THE TOWN OF WALLSBURG DEVELOPMENT CODE

1. Chapter 1: GENERAL PROVISIONS and PROCEDURES

This Chapter describes the General Rules and Regulations necessary to effectively administer the Town of Wallsburg Development Code. Procedures for permitted use and conditional use applicants are defined. Code and Zoning amendments, as well as appeal procedures and non-conforming uses are explained in detail. The infrastructure impact review process is also emphasized throughout the permitting procedure. Other important procedures and provisions are defined in this Chapter as well.

Contents of this Chapter

1—1.1. SHORT TITLE ..... 1—2
1.2. AUTHORITY, LEGISLATIVE INTENT AND STATEMENT OF PURPOSE ..... 1—2
1.3. CONFLICT WITH OTHER LAWS OR ORDINANCES ..... 1—3
1.4. EFFECT ON PREVIOUS ORDINANCES AND MAPS ..... 1—3
1.5. AMENDMENTS TO THIS DEVELOPMENT CODE AND ZONING MAP ..... 1—3
1.6. NOTICES ..... 1—5
1.7. CREATION OF LAND USE DISTRICTS AND ZONE MAP ..... 1—6
1.8. PENALTIES ..... 1—7
1.9. LICENSING ..... 1—9
1.10. ZONING MAP ADOPTED ..... 1—9
1.11. PERMIT PROCEDURE UNDER THIS CODE ..... 1—9
1.12. PERMITTED USE REVIEW PROCESS ..... 1—9
1.13. REVIEW AND REGULATIONS FOR IMPACT ON PUBLIC INFRASTRUCTURE AND ENVIRONMENTAL FACTORS ..... 1—10
1.14. CONDITIONAL USE REVIEW PROCESS ..... 1—14
1.15. APPEALS AND REVIEW PROCESS ..... 1—19
1.16. TERMINATION OF PROJECTS ..... 1—20
1.17. APPEARANCE BEFORE BOARDS, COMMISSIONS AND COUNCILS ..... 1—21
1.18. VARIANCES AND SPECIAL EXCEPTIONS ..... 1—21
1.19. RELATION TO PRIOR DEVELOPMENT AND SUBDIVISION ORDINANCE ..... 1—21
1.20. VESTING OF ZONING RIGHTS ..... 1—21
1.21. PLAT APPROVAL ..... 1—22
1.22. NON-CONFORMING USES ..... 1—23
1.23. SAVINGS CLAUSE AND CONTINUATION OF PRIOR ORDINANCES ..... 1—24
1.24. CONFLICTS WITHIN THIS CODE ..... 1—25
1.25. ANNEXATIONS ..... 1—25

1.1. Short Title

This ordinance shall be known as the Town of Wallsburg Development Code, and is referred to herein as this Code, this Development Code or the Code.

1.2. Authority, Legislative Intent and Statement of Purpose

The Town Board of Wallsburg adopts this Code pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code Annotated (U.C.A.) and such other authorities and provisions of Utah statutory and common law that are applicable.

This Code contains standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of Wallsburg by ensuring that neighbors and adjacent and neighboring properties are protected from potential negative impacts in developing and using a parcel of land. It is further the intent to provide a means of ensuring predictability and consistency in the use of land and guiding and directing the development of land to achieve a balance in realizing the desires of property owners and the citizens of Wallsburg. The purpose of the Code is to:

1. Promote a living environment that is safe and pleasant for individuals and families who choose to live in or visit Wallsburg.

2. Maintain current housing and neighborhoods and guide future residential development in a manner which enhances the current appeal of the town, rather than destroying the very atmosphere which makes Wallsburg an attractive place to live.

3. Enhance economic resources and opportunities by encouraging commercial and/or institutional development which is compatible with the agricultural residential nature of the town.

4. Provide for efficient traffic circulation that minimizes traffic volume on residential streets and provide non-motorized transportation/recreation corridors.

5. Continue to provide for the necessary infrastructure such as water, and drainage needed for increased residential, commercial, and other development.

6. Provide facilities which allow for needed community services, including the efficient functioning of government, sense of community, and the he

   alth and recreation of the citizenry.

7. Enhance the unique beauty, visual and aesthetic qualities of the community, and preserve and provide access to the important natural features of the area including the nearby foothills, waterways, canyons, flora and fauna.

It is the intention of the Town in adopting this Code to fully exercise all of the powers granted to the Town by the provisions of the Utah Land Use and Management Act, § 10-9a et seq. of the Utah Code Annotated, 1953, as amended, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The intention of the Town is to assure the managed, proper and sensitive/critical development of land within Wallsburg and to protect and enhance the quality of rural life in general. This Code is intended to allow development in a manner that encourages the preservation of scenic values, the unique setting of Wallsburg, and provide for well-planned commercial and residential centers, smooth traffic circulation, and efficient delivery of municipal services. This Code seeks to prevent development impacted by existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community, or development that impacts critical wildlife habitats, or developments that detract from the quality of life in the community.

1.3. Conflict With Other Laws or Ordinances

The provisions of this Code are in addition to all other Town ordinances, Wasatch County codes, laws of the State of Utah and United States, and applicable common law. This Code shall not supersede any private land use regulations in deeds or covenants which are more restrictive than this Code. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.

1.4. Effect on Previous Ordinances and Maps

The existing zoning ordinances of Wallsburg, including the official zoning map adopted with those ordinances, are hereby amended in their entirety to conform to the provisions of this Code. This Code shall not be construed as affecting the term of office of any board or commission member appointed under the prior enactment. Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commences as required under the permit shall, to the extent they do not conform to this ordinance, be considered as non-conforming uses, and shall not be affected hereby. Uses which were non-conforming under the old ordinance shall not be affected by this Code, unless this Code is changed in a manner that makes the use conforming to the new code or zone.

1.5. Amendments to this Development Code and Zoning Map

It may become desirable from time to time to amend the provisions of this Code or the zoning map. This Code should be constantly reviewed and improved upon to stay viable and useful to the Town. Any amendment to this Code or the zoning map should be consistent with the direction of General Plan. All amendments will be completed in the following manner:

1.5.1. Amendments

Amendments to the provisions of this Code may be initiated by the Planning Commission, Town Board, an applicant for development approval, or member of the general public. Amendments may be initiated by, but are not necessarily limited to, the following reasons:

1. Allowing a use previously prohibited.
2. Prohibiting a use previously allowed.
3. Increasing or decreasing the density of the uses previously allowed.
4. Changing a permitted use to a conditional use.
5. Changing a conditional use to a permitted use.
6. Changing the zone of any property.
7. Procedural or regulatory changes, both minor or major.
8. Zone map amendments or modifications.
9. Repealing of any regulation or procedure.
10. Adding of any regulation or procedure.
11. Any other miscellaneous changes that may become necessary.

It should be noted that many amendments to the zoning map and development code may require an amendment to the General Plan as well. If a petition would require changes to the General Plan it should be so noted on the petition and the changes should be made concurrently.

1.5.2. Schedules for Zone Change or Code Amendment

The Planning Commission and Town Board will review and hold public hearings on petitions for zone change or code amendments every four months provided that a petition is submitted no

later than sixty (60) days prior to the hearing. The public hearings shall be scheduled to occur on or about February 1, June 1, and October 1 of each year. Petitions for zone change or code amendments shall be received no later than sixty (60) days prior to the scheduled hearing. The Planning Commission may, on its own initiative or on the request of an applicant, hold a public hearing for zone change at such other time as the Commission may determine to be convenient and appropriate.

1.5.3. Petition for Zone Change or Code Amendment

A petition to change the zoning of any land within Wallsburg or to amend this Code other than changing the zoning map, shall be filed first with the Planning Commission in a letter or on a form prescribed for that purpose. The form or letter shall contain a legal description of the land affected by the petition, and a statement of the petitioner's interest in the land included within the petition. The petition shall indicate the current zone of the property and the zone desired or the proposed code amendment. The petition shall also indicate the reasoning for the change as well as the proposed use of the property. A fee will be established for acting on a petition for a zone change or code amendment as described in the current Town Fee Resolution in effect at the time. (To change or amend the zone within a legally recorded subdivision, the petition must also include signatures of approval by the owners of at least fifty one (51) percent of the platted lots in the subdivision.) The petition must also include all of the names and mailing addresses of property owners within a one thousand (1000) foot radius of the property boundary under petition. The Town, at the applicants expense, shall notify each of the property owners on the petition.

1.5.4. Hearings before the Planning Commission

The Planning Commission shall hold a public hearing on all petitions for zone change and code amendments and receive comments from citizens or property owners affected by the change. Notice of all zone change and code amendment hearings before the Planning Commission shall be given as set forth in Section 1.6 of this Code. The notice shall state generally the nature of the proposed amendment as outlined in Section 1.5.1 herein, the land affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information shall be available for public inspection at the Town Office, or other specified location at the time the notice is published. All such information shall be available prior to publication of the notice of public hearing.

1.5.5. Action by Planning Commission

Following the hearing, the Planning Commission shall prepare a formal recommendation to be presented to the Town Board regarding the petition. The recommendation shall be to approve, deny, or modify and approve the petition. The Planning Commission shall act on the petition at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the Commission fails to act within two (2) regularly scheduled meetings on the petition, the petition shall be deemed as a recommendation for denial by the Planning Commission and the petition shall be forwarded to the Town Board for their consideration with that recommendation.

1.5.6. Hearing before Town Board

The Town Board shall hold a public hearing on the recommendation of the Planning Commission for all petitions for zone change and code amendments. Following the hearing, the Board shall approve, deny, or modify and approve the recommendation of the Planning Commission. The hearing may be continued, if necessary, without republication of notice. The recommendations of the Planning Commission are advisory only, and the Board may or may not adopt the recommendations of the Commission. Where the Board determines that a Planning Commission recommendation should be modified on issues not considered at a public hearing before the Commission, the Board may remand the recommendation back to the Commission for further review prior to taking final action. Board action on amendments to the zoning map or

this Code require the affirmative vote of three or more Town Board members. The Board may act on the petition at the time of the hearing or at subsequently scheduled meetings.

1.6. Notices

Notice of hearings before the Planning Commission and Town Board concerning amendments to the General Plan, zoning map, and Development Code, preliminary and final subdivision plat approvals, appeals, variances and other requests of actions of the Board of Adjustment shall be provided in accordance with this section and describe the proposed action. Notice of amendments to the General Plan, this Code and zoning actions shall be given at least fourteen (14) days before the date set for the hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least fourteen (14) days before the date set for hearing, ifa hearing is required under this Code. See Table 1.1 in this section for a general summary matrix of the notice requirements. All notice required under this section shall be given as follows:

1.6.1. Posted Notice

The Town Staff or Planning Commission Chair shall post or cause to be posted notice in at least three public places within the Town, stating that an application concerning the development of that property has been filed, the date of the hearing, and that more detailed information concerning the application is available from the Town.

1.6.2. Published Notice

Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Wallsburg. Published notice shall state that an application has been filed affecting the subject property or that an appeal has been requested, the nature of the application or action, and the time, place and date set for a public hearing on the matter. The published date of the notice, not the date of submittal to the newspaper must meet any notification timing requirements designated in this Code.

1.6.3. Courtesy Notice

As a courtesy to property owners, the applicant shall provide the Town with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within one thousand (1000) feet from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Wasatch County tax assessment rolls. The courtesy notice shall state that an application has been filed affecting the subject property or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set a for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the Town Board or any board or commission.

1.6.4. Proof Of Notice

Proof that notice was given pursuant to either Section 1.6.1 or 1.6.2, above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

1.6.5. Other Public Meetings

Notice shall be posted 24 hours in advance for regular meetings and as much notice as possible for emergency meetings.

Wallsburg Application Notice Matrix

ACTION	POSTED	MAILED	PUBLISHED
Amendment to Zoning Map or Rezone	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Board	To all owners of the property and all owners within 1000 feet, 14 days prior to each hearing	Once, 14 days prior to each hearing before the Planning Commission and Town Board
Amendment to this Development Code	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Board	-NA-	Once, 14 days prior to each hearing before the Planning Commission and Town Board
Amendment to the General Plan	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Board	-NA-	Once, 14 days prior to each hearing before the Planning Commission and Town Board
Preliminary and Final Subdivision Plat	At least 3 places, 14 days prior to each hearing before the Planning Commission and Town Board	To all owners of the property and all owners within 1000 feet, 14 days prior to each hearing	Once, 14 days prior to each hearing before the Planning Commission and Town Board
Appeals to Board of Adjustment - Variance Requests, etc.	At least 3 places, 14 days prior to each hearing before the Board of Adjustment	To all owners of the property and all owners within 1000 feet, 14 days prior to each hearing	Once, 14 days prior to each hearing before the Board of Adjustment

Table 1.1 Application Notice Matrix

1.7. Creation of Land Use Districts and Zone Map

In order to carry out the purposes of this Code, land use districts have been established as set forth in the Town of Wallsburg General Plan and a zoning map has been established in Chapter 5 of this Code. The zoning map is adopted as a part of this Code and this Code is intended to be consistent with the zoning map. In interpreting the zoning map, the following standards shall apply:

1. The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.

2. Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.

3. Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes twenty (20) percent in grade or in the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to

topographic data submitted to the Town. Where land of less than twenty (20) percent slope is surrounded by land of twenty (20) percent or greater slope, the Planning Commission may entertain an application to rezone the land of less than twenty (20) percent slope to a suitable residential use if the Town Staff determines that the land is adequately accessible and not within a sensitive lands overlay zone or designation. Buildings on lots 30% slope and above will not be considered. Lots with 20%-29% slope will be considered on case-by-case basis. If the structure is on a slope that is 10% or greater, the maximum building height cannot exceed 20 feet from natural grade at any point, measuring vertically. Concerns to slope, as determined by the Wallsburg Town Planning Commission, will be required to be mitigated by the property owner in regards to: water pressure, water shed, utilities, emergency access, drainage, run off, and/or any other concerns as identified.

4. If the Planning Commission, Town Board, or member of the public requests an interpretation of a zoning district the matter shall be forwarded to the Board of Adjustment for an interpretation.

1.8. Penalties

Any person, firm, partnership, or corporation, or the principals or agents thereof, violating or causing the violation of any provision of this Code, as the same may be amended from time to time, shall be subject to the following penalties.

1.8.1. Criminal Penalties

Each violation of any provision of this Code shall be a Class "C" misdemeanor, punishable by a fine of not more than $1,000.00 and/or imprisonment for a term not exceeding ninety (90) days. Each day such violation is committed or permitted to continue shall constitute a new and separate violation, and shall be punishable as such.

1.8.2. Civil Penalties

In lieu of pursuing criminal remedies with respect to any violation of any provision of this Code, Wallsburg Town may elect, in its sole discretion based upon the particular facts and circumstances of each case, to pursue the following civil remedies regarding such violation. The following civil remedies may not be pursued for a violation that occurs in conjunction with a criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding, but the following civil remedies may be pursued if no criminal proceedings will occur with respect to the violation.

1.8.2.1. Notice to Comply

Wallsburg Town shall issue a written notice to comply regarding each such violation to the offending party, which written notice shall identify the offending party, identify the violation, set forth the time period afforded to the offending party to come into compliance with the Code and thereby avoid further enforcement proceedings. The Notice shall further set forth the date, time and location of an administrative hearing to be held regarding the same in the event that the offending party does not comply within the prescribed time period. For a first time offense, the applicable compliance period shall be thirty (30) calendar days from the date of the written notice to comply, unless said violation is a matter of urgent public health, safety and welfare, in such event the compliance period shall be ten (10) calendar days. If the offending party is unable to correct the offense within the allowed compliance period, the party may request an extension. The extension must be in writing and must be signed by all property owners, tenants, parties, with all signatures notarized. The request for extension shall contain the requested extension date, factual evidence as to why the extension is justified, and a commitment to correct the violation within the

extension period. The extension may be granted by Wallsburg Town at their discretion. Written approval or denial of the extension will be given to the offending party. In the event that Wallsburg Town does not grant the extension, their decision may be appealed.

In the event that a second notice to comply is issued to the same party with respect to a particular violation (or similar) within any rolling twelve (12) month period, the applicable compliance period shall be fifteen (15) calendar days from the date of the written notice to comply. In the event that a third notice to comply is issued to the same party with respect to a particular violation within any rolling twelve (12) month period, the applicable compliance period shall be the next calendar day after the date of the written notice to comply.

1.8.2.2. Amount of Civil Penalty

If a violation is not completely cured within the time period set forth in the written notice to comply, then such violation of any provision of this Code shall be subject to a civil penalty in the minimum amount of $25.00 and the maximum amount of $100.00 per day, depending upon the particular facts and circumstances of each case, which fine shall be imposed beginning on the first calendar day after the applicable compliance period has expired and ending on the date that the violation is completely cured and the offending party is in full compliance with this Code with respect thereto.

1.8.2.3. Administrative Hearing

The administrative hearing shall be a public meeting, conducted by Wallsburg Town. The offending party shall be given an opportunity to be heard at the administrative hearing, and shall otherwise be afforded due process. The administrative hearing shall be recorded or otherwise documented so that a true and correct transcript may be made of its proceedings. Wallsburg Town shall make a final administrative determination with respect to the citation, which determination may be that there was no violation, or that a violation occurred and must be abated, and the amount of the appropriate civil penalty within the parameters set forth herein.

1.8.2.4. Appeal

Any person adversely affected by any such administrative proceeding and order may petition a district court for review of the determination. In the petition, the petitioner may only allege that the administrative order was arbitrary, capricious or illegal. The petition is barred unless it is filed within thirty (30) calendar days after the administrative order is final. No evidence may be submitted to the district court as part of such petition that is not included in the administrative record of the proceedings unless the evidence was offered to the Wallsburg Town as part of the administrative hearing and the district court determines that the evidence was improperly excluded by the Wallsburg Town.

1.8.2.5. Collection

In the event that Wallsburg Town is required to take formal legal action to collect any civil penalty imposed pursuant to this Section, the person responsible therefore shall also be responsible for paying any costs of collection incurred by Wallsburg Town, including, but not limited to, reasonable attorney's fees, which costs of collection may exceed the amount of the civil penalty itself.

1.8.2.6. Third Party Enforcement

Each and every continuing violation of any provision of this Code is declared to constitute a nuisance. Private citizens of and/or property owners in Wallsburg Town shall also have the right

to commence and pursue formal civil legal proceedings with respect to any ongoing violations affecting their interests, provided that no such legal action shall be filed until after the expiration of thirty (30) calendar days from the date that a written notice of intent to commence such legal proceedings is actually received by the Town Recorder. The prevailing party in any such private civil legal proceedings shall be entitled to an award of reasonable attorney's fees incurred in pursuing or defending such action."

Section 2: If any provision of this Ordinance, or the application of such provision to any person or circumstance, shall be held invalid or unenforceable for any reason, the remainder of this Ordinance, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

1.9. Licensing

All departments, officials and public employees of the Town who are vested with the duty or authority to issue permits or licenses, including business licenses shall conform to the provisions of this Code and State Code, and shall issue licenses and permits only in conformance with the provisions of these Codes. Licenses issued in violation of these Codes shall take no effect, and are null and void.

1.10. Zoning Map Adopted

The Wallsburg Zoning Map is the official zoning map for Wallsburg. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted in a timely manner.

1.11. Permit Procedure Under This Code

No building permit(s) shall be issued for any project without final approval. Proposals shall be reviewed according to either the Permitted Use Review under section 1.12 or the Conditional Use Review under section 1.14. Permitted Use application shall be reviewed by the Wallsburg Town Planning Commission for approval. Conditional use applications shall be initially reviewed by the Planning Commission and final approval shall be granted by the Town Board. Subdivisions are subject to infrastructure review under section 1.13 and to the Subdivision Application Procedure and Approval Process set forth in section 6.11 et seq. Subdivisions shall be initially reviewed by the Planning Commission and final approval shall be granted by the Town Board. No planning review shall occur until all applicable planning application fees have been paid, and no final Town Board approval shall be effective until all other fees assessed by this Code or other ordinance, including applicable Wallsburg Town Planning Commission review and engineering fees have been paid. Upon issuance of final approval under either review process, the plans are forwarded to Wallsburg Town for building permit issuance under the provisions of the Uniform Building Code.

1.12. Permitted Use Review Process

On any proposal to construct a building or other improvement(s) to property which is defined by this Code as a permitted use in the zone in which proposed, the Wallsburg Town Planning Commission shall review the submission to determine whether the proposal:

1. Is a permitted use within the zone for which it is proposed.
2. Complies with the requirements of that zone for height, setback, and lot coverage.
3. Meets the applicable parking requirements.
4. Requires analysis as defined in Chapter 5.
5. Has met the requirements of the infrastructure review process as defined in Section 1.13.
6. Requires any additional information as determined by the Wallsburg Town Planning Commission.

Upon finding that the proposal complies with the applicable zoning requirements, and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for Building Code compliance and permit issuance. If the submission does not comply with the requirements of the zone, the Wallsburg Town Planning Commission shall notify the owner of the project or his agent stating the requirements of the zone that have not been satisfied.

1.12.1. Application for Permitted Uses

The application for a building permit for a permitted use shall contain the following information, in addition to information required by the Uniform Building Code:
-Name, Email Address, Phone Number, Address of Owner or Responsible Agent
-Location Of Proposed Structure (parcel number or reference to existing structures, so the location can be identified and assigned a street address)
-Type Of Structure
-Building Plan Review and any associated Impact and System Enhancement Fees determined by the Town

<u>Lot, Parcel, or Existing Lot of Record Requirements:</u>
-Legal description of the property and proof of ownership
-The minimum area of a buildable lot, or parcel is 43,560 sq. ft. (1 acre). Density shall be calculated after the required easement and rights-of-way have been platted from the original acreage.
-Lots of record or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this code and are declared non-conforming.
-Designation of a lot of record is made by the Wallsburg Town Planning Commission and exists if the lot was a dedicated parcel and has not been reduced after August 11, 1965. It is the responsibility of the owner to document the status of the property.
-One dwelling may be placed on a lot, parcel, or existing lot of record.
-Accessory apartments are considered under conditional use as defined in this code section 5.2.3.3 (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home, not to exceed 1,000 sq. ft., and not to exceed the size of the main dwelling in total living area.

<u>Building Plan Requirements:</u>
-Building plans that include footing and foundation details, site plan, and elevations of all sides of the structure.
-No lot, parcel, or existing lots of record in the residential zones shall have a building which exceeds a height of 30 feet, measured from natural grade, at any point.
-Site Plan showing the lot and location of the proposed structure, must be drawn to scale. A certified survey may be required on projects with structures on or near the lot lines or when lot lines are difficult to determine.
-Boundaries of the site, including any easements of record or known prescriptive easements, existing roads, fences, irrigation ditches, drainage facilities, and adjacent utility lines.

-Lot specific letter or certification from the Army Corps of Engineers, stating the property (which is not in an approved subdivision is approved for construction and will not impact any wetlands.

Yard Setback Requirements:
The following setback requirements shall apply on all lots, parcels, or existing lots of record.
-Front Yard and Side Street Setback: The minimum front yard and side street setback for all buildings shall be 30 feet from the property line or 60 feet from the centerline of the right-of-way, whichever is greater.
-Side Yard Setback: The minimum side yard for all buildings on interior lots shall be 12 feet.
-Rear Yard Setback: The minimum rear yard for all buildings on interior lots shall be 30 feet.

Accessory Building Setback Requirements
-An accessory building shall be located no closer than 3 feet from the side and rear property lines.
-Accessory buildings shall not be permitted in front or side street set backs required for main buildings.

-Roof drainage shall be required to be retained on site for all accessory buildings.
-Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling.

Projections Into Yards Requirements:
The following structures may be erected on or projected into any yard.
-Fences and walls in conformance with this code.
-Landscape elements; including trees, shrubs, agricultural crops, and other plants.
-Necessary appurtenances for utility service.

Parking And Access Requirements:
-All streets must be constructed in such a manner that emergency service vehicles can operate properly upon them and to Wallsburg Town standard engineering specifications including required widths and right of way.
-Each residential dwelling is required to provide off-street parking for at least 2 automobiles.
-Proposed easements for new utility services or relocated utility services

Water Requirements:
-Proof via final order from the State Engineer changing the use of applicant's water rights to the municipal use and changing the point of diversion of the water rights to a Wallsburg Town well, in an amount sufficient to satisfy the requirements of the Town. Or tender sufficient funds to purchase those rights should Wallsburg Town have offered to sell water rights to the applicant.
-Location and size of nearest water main and sanitary lines to which the project can drain or be supplied
-Proposed connection to the system, where and how
-Estimated peak culinary water demands, including irrigation
-Proposed fire hydrant locations including verification for water demand and fire flows and access to hydrant(s)

Miscellaneous Requirements:
-Other Specific Information and scientific data and opinions which, in the opinion of the Town Staff, is necessary for the meaningful review of the project.
-This checklist is a summary of the requirements for a Wallsburg Town building permit. It is up to the applicant to review the Wallsburg Town Development Code. The recommendation for approval of a preliminary plan and construction plans shall be the subject of a public hearing before the Wallsburg Town Council. The Town Council may approve, approve with conditions, or disapprove the recommendation of the Planning Commission. If the Town Council approves or approves with conditions the recommendation of the Planning Commission, the applicant will be issued an approval letter from Wallsburg Town and the applicant may prepare a final building permit application containing all the requirements found herein and any requirements of the Town Council, Planning Commission, or Staff to the Wasatch County Building Department.

1.13. Review and Regulations for Impact on Public Infrastructure and Environmental Factors

1.13.1. Infrastructure Review

Although the Town endeavors to provide infrastructure which will adequately serve buildings and structures allowable within each zone, certain buildings, developments, and structures because of size, type of construction, or lot characteristics present peculiar or excessive demands on Town infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the Town to determine the possible impacts on infrastructure.

In order for the Town to determine whether existing infrastructure is adequate, or what additional infrastructure is needed to meet the particular needs of subdivisions with four (4) or more dwelling units, certain types and sizes of buildings and structures which are permitted uses in the zone, the following types and sizes of proposed buildings and structures, and developments are subject to the review process for impact on existing infrastructure:

1. Commercial buildings or structures of Class III, IV or V construction, as defined by the Uniform Building Code, greater than 10,000 square feet.
2. Buildings or structures which are required to have fire sprinkling systems under Wallsburg and or Wasatch County ordinance or resolution.
3. Buildings on lots 30% slope and above will not be considered. Lots with 20%-29% slope will be considered on case-by-case basis. If the structure is on a slope that is 10% or greater, the maximum building height cannot exceed 20 feet from natural grade at any point, measuring vertically. Concerns to slope, as determined by the Wallsburg Town Planning Commission, will be required to be mitigated by the property owner in regards to: water pressure, water shed, utilities, emergency access, drainage, run off, and/or any other concerns as identified.
4. Industrial or manufacturing facility that deals with products or processing materials that are or could become explosive, flammable or toxic according to the Uniform Fire Code.
5. Subdivision projects with four (4) or more single family dwelling units, or parcels.
6. Development projects that require the extension of any public infrastructure.
7. Developments which, in the opinion the Wasatch County engineer, may cause damage to, or shorten the useful life of the roadways in the community.
8. Commercial, industrial, or manufacturing uses that involve hauling of goods across Town roads.
9. Commercial, industrial, or manufacturing uses that potentially discharge pollutants onto the ground, into the ground water, or into the air.

1.13.2. Scope of Review

For proposed buildings, structures or uses which are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing Town infrastructure to provide adequate water for culinary, irrigation and fire flow purposes, the proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, and ensuring safe access for users and emergency vehicles in accordance with Town codes, standards, and ordinances as set forth in this ordinance which shall be in addition to all other adopted codes and ordinances. For conditional uses in the zone in which the building, structure or use is proposed, the infrastructure review is a part of the regular conditional use review process specified below and may involve additional regulations.

1.13.3. Review Procedure

In addition to the developments listed in Section 1.13.1 herein, buildings and structures which are permitted or conditional uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this Section. The following review procedure shall be followed:

1. Upon making an application for a building permit, the applicant shall supply the Wallsburg Town Planning Commission with plans and specifications sufficiently detailed to determine whether the proposed building(s) or structure(s) are subject to further infrastructure review. If, according to the standards found in this section, any proposed building or structure triggers infrastructure impact review, then a building permit shall not be issued and the Wallsburg Town Planning Commission shall review the impact of the proposed buildings and structures on existing Town infrastructure to determine what, if any, additional infrastructure is necessary.

2. For any application for a building permit which requires infrastructure impact review, the Town may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by the Town Staff to the extent relevant:

1.13.3.1. To Determine the Impact on Drainage:

1. A map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, any known geologic or natural hazards.

2. Topography with contours shown at intervals of not more than five feet of the site and as the site adjoins contiguous properties.

3. Vegetation type and location and soil type and load carrying capacity information.

4. One hundred (100) year flood plain and high ground water areas, known spring and seep areas and ditches or canals.

5. All existing roads and proposed road locations and other circulation features, fences, irrigation ditches, and drainage facilities.

6. Location and size of the nearest facilities the site could drain to and where the developer proposes to connect to the existing drains, proposed drainage, drainage works, detention ponds, retaining walls, and erosion control plans.

7. Site plan of the proposed buildings and structures showing building locations and finished grades.

8. Where any drainage from a proposed development will be placed or diverted into an existing irrigation ditch or system, the developer shall provide a copy of the approval and maintenance agreement.

1.13.3.2. To Determine the Impact on Water, Fire Flows and Sewage:

1. Location and size of the nearest water main and sanitary sewer lines to the project to which the project can drain or be supplied; and where and how the applicant proposes to connect to the systems.

2. Site plan and floor elevations (including building height) of all proposed buildings and structures showing building locations, construction type and materials.

3. Proposed easements for new utility services or relocated utility services.

4. Fire hydrant locations, building sprinkling plans and water demand for fire flows.

5. Estimated peak culinary water demands, including irrigation.

6. Proof that an applicant has a final order from the State Engineer changing the use of the applicant's water rights to municipal use and changing the point of diversion of the water rights to a Wallsburg Town well, in an amount sufficient to satisfy the requirements of this Code or tender sufficient funds to purchase those rights should the Town have offered to sell water rights to the applicant.

7. Other specific information and scientific data and opinions which, in the opinion of Town Staff is necessary for the meaningful review of the project.

1.13.3.3. To Determine the Impact on Slope Retention:

1. Topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property.

2. Proposed drainage, drainage works, retaining walls, and erosion control plans.

3. Proposed landscaping.

4. Detailed construction drawings and support documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings, showing cuts and fills.

5. Other specific information and scientific data and opinions which, in the opinion of the Town Staff is necessary for the meaningful review of the project.

1.13.3.4. To Determine the Impact on Streets and Pedestrian Facilities:

1. A site plan which coordinates pedestrian connections, sidewalks, and bike paths, if shown on the Trails Master Plan or the Streets Master Plan as they are currently adopted.

2. Staging location construction plan.

3. Submit estimated truck traffic trip numbers for construction traffic.

4. If requested by the Town Engineer, the project applicant shall submit reproducible measurable pavement quality testing analyses for each street or roadway which will be utilized by any traffic generated by or relating to the proposed project, including construction traffic. Such analyses will be submitted before permit issuance and building occupancy and shall use a nationally recognized pavement quality testing machine approved by the Town Engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction so that repairs can be made at the expense of the project proponents to return the pavement to its original quality.

1.13.4. Department Action

Within thirty (30) working days from the receipt of the complete application including all requested information for infrastructure impact review, the Town Staff shall review the project and determine whether existing infrastructure is sufficient to adequately serve and determine

whether proposed infrastructure under the Capital Improvements Program is sufficient to adequately serve all proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.
If the existing infrastructure is adequate to serve the proposed buildings or structures, then a building permit shall be issued in accordance with the Uniform Building Code and Town ordinances. If upon review existing infrastructure is found to be inadequate to serve any proposed buildings or structures or subdivisions, the building permit or subdivision approval shall be withheld. At the option of the Town, the applicant may either:

1. Change the type, scale or location of any proposed buildings or structures in such a manner that existing infrastructure may adequately serve all proposed buildings or structures.

2. Provide at applicant's expense the additional infrastructure necessary to adequately serve all of applicants proposed buildings or structures, to the extent permitted under Utah's Impact Fee Statute, according to designs and specifications approved by the Town.

3. Pay a proportionate share of a Town project that would mitigate the impact as detailed by the Town Board or Town Staff.

Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or, upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the Town for the full cost of the additional infrastructure required as estimated by the Town Engineer, a building permit shall be issued in accordance with Town codes and ordinances.

1.13.5. Appeal and Review

If the applicant does not agree with the determination of Town Staff that existing infrastructure is inadequate, or with the requirement for additional infrastructure, the applicant may request Town Board review. The Town Board is empowered to affirm, reverse or modify the determination of Town Staff. All actions regarding infrastructure impacts and requirements of the Planning Commission or Town Staff are appealable to the Board.

If the Town Staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within sixty (60) working days after complete information submission, the application shall be forwarded to the Planning Commission for determination of adequacy of existing infrastructure.

1.13.6. Transferability

The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site.

1.13.7. Expiration

If a building permit is not obtained within one year from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. If a permit is not taken in six months, the review shall determine whether off-site conditions or demands have changed the ability of the system to meet the demands of the project under review. The permit requirements may be modified to adjust to the new capacity or demand.

1.13.8. Standards for Review

No building permits shall be issued on buildings and structures subject to infrastructure review unless it is found by the Town that there is sufficient infrastructure capacity, according to the

standards adopted by the Town. Specific review items include: delivery of adequate water for culinary and fire flow purposes, safe vehicular and pedestrian access for owners, users and emergency vehicles, and proper handling of storm drainage and slope preservation. The standards to be applied for review are:

1. The standards for adequate delivery of water shall be as applicable: the Wasatch County Fire District Flow Standards, the Wallsburg Design Standards, Construction Specifications and Standard Drawings, and the County and/or State Department of Health Drinking Water Regulations as now constituted and as may be amended.

2. The standards for adequate site drainage are the Uniform Building Code Chapter 70, as adopted by ordinance, and the Wallsburg Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be adopted or amended.

3. The standards for access to the building or structure are the Uniform Fire Code adopted by ordinance, the Streets Master Plan or Land Use Map, the Wallsburg Trails Master Plan, and the Wallsburg Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be adopted or amended.

4. The standards for slope retention are the Uniform Building Code Chapter 70, as adopted by ordinance and the Wallsburg Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be amended. Buildings on lots 30% slope and above will not be considered. Lots with 20%-29% slope will be considered on case-by-case basis. If the structure is on a slope that is 10% or greater, the maximum building height cannot exceed 20 feet from natural grade at any point, measuring vertically. Concerns to slope, as determined by the Wallsburg Town Planning Commission, will be required to be mitigated by the property owner in regards to: water pressure, water shed, utilities, emergency access, drainage, run off, and/or any other concerns as identified.

1.14. Conditional Use Review Process

Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, agricultural, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone, and if properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, traffic capacities of adjacent and feeder streets, environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserve neighborhood character and assure compatibility between the conditional uses, the uses on adjoining properties, and the Town at large. Development of conditional uses will be subject to review by the Town Staff, Planning Commission and Town Board, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district, and mitigating potential adverse effects to the health, safety and general welfare, or injurious to property or improvements in the vicinity of the conditional use. Where conditions to the use cannot be devised to satisfactorily mitigate adverse effects of the conditional use, the application for a conditional use permit shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed according to the following procedure:

1.14.1. Pre-Application Conference

A pre-application conference may be held with the Town Staff or Planning Commission to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, Town Staff and the applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

1.14.2. The Application

A conditional use application shall be filed on a form prepared by the Town, and shall be supported and accompanied by the following information (five sets are required):

1. A map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale.

2. A map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale.

3. The boundaries of the site, and any easements of record or known prescriptive easements, existing roads, fences, irrigation ditches, and drainage facilities.

4. Topography with contours shown at intervals of five feet or less, 100 year floodplain and high ground water areas, known spring and seep areas and ditches or canals, and known wetlands.

5. Vegetation type and location; soil type and load carrying capacity information.

6. Site plan of the proposed conditional use showing building locations, proposed road locations and other circulation features and proposed finish grade.

7. Proposed drainage, drainage works, retaining walls, and erosion control plans.

8. Proposed location of all site improvements such as arenas, barns, plazas, tennis courts, pools, and similar improvements.

9. Proposed easements for new utility services or relocated utility services, proposed intersections with existing public streets and lighting plans, if any.

10. Proposed landscaping and signage.

11. Designations of proposed ownership of areas shown on the site plan as common area or dedicated open space.

12. General architectural concept drawings of proposed buildings.

13. Proposed location of a common satellite receiving station or other antennae.

14. When appropriate proposed mitigation measures for any noise, lights, or odors produced by the Conditional Use and proposed hours of operation.

15. When appropriate, the means by which the applicant proposes to use for pollution control from dust, ground water pollution, and other pollutants as may be applicable.

16. Other information necessary for the meaningful review of the project. Additional information may be requested at the pre-application conference based on the nature of the project or the site.

1.14.3. Written Statement and other Documentation

A written statement shall be submitted with the following documentation containing and/or explaining the following information:

1. A preliminary title report showing the title to the property, and listing all encumbrances, covenants, easements, and other matters affecting title, and a legal description of the site.

2. Copies of any covenants or easements which are referred to in the title report.

3. A development schedule indicating phased development, if any, and the estimated completion date for the project.

4. Stamped and addressed envelopes for all property owners within one thousand (1000) feet of the perimeter of the site or lot line with their current mailing addresses as shown from the most recently available county assessment rolls.

5. A general description of the project.

6. Whenever it comes to the attention of the Planning Commission, Town Board or Town Staff that the subject property is governed by recorded restrictive covenants or other recorded restrictions on the use of the property a letter of approval shall be required. Said letter shall come from the Home Owner's Association or Architectural Committee, or other appointed body or from a licensed attorney stating that it is the opinion of such attorney that the proposed improvements and/or use in not in violation of the applicable recorded restrictive covenants or other restrictions.

7. Other information that might be helpful to the Town in reviewing the proposed use.

1.14.4. Notice/Posting

Upon receipt of the complete conditional use application and payment of all applicable fees, the Town Staff shall give notice to the public in accordance with the provisions of Section 1.6 of this Code.

1.14.5. Public Comment

The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that a public hearing has been scheduled in accordance with Section 1.6 herein. Interested persons may review the application at the Town office during business hours.

1.14.6. Town Action

1.14.6.1. Time Frame

Once an application is received, the Town Staff will work diligently to review the application as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 60 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application. The scale or complexity of a project or Town Staff workload may necessitate a longer processing period. In such cases, the Town Staff will notify the applicant when an application is filed of the projected time frame.

1.14.6.2. Town Staff Review

Town Staff and other appropriate Town officials shall review the project and propose a conditional use permit encompassing the conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. The Town Staff may recommend immediate review of the permit on the next scheduled Planning Commission meeting (if notice requirements under section 1.6 can be met) if the Town Staff determines that the conditions may be better prepared and evaluated by the Planning Commission, or if the permit requested is a minor or temporary conditional use.

1.14.6.3. Planning Commission Review

Following a public hearing consistent with the requirements in Section 1.6 herein, The Planning Commission shall determine if all points of this Code have been complied with for review and compliance of the conditional use process and may further amend, add or delete conditions recommended by the Town Staff prior to approval. The Planning Commission will recommend the permit for approval with appropriate conditions or denial of the permit to the Town Board for their review at the next regularly scheduled Town Board meeting that can meet notice requirements of Section 1.6.

1.14.6.4. Town Board Approval

The Town Board may approve, amend and approve or deny the application for a Conditional Use Permit as proposed to the Planning Commission. After approval by the Town Board, building permits are to be issued by Wallsburg Town as provided in the Uniform Building Code and this Code.

1.14.6.5. Appeal

If the Wallsburg Town Planning Commission and the developer are not able to agree on conditions of approval, the developer may still may go before the Planning Commission for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled meeting that has available time and meets notice requirements of section 1.6. Priority shall be given to reviews in preparation of the agendas.

If the Wallsburg Town Planning Commission does not act on an application or indicate to the developer what aspects of the plan are not acceptable as proposed within sixty (60) working days after submission, the developer shall have the right of review by the Planning Commission. The developer may, at any time in the review process, request review of the conditions of approval by the Planning Commission.

Appeals may be taken to the Board of Adjustment within thirty (30) calendar days of the final action. Appeals may be taken to the Board of Adjustment consistent with their powers and duties as defined in the Utah Code Ann. section 10-9-701, et seq. pursuant to the procedures set forth in Chapter 4.

1.14.7. Plat Approval

When a conditional use requires the recording of a plat, the Final Plat shall be taken to Planning Commission for plat approval only. The scope of review for plat approval is limited as set forth below in Section 1.22. Plat approval may be granted at the same time as the Conditional Use Permit approval.

1.14.8. Transferability

A Conditional Use Permit may be transferable with the title to the underlying property so that an approved project may be conveyed by the applicant to others only upon review and approval by the Planning Commission. The permit cannot be transferred off the site on which the approval was granted.

1.14.9. Expiration

Unless otherwise specified during the review and approval process, conditional use permits shall expire one year from the date of the Town Board approval of the Conditional Use Permit, unless substantial construction activity has commenced on the project. Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). Permits may be issued in stages, but the issuance of a footing and foundation permit is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial

construction work for purposes of extending a conditional use permit. Whether construction has commenced or not, the Town Board may grant an extension for up to one additional year when the applicant is able to demonstrate a legitimate delay in the start of construction, such as inclement weather, delays in financing, or similar factors.

Where the Planning Commission has granted a temporary Conditional Use Permit, that permit's expiration will occur on the date specified in the permit. Renewal of the permit after expiration in any type of conditional use will require a complete re-application as if no permit was granted previously and as procedurally outlined in this Code.

1.14.10. Standards for Review

No conditional use permit shall be issued unless the Town finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the General Plan, and that the effects of any differences in use or scale have been mitigated through careful planning. Review for impact on Town infrastructure will be made as previously outlined in the Section 1.13. All Infrastructure improvements must be concurrently constructed and timed carefully with the development and costs associated with them borne by the developer as previously outlined. The Town shall review each of the following items when considering a Conditional Use Permit:

1. Size and location of the site.
2. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.
3. Utility capacity.
4. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
5. Fencing, screening, and landscaping to separate the use from adjoining uses.
6. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.
7. Usable and permanent open space considerations.
8. Signage and lighting.
9. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.
10. Potential for discharge into the air, ground water, surface and subsurface water, or soil.
11. Potential adverse impact on the ability of those who live or own property in the vicinity, including adverse effects to property values and the right to use and enjoy their property.
12. Other technical review matters as may be advised by the Town.

1.14.11. Sensitive Lands Review

If a conditional use approval is located within the Sensitive Area Overlay Zone, or designated area, additional requirements and regulations may apply. See the Sensitive Lands Provisions in Chapter 5.

1.14.12. Technical Review

The Planning Commission or Town Staff may complete a technical review if necessary. A committee may be set up to review and make suggestions to the Commission regarding concerns or features of a project that may be beyond the expertise of the Planning Commission or Town Staff. Recommendations of that committee may be used as guidelines in the establishment of conditions under the permit as outlined herein.

1.15. Appeals and Review Process

Any decision of the Planning Commission or the Town Board regarding conditional uses or administering or interpreting the zoning ordinance consistent with their powers and duties as set forth in Utah Code Ann. section 10-9-701, et seq., may be appealed to the Board of Adjustment. Any person(s) within the Town who may be adversely affected by a decision of the Town Board or Planning Commission regarding an application or decision based on this code, or the owner of the subject property affected shall have standing to appeal a decision of the Planning Commission or Town Board. Appeals of Town actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner, relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this Code, if known, that are violated by the action taken.

1.15.1. Written Findings of Denial Required

The Planning Commission or Town Board shall prepare written findings on any application that it denies, amends or approves. These findings shall state the reasons for the action and the provisions of this Code or other Town ordinances, or guidelines, or applicable state or federal laws or regulations, the proposed conditions of action to be imposed and the reasons why those conditions were necessary. These findings shall then be made available to the Board of Adjustment for their use in the appeal process.

1.15.2. Appeal Petitions Process

The owner of the property acted on by the Town, or any person who owns property adjacent to property acted on by the Town, or the owner of any other property within the affected area, who can demonstrate just cause and negligible effects of an action taken by the Town, has the right to appeal to the Board of Adjustment any final decision of the Planning Commission or the Town Board. The petition must be filed with the Town Clerk within thirty (30) calendar days of final project action. The petition for the appeal shall state the name, address, and telephone number of the petitioner and agent, if any, the name of the project, and the grounds for the appeal. The Town shall set a date for the appeal, which shall be no more than sixty (60) calendar days from the date the notice of appeal is filed with the Town and meet the notice requirements of Section 1.6. The Town Clerk shall notify the petitioner and the owner of the project of the appeal date. The Town Clerk shall obtain the findings from the Planning Commission, Town Board and all other pertinent information and transmit them to the Board of Adjustment.

1.15.3. Action on Petitions

The Board of Adjustment may affirm, reverse, or affirm in part or reverse in part any decision of the Planning Commission or Town Board regarding conditional use or zoning decisions. The Board of Adjustment may remand the matter to the Planning Commission or Town Board with directions for specific areas of review or clarification. Board of Adjustment review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Board, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

1.15.4. Stay of Approval Pending Review or Appeal

Upon the filing of a non-owner petition or a petition by the owner for appeal or review by the Board of Adjustment of a Planning Commission or Town Board decision, any action passed on this matter by the Commission or Board will be suspended until the Board of Adjustment has acted on the appeal.

1.15.5. Appeal from the Board of Adjustment

The owner of any project, or any person aggrieved by the approval of any project may appeal the final action by the Board of Adjustment affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Board shall stand, and those affected by the decision may act in reliance on it unless until the court enters an interlocutory or final order staying the effectiveness of the decision.

1.15.6. Finality of Action

If no appeal has been filed at the end of thirty (30) days from the date of final action by the Town Board, Planning Commission, the action is final. Termination of Projects

1.16. Termination of Projects

It is the policy of the Town to require developers submitting projects to the planning process to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal, and the establishment of exact time requirements for review is impractical. It is the policy of the Town to formally deny projects submitted to the process which remain inactive for long periods of time due to acts or omissions of the developer.

1.16.1. Termination of Applications

When the Town Staff believes that a project that has been formally submitted is not making normal progress towards final approval, the project shall be presented to the Planning Commission for consideration of denial. No project shall be taken to the Planning Commission for denial on the basis of inaction without giving sixty (60) days written notice to the applicant and the responsible agent by certified mail. Such notice shall state the intent of the Town to have the project denied because of inaction and the time, place, and date when the matter will be taken before the Planning Commission.

1.16.2. Inaction Defined

A project shall be deemed inactive and subject to denial on the basis of inactivity if, through the act or omission of the applicant and not the Town:

1. More than three months has passed since the last meeting of Town Staff and the applicant.

2. More than three months has passed since a request for additional information was made by Town Staff which request has not been complied with or reasons for non-compliance are not stated or indicated by the applicant.

3. The applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest.

4. The applicant has stated intent to abandon the project.

5. The project appears to have been abandoned.

6. The application appears to have been filed in bad faith attempting to vest rights prior to a zoning change or code amendment, without actual intent to construct any project.

Delays caused entirely by internal delays of the Town or any Commission or Board shall not be cause for termination.

1.16.3. Reinstatement

An applicant may appeal the Planning Commission denial of a project for inactivity to the Town Board, or the action may be called up by the Board. The Town Board, following a public hearing in accordance with Section 1.6 herein, may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, all interest in the application ends. If the applicant desires to proceed with the project, the applicant must submit a new application and start at the beginning of the process with a new submission and payment of new submission fees, and shall be subject to all ordinances then in effect.

1.17. Appearance Before Boards, Commissions and Boards

All persons speaking before any Town agency, department, committee, commission, board or the Town Board on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans, or if the owner is present. The Planning Commission or Town Staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

1.18. Variances and Special Exceptions

Any variances or special exceptions to this Code shall be granted only by the Board of Adjustment under the provisions of Chapter 4, herein, prior to the issuance of any conditional use, subdivision approval or any other development approval. All action on an application shall be stayed upon learning that a variance or special exception is required until the applicant shall have obtained the variance or special exception or his request is denied by the Board of Adjustment. Appeals from final action of the Board of Adjustment shall be made to the District Court as provided by state law, and not to the Town Board.

1.19. Relation to Prior Development and Subdivision Ordinance

The procedures set forth in this Code are intended to supersede any inconsistent procedural provisions in the previous development ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein, and all applications for subdivision approval are subject to termination as set forth herein.

1.20. Vesting of Zoning Rights

Upon payment of the required application fees and submission of a completed application, an applicant shall be entitled to have the filed application reviewed and acted upon pursuant to the terms of this Development Code or development code and zoning map in effect at the time of filing of the application, subject to the exceptions set forth below. The applicant may take advantage of amendments to this Code and zoning map that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

For the purposes of this Code, a complete application includes all documentation required by this Code, other relevant laws and Ordinances of the Town of Wallsburg, relevant state and federal laws, and any other information deemed necessary by the Planning Commission to complete a thorough review of the proposed project and make a well informed decision. At the Concept Plan meeting with the Planning Commission, the Commission will inform the applicant of any information required in order to deem the application complete. Upon receipt of the information required by this Code and any additional information

by the Town Clerk, the application will be deemed complete. No application will be deemed complete prior to the Concept Plan meeting with the Planning Commission. An applicant may not appeal the need to provide information required by this Code or any other Town Ordinance, or any state or federal law. However, any applicant may appeal the need to provide any additional information requested by the Planning Commission to the Town Board on the next available meeting of the Board with adequate time to fully discuss the matter.

Non-zoning related matters, including, but not limited to site development standards, procedural requirements and building code requirements, will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, and applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

1.20.1. Exceptions

Applicants shall not be entitled to review and approval of applications pursuant to the terms of this Code in effect at the time of application when revisions to this Code are pending at the time of application which would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

1.21. Plat Approval

On all projects requiring the recording of a plat or record of survey map under applicable state law, the plat shall conform to the following standards before approval will be granted by the Town:

1.21.1. Owner's Execution

A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. All signatures must be legally acknowledged.

1.21.2. Contents of Plat

The plat must have signature blocks for the Mayor, Town Engineer, Wasatch County Fire District, Recorder, Attorney, Planning Commission Chair, and County Recorder. The survey data and accuracy of the plat must be certified by a licensed surveyor, and the plat must bear the surveyor's official stamp.

1.21.3. Submission

The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property, and verifying the ownership is consistent with the ownership as indicated

on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.

1.21.4. Recording

Upon granting of final approval by the Town, the Town Recorder shall release the fully executed plat and the declaration and covenants to the title company designated by the applicant for recording. The Town shall have no obligation to advance recording fees, but may deliver the plat to the County directly rather than through the designated title company. No plat shall be recorded

until the Recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval, if applicable.

1.21.5. Effect of Approval

In approving the plat, the Town and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with local zoning ordinances. The Town does not make any representation concerning the accuracy of the information in the plat drawn by the applicant, nor the value of the project.

1.22. Uses

1.22.1. Purpose Of Non Conforming Use and Structures Provisions

The purpose of this chapter is to control and gradually eliminate those uses of land or structures, which although legal at the time of their establishment or erection, do not now conform to the land use regulations of the district within which they are situated. Such uses and structures shall be deemed nonconforming. Any structure or use which was a permitted use or structure built prior to enactment of this title, but which is now designated by this title as a conditional use, shall not be considered a nonconforming use, and shall not be subject to the provisions of this chapter.

1.22.2. Non-Conforming Use of Open Land

A non-conforming use of land lawfully existing on the effective date of this Code may be continued provided such non-conforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations, or enlargements thereto shall be made thereon, except those required by law. If said non-conforming use is discontinued for a continuous period of more than twenty four (24) months, any future use of such land shall conform to the provisions of the zone in which it is located.

1.22.3. Non-Conforming Buildings

A non conforming building in any zone may be continued for the period prescribed in this section, provided no additions or enlargements are made thereto and no structural alterations are made therein, except as allowed by a conditional use permit.

Subject to the provisions of this code, a conditional use permit may be granted to allow the expansion of a building which does not conform to height, lot coverage setbacks or area requirements if the following standards are met:

1. That granting the expansion will not adversely impact the attainment of the General Plan.
2. That the expansion will improve the general appearance or safety of the area.
3. That by expanding the building, the character of the neighborhood is not adversely impacted.
4. That the expansion will improve the area by providing adequate parking.
5. That any expansion will be adequately screened or buffered, if needed, so as not to increase impacts to the adjoining properties.

If a non-conforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Code.

1.22.4. Non Conforming Uses; Continuation and Abandonment

A nonconforming use lawfully existing on the effective date of this title may be continued. A nonconforming use may be extended throughout the existing building, provided no structural alteration

of the building is proposed or made for purposes of the extension. A person engaging in a nonconforming use may not expand the character of that use to include new or additional uses. If a nonconforming use is discontinued for a continuous period of more than twelve (12) months, any future use of such land shall conform to the provisions of the zone in which it is located.

1.22.5. Non Conforming Structures

A nonconforming structure may continue, provided no additions or enlargements are made thereto, no structural alterations are made therein that would increase the height or existing footprint of the building, and the current use does not change. This section shall not be construed to prohibit maintenance of an existing building.

A. Expansion and Enlargement Exception: An existing one-family dwelling which is nonconforming as to height, area, or yard regulations may be added to or enlarged if the addition or enlargement conforms with applicable requirements of this Title. Provided, however, that such a dwelling which is nonconforming as to side yard requirements but having a minimum side yard of not less than three (3) feet, may be extended along the nonconforming building line, in a manner that does not cause the structure to come any closer to the lot line at issue, to the extent of one-half (1/2) the length of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling unit in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located.

1.22.6. Change in Status of Non-Conforming Use

A nonconforming use may be replaced by an equally restrictive or more restrictive nonconforming use, subject to the approval of the planning staff. After a change to an equally or more restrictive use is in effect, the preexisting nonconforming use shall be deemed vacated, abandoned and divested. The determination of whether a change is to a more or less restrictive use shall be made by the planning staff.

1.22.7. Reconstruction of Non-Conforming Structure Partially Destroyed

A nonconforming building destroyed or partially destroyed by fire, explosion, casualty, or act of God or public enemy:

A. may be restored, unless:

1. the structure or use has been abandoned, or

2. written notice is served with a notice complying with Utah Code 17-27a-510(3)(b)(i)(2018) as amended, and the structure has not been repaired or restored within six months;

B. may not be enlarged, except as provided in Section 1.22.7 of this Title; and

C. subject to all of the provisions of this Wasatch County land use and development code, the occupancy or use which existed at the time of such destruction may be continued.

D. Deterioration due to age is not considered appropriate grounds to be permitted to retain a nonconforming status if it is rebuilt for that reason.

1.22.8. Non Conforming Use Of Open Land

A nonconforming use of land in residential, agricultural, commercial zone that is lawfully existing on the effective date of this title may be continued and shall not be considered non conforming, provided such nonconforming use shall not be expanded or extended into any other portion of open land, or into a conforming or nonconforming structure.

1.22.9 Nonconforming Lot of Record Determination

1. Determination By Wallsburg Town Planning Commission: The burden of proof for providing the information for determining a nonconforming lot of record rests upon the property owner or its representative. A nonconforming lot of record is determined by the county planner or designee by making findings that the lot or parcel meets the definition of "nonconforming lot of record" in Chapter 2 of this title, and the requirements of this section. Should such findings be made, a document shall be provided by Wallsburg Town stating that the lot is a nonconforming lot of record.

2. Documentation Required: At a minimum, the property owner must provide the planning department with the original deed and all subsequent deeds and other documentation necessary to meet the property owner's burden of proof.

3. Decrease In Lot Size: If a lot or parcel has decreased in size due to the use or threat of eminent domain, or because of a public dedication required by a governmental agency, the lot or parcel shall remain a nonconforming lot of record if it otherwise meets the definition of Chapter 2 of this title and the requirements of this section.

1.22.10 Non Conforming Lots of Record Land Use Regulations

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning and development standards applicable to the particular zone the nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee a building permit.

A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally established on or before July 28, 1972, then the owner may continue the then existing use of such building and may expand the building in any way that does not increase the degree of nonconformity.

1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback of the lot coverage requirements of the underlying zone are exceeded by the increase.

2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the planning commission as though the lot conforms to the requirements of this title.

3. At least 75% of the framing and foundation of the original building must remain intact to continue the then existing use of the building, or to expand the building, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements of Utah Code 17-27a-510(3) (2018) as amended, and Wallsburg Town development code.

B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming lots of record may be granted a building right for a single family dwelling, accessory residential units only if allowed in Chapter 5, and accessory uses as outlined in the underlying zone. So long as all other standards applicable to that use are complied with and so long as the use is permitted in the zone, nonconforming lots of record may also be considered utility uses and agricultural uses. The uses outlined in this paragraph and no others are granted for nonconforming lots of record.

1.23. Savings Clause and Continuation of Prior Ordinances

1.23.1. The Wallsburg Development Code

The Wallsburg Development Code is hereby amended and re-codified in entirety to read as herein provided by this Development Code.

1.23.2. Continuation of Prior Ordinances

The amendment of all zoning, subdivision and development ordinances previously enacted by Wallsburg shall not:

1. Affect suits pending or rights of the Town existing immediately prior to the effective date of this Code.

2. Impair, void, or affect any grant or conveyance made or right acquired or cause of action as of the effective date of this Code or now existing.

1.23.3. Continuation of Similar Provisions

The provisions of this ordinance insofar as they are the same or substantially the same as any prior ordinances shall be construed as a continuation of the prior ordinance.

1.23.4. Severability

If any phrase, clause, sentence, paragraph, or section of this Code shall be declared unlawful by any court of competent jurisdiction, it shall be severed and such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

1.23.5. Effective Date

This Ordinance shall become effective immediately after passage.

1.24. Conflicts Within This Code

Every effort is made by the Town to insure that this Code is readable, understandable, and contains as few defects as possible. If however, any conflicts, defects, inconsistencies or ambiguities are found within different sections or chapters of this Code, the Planning Commission shall follow the section or wording that is more restrictive, stringent or of a higher standard as defined or interpreted by the Planning Commission.

The Planning Commission shall then make every effort to amend this Code to further clarify or repair the defect, conflict, inconsistency or ambiguity.

1.25. Annexations

All annexations shall be consistent with the Wallsburg Annexation Policy Plan. Upon receiving a petition for annexation, the town will process the petition in accordance with the relevant provisions of the Utah Code.

2. Chapter 2 DEFINITIONS

Definition Usage

For the purpose of this Code, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter. Where definitions are given in another chapter or section of this Code that apply to only that section or chapter, those definitions shall apply first. In some instances, words or terms that have a definition in this chapter may show in *italics* elsewhere in this Code.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; the word “code” means “this code”.

A “person” includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied”.

2.1. Access

The provision of vehicular and/or pedestrian ingress and egress to structures or facilities.

2.2. Accessory Building

A building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to, and customarily found in connection with such principal building or use and (2) is operated and maintained for the benefit of convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

2.3. Accessory Use

Shall mean a use conducted on the same lot as the principal use or structure with which it is associated; and is a use which is clearly incidental to and customarily found in connection with such principal use; and is either in the same ownership as the principal use or maintained and operated on the same lot for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. No accessory use shall be allowed on any parcel unless the permitted use is being actively utilized.

2.4. Administrative Permit

A permit issued by the Town Staff or the building official for specified uses after compliance with applicable zoning or development code regulations is determined.

2.5. Agriculture

The tilling of the soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening.

2.6. Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

2.7. Antenna

A device for sending and/or receiving radio, television, data or similar communication signals.

2.8. Apartment House

A multiple family dwelling.

2.9. Applicant

The owner of land proposed to be subdivided or developed, including building permits, or representative. Consent shall be required from the legal owner of the premises.

2.10. Application

A form or checklist supplied by the Town indicating the data and information necessary to process the applicants proposed project(s).

2.11. Arterial

A road intended to allow through traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators and/or as a route for traffic between communities or large areas.

2.12. Attached Building

Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.

2.13. Balcony

A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

2.14. Bed and Breakfast Inns

A dwelling, including those dwellings of historical significance in which two to eight rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

2.15. Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad or utility rights-of-way, shore lines of water ways, or boundary lines of municipalities.

2.16. Boarding House

A building other than a hotel, cafe, or restaurant with two or more bedrooms where for direct or indirect compensation lodging and/or kitchen facilities or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood.

2.17. Building

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

2.18. Building, Attached

(See Attached Building.)

2.19. Building, Detached

Any building or structure separated from another building on the same lot by at least six feet.

2.20. Building, Main

The principal building, or one of the principal buildings on a lot, or the building or one of the principal buildings housing a principal use upon a lot.

2.21. Building, Public

Structures constructed by or intended for use by the general public such as libraries, museums, the municipal or public works buildings, etc.

2.22. Building and Zoning Inspector or Official

The person designated by the Town to enforce this Development Code as enacted by the Town.

2.23. Building Pad Line

The building pad line denotes that area in which the entire new structure must lie. The area of construction disturbance attributable to the structure (as opposed to utilities installation) may not extend beyond twenty (20) feet from the building pad line.

2.24. Business Offices

Any site or location which provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

2.25. Canopy

A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

2.26. Capital Improvements Program

A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

2.27. Child Care Center

A facility in which the provision of Child Day Care for 13 or more children occurs on a regular basis.

2.28. Child Day Care

The provision (day or night) of supplemental parental care instruction and supervision (a) for a non-related child or children; (b) on a regular basis; and (c) for less than 24 hours a day. As used in this Code, the term is not intended to include baby-sitting services of a casual, non recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative child-care by a group of parents in their respective domiciles.

2.29. Collector Roads

A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

2.30. Common Open Space

Facilities, land and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of that project.

2.31. Concept Plan

A preliminary plan indicating the proposed use and layout of a development project. Concept Plans do not require approval, but must be completed prior to preparation of a Preliminary Plan.

2.32. Conditional Use

A use requiring special consideration and review in the manner set forth in Chapter 1 of this Code.

2.33. Condominium

Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.

2.34. Construction Plan

The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission or Town Engineer as a condition of the approval of the plat.

2.35. Coverage

Lot area covered by a building.

2.36. Cul-de-sac

A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as Fire Fighting and other public safety equipment.

2.37. Developer

The person, persons, corporation, firm or partnership owning the land proposed to be developed in any way, or a designated legal representative. Consent shall be required from the legal owner of the premises.

2.38. Development Credits

Points allocated to parcels of ground in certain districts based on the parcel's square footage. Development credits shall be used to determine volume of allowed uses. Development credits are non-transferable.

2.39. Dwelling

A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, not including hotel, motel, or nursing home rooms.

2.40. Dwelling, Multi-Family

A building arranged or designed to be occupied by two or more families living independently of each other in separate but attached dwellings.

2.41. Dwelling, Single Family

A building arranged or designed to be occupied by one family; a structure having only one dwelling unit.

2.42. Easement

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

2.43. Escrow

A deposit of cash with the Town or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

2.44. Exposed

Not covered or hidden; visible. The building exterior wall, including the vertical distance between the soffit and the ridge of a pitched roof above it.

2.45. Family

An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit.

2.46. Fence

A structure constructed for reasons of privacy, security, or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or light tight.

2.47. Final Approval

Final approval by the Town Board, Board of Adjustment, or Planning Commission of a plan, project, rezoning, use, activity, or other action that shall be given after all the requirements set out in the preliminary approval have been met and after all concerns of the reviewing agency regarding such plan, project, rezoning, use, activity, or other action have been addressed and answered. Final approval does not refer to plat approval unless the plat is submitted simultaneously.

2.48. Final Plat

The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

2.49. Flood Plain Area

An area adjoining a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks ofwater courses. Any area designated as a flood plain by the Department of Housing and Urban Development or the Federal Emergency Management Agency or any other agency of the United States Government or State and Local Government Agencies, including the Town of Wallsburg.

2.50. Floor Area

The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door (including garage door) visible from public right-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Uniform Building Code.

2.51. Floor Area Ratio

The floor area ratio shall be the floor area as defined in this Chapter, divided by the total area of the lot or parcel on which it, the structure is situated.

2.52. Forestry

The harvesting and processing of trees.

2.53. Frontage

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side on a corner lot.

2.54. Frontage Block

All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

2.55. Frontage Street

Any street to be constructed by the developer or anyexisting street in which development shall take place on both sides.

2.56. Garage, Private

A detached accessory building, or a portion of a main building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

2.57. Garage, Public

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

2.58. General Plan

A Comprehensive or General Plan for development of the Town, prepared and adopted by the Planning Commission and Town Board, pursuant to State law, and including land use maps or other suitability maps or any part of such plan separately adopted and any amendment to such plan, or parts thereof.

2.59. Geologic Hazard

A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure, flooding, or shifting of the earth.

2.60. Governing Body

The governing or legislative body of the Town (Wallsburg Town Board) having the power to adopt, amend or rescind ordinances, including this code.

2.61. Grade

The slope of a road, street, or other public way, specified in percentage terms and calculated by dividing the difference in elevation between two points by the horizontal distance. Buildings on lots with 30% slopes and above will not be considered. Lots with 20%-29% slope will be considered on case-by-case basis. If the structure is on a slope that is 10% or greater, the maximum building height cannot exceed 20 feet from natural grade at any point, measuring vertically. Concerns to slope, as determined by the Wallsburg Town Planning Commission, will be required to be mitigated by the property owner regarding water pressure, water shed, utilities, emergency access, drainage, run off, and/or any other concerns as identified.

2.62. Grade, Natural (Existing; Undisturbed; Uncultivated)

Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water.

2.63. Guarantee

Any form of security including a letter of credit, escrow agreement, bond or instrument of credit in an amount and form satisfactory to the Town. All guarantees shall be approved by the Town wherever required by these regulations.

2.64. Guest House

An accessory building intended for the inhabitation by non-rent paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.

2.65. Hard-surfaced

Hard-surfaced shall mean covered with concrete, asphalt or other impervious surface.

2.66. Health Department and Health Officer

The agency and person designated by the Town to administer the health regulations of the Town, County or State. This may be the Wasatch County Health Department and Director or the applicable Department of Health and Director of the State of Utah.

2.67. Height

For the purpose of measuring the height of any building, the measurement shall be the vertical distance from natural grade at any point.

2.68. Highway, Limited Access

A freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

2.69. Home Occupation

See the Supplementary Regulations in chapter 3 for a detailed definition.

2.70. Hotel/Motel

A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or hotel apartments. This does not include lock-outs or boarding houses.

2.71. Hotel Room

A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

2.72. Impact Analysis

A determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.

2.73. Improvements

See Lot Improvements or Public Improvements.

2.74. Joint Ownership

Joint ownership among persons shall be construed as the same owner or "constructive ownership" for the purpose of imposing subdivision regulations.

2.75. Kitchen

A room or space within a room equipped with such electrical or gas hook-up services which would enable the installation of a range, oven, or like appliance using 220/240 volts or natural gas (or similar fuels) for the preparation of food.

2.76. Limits of Disturbance

The limits of disturbance line indicates the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of the disturbance line as indicated on the subdivision plat unless the Town Staff has amended the limit as per this code.

2.77. Local Government

Wallsburg, Utah.

2.78. Local Government Attorney

See Town Attorney.

2.79. Local Government Engineer

See Town Engineer.

2.80. Local Road

A road intended to provide access to other roads from individual properties and to provide a right-of-way outside the paved road for sewer, water, power lines, curb, gutter, sidewalk, and storm drainage pipes.

2.81. Lot

A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into smaller units. A lot may not necessarily be buildable.

2.82. Lot, Corner

A lot located at the intersection of two streets, the interior angle of the intersection less than 135 degrees.

2.83. Lot Depth

The minimum distance measured from the front property line to the rear of same property boundary.

2.84. Lot Improvement

Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly guaranteed as provided in these regulations.

2.85. Lot Line, Front

The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel which borders a public or private street right of way, unless a project with private streets has previously designated specific setbacks. See the Supplementary Regulation Chapter for specific setbacks on unusual lots.

2.86. Lot Line, Rear

The property line opposite the front lot line.

2.87. Lot Line, Side

Any lot line other than a front or rear lot line.

2.88. Lot of Record

A lot or parcel that: a) legally existed as a lot or parcel developable as a detached single family dwelling, before its current land use or zoning designation; b) has been shown continuously to be an independently existing piece of property since its creation or since before enactment of zoning (August 11, 1965) ; c) has not decreased in size since its creation, except for lot line adjustments, as defined in Utah Code Annotated section 17-27a-103, as currently amended; and d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

2.89. Lot Width

The minimum distance between the side property lines.

2.90. Major Street Plan

See Official Zoning Map or Land Use or Zoning Maps. The Major Street Plan is part of these map(s).

2.91. Major Subdivision

All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, infrastructure, or the creation of any new public improvements.

2.92. Master Plan

See General Plan.

2.93. Master Planned Development

A development consisting of several plats and clustering.

2.94. Model Home

A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two lots to be created according to the procedures for minor subdivisions, as set out in this Code.

2.95. Municipality

Town of Wallsburg, Utah.

2.96. Neighborhood Park and Recreation Improvement Fund

A special fund that may be established by the Town Board to retain money contributed by developers in accordance with the "money in lieu of land" provisions of these regulations to develop land within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision(s).

2.97. Nightly Rental

The rental of a room, apartment, or house or lockout room for a time period of less than 30 days. See section 5.2.3.4

2.98. Non Conforming Use

The use of a building, structure, or land which does not conform to current use regulations for the district in which it is situated, but which was in conformity with prior regulations at the time of its establishment, or which was in existence prior to the establishment of use regulations for the district in which it is situated.

2.99. Non-residential Subdivision

A subdivision whose intended use is other than residential, such as agricultural, commercial or industrial. Such subdivision shall comply with the applicable provisions of the Town General Plan and the requirements of this Development Code.

2.100. Nursery, Greenhouse

A place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

2.101. Nursing Home

An institution described also as a "rest home", or "convalescent home", other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment.

2.102. Off-site

Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

2.103. Official Zoning Map

The map established by the Town Board pursuant to law showing the streets, highways, and parks, and drainage systems, setback lines, and zoning districts, adopted and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

2.104. Official Master Plan

See General Plan.

2.105. One Bedroom Apartment

A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

2.106. Open Space

Open space shall be defined as different separate types dependent upon occupancy, use, and control. All types of open space are referred to collectively as "open space" in this Code. Any of these types of open space could be public or private open space. They shall include:

2.106.1. Agricultural Open Space

Open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood or community.

2.106.2. Natural Open Space

Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over 30%, wetlands, stream corridors, trail linkages, or visual linkages. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission;

2.106.3. Neighborhood Open Space

Landscaped areas free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard surfaced recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bath houses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve fewer than three parking spaces; © the ground surface above underground facilities provided it otherwise qualifies as usable open space under the provisions of this section; and (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces and steps under 30 inches high provided they are not covered by a portion of a building;

2.106.4. Recreational Open Space

Parks and areas of active recreation use including neighborhood or community centers or clubhouses intended for use by residents of the development, neighborhood or community.

2.107. Ordinance

Any legislative action, however denominated, of the Wallsburg Town Board which has the force of law, including any amendment or repeal of any ordinance.

2.108. Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

2.109. Parking, Public

A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

2.110. Parking Lot, Commercial

A lot used for the temporary parking of automobiles for compensation.

2.111. Parking Lot, Private

A lot used for the temporary parking of automobiles for compensation.

2.112. Parking Space

An area maintained for the parking or storage of an automobile or other vehicle, which is graded for proper drainage and is hard surfaced, porous paved or graded and compacted gravel where specially permitted.

2.113. Parking Structure

A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

2.114. Perimeter Street

Any existing street to which the parcel of land to be subdivided abuts on only one side.

2.115. Permitted Use

A use of land allowed by right under the provisions of this code.

2.116. Planning Commission

The Planning Commission of the Town of Wallsburg.

2.117. Plat Amendment

A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Also referred to as a "re-subdivision"

2.118. Porous Paving

A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers which provide at least 50% surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

2.119. Preliminary Plan

The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission and Town Board for approval.

2.120. Primary Use

The primary or main use shall be the purpose for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

2.121. Professional Office

A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

2.122. Property Line, Front

That part of a lot which abuts a public or private street or public right-of-way.

2.123. Public Improvement

Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be properly guaranteed and installed as per Town codes, specifications and regulations.

2.124. Public Use

A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative, service facilities, and public utilities.

2.125. Quasi-Public Use

A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

2.126. Recreation, Commercial

Recreation facilities operated as business on private or public property and open to the public for a fee, such as a golf course, tennis court, equestrian center, skating rink, etc., and support facilities customarily associated with the development.

2.127. Recreation, Private

Recreation facilities operated on private property and not open to the public.

2.128. Recreation, Public

Recreation facilities operated by a public agency and open to the public with or without a fee.

2.129. Registered Engineer

An engineer properly licensed and registered in the State of Utah.

2.130. Registered Land Surveyor

A land surveyor properly licensed and registered in the State of Utah.

2.131. Restaurant

A building in which food is prepared and served for consumption within the premises.

2.132. Restaurant, Drive-In

A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere.

2.133. Re-subdivision

See - Plat Amendment.

2.134. Right-of-Way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

2.135. Roads, Classification

For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Zoning Map of the Town and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the Town and its present and estimated future traffic volume and its relative importance and function as specified in the Streets Master Plan or land use maps or zoning maps. The required improvements shall be measured as set forth for each street classification on the Official Zoning Map.

2.136. Road, Dead End

A road or a portion of a street with only one vehicular traffic outlet.

2.137. Road Right-of-Way Width

The distance between property lines measured at right angles to the center line of the street.

2.138. Sale or Lease

Any immediate or future transfer of ownership, or any interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

2.139. Same Ownership

Ownership by the same person, corporation, firm, entity, partnership, or association; or ownership by different corporations, firms, partnerships, entities, or associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or association.

2.140. Satellite Receiving Station

Shall mean and include any apparatus or device which is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

2.141. Screening

Either (a) a strip of at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will for a year-round period, will provide a dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

2.142. Secondary Living Quarters

Areas within main dwellings which are used by the property owner or primary tenant as dwellings for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar users. This Code requires these quarters to be small, on the same utility meter system as the main dwelling, with limited access, and not separately rented or leased. Review for this use is undertaken by the Planning and Building Departments at the time of Building Permit request and is a conditional use.

2.143. Semi-Detached Building

Units connected on one side by an insulated common or party wall with separate exterior entrance for each unit.

2.144. Setback, Front

A front setback will be required for each side of a lot bordering a public street or other right of way.

2.145. Setback

The distance between a building and the street line or road right-of-way, or nearest property line thereto.

2.146. Signs

The following definitions pertain specifically to signs and sign regulation in this Code:

1. A-Frame Sign. Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.

2. Animated Sign. Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights, or degree of lighting.

3. Building Face. The visible outer surface of a main exterior wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into surface.

4. Canopy. See Marquee.

5. Erect. To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

6. Frontage. The length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.

7. Marquee. A marquee shall mean and include any roofed structure attached to and supported by a building, and projecting over public property.

8. Monument Sign. A freestanding sign erected on the ground.

9. Movable, Freestanding Sign. Any sign not affixed to or erected into the ground.

10. Off-Premise Sign. Any sign which advertises products, services or business establishments which are not located conducted, manufactured, or sold upon the same premises upon which the sign is erected.

11. On-Premise Sign. Any sign which advertises products, services, or business establishments which are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

12. Outdoor Advertising Structure. A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments those located, conducted, manufactured, or sold upon the premises on which the structure is erected.

13. Projecting Sign. Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen (18) inches.

14. Roof Sign. Any sign which is erected upon or over the roof or over a parapet of any building or structure.

15. Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public highway, or public road right-of-way. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, town, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

16. Sign Area. Sign area shall mean the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle large enough to frame the display.

17. Time and Temperature Device. Any mechanism that displays the time and temperature, but does not display any commercial advertising or identification.

18. Wall Sign. Any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall or fascia upon which it is attached.

19. Wind Sign. Any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

2.147. Site Development Standards

Established regulations for lot areas, setbacks, building height, lot coverage, open space, and other regulations deemed necessary to accomplish the goals and purposes of the underlying zoning district.

2.148. Sketch Plat

A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives or conditions of these regulations.

2.149. Street, Public

A thoroughfare which as been dedicated and accepted by the Board, which the Town has acquired by prescriptive right or which the Town owns, or accepted for dedication on an approved final plat, or a thoroughfare which as been dedicated or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards. Any street or road shown on the Streets Master Plan or Land Use Maps or Official Zoning Maps as a public street.

2.150. Structure

Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes an impervious material on or above the ground; definition includes "building". All structures must maintain the minimum set-backs for the district in which they are located, both above and below the ground.

2.151. Studio Apartment

A dwelling unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or kitchen for the exclusive use of that apartment, all having a combined floor area of not more than 1,000 square feet.

2.152. Subdivider

Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

2.153. Subdivision

Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, site, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

2.154. Subdivision Agent

Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

2.155. Subdivision Plat

The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission and Town Board for approval and which, if approved, may be submitted to the Wasatch County Recorder for filing at the subdivider's expense.

2.156. Support Commercial Facilities

Examples of support commercial uses are barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel lobby type uses. No use occupying more than 2,000 gross square feet of floor area will be considered as support commercial.

2.157. Tandem Parking

Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two cars in depth, and may not require occupants of separate dwellings to park behind one another.

2.158. Temporary Improvement

Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance guarantee.

2.159. Town

The Town of Wallsburg, Utah.

2.160. Town Board

The Town or Town Board of Wallsburg, Utah.

2.161. Town Engineer

The State of Utah licensed engineer designated by the Town or Town to furnish engineering assistance for the administration of these and other regulations.

2.162. Town Staff

Those elected officials, officers, board and commission members employees, and other agents assigned specific duties by the Mayor, Town Board, or Planning Commission.

2.163. Unit Equivalent

The relative density factor applied in this Code to different sizes and configurations of dwelling units and commercial spaces.

2.164. Use, Intensity

The maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose.

2.165. Yard

A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

2.166. Yard, Front

A required space between the front line of the main building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the closest main building.

2.167. Yard, Rear

A required space between the rear line of the building and the rear lot line, or closer public street and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the main building.

2.168. Yard, Side

A required space between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

3. Chapter 3 SUPPLEMENTARY PROVISIONS

The regulations set forth in this chapter qualify or supplement, as the case may be, this Development Code and Regulations appearing elsewhere in this Code.

Contents of this Chapter

3. CHAPTER 3 SUPPLEMENTARY PROVISIONS 3-1
3.1. Purpose 3-2
3.2. Lot Standards 3-2
3.3. Sale or Lease of Required Space 3-2
3.4. Sale of Lots Below Minimum Space Requirements 3-2
3.5. Fences, Walls and Hedges 3-2
3.6. Frontage Protection, Safety, and Major Streets Access 3-3
3.7. Clear View of Intersecting Streets 3-3
3.8. Public Utility Structures 3-4
3.9. Home/Premise Occupations 3-4
3.10. Height Provisions 3-8
3.11. Low Power Radio and Cellular Towers 3-8
3.12. Reserved 3-11
3.13. Reserved 3-11
3.14. Reserved 3-11
3.15 Alcoholic Beverage Sales 3-11
3.16 Temporary Uses 3-11
3.17 Commercial Recreational Vehicle Parks or Camp Grounds 3-13
3.18 Off-Street Parking 3-15
3.19 Signs and Outdoor Advertising 3-17
3.20 Technical Review 3-24
3.21 Right to Farm Provisions 3-24

3.1. Purpose

The regulations in this chapter qualify or supplement the regulations appearing elsewhere in this Code.

3.2. Lot Standards

Except as otherwise provided in this Code, no building permit shall be issued for a lot unless the lot has the area, width, and depth required by the regulations for the zone in which it is located, and frontage on a street shown as a Town street on the streets master plan, land use map, official zoning maps or on private easements connecting the lot to a street as shown on the above mentioned plans or maps.

3.3. Sale or Lease of Required Space

No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building requirements may be sold or leased away from such lot or building.

3.4. Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

3.5. Fences, Walls and Hedges

3.5.1. *Clear View Area*

No fence, wall, hedge or structure in excess of thirty six (36) inches in height above road grade which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed on a corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the property corner of the street lines. Street trees and other landscaping plantings are permitted within the clear vision area provided they are pruned and trimmed to a height of not more than thirty six (36) inches in height nor less than seven (7) feet above the road grade so as to not obstruct the clear view of motor vehicle drivers.

3.5.2. *Fe nces, Walls, Hedges, and Other Structures in a Front Setback*

No fence, wall, hedge, planting or other structure extending into or enclosing all or part of the front or side yard setback area adjacent to a street shall be constructed or maintained at a height greater than thirty six (36) inches, provided that where the fence fabric is to be of the chain link or other open mesh type not more than twenty (20) percent opaque and remains non-sight obscuring the height may be increased to sixty (60) inches.

3.5.3. *Fences, Walls, Hedges, and Other Structures in a Side Yard Setback, Corner Lot*

No fence, wall, hedge, planting or other structure shall be constructed in the side yard setback of a corner lot exceeding thirty six (36) inches unless the following conditions are met:

1. No portion of the fence, wall, hedge, planting or other structure shall be located closer than twenty (20) feet to the property line adjacent to the street, and shall not extend into the front setback area or the clear vision area of the lot as defined in Section 3.7.

2. The fence, hedge, wall, planting or structure shall not exceed six (6) feet in height.

3. Placement of the fence, wall, hedge, planting or other structure in the location proposed shall not result in the establishment of a hazardous condition.

3.5.4. Determination and Appeals

If, in the opinion of the Town Staff and Planning Commission a proposed fence, wall, hedge, or other structure does not conform to the requirements of this Section, the applicant shall be referred to the Board of Adjustment for further action or a written determination. Any applicant aggrieved by a decision of the Town Staff or Planning Commission may appeal the decision to the Board of Adjustment who shall have authority to reverse, affirm or modify any decision of the Town Staff or Planning Commission.

3.5.5. Exceptions and Fences in Other Locations

Fences or walls placed around utility buildings for security reasons, or as required by state or federal agencies for the protection of public water facilities, may be any height deemed necessary by the Planning Commission to adequately protect the facility. Fences, walls, and hedges constructed in areas not expressly prohibited may be freely erected provided that no fence shall be higher than six (6) feet, unless the applicant receives a Conditional Use Permit.

3.6. Frontage Protection, Safety, and Major Streets Access

The frontage along one or both sides of all State, County and Town roads are subject to special review for protection of right-of-way and safety of access by roads and driveways. These areas, when designated by the Planning Commission, are shown on the Master Street Plan map. Any building or development proposal along these sections of roads are subject to special review by the Planning Commission. The review in these designated areas shall be limited to the following factors:

3.6.1. Consolidated Access

To the extent possible, to minimize access points and driveways to the highways, access shall be from existing streets that join with major streets rather than direct access.

3.6.2. Public Safety

Access points along major streets shall be reviewed for public safety of ingress and egress on intersections, pedestrian safety, safety of winter access on steep grades and possible flooding and erosion hazards.

3.6.3. Pathways, View Corridors and Future Improvements

The Town shall review proposals for pedestrian, equestrian, and bicycling pathways through the frontage, open space, buffered areas, and preservation of view corridors where applicable.

Regardless of the Zone setbacks in this Code, no structure shall be erected within forty (40) feet of the nearest major street right-of-way line in order to allow for possible future improvements of the major street.

3.6.4. Conditional Use along Frontage

All construction in the setback area between 40 feet and 100 feet from the nearest right-of-way line along a collector road is a conditional use and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone.

3.7. Clear View of Intersecting Streets

In all zones, no obstruction to public or private street views in excess of three (3) feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at the property lines and a line connecting them at points twenty five (25) feet from the intersection of the street right-of-way lines, except landscaping plantings are permitted within the clear vision area provided they are pruned and trimmed to a height of not more than thirty-six (36) inches in height nor less than seven (7) feet above the road grade to permit automobile drivers an unobstructed view.

3.8. Public Utility Structures

Public utility structures may be permitted on less than the required size lots in any district as approved by the Planning Commission.

3.9. Home/Premise Occupations

A. Purpose. The purposes of this section are to:

1. Encourage major business activities to be conducted in appropriate commercial zones.

2. Allow for home occupations that are compatible with the neighborhoods in which they are located as an accessory use.

3. To safeguard peace, quiet, and domestic tranquility within all residential neighborhoods within the Town, and to protect residents from excessive noise, excessive traffic, nuisance, fire hazard and other possible adverse effects of commercial uses being conducted in residential areas.

4. Provide a means to terminate home occupations if disruption of a residential neighborhood occurs.

5. To establish a class of businesses that is permitted in the home to engage in the business of child care, and other group child activities.

B. Home/Premise Occupations License. A home occupation shall be conducted within the Town of Wallsburg only in zone districts where allowed by this Code and in compliance with the following provisions unless it has been determined to be a nonconforming use pursuant to this code. A license to conduct a home occupation shall be issued by the Town Clerk. In order to be issued a license, a home occupation must receive a recommendation for approval from the Wallsburg Town Planning Commission pursuant to the following provisions or as a nonconforming use.

C. Standards for Approval of all Home/Premise Occupations Licenses.

The following standards shall be complied with in the operation of all home occupations at all times:

1. The home/premise occupation shall be an accessory use which is clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.

2. The home/premise occupation shall not physically change or alter the external residential appearance of the principal or accessory structures. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates either the kitchen, dining area, bathrooms, living room or all of the bedrooms.

3. The home/premise occupation shall not involve the use of any yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sale or production of goods or services.

4. There shall be complete conformity with fire, building, plumbing, electrical and all other Town, county, state and federal codes.

5. The home/premise occupation shall not cause a demand for municipal, community or utility

services that are substantially in excess of those usually and customarily provided for residential uses.

6. The home/premise occupation shall not be associated with or produce odor, smoke, dust, heat, fumes, light, glare, color, materials, construction, lightening, sounds, noises or vibrations or other nuisances, including interferences with radio and television reception or other adverse effects associated with its use as a business that may be discernable beyond the premises or unreasonably disturb the peace and quiet of the neighborhood.

7. No process can be used which is hazardous to public health, safety, morals or welfare.

8. The home/premise occupation shall not interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood by creating excessive noise, excessive traffic, nuisance, fire hazard, safety hazard or other adverse effects of commercial uses.

9. Inspection during reasonable hours by Town officials may occur as necessary to assure compliance with these regulations.

10. All vehicles, including customer, client or business-related visitor vehicles must be provided off street parking at the location wherein the home occupation is being conducted.

D. Qualifications.

1. No more than one (1) person (residing outside of the home) working a maximum of twenty (20) hours per week shall be engaged, volunteer or be employed on the premises.

2. Visitors, customers, vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the average neighbor will not be significantly impacted by its existence. In no case shall the home occupation exceed two (2) vehicular customers, and/or visits per hour, or six (6) per day, nor deliveries or pickups exceed more than one (1) per day.

3. The home occupation shall not generate or exceed eight (8) children at one time, associated with group child activities (e.g. dance schools, preschool, music classes, other care or instruction of children). This number shall include the licensee's own children if they are under eight (8) years of age and are under the care of the licensee at the time the home occupation is conducted. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool aged children) conducted within private residences.

   All child care facilities shall be permitted to provide outdoor play time as required by Federal, State, County or local laws governing such business activity.

4. The home/premise occupation may include the sale of commodities, however, direct sales from display shelves is not permitted at the dwelling.

5. Vehicles or equipment may not be used primarily for the purposes of advertising the home/premise occupation at the site. Vehicles or equipment displaying such advertising should not be visible from the public right-of-way.

6. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of fifteen thousand (15,000) pounds or less.

7. The home/premise occupation may utilize one unanimated, non-illuminated flat sign, for each street upon which the dwelling fronts. The sign must be placed either in a window or on the exterior wall of the dwelling and may not have an area greater than six square feet.

8. No visitors in conjunction with the home/premise occupation (clients, patrons, students, pupils etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

9. The home occupation shall be carried on wholly within the principal building. The premise occupation may occur in an accessory building which is clearly subordinate to the dwelling.

10. No more than twenty-five percent (25%) of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative more that fifty percent (50%) of the total floor area of any basement of the dwelling unit shall be utilized for the home occupation. No more than the equivalent of fifty percent (50%) of the total floor area of the main dwelling may be used in an accessory structure for a premise occupation.

E. Conditional Use Permit Required,

Certain types of occupations which have substantial impacts upon the residential character of the area when carried on in residential districts must be reviewed to determine if the use is appropriate and to impose requirements and conditions necessary for the protection of adjacent properties and the public health, safety and welfare.

1. The following uses are appropriate in a dwelling only if they are determined to be compatible with the neighborhood and with the public health, safety and general welfare and if conditions specific to that activity are developed after full Conditional Use review by the Planning Commission and compliance with §5.16(c) Standards, applicable Ordinance provisions and the additional regulations set forth hereafter.

   A. Any child day care home occupation that is expected to generate or exceed eight (8) children at any one time.

      i. A maximum of eleven (11) children is permitted at any one time.

         ii. This number shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted.

         iii. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.

   B. Any home/premise occupation that is expected to generate or exceed eight (8) children associated with group child activities (e.g. dance schools, preschool, music classes, other care or instruction of children) at any one time other than child day care.

      i. A maximum of twelve students/children generating separate vehicle trips is permitted at any one time.

      ii. A maximum twenty-four (24) students/children generating separate vehicle trips is permitted per day.

      iii. Additional students/children who do not generate separate vehicle trips may be permitted to a maximum of 12 students/children at any one time and two (2) sessions per day. Additional students/children will be permitted only if the total number of students/children generating separate vehicle trips does not exceed 24 per day.

iv. The total number shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted.

v. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool aged children) conducted within private residences.

C. Repair shops including welding, carpentry (use of three or more woodworking power equipment), sheet metal work, furniture manufacturing, upholstery and other such manufacturing.

D. Any home/premise occupation using hazardous chemicals.

E. Any home/premise occupation which will generate in excess of two (2) vehicular customers or visitors per hour or six (6) per day. A maximum of twelve (12) vehicular business associated visitors per day may be allowed under a conditional use permit.

F. Any home/premise occupation proposing to employ or employing a person working more than twenty (20) hours per week or more than one employee (i.e. persons other than residents of the dwelling unit who are engaged, volunteer, or are employed on the premises of the home occupation). A maximum of one additional employee may be allowed under a conditional use permit.

G. Any home/premise occupation which proposes to use or uses commercial-use vehicles in excess of one (1) ton.

H. Any home/premise occupation involving or proposing to involve food or drink preparation, storage or catering. Such a home occupation will be considered for a conditional use permit only when it is authorized by the appropriate State or County department or agency.

I. Any home/premise occupation which proposes or conducts business between the hours of 10:00 pm and 6:00 am.

J. Any home/premise occupation that is referred to the Planning Commission for purposes of holding a meeting for public comment and Planning Commission recommendation.

2. In addition to the Conditions established by the Planning Commission at the time of its review, all Conditional Use Home/Premise Occupations must comply with the following:

A. The provisions of this code, concerning public hearing requirements.

B. All Federal and State laws, standards, and codes that are applicable.

B. Standards of Approval for all Home Occupations Licenses.

C. All home occupations licensed under this section require an approved Conditional Use Permit and Home Occupation license prior to commencing business.

D. The Planning Commission may establish additional conditions for the home/premise occupation use to mitigate its effects on the area or for the general health, safety and welfare.

3.10. Height Provisions

The height of any structure shall not exceed the maximum height of thirty (30) feet nor exceed the recommendation of the Wasatch Fire District. The total height of the building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point. To allow for attachments which are unoccupied and clearly accessory in nature, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to ten (10) feet above the specified maximum height limit for the zone.

2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

3. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and final plat approval and under no circumstances shall be no more than fifty (50) feet above final grade.

4. Heights of occupied structures, higher than 30 feet may be approved by the Planning Commission as a Conditional Use Permit. Under no circumstances shall a height be allowed to exceed a maximum of forty (40) feet.

3.11. Low Power Radio and Cellular Towers

The purpose of this Section is to provide standards and regulations for the height, location and general design of low power communication towers. These requirements apply to both commercial and private low power radio systems such as cellular or Personal Communication Systems (PCS), and paging systems. Each facility shall be considered as a separate use and an annual business license shall be required for each such facility. The Planning Commission will review each application for approval to ensure that the proposed facility is compatible with the height and mass of existing buildings and utility structures; that co-location of antennas or other structures is possible without significantly altering the existing facility; that the facility blends with existing vegetation, topography and buildings; and that location of a facility will not create a detrimental impact to adjoining property owners.

3.11.1. Definitions

The following list of definitions are provided to add clarification to this section. If further clarification of this section is required it will be given by the Board of Adjustment.

Antenna - A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Guyed Wire Tower - An open steel frame supported by guyed wires which extend 80% of the height of the structure away from the structure.

Lattice Tower - A self supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

Low Power Radio Services Facility - An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

Monopole - A single cylindrical steel or wood pole that acts as the support structure for antennas.

Roof Mounted Antenna - An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.

Wall Mounted Antenna - An antenna or series of antennas mounted against the vertical wall of a building or structure.

Whip Antenna - An antenna that is cylindrical in shape that can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

All applications for approval of a low power radio tower or cellular or PCS facility shall be approved in writing by the planning commission.

3.11.2. Types of Low power radio tower or cellular or PCS facilities

Low power radio tower or cellular or PCS facilities are characterized by the type or location of the antenna structure. The five general types of such antenna structures include wall mounted, roof mounted, monopoles less than two feet in diameter, monopoles greater than two feet in diameter, and lattice towers. Standards for installation and construction of each type of structure are listed below:

3.11.2.1. Wall Mounted Antenna

An antenna or series of antennas mounted against the vertical wall of a building or structure including, but not limited to, buildings, smoke stacks, water tanks, and grain elevators. Wall mounted antennas are a permitted use in all industrial zones and on Town owned property, and a conditional use in the commercial, agricultural and manufacturing zones. Any wall mounted antenna shall comply with the following standards:

1. Wall mounted antennas shall not extend above the wall line of the structure more than four (4) feet, nor shall it protrude more than four (4) feet from the wall.

2. Wall mounted antennas and associated equipment shall be painted to match the color of the predominant background against which they are most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure. Whip antennas are not allowed on a wall mounted antenna structure.

3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.

4. The owner of any structure on which a wall mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3.11.2.2. Roof Mounted Antenna

An antenna or series of antennas mounted on the roof, mechanical room, or penthouse of a building or structure is a permitted use in all industrial zones and on Town owned property, and a conditional use in the commercial and manufacturing zones. Any roof mounted antenna shall comply with the following standards:

1. Roof mounted antennas may only be erected on buildings or structures with a flat roof and shall be screened, constructed and/or colored to match the structure on which they are located.

2. Antennas must be setback from the edge of the structure no less than one (1) foot for every one (1) foot of vertical antenna height to a maximum height of ten (10) feet. In no case shall a roof mounted antenna be located closer than five (5) feet from the edge of the structure on which it is erected.

3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.

4. The owner of any structure on which a roof mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3.11.2.3. Monopole Structures Less Than Two (2) Feet in Width

A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas less than two (2) feet in width is a permitted use in all industrial zones and on Town owned property, and a conditional use in the commercial, agriculture and manufacturing zones. These types of structures are intended to be placed on light poles, light standards, flag poles and other existing or planned vertical structures. The following requirements must be satisfied prior to construction of a monopole less than two (2) feet in width.

1. The total antenna structure mounted on a monopole shall not exceed two (2) feet in width or diameter nor exceed ten (10) feet in height. The monopole itself shall not exceed more than 60 feet in height.

2. No monopole antenna shall be placed in or within two hundred (200) feet of a residential zone.

3.11.2.4. Monopole Structures Greater Than Two (2) Feet in Width

A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas greater than two (2) feet in width is a permitted use in all industrial zones and on Town owned property, and a conditional use in the commercial, agriculture and manufacturing zones. The following requirements must be satisfied prior to construction of a monopole greater than two (2) feet in width:

1. The actual antennas and antenna support structure on a monopole shall not exceed thirteen (13) feet in width and eight (8) feet in height.

2. No monopole shall be erect within two hundred (200) feet of a residential zone or a one half mile radius to another monopole tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship.

3. All monopoles shall be less than sixty (60) feet in height unless the tower is designed for co-location of antenna structures. In the case of co-location, the height of the tower may be increased by twenty (20) feet for each potential co-location not to exceed three (3) potential co-locations or one hundred (100) feet in total monopole height.

4. Co-location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the Town Staff.

5. The applicant must supply the Town with a letter indicating that if technology renders the tower obsolete or the tower is vacated, the applicant will remove the tower and all associated equipment, and restore the site to its original condition within ninety (90) days of the vacation of the tower.

6. Monopole towers may not be constructed in the required front setback, front landscape buffer area, or required parking area of any zone.

7. All associated equipment located on the ground, shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.

8. The owner of any property on which a monopole tower mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3.11.3. Criteria For Conditions

The Planning Commission may use the following criteria for determining necessary conditions to ensure:

1. The proposed facility is compatible with the height and mass of existing buildings and utility structures.

2. That co-location of antennas or other structures is possible without significantly altering the existing facility.

3. That the facility blends with existing vegetation, topography and buildings.

4. That location of a facility will not create a detrimental impact to adjoining property owners.

3.12. Reserved

3.13. Reserved

3.14. Reserved

3.15 Alcoholic Beverage Sales

The sale of any alcoholic beverage within the town limits is prohibited.

3.16 Temporary Uses

3.16.1 Purpose and Objectives

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore listed as regular permitted or conditional uses in any zone of the Town. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any building or structure which does not meet the requirements of this section shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes.

3.16.2 Uses Allowed

Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, promotional displays, revivals, retreats, political rallies, or campaign headquarters. Uses shall be allowed for not more than thirty (30) days duration and shall not be allowed in sensitive lands.

A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

3.16.3 Prior Approval Required

Prior to the establishment of any of the above uses, or any qualifying temporary use, (except fireworks stands or fireworks displays which shall be administered by the Wasatch Fire District), a temporary use permit must be obtained from the Planning Commission with any conditions specified on the permit as required by the Town. A temporary use permit shall not be construed as a conditional use permit and therefore is not required to meet the notification requirements of this Code, however, the application procedure is similar to a conditional use permit in that specific conditions may be required of the applicant and compliance to the conditions and the International Building code, if applicable, shall become necessary to the granting, continuance or administration of the permit. The granting of the permit shall require the following findings:

1. That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.

2. That the requested use will not create excessive traffic or parking hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.

3. That the applicant shall have sufficient liability insurance for the requested use or event.

3.16.4. Standards and Requirements

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

1. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided if there is:

   a) No preparation of any food on the premises.

   b) No indoor seating of patrons.

   c) Written evidence that a host structure will provide permanent sanitary facilities for any employees and that such facilities are conveniently located not more that three hundred (300) feet from the structure and will be accessible during all periods of operation of the use.

   d) Written evidence from the Town or County Health Department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.

2. Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case by case basis. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding thirty (30) days. Garage sales need not obtain a Temporary Use permit, but shall not operate the sale for a period exceeding five (5) days in any calendar year, and shall be conducted by bona fide residents or lessors of the premises. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within fifteen (15) days of the vacancy.

3. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures in an amount determined by the Planning Commission.

3.16.5 Revocation of Permit

A permit may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use permit.

3.16.6 Business License Required

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the Town or any other public agency.

3.16.7 Fees

In order to offset a portion of the costs incurred by the Town in processing temporary use permits, a fee may be charged as established by the Town in its fee resolutions as may be applicable at the time.

3.16.8 Christmas Tree Sales; Permit

It shall be unlawful for any person to sell or offer for sale in the Town, any cut fur, evergreen, or Christmas tree, without a permit, except when the permit requirement is specifically waived by the Planning Commission. The permit required by this section shall allow tree sales for a period of thirty (30) days ending December 25 of the year in which the permit is issued.

3.16.9 Town Celebrations or Events

Any Town sponsored celebrations or special events of a temporary nature is exempt from the requirements of obtaining a temporary use permit as described by this Section.

3.17 Commercial Recreational Vehicle Parks or Camp Grounds

3.17.5 Conditional Use Permit Required

A conditional use permit for a commercial recreational vehicle (RV) park or campground facility, must be issued in accordance with the provisions of this Code and this section before such a facility may be constructed in any zone in which this use is allowed as a conditional use. In addition to conditions as may be required upon the issuance of a conditional use permit for a RV park or campground, all RV park or campgrounds shall be built to the standards set forth in this Code. RV shall mean Recreational camping type vehicles, travel trailers as well as tent trailers or tents if applicable.

3.17.6 Property Development Standards

The following development standards shall apply to the individual RV or camping sites. Plans and elevations for the RV Park or Campground and any buildings or structures proposed for location therein shall be submitted with the application for a conditional use permit. The plans shall be in conformance with the following general development standards:

1. Each site shall be marked and numbered for identification and shall meet all requirements of this Code.

2. Each RV or camping site in a park shall have an area of not less than one thousand five hundred (1,500) square feet.

3. Each site shall have an average width of twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least fifteen (15) feet. Any accessory uses such as attached awnings or steps, shall, for the purposes of this separation requirement, be considered to be part of the trailer.

4. Each site shall abut directly upon a park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography and provisions shall be made for proper drainage.

5. Not more than one (1) RV shall be placed on a RV site.

6. Each RV site shall provide sufficient parking and maneuvering space so that the parking loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the RV parking area.

7. There shall be provided guest parking in each RV or camping park at the ratio of one (1) parking space for each ten (10) RV or camping sites within the park.

8. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a conditional use permit. There shall be at least one (1) tree per camping site.

9. Streets shall be at least twenty-five (25) feet wide. Parking shall not be allowed on park streets. The park streets shall be paved in accordance with Town standards and shall provide concrete curb and gutter if applicable in current standards. Curb and gutter may be of a "roll" type to provide convenient access to trailer sites.

10. A central recreation area shall be established in all RV parks which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all RV spaces, or three thousand (3,000) square feet, whichever is greater.

11. RV or camping parks may have one (1) or more laundry rooms. Outdoor laundry drying lines shall not be permitted on any RV or camping sites.

12. Restrooms, including toilets, showers, and lavatories, shall be provided within a RV or camping park to conveniently and adequately serve said park.

13. All utility distribution facilities, including television antenna service lines serving individual RV sites, shall be placed underground. The owner is responsible for complying with the requirements of this section, and shall make the necessary arrangements with each of the public serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All RV sites must be served with water and electricity. Tent only campgrounds shall only be serviced with water to each site or group of sites. Natural gas hookups shall not be provided to individual RV or camping sites.

14. There shall be no open storage of personal belongings within a RV or camping site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon an individual RV or camping site for the storage of materials or personal belongings.

15. All fuel tanks maintained within a RV site must be mounted securely upon or attached to the RV or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity.

16. There shall be no removal of axles, wheels or tires from a RV or other vehicle located within a RV or camping park, except for emergency, temporary removal to accomplish repairs.

17. There shall be no separate mail boxes, separate street address designations, or other similar accessories which would give the appearance of "permanence" to occupants of a RV site.

18. RV Parks and Camp Grounds shall be subject to the infrastructure review set forth in section 1.13.

3.17.7 Minimum Park Area

RV parks or camping facilities shall contain at least five (5) acres.

3.17.8 Length of Occupancy

No RV or camping site located within a park established under these provisions shall be occupied for a period exceeding thirty (30) days.

3.17.9 Eating and Cooking Facilities

Each RV or camping site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the Wasatch Fire District.

3.17.10 Wastewater and Trash Disposal and Drinking Water Stations

Each RV or camping park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the Town sewer system, or a wastewater disposal system approved by the Town Board and State Health Department. Also, a source of potable water for filling RV, travel trailer or other water tanks shall be required. Proper screened facilities for waste storage, handling and disposal must also be approved by the Planning Commission.

3.18 Off-Street Parking

3.18.5 General Requirements

There shall be provided and maintained at the time of erection of any main building or structure off-street parking space with adequate provisions for ingress and egress by standard sized vehicles as hereinafter set forth. Such parking space shall be located on the same lot as the building it is to serve.

3.18.6 Remodeling or Enlargement of Buildings

Whenever existing buildings are enlarged or increased in capacity, or a change in use occurs, additional off-street parking spaces shall be provided which will meet the requirements applying to such enlargement or change in use.

3.18.7 Quantity of Parking Spaces

The number of parking spaces for uses not specified herein shall be determined by the Planning Commission being guided where appropriate by the regulations set forth herein and Table 3.28.1 for uses of buildings which are similar to the use or building under consideration. Handicap parking shall be provided in accordance with the Americans with Disabilities Act.

3.18.8 Setback Exclusions and Conflicts

In a residential zone, no part of any private or public parking lot, for a non-single family residential use, shall be located in a set back adjacent to a street except under the following circumstances:

1. A parking lot may be approved in the portion of a front setback area which is outside the area formed by two (2) lines which extend from the outermost dimensions of the building perpendicular to the property line adjacent to the street, provided there is a minimum of ten feet (10) of landscaping adjacent to the street, there is a total of at least thirty feet (30) of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.

2. A parking lot may be approved in any portion of a front setback area provided there is a minimum of ten feet (10) of landscaping adjacent to the street, there is a total of at least thirty

feet (30) of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.

3. A parking lot may be approved in the area of a side setback facing a street provided there is a minimum of ten feet (10) of landscaping adjacent to the street, there is a total of twenty feet (20) of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.

4. In cases where there is a unique lot configuration, or an existing structure that the applicant is remodeling or when it is necessary to change the parking requirements, the Board of

   Adjustment may, upon appeal of the applicant, consider lowering the landscaping requirements immediately adjacent to an arterial street providing such variance does not create increased unreasonable hazards to the health, safety, and general welfare of the residents in the area.

3.18.9 Landscaping

In reviewing the landscape plans, the Planning Commission shall consider the location, number, size, and type of plants, the method of irrigation to be used and other similar factors.

3.18.10 Conversion of Parking to Other Uses

Space allocated to comply with these regulations shall not be used later for additional structures or uses unless other space so complying is provided.

3.18.11 Area of Spaces

For the purpose of this section, a space of not less than eight and one-half feet (8 ½') by twenty feet (20') of lot area with access to public streets by standard-sized automobiles shall be deemed to be parking space for one vehicle.

3.18.12 Mixed or Combined Parking Uses

In the case of mixed uses on the same site the amount of off-street parking spaces required shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. A reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.

3.18.13 Parking Surfaces

All required parking areas shall be surfaced with either concrete or bituminous asphalt as approved as to specifications by the Town Engineer.

3.18.14 Parking Vehicles on Vacant Lots

It shall be unlawful for the owner of a motor vehicle to park it or allow it to be parked on the property of another person for the purpose of displaying it for sale, unless the person upon whose property it is parked or the lessee of such property has a business license to engage in the business of selling motor vehicles at that location. A business license may be subjected first to the requirements of obtaining a temporary conditional use permit or temporary use permit as deemed by the Town as per this Code.

3.18.11. Specific Requirements by Use

Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with Table 3.1 as follows and as interpreted by the Planning Commission for uses not specific to those listed in the following table. Note that SLU means Standard Land Use codes.

Table 3.1 Parking Requirements per Use

SLU Code	Category	Number of Spaces Required	Per Unit Description
1100	Household Units	2	per each unit up to four (4) plexes
1400	Mobile home parks	2	per each unit plus (1) guest parking space per (3) units
4221	Motor freight terminals	1.25	per employee at highest employment shift
5300	General merchandise	5	per 1000 square feet of floor area
5400	Food - retail	5.5	per 1000 square feet of floor area
5600	Apparel and access.	5	per 1000 square feet of floor area
5700	Furniture and home furnishings, equip.	1	per 600 square feet of floor area
5800	Eating and Drinking places	1	per (2) employees, plus one (1) per (4) seats
5900	Other retail	5	per 1000 square feet of floor area
6100	Finance, insur. & real estate	1	per 250 square feet of floor area
6230	Beauty and Barber	2	per employee at highest employment shift
6300	Business services	1	per 200 square feet of floor area
6370	Warehouse and storage	1	per 1000 square feet of floor area
6400	Repair	1	per 250 square feet of floor area, except SLU 6411
6411	Repair, Auto	6	per 1000 square feet of floor area
6500	Professional	1	per 300 sq. feet of floor area
6600	Contract construction	1	per employee at highest employment shift
6710	Government offices	1	per 250 square feet of floor area
6800	Educational: nurse./day care	1	per employee
	Grades K-8	2	per teaching station
	Grades 9-12	3	per teaching station
6911	Churches, temples, etc.	1	per (4) seats or (4) person seating capacity

3.19 Signs and Outdoor Advertising

3.19.5 General Requirements

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the Town.

3.19.5.1 Sign Approval

Except as otherwise provided, it shall be unlawful to erect or maintain any sign or outdoor advertising structure without first obtaining the approval of the Planning Commission based upon the provisions of this section. Approval shall not be required for temporary non-electrical wall and non-electrical freestanding signs of less than thirty-two (32) square feet in area. (Examples of signs not requiring planning commission approval are real estate "for sale" signs and election campaign signs.)

3.19.5.2 Permits

The approval of the Planning Commission shall be evidenced by a permit issued by the Building Official. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the International Building Code. All standards in this section are minimum standards, greater restrictions or limitations may be imposed by the Planning Commission. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, and any other information reasonably required by the planning commission. A permit may be revoked and a sign removed pursuant to Section 3.29.1.7 if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

3.19.5.3 Sound or Emissions

No sign shall be designed for the purpose of emitting sound, smoke, or steam.

3.19.5.4 Movable, Freestanding Signs

Except as otherwise provided in this section, all movable, freestanding signs, including A-frame signs, are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.

3.19.5.5 Canopy Signs

Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet..

3.19.5.6 Violations

It is unlawful to erect or maintain a sign contrary to the provisions of this section. If a sign is erected or maintained in violation of this section the Planning Commission may do the following:

1. Order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the defect will bring the subject sign into compliance with the provisions of this section.

2. If correction of the defect will result in a violation of the provisions of this section, order that the subject sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not exceeding thirty (30) days.

3. If the owner of the sign contests the order of the Planning Commission, the remedy shall be an appeal to the Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this Code. If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the Town may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the Town shall be at the expense of the owner, and the Town may obtain judgment against the owner in an amount equal thereto, together with reasonable attorneys fees and costs.

3.19.6 Signs on Premises

Except as provided within the provisions of respective zoning districts, and unless otherwise expressly provided in this section, no sign shall be permitted which is not used exclusively to advertise the ownership, sale, or lease of property upon which the sign is placed, or to advertise a

business conducted, services rendered, goods produced or sold upon such premises, or to advertise or identify any other lawful activity conducted upon such premises.

3.19.7 Exceptions

This Chapter shall have no application to signs used exclusively for:

1. The display of official notices used by any court, public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.

2. Directional, warning, or information signs of a public or semi-public nature, directed and maintained by an official body or public utility.
3. Any sign of a non-commercial nature when used to protect the health, safety, or welfare of the general public.

4. Any official flag, pennant, or insignia of any nation, state, city, town, or other political unit.

3.19.8 Location Standards

All signs and outdoor advertising structures shall comply with the following location requirements:

1. No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.

2. No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines.

3. No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah or rules and regulations duly promulgated by agencies thereof.

4. No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten (10) feet.

3.19.9 Special Purpose Signs

In addition to any other permitted sign(s), signs for special purposes set forth in this Sub-Section shall be permitted as provided herein.

1. In all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Signs shall be limited to one (1) sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential zoning districts.

2. In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business, or industrial pursuit. These signs shall be situated at least two (2) feet inside the property line and shall not exceed ten (10) feet in height. Said sign shall not exceed an area of fifty (50) square feet and shall not be placed within a clear-vision area of a corner lot as set forth in this section.

3. Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building; architects, engineers, and construction organizations participating in the project; and such other information as may be approved by

the Planning Commission. In residential districts no such sign shall exceed thirty-two (32) square feet in area. In other districts, no such sign shall exceed an area of sixty-four (64) square feet, and no freestanding sign shall exceed twelve (12) feet in height. All such signs shall be removed before a final inspection is granted by the Building Inspector or an occupancy permit is issued.

4. Open-house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open-house. Such signs shall not exceed six (6) square feet.

5. In all districts, a church or quasi-public organization may erect one (1) wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five (5) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Wall signs shall not exceed an area of twenty-five (25) square feet, and may be mounted upon a freestanding, ornamental masonry, wood or stone wall.

6. One (1) development promotional sign may be placed on the premises of each subdivision having five (5) or more lots or approved dwelling units. The promotional sign may have an area of twenty four (24) square feet. A second development promotional sign may be placed on the premises of each subdivision, planned development, or condominium project having two (2) or more separate, major points of access and having fifty (50) or more lots or approved dwelling units. The above signs shall be removed no later than thirty (30) days following the sale of all lots or dwelling units in the development, and before a final inspection is granted by the Building Inspector.

7. One (1) name plate or marker shall be allowed for each dwelling to indicate only the occupant's name. Name plates shall not exceed two (2) square feet in area, and shall not contain an occupational designation.

3.19.10 Classification of Signs

Every sign erected or proposed to be erected within the Town shall be classified by the Planning Commission in accordance with the definitions of signs contained in this section. Any sign which does not clearly fall within the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of the Planning Commission.

3.19.11 Signs Permitted - Agricultural and Residential Zones

No sign shall be erected in any agricultural or any residential zones except as provided within the provisions of the respective zoning districts as established in this Code, except that certain special purpose signs may be erected in all zones in compliance with the provisions of section 3.29.5.

3.19.12 Signs Permitted in Public Facilities Zones

The signs described below are permitted on public property.

Nameplates not exceeding thirty-two (32) square feet placed upon a building which identifies the name and/or address of a structure or complex.

A sign or a monument identifying points of interest or building complex not exceeding thirty-two (32) square feet. The sign may be placed upon a suitable wall which identifies the name and address of the structure or complex, or be a freestanding sign five (5) feet or less in height.

Except as otherwise provided in this section, wall signs on public property shall comply with the following requirements:

1. Maximum area shall be thirty-two (32) square feet.

2. No part of any sign shall extend above the top of the wall upon which it is situated.

3. All signs, including any light box or structural part, shall not project more than twelve (12) inches from the front face of the building to which it is attached.

4. Pertinent freestanding signs over five (5) feet in height shall be allowed only with the issuance of a conditional use permit by the Planning Commission, and is subject to the conditions established therein. No sign shall not exceed a height of fifteen (15) feet.

5. No signs shall project over a property line, nor project into any required front yard.

6. Only indirect and diffused lighted signs are permitted on public property.

3.19.13 Signs Permitted in Commercial Zones

For each place of business or occupancy within a commercial zone, the following types of signs shall be permitted in conformance with the standards set forth:

i) One monument sign less than six (6) feet in height and sixty (60) square feet measured from the farthest extent of the sign to form a rectangle is allowed per commercial project. If a commercial project includes more than five (5) potential businesses the Planning Commission may approve a sign up to ten (10) feet in height and one hundred (100) square feet measured from the farthest extent of the sign to form a rectangle. Application for additional monuments signs in a commercial project will be considered a conditional use. The applicant must demonstrate that the additional sign(s) are necessary to the Planning Commission. In no case shall the Planning Commission approve more than one monument sign for a commercial project which has less than two hundred (200) feet of frontage on a publicly maintained street. All monument signs shall meet the following requirements:

   a) No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

ii) One wall sign not to exceed thirty (30) square feet measured from the farthest extent of the sign to form a rectangle is allowed on the wall facing the primary entrance to the commercial project. Except as otherwise provided in this section, every wall sign and painted wall sign in a commercial zone shall comply with the following requirements:

   a) No part of any sign shall extend above the wall upon which it is situated.

   b) No sign, including any light box or structural part, shall project more than twelve (12) inches from the face of the pan of the building to which it is attached.

3.19.14 Signs Permitted in the Light Industrial Zone

Signs permitted in The Light Industrial Zone shall include freestanding signs under five (5) feet, wall signs and painted wall signs, all in conformance with the following provisions:

i) One monument sign less than six (6) feet in height and sixty (60) square feet measured from the farthest extent of the sign to form a rectangle is allowed per industrial project. If an industrial project includes more than five (5) potential businesses the Planning Commission may approve a sign up to ten (10) feet in height and one hundred (100) square feet measured from the farthest extent of the sign to form a rectangle. Application for additional monuments signs will be considered a conditional use. The applicant must demonstrate that the additional sign(s) are necessary to the Planning Commission. In no case shall the Planning Commission approve more than one monument sign for a project which has less than two hundred (200) feet of frontage on a publicly maintained street. All monument signs shall meet the following requirements:

a) No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

ii) One wall sign not to exceed thirty (30) square feet measured from the farthest extent of the sign to form a rectangle is allowed on the wall facing the primary entrance to the project. Except as otherwise provided in this section, every wall sign and painted wall sign in an industrial zone shall comply with the following requirements:

a) No part of any sign shall extend above the wall upon which it is situated.

b) No sign, including any light box or structural part, shall project more than twelve (12) inches from the face of the pan of the building to which it is attached.

3.19.15 Signs Permitted in other Zones

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify zones as either: residential, agricultural, or commercial depending upon the similarity of the characteristics and permitted uses of the zone to those already classified. When such a classification has been made by the Planning Commission, the sign provisions applying to the respective classification shall apply to the zone.

3.19.16 Off-Premise Advertising Structures

3.19.16.1 Prohibition of New Off-Premise Signs

Except for off-premise public information and government signs meeting the size, shape, color, and other requirements described below, no permits shall be issued for the construction of off premise signs or outdoor advertising structures. All lawfully existing off-premise signs and outdoor advertising structures are non-conforming uses in all zones of the Town.

3.19.16.2 Public Information and Government Signs

Off-premise public information and government signs are permitted pursuant to this Section for the purpose of directing the traveling public to points of interest, historical sites, and other locations of interest, as approved by the Planning Commission.

3.19.16.3 Acquisition of Interests

The Town of Wallsburg may acquire title to off-premise non-conforming signs or outdoor advertising structures by gift, purchase agreement, exchange, or eminent domain, and shall have the right to amortize off-premise non-conforming signs as permitted by state or federal law.

3.19.17 Non Conforming Signs

All on-premise or appurtenant signs which have been made non-conforming by the adoption of provisions contained within this code shall be subject to the following regulations:

1. Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

2. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Code. Alterations shall also mean that changing of the text or message that the sign is conveying from a use of the premise to another use of the premise and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy on off-premise advertising signs, theater signs, outdoor billboards or other similar signs which are designed to accommodate changeable copy.

3. Non-conforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, or act of God, to the extent of more than sixty (60) percent of its assessed value shall, if repaired, be repaired or rebuilt in conformity with the regulations of this Code or shall be removed.

All off-premise signs which are made non-conforming uses by the provisions of this Code shall be subject to the following:

a) Any sign or portion thereof found or declared unsafe in a manner provided by law must be restored to a safe condition within thirty (30) days after the owner is given notice of the unsafe condition. Any sign not repaired as required and permitted by this section is unlawfully maintained and subject to the provisions of this section.

b) All off-premise signs and their supporting structures shall be kept in good appearance and condition with normal maintenance and repair (example: painting), but it shall be unlawful to reconstruct, raise, move, place, extend, or enlarge such signs or the structure supporting such signs. Any sign altered contrary to the provisions of this subsection is unlawfully maintained and subject to the provisions of this section.

c) A non-conforming off-premise sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the non-conforming use has been abandoned, the non-conforming use has substantially changed, or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to immediate revocation of its permit and removal pursuant to the provisions of this Code.

3.19.18 Definitions Pertaining to Signs

Please refer to Chapter 2, DEFINITIONS, for specific definitions relating to signs.

3.20 Technical Review

The Town Board and Planning Commission, which advises the Board on zoning matters, have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through the formation of a Technical Review Committee made up of experts in the field to review the permit and make recommendations to the Planning Commission and Town Board regarding conditions of approval. The town staff shall be appointed by the Planning Commission, with input of the Town Board when necessary and the members shall act as Town Staff to the Planning Commission.

The Committee may review a project as directed by the Planning Commission and submit a certificate of review with findings and concerns to the Commission prior to their adoption of conditions to the permit. Any appeal from the Committee's decision shall be reviewed by the Planning Commission. If necessary, the decision of the Commission may then be appealed to the Board of Adjustment, and ultimately to the courts.

This Committee may be formed on a case by case basis as the need arises and consist of the same members or additional and replacement members as necessary. The Committee may adopt administrative procedures as appropriate and the Committee derives its authority to meet and act under this section of this Code.

3.21 Right to Farm Provisions

Wallsburg has areas that have traditionally been agriculture. The Town Board places a high value on the protection and preservation of agricultural land. At the discretion of the Town Staff, developments that border an agricultural area, contain within them an agricultural or irrigation right-of-way or easement, or will contain an agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the conditional use process or subdivision process. This impact analysis shall be used to determine the impact(s) on associated farming and/or livestock operations affected by the development, and implement mitigation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

The developer is responsible for the performance of the analysis with the input and review by the Town. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development, and will apply appropriate conditions during the approval process to insure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the Town, taking into consideration practical land use applications and private property rights and concerns.

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Solutions may be developed as permit conditions and restrictive covenants or agreements:

1. Protection of irrigation access and maintenance of ditches and canals.
2. Safety and protection of the public from ditches, canals, ponds and drainage systems.
3. Livestock movement corridor protections and safety concerns.
4. Fencing safety (i.e. electrical, barb wire) and design.
5. Private property protection issues.
6. Hunting protection, access and livestock safety concerns.
7. Protection of farm equipment ingress and egress.
8. Erosion and soil protection and conservation concerns.
9. Drainage of the subdivision and designs to minimize the impact on agricultural lands and soils.
10. Noxious weeds, pests and pet (dog) controls in the subdivision.
11. Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements if necessary) that farm work hours run late and begin early and that farm operations may contribute to noises and odors objectionable to some subdivision residents.

12. Screening provisions and landscaping designs to reduce noise or visual impacts.

Any other provisions or concerns that the Planning Commission deems necessary to protect the rights to farm on adjoining or appurtenant properties.

Developers shall be responsible to inform future residents that agriculture is common within the town and certain sites and smells may be present. These provisions are not in any way intended to relieve an agricultural landowner of appropriate responsibility.

4. *Chapter 4 DUTIES, ROLES, and RESPONSIBILITIES of TOWN BOARD, PLANNING COMMISSION and BOARD of ADJUSTMENTS, and OTHER COMMITTEES, AS APPOINTED*

This chapter delineates the duties, roles, and responsibilities of the Town Board, Planning Commission, Board of Adjustment and any other committees appointed by the Town Board in relation of to this Development Code. This section may not include all functions performed by each of the governmental bodies listed above, but rather is limited to the scope of administering this Code.

Contents of this Chapter

4.1. THE TOWN BOARD OR LEGISLATIVE BODY, AND MAYOR 4-2
4.2. THE PLANNING COMMISSION 4-2
4.3. THE BOARD OF ADJUSTMENT 4-4
4.4. PLANNING STAFF AND BUILDING OFFICIAL 4-6
4.5. REQUIRED PERMITS 4-7
4.6. PENALTIES AND ENFORCEMENT 4-7

4.1. The Town Board or Legislative Body, and Mayor

The Wallsburg Town Board, hereinafter referred to as Town Board, Board, or Legislative Body shall have the following duties and responsibilities:

1. The Board shall adopt the Wallsburg General Plan and all elements of the Wallsburg General Plan.

2. The Board may initiate amendments to the text and maps of this Code, the General Plan, and all elements of the General Plan following the procedures listed in section 1.5 herein.

3. The Board shall approve, deny, or amend and approve applications for development approval following a recommendation from the Planning Commission after the commission has completed project review outlined in 4.2.7 herein.

4. The Board shall establish a fee schedule for applications for development approval, amendments to the text and/or maps of this Code, and all other approvals, permits, fees, and licenses required by this Code.

5. The Board shall designate and appoint a Zoning Administrator to decide routine and uncontested matters which otherwise would be heard by the Board of Adjustment.

6. The Board shall take other action not delegated to the Planning Commission or Board of Adjustment that may be necessary to implement the provisions of the Wallsburg General Plan and this Code.

7. The Mayor shall serve as the Chair of the Legislative Body and shall have all rights and responsibilities granted by state statute.

4.2. The Planning Commission

There is hereby created the Town of Wallsburg Planning Commission consisting of five members appointed by the Board. The Planning Commission, hereinafter referred to as the Planning Commission or Commission shall be organized and have the duties and responsibilities as indicated below.

4.2.1. Terms and Eligibility of Members

Each Member of the Planning Commission shall serve a term of three (3) years. Members shall be appointed in December of the year of the expiration of a current member. The terms shall be staggered so that no more than three (3) members shall be appointed at the same time. Terms expire on the last day of the year, but members on the Planning Commission shall continue to serve until their successors are appointed and qualify. The Board shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacated term. Members of the Planning Commission shall be residents of or own property in Wallsburg, and have resided or owned property within the Town for at least one year prior to being appointed. Members are deemed to have resigned when they move their residences outside the Town limits and sell all property within the Town. All Planning Commission members shall attend a Certified Citizen Planner Seminar presented by the Utah Local Governments Trust within six (6) months after being appointed to the Planning Commission.

4.2.2. Absence Deemed Resignation or Grounds for Removal

Any Planning Commission member who is absent, unexcused, from three (3) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings in a calendar year may be called before the Town Board and asked to resign or be removed for cause by the Board.

4.2.3. Duties and Responsibilities

The Wallsburg Planning Commission, hereinafter referred to as Planning Commission, Commission, or Administrative Body, organized in accordance to § 10-9-201 et. seq. of the Utah Code 1996, as amended, shall have the following duties and responsibilities:

1. To prepare a General Plan, any maps required by the plan, and amendments to the General Plan and recommend the plan or amendments to the plan to the Town Board.

2. To prepare this Development Code including zoning and subdivision regulations, any maps required by this Code, and amendments to this Development Code and recommend the code or amendments to the code to the Town Board.

3. Administer provisions of this Development Code as provided in this Code and approved by the Town Board.

4. Recommend approval or denial of subdivision and commercial applications in accordance to this Development Code.

5. Advise the Town Board on matters as the Board directs, and hear or decide any matters that the Board designates, including recommendations for approval or denial of Conditional Use Permits.

6. Exercise any other powers found in the adopted bylaws of the Planning Commission after approval by the Town Board, or powers that are necessary to enable the Commission to perform its function or those designated to the Commission by the Board.

7. To enter upon any land, under consideration for approval or which has been given a Conditional Use Permit, at reasonable times, to make examinations and surveys.

4.2.4. Planning Commission Chair

The Planning Commission shall elect a Chair, who shall serve a term of one year, at the first meeting of the Commission each year. The Chair will direct all commission meetings and may participate in any discussions, be counted for the purpose of forming a quorum, and shall vote according to the Planning Commission bylaws, as adopted and approved by the Town Board.

4.2.5. Town Staff

In order to assist the Planning Commission with its duties, the Commission may request the assistance of the Town Clerk, other employees, committees or agents of the Town. The Town Staff shall assist the Commission with technical matters may attend Commission meetings to assist and advise the Commission when necessary. The Planning Commission may appoint a secretary to keep minutes and post agendas of meetings and hearings. The secretary may be paid for services rendered as agreed upon by the Town Board.

4.2.6. Adoption of Bylaws

The Planning Commission shall adopt bylaws, which establish procedures for meetings and hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Planning Commission meetings are open to the public and will conform to the Utah Open Meetings Act. Notice will be provided for as per section 1.6 herein, and an annual meeting schedule will be posted and published at least once a year in a newspaper of general circulation.

The bylaws will also address the procedures for the keeping of records and minutes of meetings, which will be made available, upon request, to the public. Additionally, the bylaws will provide guidelines for findings of decisions and recommendations, requirements for a quorum, and voting procedures.

4.2.7. Planning Commission Project Review

The Planning Commission will review each application for compliance with all requirements and regulations of this Code including, but not limited to the following:

4.2.7.1. Town Comprehensive Planning and Zoning Review

The Planning Commission shall have the primary responsibility to initiate long-range planning for the Town, including adequate streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexations to the Town and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zones.

4.2.7.2. Recommendation of Subdivision Approval

The Planning Commission shall review all applications for subdivisions and commercial projects for compliance with the provisions of all applicable regulations and Chapters 5 and 6 of this Code.

Following such review the Commission will forward a recommendation for approval or denial of all applications.

4.2.8. Consent Agenda

Applications for approval of Home Occupations, Signs, and uncontested lot line adjustments may be placed on the consent agenda of the Planning Commission. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a Commission believes discussion of a particular item is in the best interest of the Town. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the developer requests the item to be tabled in order to prepare additional information to respond to concerns.

4.2.9. Review of Town Staff Actions

At any time, an interested party may request that Town Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Town Staff level on the matters at issue.

4.2.10. Plat Approval

The Commission shall review all plats to be recorded affecting land within the Town limits or annexations to the Town. The scope of review on plat approval is limited to finding substantial compliance with this Development Code, and that all previously imposed conditions of approval, whether imposed by the Town Staff or the Commission, have been satisfied. Upon finding that the plat is in compliance with all applicable federal and state laws and this code, and that conditions of approval have been satisfied, the plat must be signed by the Commission Chair. The Town Engineer, Town Attorney, Town Recorder, Town Board, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

4.2.11. Sensitive Lands Review

Any project containing designated sensitive lands, may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in Chapter 8 of this Code.

4.2.12. Right to Farm Review

Any project falling within the purview or scope of Section 3.21 of this Code, may be subject to additional requirements and regulations as outlined in the Right to Farm provisions.

4.3. The Board of Adjustment

In accordance with § 10-9-701 et. seq. of the Utah Code 1996, as amended, there is hereby created a Board of Adjustment, which shall consist of three (3) members. There may also be appointed one non-voting alternate member to vote when a regular member is absent or unable to vote due to a conflict of interest. Members shall be appointed by the Mayor with the advice and consent of the Town Board. All members of the Board of Adjustment shall reside in or be property owners within the Town limits, and are deemed to have resigned if they move their residence or sell their property located in the Town limits. The Board of Adjustment may be referred to herein as the Board of Adjustment, the Board, or the quasi-judicial body of the Town of Wallsburg.

4.3.1. Term of Office

Each member of the Board of Adjustment shall serve for a term of five (5) years starting in January and ending in December or until a successor is appointed. Members of the Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of any unexpired term.

4.3.2. Organization

The Board of Adjustment shall organize and elect a chair, and adopt bylaws.

4.3.3. Meetings

Meetings of the Board of Adjustment shall be determined by the Town in a manner that satisfies the workload of the Board and any appropriate State laws.

4.3.4. Hearings Before the Board of Adjustment

The Board of Adjustments is created to hear four classifications of cases as follows:

4.3.4.1. Variance Applications

Whenever any application or permit has been stayed or denied by the Planning Commission or Town Staff on the basis that approval of the requested permit or application would violate the provisions of this Code relating to set back, building height, side yard, lot size, site requirements, parking requirements, or some similar provision of this Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code. In all cases of variances before the Board, the applicant shall bear the burden of proof. In order to grant a variance the Board must find all of the following to be true of the application for a variance:

1. Literal enforcement of this Development Code would cause unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Code.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

5. The spirit of this Development Code is observed and substantial justice done.

6. In determining whether or not enforcement of this Development Code would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship exists unless the alleged hardship in located on or associated with the property for which a variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

7. The Board of Adjustment may not find an unreasonable hardship exists if the alleged hardship is self-imposed or economic.

8. The Board of Adjustment may not grant use variances

In exercising the above-mentioned powers the Board may, in conformity with the provisions of this Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

4.3.4.2. Modifications of Non-Conforming Uses

The Board shall rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and determine whether the use is non-conforming, a violation of this Code, or an allowable use within the zone. Non-conforming uses are addressed in Section 1.23 of this Code.

4.3.4.3. Appeals

The Board shall hear and decide appeals where any party with standing as defined in Section 1.16 of this Code alleges that there is an error in the interpretation or application of this code made by the Planning Commission or Town Board consistent with their powers and duties as defined in Utah Code Ann. § 10-9-704 et. seq.

4.3.4.4. Special Exceptions

The Board may hear applications for special exceptions to the terms of this Code which apply to variances, modifications of non-conforming uses, appeals and other matters upon which the Board is required to pass judgment under this Code.

4.3.5. Judicial Review of Board of Adjustment Decisions

The Town or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in the appropriate District Court provided petition for such relief is presented to the court within thirty (30) days after the filing of such Board decision with the Town Clerk. The Town Board may not over-ride a decision properly made by the Board of Adjustment.

4.3.6. Action Taken by the Board of Adjustment

1. Approval
    a) An appeal shall be approved only when the Board finds that all of the forms, procedures, and rules have been completed and fully complied with.
    b) To reverse any order, requirement, decision, or determination made in administering or interpreting the zoning ordinance by any administrative official or agency; or to decide in favor of any appellant who has been denied a permit or approval according to the terms of the zoning ordinance and who has requested a variance; it shall require the concurring vote of the majority of all members of the Board of Adjustment.
    c) When an appeal or request is approved, the Board shall enter into the official minutes the specific reasons for approval, any conditions or limitations of the approval, and the names of those voting for and against.
2. Denial
    If the decision of the Board of Adjustment is to deny an appeal or request, the Board shall enter into the official minutes the specific reasons for denial and the names of those voting for and against.

4.4. Planning Town Staff and Building Official

4.4.1. Town Planner

The Town planner shall, when deemed appropriate, recommend action to the Planning Commission, Board of Adjustment, and Town Board in order to enforce this Code or other land use related ordinances or regulations. The planner, under the supervision of the Mayor shall determine when violations exist, when a development is in substantial compliance with this Code, or when other enforcement actions should be taken. The planner shall also advise the Town and developers as to application, submission, compliance and procedural matters as related to this Code as well as the interpretation of code provisions.

4.4.2. Town Building Official

The Town Building Official shall operate under the supervision of the Mayor and is charged with zoning and other related enforcement duties of this code, as well as issuance, revocation and administration of building and occupancy permits as per this code and Uniform Building Codes in effect. The Building Official is also in charge of building or use inspections, and all building inspectors shall work under the direction of the Building Official. Applications for permitted uses shall be evaluated by the Building Official to determine if approval can be given as a permitted use or if questionable, the use may be conditional or require further study or attention. In the latter case, the application shall be referred to the planner and Planning Commission for further clarification or processing. The Building Official shall advise the Planning Commission and Town Board on all applicable zoning or land use matters.

4.5. Required Permits

4.5.1. Zoning and Building Permits

All structures exceeding 200 square feet require a permit. Single-story, detached accessory structures that are under 200 square feet do not require a permit. If you are building a structure under the square foot minimum, you should still check with the Wallsburg Town Planning Commission to verify that what you want to build will meet the setback requirements. Also, decks that are under the minimum square footage requirement but are 30 inches or more off the ground will require a permit. If you are unsure if the structure you are building requires a permit, please contact the Wallsburg Town Planning Commission to verify.

4.5.2. Occupancy Permit

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this Code and all related ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.

4.5.3. Inspection

The Town, or designated officials, shall, upon presentation of evidence of authority, have the right of access to any premises at reasonable times for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

4.5.4. Site Plan Required

Building and project plans submitted to the Town shall include a detailed site plan, drawn to scale, filed with the Town Building Official, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:

1. Name, address, and telephone number of builder and owner, scale, north arrow, lot lines and their dimensions, adjacent streets, roads, rights-of-way, ditches, easements and land uses.
2. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, fences, etc.), and existing utility line locations and sizes.
3. Existing and proposed grading, drainage, and landscaping plans.
4. Location of proposed construction and improvements, including location of all landscape elements, retaining walls, drainage works, and signs.
5. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location.
6. Necessary explanatory notes and other information which may be requested by the Town Building Official, Town Staff or in this Code.

4.5.5. Time Limit

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the planner or Building Official, the plan approval for a permitted use shall expire.

4.6. Penalties and Enforcement

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the Town, or by affected property owners in the manner set forth below:

4.6.1. Criminal Citations

The Building Official and other designated Town officials may, when there is probable cause to believe that construction has occurred in violation of this Code, issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the Town Board for such misdemeanor citations is not required.

4.6.2. Civil Actions

The Town, with the authorization of the Town Board, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Building Official, planner and other designated Town officials may recommend such actions at any time to the Town Board, provided that no civil proceeding shall be commenced without the specific authorization of the Board.

4.6.3. Third Party Actions

Individuals affected by zoning violations within Wallsburg shall have the right to maintain private actions to enforce this Code without joining the Town as a party.

4.6.4. Violations

Violations of this Code are Class "C" misdemeanors, and are punishable by a fine and/or imprisonment. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this Code if they had knowledge of the act committed, and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

5. Chapter 5 ZONE DISTRICTS and REGULATIONS

The regulations set forth in this chapter detail each of the Zone Districts and describe the various uses, both permitted and conditional allowed in each zone. Uses not expressly allowed as permitted or conditional use are not allowed in the zone.

Any applicant desiring a use not expressly allowed must complete the provisions for a Code amendment in accordance with Section 1.5 herein. Additionally, if a determination of whether a particular use is allowed in a zone, the applicant will apply for a written determination from the Town Board. The Board will discuss the use at the next Board meeting with adequate time to fully discuss the proposed use and will provide the applicant with a written determination. In no case shall the Town Board approve a use which is clearly not allowed in that zone without following the correct amendment procedure found in Section 1.5 herein.

Contents of this Chapter

5.0. DEFINITIONS 5-2
5.1. AGRICULTURE ZONE 5-3
5.2. RESIDENTIAL ZONES 5-6
R-1 ZONE 5-7
RA ZONE 5-10
5.3. COMMERCIAL ZONE 5-18
5.4. PUBLIC FACILITIES ZONE 5-21
5.5. LIGHT INDUSTRIAL ZONE 5-24
5.6. SENSITIVE LANDS OVERLAY ZONE 5-27

5.0. Definitions

For the purpose of this Chapter, the following terms shall have the meanings ascribed to them below. Where definitions differ from those in other chapters, the definitions in this section shall apply when interpreting zoning district regulations.

5.0.1. Accessory Building or Structure
A subordinate building or structure located on the same lot as the principal use, the use of which is incidental and customary to the principal building or use.

5.0.2. Agricultural Use
The use of land for the production of food, fiber, and plant materials, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

5.0.3. Animal Specialties/Exotic Animals
Animals not commonly kept as household pets or traditional livestock. This includes, but is not limited to, wild or non-domesticated species such as wolves, wolf-dog hybrids, large cats (e.g., lions, tigers, cougars), non-human primates (e.g., monkeys, apes), venomous reptiles, and other animals defined as exotic or dangerous under Utah law or by the Utah Division of Wildlife Resources. “Animal Specialties” may also include the keeping or raising of animals for commercial breeding, display, or sale when such animals are not typically used for agricultural production. Keeping of such animals shall be subject to applicable conditional use review and state and federal permitting requirements.

5.0.4. Building Envelope
The three-dimensional space on a lot within which a structure is permitted to be built, bounded by applicable setback, height, and other dimensional standards.

5.0.5. 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.

5.0.6. Dwelling Unit
One or more rooms in a residential building or mixed-use building designed for occupancy by one family for living purposes and containing independent cooking and sanitation facilities.

5.0.7. Lot Coverage
The percentage of the total lot area that is occupied by all buildings or structures, excluding driveways, patios, and uncovered decks.

5.0.8. Minimum Lot Area
The smallest allowable size of a parcel of land for development as specified by the zoning district.

5.0.9. Natural Grade
Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water.

5.0.10. Permitted Use
A land use that is allowed within a zoning district as a matter of right, subject to compliance with applicable regulations and standards.

5.0.11. Primary Structure
The principal building on a lot, usually housing the main use of the property, as distinguished from accessory structures.

5.0.12. Setback
The minimum required horizontal distance between a structure and a lot line, street, or other defined point, as measured perpendicular to the lot line.

5.0.13. Structure
Anything constructed or erected that requires location on the ground, including buildings, fences, walls, signs, and towers, but not including landscaping or agricultural crops.

5.0.14. Use
The purpose for which land or a building is arranged, designed, or intended, or for which it is or may be occupied.

5.0.15. Zoning District
A mapped area of the town in which certain land uses are permitted or conditional and which is subject to uniform regulations relating to use, height, area, and other standards.

5.1. Agriculture Zone

The Agriculture Zone, also known and referred to as the A-1 zone, is established to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the Town. The A-1 zone is intended to protect agricultural uses from encroachment of urban development until such time as residential or commercial uses in such areas become necessary and desirable by the Town, if ever. Uses permitted in the A-1 zone, in addition to agricultural uses, should be incidental thereto and should not change the basic agricultural character of the zone. Clustering of homes is encouraged to maximize the amount of open and usable agricultural space. Conversion of the A-1 zone to zones allowing urban uses should be accomplished in an orderly and careful manner following the General Plan, while minimizing "leapfrog" development patterns in agricultural areas. Any rezoning of A-1 land to a more intensive use shall follow the process established in the General Plan and comply with Utah Code Title 10, Chapter 9a.

5.1.1. Permitted Uses
The following characteristic uses of land are permitted in the AG-1 zone:

1. Single-Family Dwellings - Detached.
2. Residential Accessory Structures.
3. Fruit and vegetable stands for the selling of farm products which are grown on the premises, not to exceed six hundred (600) sq. ft. in area and limited to one stand per lot.
4. Home Occupations as regulated by the business license procedures of the Town and this Code.
5. Agriculture activities (except animal specialties and exotic animals) and the following industries (which do not qualify as a Feed Yard as defined by the Board): dairy farm, poultry, fowl and game birds (accessory buildings shall be a minimum of two hundred (200) feet from any residential zone).
6. Household pets.
7. Nurseries (trees, flowers, shrubs, bedding plants, etc.).
8. Non-Commercial Storage Buildings.

9. Contractor's/Agricultural equipment storage yard as per regulations for such in this Code. Repair shops shall require a conditional use permit and shall be located at least two hundred
(200) feet from any residential home.

5.1.2. Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the A-1 zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9a-520 et. seq. and § 10-9-605 et. seq. of the Utah Code, as amended.
2. Nursery, primary and secondary educational schools.
3. Religious structures and activities.
4. Equestrian facilities, riding academies, schools and accompanying stables.
5. Kennels.
6. Accessory apartments as defined in section 5.2.3.3 and (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home) not to exceed 1,000 sq. ft. and not to exceed the size of the main dwelling in total living area.
7. Welding, blacksmith, auto body repair, auto repair, and maintenance shops.
8. Coal and firewood yards.
9. Hospitals and clinics.

All conditional use permits shall be evaluated based on potential impacts on agricultural activities, infrastructure capacity, and neighborhood compatibility.

5.1.3. Lot Area and Density

Applicants for subdivision approval in the A-1 zone are entitled to one (1) unit per twenty (20) acres. Lots or parcels should be arranged in a manner that encourages the retention of open and usable agricultural land. Although clustering of lots is not required, if the applicant chooses not to cluster, evidence and information as to why the lots or parcels will not be clustered should be provided to the Planning Commission. Lots or parcels created under the provisions of this code in the A-1 zone shall contain a minimum of twenty (20) acres. All areas not included in lots must be preserved as agricultural or open space.

Open and usable land created by the clustering of lots or parcels shall be clearly indicated on the subdivision plat and all recorded deeds of the subject property. Deed restrictions, donation of land to an approved land trust or the Town, or other development restrictions must be satisfactory to the Planning Commission and Town Board. Development of land designated as open and usable land will require, at a minimum, a plat amendment and possibly a zone change either of which may be denied by the Town.

5.1.4. Lot Frontage

All lots developed for residential use in the A-1 zone shall abut along the right-of-way line of a public street for a minimum distance of three hundred and thirty (330) feet. No more than eight (8) homes may be constructed on a street with only one point of ingress or egress in the A-1 zone. All streets must be constructed in such a manner that emergency service vehicles can operate properly upon them and shall be constructed to Town Standard Engineering Specifications including required widths and right of way.

5.1.5. Prior Created Lots of Record

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code and Utah Code § 10-9a-511 shall not be denied a building permit solely for reason of non-conformance with the parcel or density requirements of this Chapter and are declared a non-conforming use under this Code or Utah Code § 10-9a-511.

5.1.6. One Dwelling Per Lot

Not more than one (1) primary single-family dwelling may be placed upon a lot or parcel of land in the A-1 zone. One (1) internal accessory apartment may be allowed in compliance with the Town's ADU ordinance and Utah Code § 10-9a-530.

5.1.7. Yard Requirements for Dwellings and Main Buildings

The following yard setback requirements for dwellings and main buildings shall apply on all lots in the A-1 zone:

5.1.7.1. Front Yard Set Back

The minimum front yard setback for all buildings in the A-1 zone shall be thirty (30) feet from the right of way, including any deck more than eight (8) inches above the finished grade.

5.1.7.2. Side Yard Set Back

The minimum side yard setback for all buildings on interior lots in the A-1 zone shall be twelve (12) feet.

5.1.7.3. Side Yard Set Back on Corner Lots

The minimum side yard setback for all buildings on corner lots in the A-1 zone shall be twelve (12) feet on the side adjoining another lot and thirty (30) feet on the side adjoining the street.

5.1.7.4. Rear Yard Setback

The minimum rear yard for all buildings in the AG-1 zone shall be thirty (30) feet.

5.1.7.5. Easements

No dwelling, main building or street shall be located within a platted easement area of any kind.

Yard Setback Requirements for Dwellings and Main Buildings	
Setback Type	Requirement
Front Yard	30 ft. (from ROW), includes any 8-inch deck.
Side Yard (Interior Lot)	12 ft.
Side Yard (Corner Lot)	12 ft. (side adjoining lot), 30 ft. (side adjoining street).
Rear Yard	30 ft.
Easements	No dwellings, buildings, streets allowed.

5.1.8. Yard Requirements for Accessory Buildings

The following yard setback requirements for accessory buildings shall apply on lots in the A-1 zone:

5.1.8.1. Front Yard Setback

The minimum front yard setback for all accessory buildings in the A-1 zone shall be thirty (30) feet including any deck more than eight (8) inches above the finished grade.

5.1.8.2. Side Yard Setback

An accessory building may be in a side yard no closer than eight (8) feet from the side property line and no closer than six (6) feet from the dwelling or main building, except

that an accessory building may not be in the required street side yard of a corner lot.

5.1.8.3. Rear Yard Setback

An accessory building may be in a rear yard no closer than eight (8) feet from the dwelling or main building, or rear property lines.

5.1.8.4. Animal Accessory Buildings

Accessory buildings used for the housing or shelter of animals shall be located at a minimum distance of fifty (50) feet from any dwelling or proposed dwelling.

5.1.8.5. Easements

No permanent structure shall be located within a platted easement area of any kind.

Yard Setback Requirements for Dwellings and Main Buildings	
Setback Type	Requirement
Front Yard	30 ft. (from ROW), includes any 8-inch deck.
Side Yard (Interior Lot)	12 ft.
Side Yard (Corner Lot)	12 ft. (side adjoining lot), 30 ft. (side adjoining street).
Rear Yard	30 ft.
Easements	No dwellings, buildings, streets allowed.

5.1.9. Projections into Yards

The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this Code or other Town ordinances. No fence or wall, which is sight obscuring, shall exceed four (4) feet in the required front yard setback nor shall any fence exceed six (6) feet anywhere on the lot unless the applicant applies for and receives a Conditional Use Permit in accordance with Section 1.14 herein.

2. Landscape elements, including trees, shrubs, agricultural crops and other plants in conformance with this Code or other Town ordinances.

3. Necessary appurtenances for utility service.

5.1.10. Building Height

No lot or parcel of land in the Agricultural Zone shall have a building which exceeds a height of thirty (30) feet, except that silos, windmills, and other agricultural related accessory structures not used for human occupancy may exceed thirty (30) feet in height, measured vertically, at any point. All structures over thirty (30) feet will require a Conditional Use Permit.

5.1.11. Parking and Access

Each lot or parcel on which a single-family dwelling is located shall have on the same lot or parcel a minimum of two (2) off-street parking spaces.

5.1.12. Trash and Waste Storage

No used materials wrecked or non-operational, or abandoned vehicles or equipment shall be stored in an open yard. All such materials must be screened from public streets and adjacent property and shall require a conditional use permit. No trash, hazardous materials, chemicals, or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public.

5.2. Residential Zones

5.2.1. R-1 Residential Zone

The R-1 Residential Zone was established to provide a residential environment within the Town which is characterized by attractively landscaped single family residential lots. The R-1 Zone is intended to conform with the General Plan but is not intended to be an agricultural zone although limited animal rights are preserved and development is intended to occur at relatively low densities.

5.2.1.1 Permitted Uses

The following characteristic uses of land are permitted in the R-1 Residential Zone:

1. Single family dwellings and Manufactured Homes, detached. Manufactured homes must meet HUD standards and permanent foundation requirements per Utah Code § 15a-2-104.

2. Residential accessory structures.

3. Home Occupations, as regulated by this Code (see Supplementary Regulations) and Town business license regulations, including childcare of less than eight (8) children.

4. Parks, trails and other recreational facilities.

5. Household pets (limited to three (3) animals, more than three (3) may be allowed as a conditional use).

6. Typical domesticated farm animals, limited to 100 animal points per acre used exclusively for their care and keeping. The keeping of animals must conform to animal point limitations as outlined below. Exceeding point limits constitutes a violation unless a Conditional Use Permit is obtained.

Horses, Cattles	40 points
Llamas, Sheep	20 points
Chickens	5 points

*Animals not specifically listed may be approved upon review by the Planning Commission. Any such use which is found to be a nuisance due to noise, odor, cleanliness or other health concern shall be required to obtain a conditional use permit.

5.2.1.2 Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the R-1 Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9a-520 et. seq. and § 10-9-605 et. seq. of the Utah Code, as amended.

2. Nursery, primary, secondary and higher education, including childcare in single family dwellings for eight (8) to sixteen (16) children.

3. Religious structures and related activities.

4. Large playgrounds and athletic areas.

5. Accessory apartments as defined in section 5.2.3.3 and (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home) not to exceed 1,000 sq. ft. and not to exceed the size of the main dwelling in total living area.

5.2.1.3 Lot Area, Density and Open Space

The minimum area of any single lot or parcel is 43,560 sq. ft. (1 acre). Density calculation shall be calculated after the required easements and rights-of-way have been platted from the original acreage.

5.2.1.4 Lot Frontage

Each lot or parcel of land located in the R-1 zone shall abut along the right-of-way line of a public street for a minimum distance of ninety-nine (99) feet, lots on a cul-de-sac shall abut the right-of-way for a minimum of 35 feet at the property line (flag-lots are prohibited). No more than twelve (12) homes may be constructed on a street with only one point of ingress or egress in the R-1 zone, with a maximum length of 600 feet for a permanent dead end (1200 feet for temporary dead-ends). All streets must be constructed in such a manner that emergency service vehicles can operate properly upon them and shall be constructed to Town Standard Engineering Specifications including required widths and right of way

5.2.1.5 Lots of Record

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared a Non-Conforming Use in accordance with Section 1.23 herein.

5.2.1.6 One Dwelling Per Lot

Not more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone. One (1) internal accessory apartment may be allowed in compliance with the Town's ADU ordinance and Utah Code § 10-9a-530.

5.2.1.7 Yard Requirements - Dwellings and Main Buildings

The following yard setback requirements shall apply to all lots in Residential Zones:

a. Front Yard and Side Street Setback

The minimum front yard and side street setback for all buildings in Residential Zones shall be thirty (30) feet from the property line or 60 feet from the centerline of the right-of-way, whichever is greater.

b. Side Yard Setback

The minimum side yard for all buildings on interior lots in the R-1 zone shall be twelve (12) feet.

c. Rear Yard Setback

The minimum rear yard for all buildings in Residential Zones shall be thirty (30) feet.

Yard Setback Requirements for Dwellings and Main Buildings	
Setback Type	Requirement
Front Yard	30 ft. (from property line) or 60 ft. (from centerline of ROW) whichever is greater.
Side Street	30 ft. (from property line) or 60 ft. (from centerline of ROW) whichever is greater.
Side Yard (Interior Lot)	12 ft.
Rear Yard	30 ft.

5.2.1.8 Setback for Accessory Buildings

An accessory building, allowed by this Code, shall be located no closer than three (3) feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.

Accessory buildings used for the housing or shelter of animals shall be located at a minimum distance of forty (40) feet from any dwelling.

Yard Setback Requirements for Accessory Buildings	
Setback Type	Requirement
Side and Rear Yard	3 ft. (from side/rear property lines).
Front and Side Street Yard	Not permitted.
Roof Drainage	Must be retained on site.
Animal Accessory Buildings	40 ft. (from existing/proposed dwelling).

5.2.1.9 Projections into Yards

The following structures may be erected on or projected into any required yard:

a. Fences and walls in conformance with this Code.

b. Landscape elements including trees, shrubs, agricultural crops and other plants.

c. Necessary appurtenances for utility service.

The structures listed below may project into a minimum front or rear yard not more than four (4) feet and into a minimum side yard not more than two (2) feet. See the Supplemental Regulations for more detailed regulations:

a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

b. Fireplace structures and bays, if they are not wider than ten (10) feet measured generally parallel to the wall of which they are a part.

c. Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers.

d. Planting boxes.

5.2.1.10 Height and Building Location

No lot or parcel of land in the Residential Zones shall have a building which exceeds a height of thirty (30) feet, measured vertically from natural grade, at any point. No structure can have an exposed face exceeding 30 feet at any point.

a. Buildings cannot exceed the ridgeline. Proof of elevations must be present during plan review for comparison of surrounding ridge(s). The highest elevation of any structure must be 10 feet below designated ridgeline elevation as determined in Wallsburg Town Ridgeline and Slopes map. The Wallsburg Town Planning Commission reserves the right to request additional information as it pertains to the ridgelines.

b. Buildings on lots with 30% slopes and above will not be considered. Lots with 20%-29% slopes will be considered on case-by-case basis. If the structure is on a slope that is 10% or greater, the maximum building height cannot exceed 20 feet from natural grade at any point, measuring vertically. Concerns to slope, as determined by the Wallsburg Town Planning Commission, will be required to be mitigated by the property owner in regard to water pressure, water shed, utilities, emergency access, drainage, run off, and/or any other concerns as identified.

5.2.1.11 Parking and Access

Each residential dwelling unit is required to provide off-street parking for at least two (2) automobiles.

5.2.1.12 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

5.2.1.13 Location of Boats, Trailers, Campers, and Motor Homes

Boats, trailers, campers and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot in excess of twenty four (24) hours, except that a vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to fourteen (14) consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to (14) consecutive days per calendar quarter.

5.2.1.14 Storage of Commercial Vehicles

No trucks, motor vehicles or commercial trailers having a registered weight exceeding twelve thousand (12,000) pounds shall be stored or parked on any lot or parcel within the R-1 zone.

5.2.1.15 Trash and Waste Storage

No trash, used materials, wrecked, or non-operational, non-licensed or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All trash storage areas shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

5.2.2 RA - Residential Agricultural Zone

The RA Residential Agricultural Zone is established to provide areas where single family residential development and associated uses may be harmoniously integrated with agricultural pursuits. This zone is intended to conform with the General Plan and allow the keeping of farm animals in conjunction with single-family dwelling units yet retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces.

5.2.3.1 Permitted Uses

The following characteristic uses of land are permitted uses in the RA-1, Residential Agricultural Zone:

1. Single family dwellings and manufactured homes - detached.
2. Residential accessory structures.
3. Home Occupations, as regulated by this Code (see Supplementary Regulations) and Town business license regulations, including childcare of eight (8) children other than members of the family residing in the dwelling.
4. Parks, trails and other recreational facilities.
5. Field and Seed Crops and related activities.
6. Orchards and Vineyards.
7. Typical domesticated farm animals, limited to 100 animal points per acre used

exclusively for their care and keeping. The keeping of animals must conform to animal point limitations as outlined below. Exceeding point limits constitutes a violation unless a Conditional Use Permit is obtained.

Horses, Cattles	40 points
Llamas, Sheep	20 points
Chickens	5 points

*Animals not specifically listed may be approved upon review by the Planning Commission. Any such use which is found to be a nuisance due to noise, odor, cleanliness or other health concern shall be required to obtain a conditional use permit.

8. Household pets.

9. Pasture and range land.

5.2.3.2 Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the RA-1 Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9a-520 et. seq. and § 10-9-605 et. seq. of the Utah Code, as amended.

2. Accessory apartments as defined in section 5.2.3.3 and (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home) not to exceed 1,000 sq. ft. and not to exceed the size of the main dwelling in total living area.

3. Nursery, primary, secondary and higher education, including child care in single family dwellings for eight (8) to sixteen (16) children.

4. Religious structures and related activities.

5. Large playgrounds and athletic areas.

6. Outdoor Commercial Recreation.

5.2.3.3 ACCESSORY DWELLING UNITS

The regulations contained in this Ordinance shall be known and may be cited as "Accessory Dwelling Unit Regulations" of Wallsburg Town (the "Town") and its Land Use and Development Code.

1. PURPOSES AND OBJECTIVES

For the purposes and objectives of this Ordinance, External Accessory Dwelling Units ("EADUs") shall not currently be permitted within the Town. However, the Town recognizes that Internal Accessory Dwelling Units ("IADUs") in zones that allow single-family residence can be an important tool in the overall housing plan for the Town. The purposes and objectives of this ordinance are to:

A. Meet community demands and provide residential accommodation for extended family residents and long-term renters with reasonable limitations on their use and impact on neighboring properties and neighborhoods.

B. Develop housing units in single-family neighborhoods that are appropriate for people

at a variety of stages in life.

C. Provide additional affordable housing opportunities.

D. Preserve the character of single-family neighborhoods by providing standards governing the development of IADUs.

2. GENERAL REGULATIONS

Except as provided in this Ordinance, no IADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations specified herein in the zone in which it is located. All IADUs hereafter created in the Town shall comply with the current standards of the International Building Code and all other codes and ordinances adopted by the Town. All IADUs shall be maintained in good condition. No person may engage in erecting, altering, relocating, or constructing IADUs without a valid Utah contractor's license and valid business license. EADUs are currently not allowed in the Town.

3. DEFINITIONS

External Accessory Dwelling Unit (EADU): An EADU is a self-contained dwelling unit located on an owner-occupied property that is in a detached building which maintains complete independent living facilities for one or more people, including permanent provisions for living, sleeping, eating, cooking, and sanitation including a separate kitchen.

Internal Accessory Dwelling Unit (IADU): An IADU is a self-contained dwelling unit within or attached to a single-family residential building which maintains complete independent living facilities for one or more people and includes permanent provisions for living, sleeping, eating, cooking, and sanitation including a separate kitchen.

Owner Occupancy: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by adequate documentation such as voter registration, vehicle registration, driver's license, county assessor's records, or similar and approved means.

4. ZONING AND DEVELOPMENT STANDARDS

The following standards govern the development and use of IADUs in the Town:

A. Currently, EADUs or detached dwelling units shall not be permitted in the Town. The dwelling unit must, at a minimum, share a substantial portion of a wall with the primary dwelling unit.

B. IADUs shall be permitted uses in all Zones where single-family dwellings are permitted including R-1 - Residential Zone and RA – Residential Agricultural Zone.

C. IADUs shall not be allowed on any parcel except those containing a single-family dwelling.

D. A maximum of one IADU shall be allowed on any one parcel. This shall include basement rentals, caretaker apartments, and other units of similar nature.

E. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or IADU as their permanent residence. Applications for an IADU shall include evidence of owner occupancy as defined in this Ordinance.

F. IADUs shall not be sold separately from the main unit and shall not be used as a short-term rental (for periods of less than thirty (30) days).

G. The design and size of any IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

H. Any construction or remodeling shall conform with all applicable standards and necessary approvals in effect at the time of the construction or remodeling. This includes approval from the Wasatch County Health Department.

I. Any home or dwelling unit that has been sectioned off so any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and a kitchen, regardless of the relationship of the occupants, is prohibited unless it meets all the requirements of this section.

J. Adequate off-street parking must be provided for the IADU.

5. LOCATION

An IADU may be created:

A. Within a single-family residential building or attached garage through an internal conversion of the structure maintaining an internal connection between living areas; or

B. By an addition to a single-family residential building which shares a wall between the IADU and the principal part of the dwelling unit.

6. UTILITIES

A single-family residential building with an IADU shall have no more than one meter for each water, electricity, and gas utility service, and each meter shall be in the property owner's name. The property owner shall be responsible for payment of all utilities provided by the Town.

7. OCCUPANCY

Either the primary dwelling unit or the IADU shall be occupied by a full-time resident property owner as shown on the Wasatch County tax assessment rolls. The occupancy requirement may also be met by a full-time resident who is a beneficiary of a trust or an estate that owns the property.

8. EXCEPTION TO OWNER OCCUPANCY

Owner occupancy shall not be required:

A. When the owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception);

B. When the owner is living in a hospital, nursing home, assisted living facility, or other similar facility; or

C. Within one year of the death of the owner of the property.

9. RECORDING

Property owners must report through an Affidavit and Notice that their home contains an IADU to the Town offices/Town clerk for recording. The Town may request evidence that the IADU complies with the purposes and requirements of the Town zoning ordinances. The Town's Building Official, or other designated and qualified representatives, may inspect the dwelling to ensure compliance. However, burden of proof shall be on the property owner to allow a primary residence to add or begin renting an IADU. Upon sale of the property, the new owner shall be required to sign and record a new Affidavit and Notice to the Town offices/Town clerk for recording.

5.2.3.4 Short Term Rentals (STR)

1. PURPOSE

This ordinance is established to provide regulations for Short-Term Rentals (STRs) related to residential neighborhoods. These regulations seek to allow STRs in approved lodging

facilities while also protecting the safety and general welfare of Wallsburg residents and preserving the residential character of neighborhoods. This ordinance also intends to stabilize neighborhoods by promoting home ownership and preserving long-term rental housing in the market.

2. Short-Term Rental (STR) Definition.

A Short-Term Rental (STR) is a residential unit or portion thereof rented for less than 30 consecutive days (per Utah Code §10-8-85.4). STRs are currently prohibited in Wallsburg in all residential dwellings and residential districts. The following are exempt and shall not be subject to the provisions of this ordinance:

A. A residential lease of 30 or more consecutive days.

B. Hotels, motels, RV parks, campgrounds, and bed-and-breakfast establishments licensed and zoned for transient occupancy.

3. General Standards and Requirements.

A. Permitted STR Locations:
   1. As previously referenced, STR operations are allowed only in licensed hotels, motels, RV parks, campgrounds, and bed-and-breakfast establishments within commercial or designated lodging zones.

   2. Any of the exempted STR operations above requesting approval for operation in zones not considered commercial or designated lodging must go through the Conditional Use process.

B. Zoning Enforcement:
   1. Residential zones are strictly reserved for long-term occupancy. No business licenses for STRs will be issued in these areas unless a Conditional Use Permit is approved.

C. Transient Room Tax:
   1. All STR operations are subject to any Transient Room Tax adopted by the Town and must pay these taxes according to Utah law.

4. Advertising.

This ordinance does not restrict or prevent individuals from advertising STR properties. Furthermore, advertising alone cannot be used as evidence of an STR violation. As provided later in this ordinance, additional data collection, public complaint mechanisms, and investigation processes shall determine non-compliance.

5. Enforcement Tools.

Wallsburg may use various methods to verify compliance with this ordinance. Upon a determination that a violation exists, the Code Enforcement Officer, Police Officer, or other qualified designee, will contact the owner of the property requiring said owner to halt, eradicate, remove, or otherwise cure the violation within 48 hours, or such later time the Officer, or qualified designee, may determine.

A. Data Collection:
   1. The Town may scrape public data from STR platforms to identify local properties being advertised for short-term stays.

   2. While Utah law prohibits using advertising alone as evidence of a violation, this data can serve as a starting point for further investigations.

   3. Staff may track booking trends, including occupancy rates and durations, to detect properties that may be operating as unauthorized STRs.

4. Staff may compare advertised amenities, locations, and images with known residential properties to flag potential matches.

5. The Town may cross-reference flagged properties with business license records, county tax records, and zoning approvals to confirm compliance or identify violations.

6. Staff may generate reports to help enforcement officers prioritize investigations and allocate resources efficiently.

B. Public Complaint Mechanisms:

1. User-friendly public reporting methods will empower residents to participate in ordinance enforcement.

2. The Town may maintain an accessible link on its website where residents can submit complaints about suspected illegal STR operations.

3. A dedicated phone number shall be made available for urgent complaints, ensuring rapid response when necessary.

4. Optional anonymity will be allowed for complainants to encourage reporting without fear of retaliation.

C. Investigation Process:

1. Data collection and complaints will trigger initial reviews by the Code Enforcement Officer, Police Officer, or qualified designee.

2. Data collection and complaints may lead to property inspections, interviews with neighbors, and further data gathering.

6. Penalties for Non-Compliance

A. First Violation:

1. A written warning shall be given to the property owner accompanied by education on STR ordinance requirements.

B. Second Violation:

1. A $500 fine will be issued on the property owner along with a requirement for immediate cessation of illegal STR activity; and

2. A pre-lien will be placed on the property.

C. Third and Subsequent Violations:

1. $1,000 fine per day of continued violation.
2. Potential legal action, including court-ordered injunctions.
3. Attorney fees for any legal action shall be paid by violators of this ordinance.

7. Community Involvement

The Town may choose to conduct periodic workshops or public meetings to educate residents on how to recognize and report illegal STRs. Updates on enforcement may also be shared with the community at times to maintain transparency and build trust.

5.2.3.5 Minimum Lot Area/Density

The minimum Lot size shall be five (5) acres.

5.2.3.6 Lot Frontage

The minimum lot frontage shall be two hundred (200) feet. No more than eight (8) dwelling units may be constructed on a street with only one point of ingress and egress in the RA zone, with a maximum length of 800 feet for a permanent dead-end street.

5.2.3.7 Lots of Record

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared a Non-Conforming Use in accordance with Section 1.23 herein.

5.2.3.8 Yard Requirements - Dwellings and Main Buildings

The following yard setback requirements shall apply on all lots in the RA Zone:

a. Front Yard and Side Street Setback

The minimum front yard and side street setback shall be thirty-five (35) feet from the front property line or sixty-five (65) feet from the centerline of the right-of-way, whichever distance is greater.

b. Side Yard Setback

The minimum side yard for all buildings on interior lots in the RA zone shall be twelve (12) feet.

c. Rear Yard Setback

The minimum rear yard for all buildings in the RA Zone shall be thirty (30) feet from property line.

Yard Setback Requirements for Dwellings and Main Buildings	
Setback Type	Requirement
Front Yard and Side Street	35 ft. (front property line) 65 ft. (centerline of right-of-way) whichever is greater.
Side Yard (Interior Lot)	12 ft.
Rear Yard	30 ft. from rear property line.

5.2.3.9 Setback for Accessory Buildings

a. An accessory building, allowed by this Code shall be located no closer than three (3) feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.

b. Accessory buildings used for the housing or shelter of livestock shall be located a minimum distance of forty (40) feet from any dwelling.

Yard Setback Requirements for Accessory Buildings	
Setback Type	Requirement
Side and Rear Yard	3 ft. (from side/rear property lines).
Front and Side Street Yard	Not permitted.
Roof Drainage	Must be retained on site.
Animal Accessory Buildings	40 ft. (from existing/proposed dwelling).

5.2.3.10 Projections into Yards

The following structures may be erected on or projected into any required yard:

a. Fences and walls in conformance with this Code.

b. Landscape elements including trees, shrubs, agricultural crops and other plants.

c. Necessary appurtenances for utility service.

The structures listed below may project into a minimum front or rear yard not more than four (4) feet and into a minimum side yard not more than two (2) feet. See the Supplemental Regulations for more detailed regulations:

a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

b. Fireplace structures and bays, provided that they are not wider than ten (10) feet measured generally parallel to the wall of which they are a part.

c. Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers.

d. Planting boxes not exceeding twenty-four (24) inches in height.

Permitted Projections into Required Yards			
Structure/Feature	Front/Rear Yard	Side Yard	Additional Notes
Cornices, eaves, belt courses, sills, buttresses, or similar architectural features.	4 ft.	2 ft.	See Supplemental Regulations for more details.
Fireplace structures, bays.	4 ft.	2 ft.	Must not exceed 10 ft. in width.
Stairways, balconies, door stoops, fire escapes, awnings, porches, and patio covers.	4 ft.	2 ft.	-
Planting boxes.	4 ft.	2 ft.	Must not exceed 24 inches in height.

5.2.3.11 Height and Building Location

Building shall be limited to a height of thirty (30) feet, measured from natural grade to the highest point. No structure can have an exposed face exceeding 30 feet at any point. Heights between thirty and forty feet may be approved by conditional use permit.

5.2.3.12 Parking and Access

Each residential dwelling unit is required to provide off-street parking for at least two (2) automobiles.

5.2.3.13 Landscaping

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

5.2.3.14 Location of Boats, Trailers, Campers, and Motor Homes

Boats, trailers, campers and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot in excess of twenty four (24) hours, except

that a vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to fourteen (14) consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to (14) consecutive days per calendar quarter.

5.2.3.15 Trash and Waste Storage

No trash, used materials, wrecked, or non-operational, unlicensed or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All trash storage areas shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials,

chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

5.3. Commercial Zone

The Commercial Zone, hereinafter also referred to as the C-1 Zone, is established to encourage commercial and retail development. The intent of the C-1 Zone is to support the economic goals of the Town's General Plan and allow commercial uses that enhance local character and meet residents' daily needs. Businesses that provide services directly to the residents of Wallsburg will be highly encouraged. Transportation and other concerns may limit the types of businesses approved in the C- 1 Zone. The provisions contained herein shall establish greater integrity and aesthetic improvements as these areas are developed and improved. All new construction shall demonstrate integrated and coordinated landscaping, parking, ingress, egress, signing and building design. New construction should be in harmony with the characteristics of the surrounding developed commercial and residential areas. The uses characteristic of this zone will be small retail and service stores and shops. Parking must conform to Section 3.28 herein and is encouraged to be located behind the building.

Special approval procedures, landscaping requirements and design guidelines are applicable in the C-1 Zone. These regulations can be found in Chapter 7 herein.

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited. All commercial activities must also comply with Utah Department of Environmental Quality requirements.

5.3.1 Permitted Uses

The following general use categories are permitted uses in the C-1 zone:

1. Office buildings, commercial and retail shops smaller than twenty thousand (20,000) square feet.

2. Barber shops and hair salons.

3. Restaurants and other eating establishments, except that drive through restaurants and similar fast-food businesses require a Conditional Use Permit in accordance with Section 1.14 herein.

4. Banks and other financial institutions.

5. Gas stations, except that any repair shops require a Conditional Use Permit in accordance with Section 1.14 herein.

6. Trails and recreational facilities.

7. Contractor's equipment storage yard as per regulations for such in this Code. Repair shops shall require a conditional use permit.

5.3.2 Conditional Uses

The following general use categories require a Conditional Use Permit in the C-1 zone in accordance with Section 1.14 herein:

1. Retail grocery stores larger than twenty thousand (20,000) square feet.

2. Office buildings, commercial and Retail stores larger than twenty thousand (20,000) square feet.

3. Drive through restaurants and fast-food businesses.

4. Auto repair shops, welding, and blacksmiths shops.

5. Hospitals and clinics.

6. Schools and other educational institutions.

7. Single family dwellings with lot size and setbacks to be set as conditions.

8. Rental Storage Sheds.

9. RV Parks and Campgrounds

The Town shall approve a conditional use permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. Conditional uses must also comply with Utah Code § 10-9a-507.

5.3.3 Permitted Accessory Uses

Accessory uses and structures are permitted in the C-1 Zone provided they are incidental to, and do not alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily incidental to a principal use or structure permitted in the C-1 Zone.

2. Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period. Otherwise, outdoor storage is not a permitted accessory use unless explicitly approved and screened.

5.3.4 Lot Area

Minimum lot area requirements in the C-1 Zone shall be determined based on site plan review and ability to meet all applicable setbacks, landscaping, parking requirements, adequate circulation, loading standards, and property site utilization.

5.3.5 Lot Width

There shall be no requirements for lot width, provided all requirements of necessary parking regulations can be satisfied.

5.3.6 Lot Frontage

Each lot or parcel of land in the C-1 zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

5.3.7 Setback Requirements

The following setback requirements shall apply in the C-1 Zone:

1. Each structure in the C-1 Zone shall be located at least thirty (30) feet from any public street, provided however, that no parking stalls or structures shall be located closer than thirty (30) feet from any public street right of way.

2. Each structure in the C-1 Zone shall be located at least thirty (30) feet from the nearest building or parcel.

3. Each structure in the C-1 Zone shall be located at least thirty (30) feet from the rear property line in order to allow enough room for deliveries.

5.3.8 Building Height

Buildings in the C-1 Zone should not exceed thirty (30) feet. Any building design of over thirty (30) feet in height shall be a conditional use to ensure adequate fire protection. No building in the C-1 Zone shall exceed fifty (50) feet from the finished grade to the tallest portion of the building. (At the date this was adopted, this does not apply to any commercial land or buildings in Wallsburg Town limits).

Commercial Zone Requirements		
Standard	Requirement	Notes
Lot Area	No minimum specified	Determined through site plan review based on ability to meet setbacks, parking, landscaping, circulation, loading, and overall site design
Lot Width	No minimum required	Must be sufficient to meet parking and site development requirements
Lot Frontage	Minimum 35 ft.	Must front on a public street
Front Setback (Public Street)	Minimum 30 ft.	No structures or parking allowed within 30 ft. of public street right-of-way
Side Setback	Minimum 30 ft.	Measured from nearest building or parcel
Rear Setback	Minimum 30 ft.	Intended to accommodate deliveries and service access
Building Height (Preferred/By Right)	30 ft. max	No exposed face may exceed 30 ft.
Building Height (Conditional Use)	Over 30 ft. allowed with CUP	Requires review for fire protection and safety
Maximum Building Height	50 ft. absolute max	Measured from finished grade to highest point

5.3.9 Parking, Loading, and Access

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback. Shared driveways and cross-access easements between adjacent lots are encouraged and may be required to minimize access points along public streets.

5.3.10 Signs

All signs erected in the C-1 Zone shall be in conformance with the sign provisions of Section 3.19 of this Code.

5.3.11 Trash and Waste Storage

No trash, used materials, wrecked, non-operational, or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the C-1 Zone with an opaque fence or wall or must be stored within an enclosed building. Opaque fencing or landscaping must be at least six (6) feet tall and visually solid year-round. All trash storage areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. All waste collection areas shall be accessible to collection vehicles without blocking public access or travel lanes. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

5.3.12 Storage Developments

All storage doors and entrances, and parking in storage developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed and approved by the Wasatch Fire District. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished.

Provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices, lock combinations, and the like.

All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be at least six (6) feet high, kept in good repair, and compatible with adjacent development. The rear sides of buildings which provide adequate security may satisfy this requirement.

5.4. Public Facilities Zone

5.4.1. Purpose and Objectives

The Public Facilities (P-F) Zone is established to provide land for essential public and quasi-public uses that serve the community, including government services, schools, utilities, and public infrastructure. The P-F Zone shall be located in areas which are suitable and compatible with neighboring zones and may serve as a buffer in areas where appropriate.

5.4.2. Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the P-F Zone as limited herein.

5.4.2.1. Permitted Uses

The following general uses of land are permitted in the P-F Zone:

1. Automobile parking
2. Cemeteries
3. Government-executive, legislative & judicial functions
4. Protective functions
5. Postal services
6. Schools and Educational Services
7. Miscellaneous service organization
8. Cultural activities and nature exhibitions
9. Public assembly
10. Libraries
11. Community Centers
12. Emergency Services
13. Parks

5.4.2.2. Conditional Uses

The following general use categories require a Conditional Use Permit in the P-F Zone in accordance with Section 1.14 herein:

1. Railroad, or other rapid transit
2. Motor vehicle transportation
3. Aircraft transportation
4. Communications
5. Public Utilities
6. Hospitals
7. Operations centers
8. Correctional institutions
9. Military bases and reservations
10. Recreational activities
11. Other cultural, entertainment & recreational activities

5.4.3. Lot Area

The minimum area of a lot or parcel in the P-F Zone shall be determined by the uses and structures intended and the requirements of this chapter pertaining to setbacks, access, parking and landscaping.

5.4.4. Lot Width

Each lot or parcel of land in the P-F Zone shall have, at the front setback line, a minimum width of 100 feet.

5.4.5. Lot Frontage

Each lot or parcel of land in the P-F Zone shall abut along the right-of-way line of a public street a minimum distance of 50 feet.

5.4.6. Prior Created Lots

Lots or parcels of land in the P-F Zone which legally existed or were created by preliminary or final plat approval prior to the application of this zone shall not be denied a building permit solely for the reason of non-conformance with the parcel requirements of this chapter.

5.4.7. Setback Requirements

The following setback requirements shall apply in the P-F Zone:

5.4.7.1 Front Yard. The minimum front yard for all lots in the P-F Zone shall be 30 feet. The minimum front yard shall be landscaped and shall not be used for vehicle parking.

5.4.7.2 Side Yards-interior lots. No side yard is required on interior lots in the P-F Zone, except that the minimum side yard which is adjacent to a residential zone or structure shall be 20 feet.

5.4.7.3 Side Yards-corner lots. No side yard is required on the side of a corner lot which is adjacent to another lot in the P-F Zone. The minimum street side yard of a corner lot in the P-F Zone shall be 20 feet. The minimum street side yard shall be landscaped and shall not be used for vehicle parking.

5.4.7.4 Rear Yard. The minimum rear yard for all lots in the P-F Zone shall be 20 feet. The minimum rear yard may be used for vehicle parking or access.

5.4.7.5 Property line construction. All buildings located closer than 5 feet from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.

Public Facilities Zone Setback Requirements

Yard Type	Minimum Requirement	Applicability	Additional Notes
Front Yard	30 ft.	All lots	Must be landscaped; vehicle parking not permitted
Side Yard (Interior Lot)	None required	Interior lots	If adjacent to a residential zone or structure: minimum 20 ft.
Side Yard (Corner Lot – Interior Side)	None required	Side adjacent to another P-F lot	-
Side Yard (Corner Lot – Street Side)	20 ft.	Street-facing side of corner lot	Must be landscaped; vehicle parking not permitted
Rear Yard	20 ft.	All lots	May be used for vehicle parking or access
Property Line Construction	Buildings within 5 ft. of property line	All lots	Must discharge roof drainage onto subject property

5.4.8. Projections into Yards

The following structures may be erected on or projected into any required yard:

5.4.8.1 Fences and walls in conformance with Town codes or ordinances.

5.4.8.2 Landscape elements including trees, shrubs, and other plants.

5.4.8.3 Necessary appurtenances for utility services.

The structures listed below may project into a minimum front or rear yard not more than 4 feet and into a minimum side yard not more than 2 feet.

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

2. Fireplace structures and bays, provided that they are not wider than 8 feet measured generally parallel to the wall of which they are a part.

3. Stairways, ramps, balconies, door stoops, fire escapes, awnings, canopies and patio covers.

5.4.9. Building Height

No lot or parcel of land in the P-F Zone shall have a building which exceeds a height of 30 feet unless a Conditional Use Permit has been granted in accordance with Section 1.14 of this Code.

5.4.10. Building Separation

All buildings in the P-F Zone shall have a minimum separation of 20 feet.

5.4.11. Parking and Access

Each lot or parcel of land in the P-F Zone shall have sufficient, marked parking spaces to meet requirements of this section as well as the parking regulations of Chapter 3 of this Code. Parking spaces and access to public streets shall be paved with concreted or asphaltic cement. Notwithstanding minimum landscaping and yard requirements of 5.4.7., parking areas and accesses located in front and street side setback areas shall be accented with landscaped islands in appropriate locations to mitigate the negative effects of large, paved surfaces and to control traffic circulation. Planting of shade trees is encouraged in parking areas to reduce heat, wind, noise and glare. Concrete curb walls shall be used around parking areas and driveways. All public street access shall be located at a minimum of 50 feet from other driveways or streets. One-way driveways shall have a minimum width of 12 feet. Two-way driveways and all driveways on developments of 1 acre or larger in size shall have a minimum width of 20 feet. Concrete or masonry walkways shall be required for access to buildings and parking areas.

5.4.12. Landscaping

The required front and side yard areas of lots in the P-F Zone shall be planted with shrubs and trees, as well as other plant materials and ground cover, including evergreen species. No landscape materials shall exceed 3 feet in height in a clear vision zone. In addition to any required front or side yard landscaping, at least 2% of each lot or parcel in the P-F Zone shall be landscaped with berms, trees, shrubs, ground cover or other landscape elements. All landscaping in the P-F Zone shall be installed and properly maintained according to an approved landscape plan. Replacement of dead plantings shall be required.

5.4.13. Site Plan Review

Developments in the P-F Zone shall be designed according to the requirements of this Section of the Code. A site plan shall be submitted for review and approval by the Planning Commission prior to the issuance of a building permit. All signs, fences, walls, lighting, parking, access, architecture and landscaping will be reviewed by the Planning Commission at the time of site plan review.

5.4.14. Other Requirements

5.4.14.1. Trash containers and utility fixtures

All trash dumpsters and containers, utility fixtures, power transformers and other appurtenances in developments in the P-F Zone shall be screened with a sight obscuring fence, wall or landscaping feature as approved by the Planning Commission. Dumpster enclosures must be constructed of durable materials compatible with the primary building and include solid gates.

5.4.14.2. Fences and walls

Fences and walls in the P-F Zone may be constructed after first obtaining approval of the Planning Commission. Said fences or walls shall not exceed 4 feet in height in front yards and 6 feet in side and rear yards. Sight obscuring fences, wall and shrubs shall not exceed 3 feet in a clear vision zone. A masonry fence is required adjacent to other zoning districts unless the Planning Commission determines that a satisfactory barrier or open space presently exists.

5.4.15. Reversion of Zoning

If a building permit has not been issued and construction commenced within 1 year of the establishment of the P-F Zone on a project that required re-zoning to the P-F Zone, the Town Board, by resolution, may at any time thereafter direct the Wallsburg Town Planning Commission to initiate a re-zoning action to revert the P-F Zone to its original zone or any other appropriate zone. Any rezone initiated by the Town to revert property from the P-F Zone shall follow the public notice, hearing, and adoption procedures outlined in Utah Code § 10-9a-204 through § 10-9a-503.

For purposes of this section, commencement of construction shall be deemed to be the installation of footings and foundation of one main building as set forth on the approved site plan for the proposed development.

5.5. Light Industrial Zone

5.5.1 Purpose and Objectives

The Light Industrial (LI-1) Zone is established to provide suitable locations for light manufacturing, storage, limited mining operations, and related light industrial activities which, due to their operational impacts, are not appropriate within or near residential areas. Heavy industrial, noxious, or hazardous operations are prohibited.

5.5.2 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the LI-1 Zone as limited herein.

5.5.2.1. Permitted Uses

The following general uses of land are permitted in the LI-1 Zone:

1. Offices, equipment storage, and other non-residential structures customarily accessory to permitted or conditionally permitted industrial uses.

2. Contractor’s equipment storage yard in accordance with this Code.

5.5.2.2. Conditional Uses

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the LI-1 Zone in accordance with Section 1.14 of this Code.

1. Public utilities.

2. A hunting preserve or a shotgun, pistol, or rifle shooting range (plus incidental accessory structures) subject to the applicant submitting a site plan and providing adequate evidence of safe setbacks, location, layout, noise reduction,

and continuing management.

3. Welding, blacksmith, auto body repair, and maintenance shops.

4. Sawmills.

5. Light manufacturing and assembly.

6. Warehousing and distribution.

7. Laboratories.

8. Wholesale trade.

5.5.3 Lot Area

There shall be no minimum lot area requirements in the LI-1 Zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization. Minimum lot area shall be determined based on the ability to accommodate required parking, circulation, setbacks, landscaping, and drainage. Appeals authority procedures will follow Utah Code § 10-9a-701 et seq.

5.5.4 Lot Width

There shall be no minimum requirements for lot width, provided all requirements of necessary parking regulations can be satisfied.

5.5.5 Lot Frontage

Each lot or parcel of land in the LI-1 Zone shall have frontage on a public street for a minimum distance of thirty-five feet.

5.5.6 Setback Requirements

The following setback requirements shall apply in the LI-1 Zone:

5.5.6.1 Each structure in the LI-1 Zone shall be located at least thirty (30) feet from any public street, provided however, that no parking stalls or structures shall be located no closer than thirty (30) feet form any public street right-of-way.

5.5.6.2 Each structure in the LI-1 Zone shall be located at least thirty (30) feet from the nearest building or parcel.

5.5.6.3 Each parcel in the LI-1 Zone shall be located at least thirty (30) feet from the rear property line.

5.5.6.4 Parking is not allowed in setbacks unless previously approved or screened.

5.5.7 Building Height

Buildings in the LI-1 Zone shall not exceed thirty (30) feet. Any building or structure design of over thirty (30) feet in height shall be a conditional use to ensure adequate fire protection. No building in the LI-1 Zone shall exceed fifty (50) feet from the finished grade to the tallest portion of the building.

5.5.8 Parking, Loading, and Access

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback. Loading docks and service bays must be screened from public streets or located to the side or rear of buildings.

5.5.9 Signs

All signs erected in the LI-1 Zone shall be in conformance with the sign provisions of Section 3.28 of this Code.

5.5.10 Trash and Waste Storage

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the LI-1 Zone with a sight obscuring fence or wall or must be stored within an enclosed building. All trash storage areas shall be screened and hidden from the public street or adjoining residential areas view by appropriate fencing or landscaping features and placed in a rear area of the main building or use if possible. Dumpster enclosures must be constructed of durable materials compatible with the primary building and include solid gates. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

5.5.11 Other Requirements

5.5.11.1. Flammable Materials

The yards around buildings shall be kept free of debris, refuse weeds and other flammable material which may constitute a fire hazard. Storage of flammable materials must comply with current International Fire Code (IFC) standards and be maintained in approved containers meeting all applicable state fire and health codes.

5.5.11.2. Critical Angle of Repose

No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil, as determined by the City Engineer or licensed geotechnical engineer.

5.5.11.3. Topsoil

All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. To prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to cover at least seventy-five (75) percent of exposed surface from view.

Light Industrial Development Standards		
Standard	Requirement	Notes
Lot Area	No minimum specified	Determined based on ability to accommodate parking, circulation, setbacks, landscaping, and drainage; subject to site plan review; appeals per Utah Code
Lot Width	No minimum required	Must be sufficient to meet parking and site development requirements
Lot Frontage	Minimum 35 ft.	Must front on a public street
Front Setback (Public Street)	Minimum 30 ft.	No parking or structure allowed within 30 ft. of public street right-of-way
Side Setback	Minimum 30 ft.	Measured from nearest building or parcel
Rear Setback	Minimum 30 ft.	Applies to all parcels
Building Height (By Right)	30 ft. max	Standard height limit
Building Height	Over 30 ft. allowed	Requires review for fire protection

(Conditional Use)	with CUP	
Maximum Building Height	50 ft. absolute max	Measured from finished grade to highest point

5.6 Sensitive Lands Overlay Zone

5.6.1 Purpose and Objectives

This section is adopted under the authority of Utah Code Title 10, Chapter 9a, to regulate the development in environmentally hazardous and sensitive areas. The purpose of this Chapter is to provide for safe, orderly, and beneficial development of areas characterized by diversity of physiographic conditions and shown on the Official Environmentally Sensitive Area Maps as Environmentally Sensitive Areas; to limit alteration of topography and reduce encroachment upon, or alteration of, such areas.

Physiographic conditions can be considered to include, but are not limited to, slope of the land, natural drainage ways, wetlands, soil characteristics, potential landslide areas, and natural and wildlife habitats. It is also important to note that these overlay protections are in addition to the Town's base zoning.

5.6.2 Regulations

The type of regulation applicable to the land depends upon the classification in which the land is placed, as provided in 5.6.5 if regulations conflict with other regulations of Wallsburg Town Ordinances, the more stringent of the two regulations shall govern.

5.6.3 Definitions

The following terms are hereby defined as they apply to this Chapter:

A. Architect - An architect licensed by the State.

B. Buildable area - That portion of an existing or proposed lot that is free of building restrictions. For the purpose of this ordinance, a buildable area does not contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as Floodplain Area, or any land that is greater than thirty percent slope.

C. Development - Alteration of the land surface by:

1. Grading, filling, cutting or other earth-moving activity involving more than fifty cubic yards on any lot;

2. The removal of three or more living trees of over six-inch caliper or the removal of five percent of the total number of living (or dead trees) over six-inch caliper, whichever is greater on any lot within any one calendar year,

3. Construction of a building, road, driveway, parking area, or other structure;

4. Culverting of any stream.

D. Engineer - A registered professional engineer licensed by the State.

E. Engineer's Certification – A written, signed, and stamped statement by a licensed professional engineer attesting to the completion and compliance of a development feature, such as grading, slope stability, drainage systems, or structure elevation, with applicable plans and standards.

F. Environmentally Sensitive Area - An area shown on the Official Environmentally Sensitive Area Map and classified under SECTION 5.

G. Floodplain Corridor – Land identified on official FEMA Flood Insurance Rate Maps or the Town's Environmentally Sensitive Area Overlay Maps that includes the 100-year floodplain, adjacent riparian buffers, and any area shown to have historic flood activity or hydrologic connectivity to natural waterways.

H. Floodway Channel - The floodway channel as defined in the Flood Insurance Study for *Wallsburg*,

published by the Federal Emergency Management Agency.

I. Fuel Break – A managed area surrounding a structure or development site where vegetation has been reduced or modified to slow the spread of wildfire and allow for firefighting access. Fuel breaks include primary and secondary zones, as defined in wildfire mitigation plans.

J. Gully - A drainage incision, commonly caused by erosion, which does not experience regular or seasonal stream flow, but does act as a channel for runoff during periods of high rainfall.

K. Riparian - An area associated with a natural water course including its wildlife and vegetation.

L. Sensitive Lands Permit – A land use permit issued by the Town to authorize development in areas designated as environmentally sensitive, subject to the requirements and performance standards of the Sensitive Lands Overlay Zone.

M. Wildfire - An area subject to potential damage from fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire.

5.6.4 Approval and Permit Required

A. A Environmentally Sensitive Area Permit is required for any development, proposed on a site within or including lands defined in SECTION 5 as an Environmentally Sensitive Area, and identified as Floodplain Corridor Land, Riparian Preserve, Erosive and Slope Failure land, or Severe Constraint land.

B. If the proposed development is involved in a Site Plan Review, or approval of a planned unit development, Conditional Use Permit, subdivision, partition, or other regulatory process, the review shall be conducted simultaneously with the regulatory process, and no additional fee shall be charged.

C. If a development is exclusive of any other regulatory process, as noted in Subsection B, then the Environmentally Sensitive Area Review may be processed by the planning staff.

D. Information Required. The following information shall be required for any development requiring a Environmentally Sensitive Area Review:

1. A site plan containing the following:

a. Project name, and name of the developer

b. Vicinity map.

c. Scale (the scale shall be at least one-inch equals fifty feet or larger).

d. North arrow.

e. Date of submittal

f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.

g. Lot layout with dimensions for all lot lines.

h. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.

i. Location and size of all public utilities within the proposed development.

j. Location of drainage ways or public utility easements in and adjacent to the proposed development.

k. A topographic map of the site at a contour interval of five feet or less.

l. Location of all parking areas and spaces, ingress and egress on the site, and onsite circulation.

m. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than six inches; natural drainages or creeks on the site, and outcroppings of rocks, boulders, etc. In forested areas, it is necessary to identify only those trees which

will be affected or removed by the proposed development. Indicate any contemplated modifications to a natural feature.

n. The proposed method of erosion control, water runoff control, and tree protection for the development.

o. Building envelopes for all existing and proposed new parcels that contain only buildable areas, as defined by this Chapter.

2. Additional plans and studies as required in Sections 5.6.7, 5.6.8, 5.6.9 and 5.6.10 of this Chapter.

E. Criteria for approval. An Environmentally Sensitive Area Permit shall be issued by the Town Board when the Applicant demonstrates the following:

1. That the development will not cause damage or hazard to persons or property upon or adjacent to the area of development.

2. That the development is in compliance with the requirements of this chapter and all other applicable Wallsburg Ordinances.

F. The Planning Director or Planning Commission has the power to amend plans to include any or all the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:

1. Require the retention of trees, rocks, ponds, watercourses and other natural features.

2. Require plan revision or modification to mitigate possible negative or irreversible effect upon the topography or natural features that the proposed development may cause.

G. The Planning Director or Planning Commission may deny the Environmentally Sensitive Area Permit if, in its opinion:

1. The proposed development will have a detrimental effect on land regulated and protected by this Chapter.

2. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

5.6.5 Land Classifications

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them:

A. Floodplain Corridor Lands - Lands with potential stream flow and flood hazard. The following lands are classified as Floodplain Corridor lands:

1. All land contained within the 100-year floodplain as defined by the Federal Emergency Management Agency, in maps adopted by <*Flood Hazard Ordinance section*> of Wallsburg Municipal Ordinance.

2. All land within the area defined as Floodplain Corridor land in maps adopted by Wallsburg as provided for in SECTION 6.

3. All lands which have physical or historical evidence of flooding in the historical past.

4. All areas within twenty feet (horizontal distance) of any creek designated for Riparian

Preservation in SECTION 5(B) and depicted as such on maps adopted by the Council as provided for in SECTION 6.

B. Riparian Preservation Areas - The lands shown on the official maps as Riparian Areas, These areas are identified as 75 feet from the stream centerline for streams draining a basin of greater than 1 square mile, and 25 feet from streams that drain areas of one square mile or less. It also includes any areas identified as wetlands or riparian in a Federal Section 404 Permit Process.

C. Erosive and Slope Failure Lands - Lands with potential erosion hazards. Erosive Lands and Slope

Failure Lands are lands that are subject to damage from erosion and slope failure or defined as erosion and slope failure lands on the Environmentally Sensitive Area Overlay map and have a slope of thirty percent or greater.

D. Wildfire Lands - Lands with potential of wildfire, as defined on the Environmentally Sensitive Area Overlay map.

E. Severe Constraint Lands - Lands with severe development limitations which generally limit normal development. The following lands are classified as Severe Constraint Lands:

1. All areas which are within the floodway channels, as defined in *Wallsburg* Flood Protection Ordinance.

2. All lands with a slope greater than thirty percent.

F. Classifications Cumulative. The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel.

5.6.6 Official Maps

A. *Wallsburg* shall adopt official overlay zoning maps denoting the above identified areas. Substantial amendments of these maps shall require *Wallsburg* approval.

B. Minor amendments of the maps to correct mapping errors when the amendments are intended to reflect more accurately the mapping criteria contained in this ordinance or in the findings of the Council in adopting an official map may be processed following the minor map amendment procedure contained in this ordinance.

C. Map as Reference to Text

1. The text provisions of this ordinance shall be used to determine whether applications to allow development in Environmentally Sensitive Areas are subject to the requirements of this ordinance.

2. Applicants are required to provide the Planning Department with a delineation of the Environmentally Sensitive Areas on the subject property as part of the application. An application shall not be considered complete until this delineation is submitted.

3. An applicant may identify and delineate Environmentally Sensitive Areas by gathering and reviewing information other than the Environmentally Sensitive Areas Map, such as FEMA maps, aerial photographs, Section 404 permit delineation, and other significant evidence.

4. The specific delineation of the Environmentally Sensitive Area will be determined as part of the permit by the Planning Director based on the best available data.

5. Delineations are required to be prepared or verified by a licensed professional.

5.6.7 Development Standards for Floodplain Corridor Lands

For all land use actions which could result in development of the Floodplain Corridor, the following is required in addition to any requirements of <*FEMA Flood Hazard Ordinance*> :

A. Standards for fill in Floodplain Corridor lands:

1. Fill shall be designed as required by the <*building code*>, where applicable.

2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in this chapter.

3. The amount of fill in the Floodplain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:

a. Poured concrete and other materials necessary to build permitted structures on the lot.

b. Aggregate base and paving materials.

c. Plants and other landscaping material.

d. A total of fifty cubic yards of other imported fill material, or three hundred cubic yards per acre, whichever is greater. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.

e. The above limits on fill shall be measured from <*date of adoption*>, and shall not exceed the above amounts.

4. If additional fill is necessary beyond the permitted amounts in (3) above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Floodplain Corridor.

5. Adequate drainage shall be provided for the stability of the fill.

6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Floodplain Corridor as feasible.

B. Culverting or bridging of any waterway or creek identified on the official maps adopted pursuant to SECTION 6 must be designed by an engineer. Stream crossings shall be designed to the standards contained in the <*Flood Hazard Ordinance*> or where no floodway has been identified, to pass a 100-year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the culvert will be blocked by debris in a severe flood, and accommodate expected overflow. Fill for culverting and bridging shall be kept to the minimum necessary, but is exempt from the limitations in section (A) above. Culverting or bridging of streams identified as Riparian Preservation is subject to the requirements of SECTION 8.

C. Non-residential structures shall be flood-proofed to the standards in <*Flood Hazard Ordinance*> to one foot above the elevation contained in the maps adopted by <*Flood Hazard Ordinance*>, or up to the elevation contained in the official maps adopted by SECTION 6, whichever height is greater. Where no specific elevations exist, buildings shall be elevated to three feet above the stream channel on all drainage ways identified on the official maps.

D. No new residential structures are permitted in the Floodplain Corridor, except as permitted in E and F below. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in <*Flood Hazard Ordinance*>, or to the elevation contained in the official maps adopted by SECTION 6, whichever height is greater. Where no specific elevations exist, buildings shall be elevated to three feet above the stream channel on all drainage ways identified on the official maps.

E. The elevation of the finished lowest habitable floor shall be certified to the Wallsburg Town Board by an engineer or surveyor prior to issuance of a certificate of occupancy for the structure.

F. All lots modified by lot line adjustments or new lots created from lots which contain Floodplain Corridor land must contain a building envelope on all lot(s) which contain(s) buildable area of a sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

G. Basements.

1. Habitable basements are not permitted for new residential structures or additions located within the Floodplain Corridor.

2. Non-habitable basements, used for storage, parking, and similar uses are permitted for

residential structures but must be flood-proofed to the standards of <*FEMA Flood Hazard Ordinance*>.

3. Development of habitable basements of existing non-residential structures that are at or below the flood elevations contained in the official maps shall be permitted in the *Wallsburg* Historic Interest Area, as defined in the *Wallsburg* Comprehensive Plan.

4. No new habitable basements lower than two feet below the floodplain corridor elevations shall be permitted on any existing or new non-residential structure outside the historic interest area.

5. Habitable basements shall not be used for sleeping quarters.

H. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Floodplain Corridor lands.

I. Fences constructed within twenty feet of any Riparian Preservation Creek designated by this ordinance shall be limited to wire or electric fence, or similar fence that would not collect debris or obstruct floodwaters, but not including wire mesh or chain link fencing.

J. Decks and structures other than buildings, if constructed on Floodplain Corridor Lands and at or below the levels specified in Paragraphs (C) and (D) of the section, shall be floodproofed to the standards contained in <*FEMA Flood Hazard Ordinance*>.

K. Local streets and utility connections to developments in and adjacent to the Floodplain Corridor shall be located outside of the Floodplain Corridor, except for crossing the Corridor in the shortest possible distance.

5.6.8 Development Standards for Riparian Preservation Lands

All development in areas identified for Riparian Preservation, as defined in SECTION 5, shall comply with the following standards:

A. Development shall be subject to all Development Standards for Floodplain Corridor Lands (SECTION 7)

B. Within these areas in addition to the standards for Undeveloped Floodplains, no land disturbing activity is allowed except as permitted in this section.

C. Permitted Uses

1. Up to ten percent of the area may be disturbed for private yard structures including but not limited to: storage sheds, gardens, yards, trails, and clearings, except no disturbance is permitted for Section 404 identified areas.

2. Repair, replacement or improvement of utility facilities where:

a. The disturbed portion of the Riparian Preservation lands is restored; and

b. Non-native vegetation is removed from the Riparian Preservation lands and replaced with vegetation from the *Wallsburg* Native Plant List.

3. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in the Riparian Preserve lands where the disturbed portion of the area is restored using native vegetative cover.

4. Stream, wetland, riparian and upland enhancement or restoration projects;

5. Farming practices and farm uses, excluding buildings and structures, and the pasturing of livestock within 25 feet of the stream.

6. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.

7. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or *Wallsburg* ordinance.

5.6.9 Development Standards for Erosive and Slope Failure Lands

A. All development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of fifty percent or more shall comply with the following standards:

1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative community within a one-year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.

2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.

3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.

B. Cuts and Fills.

1. In addition, any cuts and/or fills greater than two hundred fifty cubic yards must be designed by an engineer to comply with <*building code*>. Such cuts and/or fills shall be designed in such a manner that they will be stable for the use intended.

2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall declare to Wallsburg, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the plans approved.

3. Nothing in this section shall abridge *Wallsburg's* right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.

C. Any development that is proposed in Erosive and Slope Failure Lands must be shown on a master site plan at the time the final plan or plat is filed. All development must comply with the master site plan. Any improvements necessary for the implementation of the master plan (e.g., storm drains, gutters, etc.), which involve two or more parcels of land must be constructed by the applicant prior to any development occurring on the parcels.

D. All structures in Erosive and Slope Failure Lands shall have foundations that have been designed by an engineer or architect.

E. All newly created lots or lots modified by a lot line adjustment must include a building envelope on all lots that contains a buildable area of sufficient size to accommodate the uses permitted in the underlying zone without including erosive and slope failure land, unless the division or lot line adjustment is for open space or conservation purposes.

5.6.10 Development Standards for Wildfire Lands

A. Requirements for Subdivisions, or Planned Developments,

1. A Fire Prevention and Control Plan shall be required with the submission of any application for plan approval of a Planned Unit Development or preliminary plat of a subdivision, which contain areas designated Wildfire Hazard areas.

2. The Planning Director shall forward the Fire Prevention and Control Plan to the Fire Chief within three days of the receipt of a completed application. The Fire Chief shall review the Fire Prevention and Control Plan and submit a written report to the Planning Director no less than seven days before the scheduled hearing. The Fire Chief's report shall be a part of the record of the Planning Action.

3. The Fire Prevention and Control Plan shall include the following items:

a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation andopography.

b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation.

c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees.

d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown.

e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section.

f. Roads and driveways sufficient for emergency vehicle access and fire suppression activities, including the slope of all roads and driveways within the Wildfire Lands area.

4. Criterion for Approval. The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.

5. The hearing authority may require, through the imposition of conditions attached to the

approval, the following requirements as deemed appropriate for the development of the property:

a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.

b. Clearing of sufficient vegetation to reduce fuel load.

c. Removal of all dead and dying trees.

d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.

6. The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development and shall be considered part of the subdivider's obligations for land development. The Plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Planning Director that the Plan was completed as approved by the hearing authority.

7. In subdivisions or planned unit developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the *Wallsburg* shall be named as a beneficiary of such covenants, conditions and restrictions.

B. Requirements for construction of all structures.

1. All new construction and any construction expanding the size of an existing structure, shall have a "fuel break" as defined below.

a. A "fuel break" is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slowburning species. Fuel breaks do not involve stripping the ground of all native vegetation.

b. Primary Fuel Break - A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each

ten percent increase in slope over ten percent

c. Secondary Fuel Break - A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.

2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the Building Ordinance. All re-roofing of existing structures in the Wildfire Lands area shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in Wallsburg's building ordinance.

C. Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in SECTION 9.

5.6.11 Development Standards for Sever Constrained Lands

A. Severe Constraint Lands are extremely sensitive to development, grading, filling, or vegetation removal and, whenever possible, alternative development should be considered.

B. Development of floodways is not permitted except for bridges and road crossings. Such crossings shall be designed to pass the one-hundred-year flood without raising the upstream flood height more than six

inches.

C. New structures are not allowed on Severe Constraints Lands.

D. Other development of land or approval for a planning action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by Wallsburg's Public Works Director and Planning Director establishes that the site is stable for the proposed use and development. The study shall include the following:

1. Index map.

2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.

3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.

4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.

5. Suitability of site for proposed development from a geologic standpoint.

6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.

7. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.

8. Signature and registration number of the engineer and/or geologist.

9. Additional information or analyses as necessary to evaluate the site.

5.6.12 Conservation Subdivision Design

Wallsburg has determined that the preservation of open space and environmentally sensitive lands to be a top priority. Therefore, an alternative Conservation Subdivision Ordinance (Chapter 8 of this Title), has been adopted to encourage the preservation of these lands and maintain property rights. When development of land containing environmentally sensitive lands is proposed, usage of the Conservation Subdivision Ordinance should be strongly considered.

6. Chapter 6 DEVELOPMENT STANDARDS AND SUBDIVISION REGULATIONS

The standards and regulations set forth in this chapter relate to proposed subdivisions in the Town of Wallsburg. All subdivision shall be consistent with Chapter 5 herein and all other relevant sections of this Code. All commercial projects will be reviewed under the provisions of Chapter 7 of this Code.

Contents of this chapter

6.1. GENERAL PROVISIONS 2
6.2. INTRODUCTION 2
6.3. PURPOSE FOR STANDARDS AND REGULATIONS 2
6.4. AUTHORITY 3
6.5. JURISDICTION 3
6.6. INTERPRETATION, CONFLICT, AND SEVERABILITY 3
6.7. SAVING PROVISION 4
6.8. AMENDMENTS 4
6.9. VACATION, ALTERATION OR AMENDMENT OF SUBDIVISION PLATS 4
6.10. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS 5
6.11. CONCEPT PLAN 5
6.12. IMPROVEMENT, DESIGN, AND LAYOUT CONSIDERATIONS 5
6.13. LOT IMPROVEMENTS AND ARRANGEMENT 8
6.14. ROADS AND STREETS 10
6.15. DRAINAGE AND STORM SEWERS 14
6.16. WATER FACILITIES 16
6.17. SEWER FACILITIES …. 18
6.18. SIDEWALKS, CURBS, TRAILS, AND PATHS 18
6.19. OTHER UTILITIES 19
6.20. PRESERVATION OF NATURAL FEATURES AND AMENITIES 19
6.21. PRELIMINARY PLAT 19
6.22. FINAL PLAT 26
6.23. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS 32
6.24. INSPECTION OF IMPROVEMENTS 33
6.25. ESCROW DEPOSITS OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS 33
6.26. MAINTENANCE OF IMPROVEMENTS 34
6.27. ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY 34
6.28. CONSUMER PROTECTION LEGISLATION AND CONFLICTS OF INTEREST STATUTES 34
6.29. SIMPLE LOT SUBDIVISIONS 35

6.1. General Provisions

These standards and regulations may be known, cited and referred to as the Development Standards and/or Subdivision Regulations of the Town of Wallsburg, Utah.

6.2. Introduction

Subdivisions in Wallsburg shall be designed in a manner so that they may be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or can not be provided for, the subdivision will not be allowed.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and infrastructure improvement program of Wallsburg. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted Uniform Building and Housing Codes, this Development Code, General Plan, Official Zoning Map, and capital budget and infrastructure improvement program as they are adopted and may be amended.

6.3. Purpose for Standards and Regulations

The Development Standards and Subdivision Regulations are adopted for the following purposes:

6.3.1. To protect and provide for the public health, safety, and general welfare.

6.3.2. To guide future growth and development in Wallsburg, in accordance with the Comprehensive or General Plan.

6.3.3. To guide future growth and development in Wallsburg, in accordance with the Comprehensive or General Plan.

6.3.4. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.

6.3.5. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6.3.6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.

6.3.7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian traffic facilities, and to provide for the proper location and width of streets and building setbacks.

6.3.8. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.

6.3.9. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed development.

6.3.10. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.

6.3.11. To provide for open spaces through efficient design and layout of the land using the conservations subdivision ordinance as established in Chapter 8 herein.

6.4. Authority

In accordance with § 10-9a-601 et seq. of the Utah Code, Annotated (1953, as amended) and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, the Town Board enacts this ordinance requiring that a subdivision plat comply with the provisions of this ordinance and with § 10-9a-6 of the Utah Code, Annotated (1953, as amended).

6.5. Jurisdiction

These development standards and subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Wallsburg.

No land shall be subdivided within Wallsburg until the subdivider or agent obtains written approval by the Town that has been accepted by the Office of the County Recorder. For a preliminary and final plat, the approved plat is recorded with the County Recorder. For a simple lot subdivision, the record of survey is filed with the County Recorder.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations unless approved under prior subdivision ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable Town regulations.

No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision plat or record of survey has been approved by the Town in accordance with the provisions of these regulations and recorded or filed with the County Recorder. Except for a simple lot subdivision, or other division of land exempted from subdivision requirements under Utah State Code, the subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease shall not be permitted. The Town may approve metes and bounds descriptions for purposes of boundary line adjustments and resolving conflicting boundary descriptions.

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

6.6. Interpretation, Conflict, and Severability

6.6.1. Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare and shall not be eligible for variance by the Board of Adjustment.

6.6.2. Conflict with Public and Private Provisions.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or impose higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the Town is under no obligation to enforce private covenants.

6.6.3. Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation

to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

6.7. Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

6.8. Amendments

For the purpose of protecting the public health, safety, and general welfare, the Town Board may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and Town Board in the manner prescribed by law and outlined in Chapter 1 of this Code.

6.9. Vacation, Alteration or Amendment of Subdivision Plats

Any vacation, alteration, or amendment of a subdivision plat shall comply with 10-9a-608 and 10-9a-609 of the Utah Code, Annotated (1953), as amended.

6.10. Subdivision Application Procedure and Approval Process

When subdivision of land is proposed and prior to any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with this Section.
Except for a Simple Lot Subdivision, all proposed subdivisions shall meet the application requirements outlined

6.10.1. A subdivision shall require a Preliminary Plat, including a Subdivision Improvement Plan, and a Final Plat if either or both of the following are true:

6.10.1.1. that includes public improvements, such as extension of public roads or utilities any subdivision that consists of five (5) or more lots

6.11. Pre-Application Process

6.11.1. Except for a Simple Lot Subdivision, all proposed subdivisions shall meet the application requirements outlined in Utah State Code 10-9a-601, et seq, as amended, this title, and the requirements for the respective zone in which the subdivision is proposed.

An applicant for a subdivision may request a pre-application meeting with a Town representative. Should a pre-application meeting be requested, the following shall apply:

1. The applicant shall submit a concept plan for review.
2. Within fifteen (15) business days after the request, the municipality shall schedule the meeting to review the concept plan and give initial feedback.
3. At the pre-application meeting, the Town shall provide or have made available on the municipal website the following:
    a. Copies of the applicable land use regulations.
    b. A completed list of standards and submittal items required for the project.
4. A pre-application review of a concept plan does not create any vested rights, and feedback on the concept plan does not grant or infer any official standing.

6.11.2. Concept Plan Requirements

A Concept Plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion of land, which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.
2. Include an address and telephone number of the applicant.
3. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, variance, etc.), and any other information the applicant believes is necessary to present to the Planning Commission or Town Staff.

6.12. Improvement, Design, and Layout Considerations

The applicant shall prepare a Preliminary Plat using the criteria in this section as a guide. The Town will also use these criteria in its consideration of approving the Preliminary Plat and Final Plat.
In addition to the requirements established herein, all subdivision plats shall comply with all applicable statutory provisions, Sensitive Lands Overlay Zone regulations, International Building and related Codes, Town design standards and specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, Public Utilities plans, Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the Official Map or General Plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
If the owner places restrictions on any of the land contained in the subdivision greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Town Attorney.

6.12.1. Plats Straddling Municipal Boundaries, Annexations

6.12.1.1.

Whenever a subdivision is proposed that includes property under the jurisdiction of another entity, the Planning Commission may require the annexation of the property involved.
If the area in the County is not annexed, the Town and County shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to ensure that the portion of development lying in the County is as compatible as possible with the Town codes, development regulations and General Plan.
When a development lies entirely within the County but gains access from a Town street or across property within the Town's jurisdiction, the Developer must receive a Conditional Use Permit to guarantee that the proposed development will not have a negative impact on Town services, streets or public interest.
Any legislative approvals, such as an annexation, shall be obtained and completed prior to submitting a Preliminary Plat application.

6.12.2. Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the Town Engineer.
Monuments shall be installed in accordance with the Wallsburg Design Standards, Construction Specifications and Standard Drawings and located on street right-of-way lines, at street intersections, and angle points of curves. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to approval of the final plat unless a performance guarantee is established in accordance with the provisions of this ordinance.

6.12.3. Unsuitability

If the Town finds lands unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, unsuitable for service of public utilities, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed. The development may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified planner or engineer hired by the developer and approval of the Town Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 8 of this Code.
Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

6.12.4. Subdivision Name

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area 6-8 covered by these regulations or nearby communities. The Administrative Land Use Authority shall have final authority to approve the name of the subdivision and to select street names. An applicant should consult with the Office of the County Recorder to determine whether the proposed subdivision name is acceptable.

6.12.5. Ridge Line and Hillside Development

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per chapter 8) in Wallsburg will be maintained. Hillside development which may disturb agricultural uses may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts.

6.12.6. Open Space

Units may and should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners' association, unless dedicated and accepted by the Town. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development of open space. Note that roads and rights-of-ways shall not be used in the calculations for open space nor density.

6.12.7. Drainage Ways and Irrigation Ditches

Existing natural drainage and irrigation ditches or rights-of-ways shall be preserved. Notification and a recommendation from irrigation companies may be required for development in certain circumstances as determined by the Town if the development impacts irrigation works or access.
When required, a committee shall be organized to review impact on drainage ways and irrigation ditches. The committee shall include the following as a minimum: A member from the Planning Commission, the Town Engineer, the development Engineer, and a representative from each water company.

6.12.8. Limits of Disturbance/Vegetation Protection

A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas may be required. This shall include construction necessary for all project improvements such as roads and utilities.

6.12.9. Fire Sprinkling

Fire sprinkler systems may be required in projects as determined by the Town or the Wasatch Fire District. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to response time. Upon recommendation of the Fire District, the Administrative Land Use Authority may place regulations on the maximum size of dwellings

that may be approved by the Building Official.

6.12.10. High Water Table Areas

6.12.10.1. Water Table Review

In areas that are known for the potential of ground water impacts, a ground water investigation shall be made by a geotechnical engineer and provided to the Town for review with the application for preliminary plat approval to include the following:

1. What mitigation measures should be taken to assure that homes will be protected from potential ground water impacts, including a proposed method of ground water disposal to be reviewed and approved by the Town Engineer or his/her designee.
2. The developer shall provide ground water information to each lot purchaser/owner and disclosure the information on the plat.
3. Any proposed or existing drainage plans for high water table areas.

6.12.10.2. Drainage systems

Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the Town Engineer. All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer.

6.12.10.3. Existing Infrastructure

The developer shall install or replace, when required by the Town, all sewer and water systems within a high-water table area to eliminate or minimize possible damage to such systems.

6.12.10.4. Lot Restrictions in High Water Table Areas

The Town may prohibit basements in high water table areas upon recommendation from the Town Engineer. Sump pumps, French drains, or other like devices which drain into the sanitary sewer system are prohibited. Due to the high-water tables in Wallsburg Town basements are strongly discouraged. Plats in high water table areas shall have a warning printed on the plat stating that basements are strongly discouraged and that the Town of Wallsburg assumes no responsibility or liability for damage done by high water tables to basements.

6.13. Lot Improvements and Arrangement

6.13.1. Double Frontage Lots and Access to Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Administrative Land Use Authority may require that such lots be served by a combined access drive to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterials or collectors.

6.13.2. Grading, Drainage and Seeding

6.13.2.1. Final Grading

Topsoil should not be removed from residential lots or used as spoil but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the Town Engineer, will also be required to be installed according to the approved specification.

6.13.2.2. Lot Drainage

Lots shall be laid out to provide positive drainage away from all buildings in accordance with the International Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots.

6.13.2.3. Landscaping and Revegetation

All lots should be revegetated to avoid erosion and improve the visual quality of the

development. The Administrative Land Use Authority may impose planting requirements if

deemed necessary. If revegetation is required, all lots shall be improved from the roadside edge of the right-of-way back to a distance of twenty (20) feet behind the principal residence on the lot.

6.13.3. Debris and Waste

Unless otherwise approved by the Town Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

6.13.4. Fencing

Each applicant shall be required to furnish and install fences when the Town determines that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the Town Engineer and shall be noted as to height and material on the Final Plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

6.13.5. Water-Bodies and Water-Courses

If a tract being subdivided contains a water body or course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The Town may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a Town responsibility. No more than twenty-five (25) percent of the minimum area of a lot required in this Code may be satisfied by land, which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure approved by the Town Engineer.

6.13.6. Performance Guarantee to Include Lot Improvements

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Chapter, the Supplemental Regulations (Chapter 3) of this Code and in the regulations including, but not limited to, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Town. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the Town may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

6.14. Roads and Streets

All road and street layout and design is subject to approval of the Town Engineer. All roads and streets in subdivisions shall meet the applicable requirements of the Standards Document available from the Town Engineer. All subdivisions shall have frontage on and access to an existing public street.

6.14.1. Grading and Improvement Plan

Streets shall be graded and improved in conformance with the Wallsburg Design Standards Construction Specifications and Standard Drawings as adopted and shall be approved as to design and specifications by the Town Engineer. All road construction plans are required to be submitted with the Subdivision Improvement Plans. Prior to Final Plat approval the Town shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.
At present, it is the intention of the Town for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the Town is required to maintain the streets in the future. Any private streets approved as part of a Subdivision must be accompanied by a maintenance plan by which the Homeowners Association (HOA) will operate. The developer shall be responsible for maintenance and snow plowing the private road(s) until such time that more than 75% of the lots have been built upon, at which point the HOA will assume full responsibility of the maintenance.

6.14.2. Topography and Arrangement

Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage through traffic. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades and/or curves as well as large cut and fill sections will not be allowed.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zoning Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

A rigid square gridiron street pattern is preferred but need not necessarily be adhered to, and the use of curvilinear streets or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

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 safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master 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. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of way shall revert to adjacent owners when the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. The length of the permanent and temporary dead-end streets shall be determined by the regulations relating to each individual zone found in Chapter 5 of this code.

6.14.3. Ingress and Egress

In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:

1. Any subdivision which cannot provide two points of ingress and egress shall be limited to no more than eight (8) residential lots or units.

2. Subdivision which will be served by more than one point of ingress and egress in the future may receive approval for more than eight (8) lots provided that no more than eight (8) units are constructed until a second point of ingress and egress is provided, and so indicated on the Final Plat.

3. Emergency service providers (fire sheriff, ambulance, etc.) must approve the street design in any subdivision with only one point of ingress and egress.

6.14.4. Blocks

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or water ways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, whichever is greater. When

practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length. In long blocks the Planning Commission may require the reservation of an easement

through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities.

6.14.5. Access to Highway, Arterial or Collector Streets

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots

2. A series of U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway.

6.14.6. Road Names

The Planning Commission shall inform the applicant of the preferred street names for all streets at the time of preliminary approval. The local Postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Wasatch County or Wallsburg to eliminate confusion. A street which is or is planned as a continuation of an existing road shall bear the same name.

6.14.7. Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety signs required by the Town Engineer. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the Town Engineer. Street signs shall be designed according to Town specifications and standards.

6.14.8. Streetlights

Installation of streetlights may be required in accordance with Wallsburg Design and Specification Standards or as designated and located by the Planning Commission and shall be approved by the Town Engineer.

6.14.9. General Design Standards

In order to provide for roads in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Wallsburg Design Standards, Construction Specifications, and Standard Drawings, and the Streets Master Plan, as adopted, or determined by the Town Engineer, or Planning Commission.
Street grades may not exceed five (5) percent unless approved by the Town Engineer. The Town Engineer shall approve grades more than five (5) percent only when conditions are present which warrant that safety and economy of road maintenance can be secured.
Street widths for collector streets shall conform to the width requirement on the major street plan when a development falls in an area for which a major street plan has been adopted. For areas where a street plan has not been completed at the time the Preliminary Plat is submitted, streets shall be provided as follows:

1. The minimum street width for a local street shall be thirty (30) feet and the minimum street right-of-way shall be sixty (60) feet. Private streets shall meet the same standards.

2. The minimum street width for a collector street shall be forty four (44) feet and the minimum street right-of-way shall be seventy (70) feet. Private streets shall meet the same standards.

3. Cul-de-sacs shall have a maximum length as described in Chapter 5 of this Code and in the adopted Construction Specifications.

6.14.10. Road Surfacing and Improvement

After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in Section 6.15.10 and the Wallsburg Town Design Standards. Types of pavement shall be determined by the Town Engineer. The minimum street grades shall be 0.3 percent and the maximum grade for roads in all zones shall be 5 percent. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Town and shall be incorporated into the Subdivision Improvement Plans required to be submitted by the developer for plat approval.

6.14.11. Excess Right-of-Way

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography or other features such as irrigation ditches or other easements, additional width is necessary to provide adequate earth slopes. Such slopes shall not be more than three to one, unless specifically approved by the Town Engineer.

6.14.12. Intersections

Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission and Town Engineer.

Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two (2) percent slope for a distance of one hundred (100) feet, measured from the nearest right-of-way line of the intersecting street. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

6.14.13. Bridges

Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the Town. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the Town Board and the applicant.

6.14.14. Road Dedications and Reservations

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.
Where a subdivision borders an existing narrow road or when the General Plan, Streets Master Plan or Zoning Map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or

realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by these subdivision regulations.

6.15. Drainage and Storm Sewers

The Planning Commission shall not approve any Preliminary Plat which does not make adequate provision for storm or flood water runoff. Plans shall be reviewed for compliance with the Wallsburg Design Standards, Construction Specifications, and Standard Drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Town Engineer, and a copy of design computations shall be submitted along with Subdivision Improvement Plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for each and every lot and block.
The applicant may be required by the Planning Commission, upon the recommendation of the Town Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or because of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
Underground Storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Town Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the Town Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.
No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

6.15.1. Accommodation of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of a one-hundred-year storm event. The Town Engineer must review and approve the design.

6.15.2. Effect on Downstream Drainage Areas

The Town Engineer shall also require the developer's engineer to study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Planning Commission may require the applicant to improve the facility in order to serve the subdivision.

6.15.3. Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the Town Engineer, may approve the subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the one hundred flood event, as determined by the Town Engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Town Engineer. Development in areas of extremely poor drainage will not be allowed.

6.15.4. Flood Plain Areas

The Planning Commission may, upon recommendation of the Town Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the one-hundred-year flood plain of any stream or drainage course. These flood plain areas should be preserved from all destruction or damage resulting from clearing, grading, or

dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

6.15.5. Dedication of Drainage Easements

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated. The applicant shall dedicate to the Town, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and Town Engineer. Note: An open channel may require fencing with chain link fencing or equivalent, as determined by the Planning Commission, for the safety, health and welfare of residents.

6.16. Water Rights and Facilities

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements whether on or off site, which provide direct benefit to the subdivision, shall be constructed and paid for by the developer. The development's impact on the Town's water system, shall be determined by the impact analysis process, as outlined in Chapter 1 of this Code.

6.16.1. Existing System

Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and Town. All water mains shall conform with adopted the Wallsburg Town Construction Standard. Water main extensions and water facilities improvements shall be approved by the Town Engineer only in areas that can be reasonably served.

6.16.2. Guarantees

To facilitate the above, the location of all fire hydrants and all water storage and supply improvements shall be shown on the Final Plat or acceptable attached Subdivision Improvement Plans. A qualified estimate, consisting of at least two design and construction bids, of costs whether on or off site shall be included in the performance guarantee to be furnished by the developer. All guarantees shall be in the form described herein.

6.16.3. Ownership of Facilities

Prior to approval of the Final Plat, a determination shall be made by the Town about the location and extent of facilities to be maintained by the Town. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the developer or owners of the development.

6.16.4. Fire Hydrants

Fire hydrants shall be required in all subdivisions. Fire hydrants shall be located no more than five hundred (500) feet apart, no home shall be more than two hundred and fifty (250) feet away from a fire hydrant. The locations of fire hydrants shall be approved by the Wasatch Fire District and Town Engineer. In some instances, the Town and may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all

underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the plat. All fire hydrants shall include clean outs. Fire hydrants located on cul-de-sacs shall be installed at the direction of the Wasatch Fire District and Town Engineer.

6.16.5. Proof of Water Rights and Facilities

All applicants shall provide proof of the ability to transfer to the Town ownership of enough water as required by the State Engineer.
Wet water is defined as water rights in quantity, quality, duration, and availability as determined by the Utah State Engineer sufficient when converted to culinary use to meet with required amount. Availability is defined as the existence of a spring, well or other source proven capable of delivering actual water in the required amounts to the proposed lots.
If the applicant proposes to transfer the point of diversion of the water rights in question to one of the Town's wells or other sources of wet water, the applicant must demonstrate all of the following:

1. That the State Engineer has approved of the change of point of diversion and point of use of the necessary quantity of water to such source; and,

2. That such source has the necessary excess capacity to produce the required quantity of wet water; and

3. That the Town will authorize the allocation of such excess capacity of the water rights in question.

If the Town agrees to allocate such excess capacity to the development and the water rights in question, it may establish a fee for such allocation of capacity reasonably related to the probable cost of replacing such capacity at a later date.
If the Town accepts a source of wet water which is not part of its current water system, the applicant shall be required to develop and improve such source to the point that it meets all Wasatch County, State of Utah and Federal Government requirements for a public culinary water system and the applicant shall be required to transfer to the Town all such sources, improvements, distribution systems and all necessary land and easements reasonably necessary to connect such source and distribution system to the current Town water system and to vest ownership in the Town of such source, improvements and distribution system and permit ongoing servicing and upgrading of such system.
All such procedures and full vesting of ownership of all necessary water rights, improvements and land interests shall be accomplished prior to final plat approval.
Proof by the applicant of all of the foregoing shall be provided in legally sufficient form, by documents, opinions or title policies approved by the Town Attorney.
Neither final plat approval nor building permit shall issued until all of the above have been accomplished.

6.17. Sewer Facilities

The applicant shall install sanitary sewer facilities in manner prescribed by the Town construction standards and specifications. All plans shall be designed in accordance with current Town, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off-site requirements may be necessary to meet impacts imposed by the development on the Towns Sewer Facilities. The impact analysis required in Chapter 1 of this Code may be necessary for approval of the development by the Town.
Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Town and the Town Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the part of the Town serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the subdivision property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Town specifications, rules, regulations, and guidelines and this Code.

6.18. Sidewalks, Curbs, Trails, and Paths

6.18.1. Location

Sidewalks, if required, shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs may be required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the Planning Commission.

6.18.2. Improvements

Sidewalks shall be constructed of concrete at least three and one half (3 ½) inches thick and wide enough to meet ADA standards and shall be designed to best facilitate their assumed use and serve the public interest and safety.

6.18.3. Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with any State, County or local trail plan, and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to Town specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to this Code for improvements.

6.19. Other Utilities

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on Town streets and water/sewer personnel in the opinion of the Town Engineer. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the Town Engineer.

6.19.1. Easements

A ten (10) foot utility easement shall be provided on three sides of each lot in the subdivision for both private and municipal utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

6.20. Preservation of Natural Features and Amenities

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 8. Existing natural vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as water courses, rivers, irrigation works, wetlands, historic sites, critical meadow lands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The Preliminary Plat shall show the general number, size, and location of existing trees and indicate all those marked for retention. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations contained in chapter 8 of this Code.

6.21. Preliminary Plat

6.21.1. General Requirements

The Preliminary Plat shall be prepared by a land surveyor or engineer, licensed to practice in the State of Utah, at a scale of not more than one inch equals one hundred (100) feet. The plan may be prepared in ink, or ink and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder. The applicant shall supply the Town with one electronic copy of the Preliminary Plat in PDF format and five (5) paper copies of the Preliminary Plat.

6.21.2. Preliminary Plat Submittal Requirements

The Preliminary Plat shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. Contour lines at five (5) foot intervals, unless expressly exempted by the staff
3. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
4. The location of existing streets, easements, wetlands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission.
5. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses, square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Out lots shall be lettered in alphabetical order.
7. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines which would enable the Engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Names of all new streets.
11. Indication of the use of all lots or parcels whether single-family, two-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the subdivider.
12. All information required by the Planning Commission or Town Staff after review of the Concept Plan.
13. Explanation of drainage and site easements, if any.

14. Explanation of reservations and conservation easements, if any.
15. Owners' dedication and consent to record as required by applicable State law.
16. All utility facilities existing and proposed throughout the subdivision.
17. A plan designating limits of disturbance or building pads, if required, and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
18. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
19. Indication of the nearest location of all public and private utilities.
20. Indication of all slopes greater than twenty-five (25) percent.
21. A vegetation or revegetation plan if required herein.
22. The location and actual setbacks of existing structures within the preliminary plat boundaries, and a notation as to whether the existing structures will remain or be demolished.
23. On Subdivisions which are contiguous to an agricultural area or preservation area or will contain an agricultural open space or preservation area, a note shall be placed on the plat in conjunction with Wallsburg Town Right to Farm Ordinance, stating such and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.
24. The names and addresses of the property owners within three hundred (300 feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
25. Complete Subdivision Improvement Plans containing the information required in Section 6.21.3 and any other information required by the Planning Commission or Town Staff.
26. A table which details the density calculations for the plat, to include total acreage of plat, total acreage of lots, total acreage of streets, total acreage of open space, etc. and percentages of these items to the total acreage.
27. All information necessary to determine conformance with Wallsburg Town Code.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a Preliminary Plat.

6.21.3. Subdivision Improvement Plans

Subdivision Improvement Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. These requirements are the minimum. Other information may be required by the Planning Commission or Town Staff as the need dictates.
The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission or Town Staff in the Subdivision Improvement Plans whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission or Town Staff may result in denial of the plan.
The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

2. The Planning Commission may require, upon recommendation by the Town Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections and to any existing or proposed utility systems, and exact location, shut off valves and size of all water, gas, or other underground utilities or structures.

4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the Official Zoning Map, at the point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the Town Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.

5. Topography at the same scale as the Preliminary Plat with a contour intervals of five (5) feet, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.

6. All other specifications, details, and references required by the Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.

7. Notation of approval by the Owner, Town Engineer and all utility providers.

8. Title, name, address, signature, and seal of the licensed engineer preparing the plans, and date, including revision dates.

9. A limit of disturbance and revegetation plan.

6.21.3.1. **Format**

The Subdivision Improvement Plans shall be prepared on a similar medium and be the same size as the Preliminary Plat. The applicant will provide two (2) copies of the Subdivision Improvement Plans to the Town. The Subdivision Improvement Plans should provide signature blocks for and be signed by the Mayor, Town Engineer, and the applicant’s engineer and surveyor.

6.21.3.2. **Submission**

The Subdivision Improvement Plans shall be submitted as part of the Preliminary Plat application.

6.21.4. Preliminary Plat Review Process

Unless otherwise exempted in this Title, any division of land requires completion of a Preliminary Plat and Final Plat. The following outlines the review process for a Preliminary Plat, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.

6.21.4.1. If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, planned development approval, or any other legislative action, the legislative approval shall be completed prior to the submittal of the Preliminary Plat application.

6.21.4.2. The applicant may request a pre-application meeting with a Town representative to discuss the proposal and submittal requirements. If requested, the Town and the applicant shall follow the process outlined in 6.11.

6.21.4.3. The Town shall provide, or have available on the Town website, each of the following:

1. The Preliminary Plat application.
2. The owner's affidavit.
3. A breakdown of the application fees.
4. A complete list of standards and submittal items required for the project.

6.21.4.4. The application shall submit an application that includes the Preliminary Plat, Subdivision Improvement Plans, and all required documentation and information.

6.21.4.5. The Town checks the submittal for completeness.

1. If the submittal includes all materials, the Town receives the submittal and starts the review cycle.
2. If the submittal is deemed incomplete, the submittal is returned to the applicant. No review shall commence until the Town determines the application is complete.

6.21.4.6. If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within twenty (20) calendar days after receipt of the complete application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other related issues.

1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until at least (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See Utah State Code 73-1-15.5-1b.

6.21.4.7. Within forty (40) business days, the Town shall complete a review of the Preliminary Plat and Subdivision Improvement Plans, except as follows:

1. The review cycle dates restrictions and requirements do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

2. The review cycle number of days only applies to single-family, two-family, and townhome development. It does not apply to other land uses, such as commercial, industrial, or mixed-use.

6.21.4.8. After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

1. If the Town determines that the application requires corrections, the Town must be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.

2. The Town may require additional information relating to the applicant's plans to ensure compliance with the Town's ordinances and approved standards and specifications for the construction of public improvements.

3. If the application is found to meet all codes, standards, and specifications, it is forwarded to the Administrative Land Use Authority for review and approval.

6.21.4.9. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make revisions.

6.21.4.10. The Town shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.

1. If the resubmittal is complete, the Town shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant responded to the corrections in full and whether the applicant made any material changes.

    a. If the applicant responds within forty (40) business days, the Town has forty (40) business days to complete the second review cycle.

    b. If the applicant responds after forty (40) business days, the Town has sixty (60) business days to complete the second review cycle.

    c. If the applicant made a material change that merits a new review, the review shall restart at the first review cycle as it relates to the new material.

2. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.

6.21.4.11. If the Town neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if necessary to protect public health and safety or to enforce state or federal law.

6.21.4.12. If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Administrative Land Use Authority for review and approval.

1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the

fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.

6.21.4.13. If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

1. For a dispute arising from the Subdivision Improvement Plans, assemble an appeals panel in accordance with 10-9a-508(5)(d) to review and approve or deny the final revised set of plans or

2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the application's deficiency and of the right to appeal the determination to a designated appeal authority.

    a. The appeal authority for the Preliminary Plat shall be the Town Council.

6.21.5. Preliminary Plat Approval Process

After review, the application shall be submitted to the Administrative Land Use Authority for approval.

6.21.5.1. For the Preliminary Plat and Subdivision Improvement Plans, the Administrative Land Use Authority shall be the Planning Commission.

1. Legislative approvals, such as zone changes, overlay zones, general plan amendments, annexations, right-of-way vacations, etc., must be approved by the Town Council prior to the submission of a Preliminary Plat application.

6.21.5.2. The Administrative Land Use Authority shall hold a public hearing and send a public notice to all owners of property within three hundred feet (300') of the subdivision.

6.21.5.3. If the Administrative Land Use Authority finds that the application complies with the applicable municipal ordinances and the requirements of Utah State Code, it shall approve the Preliminary Plat application.

1. The Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:

    a. The applicant has not completed all requirements as outlined in the review index or

    b. The application does not address all requirements as outlined in state code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

2. The Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

6.21.6. Expiration

The application approval shall lapse in instances where a developer abandons or otherwise fails to take

timely action to address corrections or complete a project.

6.21.6.1. A Preliminary Plat application expires if it is not approved by the Town within one (1) year from the time the application is submitted and accepted.

6.21.6.2. Approval of the Preliminary Plat by the Administrative Land Use Authority shall be valid for a period of one (1) year after approval.

6.21.7. Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any Preliminary Plat which has received approval shall be exempt from any subsequent amendments to this Development Code rendering the plan non- conforming as to bulk or use, provided the final approval is obtained within the one-year period.

6.22. Final Plat

6.22.1. Final Plat Submittal Requirements

The Final Plat shall comply in all respects with the Preliminary Plat, as approved. The Final Plat shall, at a minimum, show the following:

1. Required Information:

    a. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the town.

    b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.

    c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.

    d. Every existing right-of-way and easement grant of record. Where the same is granted to a specific entity, that entity must be clearly identified.

    e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.

    f. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.

    g. The accurate location of all monuments shall be shown on the plat and shall be identified, including all United Stated, state, county, or other official monuments.

    h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).

    i. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town Engineer and indicated on the subdivider's plan by appropriate symbols.

j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any area to be reserved by deed or covenant for common use by all property owners.

k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town Attorney.

l. The parent parcel number, as shown on the records of the county recorder's office.

2. Required Forms and Certificates: In addition, the Final Plat shall contain the standard forms for the following:

a. A registered professional land surveyor's signed certificate of survey, together with a statement that:

i. The surveyor holds a license in accordance with Utah Code Annotated 58-22; Professional Engineers and Professional Land Surveyors Licensing Act.

ii. The surveyor has completed a survey of the property described on the plat in accordance with Utah Code Annotated 17-23-12 and has verified all measurements.

iii. The surveyor has placed monuments as represented in the plat.

b. The owner's certificate of dedication of all streets, roads, rights-of-way, or other parcels intended for the use and benefit of the general public.

c. Mortgagee or other lienholder's consent to record, if applicable.

d. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.

e. Certificate of approval and acceptance by the Town as evidenced by the signature of the Mayor.

f. Certificate of approval of the Town Engineer.

g. Certificate of approval of the Town Attorney.

h. Signature blocks for endorsement by:

i. Wasatch Fire District

ii. Utility Companies

iii. Any applicable Irrigation Company

i. A one-and-one-half-inch space in the lower right-hand corner of the drawing for the use of the county recorder.

j. Certificate of approval of the county treasurer.

k. A note on the plat which states the following: Wallsburg Town restricts the occupancy of buildings within developments as outlined in the International

Building Code. Accordingly, it is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by Wallsburg Town.

6.22.2. Final Plat Review Process

Within one (1) year of approval of a Preliminary Plat, a Final Plat prepared by a licensed surveyor not employed by the Town shall be submitted in conformance with this Title. If a complete application is not submitted within one (1) year of Preliminary Plat approval, the approval is deemed to have expired. The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.

6.22.3.1. The Town shall maintain and publish a list of items comprising a complete Final Plat application, including:

1. The application.
2. The owner's affidavit.
3. An electronic copy of all plans in PDF format.
4. The breakdown of fees due upon approval of the application.

6.22.3.2. The applicant shall submit a complete application, including the Final Plat and all required documentation and information.

6.22.3.3. The town shall check the submittal for completeness.

1. If the submittal includes all required materials, the Town shall receive the submittal and start a review.
2. If the submittal is incomplete, it shall be returned to the applicant. No review of the application shall commence until the Town has determined that the applicant has submitted a complete application.

6.22.3.4. After a determination that the application submittal is complete, the Town shall begin its review. The Town has a thirty (30) business day review window to conduct its review and provide comments on the application.

1. The thirty (30) business day review period applies to single-family, two-family, and townhome developments.

6.22.3.5. If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other issues related.

1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Town shall not grant approval until at least twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See Utah State Code 73-1-15.5-1b.

6.22.3.6. During the review window, the Town Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:

1. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner, as shown on the records of the County Recorder's Office.
2. The performance bond, escrow deposit, letter of credit, or trust deed with the Town is in appropriate form and signed by the necessary parties.

3. That the subdivision does not, in the attorney's opinion, violate any ordinance of the Town, laws of the State of Utah, or rules and regulations promulgated pursuant thereto.

6.22.3.7. Within the review window outlined in subsection 6.22.3.4, the Town shall complete a review of the Final Plat and submittal contents and provide a response to the applicant. The Town shall determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

1. If the application is found to require corrections, the Town shall be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
2. The town may require additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards.
3. If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.

6.22.3.8. If corrections are required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make a requested revision.

6.22.3.9. The Town shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.

1. If the resubmittal is complete, the Town shall review the application and provide written comment within the review window as outlined in subsection 6.22.3.4.
2. The review window number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use, nor does it apply to any legislative approval.

6.22.3.10. If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Administrative Land Use Authority for review and approval.

1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah State Code 10-9a-604.2(8), as amended.

6.22.3.11. If, on the fourth and final review, the Town fails to respond within forty (40) business days, the Town shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:

1. The Town shall advise the applicant, in writing, of the application's deficiency and the right to appeal the determination to a designated appeal authority.
    a. The appeal authority shall be the Town Council.

6.22.4. Final Plat Approval Process

After the review cycle process has been completed, the application shall be submitted to the Administrative Land Use Authority for approval.

6.22.4.1. The Administrative Land Use Authority for Final Plat approval shall be as determined by the Town Council and may be a staff member, Town representative, or a board created as a the land use authority. Any individual or board member may not be part of either the Town Council or Planning Commission. (See Utah State Code 10-9a-604.1)

1. No public hearing for the Final Plat approval may be held.

6.22.4.2. The Administrative Land Use Authority shall approve the Final Plat if it finds:

1. The proposed plat complies with the requirements of the Town Code, Utah State Code, and all other applicable policies and regulations.
    a. The plat has been approved by the culinary water authority.
    b. The plat has been approved by the sanitary sewer authority.
    c. If applicable, the health department has approved the plat.
2. The Administrative Land Use Authority may deny or remand the proposed Final Plat if:
    a. The Administrative Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
    b. The applicant is unwilling to make the required corrections or provide the required information.
    c. Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

6.22.3. Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the Town Attorney.
If required by the Town Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Town in the sum not less than ten thousand dollars ($10,000.00), which sum shall be determined by the Town Attorney and or Engineer before signing of the Final Plat.

6.22.4. Proof of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon Preliminary Plat approval.

6.22.5. Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens are placed on the property. Furthermore all review fees owed to the Town shall be paid in full prior to Final Plat approval.

6.22.6. Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application as provided in Section 1.20. All requirements, conditions, or regulations adopted by the Planning Commission and Town Board applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat.

6.22.7. Preparation of Final Plat Mylar

Once all requirements have been met, redline corrections made, and the Administrative Land Use Authority has approved the final plat, the applicant shall submit a twenty-four-inch by thirty-six-inch (24”x36”) mylar drawing of the corrected final subdivision plat that meets the requirements of the Office of the County Recorder, with the signatures of the owners and other required signatures.

6.23. Assurance for Completion and Maintenance of Improvements

6.23.1. Completion of Improvements

Before an applicant records a plat, the applicant shall complete all required public landscaping improvements and public infrastructure improvements or shall post an improvement completion assurance for the required public landscaping and public infrastructure improvements.

6.23.2. Performance Guarantees

The Town shall require the applicant to post an acceptable guarantee at the time of application for Final Plat approval in an amount estimated by the Town Engineer as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this Code.
The period within which required improvements must be completed shall not exceed one (1) year from the date of final approval. Such guarantee shall be approved by the Town Board with surety and conditions satisfactory to them. The Town may extend the completion date set forth in such guarantee for a maximum period of one additional year. The Town may at any time during the period of such guarantee accept a substitution of principal or sureties.

6.23.3. Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the Town and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the Town a separate suitable guarantee, in accordance with this Code, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

6.23.4. Costs of Improvements

All on site or project specific improvements required to provide adequate public facilities in order to provide service to a subdivision at acceptable level of service standards shall be made by the applicant, at their expense, without reimbursement by the Town or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances. Any system improvements required shall be evaluated on a case-by-case basis in conjunction with the Town’s capital facilities plan and impact fees ordinance to determine which improvements shall be the responsibility of the developer and which shall be paid out of impact fees.

6.24. Inspection of Improvements

6.24.1. General Procedure and Fees

The Town Engineer or Building Official shall provide inspection of required improvements during construction and insure their satisfactory completion. These fees shall be due and payable upon demand of the Town and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications.

6.24.2. Release or Reduction of Performance Guarantee

Subject to the maintenance provisions contained in this Code, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the Administrative Land Use Authority and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved Subdivision Improvement Plans for the subdivision. Further, a title insurance policy shall be furnished to the Town Attorney and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town shall thereafter accept the improvements for dedication in

accordance with the established policy and procedure.

6.24.2.1. **Reduction of Performance Guarantee**

A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below twenty five (25) percent retainage of the principal amount until total completion.

6.25. Escrow Deposits or Letters of Credit for Lot Improvements

When, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the Town Engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect. All required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed properly in the discretion of the Building Official, the Building Official may request the Town Board to authorize the Town to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

6.26. Maintenance of Improvements

6.26.1. Prior to Completion

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until over fifty (50) percent of the lots within the subdivision are built upon.

6.26.2. Warranty after acceptance and dedication

The applicant shall be required to file a maintenance guarantee with the Town, prior to acceptance, in an amount considered adequate by the Town Engineer and in a form satisfactory to the Town Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the Town and dedication of same to the Town.

6.27. Issuance of Building Permits and Certificates of Occupancy

Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication to the Town, as required in the Planning Commission's and Town Board's final approval of the subdivision plat.
The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by emergency equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit in escrow or an acceptable letter of credit for the necessary final improvement of the street.
No building permits shall be issued for the final ten (10) percent of lots in a subdivision until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the Town.

6.28. Consumer Protection Legislation and Conflicts of Interest Statutes

No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted

or issued, it shall be subject to revocation by the Town until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure

Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Code.

6.29. Simple Lot Subdivisions

6.29.1. Purpose:

Utah State Code provides an exemption from many subdivision requirements for subdivisions with a limited number of lots that are subdivided without a plat. The intent of this simple lot subdivision process is to take advantage of the Utah State Code exemption for subdivisions located along existing public infrastructure. This section outlines a separate process for these smaller subdivisions. In this process, an applicant divides property through a metes and bounds record of survey.

6.29.2. Applicability:

The procedure set forth in this section shall govern the process and requirements pertaining to simple lot subdivisions with up to four (4) lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and final plat subdivision process.

6.29.3. Application Process:

The subdivider of a simple lot subdivision, after completing the plans required, shall submit a simple lot subdivision application including the simple lot subdivision, the Subdivision Improvement Plans, and all other required documentation and information.

6.29.4. Required Conditions:

For a proposed subdivision to qualify for simple lot subdivision approval, the proposed simple lot subdivision shall:

- ***6.29..1.*** Be for a single-family dwelling dwelling(s), and any associated accessory dwelling(s).
- ***6.29..2.*** Be located on property zoned for such use.
- ***6.29..3.*** Contain no more than four (4) lots.
- ***6.29..4.*** Have all proposed lots located adjacent to required public utilities and along an existing street that meets all Town standards
- ***6.29..5.*** Not contain any legislative approval, such as a zone change or text amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision application.
- ***6.29..6.*** Not be traversed by the mapped lines of a proposed street as shown in the general plan unless the Town has approved the location and dedication of any public street, municipal utility easements, any other easement, or any other land for public purposes as the municipality's ordinances require.
- ***6.29..7.*** Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.

6.29.5. Submittal Contents:

An applicant shall submit an application to the Town for a simple lot subdivision that includes, at a minimum, each of the following:

- ***6.29.5.1.*** A current title report showing ownership by the applicant.
- ***6.29.5.2.*** Name of the applicant or authorized agent and contact information.
- ***6.29.5.3.*** Property address, acreage, boundary, and tax identification number.
- ***6.29.5.4.*** Date, scale, and North arrow.
- ***6.29.5.5.*** Vicinity map showing the property's location relative to municipal boundaries and roads that serve the property.

6.29.5.6. A statement containing the zone, lot size, and amount of frontage along a public street for each proposed lot.

6.29.5.7. A metes and bounds description of the property proposed to be subdivided.

6.29.5.8. A subdivision name.

6.29.5.9. A record of survey map, showing each new lot, which includes the following details:

1. The location of survey by quarter section and township range.
2. The date of survey.
3. The scale of the drawing and North point.
4. The distance course of all lines traced or established, giving the basis of bearing and distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision.
5. All measured bearings, angles, and distances separately indicated from those of record.
6. A written boundary description of property surveyed.
7. All monuments set and their relation to older monuments found.
8. A detailed description of monuments found and monuments set, indicated separately.
9. The surveyor's business name and address.
10. A written narrative that explains and identifies:
    a. The purpose of the survey.
    b. The basis on which the lines were established.
    c. The found monuments and deed elements that controlled the established or reestablished lines.
11. If the narrative is a separate document, it shall contain:
    a. The location of the survey by quarter section and by township range.
    b. The date of the survey.
    c. The surveyor's stamp or seal.
    d. The surveyor's business name and address.
12. The map and narrative shall be referenced to each other if they are separate documents.
13. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the size required by the county surveyor.

6.29.6. ***Site-Specific Contents:***

The following documents shall accompany the simple lot subdivision application when deemed necessary by the Town Engineer:

6.29.6.1. Soils Report: The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a civil engineer licensed in the state of Utah.

6.29.6.2. Storm Water Plan: The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all applicable codes, standards, and specifications. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.

6.29.6.3. Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.

6.29.7. ***Review and Approval Process:***

The intent of the simple lot subdivision is to provide timely review and approval of all complete applications, as follows:

6.29.7.1. Optional Pre-Application Meeting: An applicant may request to meet with Town staff and representatives prior to submittal to review the application and requirements.

6.29.7.2. Preliminary Review: The applicant shall submit the application and all required contents. The Town will check for completeness. If not all materials have been submitted, the application shall be returned to the applicant until all required contents are included.

6.29.7.3. Administrative Review: Once the application is deemed to be complete, the Town shall complete a review of the simple subdivision application and any associated subdivision improvement plans and determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

1. If the application is found to require corrections, the Town shall provide corrections to the applicant. The required corrections are sent to the applicant to prepare for resubmittal.
2. The Town may require additional information relating to the application to ensure compliance with the Town's ordinances and approved standards.
3. If the application meets all codes, standards, and specifications, Town staff shall forward the application to the Planning Commission.

6.29.7.4. Planning Commission Review: The Planning Commission shall, in a public meeting, review the application and make a decision whether to approve or deny the application. If the Planning Commission determines that the application does not meet all requirements, an applicant may request that the application is tabled until all requirements are met.

1. A courtesy notice shall be sent to all properties within one hundred feet (100') of the property, notifying the property owners of the time and place of the public meeting and nature of the request.
2. If the applicant meets all applicable requirements, the Planning Commission shall approve the simple lot subdivision application. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny the application.

6.29.8. ***Filing the Record of Survey:***

6.29.8.1. After the Planning Commission has approved the simple lot subdivision application, the Town shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the Town Recorder, specify the name of the subdivision, the number of lots, and the date of Planning Commission approval.

6.29.8.2. The applicant shall provide a check sufficient to cover the recording fees.

6.29.8.3. Within one (1) year of approval the Record of Survey, with the accompanying written certificate of approval, shall be recorded in the Office of the County Recorder.

6.29.9. ***Expiration of Final Approval:***

If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.

7. Chapter 7 COMMERCIAL DEVELOPMENTS

This chapter details the regulations and requirements for any commercial development that occurs in the Town of Wallsburg. This chapter will address issues such as intensity, circulation, design, compatibility, and landscaping. The approval process is also outlined in this chapter. All commercial developments are required to satisfy these requirements and those found in the relevant sections of Chapter 5 herein.

Contents of this chapter

7.1. Relationship to Other Requirements of This Code and Other Federal, State and Town Ordinances 7-2
7.2. Purpose for Commercial Development Standards 7-2
7.3. Design and Layout Considerations 7-2
7.4. Submission and Approval Process 7-4
7.5. Exceptions to the Requirements of Chapter 6 and Other Requirements of this Code 7-10

7.1. Relationship to Other Requirements of This Code and Other Federal, State and Town Ordinances

The requirements for commercial developments found in this Chapter are in addition to all other applicable requirements of this Code and other Federal, State and Town Ordinances. All commercial developments must satisfy all the requirements of this Chapter and all other applicable Federal, State and Town requirements including the requirements found in this Code, especially Chapter 6, prior to Final Plat approval.

7.2. Purpose for Commercial Development Standards

These Commercial Development Standards are adopted for the following purposes:

1. To provide organized, safe, and sustainable commercial development.

2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, avoiding congestion and providing effective pedestrian facilities and linkages.

3. To establish standards of architecture and design in order to create an attractive commercial area that will draw desirable tenants, add beauty to the Town, and become a gathering place for the citizens.

7.3. Design and Layout Considerations

All applications for commercial development will be required to submit a Concept Plan and prepare a Final Plat using the criteria in this Section as a guide, and in accordance with Section 7.4 of this Chapter. The Planning Commission will also use this criteria in its consideration of approving the Final Plat.

In addition to the requirements established herein and in Chapter 6, all Final Plats shall comply with all applicable statutory provisions, Sensitive Lands Overlay Zone regulations, Uniform Building and related Codes, Town design standards and specifications, the Official Streets Master Plan, the General Plan, the Official Zone Map, the Trails Master Plan, Public Utilities plans, and Capital Improvements Program of the Town or any other Local Government having jurisdiction in the development, including all streets, trails, drainage systems and parks, and the rules of the Utah Department of Transportation if the commercial development abuts a state highway or connection street.

If the owner places restrictions on any of the land contained in the development greater than those required by this Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the Planning Commission may require that restrictive covenants be recorded.

7.3.1. Unsuitability

If the Planning Commission or Town Board finds lands unsuitable for commercial development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the development or surrounding areas, the land shall not be developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the Town, upon recommendation of a qualified planner or engineer hired by the developer, and approval of the Town Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or

reserved for uses that do not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by chapter 8 of this Code.

Additionally, consideration must be given to soil conditions and ground water existence, and may include appropriate setbacks and conservation requirements.

7.3.2. Development Name

The proposed name of the development and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other development, subdivision or street in the area covered by these regulations or nearby communities. The Town Board shall have final authority to approve the name of the development and to select street names.

7.3.3. Compliance With Zoning Provisions

All applications for commercial development are required to satisfy the applicable zoning provisions found in Chapter 5 of this Code. Of particular note for commercial developments are off street parking and signs. Each commercial development shall satisfy the parking requirements found in Chapter 3 of this Code. All commercial projects are subject to the guarantees of performance required by this Code.

7.3.4. Development Design

It is the intention of this Section to create attractive and sustainable commercial development. By requiring commercial developments to meet strict design and landscaping standards the Town of Wallsburg believes the commercial zones will become a place where citizens and visitors will frequent often, thus making the development more sustainable.

7.3.4.1. Landscaping Requirements

The landscaping requirements found in this section are in addition to any other landscaping requirements of this Code or any other landscaping ordinances adopted by the Town of Wallsburg. Each applicant for commercial development shall submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one (1) tree per twenty (20) feet along the public street. The applicant shall provide appropriate guarantees on the trees, or they shall have no less than a two (2) inch caliper. No trees shall be planted within forty-five (45) feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other manner acceptable to the Planning Commission.

7.3.4.1.1. Maintenance of Landscaping

All landscaped areas shall be maintained on a regular basis and be kept neat and clean. If the Zoning Administrator determines the maintenance requirement has not been satisfied, the Zoning Administrator shall notify the Planning Commission. The Planning Commission shall notify the owner of the subject property, as listed in the office of the Wasatch County Recorder, of a meeting to be held between the owner and the Planning Commission. The Planning

Commission will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a class C misdemeanor charge against the property owner under the authority of the Utah Code § 10-9-1003.

7.3.4.2. Compatibility

In addition to the requirements of this Code, the following design requirements shall apply to each commercial development approved under this Chapter. All commercial development should be compatible with surrounding development as to mass, color, signage, and the like. The Planning Commission may make recommendations to the applicant in order to improve compatibility with surrounding development. If changes to the anticipated structure are made, these changes should be submitted to the Zoning Administrator at the earliest possible date. The Zoning Administrator will determine whether the changes need to be reviewed by the Planning Commission.

7.3.4.3. Access

Generally speaking, the commercial areas in Wallsburg are located on streets with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. However, each commercial development is required to incorporate two points of ingress and egress to the proposed development. No point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.

7.3.5. Development Layout

Unlike other developments approved under this Code, commercial developments may have more than one main structure per parcel. In such cases, the applicant shall provide a project master plan to the Planning Commission indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Setback requirements in commercial zones may be varied to improve appearance and circulation, but must be approved by the Planning Commission. The Planning Commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.

7.4. Submission and Approval Process

The Concept Plan provides an opportunity for the applicant, Town Staff and Planning Commission to meet and discuss the proposed project in the conceptual stage. The applicant can use the Concept Plan meeting to ask questions of the Planning Commission and Town Staff, and receive some direction on development design and layout. At the Concept Plan meeting the Town Staff and Planning Commission will inform the applicant of the uses which are allowed in the zone. The Planning Commission may also discuss the procedure for approval of a commercial development and the specifications and requirements as to general design and layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.

The Planning Commission may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the Final Plat within their jurisdiction, including but limited to, the current Wasatch Fire District, Wasatch School District, and the various utility service providers. Neighbors of the planned project should also be consulted to get their views and concerns.

7.4.1. Concept Plan Application Procedure and Requirements

Prior to any approval of a Commercial Development, the owner of the land or an authorized agent shall submit an application for a Commercial Development Concept Plan and four (4) copies of the proposed plan to the Planning Commission. The plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion which is proposed to be developed. Those contiguous areas not included in the development, if any, should include an indication of the proposed future use.

2. Be accompanied by the proper review fee in accordance with the adopted Fee Schedule.

3. Include an address and telephone number of the applicant and property owner.

4. Be accompanied by a list of all property owners within one thousand (1000) feet of the proposed commercial development.

5. Include a general written and graphic representation of the proposed development, all approvals being sought, and a presentation of the proposed materials and design theme of the proposed commercial development.

7.4.1.1. Town Planner Review of Concept Plan Revised April 29, 1999

The Wallsburg Town Planning Commission shall consider the Concept Plan and render a report at a regular meeting of concerning the plan. The Wallsburg Town Planning Commission shall direct the applicant to transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school, fire and other special service type districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. Town Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

The scale or complexity of a project of the Wallsburg Town Planning Commission workload will dictate the processing period. The Wallsburg Town Planning Commission will provide the applicant a projected time frame when an application is filed. If the work load is too great for processing by available Town Staff in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the Town. The developer will be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

7.4.1.2. Planning Commission Review of Concept Plan

The Planning Commission shall study the Concept Plan and Town Staff report, taking into consideration the requirements of this Code and the General Plan. Particular attention will be given to the arrangement and location of structures, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, the further development of adjoining lands, and the requirements of the Official Zoning Map, General Plan, Land use map(s) and Streets Master Plan, as adopted by the Planning Commission and Town Board.

7.4.1.3. Planning Commission Action

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, Town Staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations required as a prerequisite to the approval of the Final Plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. The Planning Commission will grant the applicant the right to move forward with authorization to prepare and submit a Final Plat.
Although approval is not required, the Planning Commission shall not review any Final Plat without completing a review of the Concept Plan.

7.4.2. Final Plat

Following the approval of the Concept Plan, the applicant may file an application for a Final Plat. The Final Plat shall be prepared by a registered land surveyor licensed by the State of Utah and certified on the plat. The Final Plat shall be prepared in india ink on tracing cloth or reproducible mylar at a scale not less than one hundred (100) feet equals one (1) inch. The requirements herein are minimum and other information may be required by the Town Board, Planning Commission, or Town Staff as the need dictates. The applicant shall provide the Town with two (2) copies of the Final Plat with one of the copies being produced on tracing cloth or reproducible mylar. Additionally, the Town desires to have a disk copy of any Final Plat prepared on a computer in a format approved by the City Engineer.

The Final Plat shall, at a minimum, contain the following information:

1. The date of the plat, north arrow and name of the development.

2. The location of the development with respect to surrounding property and streets, the names of all adjoining property owners of record or names of adjacent developments, the names of adjoining and proposed streets, and the location and dimension of all boundary lines.

3. The location of existing easements, water bodies, rivers, streams, trails, and other pertinent features such as swamps, buildings, parks, drainage or irrigation ditches, bridges, or other features determined by the Planning Commission.

7.4.2.1. Revisions

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat which was not present on the Preliminary Plan or a requirement of approval by the Town Board, it is the applicant's responsibility to inform the Planning Commission and Town Board of the changes. Failure to inform the Planning Commission or Town Board of revisions not present on the Preliminary Plan or a requirement of approval may result in revocation of any or all approvals.

7.4.2.2. Features to be Shown on Final Plat

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plat. The Final Plat shall be presented to the Planning Commission at least four (4) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed.

The Final Plat shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the development.

2. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

3. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission.

4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.

5. The location, dimensions, and areas of all proposed or existing parcels complete with utility easements, lot or parcel numbers, proposed addresses, square footage of each lot or parcel, and building setback lines; All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.

7. The name and address of the owner or owners of land to be developed, the name and address of the developer if other than the owner, and the name of the land surveyor.

8. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of all lines which would enable the Engineer to reproduce the lines upon the ground, and the location of all proposed monuments.

9. Names of all new streets.

10. All information required by the Planning Commission or Town Staff after review of the Concept Plan.

11. Explanation of drainage and site easements, if any.

12. Explanation of reservations and conservation easements, if any.

13. Owners dedication and consent to record as required by applicable State law.

14. Signature blocks for endorsement by the Planning Commission Chair, Mayor, Town Engineer, Wasatch Fire District and any other signatures required by the Planning Commission.

15. All utility facilities existing and proposed throughout the development.

16. If the plan does not include all contiguous property of the owner of the development, an indication of future use of the additional property.

17. Indication of the nearest location of all public and private utilities.

18. Indication of all slopes greater than thirty (30) percent.

19. A landscaping plan as required herein.

20. The names and addresses of the property owners within one thousand (1000) feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the development imposed thereon.

21. Complete construction plans containing the information required in Section 7.4.2.3 and any other information required by the Planning Commission or Town Staff.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a Final Plat.

7.4.2.3. Construction Plans

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet. These requirements are the minimum, other information may be required by the Planning Commission, Town Board, or Town Staff as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Code, the Planning Commission, Town Board or Town Staff in the construction plans whether included in this list or not. Failure to show any feature required by this Code, the Planning Commission, Town Board or Town Staff may result in denial of the plan.

The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

2. The Planning Commission may require, upon recommendation by the Town Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitude's, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.

4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundment's, streams, and other pertinent features such as swamps, wetlands, buildings, and features noted on the Official Zoning Map. If the development borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.

5. Topography with contour intervals of five (5) feet, referred to sea-level datum. All datum provided shall be latest the applicable U.S. Geodetic Survey datum and should be so noted on the plat.

6. All other specifications, details, and references required by the Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.

7. Notation of approval by the Owner, Town Engineer and all utility providers.

8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.

9. A limits of disturbance and revegetation plan.

7.4.2.4. Format

The construction plans shall be prepared on a similar medium and be the same size as the Concept Plan. The applicant will provide two (2) copies of the construction plans to the Town. The construction plans should provide signature blocks for and be signed by the Mayor, Town Engineer, and the applicant's engineer and surveyor.

7.4.2.5. Planning Commission Recommendation of Final Plat

The Final Plat shall be presented to the Planning Commission for their review and recommendation at least four (4) weeks prior to the regular meeting of the Planning Commission in which the project will be addressed. The Planning Commission will review the Final Plat for compliance with the requirements of this Code. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the Final Plat. The recommendation of the Planning Commission will be forwarded to the Town Board by the Planning Commission Chair.

The Planning Commission shall not recommend approval of any Final Plat until all review fees have been paid in full according to the town fee schedule.

7.4.2.6. Board Public Hearing and Approval of Final Plat

Following a recommendation for approval, approval with conditions, or denial of a Final Plat by the Planning Commission, the Town Board shall hold a Public Hearing on the Final Plat. Notice of the hearing shall be given in accordance with Chapter 1 of this Code. After review of the Final Plat and consideration of any testimony or exhibits presented at the Public Hearing, the Board shall approve, approve with conditions, or deny the Final Plat.

7.4.2.7. Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the Town Attorney.

If required by the Town Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Town in the sum not less than ten thousand dollars ($10,000.00), which sum shall be determined by the Town Attorney and or Engineer before signing of the Final Plat.

7.4.2.8. Proof of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission.

7.4.2.9. Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all taxes are current and that no other Town debts or obligations are outstanding and no liens or encumbrances are placed on the property.

7.4.2.10. Vested Rights

Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of Final Plat approval until the actual signing of the plat by the Chair of the Planning Commission and the Mayor. All requirements, conditions, or regulations adopted by the Planning Commission and Town Board applicable to the development generally shall be deemed a condition of approval to the signing of the Final Plat.

7.4.2.11. Signing and Recording of Final Plat

The Chair of the Planning Commission and Mayor shall endorse approval on the plat after the approval by the Town Board, and all the conditions pertaining to the Final Plat have been satisfied. The Chair of the Planning Commission and the Mayor will sign the tracing cloth or reproducible mylar original of the Final Plat. The Town Clerk shall file the original mylar plat with the County Recorder within ten (10) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

7.5. Exceptions to the Requirements of Chapter 6 and Other Requirements of this Code

Exceptions to this Subdivision Ordinance for commercial development are limited to the following:

1. More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.

2. The owner of commercial property does not need to provide a name for the commercial development.

3. Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development.

8. Chapter 8 CONSERVATION SUBDIVISION AND FARM PRESERVATION REGULATIONS

The standards and regulations set forth in this chapter relate to proposed subdivisions in the Town of Wallsburg. All subdivision shall be consistent with Chapter 6 herein and all other relevant sections of this Code.

Contents of this chapter

8. CHAPTER 8 CONSERVATION SUBDIVISION REGULATIONS 1

8.1. PURPOSE 2
8.2. APPLICABILITY 3
8.3. DEFINITIONS 3
8.4. DEVELOPMENT OPTIONS 3
8.5. APPROVAL PROCESS 3
8.6. DEVELOPMENT ACTIVITIES PROHIBITED 4
8.7. WAIVER 4
8.8. SUBDIVISION YIELD PLAN 4
8.9. SENSITIVE AREA DESIGNATION PLAN 5
8.10. MASTER DEVELOPMENT PLAN 6
8.11. DIMENSIONAL STANDARDS 6
8.12. DESIGN STANDARDS 7
8.13. CONSERVANCY LOTS 8
8.14. USE REGULATIONS 8
8.15. CONSERVATION LAND DESIGN STANDARDS 11
8.16. PERMANENT PROTECTION OF CONSERVATION LANDS 12
8.17. OWNERSHIP OF CONSERVATION LANDS 13
8.18. MAINTENANCE OF CONSERVATION LANDS 14

8.1. Purpose.

The purpose of this Chapter is to provide an alternative to the standard subdivision development pattern within Wallsburg Town in a manner that:

1. Protects constrained and sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;

2. Conserves conservation and open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;

3. Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;

4. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;

5. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community=s population diversity may be enhanced;

6. Provides incentives for the creation of greenway systems and open space within the Town for the benefit of present and future residents;

7. Implements adopted Town policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Comprehensive General Plan;

8. Implements adopted land use, environment, natural hazards, transportation, and community policies, as identified in the Comprehensive General Plan;

9. Protects areas of the Town with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for viable farm operations;

10. Creates neighborhoods with direct visual and/or recreational access to constrained, sensitive and conservation land;

11. Provides for the conservation and maintenance of constrained, sensitive and conservation land within the Town to achieve the above-mentioned goals;

12. Provides incentives and design alternatives for landowners to minimize impacts on environmental resources such as, sensitive lands, wetlands, floodplain, and steep slopes, and to minimize disturbance of natural or cultural features such as, mature woodlands, tree lines, wildlife habitats and corridors, historic buildings, and floodplain walls;

13. Provides standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and

14. Conserves scenic views and elements of the Town=s rural and scenic character and minimizes perceived density by minimizing views of new development from existing roads.

8.2. Applicability.

The election to develop property as a Conservation Subdivision is voluntary and provided to developers as an alternative to development of property as a Conventional Subdivision pursuant to other applicable provisions of this Title. The intent of this Chapter and the Conservation Subdivision options is to encourage the creation and development of flexibly-designed open space subdivisions. Conservation Subdivisions may be developed within applicable agricultural and residential zones of the Town. Conservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter and with all other applicable subdivision ordinances and zoning regulations of the Town which are not otherwise in conflict with the provisions of this Chapter.

8.3. Definitions.

For purposes of this Chapter, the following words shall have the meanings set forth herein:

8.3.1. Conservation Land

Conservation Land means land containing unique, historic, cultural, archeological, natural or other significant features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, and open space.

8.3.2. Constrained and Sensitive Land.

Constrained and Sensitive Land means land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults, high water table and other geologically or environmentally sensitive features.

8.4. Development Requirements.

Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding density incentive as provided herein for Conservation Subdivisions. In order to obtain the full density incentive permitted herein for a Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development.

8.5. Approval Process.

Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the Town Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Subdivision Yield Plan, Sensitive Area Designation Plan and/or Master Development Plan.

8.6. Development Activities Prohibited.

In order to ensure the preservation and enhancement of existing conditions of certain property within the Town, including, but not limited to, constrained and sensitive lands, natural and cultural resources, wildlife habitat and other unique and sensitive lands, no new development activity shall be permitted on property proposed for development as a Conservation Subdivision prior to final plat approval as provided herein. Upon final plat approval, all development activity shall be conducted in accordance with and subject to applicable permit and development approval processes required by Town Ordinances, rules and regulations. For purposes of this Section, Adevelopment activity@ shall include any disturbance or alteration of the property in any way, but shall not include continuation of any currently existing permitted use of the property.

8.7. Waiver.

Subject to the provisions set forth herein, any provision of this Chapter may be waived by the Town upon a vote of not less than four (4) members of the Town Board. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the Town Board. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

8.8. Subdivision Yield Plan.

All applications for a Conservation Subdivision shall include a Subdivision Yield Plan prepared in accordance with the provisions set forth herein. The Subdivision Yield Plan is utilized to determine and calculate the base number of dwelling units for any given property to be developed as a Conservation Subdivision.

8.8.1. Subdivision Yield Plan.

Applicants shall prepare a Subdivision Yield Plan for the proposed project showing how the property within the project could be developed under a Conventional Subdivision layout using the dimensional standards set forth in Subsection (8.8.3). The Subdivision Yield Plan is not intended to propose or permit the actual development of the property in accordance with the dimensional standards set forth herein, but is prepared merely to determine the base number of dwelling units to be used in calculating the permitted number of dwelling units and lot size for the actual Conservation Subdivision. No subdivision may be developed in accordance with the dimensional standards set forth in Subsection (8.8.3) or a proposed Subdivision Yield Plan.

8.8.2. Realistic Layout.

The Subdivision Yield Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could reasonably be expected to be implemented in consideration of dimensional standards set forth herein and calculating and addressing the presence of non-buildable or infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas, and existing easements or encumbrances.

8.8.3. Dimensional Standards.

The Subdivision Yield Plan shall reflect the following dimensional standards:

Subdivision Yield Plan Dimensional Standards		
Zone	Lot Area	Frontage
RA (Residential Agriculture)	5 Acre	250=
A (Agriculture-Very Low Density)	20 Acre	330=

8.8.4. Approval.

The Subdivision Yield Plan must be approved in writing by thefor compliance with the standards and provisions of this Section prior to the submission of a Schematic Plan for a Conservation Subdivision.

8.9. Sensitive Area Designation Plan.

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, steep slopes, and fault lines. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, geographic features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space. Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

8.10. Master Development Plan.

When deemed necessary or desirable by the Town, application and approval for a Conservation Subdivision may require the submission and approval by the Town of a Master Development Plan and/or Development Agreement. Such Master Development Plan and/or Development Agreement may be required by the Town at any stage of the subdivision approval process.

8.11. Dimensional Standards.

1. The permitted density for development within a Conservation Subdivision shall be determined in accordance with the following chart, hereinafter referred to as the ADevelopment Incentive Chart.@ The percentage increases noted as the Amultiplier@ in the Chart are percentage increases from the base density identified in the approved Subdivision Yield Plan for the proposed development.

Development Incentive Chart			
Zone	Conservation Land	Incentive Multiplier	Lot Size Minimum
RA	40%	20%	40,000
A	40%	20%	40,000

2. Minimum Required Conservation Land. All Conservation Subdivisions shall provide at least the minimum percentage of conservation land within the Conservation Subdivision as set forth in the Development Incentive Chart in Subsection (a). The minimum percentage of required conservation land for any given Conservation Subdivision shall be calculated based upon the total acreage of property within the proposed subdivision less areas containing constrained and sensitive lands. Required conservation land shall not include any constrained or sensitive lands as defined herein. Except as otherwise provided herein, conservation land shall not be included within any residential lot.

3. Lot Area. The lot area and minimum lot size for lots within a Conservation Subdivision shall be determined in accordance with the Development Incentive Chart set forth in Subsection (a). The typical lot area is likely to be much closer in size to the established threshold for each zone because that lot size can be delivered by developers while still meeting the minimum conservation land requirements set forth herein.

4. Lot Width at Building Line. The minimum lot width at the building line for main buildings within a Conservation Subdivision shall be one hundred and fifty (150) feet.

5. Street Frontage. The minimum street frontages for lots within a Conservation Subdivision shall be determined in accordance with the street frontage regulations provided for the relevant zone.

6. Yard Regulations. The builder or developer of a Conservation Subdivision is encouraged to consider variations in the principal building position and orientation, but shall observe the following minimum standards for buildings within a Conservation Subdivision. Exceptions to these minimum setback regulations may be approved by the Town, in its sole discretion, during plat approval process when deemed appropriate and desirable under the circumstances.

a) Front Setback. The minimum front yard setback for main buildings in a Conservation Subdivisions shall be twenty (20) feet . Notwithstanding the foregoing, the minimum front yard setback for front-loaded garages in any Conservation Subdivision shall be thirty (30) feet.

b) Rear Setback. The minimum rear yard setback for main buildings within a Conservation Subdivisions shall be thirty (30) feet.

c) Side Setback. The minimum side yard setback for main buildings within a Conservation Subdivision shall be ten (10) feet.

d) Side Corner Setback. The minimum side corner setback for main buildings within a Conservation Subdivision shall be fifteen (15) feet from the property line in compliance with clear vision standards set forth in Section 3.7 of this Title.

8.12. Design Standards.

1. Individual Lots. Individual lots in Conservation Subdivisions shall be laid out pursuant to the dimensional standards set forth herein. Except as otherwise provided for herein, individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the Subdivision or any constrained or sensitive lands, as defined herein.

2. Buffer from Road. All new dwellings shall be arranged and located a minimum of eighty (80) feet from all external roads with a functional classification higher than a local street.

3. Views of Houselots. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the Town=s landscaping requirements for residential subdivisions.

4. Access. Houselots shall be accessed from interior streets, rather than from roads bordering the tract.

5. Abut Conservation Lands. At least half of the lots shall directly abut conservation land or face conservation land across a street.

6. Conservation Lands. Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the conservation land within a Conservation Subdivision shall be complied with as provided herein.

7. Constrained and Sensitive Lands. Restrictions and regulations regarding the preservation, protection, ownership and maintenance of constrained and sensitive lands within a Conservation Subdivision shall be complied with as provided herein.

8.13. Conservancy Lots.

Conservancy Lots. Conservation land and constrained and sensitive land may be included within individual residential lots in limited circumstances when such areas can be properly protected and preserved in accordance with the intent and purpose of this Chapter. Such lots shall be known and referred to as AConservancy Lots@ and must be approved by the Town in conjunction with the subdivision approval.

1. Minimum Conservancy Lot Size. The minimum acreage required for any Conservancy Lot containing conservation land shall be five (5) acres.

2. Regulations. Conservation land and constrained and sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection.

8.14. Use Regulations.

8.14.1. Subdivision.

Subject to use and development restrictions of constrained and sensitive lands as set forth herein, land within Conservation Subdivisions may be used for the following purposes:

8.14.1.1. Permitted Uses.

Any uses permitted in the relevant zone.

8.14.1.2. Conservation Land.

Conservation land, subject to the use and development restrictions of conservation land as set forth herein.

8.14.1.3. Accessory Uses.

Any permitted accessory uses as provided in the relevant zoning regulations.

8.14.2. Conservation Land.

Conservation land may be used for the following purposes:

8.14.2.1. Permitted Uses.

The following uses are permitted in conservation land areas:

a. Conservation of open land in its natural state; *e.g.*, meadow, grassland, tree stands, farmland, etc.

b. Agricultural and horticultural uses, including raising crops or Class AB@ livestock and associated buildings that support an active, viable agricultural or horticultural operation, excluding commercial livestock operations involving swine, poultry, and mink.

c. Pastureland for sheep, cows and horses.

d. Equestrian facilities.

e. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.

f. Above-ground utility and street rights-of-way may traverse conservation land if permitted under Town Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the Subdivision.

8.14.2.2. Conditional Uses.

The following uses shall be considered as conditional in conservation land areas:

a. Agricultural uses, not otherwise permitted, including Class AC@ Animals, but excluding commercial livestock operations involving swine, poultry and mink.

b. Wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations.

c. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

d. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.

e. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.

f. Golf courses, not including miniature golf.

g. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation land.

h. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.

8.14.2.3. Prohibited Uses.

Except as otherwise approved and permitted by the Town as a permitted or conditional use in conjunction with the Conservation Subdivision approval, the following uses shall be considered prohibited in conservation land areas:

a. Any residential, commercial or industrial activity;

b. Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements;

a. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;

b. Any dumping or storing of ashes, trash, garbage or junk;

c. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;

d. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;

e. Hunting or trapping for any purpose other than predatory or problem animal control;

f. Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;

g. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;

h. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;

i. The division, subdivision or de facto subdivision of the property;

j. Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and

k. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.

8.14.2.4. Constrained and Sensitive Lands.

No development or residential uses shall be permitted within constrained and sensitive lands.

8.15. Conservation Land Design Standards.

Designated conservation land within a Conservation Subdivision shall meet the following standards:

8.15.1. Significant Areas and Features.

Conservation land should include the most unique and sensitive resources and locally significant features of the property within the Subdivision such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.

8.15.2. Contiguous Land.

Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision. Non-contiguous parcels of conservation lands may be approved by the Town during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Long thin strips of conservation land (less than one hundred (100) feet wide) are prohibited, unless approved by the Town during plat approval process upon a finding that such configuration of the conservation land is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.

8.15.3. Open Space Network Connection.

Conservation land within a Conservation Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system in general accordance with the Wallsburg Resource and Site Analysis Plan to ensure that an interconnected network of open space will be provided throughout the Town.

8.15.4. Visibility.

Conservation land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of conservation land may be accomplished through design and location of such open space as terminals at the ends of streets or along Asingle-loaded@ street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter Agreenbelt@ conservation land.

8.15.5. Resource Uses.

A substantial amount of the minimum required conservation land may be devoted to active resource uses such as agriculture, horticulture, or equestrian uses; provided, at least twenty percent(20%) of the minimum required conservation land remains available for the common use and enjoyment of the subdivision residents or the public.

8.15.6. Recreational Uses.

A substantial amount of the minimum required conservation land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least twenty percent (20%) of the minimum required conservation land remains available for common use and enjoyment of the subdivision residents or the public.

8.15.7. Buffering.

Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the proposed development abuts a national forest or other public park, open space, wildlife sanctuary or preserve, a natural greenway buffer at least fifty (50) feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or fire safety). Where this buffer is unwooded, the Town may require vegetative screening to be planted at developer-s sole cost and expense and/or that the buffer be managed to encourage natural forest succession through ›no-mow- policies and the periodic removal of invasive alien plant and tree species.

8.15.8. Pedestrian Access.

Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use.

Maintenance Access. Developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Subdivision.

a. Landscaping. All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped at developer-s sole cost and expense in accordance with landscaping requirements for subdivisions.

8.16. Permanent Protection of Conservation Lands.

(a) Conservation Easement. All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the Town. Under no circumstances shall any development be permitted in the conservation land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Conservation Subdivision. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be approved by the Town and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.

(b) Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the Town and shall include, at a minimum, the following terms and/or conditions:

(1) legal description of the easement;

(2) description of the current use and condition of the property;

(3) permanent duration of easement;

(4) permitted and conditional uses;

(5) prohibited development and/or uses;

(6) maintenance responsibilities and duties; and

(7) enforcement rights and procedures.

(c) Grantee. Unless otherwise approved by the Town, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization or governmental entity. The Town may, but shall not be required to, accept, as grantee, a Conservation Easement encumbering conservation lands within a Conservation Subdivision, provided there is no cost of acquisition to the Town for the easement and sufficient access to and maintenance responsibilities regarding the conservation land are provided.

8.17. Ownership of Conservation Lands.

(a) Undivided Ownership. Unless otherwise approved by the Town and subject to the provisions set forth in this Chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.

(b) Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

(c) Owners' Association. Conservation land may be held in common ownership by a condominium homeowners' or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and the Town's Subdivision regulations. In addition, the following regulations shall be met:

a. A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for conservation land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Preliminary Plat application.

b. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.

c. Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.

d. The association shall be responsible for maintenance and insurance of conservation land.

e. The by-laws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

f. Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to the Town no less than thirty (30) days prior to such event.

g. The association shall have adequate staff to administer, maintain, and operate such conservation land.

8.18. Maintenance of Conservation Lands.

8.18.1. Costs.

Unless otherwise agreed to by the Town, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.

8.18.2. Plan.

The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Subdivision with the Preliminary Plat application for the Subdivision. The Maintenance Plan shall provide the following:

a. The Plan shall define ownership.

b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (*e.g.*, lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).

c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

d. At the Town=s discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

8.18.3. Approval.

The Maintenance Plan must be approved by the Town prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the Town=s corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the Town.

8.18.4. Failure to Maintain.

In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Town may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

8.18.5. Corrective Action.

The Town may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Town in the County Recorder-s office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the Town-s corrective action authority set forth herein and shall be recorded against the property.

8.19. Farm Preservation Subdivision

8.19.1. Intent.

The intent of the Farm Preservation subdivision is to encourage the continuance of viable farming operations by allowing parcels to be split off of a larger farm pieces and allow development with standards that are not as strict as a standard development. By allowing a lesser standard, the intent is for the farmer to be able to have a more manageable piece of property, allow family members an affordable parcel so they can afford to live close to the farm and provide the opportunity for raising of money to continue an agricultural pursuit.

8.19.2. Requirements

a. All of the property must be in a RA or A zoning district.

b. Farm preservation subdivisions cannot contain more than a total of 5 lots.

c. At least one (1) of the lots must be 20-acres and remain in agricultural pursuits and must qualify for greenbelt status under the property tax laws.

d. All of the lots must meet the setback requirement for the zone they are located in. Frontage shall be no less than 150 feet.

e. All roads must meet the road standards required for the traffic volume.

f. Homes may be on septic tanks as long as the density of the development does not exceed 1 septic tank for every five (5) acres (gross acreage),

g. Parcels cannot be further subdivided.

h. A deed restriction must be recorded on the 20-acre farm preservation parcel requiring the parcel to remain agricultural and not allowing further subdivision for a period of ten (10) years.

i. A plat must be recorded with "Farm Preservation subdivision," in the title,

j. Property proposed for development must be owned by the property owner or immediate family with three (3) degrees of consanguinity for a minimum of seven (7) years prior to application for subdivision.

k. If the farm preservation piece is proposed to be developed all lots including existing smaller lots must tie onto water and maintain a total ratio of 1 septic tank for every five (5) acres (section f).