Section 10-17-2 requirements, above, and these specific additional standards for the following conditional uses:

1. Multiple Family Dwellings 20 Units or More or 12 Dwelling Units an Acre or More: A multiple family development with twenty (20) or more total dwelling units, or with a density of twelve (12) dwelling units per acre or more, shall meet the following additional standards, and shall be approved by city council:

- a. Applicants shall submit a site plan, materials board, and elevation drawings showing the project's overall design plan, including landscaping and proposed building exteriors.
- b. All elevations shall have an aesthetic variation of materials and colors, design articulation, and architectural relief.
- c. Upon staff evaluation and recommendation, the city council shall review the design plans to determine whether the proposed development will be compatible with the character of adjacent and surrounding developments, and whether aesthetically the development is harmonious with the character of the neighborhood in terms of style, materials and colors.

2. Buildings with Ground Floor Area of 20,000 ft. or Greater. Buildings with Ground Floor Area of 20,000 ft. or greater must meet the following additional standards: Buildings with a ground floor (footprint) area of twenty thousand (20,000) square feet or more, or a site with an aggregate ground floor (footprint) square footage of twenty thousand (20,000) square feet or more, shall meet the following additional standards:

- a. Vehicle access and parking lots properly designed for safety, efficiency and beauty. Parking lots should be landscaped with shade trees throughout the lot to avoid major heat islands, and to break up large asphalt areas.
- b. Enhanced landscaping of the project site that promotes common community appearance.
- c. Building facade articulation shall include a variation in base, middle, and top of a building created by variations in color and materials. Articulated tops should consist of pitch dormers, gable ends, cornice detailing, or similar details. The base of a building shall include elements that relate to human scale such as doors, windows, texture, projections, awnings and canopies, ornament, etc. Buildings shall provide visual interest through articulation of the façade through:

- 6606 i. combinations of significant stepping back or extending a portion of the
6607 facade (pop outs),
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6609 ii. vertical divisions using different textures and materials,
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6611 iii. divisions into storefronts, with separate display windows and entrances,
6612 variation in rooflines by alternating dormers, stepped roofs, gables, or
6613 other roof elements, and
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6615 iv. arcades, awnings, window bays, arched windows, and balconies at
6616 intervals.
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- 6618 d. Building colors are limited to natural, muted tones that emulate the local geologic
6619 formations common to the area and blend with the predominant colors of the
6620 natural surroundings. Bright, white or contrasting colors shall be limited to trim.
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- 6622 e. A site plan along with colored building elevations of all sides of the building and a
6623 three-dimensional rendering shall demonstrate that the application complies with
6624 each of these criteria.
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- 6626 f. Upon staff evaluation and recommendation, the city council shall review the
6627 design plans, upon recommendation from the planning commission, to determine
6628 whether the proposed development will be compatible with the character of
6629 adjacent and surrounding developments, and whether aesthetically the
6630 development is harmonious with the character of the neighborhood in terms of
6631 style, materials and colors.
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CHAPTER 18
WALLS, FENCES AND HEDGES

10-18-1: REQUIREMENTS:

- A. No fence shall exceed six feet and four inches (6' 4") in height in the side and rear yards.
- B. No rockery wall, retaining wall, or fence shall exceed four feet (4') in height in a front yard. Within the front ten feet (10') behind the sidewalk, or property line if no sidewalk exists, only decorative fences such as picket fences or wrought iron fences with at least fifty percent (50%) of the fence open (up to 50 percent may be solid, or non-see through) are allowed.
- C. Berms shall not be used to artificially increase the maximum allowed fence height.

10-18-2: REQUIREMENTS ON CORNER LOTS:

- A. No fence shall exceed six feet and four inches (6' 4") in height along the rear and side lot lines.
- B. In all zones requiring a front setback, no obstruction to view in excess of three feet (3') in height shall be placed within the sight distance triangle, defined as a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines.
- C. A retaining wall no more than three feet (3') in height may be erected, if setback a minimum of five feet (5'), measured from the back of sidewalk, or back of curb where no sidewalk exists. A combination fence and retaining wall shall not exceed eight feet (8') in height. No fence shall be greater than six feet and four inches (6' 4") in height.
- D. A retaining wall no more than five feet (5') in height may be erected, if setback a minimum of ten feet (10'), measured from the back of sidewalk, or back of curb where no sidewalk exists. No fence shall be greater than six feet and four inches (6' 4") in height. No combination of retaining wall and fence shall be greater than ten feet (10') in height.

10-18-3: RETAINING WALLS:

- A. The height of any single retaining wall shall not exceed eight feet (8') in all zones, except Manufacturing. In the manufacturing zone, a retaining wall shall not exceed twelve feet (12') in height.
- B. Terraced retaining walls shall be constructed out of one type of material. For each additional terraced wall, each wall shall be constructed out of material that is similar in look, color, and texture. The landscape and drainage for rockery or retaining walls shall be maintained by the property owner.
- C. Retaining walls shall be measured from the top of the exposed face to finished grade.
- D. For interior, rear lot lines, where a solid fence is placed on top of a retaining wall or rockery wall, the combined exposed face shall not exceed thirteen feet (13') in height at any single point, measured from the finished grade of the adjacent retaining wall to the top of the solid fence. Retaining walls that exceed eight feet (8') shall be terraced in accordance to subsection G of this section.

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- 6684 E. Fences at least fifty percent (50%) open (up to 50 percent may be solid, or non-see
- 6685 through) may be placed on top of a retaining wall with a combined maximum height of
- 6686 thirteen feet (13')
- 6687
- 6688 F. Where rockery or retaining walls were erected as part of a subdivision approval, the
- 6689 design and construction of any additional walls shall first be submitted for review and
- 6690 approval by the city, based on plans and specifications certified by a qualified structural
- 6691 engineer, and erected using the colors as were approved for the subdivision.
- 6692
- 6693 G. Retaining walls over eight feet (8') in height shall be stepped to form benches which shall
- 6694 be a minimum distance of one-half (1/2) the height of the lower retaining wall, and shall
- 6695 be landscaped. Benches shall be measured from the top back of the lower retaining wall
- 6696 to bottom face of the terraced retaining wall.
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- 6698 H. The color, texture and design of retaining walls that may be visible to the public must
- 6699 blend into the natural surrounding environment
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6701 **10-18-4: FENCES:**

- 6702 A. Public Right Of Way: No fence approved under this chapter shall be erected beyond a
- 6703 property line or on the public right of way. If a fence is installed within one foot (1') of a
- 6704 public sidewalk, concrete or gravel shall be installed between the fence and the sidewalk
- 6705 to prevent weeds from growing in this area. Maintenance of the area between the back
- 6706 of sidewalk and the property line shall be the responsibility of the property owner or
- 6707 homeowners' association as applicable.
- 6708
- 6709 B. Controlled Access Streets: On minor arterial or larger streets, fences or retaining walls
- 6710 may be erected to a height of six feet and four inches (6' 4") in the front setback area.
- 6711 The requirements of section 10-18-2B of this chapter apply to private driveways.
- 6712
- 6713 C. Fences And Retaining Walls Contiguous To A Public Street: Where a fence or retaining
- 6714 wall is located on the property line contiguous to a public street, the fence, or retaining
- 6715 wall, or combination of a fence on top of a retaining wall, shall not exceed six feet and
- 6716 four inches (6' 4") above the curb or sidewalk grade. Retaining walls may be terraced to
- 6717 achieve greater overall height; provided, that no one vertical plane exceeds six feet and
- 6718 four inches (6' 4") in height, and walls are offset a minimum of three feet (3'). The
- 6719 retaining wall shall be set back from the sidewalk a minimum of ten feet (10') as required
- 6720 in subsection 11-5-4C3 of this code.
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- 6722 D. Clearances From Utility Facilities: No fence, wall or similar structure may be located
- 6723 closer than:
- 6724 1. Five feet (5') from pad mount transformer or 4-way vault.
- 6725
- 6726 2. Ten feet (10') from the door side of pad mount switch gear, and five feet (5') from the
- 6727 non-door side of the switch gear.
- 6728
- 6729 3. Five feet (5') from fire hydrants.
- 6730
- 6731 4. Three feet (3') from water meter boxes.
- 6732
- 6733 5. Three feet (3') from video or communication pedestals.

6. Three feet (3') from street lights.

E. Recreation Use:

1. On interior side and rear property lines, a chain link or mesh fence may be erected to a height not exceeding twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. Said fence may not be located in a front or street side yard setback.
2. Safety nets are permitted along the side and rear property lines, where a property is adjacent to a golf course. Safety nets that exceed six feet (6') in height require a permit issued by the building department.

F. Required In Certain Areas: In all administrative and professional office, commercial, and manufacturing zones being adjacent to a residential zone of any type, or in multiple-family or planned development zones having a common lot line with a residential zone, a six foot (6') high solid fence shall be required, but shall be reduced to four feet (4') in height inside the front setback area.

G. Fences Surrounding Developments:

1. Developments without individual residential lots that front on a public street may include a solid fence in the front setback area to a height of six feet and four inches (6' 4"), that is reduced to three feet (3') at each driveway entrance and intersection, in the same manner as required for clear view at intersections in subsection 10-18-2 B and set back from the back of any sidewalk a minimum of ten feet (10').
2. Access Gates: If the back frontage of the lot is adjacent to a public trail or sidewalk, an access gate shall be permitted that is no wider than five feet (5') and shall be constructed of decorative iron.
 - a. The gate may be solid or see through.
 - b. The gate shall swing to the interior of the lot.
 - c. A pathway from the gate to the trail shall be installed and lined with a natural material such as crushed rock, gravel, or flagstones. The pathway shall not be paved with concrete or asphalt.
 - d. Motor vehicle access shall not be permitted.
3. Landscaping required for commercial and manufacturing developments, and any required "street trees" shall be located on the street side of the fence.

10-18-5: BARBED WIRE:

Barbed wire, razor ribbon and similar fencing material is prohibited in all zones except agricultural, manufacturing and C-2 and C-3 zones. In agricultural, manufacturing and commercial zones where permitted, and only for agricultural uses in the residential estates zone, the use of barbed wire, razor ribbon and similar material shall conform to the following restrictions:

A. Barbed wire, razor ribbon or similar material shall be pulled straight and not rolled or coiled.

B. Straight strands of barbed wire and similar material on top of fences or walls shall not exceed a combined fence and barbed wire height of seven feet (7').

In commercial zones, barbed wire or similar material shall not be used within the twenty foot (20') front setback area and shall not be used along any common lot line with a residential zone or residential development.

10-18-6: PERMIT REQUIRED:

A. Retaining walls and rockery walls shall not be erected over four feet (4') in height, measured from top of footing to top of wall, without first obtaining a permit from the city of St. George building department unless shown in detail on an approved subdivision or site plan.

B. A permit is required prior to construction for any fence, rockery wall, or retaining wall being erected in a front setback unless shown in detail on an approved subdivision or site plan.

C. An application for the permit must be submitted with the following information: a site plan showing property lines, sidewalks, buildings, height, and locations of all fences and rockery or retaining walls, and a landscape and drainage plan for rockery or retaining walls.

ARTICLE A. ROCKERY WALLS

10-18A-1: ROCKERY WALLS SUBJECT TO THIS ARTICLE; PERMIT REQUIRED:

Rockery walls four feet (4') high and greater, as measured from the ground surface to the top of the uppermost rock layer shall be subject to the provisions of this article and shall require a permit issued by the city of St. George community development department prior to construction unless the wall was included and approved on the engineered construction drawings for the subdivision.

10-18A-2: DOCUMENTS REQUIRED FOR PERMIT:

The following documentation shall be submitted to the City at the time of application for a permit under this article:

- A. A dimensioned drawing that identifies the location of each rockery wall with respect to the property lines, easements, streets, and other rights-of-way. Existing construction required setbacks as noted below, and drainage features shall clearly be identified on drawings.
- B. A cross section of the wall showing the minimum rock size, for each lift, maximum wall height, reinforcing, backfill specifications, drainage, slope of adjacent ground, embedment, cuts, and batter.
- C. All rockery walls four feet (4') and greater shall require engineering analysis.
- D. All rockery walls four feet (4') and greater shall require an engineering design.

10-18A-3: SITE CONDITIONS:

- A. The following specific site conditions shall be considered for each wall design and noted on the drawings submitted:
 1. Future structures and landscaping.
 2. Location of utilities, utility easements, and written permission in a form acceptable to the city from each affected utility to construct the wall. Notwithstanding any written permission, the city reserves the right to deny a permit for a wall within, or over, a utility easement.
 3. Location of existing or future utility installations within eight feet (8') of the base and top of wall.
 4. Data showing the subgrade soil conditions within eight feet (8') of the wall.
 5. The type of fill material to be replaced or removed.
 6. The drawings shall note the drainage for surface water within sixteen feet (16') of the wall and all walls shall be designed assuming wet conditions.
 7. The drawings shall note the subsurface water conditions within eight feet (8') of the wall.

- 6862 8. The drawings shall note the keyway/foundation depth and width.
6863
6864 9. The drawings shall note the slope conditions and surcharge loads.
6865
6866 10. Maintenance and service access.
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6868 **10-18A-4: CONSTRUCTION:**

- 6869 A. Monitoring: All phases of rockery wall construction shall be monitored by the
6870 geotechnical engineer employed by the owner/contractor to verify that the nature and
6871 quality of the materials being used are appropriate and that the construction is in
6872 accordance with the engineered design. The geotechnical engineer shall verify to the
6873 city in writing that the materials and construction of the rockery wall as-built is in
6874 accordance with the engineered design after construction is complete.
6875
6876 B. Fill Compaction: Where the rockery walls are constructed in front of a fill, the fill shall be
6877 placed and compacted in a manner that will provide a competent fill mass as noted in
6878 the drawings. All fills shall consist of quality fill meeting the geotechnical engineer's
6879 recommendations as noted on the drawings or report.
6880
6881 C. Compaction Testing: Density tests to verify compaction shall be taken at random
6882 locations. At least two (2) tests per one hundred feet (100') of wall length per two feet (2')
6883 of backfill shall be taken. In critical locations, the geotechnical engineer may request
6884 additional monitoring. The testing shall be conducted by a certified technician under the
6885 direction of the geotechnical engineer.
6886
6887 D. Fill Construction Reinforcement: All fill placed behind rockery walls shall be reinforced as
6888 recommended by the geotechnical engineer.
6889
6890 E. Rock Selection: The contractor shall have sufficient space and stockpile material
6891 available to select from among a number of rocks for each space in the rockery wall to
6892 be filled. Rock should be of a generally cubical, tabular or rectangular shape. Rounded
6893 rocks should not be used and internal void spaces in the facing should be kept to a
6894 minimum. Prior to being placed, all rock shall be inspected and approved by the
6895 geotechnical engineer. The rock source shall be preapproved by the geotechnical
6896 engineer. Rocks shall be placed to decrease in size with increasing wall height. Rocks
6897 shall be placed to bear on good flat to flat surfaces. The long dimension of the rocks
6898 shall extend back toward the cut/fill face. Rocks shall bear on at least two (2) or more
6899 other rocks.
6900
6901 F. Rock Placement: Rock shall be placed as recommended by the geotechnical engineer.
6902 A keyway (1-foot minimum) as recommended by the geotechnical engineer shall be
6903 constructed into unyielding soil.
6904
6905 G. Drainage: A rock drainage filter or geosynthetic filter fabric shall be installed between the
6906 rear face of the rock wall and soil face being protected. The drainage design shall
6907 consider adjacent conditions and potential for water and erosion and shall be
6908 constructed as directed by the engineer.
6909
6910 H. Surface Drainage: Surface drainage shall be directed away from the rockery wall face to
6911 a positive and permanent discharge well away and beyond the rock wall. The
6912 surrounding site shall be graded such that water cannot flow over the top of the wall.

I. Steepness of Walls: The steepness of the wall shall not exceed one horizontal to six (6) vertical. Specific recommendations from the engineer are required and shall be noted on the drawings.

J. Slopes: Slopes above and below walls shall not exceed two (2) horizontal to one vertical.

10-18A-5: LIMITATIONS:

A. Height: The height of any single rockery wall shall not exceed eight feet (8'), or as limited by the International Building Code, foundation clearance from slopes, and these standards, whichever is most restrictive.

B. Alignment: Walls shall be in a continuous alignment without abrupt changes in direction.

C. Terminations, Intersections, And Radii: Terminations, intersections, and radii of rockery walls shall be included in the engineering analysis.

10-18A-6: SETBACKS:

A. Minimum Setbacks: The setback from a rockery wall to a building or structure shall meet all setback requirements as outlined in the International Building Code, foundation clearance from slopes or the setback from a rockery wall shall be a minimum of the height of the rockery wall, whichever is greater.

B. Separate Rockery Walls Considered One Wall: For height and setback restrictions separate rockery walls shall be considered one wall, unless separated by a horizontal distance greater than the vertical height of the lower wall. The distance shall be measured from the outside of the foundation of the structure to the exposed face of the rockery wall. This provision applies to building or structures at the low and high side of the wall.

C. Terraced Rockery Walls: Multiple rockery walls, designed as terraced retaining walls, shall be separated a minimum distance of one-half (1/2) the height of the lower rockery wall to another rockery wall. The height of an upper wall shall not exceed the height of a lower wall. The total combined height of all rockery walls shall not exceed sixteen feet (16').

D. Rockery Walls In Utility Easements: Rockery walls shall not be constructed within utility easements without prior written permission in a form acceptable to the city from each affected utility. Notwithstanding any written permission, the city reserves the right to deny a permit for a wall within, or over, a utility easement. Rock walls shall be limited to a height of three feet (3') within the street frontage utility easement.

10-18A-7: STRUCTURAL ANALYSIS:

A. Adherence To Requirements: All structural analysis shall be in accordance with adopted building code of the jurisdiction having authority, the local amendment adopted by the authority having jurisdiction, and this article.

B. Factor Of Safety; Seismic Forces: The minimum factor of safety for sliding and overturning of each rock in a rockery wall shall be 2. This shall include load combinations with seismic forces.

C. Analysis Provisions: The following analysis provisions shall apply:

1. The maximum unit weight of the rocks used in the design of a rockery wall shall be one hundred fifty five (155) pcf unless field verified by special inspection.
2. The maximum coefficient of friction between rocks in a rockery wall shall be 0.5.
3. Surcharge load shall be taken into consideration in the analysis.
4. Specifications shall be provided to clearly define acceptance criteria for rock materials.

10-18A-8: MATERIALS:

Rock material shall meet the minimum requirements of the "Rock Wall Construction Guidelines", by the Associated Rockery Contractors, August 15, 2000 edition, unless other materials are specifically preapproved by the geotechnical engineer.

10-18A-9: INSPECTIONS:

- A. Qualified Geotechnical Engineer Required: Construction of rockery walls shall be supervised and inspected by a qualified geotechnical engineer employed by the owner/contractor. Supervision and testing shall be at the frequency specified by the geotechnical engineer, and shall include all phases of construction.
- B. Final Compliance Report Required: Upon completion of the wall, the geotechnical engineer shall submit a final compliance report to the authority having jurisdiction. The report shall include a description of the rock wall, including type of rock, size of rock, rock placement, embedment, and inclination, property line setback, separations, and height of wall. The report shall provide a professional opinion as to the compliance with all of the design recommendations and acceptance of the construction.
- C. Schedule Required: A schedule for the continuous or periodic supervision and inspection of construction shall be specified on the construction documents and all such supervision and inspection shall be verified in writing.

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CHAPTER 19 OFF STREET PARKING REQUIREMENTS

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10-19-1: OFF STREET PARKING REQUIRED:

At the time any building or structure is erected, enlarged or increased in capacity, or the use is changed to a more parking intensive use, there shall be provided safe access to, and sufficient, improved, off street parking spaces on site for automobiles in accordance with the following requirements. Buildings shall not be added, enlarged, or building uses changed, unless parking requirements are met.

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10-19-2: SIZE:

- A. Dimensions: The dimensions of each off street parking space or stall shall be at least nine feet by eighteen feet (9' x 18') for diagonal or ninety degree (90°) spaces; or nine feet by twenty two feet (9' x 22') for parallel spaces, exclusive of access drives or aisles.
- B. Reduction: A parking stall area may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall, by a curb or tire bumper guard, is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved shall be landscaped.

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10-19-3: ACCESS TO INDIVIDUAL PARKING SPACES:

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street, unless all driveway separation requirements are met.

- A. One-Way Driveway Width: One-way driveways shall be a minimum of twelve feet (12') in width.
- B. Two-Way Driveway Width: Two-way driveways shall be of a minimum width as follows:
1. Twelve feet (12') for a single-family dwelling, providing access to parking spaces directly off of a street without having to go past another building.
 2. Sixteen feet (16') for a single-family or a two-family dwelling that must go past another building to access parking spaces, with a minimum unobstructed two foot (2') width on both sides of the driveway; or a two-family dwelling, providing access to parking spaces directly off of a street without having to go past another building.
 3. Eighteen feet (18') for a single-family or a two-family dwelling that must go past another building to access parking spaces where there are obstructions (i.e., walls, trees, etc.) adjacent to one or both sides of the driveway.
 4. Twenty-eight feet (28') for commercial, manufacturing and all other residential developments for the drive approach, and twenty five feet (25') for the drive aisles.
 5. Additionally, a minimum of twenty feet (20') is required for any dwelling or building when any portion of an exterior wall of the first story is located more than one hundred fifty feet (150') from fire department vehicle access. Vertical clearance, surface, turnarounds and other requirements contained in the international fire code shall apply. Exceptions and modifications may apply as approved by the fire chief.
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- 7050 6. Garages accessed by a twenty-foot (20') wide paved rear alley shall have a minimum
- 7051 five foot (5') setback from the alley, provided the dwelling fronts on:
- 7052
- 7053 a. a public street, or
- 7054
- 7055 b. a private street which meets the public street pavement width standard.
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- 7057 C. Garage and Carport Spaces: Garage and carport spaces shall be counted as one
- 7058 parking space unless such garage or carport is a minimum of four hundred eighty (480)
- 7059 square feet with a minimum width of twenty feet (20').
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7061 **10-19-4: RESIDENTIAL AREA REQUIREMENTS:**

- 7062 A. Number Of Spaces For Residential Development: The number of off street parking
- 7063 spaces required for residential development and mixed use residential shall be as
- 7064 follows:
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- 7066 1. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling, one of
- 7067 which shall be covered. Tandem parking shall be allowed in single-family
- 7068 subdivisions only.
- 7069
- 7070 2. Planned Development-Student Housing (PD-SH): One parking space for each
- 7071 student/occupant, plus one space for a manager, where an on-site office is
- 7072 established. All parking shall be on site; no street parking or tandem parking shall be
- 7073 counted toward meeting the parking requirement. No parking area shall be located
- 7074 within the required front setback facing a public street, or more than one hundred
- 7075 feet (100') away from the premises it is intended to serve.
- 7076
- 7077 3. Required student/occupant parking in a PD-SH shall be reduced to 0.75 parking
- 7078 space per student/occupant, where the following criteria are met:
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- 7080 a. The student/occupant housing is new multi-family construction with ten (10) or
- 7081 more units and is located within the "student pedestrian emphasis area" as
- 7082 shown on figure 1 attached to the ordinance codified herein; and
- 7083
- 7084 b. Each property that utilizes this parking reduction shall specify on all rental
- 7085 contracts whether or not an automobile parking space is provided for that
- 7086 individual tenant, and no more than seventy five percent (75%) of the tenants
- 7087 may be in possession of an automobile; and
- 7088
- 7089 c. The property owner shall enter into an agreement with the city and with Dixie
- 7090 State University stating that the property owner is responsible for monitoring
- 7091 compliance with the above stated criteria for a student/occupant parking
- 7092 reduction. Monitoring shall include a semiannual report to the city and Dixie State
- 7093 University prepared by the property owner indicating the number and percentage
- 7094 of tenants in possession of an automobile; and
- 7095
- 7096 d. Lighted bicycle parking is provided on a hard surface area adjacent to the
- 7097 student housing at a ratio of one space per every ten (10) students/occupants;
- 7098 and
- 7099

- e. Half of the parking spaces are covered; and
- f. The student/occupant parking reduction does not reduce or alter the other parking requirements in this section.
4. All Other Dwellings:
- a. All other dwellings, including mixed use residential, townhouses and condominiums, shall have two (2) parking spaces per dwelling unit, at least one of which shall be covered. Covered parking may be located within the side and rear setback areas. For projects with more than one hundred (100) dwelling units, with commonly accessed parking, the land use authority may reduce the parking space requirement to one and one-half (1.5) spaces per unit upon proof that two (2) spaces per unit is an excessive amount of parking.
- b. No street parking shall be counted toward meeting the parking requirement.
- c. Tandem parking shall not count toward the parking requirement. However, if covered parking is provided within a garage, each dwelling unit may tandem park in the front setback, if the garage and tandem parking spaces are associated with the same unit. Garage must be set back a minimum of twenty feet (20') measured from back of sidewalk or curb where no sidewalk exists to qualify for tandem parking. Interior of garage must be unobstructed and accessible to qualify as covered parking.
- d. No parking area shall be located within the required front setback facing a public street, or more than four hundred feet (400') away from the premises it is intended to serve. All required parking shall be on site.
- e. Minimum of two (2) bicycle parking per project and an additional two (2) per one-hundred (100) vehicle parking spaces.
5. Guest Parking: For housing projects with a density of six (6) dwelling units per acre or more there shall be provided guest parking spaces in the amount of one guest parking space per three (3) dwelling units. The guest parking spaces shall be located on premises and within two hundred feet (200') of the dwelling unit it is intended to serve.
6. Parking Vehicles On Front Lawns Or Setback Areas: Parking vehicles is prohibited on front lawns, sidewalks, required landscape area, front setback or street side setback areas. Parking is permitted in the front setback on an approved paved surface. Parking is permitted in the side front setback area on gravel.
7. Short Term Rental Parking: For each single-family and two-family short term rental property:
- a. Two (2) parking spaces provided per dwelling unit, one of which shall be covered.
- b. On street parking does not qualify for parking requirements.

7151 **10-19-5: NONRESIDENTIAL AREA REQUIREMENTS:**
 7152 The number of off-street parking spaces required for all nonresidential developments shall be as
 7153 follows:
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Automotive repair and supply	1 space for each 400 square feet of gross floor area.
Bowling alleys and billiard halls	5 spaces for each alley, plus 2 spaces for each billiard table contained therein.
Business or professional offices	1 space for each 250 square feet of gross floor area.
Call centers or telemarketing business	1 space per employee on the highest shift, or 1 space per 100 square feet of gross floor area, whichever is greater; except that call centers occupying no more than 15 percent of a building's total floor area (or 15 percent of an office park's cumulative floor area), up to 3,000 square feet maximum, shall provide at least 1 space per 250 square feet of gross floor area.
Commercial uses in the C-4 zoning district from 300 West to 300 East	1 space for each 500 square feet of floor area. Change of use for an existing building does not require additional parking.
Dance facilities	1 space for every 3.5 people of maximum capacity allowed in the facility.
Child care center	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed.
Educational uses:	
Elementary	2.5 spaces per classroom/teaching station.
Intermediate (6th and 7th) and middle (8th and 9th)	4.5 spaces per classroom/teaching station.
High school (10th through 12th)	12 spaces per classroom/teaching station.
College, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students.
Schools having an arena or auditorium shall meet this requirement or the requirements of Religious Facilities, sports arenas, auditoriums, etc., of this section, whichever is greater.	
Furniture stores, appliance stores and lumber yards	1 space for each 600 square feet of floor area.
Golf courses	6 spaces per hole.
Golf driving ranges	1 space per tee.
Health studios, gym, and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater.
Hospitals	2 parking spaces for each bed and 1:250 sq. ft. for office

Business or professional office, hospital	area
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner.
Libraries	1 space for each 300 square feet of gross floor area.
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area.
Mortuaries and funeral homes	5 spaces, plus 1 space for each 35 square feet of assembly room floor area.
Nursing homes, care centers and assisted living	1 parking space for each 3 beds, except where skilled care (long term care) is provided, the requirement is 1 parking space for each 2 beds.
Outdoor sales lots for autos, mobile homes and RVs	1 space for each 7 vehicles or items of equipment to be displayed, plus 2 spaces for manager and employee parking.
Religious Facilities, sports arenas, auditoriums, theaters, assembly halls, lodge halls or other meeting rooms	1 space for each 3.5 fixed seats of maximum seating capacity, or 1 space for each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench shall be considered a fixed seat.
Restaurants and other establishments where food or beverages are consumed on site	1 space for every 100 square feet of dining room area and 1 space for every 250 square feet of kitchen or office area.
Retail stores and shops, commercial banks, savings and loan offices, and other financial institutions, general retail stores, food stores, supermarkets, drugstores and other similar commercial businesses	1 space for each 250 square feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 shall be calculated based on 1 space for each 500 square feet of gross floor area for retail uses.
Service commercial businesses; businesses such as electrical, plumbing, cabinets, printing and other similar shops	1 space for each 250 square feet of retail or office area and 1 space for each 500 square feet of additional building area.
Skating rinks, ice or roller	1 space for each 300 square feet of gross floor area.
Swimming pools (commercial)	1 space for each 100 square feet of water surface or 10 stalls, whichever is greater.
Tennis, handball and racquetball courts (commercial)	6 spaces minimum or 3 spaces per court, whichever is greater.
Veterinary hospitals	5 spaces for each doctor.

10-19-6: DEVELOPMENT STANDARDS:

- A. All property used as a parking lot shall comply with adopted parking lot and pavement standards.
- B. Electric Vehicle Charging Stations (EVCS): All new parking areas shall provide the electrical expansion capacity and conduit to parking spaces for at least one-percent (1%) of the required parking spaces, in order to accommodate the future hardwire installation of EVCS.

10-19-7: SHARED PARKING:

- A. Shared Facilities: Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
- B. Requests; Guidelines: Shared parking allowed subject to the following guidelines:
 - 1. No substantial conflict in the periods of peak demand of uses for which the joint use is proposed or an excess of required parking spaces are available.
 - 2. The number of parking stalls which may be credited against the requirements for the uses involved will not exceed the number of spaces that may normally be required for any one of the uses sharing the parking.
 - 3. Parking facilities are no farther than two hundred fifty feet (250') from any use proposing to use shared parking.
 - 4. A written agreement shall be executed by all parties, and recorded against the properties, assuring the continued availability of shared parking facilities in the event that one of the uses shall be sold or otherwise change ownership or management. The agreement shall provide that the shared parking facilities cannot be removed or changed without the express written consent of city.

10-19-8: PARKING FOR DISABLED:

- A. Required; Number: Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the disabled.
- B. Dimensions; Van Space, Access Aisle: In addition, for every eight (8) accessible parking spaces, one accessible van space must be provided. The dimensions of a standard accessible parking space shall be at least nine feet by eighteen feet (9' x 18') with a five foot (5') wide access aisle (total of 14 feet x 18 feet). The dimensions of an accessible van space shall be at least nine feet by eighteen feet (9' x 18') with an eight foot (8') wide access aisle (total of 17 feet x 18 feet).

CHAPTER 20
MOTOR VEHICLE ACCESS AND LOADING

10-20-1: ACCESS REQUIREMENTS:

Adequate vehicular ingress and egress to and from all uses of land shall be provided as follows in this chapter.

10-20-2: RESIDENTIAL LOTS; DRIVEWAYS:

- A. Number Of Driveways: No residential lot shall have more than two (2) driveways or curb cuts for access; the existence of a modified curb does not alter the number of driveways. A circular driveway that fronts a major collector or arterial street (sixty-six [66'] feet right-of-way or more) shall count as one (1) driveway or curb cut for access.
- B. Minimum Separation: No driveway shall be closer than twelve feet (12') to another driveway. No driveway shall be located within six feet (6') of a property line, except when two adjacent property owners share one curb cut for two driveways at the shared lot line. Each driveway shall be a minimum of twelve feet (12') in width.
- C. Maximum Width: No driveway shall be more than fifty feet (50') wide and shall not exceed 50% of the frontage width.
- D. Corner Lots: In no event shall a driveway be placed on any corner lot within a distance of twenty feet (20') from the point of curvature of the radius.
- E. Unused Curb Cuts: Prior to certificate of occupancy, the applicant shall replace any unused curb cuts for driveways with standard curb, gutter, sidewalk, and pavement.
- F. Right Of Way Width: No single-family residential lot shall have individual access on a public street with a right of way width greater than sixty six feet (66') except as provided in this section.
- G. All driveways shall be paved with concrete or asphalt in accordance with St. George Standard Specifications for Design and Construction. Concrete pavers are an approved driveway surface if built to city standards.

10-20-3: NONRESIDENTIAL LOTS; DRIVEWAYS:

All nonresidential driveways shall comply with the St. George Access Management Policy.

10-20-4: SCREENING OF PARKING LOTS:

The sides and rear of any parking lot that faces a residential zone shall be screened from such zone by a masonry wall, or as may otherwise be required by Chapter 18 of this title.

10-20-5: MAINTENANCE:

Each parking lot shall be permanently paved, configured and maintained.

10-20-6: OFF STREET LOADING SPACE:

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date hereof, for manufacturing, storage, warehouse, goods display, department store, grocery store, hotel, hospital, or any similar use involving the

7247 receipt or distribution by vehicle of materials or merchandise, the applicant shall provide and
7248 maintain, adequate on-site space for standing, loading and unloading services to avoid
7249 interference with private drive aisles and parking, and public use of streets and alleys. In no
7250 case shall required loading and unloading spaces be part of the area used to satisfy access or
7251 parking requirements.
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7253 **10-20-7: GARBAGE COLLECTION ACCESS:**

7254 All projects requiring automated garbage collection (dumpsters) shall provide convenient access
7255 to and from collection areas. Collection areas shall be screened from street views and shall be
7256 maintained in a clean and sanitary manner.
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7258 **10-20-8: RESIDENTIAL PRIVATE STREETS; ACCESS:**

- 7259 A. No turnaround or cul-de-sac shall be required on dead end private streets one hundred
7260 fifty feet (150') or less in length measured from the centerline of the intersecting road
7261 with three (3) units or less fronting.
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- 7263 B. On dead end private streets with up to eight (8) units, a turnaround or a cul-de-sac must
7264 be constructed to applicable city standards.
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- 7266 C. On dead end private streets with nine (9) or more units, a cul-de-sac must be
7267 constructed to applicable city standards.
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- 7269 D. The maximum length of any dead end private street shall be six hundred feet (600').
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- 7271 E. All turnarounds shall be used solely as a turnaround and not as a joint use for such
7272 things as parking, trash pickup or other streets.
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- 7274 F. For subdivisions served with a dead end private street having twelve (12) or more units,
7275 at least one approved cul-de-sac is required within the subdivision. All other dead-end
7276 private streets within said subdivision shall conform to subsections A through E of this
7277 section.
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7279 **10-20-9: ALLEY ACCESS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS**
7280 **AND SUBDIVISIONS:**

- 7281 A. Residential: In residential developments and subdivisions, an alley may provide access
7282 to a garage located to the rear of a dwelling. An alley is permitted only if it provides a
7283 secondary vehicular access to a dwelling unit.
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- 7285 B. Commercial: In commercial developments and subdivisions, an alley shall be permitted
7286 only if it provides a secondary vehicular access to the rear entrance of a commercial
7287 building or unit. Alleys shall not face a public street.
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CHAPTER 21
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CHAPTER 22
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CHAPTER 23 LANDSCAPE STANDARDS

10-23-1: MINIMUM LANDSCAPING STANDARDS:

Minimum landscaping standards are required for development within all zones except Agriculture, Gravel and Grazing, Open Space, and Single Family Residential, as follows:

- A. Application: The requirements of this section apply to all new development and to the remodeling of existing development where there is an increase in the building's footprint.
- B. Design:
 1. All landscape and irrigation designers and installers shall have all required state and local licenses, insurance, bonding requirements, and be able to show proof of such.
 2. Landscape plans shall make provisions for erosion control on all graded sites. No turf shall be planted on slopes greater than thirty percent (30%). Turf should be reserved for areas where it is functional, including high traffic play areas, or areas needing erosion mitigation. Choose turf species with lower water requirements. Choose turf configurations for irrigation efficiency.
 3. A landscape and irrigation plan prepared by a Utah licensed landscape architect shall be submitted to the city for review at the same time as the drawings and plans are submitted for development of the site.
 4. Plants that are well adapted to the St. George area climate zone shall be used.
 5. Plants with similar water needs shall be grouped together in "hydro zones." Spray heads and drip emitters shall not be connected to the same irrigation valve.
 6. Drought tolerant plants with low fuel volume or high moisture content that will blend with the native vegetation shall be used for projects located at the interface between urban areas and natural (non-irrigated) open space.
 7. Stormwater detention and retention basins shall be landscaped.
 8. Landscape plans for projects proposed for development in multiple phases shall clearly specify the landscape improvements required in conjunction with each phase.
 9. At least one-half (50%) of the required landscaped area shall be covered with foliage of shrubs, grass and live vegetative ground cover within five (5) years of planting. Trees and the tree canopy shall not be counted in this fifty percent (50%) requirement. In addition to the shrubs, grass, and ground cover, one tree with a minimum one and one-half inch (1 1/2") caliper trunk shall be planted for every four thousand (4,000) square feet of landscaped area with a minimum of one tree per property. The trees may be arranged by the landscape architect as best fits the plan either in rows or clusters. Tree species suitable for desert landscapes are acceptable to meet this requirement.
 10. A plan for ongoing maintenance of right of way areas shall be included when landscape and irrigation plans are submitted.

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C. Installation:

1. Landscaping and irrigation installation shall be completed prior to the issuance of a certificate of occupancy as outlined in section 10-1-15 of this title.
2. Landscape and irrigation installers shall follow the plans that have been signed and approved by the city.
3. Landscaping shall follow the city of St. George access management policy to properly define the safe sight distances for intersections or driveways and follow height limitations and zoning requirement.
4. The city may inspect landscaping improvements and require corrective measures regarding the installation of site landscaping and irrigation system improvements found not to comply with the approved plan.
5. Soil preparation shall be provided to assure healthy growing conditions for the plants.
6. The landscape contractor or irrigation contractor shall provide the city with a letter certifying that all improvements have been installed in accordance with the approved plan and specifications prior to issuance of a certificate of occupancy.
7. All irrigation installers shall be supervised by an irrigation contractor.

D. Irrigation:

1. Landscape areas shall be provided with a permanent, fixed automatic irrigation system installed by a licensed landscape contractor.
2. The distribution uniformity shall be sixty percent (60%) for all fixed spray systems and seventy percent (70%) for all rotor systems.
3. Decorative water features such as pools, ponds and waterfalls used in landscaped areas shall have a water recirculation system.
4. A water performance audit shall be conducted by a certified water auditor within thirty (30) days following the installation of the irrigation system. A minimum of ten percent (10%) of the irrigation zones shall be audited at the discretion of the auditor.
5. A backflow prevention assembly shall be properly installed and tested to meet city requirements and meet all state and local health safety laws and ordinances.

E. Trees:

1. All street trees shall be planted and maintained in accordance with Title 7, Chapter 4 of this code.
2. All healthy trees within ten feet (10') of the right of way having a trunk caliper of at least four inches (4") at one foot (1') above the ground shall be preserved during construction unless removal is approved by the shade tree board.
3. Preserved trees shall be credited toward the satisfaction of the tree planting requirements.

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4. Trees to be preserved shall be protected and watered during construction with the following:
 - i. A tree protection barrier (fence) shall be installed before any demolition, grading or construction begins, and shall not be removed until final completion of the project.
 - ii. The tree protection barrier shall be erected around the tree with a radius of no less than seven feet (7') unless otherwise directed or approved by the land use authority.
 - iii. The tree protection barrier shall be constructed of any material substantial enough to protect the roots, trunk, and the crown of the tree, such as:
 - a. Three feet (3') high orange safety fencing on metal posts.
 - b. Three feet (3') high silt fencing staked with flagging.
 - aa. Trees or shrubs that are planted under or near power lines shall not grow above twenty-five feet (25') in height at maturity. Tree trunks and branches shall not encroach within ten feet (10') of power lines when fully grown as required by applicable state and federal regulations.
 - bb. Trees shall not be planted within three feet (3') horizontal distance of electric or gas lines.
 - cc. The city may remove any tree that is interfering with power lines.
 - dd. Trees on the approved landscape and irrigation plan shall not be removed without permission from the city.
 5. Maintenance:
 - a. Landscaping of detention/retention basins shall be maintained by the property owner. If the detention/retention basin is in common area, then an owners' association (OA) shall own and maintain the detention/retention basin. If an owners' association is dissolved maintenance becomes the joint and several responsibility of the individual property owner's.
 - b. An owners' association shall own and maintain all common areas including park strips between the street and any privacy walls. If an owners' association is dissolved maintenance becomes the joint and several responsibility of the individual property owner's.
 - c. It shall be unlawful for any person owning real property within city, to:
 - a. Fail to provide landscaping and irrigation in all areas where it is required to exist. This shall apply to all real property throughout the city regardless of the age of the development, zone or status.
 - b. Fail to install, maintain, replace or repair landscaping and irrigation systems in all areas where it is required to exist or does exist.

- 7446
- 7447 c. Modify an approved landscape and irrigation plan or approved site plan
- 7448 without permission from the city. "Modifying the plan" means changing the
- 7449 type of large plant greater than six feet (6') tall at maturity; or decreasing the
- 7450 plant quantities or the size of the landscape area. Minor adjustments required
- 7451 to suit field conditions are permitted. Replacing a plant with the same type of
- 7452 plant is considered maintenance not modification.
- 7453

7454 **10-23-2: ADDITIONAL REQUIREMENTS FOR NONRESIDENTIAL**

7455 **DEVELOPMENTS:**

- 7456 A. Application: The requirements of this section shall apply to all new development or
- 7457 remodeling of existing development where landscaping is required by zoning ordinance
- 7458 in planned development commercial zones, commercial zones, planned development
- 7459 administrative and professional office zones, administrative and professional office
- 7460 zones, airport vicinity zones and overlay commercial zones.
- 7461
- 7462 B. Landscape Strip: A landscape strip, outside the public right of way along the front of the
- 7463 property on public streets, not less than six feet (6') wide and an average of at least
- 7464 fifteen feet (15') wide shall be landscaped. This requirement does not apply in C-4 zones
- 7465 except where the parking lot abuts the public street in which case the parking lot street
- 7466 frontage shall provide a landscape strip along the street frontage that is a minimum of six
- 7467 feet (6') wide and an average of at least fifteen feet (15') wide.
- 7468
- 7469 1. Interior Parking Lot Landscaping: If a site includes thirty (30) or more off-street
- 7470 parking spaces, at least five percent (5%) of the parking lot area shall contain interior
- 7471 parking lot landscaping, in addition to the fifteen foot (15') wide landscape strip
- 7472 required in subsection B of this section. This requirement shall not apply to
- 7473 vehicle/equipment storage yards or display areas of vehicle sales.
- 7474
- 7475 2. Terminal Islands; Divider Medians: Interior parking lot landscape requirements may
- 7476 be met using terminal islands or divider medians with a minimum width of nine feet
- 7477 (9') by sixteen feet (16'). One parking credit shall be given for every terminal island
- 7478 or divider median which meets the above standard.
- 7479
- 7480 3. Shade Trees: Shade trees shall be provided within each island or median to meet
- 7481 the landscape requirements.
- 7482
- 7483 4. New Plantings: New plantings shall be incorporated into building entrances, drop off
- 7484 and pick up, and outdoor dining areas in order to separate these areas from on-site
- 7485 vehicular circulation and parking facilities and from off-site traffic, enhance
- 7486 pedestrian comfort, convenience and safety, and facilitate outdoor dining with
- 7487 maximum insulation from vehicular traffic impacts.
- 7488
- 7489 5. Landscaping On Rights Of Way: All road rights of way not utilized for pavement, curb
- 7490 or sidewalk shall be planted and maintained as landscaped area, except that on Bluff
- 7491 Street, the landscaping requirement shall be satisfied in the following way:
- 7492
- 7493 6. For property along Bluff Street: In addition to the fifteen foot (15') wide landscaping
- 7494 strip on the private lot area, all of the road right of way up to a twenty foot (20') wide
- 7495 strip running parallel to the road shall be planted and maintained as a landscaped
- 7496 area.

7497
7498 **10-23-6: LANDSCAPING COMPLETION AND MAINTENANCE REQUIREMENTS**
7499 **FOR SINGLE-FAMILY RESIDENTIAL ZONES, RESIDENTIAL ESTATE ZONES, AND**
7500 **SINGLE FAMILY RESIDENCES:**

- 7501 A. Applicability: The requirements of this section to complete the front yard and street side
7502 yard and install landscaping shall apply to all new development, and to the remodeling of
7503 existing dwelling units when a dwelling unit's footprint increases for single-family
7504 residential zones, residential estate zones, and all other single family residences.
7505 Completion and maintenance of landscaping shall apply to all residential properties.
7506
- 7507 B. Landscaping Requirements: A minimum of thirty percent (30%) of the overall front yard
7508 area shall be landscaped. At least half of the landscaped area shall contain live
7509 vegetation.
7510
- 7511 C. Completion Requirements: Landscaping shall be completed within one year of the
7512 issuance of a certificate of occupancy, or the final inspection of a remodeled dwelling
7513 unit.
7514
- 7515 D. A minimum of one tree with at least a one and one-half inch (1 1/2") caliper shall be
7516 planted in the front yard. The tree may be a desert tree variety.
7517
- 7518 E. The use of native plants and other low water use plants (xeriscape) is encouraged to
7519 promote water conservation.
7520
- 7521 F. Requests For Modification of Landscaping Requirement: The community development
7522 director or designee may approve "landscaping," as defined in this section, that covers
7523 less than thirty percent (30%) of the front yard area in landscape where the shape of the
7524 lot imposes a hardship in meeting the thirty percent (30%) requirement. If such a
7525 modification is granted, all other landscaping requirements outlined in this section, shall
7526 still apply and may not be waived or modified.
7527
- 7528 G. Maintenance of Owner's Association Property: A property owners' association shall own
7529 and diligently maintain all common areas, including park strips between the street and
7530 any privacy walls. If a property owners' association is dissolved, maintenance of the
7531 common area becomes the joint and several responsibility of the individual owners of
7532 property that once formed the dissolved property owners' association.
7533
- 7534 H. It shall be unlawful for any person owning a single family residence, to:
7535
- 7536 1. Fail to provide landscaping and irrigation in all areas where landscaping is required
7537 or exists, regardless of the age of the development, zone, or status.
7538
 - 7539 2. Fail to install, maintain, replace or repair landscaping and irrigation systems in all
7540 areas where it is required to exist or does exist.
7541
 - 7542 3. Modify an approved landscape and irrigation plan or approved site plan without prior
7543 written permission from the city. "Modifying an approved landscape and irrigation
7544 plan or approved site plan" means changing the type of large plant (greater than six
7545 feet (6') tall at maturity), decreasing the plant quantities, or decreasing the size of the
7546 landscape area. Minor adjustments required to suit field conditions are permitted.

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Replacing a plant with the same type of plant is considered maintenance and not modification.

CHAPTER 24 (RESERVED)

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CHAPTER 25
SUBDIVISION REGULATIONS

10-25-1: GENERAL PROVISIONS:

- A. Purpose: The provisions of this title are enacted for the purpose of adopting subdivision regulations for the division of land within the city. The regulations, requirements, data, exceptions, suggestions and conditions set forth in this title are designed to allow for quality growth and development within the city and to assist the subdivider in the preparation of plans for subdivisions
- B. Applicability: The provisions of this title are applicable to all developments and improvements to land and to all subdivisions, as defined in Utah Code title 10, chapter 9a, the municipal land use, development, and management act, or its amendment.
- C. Procedure: The procedure for dividing any tract of land into two (2) or more lots, parcels, sites, units, plots or other division of land, shall be consistent with the provisions of Utah code, this title and the policies and procedures established by the city.

10-25-2: ADMINISTRATION AND ENFORCEMENT

- A. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS: In addition to the requirements established herein, all subdivision plats shall comply with the applicable laws, plans and regulations, including, but not limited to:
 - a. The zoning ordinance of the city of St. George, standard specifications for design and construction and all other applicable ordinances of the city.
 - b. The official city general plan, including all streets, drainage and utility systems and parks shown in the general plan, as adopted.
 - c. Requirements of the Utah Department of Transportation, Utah Department of Health and other appropriate state agencies.
 - d. The standards, regulations and policies adopted by the city, including all boards, commissions, agencies and officials of the city who may be authorized to adopt the same.
- B. SELF IMPOSED RESTRICTIONS: If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by the zoning ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the city may require that restrictive covenants be recorded with the county recorder in a form to be approved by the city attorney.
- C. SPECIAL CONDITIONS: Land which the city finds to be unsuitable for subdivision or development due to steep hillsides, geologic hazards, adverse construction conditions, flooding, improper drainage, slopes, rock formations, adverse earth formations or topography, unavailability of utility facilities, suitable access or resources, utility easements, or other features which would be harmful to the health, safety, and general welfare of the present or future inhabitants of the development or subdivision or its surrounding areas, shall not be subdivided or developed unless adequate methods are

7606 formulated by the developer or subdivider and approved by the city council, upon
7607 recommendation of the city engineer or designee, to solve the problems created by the
7608 unsuitable land conditions. Such land shall be set aside for uses as shall not involve
7609 such dangers.

7610
7611 D. COORDINATION OF PLANNED DEVELOPMENT APPLICATIONS: At the time an
7612 application for planned development (PD) projects is submitted to the city, the owner or
7613 subdivider shall submit an application to change the proposed development property's
7614 zoning designation to planned development (PD). Simultaneous with filing a planned
7615 development application, the subdivider or subdivider's authorized representative shall:

- 7616
7617 1. Apply to change the zoning designation to planned development (PD) for the real
7618 property on which the proposed development will be located;
7619
7620 2. Submit all information required by this code for a planned development (PD) zone,
7621 including, but not limited to, a conceptual plan when required; and
7622
7623 3. Meet with city staff to discuss the proposed development.
7624

7625 E. BUILDING ON SINGLE LOTS; MERGING LOTS:

- 7626
7627 1. The improvements built upon any single lot or two (2) adjoining lots held under
7628 ownership separate from that of adjacent lots and not otherwise affected by this title
7629 shall nonetheless be subject to, and regulated by, chapter 5 of this title. The
7630 provisions of this title shall be applicable to prevent the granting of a license, or utility
7631 services, by any city officer when any property encompassed by this section is in
7632 violation of any of the aforesaid sections, and enforcement and penalty shall be as is
7633 further provided in this title.
7634
7635 2. When previously subdivided lots are merged together, all frontages along streets are
7636 considered to be front setbacks and shall comply with the setback requirements in
7637 the zoning ordinance of the city of St. George.
7638

7639 F. FEES: Any and all persons seeking approvals under this title shall pay fees as adopted
7640 through resolution by the city council.
7641

7642 G. ENFORCEMENT: The city manager shall be charged with the enforcement powers of
7643 this title.
7644

7645 H. PERMITS AND CERTIFICATES:

- 7646
7647 1. Compliance With Title: No city officer or employee shall issue any license or permit
7648 for the use of any land, or the construction or alteration of any building or structure, in
7649 violation of the provisions of Utah state law, or any other provisions of this title. Any
7650 license or permit issued in conflict with Utah state law, or any other provisions of this
7651 title is void.
7652
7653 2. Building Permits; Conditions For Issuance: In addition to all other conditions required
7654 by law for the issuance of a building permit, no building permit for any development
7655 or subdivision shall be issued until the following conditions have been met:
7656

- 7657 a. The city has approved the preliminary plat, or the lot layout if the property is
7658 exempt from platting requirements, and all conditions have been met for the
7659 preliminary plat, and for recording of the final subdivision plat, as set forth in Utah
7660 code and as determined by the community development department and the city
7661 attorney;
7662
- 7663 b. The construction drawings are stamped "approved for construction" by the city;
7664
- 7665 c. All required improvements under chapter 25 of this title are completed and the
7666 city has conducted a final inspection and issued a final approval of the
7667 improvements; and
7668
- 7669 d. The final subdivision plat is recorded in the county recorder's office.
7670
- 7671 3. Occupancy Permit: For all subdivisions, occupancy will not be granted, and
7672 structures shall not be occupied, until the final subdivision plat is recorded and all
7673 required improvements are completed and approved by the city. This includes all
7674 required addressing and signs.
7675
- 7676 I. COMPLIANCE WITH TITLE: No person shall subdivide any tract or parcel of land
7677 located wholly or in part within the city except in compliance with the provisions of this
7678 title.
7679
- 7680 J. SUBDIVISION CREATED PURSUANT TO PROVISIONS: No person shall purchase,
7681 sell or exchange any parcel of land which is any part of a subdivision or a proposed
7682 subdivision submitted to the commission, nor offer for recording in the office of the
7683 county recorder, any deed conveying such parcel of land or any fee interest therein,
7684 unless such subdivision has been created pursuant to and in accordance with the
7685 provisions of this title.
7686
- 7687 K. RECORDING WITHOUT APPROVAL VOID: A subdivision plat recorded without the
7688 approval of the city as required by Utah code, this title, and all other applicable statutes
7689 and regulations, is void.
7690
- 7691 L. METES AND BOUNDS DESCRIPTION APPLICABLE: The description by metes and
7692 bounds in the instrument of transfer, or other documents used in the process of selling or
7693 transferring, does not exempt the transaction from being a violation of, or from the
7694 penalties or remedies provided in, this title.
7695
- 7696 M. FINAL SUBDIVISION PLAT RECORDED PRIOR TO APPROVAL UNLAWFUL: It shall
7697 be unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell
7698 or lease, any such final subdivision, or any part thereof, which is located in the city, until
7699 a final subdivision plat thereof, in full compliance with the provisions of this title, has
7700 been duly recorded in the Office of the County Recorder.
7701
- 7702 N. PENALTY: A violation of any provisions of this title shall constitute a class C
7703 misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of
7704 this code. Each separate act in violation of the provisions of this title shall constitute a
7705 separate offense. In addition to the criminal penalties provided herein, the city is
7706 authorized to seek injunctive or other relief to terminate or prevent violations hereof or
7707 otherwise enforce the provisions of this title.

7708
7709 **10-25-3: PLATS AND PLANS:**

7710 A. GENERAL PROCEDURES: Before any real property is developed or subdivided, the
7711 subdivider or subdivider's authorized representative shall follow the procedures set forth
7712 in this chapter and as established by the city council by policy, in applying for and
7713 obtaining approval of the proposed subdivision. The general procedure consists of the
7714 following principal steps:

- 7715 1. Planning discussion;
7716
7717 2. Preliminary plat review;
7718
7719 3. Construction drawing review; and
7720
7721 4. Final subdivision plat review.
7722

7723 B. PLANNING DISCUSSION: Prior to submitting a planned development zone change
7724 application or a preliminary plat for any type of development or zone, the subdivider shall
7725 meet with the city.
7726

7727 C. PRELIMINARY PLAT:
7728

7729 1. Preparation Of Preliminary Plat: It is anticipated that as long as the preliminary plat
7730 complies with all requirements under this title, upon final approval of the preliminary
7731 plat, the preliminary plat shall be the basis for the construction drawings and final
7732 plat. Prior to preparing the preliminary plat, the subdivider shall meet with the
7733 planning staff to discuss the subdivision proposal and review the preliminary plat and
7734 the requirements for the required plans, construction drawings, studies and reports.
7735 The general requirements as to the layout of streets, street improvements, traffic
7736 impact studies, drainage, sewerage, fire protection, availability of existing services,
7737 and similar matters shall be discussed. The planning staff may also advise or direct
7738 the subdivider, when appropriate, to discuss the proposed subdivision or portions
7739 thereof with those officials who must eventually approve certain aspects of the
7740 subdivision plat or portions thereof within their jurisdiction, including, but not limited
7741 to, the fire marshal, joint utility committee, hillside review board and city staff. Where
7742 special issues or conditions exist which require resolution by the commission or city
7743 council, resolution of such matters shall be obtained prior to consideration of the
7744 preliminary plat by the planning staff.
7745

7746 2. Preliminary Plat Requirements: The preliminary plat shall be clear and legible, be
7747 labeled and dimensioned, and be of sufficient scale to adequately describe the
7748 conditions of this title. The preliminary subdivision plat and plan shall be
7749 accompanied by a completed application form provided by the city, and show the
7750 following information:
7751

7752 a. Title block:

7753
7754 i. The name and type of subdivision, which name the subdivider must have
7755 approved by the county recorder and community development director or
7756 designee.
7757

7758 i. The location and dimensions of the subdivision.

- ii. The name of the subdivider.
- b. General plans:
 - i. North arrow and scale.
 - ii. The boundary and phasing plan of the subdivision.
 - iii. Existing and proposed contour lines at vertical intervals of not greater than five feet (5') when requested by the city engineer or designee.
- b. Existing conditions:
 - iv. Location, width and names of all streets and driveways within two hundred feet (200') of the subdivision.
 - v. All public streets, rights-of-way, easements, parks, other public open spaces, and all section and city boundary lines within or adjacent to the proposed subdivision.
 - vi. Sewers, water mains, power lines, storm drains or other facilities within and adjacent within one hundred feet (100') of the proposed subdivision.
 - vii. Ditches, drainage channels, waterways and major washes.
 - viii. The location of the floodplain and floodway, and elevations as designated by FEMA. Also, the location of the erosion hazard boundary for property adjacent to the Virgin and Santa Clara Rivers and Ft. Pearce Wash.
 - ix. Exceptional topography.
 - x. Air traffic approaches when requested by the city engineer or designee.
 - xi. Information required by the hillside ordinance, if the proposed subdivision is within the hillside overlay zone, a geologic hazard area, or an adverse construction condition area.
 - xii. vicinity map.
- c. Proposed plan:
 - i. The layout of streets, driveways, public parks and trails, and utility easements showing identification and dimensions. Where double frontage lots are proposed, the general design of the privacy wall shall be shown.
 - ii. The layout, number and typical dimensions of lots.
 - iii. Parcels of land intended to be dedicated for public use or set aside for use of property owners in the subdivision as common or limited common areas.

- 7810 iv. A drainage plan by which the subdivider proposes to handle storm water
7811 drainage for the subdivision, including proposed realignment or regrading of
7812 existing drainageways upstream, within and downstream of the subdivision.
7813 All residential drainage shall be conveyed from each lot to the street. Shared
7814 drainage in not permitted unless it is in common or limited common area,
7815 owned and maintained by a property owners association.
7816
7817 v. A general plan for primary water, sewer, power systems and related
7818 accessories.
7819
7820 vi. A grading plan by which the subdivider proposes to handle elevation
7821 changes, retaining walls, and other related design issues as requested by the
7822 city.
7823

7824 c. Application Procedure And Requirements:
7825

- 7826 1. The subdivider shall file the preliminary plat along with a preliminary plat review
7827 application on forms provided by the city.
7828
7829 2. At the time of filing the application, the subdivider shall schedule an appointment
7830 with the city. The city shall review the application for completeness and may
7831 request that the subdivider present additional information to assist in determining
7832 the adequacy, quality and characteristics of the subdivision proposal.
7833
7834 3. Once the application has been considered and determined to be complete, the
7835 application shall be reviewed according to the procedure set forth in subsection D
7836 of this section. If the city finds that the application is not complete, the application
7837 shall be rejected, returned to the subdivider, and the subdivider shall submit a
7838 complete application.
7839
7840 4. Approval Procedure:
7841
7842 i. The community development department shall concurrently transmit the
7843 preliminary plat, and preliminary plat review application, along with all
7844 accompanying plans, reports and studies to the appropriate city officials and
7845 other official agencies or bodies as deemed necessary or as required by law,
7846 to allow such persons to review the preliminary plat and preliminary plat
review application.
7847
7848 ii. After the preliminary plat review application is found to meet the requirements
7849 of this title, and all comments have been received from those to whom a
7850 request to review was made, the community development director or
7851 designee shall cause the preliminary plat to be placed on the next available
7852 planning commission agenda, and shall notify the subdivider of the date, time
and place of the meeting at which the preliminary plat shall be reviewed.
7853
7854 iii. The planning commission shall only approve a preliminary plat which it finds
7855 to be in accordance with the standards and criteria set forth by the city in this
7856 title and all other ordinances, plans and policies of the city. The planning
7857 commission may conditionally approve a preliminary plat, imposing such
7858 conditions as it may require in order to bring the preliminary plat into
compliance with the requirements of the city's ordinances, plans and policies.

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- iv. After reviewing the preliminary plat, the planning commission shall make a recommendation to the city council that the preliminary plat be approved, conditionally approved, or disapproved. The preliminary plat will then be placed on the next available city council agenda, after all legally required notification requirements have been complied with, and the city shall advise the subdivider of the date, time and place of the meeting at which the preliminary plat shall be reviewed. After review, the city council shall approve, conditionally approve, or disapprove the preliminary plat.
 - v. If the final subdivision plat, or phase thereof, is not approved by the city within one year after city council approval of the preliminary plat, the subdivider shall submit for approval a new preliminary plat in accordance with this subsection, unless it is determined by the community development director or designee that substantial progress toward completion of the final subdivision plat has been done and the final plat cannot be submitted due to reasons beyond the control of the subdivider. In such case, the community development director or designee may agree to a single reasonable extension of time to complete the final subdivision plat, but no longer than one year.
 - vi. Approval of the preliminary plat does not constitute full approval of the development as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports, investigations, etc.

D. FINAL SUBDIVISION PLAT:

- 1. After the preliminary plat has been approved by the city council, and all conditions are complied with, a final subdivision plat may be prepared and submitted to the community development department for consideration and approval or denial. The final plat shall be recorded within one year of final approval by community development department, or the plat is void.
- 2. All applications to subdivide real property shall comply with the requirements of Utah code Title 10, Chapter 9a, the Utah land use and development management act, as amended.

E. EXEMPTION FROM PLAT REQUIREMENT: If the requirements of Utah code title 10, chapter 9a, as amended, this title, and all other applicable laws and regulations are satisfied, and the subdivider has obtained written approval from the city council, following the planning commission's recommendation, a person may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into less than ten (10) lots, without the necessity of recording a plat.

F. VACATING, ALTERING OR AMENDING A SUBDIVISION PLAT:

- 1. Vacating, Altering Or Amending Subdivision Plat: All applications for vacating, altering or amending a subdivision plat shall comply with the requirements of Utah code title 10, chapter 9a, as amended.

- 7910 2. Lot Mergers: All applications seeking to merge lots, parcels, sites, units, plots or
7911 other division of land shall comply with the requirements for the adjustment of lot
7912 lines as set forth in Utah code title 10, chapter 9a, as amended.
7913
- 7914 3. Vacating A Street, Right-Of-Way, Or Easement: All applications for vacating a street,
7915 right-of-way, or easement shall comply with the requirements of Utah code title 10,
7916 chapter 9a, as amended.
7917

7918 **10-25-4: IMPROVEMENTS:**

7919 A. DRAWINGS:

- 7920
- 7921 1. Construction Drawings: Construction drawings which are required by the city,
7922 including, but not limited to, drawings required for review by the JUC, shall be
7923 reviewed concurrently by city staff in accordance with policies, guidelines and
7924 procedures set forth by the city. If the final plat has not already been submitted, then
7925 the final plat shall be submitted with the construction drawings so that this concurrent
7926 review can take place.
7927
- 7928 2. Approved Construction Drawings: Prior to commencement of construction, plans
7929 prepared by the subdivider's engineer for improvements as outlined in the city's
7930 standard specifications for design and construction, as amended and supplemented
7931 from time to time, shall be approved by all required departments. The construction
7932 drawings shall identify those improvements which are to be accepted and maintained
7933 by the city and improvements which are to be maintained by private entities.
7934
- 7935 3. Submittal Of Construction Drawings: Following city council approval of the
7936 preliminary subdivision plat and while the preliminary subdivision plat is effective, the
7937 subdivider or subdivider's authorized representative shall submit the required
7938 number of construction drawings and JUC drawings, along with the required number
7939 of copies of the final plat to the city engineer or designee for review and approval by
7940 all required departments, agencies and bodies. No work of any kind shall commence
7941 until all construction drawings are stamped "approved for construction." Once the
7942 final plat and the construction drawings are approved by the appropriate city officials
7943 and other agencies and bodies, construction may begin. If the final plat has received
7944 staff approval and is ready to be scheduled for final approval by the commission and
7945 city council, construction of improvements may begin; provided, that the subdivider
7946 executes an indemnity agreement, approved by the city attorney. After the
7947 completion of all improvements, drawings of record shall be submitted to the city. In
7948 any event, drawings of record shall be submitted no later than the time the guarantee
7949 of improvements is released and prior to building permit issuance.
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7951 B. COMPLETION OR GUARANTEE OF IMPROVEMENTS PRIOR TO RECORDING FINAL
7952 SUBDIVISION PLAT OR DEVELOPING REAL PROPERTY: ACCEPTACE PROCESS:
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- 7954 1. Completion Or Guarantee: The improvements required by this chapter shall be
7955 constructed and installed by the subdivider and maintained by the subdivider until
7956 accepted by the city. Improvements shall be completed prior to recording the final
7957 plat in the office of the county recorder, unless the construction, installation and
7958 maintenance are guaranteed in the manner provided in section 25-5-5 of this
7959 chapter.
7960

2. Acceptance Process: Required improvements shall not be accepted by the city and the warranty period thereon shall not expire until the required improvements have been fully installed and been in successful operation for the one year warranty period, except when the city determines for good cause that a two (2) year warranty is necessary as provided in Utah Code Annotated section 10-9a-604.5, or its amendment.
- a. Approval Of Improvements: After the completion of all subdivision improvements, the subdivider shall make a written request to the city for an approval inspection to be made by all affected city departments. Upon receipt of inspection reports from all affected departments, the city will either approve the improvements or provide the subdivider with a list of defective work to be completed before approval. The subdivider shall correct all defective work and materials and make written requests to the city for additional inspections, as may be required. Once the city approves the improvements, a summary of the inspections and approval shall be provided to the subdivider.
- b. Warranty Period: The warranty period shall start on the date the city approves all of the improvements and the subdivider provides the city with a warranty document in a form approved by the city. Subdivider shall warrant all improvements for a period of time as set forth in this subsection B. If, during the warranty period, the city finds any improvements to be defective, the city shall provide subdivider or developer with a list of the defective work and subdivider shall correct all defects immediately except for improvements which, at the city's discretion, must be repaired by the city. Subdivider shall pay city for all repairs to defects in improvements which are repaired by the city during the warranty.
- c. City Acceptance Of Improvements: The subdivider shall schedule with the city an inspection on the improvements at the end of the warranty.
- i. If the city finds that the work on the required improvements is defective and does not meet city standards, the city shall provide the subdivider with a list of the defective work which the subdivider must correct. The subdivider shall schedule additional inspections as necessary and shall, in a timely manner, completely correct all defective work which is identified by the city. After the city finds the subdivider has completely and satisfactorily completed all of the corrections to the defective work on the required improvements, then the city shall accept the improvements, commence maintenance of the improvements, and any warranty held by the city shall be released.
- ii. If the city finds that the work on the required improvements does not meet the city standards, the warranty, including, but not limited to, any applicable warranty bonds, escrow funds, or other warranty funds, shall be forfeited to the city and the city shall make the corrections to the improvements. The city shall accept the improvements after completion of the corrections.
- d. Release Of The Warranty: Release of the warranty or forfeiture of the warranty and city acceptance of the improvements does not waive the city's right to any other remedy available at law.

C. IMPROVEMENTS REQUIRED: The design, installation, connection, and construction of all improvements required by this section shall comply with the city of St. George Standard Specifications for. Design and Construction and shall be approved by the city before work begins. The improvements required to be completed before issuance of a building permit under this title shall include, but are not limited to, the following:

1. Utilities And Services:

- a. Required utilities and services include, but are not limited to, the following: power, water, sewer, fire protection, lighting, telephone and cable conduits, signing and addressing, all weather fire and emergency access, and other utilities and services as required by the city or by law.
- b. All subdivision lots shall be served by the utility systems of the city unless otherwise approved by the city council.
- c. All utility improvements, including street lighting, shall comply with all official standards of the city.
- d. All electrical, telephone and television cable shall be installed underground, except as otherwise directed by the city council.

2. Storm Drainage And Nuisance Water Control: A storm or nuisance water drainage system shall be provided, and shall be separate and independent from the sanitary sewer system. Drainage, flood control, and adequate erosion protection shall be designed in conformance with the city flood control master plan and drainage guidelines and hydrology manual as detailed in the city of St. George standard specifications for design and construction.

3. Street Improvements:

- a. Required; Exception: All streets within the city shall be improved with streetlights and pavement bounded by integral concrete curbs, gutters and sidewalks, handicapped ramps, etc. The sole exception shall be in large lot rural subdivisions where street construction shall conform to large lot requirements as detailed in the city of St. George standard specifications for design and construction. Property owners of large lot rural subdivisions shall acknowledge by a recorded certificate that any further subdividing will require full compliance with standard lot improvement requirements, including streetlights, curb and gutter, sidewalks and roadway width, etc. Said acknowledgment shall waive the property owners' rights to oppose a special improvement district where necessary to comply with this requirement.
- b. Continuation Of Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the streets in adjoining areas insofar as such continuation or access shall be deemed necessary by the city engineer or designee. All access roads leading to any subdivision shall be improved as may be determined by the city engineer or designee.
- c. Traffic Control And Street Name Signs: All traffic control and street name signs, conforming to the city of St. George standard specifications for design and

construction and approved by the city engineer or designee shall be provided by the subdivider. When required by the city, mitigation of off site impacts will be the responsibility of the developer. A traffic impact study may be required to help determine project impacts.

- d. Frontage: All subdivision lots shall have frontage on a dedicated public street improved to city standards, unless the use of a private street has been approved by the council. Private streets, alleys or ways shall not be approved except when the city engineer or designee finds that public dedication is not necessary. Where determined that public streets are needed for area circulation, property access, or the overall benefit of the driving public, private streets shall not be used. Master planned roads cannot be private.

e. Private Streets And Improvements:

- i. In the event private streets are used, they shall conform to the city of St. George standard specifications for design and construction as to the quality of construction. Private streets shall include curb, gutter, sidewalks or adequate pedestrian facilities, etc. Street width may be adjusted based upon traffic needs and information provided in a traffic impact study (TIS) when required.

- ii. The city may observe the construction of private streets. However, in all cases, the developer shall retain the services of a professional engineer and testing firm to provide adequate inspection services and to submit the proper reports and certifications to the city. All private developments shall be required to submit to the city the private development improvements certification, on the approved form prior to certificate of occupancy and acceptance of the development.

- iii. Continuation Of Principal Streets: The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and efficient continuation of utilities and where such continuation is in accordance with the transportation element of the city's general plan. If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right-of-way shall be extended to the property line and a temporary turnaround shall be provided.

- iv. Intersections: Intersections shall comply with city specifications and access management requirements.

- 4. Access To City Street: No subdivision shall be approved which does not have access to an improved and dedicated city street. Where a subdivision obtains access from a street which does not meet minimum city standards, the access road shall be improved to a minimum width of twenty five feet (25'), meeting applicable safety standards, including shoulders and constructed to final grade. Additional road width may be required to meet safety standards.

- 5. Improvements To Full Length Of Project: Where a subdivision abuts a master planned road, utilities or drainage system, the subdivider shall complete his portion

of such improvements the full length of his project in conformance with the approved city plans, including the general plan.

6. Mitigation Of Off Site Impacts: When required by the city, mitigation of off site impacts, as well as providing adequate public infrastructure to the development, will be the responsibility of the developer. A traffic impact study (TIS) will be required unless otherwise approved by the city engineer or designee. The TIS may aid in the determination of off site impact mitigation.

D. LAYOUT OF LOTS:

1. Lot Arrangement: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and in providing safe driveway access in accordance with city requirements to buildings on such lots from an approved street.
2. Lot Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets, and providing safe access. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the access, off street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.
3. Double Frontage Lots And Access To Lots:
 - a. Double frontage lots shall be avoided where feasible. However, double frontage lots may be necessary to provide separation of residential development from arterials and major collectors or to overcome specific disadvantages of topography and orientation.
 - b. Residential lots shall not derive access from an arterial street. Access may be limited on major collector streets for safety reasons as determined by the city engineer or designee. In cases where driveway access from such streets may be necessary for several adjoining lots, the city engineer or designee may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. The city engineer or designee may also require that access be designed and arranged so as to avoid requiring vehicles to back into traffic. This may include such items as increased building setbacks, increased lot width, shared access, U-shaped driveways, etc.
 - c. Where double frontage lots are platted, a six foot (6') high solid masonry wall shall be constructed along the public road for a privacy and noise screen. All walls shall comply with the standards set forth in title 10, chapter 18 of this code. The city may approve modifications to the masonry wall to allow for architectural elements such as wrought iron within sections of the wall. The privacy wall shall be set back from the sidewalk a minimum of ten feet (10') in order to provide access to and utilization of the utility easement and a landscape area for the

8164 planting of shrubs and trees. Where the developer provides both public right-of-
8165 way and a deceleration/acceleration lane as required by the city, the utility-
8166 landscape strip may be reduced to five feet (5') for the length of the
8167 deceleration/acceleration lane. Along arterial streets, the city council, upon
8168 recommendation from the planning commission, may require a planter area
8169 greater than ten feet (10') in width. In addition, in order to provide proper
8170 intersection and driveway sight distance, it will be necessary in some cases to
8171 set the wall back a distance greater than ten feet (10') from the sidewalk. Where
8172 the developer or property owner dedicates the landscape and utility area
8173 described herein to the city, the developer will receive an area credit for the
8174 perimeter lots adjacent to the dedicated landscape and utility area equal to the
8175 amount of the dedicated area. Such area credit will be applied to the adjacent
8176 lots for the purpose of complying with the minimum lot size requirements.
8177

- 8178 d. The subdivider shall plant trees along the street frontage in conformance with the
8179 city's community forestry program. Trees shall be planted so as not to obstruct
8180 visibility at drives and intersections, nor obstruct traffic control devices.
8181
- 8182 e. For planned developments or other residential developments where a
8183 homeowners' association exists, the homeowners' association may provide water
8184 and maintenance for the landscape strip on the street side of the wall.
8185
- 8186 f. If a residential development creates double frontage lots the city shall require a
8187 homeowners' association to be created for maintenance of landscaping on the
8188 street side of the wall, unless an alternate maintenance agreement has been
8189 approved by the city.
8190
- 8191 g. In some cases where no homeowners' association exists, the city may choose to
8192 provide maintenance for landscaping within the right-of-way for streets of sixty-
8193 six feet (66'), eighty feet (80') or more, provided the landscaping and irrigation
8194 system has been installed to city standards.
8195
- 8196 h. The privacy wall and landscaping area shall be completed prior to occupancy of
8197 any homes in the subdivision, or where unusual circumstances exist which
8198 prevent such completion, a guarantee shall be posted as detailed in subsection
8199 25-4-B of this chapter, escrow agreement or irrevocable letter of credit.
8200
- 8201 4. Flag Lots: After determination by the commission that standard lots are not feasible,
8202 the commission may, in order to encourage more efficient use of land, allow flag lots
8203 to be developed subject to the following conditions:
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- 8205 a. The property cannot be subdivided with typical public street frontage either at the
8206 present or in the foreseeable future.
8207
- 8208 b. The staff portion of said lot shall front on a dedicated public street. The minimum
8209 width of the staff shall be twenty-five feet (25').
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- 8211 c. No building or construction, except for driveways, shall be allowed on the staff
8212 portion of said lot.
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- d. All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the preliminary plat and approved by the planning commission and city council.
- e. No more than two (2) flag lots or four (4) dwelling units may be served by one 25-foot wide staff.
- f. Each flag lot shall be specifically approved by the planning commission and city council.

E. GUARANTEE OF IMPROVEMENTS AND WARRANTY:

1. Guarantee Of Improvements:

- a. When Required: The city, in its discretion, may allow a subdivider to record the final plat if the subdivider guarantees the installation and construction of the required improvements free from defects in material and workmanship and in compliance with all city standards.
- b. Form; Amount: The guarantee of improvements required under this subsection shall be in the form of a corporate surety bond, escrow agreement, or irrevocable letter of credit in a form acceptable to the city for an amount equal to one hundred twenty percent (120%) of the cost of improvements not previously accepted. The cost of improvements shall be approved by the city. All improvements not completed within one year shall thereafter require a bond or other guarantee arrangement in an amount equal to one hundred fifty percent (150%) of the cost of the remaining improvements.
- c. Release: The city shall release the guarantee of improvements under this subsection once all improvements are inspected and approved by the city as required by this chapter and the subdivider has submitted to the city a warranty in a form acceptable to the city.

2. Warranty Of Improvements:

- a. Required: Each subdivider shall warrant that all improvements required under section 25-4 of this chapter shall be free from defects in material and workmanship and that the improvements are in compliance with all city standards. The warranty period shall start on the date the city approves all of the improvements pursuant to section 25-4 of this chapter and the subdivider provides the city with a warranty in a form approved by the city.
- b. Form; Amount: The warranty required by this chapter shall be in the form of a corporate surety bond, escrow agreement, or irrevocable letter of credit in a form acceptable to the city for an amount equal to at least ten percent (10%) of the total improvement value for the warranty period.
- c. Release: After the expiration of the warranty period, the city shall release the warranty held by the city under this chapter after the final inspection and acceptance of the improvements pursuant to section 25-4 of this chapter.

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3. Approval Of City Attorney: The form of any guarantee of improvements or warranty submitted under this section shall be reviewed and approved by the city attorney or designee before acceptance by the city.