

New Harmony Overlay

Wednesday, September 7, 2022

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## **CHAPTER 30**

### **NEW HARMONY OVERLAY ZONE**

#### **SECTION:**

10-30-1: **Purpose**

10-30-2: **Area Defined**

10-30-3: **Zoning Districts Within The New Harmony Overlay Zone**

10-30-4: **Establishment of Development Standards:**

10-30-5: **Definitions**

10-30-6: **Application Procedures and Process**

#### **10-30-1: Purpose:**

To guide future development in a way that maintains the rural, historical and agricultural characteristics of New Harmony and to preserve its agricultural lands and scenic vistas. New commercial development will be guided by design standards to ensure harmonious use with the community.

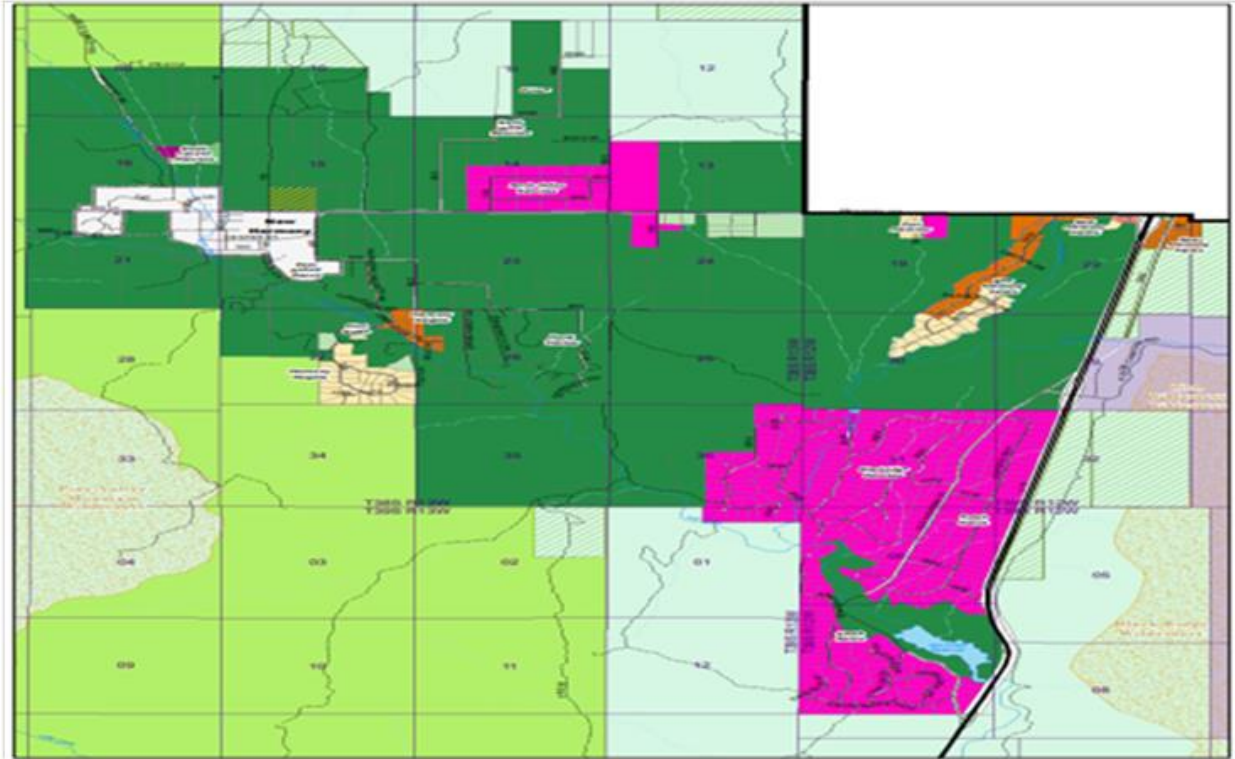
**PROTECT SCENIC ROADSCAPES** The basic aim of this project is to take action to secure the iconic views along roads in the New Harmony Valley, whether the views of Pine Valley Mountains, Kolob Fingers, Zion National Park, the scattered bucolic views of pastoral lands, or the traditional character of the community. Why road corridors? Beyond the fact that the road corridors by definition form the ‘bones’ of our communities, roadscapes are the primary means by which visitors and neighbors experience our communities. They are the outward expression of community identity and heritage. Ensuring that scenic corridors endure is important not only for the identity and heritage of Washington County and the New Harmony Valley, but also its economic vitality. Scenic settings attract tourists, residents and businesses seeking to capitalize on the Vermont brand. The quality of life Washington County residence and visitors experience is due in large part to stepping out each day into vistas that feed the soul. In the past, communities seeking to protect scenic resources have found it difficult to establish the needed criteria. One purpose of this New Harmony Valley Overlay Zone is to quantify and record such criteria for the area, and to offer that approach for others to use in their communities. Scenic quality is a measure of the visual appeal of a tract of land – its contrasts, layering, focal points, uniqueness and integrity. It includes both the natural and ‘built’ environment, as attractive buildings in the local vernacular can contribute significantly to the overall quality of a view. By dissecting and quantifying criteria identified in this overlay zone, the community in collaborative partnership with Washington County hopes to balance the rights of property owners and the demands of development to proactively create refined standards and requirements to insure that the New Harmony Valley doesn't lose what makes New Harmony special. (I

want to really want to grab the readers early on with this "Purpose" section. I want the residents to see the purpose and get behind it as well as the developers.

Some of this road way talk should be in a different section but I don't know where yet.

#### **10-30-2: Area Defined:**

The regulations for the New Harmony Overlay Zone (NHOZ) shall apply to the bounded area depicted on the official Washington County General Plan and Zoning maps for New Harmony. The town of New Harmony, as defined by Washington County zoning maps is exempt from this chapter.



#### **10-30-3: Zoning Districts Within The New Harmony Overlay Zone:**

The following zoning districts are existing underlying districts for the New Harmony Overlay Zone. The C-2 Highway Commercial Zone are limited to the existing zoned parcels and will not be allowed for future zone changes. Manufacturing and Industrial zoning and uses are prohibited. Commercial campgrounds, and commercial recreation including but not limited to lodges, dude ranches, fractionalized ownership, and Planned Developments for Short Term Rentals (STR) uses are prohibited in all zoning districts. Agricultural Tourism is allowed in RA districts on lots that are 10 acres or greater. Other zoning districts allowed in Washington County may be considered through the zoning amendment process established in the Washington County Code, by seeking an amendment to the NHOZ, so long as the proposed zoning meets the minimum lot size requirements and intent of this overlay zone.

**OSC-20 (OPEN SPACE CONSERVATION 20 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to permit the use of open space land within the county for uses compatible with the protection of the natural and scenic resources of the county for the benefit of present and future generations (Ord. 2001-815-O, 12-17-2001. eff. 12-17-2001; and 2004 Code) This zoning designation with the New Harmony Overlay is to allow for the preservation of the New Harmony Valley. No development is allowed within this zoning district. Permitted uses for this district are found in Title [10-6A-2](#). The conditional uses described in [10-6A-3](#) are not permitted in the New Harmony Overlay Zone.

**OST-20 (OPEN SPACE TRANSITION 20 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide for the protection of primarily undeveloped private land. Permitted and conditional uses for this district are found in Title [10-6B-2](#). The conditional uses described in [10-6B-3](#) are not permitted in the New Harmony Overlay zone.

**A-5 (AGRICULTURAL 5 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to preserve appropriate areas for permanent agricultural uses. Permitted and conditional uses for this district are found in Titles 10-7-2 and 10-7-3.

**A-10 (AGRICULTURAL 10 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to preserve appropriate areas for permanent agricultural uses. Permitted and conditional uses for this district are found in Titles 10-7-2 and 10-7-3.

**A-20 (AGRICULTURAL 5 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to preserve appropriate areas for permanent agricultural uses. Permitted and conditional uses for this district are found in Titles 10-7-2 and 10-7-3.

**AEO (AGRICULTURE ESTATE OVERLAY ZONE):**

The purpose of the zone is to promote local agriculture, working farms, and multigenerational agriculture operations by adding flexibility to some regulations while maintaining agriculture land for agriculture production. It is not to promote tourist, corporate, recreational or event uses inside agriculture zones that undermine the viability of agricultural operations.

**RA-2.5 (Residential Agricultural 2.5 acre minimum lot size zone)**

The purpose of this zone is to provide permanent areas for small farms, hobby farms and small agricultural developments. (Ord. 2018-1120-O, 8-21-2018)

**RA-5 (Residential Agriculture 5 acre minimum lot size zone)**

The purpose of this zone is to provide permanent areas for small farms, hobby farms and small agricultural developments. (Ord. 2018-1120-O, 8-21-2018)

**RA-10 (Residential Agriculture 10 acre minimum lot size zone)**

The purpose of this zone is to provide permanent areas for small farms, hobby farms and small agricultural developments. (Ord. 2018-1120-O, 8-21-2018)

**RE-2.5 (Residential Estate 2.5 acre minimum lot size zone)**

The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use. (Ord. 2018-1120-O, 8-21-2018)

**RE-40 (Residential Estate 40000 sq ft minimum lot size zone)**

The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use. (Ord. 2018-1120-O, 8-21-2018)

**C-2 (COMMERCIAL HIGHWAY ZONES)**

The scale and design of the commercial uses shall be in harmony with the surrounding uses. Permitted uses for this district are found in Title [10-10-2](#). Prohibited commercial uses within the New Harmony Overlay Zone include the following:

Athletic Clubs

Automobile, new or used sales and service

Automobile rental

Automobile repair including paint, body, fender, brake, muffler, upholstery, or transmission (completely enclosed building)

Bank or financial institution

Boat sales and service

- 123 Car wash
- 124 Convenience markets in conjunction with gas stations, or stand alone, with the exception of a county
- 125 store defined by this overlay code, which is permitted.
- 126 Gas station
- 127 Laundry or dry cleaners, laundromat
- 128 Liquor store
- 129 Manufactured home sales lot and service
- 130 Mortuary
- 131 Pharmacy
- 132 Recreational vehicle parks
- 133 Shuttle service
- 134 Theatre
- 135 Tire sales and service
- 136 Trailer sales and service
- 137 Truck terminal

138

139 **VILLAGE COMMERCIAL (VC) ZONE**

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141 **10-11B-1: - PURPOSE AND OBJECTIVES:**

142 The Village Commercial (VC) zone is established to provide a district in which the primary use of the land  
143 is for retail commercial and service use to serve the needs of the residents of the Town and the visitors  
144 to the area. Development in the VC zone should reflect New Harmony's rural, pioneer, and agricultural  
145 heritage. As the Town's "Downtown" area, the VC zone should be clearly identifiable from other zones in  
146 appearance and intensity of development. The VC zone should feature a mix of land uses, clean and  
147 quaintly lighted streets, village scale development with abundant pedestrian walkways, and feasible off  
148 street parking areas. The VC zone should make provisions for affordable and employee housing,  
149 especially as second story dwelling units over commercial uses. The front of buildings and lots should be  
150 inviting, accommodate pedestrian travel, and should be landscaped with appropriate drought tolerant  
151 vegetation.

152

153 **10-11B-2: - PERMITTED, ACCESSORY AND CONDITIONAL USES:**

154 Permitted uses, accessory uses, conditional uses, and nonpermitted uses in the VC zone are listed in  
155 section XXXXX of this title.

**10-11B-3: - LOT AREA, LOT WIDTH, LOT FRONTAGE, SLOPE:**

A.

*Lot area:* The minimum area of any lot or parcel in the VC zone is one-half acre.

B.

*Lot width:* Each lot or parcel of land within the VC zone must have an average width of 100 feet, with a minimum of 50 feet.

C.

*Lot frontage:* Each lot or parcel of land in the VC zone shall have frontage on a dedicated street or publicly approved street for a minimum distance of 50 feet, on a line parallel to the centerline of the street or lane or along the circumference of a cul-de-sac.

D.

*Slope:* No building, structure, excavation or fill shall be permitted on any natural grade of 30 percent or greater, except as specifically allowed by subsection 10-15B-9.A. of this title.

**10-11B-4: - PRIOR CREATED LOTS:**

Lots or parcels of land which were legally created before December 1992 will not be denied a building permit solely for the reason of nonconformance with the requirements of lot area, width, or frontage in section 10-11B-3.

**10-11B-5: - AREA REQUIREMENTS:**

A.

*Building size:* The gross area of each individual building or structure on a lot or parcel within the VC zone shall not exceed 5,000 square feet. Gross area shall include all attached structures and exclude basements. Buildings or structures not exceeding 8,000 square feet may be allowed if said structure is located a minimum of 100 linear feet from SR-9 (Zion Park Boulevard) and/or a residential zone (VR or FR zone). The linear distance requirements may contain other buildings or structures and should not be substituted for the unobstructed setback requirements of section 10-11B-6 of this article.

B.

*Units per lot:* No lot or parcel of land within the VC zone may be developed to have more than one apartment or transient lodging unit per 4,000 square feet of net developable land area.

**10-11B-6: - SETBACK REQUIREMENTS:**

The following minimum setback requirements apply to each lot or parcel of land within the VC zone:

A.

*Front setback:* Each lot or parcel of land must have a front setback of not less than 30 feet, except for lots one-half acre and larger with frontage on SR9. On those lots the front setback is 30 feet for all buildings and structures 18 feet and less in height, and 50 feet for all buildings and structures greater than 18 feet and less than 26 feet in height.

B.

*Side setback:* Each lot or parcel of land shall have a side setback of not less than ten feet, except where the side of the lot abuts a lot or parcel in an FR or VR Zone. In such cases, the required setback of the abutting side must be at least 20 feet.

C.

*Side setback, corner lots:* The side setback contiguous to any street shall be the same as required front setback.

D.

*Rear setback:* Each lot or parcel of land shall have a rear setback of not less than 20 feet.

E.

*Exemption:* In instances where the adjacent property is commercially zoned and where a building or structure on such adjacent property is already in existence closer than the required side and rear setback, the Planning Commission may allow a side or rear setback less than that stated above if it finds that the reduction would not be detrimental to the health, welfare, or safety of persons residing or working in the vicinity.

**10-11B-7: - ENCROACHMENTS INTO SETBACKS:**

A.

The following structures may encroach on any required setback:

1.

Fences and walls in conformance with section 10-20-9 of this title and all other applicable codes or ordinances;

2.

Landscape elements including trees, shrubs and other plants;

3.

Necessary appurtenances for utility services;

4.

A sign that complies with this title;

5.

Noncommercial pedestrian conveniences such as drinking water fountains, park benches and the like;

6.

Outdoor commercial uses such as outdoor seating areas or open air displays, provided there is a minimum ten-foot wide buffer planted with screening vegetation between any outdoor commercial use and an adjacent residentially zoned property. A minimum five-foot high solid fence or wall is also required on any property line between a commercial use allowed in the setbacks and a residentially zoned property. No sound amplification is allowed in the setback areas.

7.

Parking spaces, not contained within a building or structure, may be permitted to encroach on a required side or rear setback or that portion of the front setback contiguous to the side setback (see illustration #1 of this subsection A.7.), with the approval of the Planning Commission. In any such case, parking spaces shall not project into greater than one-half of the required rear or side setback, nor greater than 25 feet into the front setback. The remaining setback, without parking spaces, shall directly abut property line of said lot or parcel of land. To approve any such encroachment, the Planning Commission must find:

a.

Such parking will in no way be detrimental to the health, safety or welfare of persons residing or working in the vicinity, nor unreasonably interfere with the enjoyment of property or improvements in the vicinity; and

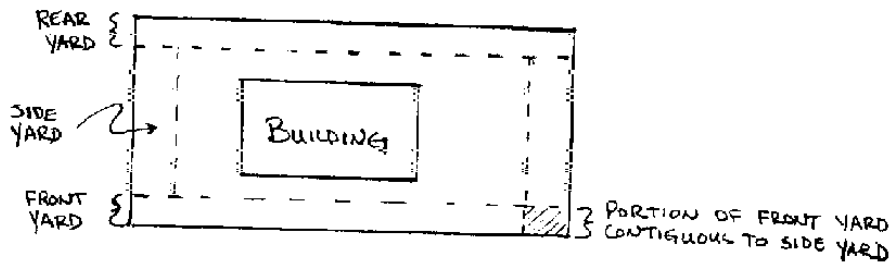
b.

The location of an existing building or existing parking spaces render alternate parking locations impractical and infeasible; or

c.

An unusually shaped or sized lot renders alternate parking locations impractical and infeasible.

**Illustration #1**



B.

The Planning Commission may attach conditions to the erection of any such structures into required setbacks.

**10-11B-8: - BUILDING HEIGHT:**

The height of any structure in the VC zone is measured in accordance with this title.

A.

The maximum height for any structure on a normal lot in the VC zone is 26 feet, except as allowed by subsection D. of this section. The maximum height for any structure on a high-visual impact lot in the VC zone is 21 feet.

B.

No building or structure in the VC zone shall contain more than two stories, except as allowed by subsection E. of this section.

C.

In no case shall the height of any accessory building or structure exceed the height of any principal structure on the same lot or parcel.

D.

The maximum height for a structure is increased to a total of 28 feet if the highest finished floor elevation of the first floor of the building is more than four feet below the lowest elevation of the SR-9 roadway fronting the property.

E.

A building in the VC zone may have a third story walkout basement or basement parking area if all of the following requirements are met:

1.

The highest finished floor elevation of the first floor of the building is at least two feet below the elevation of the lowest elevation of the SR-9 roadway fronting the property.

2.

The walkout basement or parking area entrance opens on the side of the building opposite SR-9.

3.

There is at least six feet of natural topographic relief between the side of the building facing SR-9 and the opposite side of the building, SR-9 side being the higher side. This natural topographic relief must be retained during development of the building.

4.

The building does not exceed the height limit established in subsection A. of this section.



**10-11B-9: - DISTANCE BETWEEN BUILDINGS: (VC ZONE)**

The distance between any two buildings or structures on the same lot or parcel of land must be equal to or greater than the average height of the two buildings being compared. The distance between buildings is measured between the furthest extension of a permanent element on each building.

**10-11B-10: - REQUIRED LANDSCAPING:**

Development in the VC zone shall comply with the standards of "Landscaping", of this title.

**10-11B-11: - PARKING, LOADING AND ACCESS:**

Each lot or parcel of land in the VC zone shall have on the same lot or parcel of land, the minimum off street parking to comply with the requirements of this title.

**10-11B-12: - SPECIAL REGULATIONS:**

A.

*Natural hazard:* No permanent structure may be permitted or constructed if the construction would put real or personal property or individuals at unreasonable risk of harm or injury from natural, geologic, or topographic hazards including but not limited to landslides, floods, or excessive soil erosion. In addition to compliance with provisions of the state building code governing standards to meet the maximum foreseeable risk of such hazards, a person who develops, improves, manages, or owns such property shall safeguard the property and the general public from unreasonable risk of harm or injury from such natural hazards.

B.

*Grading:* To reduce the possibility of erosion and eliminate unsightly scars within the Town, all excavation, grading, cut and fill operations and siting of roads shall be done under strict control and approval of the Director of Community Development (DCD). Upon review of the building or excavation permit application, the DCD may require a specific revegetation plan and schedule, approved by the Planning Commission, as a condition of the permit issuance. A geotechnical report describing the stability and suitability of said lot or parcel for development must be submitted and approval given prior to the issuance of any excavation permit, pursuant to section 10-1-8 of this title.

C.

*Landscaping:* this title shall apply to all commercial and multi-family residential uses within the VC zone.

D.

*Utilities:* All utilities shall be placed underground.

**10-11B-13: - OTHER REQUIREMENTS:**

A.

*Mechanical devices:* Air conditioners, heating, cooling and ventilating equipment, propane tanks, swimming pool pumps and heaters, and all other mechanical devices shall be screened from the surrounding properties and streets or lanes, and shall be operated so that the resulting sound does not exceed the applicable sound control levels as set forth in Town ordinances. Facilities for the operation of alternate energy systems must be designed according to the standards in this title.

B.

*Signs:* All signs erected in the VC zone shall comply with the provisions of this title.

C.

*Trash storage:* No trash, used materials, or wrecked and abandoned vehicles or equipment shall be

stored in open areas. All such materials shall be screened from public streets or walkways and adjacent properties with an opaque fence or wall, or shall be stored within an enclosed building.

D.

*Screening:* A decorative masonry wall, fence or landscape screen may be required of a commercial use along all property lines which lie adjacent to an FR or VR zone or a residential use of a VC or CC zone. The DCD or Planning Commission shall determine the appropriateness of such a wall, fence or screen on a case by case basis.

E.

*Lighting:* All outdoor lighting shall comply with this title.

F.

*Storage:* The outside storage of objects and materials is permitted only as an accessory use, providing such storage is totally screened from public view or view of any contiguous property.

G.

*Standards and design:* Lots with frontage on SR-9 and to be developed for a single-family dwelling are additionally subject to the architectural standards and design guidelines of this title.

#### **10-30-4 ESTABLISHMENT OF DEVELOPMENT STANDARDS:**

New development should not overwhelm the existing built environment and natural environment. Small-town feel does not mean that new development cannot take place. Nor does having an increase in population density mean that all is lost for ensuring a small-town feel exists in the future. As a result, new development must be planned intelligently and positioned respectfully to fit into the community. This can be done by determining where development should be directed, what type of development should be expected, and how much development can be tolerated through the capacity of the land and the impact to the surrounding area.

A. Purpose: The purpose of these development standards is to protect the general health, safety and welfare of the citizens of the county, and to implement the general plan by controlling the type, location, density, intensity and other characteristics of development within the New Harmony Overlay Zone, ensuring that appropriate infrastructure and services are available to support the development, and reviewing and approving the design and infrastructure features of permitted and conditional uses within any designated zone district.

B. Compliance Required: All development permits shall comply with the provisions of this chapter, the standards contained herein and the policies of the New Harmony Overlay Zone.

C. Public Facilities And Services: No development shall be approved by the county unless there are available and adequate public facilities and services consistent with the county's adopted level of service standards, except as otherwise permitted in this chapter. Prior to the issuance of any development permit, the applicant shall demonstrate that all necessary public facilities and services are or will be available and adequate, as measured by the level of service standard herein:

1. Level Of Service Standard: Compliance with level of service standards shall be measured in accordance with the adopted level of service standards, as the same may be amended from time to time, which are incorporated by reference as if set forth in its entirety herein.

2. Availability Of Public Facilities: Public facilities shall be deemed to be available if they meet the following standards:

a. The public facilities are currently in place or will be in place when the development permit is issued and the development permit is conditioned on the availability of public facilities prior to approval of a final subdivision plat, final site plan or a low impact permit; or

b. The provision of the public facilities is a condition of the development permit and are guaranteed to be provided at or before the issuance of a building permit for proposed development on the subject property; or

c. The public facilities are under construction; or

d. There is an enforceable development agreement guaranteeing that the facilities will be in place at the time that the impacts of the development will occur; or

e. The Community Development Director determines that there are significant overriding public policy considerations or public health, safety and welfare concerns which warrant the approval of the application in the absence of evidence that all public facilities and services are adequate and available.

3. Adequacy Of Public Facilities: The available capacity for public facilities and services shall be determined in accordance with the following calculation methodology:

a. Adding together the total capacity of existing and planned capital improvements for a public facility;

b. Calculate available capacity by subtracting from the total capacity of subsection C3a of this section the sum of:

(1) The demand for each public facility created by existing development; and

(2) The demand for each public facility created by the anticipated completion of committed development; and

(3) The demand for each public facility created by the anticipated completion of the proposed development under consideration for concurrency determination. (Ord. XXX)

#### **10-4-2: ENVIRONMENTAL CRITERIA:**

A. Air Quality: Developments which produce emissions to the air shall, at a minimum, demonstrate compliance with all state air quality standards, as evidenced by the issuance of any permits required for their emissions by the state.

1. Solid Fuel Burning Devices Prohibited: The installation of a solid fuel burning device in any development within the New Harmony Overlay Zone is prohibited.

2. Burning Of Certain Materials Prohibited: The burning of the following materials within the New Harmony Overlay Zone is prohibited:

a. Garbage,

b. Treated wood,

- 395 c. Plastic products,
- 396 d. Rubber products,
- 397 e. Waste petroleum products,
- 398 f. Paints and paint solvents,
- 399 g. Coal, or
- 400 h. Any other material not intended by a manufacturer for use as fuel in a wood burning fireplace,
- 401 wood burning heater, or outdoor wood burning device.
- 402 i. Open burning of building materials, rubbish or garbage, except ordinary yard waste when
- 403 permitted by the fire district.

404 3. Exceptions To Solid Fuel Burning Device Prohibition: The prohibition set forth in subsection A1 of  
405 this section does not apply to:

406 a. The installation of a solid fuel burning device where the device acts as the sole source of heat  
407 for a structure, and said device meets the applicable minimum EPA requirements for clean burning  
408 devices as set forth in title 40, part 60, subpart AAA of the code of federal regulations, as amended,  
409 "Standards Of Performance For New Residential Wood Heaters", which regulations are incorporated  
410 herein by this reference ("EPA standard"); or

411 b. The installation of a solid fuel burning device where natural gas or propane service is  
412 unavailable, and said device meets the EPA standard.

413 4. Upgrades To Existing Solid Fuel Burning Devices: Existing solid fuel burning devices which do not  
414 meet the EPA standard may be upgraded to a device that does meet the EPA standard without violating  
415 this subsection A.

416 5. Wood Fired Pizza Ovens: A wood fired pizza oven utilized in a restaurant which receives an  
417 approval to operate from the Southwest Utah Public health department is exempt from this subsection  
418 A.

419 B. Water Quality: Developments which produce any point source discharge to any watercourse shall  
420 demonstrate compliance with all state water quality standards, as evidenced by the issuance of any  
421 permits required for their discharge by the state. Developments which produce any nonpoint source  
422 discharge to any watercourse or which may potentially affect water quality through nonpoint discharges  
423 (including sediment, herbicides, pesticides and hydrocarbons) shall demonstrate that their construction  
424 and occupancy will not result in any degradation of present water quality.

425 C. Watershed Protection: In all developments, no use or structure shall be permitted within one  
426 thousand five hundred feet (1,500') above and one hundred feet (100') below each spring used for  
427 culinary use or public water supply where such use or structure could possibly pollute such water source.  
428 No structure shall be located within forty feet (40') of a wetland. No structure shall be located within one  
429 hundred feet (100') of a year round naturally occurring stream, a reservoir, lake or pond unless  
430 specifically stated in chapter 2 of this title, where greater setbacks may be required.

D. Obstructions In Watercourses: Site design shall avoid, to the extent practicable, the placement of obstructions in watercourses. Any pool of standing water which is formed in any watercourse within the county on account of any unauthorized obstruction shall be deemed to be a public nuisance.

E. Sewage Disposal:

1. Connection to the facilities of the Washington County Water Conservancy, Ash Creek, or other approved district is required for all developments, except as otherwise permitted in section [10-4-6](#) of this chapter. The water reclamation district's written approval of a line extension agreement shall confirm that the proposed development can be physically connected to the district's system, although this approval shall not serve as a guarantee of sewer capacity until appropriate sewer capacity fees have been paid to the district, or that the development complies with the provisions of section [10-4-6](#) of this chapter. Applicable sewer capacity fees may be paid at any time by an applicant following district procedures, but in all instances such fees shall be paid before a building permit is issued for any structure.

2. Individual sewage disposal systems shall be sited and constructed in accordance with state and county health regulations and standards, as evidenced by issuance of the permits necessary to construct any such system by the appropriate authority. Whenever individual sewage disposal systems are permitted, there shall either be a plat note required or a recordable "memorandum of understanding" signed by the property owner that gives notice of the difficulties of individual sewage disposal systems, the potential for failure of such systems, correction of failed systems and connection to the public system shall be at the property owner's expense and a waiver of any liability on the part of the Washington County Water Conservancy district or the county to correct such individual systems in the event of failure. Easements shall also be granted as required in section [10-4-6](#) of this chapter.

F. Revegetation; Erosion Protection; Runoff Control: Development plans shall preserve significant existing vegetation to the extent possible; shall provide for appropriate, prompt revegetation or erosion protection measures; and shall provide for surface water runoff control in accordance with county engineering standards.

1. No development permit shall be issued unless it is first determined that adequate facilities shall be made available to ensure that the developments shall not cause an increase in predevelopment condition runoff.

2. No development shall be approved which results in soil loss exceeding the site's soil loss tolerance. Developers may use a variety of conservation techniques to limit soil loss to tolerable levels. Where such techniques are proposed they shall be presented in a professionally prepared grading and conservation plan which is attached to the application for a permit.

3. All developments shall minimize the area disturbed by construction activities at any given time, particularly cuts and fills associated with road construction. Phased site grading and stabilization or revegetation shall be part of the grading and conservation plan.

4. Buildings shall not be located on soils with severe limitations for any of the proposed uses, unless fully mitigated by appropriate design and construction techniques. Limitations on development may be due to any of a number of factors, including the depth to bedrock or a water table, soil permeability, the

soil's propensity to shrink and swell and other factors, as determined by the soil conservation service (USDA).

5. All cut and fill slopes in excess of three to one (3:1) shall be properly stabilized and revegetated, as evidenced in a professionally prepared grading and conservation plan attached to the application for a permit.

6. Over lot grading, or the significant removal of soil material on the uphill side of a site and filling on the downhill side, when natural slope conditions exceed ten percent (10%) of the site to create a large, flat development pad is not permitted. All development shall generally conform to the existing contours of the land.

#### G. Wildlife Habitat:

1. Any development which has the potential of adversely affecting critical wildlife habitat, including critical winter range, migration corridors, and birthing areas as evidenced by written testimony of the state division of wildlife resources or other authoritative source, shall take all reasonable steps to minimize such impacts, which may require the clustering of development in the least sensitive parts of the development parcel.

2. Developments shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.

### **10-4-3: CRITICAL LANDS:**

A. Development Within Critical Lands Prohibited: Development within "critical lands", as defined in this title, is prohibited. Except as may be provided for in subsection B of this section, all structures, buildings, impervious surfaces and other development on a lot or unsubdivided parcel shall be clustered, to the greatest extent possible, on areas of the lot or parcel that do not contain critical lands.

#### Sensitive Area Protection

1. The natural drainages of Camp Creek, Taylor Creek, Kanarra Creek, Pinto Creek, Ash Creek and Ash Creek Reservoir and riparian habitats shall be protected from development and permanently protected in their natural state to preserve riparian habitat, maintain storm water functions, minimize flood damage, and serve as a natural history focal point of New Harmony and character defining features of the area.

2. Permanent structures shall be located outside these natural drainage corridors, with only minor improvements allowed such as trails, recreation amenities or temporary structures.

#### B. Exceptions Allowing Development Within Critical Lands:

1. In the event a legally defined parcel or access to a legal lot of record consists of critical lands and there are not permissible locations to develop on the parcel, then the property owner will be allowed to locate development on the parcel in the most sensitive manner for both access and structure location.

2. Road and driveway crossings shall bridge over all floodplains. The installation of culverts for such purposes shall be minimized and is generally not appropriate.

3. Development may occur in jurisdictional wetlands only if the applicant obtains from the U.S. army corps of engineers a permit for such development, which shall be delivered to the county for review prior to final approval of a development permit.

4. Development upon lands containing geologic hazards may be allowed by approval of the county in cases where the developer demonstrates that the geologic hazard is fully mitigated by appropriate design and construction techniques.

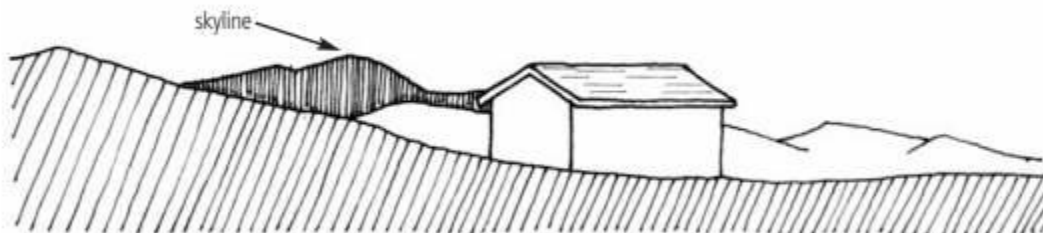
C. Ridgelines & Visual Protection: Structures located on ridgelines as viewed from Interstate 15 and HWY 144 shall be prohibited. All development shall blend with the unique visual character of the natural environment, ensuring that it blends rather than interrupts the natural contours and elevations of the landforms. Development shall be sited and designed to retain the existing topography and minimize grading activities to the maximum extent practicable. Development shall be sited so as not to create a silhouette against the ridgelines or sky. All cuts, fills, and grading shall be amended and revegetated with site appropriate vegetation approved in the PD project plan (*See Figure 1: & Figure 2: below*).

Figure 1: Proposal Remains Below the Skyline



GOOD: The site selection and design of this structure keep the roofline below the skyline, allowing it to blend in with the backdrop created by the hillside.

Figure 2: Proposal Breaks the Skyline



BAD: The structure stands out much more clearly against the skyline because the roofline breaks the skyline rather than blending into the hillside.

1. Applicability To Lots Of Record And Previously Entitled Developments: Development on lots of record or previously entitled developments in the ridgeline overlay zone or on ridgelines and hilltops which allow a structure to project into the horizon line as viewed from a designated roadway are subject to low impact permit review and the special development standards in subsection C1a of this section.

a. Special Development Standards For Development In the New Harmony Valley Overlay Zone or Development Affecting Ridgelines:

(1) Site Planning And Structure Height: All new construction and associated disturbance shall occur outside of the ridgeline setback. Where that is not possible due to the size and configuration of the lot, or where to locate a structure outside of the ridgeline setback would result in a building site that is not suitable for development based on other development standards, an analysis will be done to locate new construction in the most suitable location on a site. The director may require structures to be built in the most suitable portion of the lot, designate building pads, limit building height, and/or mandate other design standards to minimize the visual impact of the development.

Every effort shall be made to site new construction in such a manner that it will not project into the horizon line or project into a mountain backdrop as viewed from the designated roadways. If this is not possible, and structures will project into the horizon line as viewed from the designated roadways, building height shall be limited to twenty six feet (26').

(2) Architectural Standards: The architectural regulations outlined in section [10-4-19](#) of this chapter will apply. The following special standards will also be applied for any development subject to the ridgeline overlay zone:

(A) Massing And Stepping: Structures shall be built in stepped levels to conform to the slope of the hill and keep a low profile.

(B) Building Material And Color: All buildings shall be constructed of material of a muted earth tone color that is compatible with the dominant color of the surrounding vegetation. Reflective materials shall be generally avoided, and where used (flashings, roof vents and equipment), shall be painted to match the building.

(C) Windows And Other Glass: Glass areas shall be reviewed to avoid highly reflective surfaces from designated roadways. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material. Walls or excessive expanses of glass are prohibited. The visibility of nighttime lights from designated roadways will be a consideration in determining the amount of transparency allowed.

(D) Roof Pitch, Orientation, And Color: The pitch of any roof shall be generally parallel to the slope upon which the building is located. Roofs shall be of a dark, muted earth tone color in a shade of



gray or brown that reflects the dominant color of the surrounding vegetation. In some cases, larger roof overhangs may be an effective tool for deepening the shadow effect and minimizing the apparent mass of a building.

(3) Grading Limitations: Site grading shall be designed to create visual interest by combining terraced retaining walls, landscape pockets with screen plantings, landscaping and variations in the texture and pattern of wall materials. The director may alter standards to ensure adequate fire protection.

(A) Site grading shall be minimized and shall not exceed the following limit of disturbance area (including all portions of the driveway and construction activity):

(i) Lots less than one acre: The limit of disturbance area shall be determined by the director.

(ii) Lots between one acre and five (5) acres: The limit of disturbance area shall not exceed fifteen thousand (15,000) square feet.

(iii) Lots greater than five (5) acres: The limit of disturbance area shall not exceed twenty thousand (20,000) square feet.

(B) Terraced retaining walls shall be constructed when the vertical height of any cut or fill required for the construction of driveways or structures exceeds six (6) vertical feet. Each terrace of the retaining walls shall not exceed four feet (4') in height and shall be stepped back at four foot (4') intervals.

(4) Landscape Requirements: Removal of and disturbance of existing vegetation shall be minimized. Native vegetation shall be used to reduce the impact of development on steep slopes and ridgelines. The director may alter standards to ensure adequate fire protection.

(A) A limit of disturbance area no greater than twenty feet (20') from the building footprint shall be shown on site plans submitted for building permit review. All construction shall be contained within the limit of disturbance area. If decks are incorporated into the structure, the limit of disturbance area shall be twenty feet (20') from the deck in that location only. A fence (separate from an erosion control fence) clearly demarking the limit of disturbance area shall be erected before any grading or construction begins and shall remain in place until construction is complete. The fence shall be at least five feet (5') in height above grade and shall be a substantially built protective fence which prohibits vehicular and pedestrian access. Existing vegetation to be saved shall be unmistakably delineated from the vegetation to be removed.

(B) Landscape elements incorporated into development shall maintain a vegetative backdrop and be indigenous to the particular environment. The vegetation at maturity shall screen structures to the maximum extent possible and preserve the appearance of the natural skyline. To minimize grading of large flat areas and encourage water conservation techniques, large expanses of turf and low growing grass is prohibited.

#### **10-4-4: OPEN SPACE:**

605 A. Required Open Space: In order to ensure compatibility with the mountain environment,  
606 development shall meet the following minimum requirements:

607 1. There shall be no open space requirement for those developments that comply with the "base  
608 zoned densities" identified in chapter 2 of this title.

609 2. For any type of residential development exceeding base density in the RR, HS, and MR zone  
610 districts, a minimum of seventy five percent (75%) of a parcel, inclusive of developable lands and critical  
611 lands, must be preserved for open space.

612 3. For any type of development in the NC zone district, a minimum of sixty percent (60%) of a parcel  
613 must be preserved as open space.

614 4. Open space located in a designated town or resort center shall be determined through an  
615 approved SPA plan.

616 5. Open space should be contiguous within a development site and, if possible, connect with open  
617 space on adjacent parcels.

618 B. Inclusions And Exclusions In Open Space Calculation: Open space may include setback areas,  
619 easements within which no aboveground structures are located, open space conservation easements,  
620 and other such areas. Open space shall not include any portion of a lot or parcel on which any structure,  
621 parking lot or other such feature is located on or above the surface of the ground. Parking lot  
622 landscaping shall not be included in the required open space calculation. Lands that have been  
623 previously dedicated as part of a development approval shall not be considered in the open space  
624 calculation.

625 C. Method Of Owning/Maintaining Open Space:

626 1. Within all developments that comply with the base zone densities, open space is a function of the  
627 large lot zoning and setback requirements. In these instances, ownership and maintenance  
628 responsibilities shall remain with the owner of each lot or parcel.

629 2. The landowner/developer for all other development shall determine how the open space will be  
630 held for ownership purposes. Open space can be held passively, owned by the landowner, or it can be  
631 held as active open space, open for public use, and owned by the landowner, HOA, the county, or third  
632 party, or preserved through a conservation easement. The county may, at its sole discretion, accept  
633 ownership of open space. Whenever incentive density increases are granted in exchange for the  
634 preservation of open space, such open space shall be legally established and protected in perpetuity by  
635 the placement of a conservation easement upon such open spaces at the time of development approval.

636 D. Cash In Lieu Of Open Space: The county may, at its sole discretion, accept cash in lieu of open space  
637 where such funds can be more appropriately used to purchase development rights or open space at a  
638 more appropriate or significant location. Cash in lieu will not be accepted until that applicant delivers to  
639 the county an appraisal, form and substance acceptable to the county, in the county's sole discretion,  
640 identifying the increase in value of the land based on the use which would be permitted if the open  
641 space requirement is removed, which increase in value determines that amount of cash in lieu which  
642 shall be offered.

643

644 **UTILITIES:**

645 **10-30-x: WATER AND WATER SUPPLY:**

646 A. Site Plan Required: The developer shall submit a site plan prepared by a professional engineer  
647 showing the property boundary with topography, possible home locations, and the proposed roads and  
648 driveways. A construction cost opinion to serve the proposed development with a community water  
649 system serving all lots, and a cost opinion of individual water systems will be prepared and submitted to  
650 the county for review.

651 B. Clustering; Central System: Clustering of homes should be considered and may be beneficial in rural  
652 and lower density developments. Clustering allows for reduced infrastructure of roads, driveways and  
653 water and sanitary sewer systems when compared with sprawl developments. Clustering may promote  
654 the visual integrity of development as viewed from within the development. The construction of a  
655 central community water system is encouraged to provide more effective water resources in case of  
656 wildfire. If clustering of homes is not achievable in rural developments, individual wells, storage tanks  
657 and fire suppression systems for each individual lot will be reviewed and considered by the fire district.  
658 Consideration should be given to tying into a neighboring community water system if one exists. Water  
659 supply and water infrastructure shall be in place and serviceable prior to any combustible construction  
660 taking place.

661 C. Community System To Serve All Lots With Centralized System:

662 1. Water Distribution Lines: The minimum size of main lines for any system will be eight inches (8")  
663 in diameter and will be sized larger if flows and velocities dictate.

664 2. Water Storage:

665 a. Residential Indoor Storage: Water storage shall have a capacity of four hundred (400) gallons per  
666 equivalent residential connection for indoor use.

667 b. Irrigation Storage:

668 3. Water Source Delivery Capacity:

669 a. Indoor Sources: Sources must be capable of providing eight hundred (800) gpd/equivalent  
670 residential connection for indoor use. The water supplier must possess, and provide to the county,  
671 documentation which grants the legal right to the required amount of water.

672 b. Irrigation Source: Within the Agricultural zones, the source must be capable of providing 2.80  
673 gallons per minute per irrigated acre. Where an engineer, developer or water supplier claims that there  
674 will be no outside use of water (e.g., in a summer home development) documentation, typically a copy  
675 of the restrictive covenants and a note on the recorded plat, must be provided to prove the legal means  
676 exist to restrict outside use.

677 c. Source Protection: Concentrated sources of pollution should be located as far as possible from  
678 all culinary well sources. To ensure that protection is available, the water supplier must either own the  
679 protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the

water supplier does not own the land in question, he must obtain a land use agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.

d. Binding Restriction: In both of these above situations, the restriction must be binding on all heirs, successors and assigns. The land use restriction must be recorded with the property description in the county recorder's office. Copies of this recording must be submitted to the division of drinking water for review.

e. Publicly Owned Lands: Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section.

4. Water Line Burial: Water lines shall be buried a minimum of six feet (6') deep unless elevation dictates deeper burial.

#### D. Individual Water Systems On Each Lot:

##### 1. Water Source:

a. Source Identification: Prior to preliminary approval by the county, a source, or sources, of water to the proposed project must be identified. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of one or more test wells as determined by a qualified geotechnical engineer. Well logs will be submitted to the county identifying the depth and yield of the well. The source must be consistently available at sufficient quantities to supply domestic and irrigation needs according to state regulations. In all cases a well, or wells, of sufficient capacity at each proposed building location will be required prior to building permit issuance. Language shall be included on the final recordation plat and within the project's CC&Rs that identifies the process for obtaining a building permit as it is related to water rights and well drilling confirmation. A water right and associated well permit will remain with the lot and is not transferable.

b. Source Protection: Concentrated sources of pollution should be located as far as possible from all culinary well sources. To ensure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land use agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.

c. Binding Restriction: In both of these above situations, the restriction must be binding on all heirs, successors and assigns. The land use restriction must be recorded with the property description in the county recorder's office. Copies of this recording must be submitted to the division of drinking water for review.

d. Publicly Owned Lands: Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section. (Ord. 861, 10-26-2016)

E. Concurrency Management:

1. Requirements: All water systems shall meet the availability, distribution and delivery system, capacity, storage, design and construction requirements of the state division of drinking water and such approval shall be provided before final subdivision plat, final site plan, conditional use, or low impact permit approval.

2. Rights Certified In Writing: Legal rights to the proposed water source shall be certified in writing by the state division of water rights and shall be provided before final subdivision plat, final site plan, conditional use, or low impact permit approval. The county shall not accept an application or certificate that has lapsed, expired or been revoked by the state engineer. (Ord. XXX)

3. Willing To Serve Letter Required Prior To Development Permit Approval: Prior to approval of a development permit, a water supplier shall issue a willing to serve letter in a form prescribed by the presiding board of health to the applicant of a development permit, indicating the water supplier's willingness to provide water service to the development and stating that in accordance with the code of health it either presently has or it will have, available water rights, source capacity, reserve capacity, system capacity and storage capacity required to provide the service at the pressure, volume and quality required by the division of drinking water regulations and the code of health in time to meet the projected demand.

4. Commitment Of Service Letter Required For Building Permit: Applicants must obtain a commitment of service letter as prescribed by the Washington County code of health from the water supplier providing drinking water service as a precondition to issuance of a building permit. The commitment of service letter shall be issued in consideration of and within five (5) working days of the applicant's payment of the water supplier's impact fees or connection fees.

5. Location: Individual water systems, which may be permitted by the county, shall only be permitted in mountain/remote areas designated on the land use plan map and in areas where there are appropriately sized lots for which a community system is not feasible. (Ord. XXX)

**10-30-x: SANITARY SEWER:**

No building permit shall be issued and no final subdivision plat shall be approved until such time that all plans and specifications for wastewater collection and disposal have been reviewed and approved by the Washington County Water Conservancy District (WCWCD) or the Ash Creek Special Sewer District (ACSSD), as the case may be, in accordance with district rules and regulations.

As part of the approval process, the Washington County Public Works Department shall review new sewer systems construction drawings within roads and other public rights-of-way, and if applicable, require additional standards. In addition, any proposal for community systems or systems with a design flow of over five thousand (5,000) gallons per day must be reviewed and approved by the Utah State Department of Environmental Quality (DEQ). All other wastewater treatment plans shall be reviewed for feasibility and potential permit approval by the Southwest Utah Public Health Department (SWUPHD). (Ord. 2009-974-O, 5-19-2009)

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761 A. Public System: A connection to a public sewer system will be required for all subdivisions,  
762 developments and structures that are less than three hundred feet (300') from an existing or proposed  
763 SBWRD sewer line or less than three hundred feet (300') from the boundaries of a platted or existing  
764 subdivision or development which is served by the SBWRD. Such systems will be in full compliance with  
765 all SBWRD standards and regulations.

766 1. Notice of adequate capacity to serve the proposed development shall be provided in writing by  
767 the presiding utility providers. A notice of ability to serve shall not contractually or otherwise bind the  
768 sewer district to reserve actual system capacity for that purpose.

769 2. A line extension agreement must be accepted by the presiding utility providers reclamation  
770 district for the development before any final site plan, final subdivision plat, low impact permit, or  
771 conditional use permit is approved. Line extension agreements may be approved in phases, so long as no  
772 subsequent phase shall be approved until an applicable line extension agreement is approved. The  
773 submission and acceptance of a line extension agreement by the SBWRD for one phase shall not  
774 guarantee approval of subsequent phases of the development.

775 3. Capacity fees shall be paid to the presiding utility providers at any time before a building permit is  
776 issued. The presiding s shall not be required to reserve sewer capacity for the development until such  
777 time as the full capacity fees are paid.

778 B. Individual Systems: Proposed projects that request approval to utilize individual sewage disposal  
779 systems shall perform an economic and planning analysis with the presiding utility providers and submit  
780 a subdivision and development feasibility review in accordance with Utah administrative code, sections  
781 R317-501 through R317-513, or subsequent regulations. Consideration will be given to individual  
782 systems if the entire property is master planned and there are no concentrations of dwelling units  
783 beyond single-family detached dwellings on individual lots, together with associated barns and guest  
784 units and/or only isolated commercial uses. (Such developments are encouraged to investigate and  
785 connect to the public system whenever possible.)

786 1. The developer shall submit a plan with supplemental information prepared by a professional  
787 engineer showing the entire property with topography, possible dwelling locations, possible access  
788 roads, and driveways. A preliminary sewer alignment for a sanitary sewer system serving all lots within  
789 the rural development and connecting said lots to the public sewer system shall be provided and  
790 approved by presiding utility providers. A sanitary sewer easement that follows the preliminary  
791 alignment shall be reserved in favor of presiding utility providers.

792 2. Prior to final subdivision plat, final site plan, a conditional use or a low impact permit, the county  
793 health department shall ensure that sufficient percolation tests are undertaken within the buildable area  
794 of each lot within the subdivision to verify that soils are capable of percolating on all proposed lots at  
795 projected wastewater flow rates. Individual septic systems shall be developed in compliance with county  
796 and state requirements (reference Utah administrative code, sections R317-501 through R317-513, as it

may be amended). The developer must submit such other data and information concerning utilization of individual sewage systems to allow an evaluation of the impact of the private systems on water quality.

3. In those instances in which private sewage disposal systems are approved, a note shall be included on the recorded final subdivision plat or final site plan. In the case of a conditional use permit or low impact permit, a recordable memorandum of understanding shall be signed before the permit is issued that shall state:

*Purchasers of this property are hereby notified that at the request of the developer of the property, Washington County allowed emplacement of individual disposal systems (septic tanks) on this property. The developer did not request that this property be connected to a Sewer Improvement District sewer line. The purchaser of the property is hereby put on notice that septic systems can fail. All costs associated with the correction of a failed septic system, including sewer connection from the property to existing utility provider sewer lines, shall be at the sole expense of the property owner. utility providers and Washington County shall in no way be responsible for these or any related costs associated with septic system failure. In the event public sewer becomes reasonably available according to the Washington County Code or International Plumbing Code, connection to the facilities of the presiding utility provider shall be required. Presiding utility providers shall not be responsible for this or any related cost associated with connection.*

C. Easements, Rights Of Way: Easements or rights of way required for sewer service by the presiding water reclamation district shall be provided by all developments before final subdivision plat or final site plan approval. The required acknowledgment from the sewer district may be either a letter indicating signed easements have been submitted, or the district's signature on the final subdivision plat or final site plan.

D. Larger Main Lines: Where the presiding water reclamation district master plan calls for sewer main sizes through a development that are larger than necessary to serve the development, the larger main shall be installed in accordance with district policy. (Ord. 708, 12-10-2008)

#### **10-4-7: FIRE PROTECTION:**

A. Required: Ability to serve a development in accordance with this title and the general plan to provide fire protection shall be provided in writing, for all developments, by the presiding fire service district. Where buildings are to be used for industrial, commercial, multi-family, or mixed commercial/residential purposes, building and site plans must be approved by the presiding fire service district prior to issuance of the building permit.

B. Presiding Fire Service District (PFSD) Level Of Service Standards:

1. The PFSD has established the acceptable emergency response time as ten (10) minutes or less within the district. An acceptable response time to larger scale town or resort center development may actually be less, as determined by the PFSD. (It must be realized that prevailing weather conditions, general topography, geographical diversities and unusual traffic conditions may inhibit district response times at any time of year.)

2. In order to comply with an acceptable level of service standard, a developer may be required to provide appropriate fire protection infrastructure, including facilities, apparatus and equipment for the PFSD to comply with the appropriate level of service standard. In addition, approved fire sprinkler and suppression systems may be required by the district in conjunction with other appropriate mitigation measures, which must be approved by the district, to comply with the required level of service standard.

3. Should the PFSD determine that a desired level of service cannot be provided to a proposed development; the developer shall prepare and submit a fire protection mitigation plan to the district for its review and approval. This plan shall address the measures that will be used to comply with the intent of the level of service standard, and the timing/phasing in which such improvements will be required. An acceptable mitigation plan shall be approved by the PFSD before an SPA plan, final subdivision plan or final site approval is granted. Failure of a developer to provide an acceptable plan may be cause for denial of a development application by the county.

#### C. Development In Wildfire Hazard Areas:

1. Development Without Year Round Access Or Located Within Wildland Fire Urban Interface Zone: All development, including a single-family dwelling on an individual lot or parcel, which does not have year round access or is located within the wildland fire urban interface zone, is subject to the fire protection measures as required by the 2006 Utah wildland fire urban interface code and the respective fire district and/or fire warden. The fire protection measures are further identified in this chapter.

All applicants for new development shall, at the time of application, acknowledge that they have reviewed the "Washington County Living With Fire" information pamphlet and consulted with the building department, insurance companies, builders and fire districts/fire warden regarding fire protection.

2. New Subdivisions: All proposed new subdivisions within the area of the Wildland Interface Zone will be analyzed and rated on its wildfire risk using the fire hazard severity scale developed by the state division of lands and forestry. All of these factors can vary from development to development. The composite score will categorize the hazard level of the proposed development as moderate, high or extreme. Once a proposed subdivision has been classified as to its hazard level, development standards for each level can be used by the county and the presiding fire district for fire protection and wildfire prevention measures. Once the rating has been approved by the presiding fire district, it shall then be submitted to the county. This rating will be submitted to the county with the sketch plan or in conjunction with a specially planned area plan application, as required by planning staff member or as otherwise required in the processing of development permits for any proposed development.

#### 3. Fuel Breaks/Vegetation Manipulation:

a. Hazardous fuels in the form of native vegetation will be cleared around structures and around the perimeter of the development to assist in wildfire prevention measures. This fuel break is not intended as a complete vegetation clearing firebreak. Fuel breaks must be in place prior to occupancy of the structure.

b. The definition of a "fuel break" by the state division of lands and forestry is "a change in fuel continuity, type of fuel, or degree of flammability of fuel in a strategically located parcel or strip of land to reduce or hinder the rate of fire spread".



c. Fuel breaks consist of the following:

(1) Annual grasses within thirty feet (30') of structures shall be mowed to four inches (4") or less.

(2) Removal of ground litter annually.

(3) Over mature, dead and dying trees shall be evaluated as to their potential to ignite and to carry fire and possibly will be removed.

(4) Fuel breaks may contain individual tree specimens, ornamental plants, or other similar vegetation used as ground cover, provided they will not provide a means of transmitting wildfire from native vegetation to structures.

(5) Fire resistive vegetation will be planted in the fuel breaks to prevent undue soil erosion.

d. In steep terrain, cleared or leveled slopes will be stabilized immediately following construction. Developers and lot owners will construct retaining walls, water bars, check dams, terraces, or other forms of physical means of soil erosion control. As part of the recordation plat, a maintained fuel break easement will be dedicated for the benefit of the area forester and will be shown around the perimeter of the development. Fuel breaks must be maintained by the landowners and shall be a part of the CC&Rs and monitored by the respective homeowners' association and/or area forester. The CC&Rs for the development will include enforcing language for the homeowners' association to budget for and provide fuel break maintenance services around the perimeter of the development boundary.

e. The following chart identifies fuel break clearing limits around structures and development perimeters based on the wildfire hazard rating:

Type	Moderate	High	Extreme
Structures	30 feet	50 feet	100 feet
Development perimeters	None	75 feet	100 feet

D. Central Or Community Water Systems: Central or community water systems shall be capable of generating adequate flows to meet the insurance service office fire system grading standards, including the following:

1. Fire Hydrants: Fire hydrants will be installed in accordance with fire district requirements. Fire hydrant spacing will be a maximum of five hundred feet (500') between hydrants, except in minor developments where the restriction shall be a maximum of one hundred fifty feet (150') from any dwelling, but no less than fifty feet (50') from the dwelling unless otherwise approved by PFSD.

2. Fire Flow Requirements: The fire flow requirement for rural residential development of five (5) or more building lots or dwellings will be a minimum of one thousand (1,000) gallons per minute.

3. Water Storage For Firefighting Use: Water storage will be provided to support the required minimum fire flow of one thousand (1,000) gallons per minute for a duration of two (2) hours.

4. Water Supply To Lots: The house water service line shall be at least one and one-half inches (1<sup>1/2</sup>" ) in diameter or larger to provide adequate flow and pressure meeting fire sprinkler demands.

E. Individual Water Systems On Each Lot:

1. Water Storage: Dwellings in areas without a central or community water system will require a water storage system for firefighting purposes. Water storage is to be within a tank(s) as required by NFPA 22, standard for water tanks for private fire protection, as water reserves, exclusive of storage for domestic, irrigation, and fire sprinkler use. The amount of required water storage is based upon usable floor area of the dwelling, including attached garages. The amount of required water storage is five thousand (5,000) gallons of water storage for every five thousand (5,000) square feet of usable floor area, or fraction thereof.

2. Dry Hydrant/Draft Site: The dry hydrant/draft site will be provided at all individual water systems intended for fire protection use. The design, construction, location, access and access maintenance of the dry hydrant/draft site must be approved by the presiding fire service district. The dry hydrant/draft site must have emergency vehicle access designed and constructed in accordance with Washington County road standards. The dry hydrant/draft site must be clearly identified in a manner approved by the presiding fire service district to identify the location and to prevent obstruction by parking and other obstructions.

F. Certification Of Compliance: Certification of compliance with adopted service levels and standards of the presiding fire service district, including the payment of impact fees, shall occur prior to final site plan approval, or in the case of single-family dwelling units or any use approved as a conditional use or a low impact permit, before a building permit is issued for such development.

G. Standards: Fire hydrants, water line sizes, water storage for fire protection, and minimum flow for fire protection shall be determined by using the standards of the insurance services office which are known as the fire system grading standards. In no case shall minimum fire flow be less than one thousand (1,000) gallons per minute for a period of two (2) hours, unless otherwise permitted herein.

H. Evidence Required For Maintenance: The developer shall furnish written evidence to Washington County and the presiding fire service district verifying that either a new or existing water company or association shall be responsible for the perpetual and continual maintenance of all fire protection appurtenances, including annual flagging of all hydrants, prior to November 1 of each year.

I. Plat Note Required: Each final subdivision plat for a development in the New Harmony Overlay Zone on the zoning map shall include the following note on the plat. A conditional use or low impact permit issued for development in these areas shall include, as a condition of approval, the requirement that the applicant acknowledge in writing (titled a "memorandum of understanding") the following:

*The property owner acknowledges that he/she is building in a location that is far removed from the primary Washington County service areas. As such, the property is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, may not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted County Infrastructure Standards. It is the intent of Washington County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of the New Harmony Valley. It is not the intent of Washington County to increase the variety, scale and frequency of public services and infrastructure, or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risk of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of service or infrastructure by either*

*Washington County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.*

J. Fire Ratings For Roof Materials:

1. Roofing Materials: Roof materials on residential dwelling units within the wildland fire urban interface area shall be constructed with the minimum of UL listed class A fire rated roofing materials. Examples may include asphalt shingles, metal roofing material, sheet iron, and other appropriate materials; however, wood shake shingles are not permitted. Subdivision CC&Rs will reflect the type of building materials required for use and specify materials that are prohibited.

2. Screening: In areas with a high or extreme wildfire hazard rating, the exterior openings from the roof, attic, eaves and floor areas will be screened to reduce the chance of flying embers entering a structure.

3. Chimneys And Stovepipes: Any solid or liquid fuel burning appliance must have spark arresters or screens equipped on stovepipes and chimney outlets. (Ord. xxx)

**10-30-x: LOADING AND UNLOADING:**

A. Availability Of Space: An applicant shall demonstrate that adequate loading and unloading space is available within commercial developments before approval of a final site plan, final subdivision plat, a conditional use permit. Location Of Required Loading And Unloading Spaces: The required loading and unloading spaces shall be on the same lot or in appropriate proximity as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement. Collective Action Relative To Loading And Unloading: This provision shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses. (Ord. XXX)

**10-30-x: PARKING REQUIREMENTS:**

A. Scope: Parking spaces shall be provided as set forth herein. Every effort shall be made to minimize the amount of impervious surface that is created for parking purposes.

B. Parking Required: The objective is to provide only the amount of parking that is actually needed for a particular use or type of use approved in the development. It shall be the responsibility of the applicant to demonstrate the amount of parking needed. The following parking standards shall be used by the county as guidelines for development. Parking that exceeds the amount indicated may be permitted only after the applicant submits a parking study for comparable uses which demonstrates that a higher demand can be anticipated. If a specific use is not indicated herein, the applicant shall provide a parking study in conjunction with the applicable development application to demonstrate the amount of parking required.

1. The specific amount of parking required within an area designated as an SPA shall be established by the adopted SPA plan.

2. Expansion of existing commercial, office and industrial uses within the NC, CC, and SC zone districts shall provide additional parking commensurate with the present on site parking ratio, unless it can be demonstrated by the developer or the director that a different parking standard or no additional parking is appropriate.

3. There shall be one parking space per studio/efficiency dwelling unit, plus one guest parking space for every five (5) units provided.

4. There shall be one space per bedroom, or a minimum of two (2) parking spaces per single-family, two-family or multi-family dwelling unit.

5. There shall be a maximum of three and one-half (3.5) off street parking spaces per each one thousand (1,000) square feet of retail commercial space; provided, however, structured parking can exceed this amount.

6. There shall be a maximum of three and one-half (3.5) off street parking spaces per each one thousand (1,000) square feet of office space; provided, however, structured parking can exceed this amount.

7. There shall be a maximum of one parking space per sleeping unit in a hotel or lodge, plus one space for each employee working during nighttime hours, except in a town or resort center where joint parking opportunities shall be taken into consideration.

C. Parking Lot Design And Location: The following design standards shall be complied with within any zone district in which parking is being provided for other than one single-family detached dwelling unit on a lot of record:

1. Design; Location: All non residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets, even if no current connection exists (in order to enable future connections). This may be established by one or more of the following:

- a. Connecting streets and drives;
- b. Coordinating parking lot entrances;
- c. Common service/ delivery areas;
- d. Legally shared parking lots.
- e. Linkages between parking lots;
- f. Providing shared driveways for two adjacent lots form public right-of-way to minimize curb cuts.
- g. parking lots shall be designed and located in accordance with the regulations provided herein. In situations where parking is required and it will be visible from a public roadway, the parking shall be divided into smaller parking lots and screened to the maximum extent possible.

2. When cross-access is deemed impractical by the County on the basis of topography, the presence of natural features, or vehicular or pedestrian safety factors, this requirement may be waived provided

1015 that appropriate bicycle and pedestrian connections are provided between adjacent developments or  
1016 land uses.

1017 3. Cross-access and maintenance agreements associated with such interconnections shall be provided, if  
1018 necessary, with the associated subdivision or development application.

1019 4. On Street Parking; Parking Along Principal Circulation Roads: On street parking and parking along the  
1020 principal circulation roads within a private development shall either be parallel to the curb or with a  
1021 parking angle of up to but not to exceed sixty degrees (60°). Perpendicular parking along such areas shall  
1022 be prohibited.

1023 3. Paving: The proposed development must provide paving in any parking area by one of the  
1024 following methods:

1025 a. Asphaltic concrete.

1026 b. Cement concrete.

1027 c. Penetration treatment of bituminous material and a seal coat of bituminous and mineral  
1028 aggregate.

1029 d. The equivalent of the above as recommended by the county engineer.

1030 4. Circulation Pattern: Parking areas shall be designed with a through circulation pattern if they  
1031 include more than ten (10) parking spaces, unless there is suitable turnaround space at the end of the  
1032 parking lot. While in certain instances on street parking will be permitted, public roads shall not be used  
1033 as part of a parking lot circulation pattern.

1034 5. Grade: Parking areas shall have a minimum grade (in any direction) of one percent (1%), a  
1035 maximum grade of five percent (5%), and an average grade of two percent (2%).

1036 6. Ingress And Egress: Parking spaces and driveways shall be so arranged as to require ingress and  
1037 egress from the lot to a road by forward motion of the vehicle.

1038 7. Screening: Adjacent to any zoning district in which residential uses are permitted, automobile  
1039 parking shall be screened, except when separated by a public road.

1040 8. Lighting: Any lights used to illuminate parking spaces shall fully comply with the lighting  
1041 regulations outlined in sections of this chapter.

1042 9. Curb, Bumper Guard: Except where a wall is required, a minimum six inch (6") high curb or  
1043 bumper guard shall be utilized or employed so that no part of the vehicle shall extend over or beyond  
1044 any property line.

1045 10. Markings: Required parking spaces shall be adequately marked or defined. At least one clearly  
1046 marked and appropriately situated handicapped parking space shall be provided for each commercial,  
1047 institutional and public parking area.

1048 11. Snow Storage Areas: Uncovered parking lots shall provide snow storage areas equal to ten  
1049 percent (10%) of the uncovered parking lot surface area, unless otherwise approved by the county  
1050 manager.

1051 12. Landscaping: At least fifteen percent (15%) of the internal portion of a parking lot shall be  
1052 landscaped. Such landscaping must be in accord with section 10-4-20 of this chapter.

1053 13. Parking Stall Size: Each off street parking stall shall be at least nine feet by eighteen feet (9' x 18')  
1054 for diagonal or ninety degree (90°) spaces, or eight feet by twenty feet (8' x 20') for parallel spaces,  
1055 exclusive of access drives or aisles. Parking stalls adjacent to a column or wall must have an additional  
1056 two feet (2') of width to accommodate ingress/egress from the vehicle.

1057 14. Parking Aisle Width: The minimum aisle width for diagonal parking is eighteen feet (18') and the  
1058 minimum width for ninety degree (90°) parking is twenty four feet (24'). The minimum aisle width may  
1059 be increased at the discretion of the Park City fire district. (Ord. 708, 12-10-2008)

1060 15. Parking Area Setbacks: All parking areas with fifteen (15) or more spaces shall be subject to the  
1061 regulations below:

1062 a. Parking areas shall be set back at least the following distances in order to provide a buffer:

1063 (1) Thirty feet (30') from road rights of way, except for a property access driveway;

1064 (2) Thirty feet (30') from side and rear property lines;

1065 (3) Ten feet (10') from the facade of a structure.

1066 16. ADA Requirements: All parking lots shall comply with federal ADA requirements.

1067 D. Phased Parking Plan: In instances where the amount of parking required by a project cannot be  
1068 clearly demonstrated, the county may require the implementation of a phased parking plan to avoid  
1069 unnecessarily large parking lots. The additional parking will be permitted by the county as the need is  
1070 demonstrated.

1071 E. Village Center: Within Commercial designated resort and town centers, efforts shall be made to  
1072 minimize the amount of dedicated surface parking by such considerations as, but not necessarily limited  
1073 to, on street parking on appropriate streets, and joint use of parking facilities.

1074 F. Stacking Of Spaces: The stacking of parking spaces is not permitted, except in one-family and two-  
1075 family dwellings, and single-family attached dwelling units where a parking space may be provided on  
1076 the parking apron directly outside of the garage.

1077 G. Vehicle Storage Prohibited: On and off street parking shall not be used for the extended storage of  
1078 motor homes, trailers, construction related equipment, tractor-trailer trucks and other such vehicles. On  
1079 and off site parking shall not be used for the purposes of sale, repair or dismantling or servicing of  
1080 vehicles, equipment, materials or supplies.

1081 H. Collective Action Relative To Parking: The joint use of parking spaces for two (2) or more buildings  
1082 or uses is encouraged, and in some instances may be required through a SPA plan when it can be shown  
1083 that the peak use periods of each of the buildings is different.

1084  
1085 10-4-10: TRANSPORTATION INFRASTRUCTURE AND ACCESS DESIGN:

A. Access:

1. Access To Existing Roads: All points of access to existing public roads or highways shall meet the standards set forth in "A Policy Of Geometric Design Of Highways And Streets", 1990, as published by the American Association of State Highway and Transportation Officials (AASHTO), which is hereby incorporated by reference as if set forth in its entirety herein; and subsections A through D of this section or, in the case of state highways, as approved by the state department of transportation. The design and construction of turn lanes, merging lanes, traffic signs or signals and other improvements required to make access points conform to county or UDOT standards shall be the responsibility of the developer.

2. Number Required: A minimum of two (2) access roads for separate ingress and egress will be provided. At least one access road will be considered the main access to be dedicated with a right of way easement as part of the final plat. In situations where dual access is not available within the initial development, one or more easements extending to the perimeter of the proposed development and evidence that existing vehicular access through adjacent properties to public roads must be provided by the developer. At a minimum, the second access, which may not comply with this section, may be permitted, so long as it is a passable access road and maintained for emergency services as approved by the PCFSD.

3. Spacing: Except as otherwise provided herein, access drives shall be spaced according to the following table:

Road Classification	Minimum Spacing	Minimum Distance <u>From Intersection</u>
Local	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	Access points shall be minimized	

B. Intersections:

1. Grade: The grade within one hundred feet (100') of any intersection shall not exceed three percent (3%).

2. Hazards: Intersections shall not create hazardous driving conditions. The site design shall avoid curves in the roadway and the crests of hills at intersection locations.

3. Alignment: Roadways shall be within ten percent (10%) of a perpendicular alignment within one hundred feet (100') of any intersection, unless otherwise approved by the county manager.

4. Intersection Offsets/Spacing: Intersection offsets shall be based upon the roadway classification, and shall be measured as follows unless otherwise approved by the county manager:

1114

Road Classification	Offset
Local	125 feet
Collector	330 feet
Arterials	600 feet

1115 C. Road Grades:

1116 1. The maximum grade of all roads, with the following exceptions, shall be eight percent (8%). Rural  
1117 collector, rural local, and rural minor roads shall require grades of ten percent (10%) or less. However,  
1118 these rural roads may contain grades in excess of ten percent (10%), up to a maximum of twelve and  
1119 one-half percent (12.5%) for short distances only when, at the discretion of the county, it is determined  
1120 that the steeper road grade is in the best interest of the county for purposes of environmental protection  
1121 and it is further determined that the steeper grade will not adversely affect public safety. Roads having  
1122 grades in excess of eight percent (8%) shall be privately owned and maintained.

1123 a. "Short distances" are measured along roadway centerline and are defined as less than or equal  
1124 to five hundred feet (500') over a continual distance of one thousand feet (1,000').

1125 b. Main through roads (nonstop sign roads) can remain at a constant grade of less than eight  
1126 percent (8%) through the intersection.

1127 c. Retaining walls shall be used when cuts or fills exceed ten feet (10') as measured vertically at the  
1128 edge of the road shoulder. Cut and fill slopes shall be as specified by a qualified engineer to achieve a  
1129 stable embankment. Cut and fill areas shall be contoured to two feet (2') horizontal to one foot (1')  
1130 vertical slopes or flatter unless stability at a steeper slope is determined by a qualified engineer.

1131 2. In all instances, the minimum road grade shall be 0.3 percent.

1132 3. The following conditions shall be used for grades in excess of ten percent (10%); provided, that all  
1133 applicable emergency and service providers review, at time of subdivision plat and site plan review, such  
1134 road design and grades to adequately address the public health, safety and welfare:

1135 a. Revegetation of all disturbed soils meeting county construction standards will be required on all  
1136 roads.

1137 D. Road Infrastructure Design:

1138 1. The design and construction of all roads in the New Harmony Valley Overlay Zone shall be in  
1139 accordance with the specifications adopted by the county, the American Association of State Highway  
1140 and Transportation Officials, and those set forth herein.

1141 2. Roads on soils having low bearing strengths, high shrink/swell potentials or high frost heave  
1142 hazards may be required, upon recommendation of the county engineer, to be constructed to



specifications more demanding than those required on others. All roads and driveways will have unobstructed vertical clearance of thirteen feet six inches (13'6").

3. Homeowners may not grant additional vehicular rights of way and road easements across their property in addition to those vehicular rights of way and road easements that are already of record at the date of the plat recordation.

4. In Village Commercial, public roads shall generally meet the following design guideline. The county may require adjustments in this guideline based on site specific conditions and development characteristics.

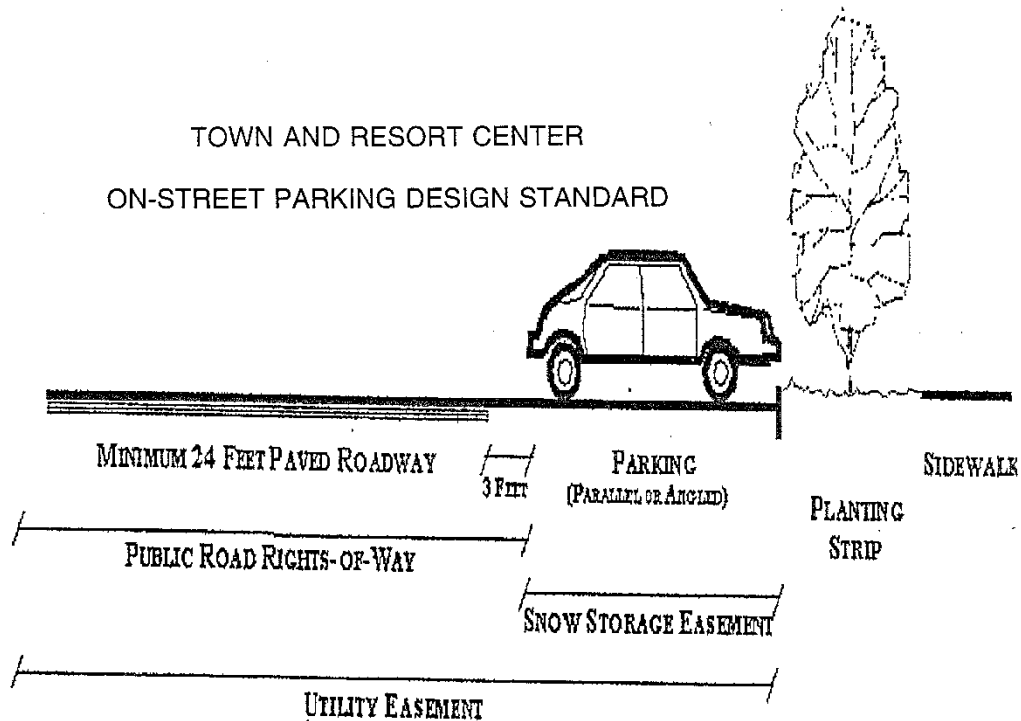


TABLE 1 RURAL ROAD DESIGN STANDARDS FOR DEVELOPMENT WITH LOT SIZES OF 5 ACRES OR MORE

Rural Collector	Rural Local	Rural Minor		
		Rural Collector	Rural Local	Rural Minor
Function		Provides a primary access to and through development from other arterial or	Provides supplemental access to adjoining properties and is	Provides supplemental access to adjoining properties and is

	collectors and is intended to serve as a primary trafficway	secondary to a rural collector; provides limited continuity	secondary to a rural local road; provides little continuity
Rights of way	50 feet	50 feet	50 feet
Pavement width	24 feet	20 - 24 feet	18 - 20 feet
Shoulder width	2 - 4 feet	2 feet	2 feet
Drainage	Open swale or ditch	Open swale or ditch	Open swale or ditch
Design speed	40 mph	25 mph	20 mph
The minimum width of a road surface that will be considered for a public dedication is 24 feet.			
The minimum width of a road right of way that will be considered for public dedication shall be 60 feet.			
All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.			

1155

1156 TABLE 2 MODERATE DENSITY ROAD DESIGN STANDARDS FOR DEVELOPMENT WITH LOT SIZES LESS  
1157 THAN 5 ACRES, DEPENDING ON DEVELOPMENT INTENSITY, AT THE DISCRETION OF THE COUNTY

Arterial	Collector	Residential Street

	<b>Arterial</b>	<b>Collector</b>	<b>Residential Street</b>
Function	Traffic movement with limited access for adjacent uses	Traffic movement with limited access for adjacent uses	Access to adjacent moderate to high density uses
Rights of way	60 - 120 feet	50 - 60 feet	50 - 60 feet
Pavement width	24 - 60 feet	24 - 32 feet	20 - 24 feet
Shoulder width	n/a	n/a	n/a
Drainage	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity
Sidewalks	Possibly, depending on development intensity	Possibly, depending on development intensity	Possibly, depending on development intensity
Parking lanes	No	Not required	Possibly, depending on development intensity
Design speed	45 mph	35 mph	25 mph
The minimum width of a road surface that will be considered for public dedication is 24 feet.			
All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.			

Arterial	Collector	Commercial Street		Residential Street	Road	Alley	
		Arterial	Collector	Commercial Street	Residential Street	Road	Alley
Function		Traffic movement with limited access for adjacent uses	Traffic movement with limited access for adjacent uses	Access to adjacent high density uses	Access to adjacent moderate to high density uses	Access to adjacent low density uses	Access to adjacent uses; not intended for traffic movement
Rights of way		60 - 120 feet	50 - 60 feet	65 - 96 feet	42 - 60 feet	44 - 48 feet	12 - 20 feet
Pavement width		24 - 60 feet	24 - 44 feet	20 - 36 feet	20 - 24 feet	20 - 24 feet	12 - 20 feet
Shoulder width		Per AASHTO	Per AASHTO	Per AASHTO	Per AASHTO	2 feet	Per AASHTO
Drainage		Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter or open swale or ditch depending on development intensity	Curb/gutter	Curb/gutter	Curb/gutter or open swale or ditch depending on development intensity	n/a
Sidewalks		Required	Required	Required	Required	Required	n/a
Parking lanes		No	Possibly	Yes	Yes	Possibly	No
Design speed		45 mph	35 mph	25 mph	25 mph	25 mph	15 mph
The minimum width of a road							

surface that will be considered for public dedication is 24 feet.						
All dimensions noted above represent minimum standards. Required dimensions may be greater depending on specific conditions.						
AASHTO = American Association of State and Highway Transportation Officials.						

1160

1161 E. Driveway Access:

1162 1. All individual driveway access locations shall be designed to function well with the existing  
1163 conditions and layout of each residential building. Care shall be taken in locating driveways to allow for  
1164 the least amount of site and vegetation disturbance. The maximum grade of any driveway shall not  
1165 exceed ten percent (10%). The minimum width of any driveway shall be twelve feet (12'). Twelve percent  
1166 (12%) grades may be allowed for short distances not to exceed two hundred fifty feet (250') when  
1167 approved by presiding fire district. Where possible, driveways shall parallel the slope to lessen site  
1168 impact. Driveways must also conform to the requirements of title 7, chapter 1 of this code.

1169 2. A driveway may provide access to one or more dwelling units, but not more than five (5)  
1170 dwellings. Driveways serving three (3) or more dwellings must be a minimum of twenty feet (20') in  
1171 width.

1172 3. Retaining walls shall be used with cuts in excess of ten feet (10'). Cut slopes shall be as specified  
1173 by a qualified engineer to achieve a stable embankment. Fill areas shall be contoured to two feet (2')  
1174 horizontal to one foot (1') vertical slopes or flatter as directed by a qualified engineer. If the disturbed

areas fail to match existing grade within ten (10) vertical feet, a retaining wall shall be used. Driveway access for all lots may not be from any street or road other than interior roads within the subdivision.

4. All driveways, whether or not locked, must provide a presiding fire district approved turnaround for emergency vehicles where the driveway meets the building pad, and every two hundred feet (200') when longer driveways occur.

5. Driveways in excess of two hundred feet (200') and less than twenty feet (20') wide must be provided with turnouts. Driveway turnouts must be an all weather road surface, ten feet (10') wide and thirty feet (30') long. Driveway turnouts to be located as required by the presiding fire district.

**F. Cul-De-Sacs:**

1. The maximum length of a cul-de-sac on any nonrural designated road, as defined in subsection D of this section, shall be six hundred feet (600').

2. The maximum length of a cul-de-sac on a rural designated road, as defined in subsection D of this section, shall be as follows, unless other lengths are agreed to by the presiding fire district. The length of these cul-de-sacs shall be based on the wildfire hazard rating of the surrounding area.

Wildfire Hazard Rating	Maximum Length
Moderate	1,200 feet
High	900 feet
Extreme	500 feet

3. The cul-de-sac shall not be less than sixty feet (60') in diameter, or as required by the presiding fire service district and county engineer. Public roads having a cul-de-sac shall not be less than ninety feet (90') in diameter, unless otherwise approved by the county manager.

4. A hammerhead cul-de-sac design may be allowed in certain instances.

5. All cul-de-sacs must include signage indicating that the road is a dead end road within fifty feet (50') of the outlet. In addition, two (2) signs will be placed on the connecting road indicating that the "next turn is a dead end road".

6. Project designs including cul-de-sacs within developments where local roads are dedicated for public maintenance are discouraged.

**G Road Base Specifications:**

1. All roads shall be designed by a qualified engineer. A geotechnical report supporting pavement design shall be required.

1202 2. All roads shall have a base capable of supporting a gross vehicle weight of at least forty thousand  
1203 (40,000) pounds. The county engineer may require additional support base depending on the specific  
1204 function and traffic volumes anticipated on the roadway.

1205 3. All roads shall include compacted road base, covered with either concrete or asphalt material,  
1206 with the exception of emergency access roads, which may be compacted gravel or road base. Roads  
1207 must meet all applicable county design standards.

1208 4. All road surfaces must be capable of providing all weather, year round access, with the exception  
1209 of emergency access roads in mountain remote areas and areas that contain critical lands, where  
1210 emergency access roads must provide only summer access.

1211 H. Bridges And Culverts: Bridges and culverts shall be constructed to support a gross vehicle weight of  
1212 forty thousand (40,000) pounds; vehicle load limits will be posted. Permanent culverts shall be installed  
1213 at all intermittent and perennial stream crossings. Specifications for bridges, culverts and other stream  
1214 crossing devices shall take into account at least the 25-year frequency storm and upstream debris  
1215 hazard. If the development is within the 100-year floodplain, then 100-year frequency storm shall be  
1216 used in drainage design. Bridges and culverts shall be reviewed by the CDD or designated planning staff  
1217 member. Bridges and culverts deemed to be visible from a public roadway shall include materials such as  
1218 natural stone, wood, or steel.

1219 I. Traffic Control And Street Signage:

1220 1. All roads will be designated with road names, and signs will be installed at each major road  
1221 intersection. All lots and/or homesites will be visibly signed with street addresses and numbered as such  
1222 or at the beginning of the driveway. Emergency access road shall be clearly identified.

1223 2. All roads shall be named or numbered in accord with the county's addressing system and road  
1224 identification signs in accordance with county standards and specifications. All permitted structures for  
1225 residential, commercial and industrial uses shall post addresses prior to occupancy.

1226 3. A developer shall be responsible for the expense of constructing and placing traffic control signs,  
1227 as follows:

1228 a. Stop signs shall be placed at all intersections of arterials; of collectors and arterials; and when  
1229 appropriate, as determined by the county engineer, local streets/roads and collectors.

1230 b. Yield signs shall be required at the intersection of all other streets and roads when determined  
1231 appropriate by the county engineer.

1232 J. Road Maintenance:

1233 1. Snow Removal And Road Maintenance: Snow removal and road maintenance on private roads will  
1234 be the responsibility of the respective homeowners' association and/or homeowners and will be noted  
1235 as such on the recorded plat.

1236 2. Maintenance Cost: Roads intended to be owned and maintained by the county will not be  
1237 accepted by the county for such purposes until adequate tax revenues accrue to the county from the  
1238 development to pay the cost of all related road maintenance services for the roadway, in addition to  
1239 other applicable county services for the development, or unless the county determines that there are

compelling reasons to accept responsibility for the road in the absence of adequate tax revenues. Road maintenance and snow removal services shall be provided in accordance with the appropriate county ordinances.

K. Level Of Service Standards:

1. No development application may be approved which causes a reduction in the level of service for any road below the adopted level of service as set forth in this title, County Transportation Plan or General Plan, as such may be amended from time to time.

2. The operational character that shall be maintained for roadways and intersections in the New Harmony Valley Overlay shall be improved to County standards, or specific level of service C for county roads and intersections and a level of service D for state roads. "Level of service" is as defined by the transportation research board, highway capacity manual.

3. The applicant shall make an offer of dedication of any rights of way which are within but will not serve a development, and which are necessary to effectively link the proposed development with future major roads or future developments, or to prevent the "landlocking" of adjoining properties or to provide the best possible long term circulation pattern prior to approval of a final subdivision plat or final site plan.

4. The dedication of the wider rights of way necessary to facilitate road improvements called for in the county transportation plan in response to a request from the county council or commission, is required.

L. Sidewalks:

1. Sidewalks are required along the frontage of all new Commercial zoned development, PDC zoned development, or Rural Village Commercial development. Sidewalks are not required in single family residential zoned development 1 acre or large. The intent is not to discourage pedestrians, but to maintain the rural agricultural feel and esthetic. Adjacent to all commercial and Sidewalks, pedestrian walkways or nonmotorized trails necessary (as recommended by the county) for adequate internal circulation within a development shall be provided. Sidewalks shall be provided in appropriate locations.

2. Sidewalks, walkways and trails shall be designed and constructed to the specifications provided by the county.

b. Sidewalks are not required for:

1. Existing local streets in single-family residential zoning districts; and

2. Steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

(2) On-Site Pedestrian Walkways

All Commercial zoned development, PDC development and Rural Village Commercial shall provide an on-site system of pedestrian walkways that meets the following standards:

a. Areas to Connect



1277 On-site pedestrian walkways shall provide direct access and connections to and between:

- 1278 1. The primary entrance or entrances to each building, including pad site buildings;
- 1279 2. Any sidewalks, walkways, or shared-use paths on adjacent properties that extend to the boundaries  
1280 shared with the development;
- 1281 3. Any parking areas intended to serve the development;
- 1282 4. Any sidewalk system along the perimeter streets adjacent to the development;
- 1283 5. Any public transit park and ride facilities, or other transit facilities on site or along an adjacent street;
- 1284 6. Any adjacent residential neighborhoods (planned or existing); and
- 1285 7. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or  
1286 amenity.

1287 b. Walkway Design

1288 Required on-site pedestrian walkways shall be a minimum width of five feet; however, the County may  
1289 require a wider walkway based on site characteristics such as, but not limited to, anticipated pedestrian  
1290 volume, street classification, zoning of adjacent properties, and location within the New Harmony Valley  
1291 Overlay Zone. All required walkways shall:

- 1292 1. Be distinguishable from areas used by vehicles using one or more of the following techniques:
  - 1293 i. Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving  
1294 material;
  - 1295 ii. Changing paving height;
  - 1296 iii. Decorative bollards;
  - 1297 iv. Raised median walkways with landscaped buffers;
- 1298 2. Be designed with similar and/or complementary details, colors, and finishes as other interconnected  
1299 walkways;
- 1300 3. Have adequate lighting for security and safety;
- 1301 4. Be conveniently and centrally located on the subject property;
- 1302 5. Be ADA accessible; and
- 1303 6. Not include barriers that limit pedestrian access between the subject property and adjacent  
1304 properties.

1305 (3) Pedestrian Access through Parking Areas

1306 All parking lots that contain more than 10 parking spaces shall include pedestrian walkways through the  
1307 parking lot to the primary building entrance or a sidewalk providing access to the primary building  
1308 entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not  
1309 more than 150-foot intervals, whichever is less. (See Figure 5-2.)



Figure 5-2: Example Pedestrian Access through a Parking Lot

(4) Pedestrian walkways shall be provided through parking garages from the parking area to the abutting public right-of-way and sidewalk and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

#### (5) Shared-Use Trails

Shared-use trails, separated from automobile traffic, are encouraged to enhance pedestrian and bicycle travel.

##### a. Trails shall:

1. Connect to the street system in a safe and convenient manner;
2. Be well-signed with destination and directional signing;
3. Connect origin and destination points such as residential areas, schools, shopping centers, parks, USFS trail systems, etc.; and
4. Be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized.

b. Shared-use trails designated in the Transportation Master Plan (TMP), Community Focus Area Plan, or other specific plan shall require a minimum width of 10 feet, unless an alternative width is required by an adopted CFA plan or County Staff due to site constraints.

1335 10-4-11: PUBLIC UTILITIES:

1336 A. Evidentiary Letters Required: A letter shall be obtained from each public utility company that will  
1337 provide service to the development stating its ability and commitment to provide service to the  
1338 proposed development before SPA plan, final subdivision plan or final site plan approval will be granted  
1339 by the county. Evidentiary letters shall include a statement that the utility presently has both adequate  
1340 capacity and, based on plans submitted by the developer, adequate rights of way or easements to  
1341 provide services.

1342 B. Underground Utilities: All utilities shall be placed underground unless it is determined by the  
1343 county, with input from the service provider, that special conditions, other than cost, exist which should  
1344 permit the utility to be installed aboveground.

1345 C. Gas Service: Natural gas service may be installed at the developer's option. Propane use must  
1346 conform to all applicable provisions of the international fire code.

1347 D. Rights Of Way, Easements: Rights of way or easements shall be provided as required by the utilities  
1348 serving the proposed development.

1349 E. Installation Prior To Road Surfacing: Underground utility services shall be installed to the property  
1350 line of each lot before roads are surfaced.

1351

1352 10-4-12: MAIL DELIVERY:

1353 Locations for proposed mail delivery should be shown on the final subdivision plat/site plan. The U.S.  
1354 postmaster must provide written approval of the proposed locations. In some cases, central mail delivery  
1355 within a postmaster kiosk may be located outside of the development boundaries on a paved road.

1356

1357 10-4-13: SOLID WASTE AND RECYCLING:

1358 A. Landfill And/Or Collection Capacity Unavailable: Developments for which landfill and/or solid waste  
1359 collection capacity are unavailable are prohibited.

1360 B. Open Burning: Open burning of building materials, rubbish or garbage will be prohibited, except  
1361 ordinary yard waste when permitted by the fire district.

1362 C. Recycling Program: No final site plan for a commercial development or multi-family residential  
1363 development shall be approved unless there is a mandatory recycling program put into effect including  
1364 class I recycling facilities for the project and are identified on the final site plan to accommodate for  
1365 materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling  
1366 shall include, but not necessarily be limited to, glass, paper, plastic, cans, cardboard or other household  
1367 or commercially generated recyclable scrap materials.

1368 D. Location Of Containers: Locations for proposed centralized garbage and recycling collection  
1369 containers shall be shown on the site plan drawings. Written approval of the proposed locations shall be  
1370 obtained by the county waste manager. In some cases, centralized garbage and recycling collection areas  
1371 may be located outside of the development boundaries on a road.

E. Refuse Container Enclosure: Centralized garbage and recycling collection containers shall be located in an opaque completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development. Masonry block enclosures are permitted with a split face/ decorative face block. Plan faced grey cinder block is not permitted. Enclosures must include a metal gate/door on the structure. A conceptual design of the structure shall be submitted with the site plan drawings.

F. Plat Or Site Plan Note Required: Each final subdivision plat or final site plan for a development in an area zoned mountain remote designated on the zoning map shall include the following note on the plat. A conditional use or low impact permit issued for development in these areas shall include, as a condition of approval, the requirement that the applicant acknowledge in writing (titled a "memorandum of understanding") the following:

The property owner acknowledges that he/she is building in a location that is far removed from the primary Washington County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, may not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted County Infrastructure Standards. It is the intent of Washington County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of Washington County. It is not the intent of Washington County to increase the variety, scale and frequency of public services and infrastructure, or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risk of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of service or infrastructure by either Washington County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.

G. Recycling Facilities: Recycling facilities are allowed in all zone districts, in compliance with the use chart contained in section 10-2-10 of this title. Class I recycling facilities are allowed in the TC and RC zone districts and class II recycling facilities shall be processed as an LIP in the TC and RC zone districts.

H. Recycling Facility Development Standards: All recycling facilities are subject to the following standards:

1. All drop off locations shall be maintained in a clean and litter free condition on a daily basis.

2. All storage of material shall take place within the recycling containers; no storage of such material outside of a recycling container is permitted. Any materials left outside, including abandoned materials, must be removed by the responsible party or parties identified on the container. A notice must be posted on collection containers or structure stating that no materials are to be left outside of the containers.

3. All recycling containers shall be constructed of durable waterproof materials.

4. All recycling containers shall be clearly marked to identify the type of material which may be deposited and identify the name and telephone number of the operator, where the responsible party

1412 can be reached in the event of misuse, lack of capacity, or other problems with the recycling container or  
1413 area.

1414 5. No recycling container shall occupy required landscape areas, nor obstruct pedestrian, vehicular,  
1415 or emergency vehicle access.

1416 6. Containers for the twenty four (24) hour donation of materials shall be at least one hundred feet  
1417 (100') away from any residence.

1418 7. Recycling container and/or site improvements may be required to ensure compatibility, including,  
1419 but not limited to, landscaping, screening, and parking lot improvements.

1420 8. Design and colors of the containers shall be compatible with other structures or containers on the  
1421 site.

1422 9. All recycling containers located in the community, service, and neighborhood commercial zones  
1423 are subject to the performance standards in each zone, which require that recycling functions be  
1424 screened from public view. All recycling containers located at a civic or public facility, commercial  
1425 business lot or part of a business park shall also be screened. (Ord. 731, 12-2-2009)

1426

1427 10-4-14: SNOW REMOVAL AND STORAGE:

1428 A. Adequate Area Required: Developments shall provide adequate area for snow removal and storage.

1429

1430 10-4-15: POLICE AND SECURITY:

1431 A. Access Required: Developments shall provide adequate access for law enforcement purposes. Prior  
1432 to submitting an application for development approval, the applicant shall obtain certification as to  
1433 compliance with this standard by the county sheriff's department.

1434 B. Plat Note And Memorandum Of Understanding Required: The plat note or memorandum of  
1435 understanding described in subsection [10-4-13F](#) of this chapter shall be required.

1436

1437 10-4-16: PARKS, TRAILS, AND TRAILHEADS:

1438 A. Required: All development shall provide neighborhood park facilities in a manner that is sufficient  
1439 to meet the specific recreational demands that will be generated by a development. In certain instances,  
1440 cash in lieu of land and facilities may be permitted.

1441 B. Compliance With Standards: Neighborhood recreational land (parks), facilities and trails, when  
1442 provided, shall be in compliance with applicable standards of the Washington County Transportation  
1443 Plan or regional trail and recreation plan.

1444 C. Maintenance: The long term care of neighborhood recreation lands (parks) and facilities shall be  
1445 the responsibility of the developer or a homeowners'/property owners' association.

1446 D. Impacts Mitigated: A development shall mitigate its impacts on the community park and trail  
1447 system of Washington County in a manner consistent with this title and the general plan.

1448 E. Trailheads: The specific amount of parking required within "trailhead parking, designated", shall be  
1449 established subject to the following standards:

1450 1. Trailhead parking setbacks:

1451 a. Ten feet (10') from the edge of a public or private right of way.

1452 b. Side and rear setbacks: Ten feet (10') from the side and rear property lines.

1453 c. Ten feet (10') from the facade of a structure.

1454 d. Adjacent to preserved open space: No setbacks required.

1455 2. If trailhead parking is provided for twenty (20) vehicles or less, a through circulation pattern shall  
1456 not be required.

1457 3. At least fifteen percent (15%) of the internal portion of the trailhead shall be landscaped using  
1458 natural landscape elements, unless the trailhead is adjacent to preserved open space, in which case the  
1459 landscape requirement shall be waived.

1460 4. Parking in the road right of way may be permitted with approval from Washington County as part  
1461 of development site plan or project plan review, in which case the setbacks and landscaping  
1462 requirements would not be applicable. Parking may be designed parallel to the curb or with a parking  
1463 angle of up to ninety degrees (90°).

1464 a. Parking surfaces may be pervious or impervious as specified on the site plan and approved by  
1465 the County.

1466 b. Concrete blocks, boulders, wood posts and rope or other appropriate fencing shall be installed  
1467 to ensure that no part of a vehicle shall extend over or beyond a property line or into preserved open  
1468 space.

1469 c. If fencing is found to be appropriate to enclose the boundaries of the established trailhead, it  
1470 shall be compatible with the surrounding environment.

1471 d. All trailhead, designated, major parking shall be designed with a through circulation pattern,  
1472 unless there is suitable turnaround space at the end of the parking area. While in certain instances on  
1473 street parking will be permitted, public roads shall not be used as part of a parking lot circulation pattern  
1474 or require ingress and egress from the lot to a road by forward motion of the vehicle.

1475 F. Pedestrian Nonmotorized Trail Systems:

1476 1. Pedestrian walkways or nonmotorized trails shall be provided within a development as  
1477 recommended by County staff and/ or Land Use Authority to serve the needs generated by the  
1478 development.

1479 2. In the event a community wide trail as identified on the master trails plan adopted for the New  
1480 Harmony Valley, is located on a development parcel, the county may pursuant to the provisions of Utah

Code Annotated section 17-27a-507, require as part of the development approval that the proportional share of the community wide trail system running through their site be provided by the developer as a condition of approval. The proportional share may be provided by deed, easements or rights of way for the community wide public trail system. When new development applications require community benefits in exchange for increased density as a condition of approval, trail dedication and/or construction will qualify in the criteria to be considered. Trail construction shall be consistent with the design guidelines established by Washington County trails master plan and community wide trail system development standards.

3. Developments shall connect an internal trail system to community wide trail systems where possible. The space dedicated in trails may be included in the calculation of the open space, as otherwise provided in this title.

#### G. Equestrian Trail.....

#### 10-4-17: ADA ACCESS:

All buildings intended for public use shall be accessible to the disabled, as per the requirements of the international building code and the Americans with disabilities act, as amended.

#### 10-4-18: SPECIAL SITE DESIGN REQUIREMENTS:

The criteria in this section serve the public interest by requiring that the design of developments in the New Harmony Valley be compatible with the natural, rural characteristics of their setting and with the image of the area which helps to support Washington County's economy. The design policies also help to reduce the potential for land use conflicts by encouraging the protection of privacy and of scenic views.

A. Integration Of Development: Development in the New Harmony Valley shall be integrated in a manner that is consistent with the general plan to promote more complete and functional community. Integration shall be accomplished through, among other things, pedestrian and vehicular circulation, visual, open space, and other linkages and design techniques. A piecemeal approach to planning and development, where individual development parcels are designed and constructed without adequate integration opportunities with surrounding areas, will not be permitted.

B. Existing Uses: Developments shall not limit the viability of existing agricultural uses. Limits to the viability of existing uses could include, without being limited to, potential nuisance or liability suits, adverse impacts on existing irrigation ditches, predation on stock by domestic dogs, and traffic conflicts with farm machinery or mining equipment.

C. Privacy: Developments shall protect on site privacy and the privacy of those occupying adjacent sites. Privacy may be protected through setbacks, buffering, screening or structural elements, and other design tactics.

D. Building Site Plan: Building site plans for single-family detached residential development shall provide the locations for the proposed building envelopes and associated driveways when there are sensitive areas on the individual lots. In certain instances, the recordation plat for the development may

show multiple approved building envelope locations for each lot. At the time of building permit issuance, the lot owner shall choose one of the building envelopes and lose the other alternatives. The practice of selecting one and removing the remaining building envelopes for further development consideration shall be described on the plat.

E. Number Of Single-Family Detached Dwellings On A Lot: One single-family detached dwelling only will be permitted on a "lot" as defined in this title, except where specifically allowed in an approved SPA plan or when permitted accessory residential structures are allowed by this title.

F. Intersecting Streets And Clear Visibility: On any corner lot, a clear view area must be maintained. This is a triangular area formed by the property lines abutting the street and a line connecting them at points twenty five feet (25') from the intersection of the street lines. No obstruction to view in excess of two feet (2') in height shall be placed in the clear view area, including walls, fences, structures, signs, trees, shrubs, or hedges. When topography presents a clear view, the area shall be graded to provide visual clearance.

G. Front, Side And Rear Yards: Every part of the required front, side or rear yard shall be open and unobstructed by any above grade object or portion of the structure, excluding uncovered stairs, roof eaves that do not extend into the setback more than three feet (3'), and decks that do not exceed one foot (1') in height, measured from the top of the deck to the grade directly below, in accordance with chapter 11 of this title, and fences and retaining walls in accordance with subsection I of this section. H. Single-Family Detached Dwelling Design Elements: Developments comprised of single-family detached dwelling units may provide for individual dwelling design review through restrictive covenants for compatibility of building materials, size, color and style, and other architectural standards required herein. The CC&Rs shall include provisions that ensure general design compatibility with the applicable provisions of section 10-4-19 of this chapter. Summit County will only ensure that the individual buildings comply with the CC&Rs or design guidelines for a specific development if it is so specified in a development agreement, consent agreement, settlement agreement, or by a note on a recorded plat.

I. Fences And Retaining Walls:

1. Front Setback: Fences and retaining walls enclosing all or part of the front yard setback adjacent to a street shall not be constructed or maintained at a height greater than four feet (4'). Fences and retaining walls shall be set back at least one foot (1') from the front property line. In the case of a corner lot, fences and retaining walls shall comply with subsection G of this section.

2. Side/Rear Setback: Fences and retaining walls may be constructed upon the property line separating the lot from adjacent properties.

3. Building Permit Required: Any fence or retaining wall greater than six feet (6') in height requires a building permit.

10-30-x: ARCHITECTURAL REGULATIONS FOR ALL NON RESIDENTIAL STRUCTURES:

These regulations are intended to guide the architectural character of all buildings. They are intended to ensure unity in "function", the relationship of the spaces that meet specific needs, "structure", including



the method used to enclose the space, and "beauty" or the artistic character. They are intended to allow and promote creativity in design within the context of scenic Washington County, and Zion National Park. Variety, interest and elegance in architectural designs shall be incorporated into all designs. The incorporation of "Parkitecture" design

A. *Height*: Building heights shall be compatible with other structures in the area to preserve village scale, scenic views and to fit in with existing development. With the exception of important community, institutional or unique buildings which act as visual landmarks, a new structure should always be designed so that its height is in scale with its surrounding environment. While varied heights can offset each other in interesting ways, a building height out of scale with its surroundings can produce an inharmonious effect. Maximum heights for new and renovated structures are established by zones. No structure may include more than two stories.

B. *Setbacks*: Minimum setbacks have been established by zone to soften the impacts of structures and maximize the dominance of natural features, vegetation and the views of New Harmony Valley.

C. *Density*: Density restrictions have been established by zone to maximize the dominance of natural features, vegetation, the views of Zion Canyon and to preserve the human scale of the built environment.

D. *Open space*: Open space restrictions have been established by zone to preserve natural features, including natural vegetation, and to enhance recreational opportunities within New Harmony Valley.

E. *Historic elements*: Design should be compatible with ...with relationships of size, massing, color, materials and horizontal facadesAll new construction shouldand uses of land as affected by this chapter shall reflect the "in the park" ("parkitecture") or historic pioneer architectural theme and incorporate, preserve or mimic historical elements such as the rock work of Fort Harmonysimilar to along the old irrigation ditch, the cut stone pillars along SR-9, and the cottonwoods which have been coveted and tended since pioneer times.

>

Prohibited Architectural Styles And Motifs: The following architectural styles and motifs are not permitted. Any style that is determined to represent an extreme statement of the architectural style or period is not appropriate.

- 1595 1. A-frame structures.
- 1596 2. Geodesic dome structures.
- 1597 3. Mediterranean motifs.
- 1598 4. Tudor or mock Tudor styles.
- 1599 5. Tyrolean motifs.
- 1600 6. "Ornate" Victorian.
- 1601 7. Colonial.
- 1602 8. Quonset style.
- 1603 9. Yurts over two thousand (2,000) square feet.
- 1604 10. Standard prefabricated corporate/business structures, such as, but not limited to, metal,  
1605 corporate colored gasoline island canopies and building facades, typically found in other areas unless  
1606 specifically found to be compatible with these requirements.
- 1607 11. The use of same template or repetitive architecture within the same large scale building and/or  
1608 the mere copying of adjacent building architecture or form.

1609 B. Siding Materials:

- 1610 1. The siding materials considered most typical of the mountain environment are wood siding, log,  
1611 heavy timber and glu-lam materials, native stone and lichen rock, and stucco. These principal materials  
1612 shall be incorporated in each building design in a manner that is consistent with the design objectives  
1613 herein. Appropriate use of other materials not identified in subsection B5 of this section will be  
1614 considered by the county. Concrete products that replicate angular native stone are discouraged but may  
1615 be permitted only if approved through the review process.
- 1616 2. No single wall shall contain a single or predominant treatment, but shall include an appropriate  
1617 balance of the desired principal materials identified in subsection B1 of this section.
- 1618 3. Colored, textured, or split faced concrete block is strongly discouraged. If it is permitted, there  
1619 must be an appropriate balance of siding materials described in subsection B1 of this section  
1620 incorporated in the design and only when the principal design materials described in subsection B1 of  
1621 this section are included on those portions of all buildings seen from roadways and other public areas. At  
1622 any rate, the use of colored, textured, or split faced concrete shall be minimized. Special consideration  
1623 will be given to industrial buildings only, so long as supplemental materials and sufficient landscape  
1624 materials are used to break up the uniform look of the architectural block.
- 1625 4. The application of a stone wainscot on the lower base of the building as the only stone  
1626 application is discouraged. The design may include such wainscot applications only when applied in  
1627 other areas of the buildings, such as at entry points, prominent walls, and other similar applications.
- 1628 5. The following materials have proved to be unsuitable for use in this area due to the extreme  
1629 climate, incompatibility with the mountain environment, or because their appearance is such that the

1630 values of adjoining or abutting properties are adversely affected. These materials are to be limited in use  
1631 or prohibited. Materials labeled as discouraged may only be used if specifically approved by the county  
1632 manager:

- 1633 a. Slump block, weeping mortar - prohibited.
- 1634 b. Plastic or vinyl siding - discouraged.
- 1635 c. Plain concrete block - prohibited.
- 1636 d. Colored or architectural concrete block - discouraged.
- 1637 e. Fish scale cut shingles - discouraged.
- 1638 f. Matchstick wood or other inlays - discouraged.
- 1639 g. Lava rocks, clinkers - prohibited.
- 1640 h. Half timbered stucco - discouraged.
- 1641 i. Asphalt or hardboard siding - prohibited.
- 1642 j. Plywood siding - prohibited.
- 1643 k. Aluminum siding - discouraged.
- 1644 l. Tension membrane - prohibited.

1645 C. Exterior Wall Architecture: Some buildings are visible from more than one public area, such as a  
1646 roadway, a public parking lot, a park, or residential area. In these instances, the wall treatment on all  
1647 such sides of a building shall be of a character and quality as the image presented on the front side of  
1648 the building.

1649 D. Exterior Wall Appurtenances:

1650 1. Features such as awnings, flower boxes, balconies, exterior decks, and other similar  
1651 enhancements shall be considered. However, the color, use of logos and words, and number of such  
1652 features will not be allowed to over decorate the wall. Exterior decks, when incorporated on an exterior  
1653 wall, shall be of sufficient size to suggest depth and shall be scaled appropriately to the overall size of the  
1654 building.

1655 2. The mass of the balusters and the railings, when used, should be a substantial visual element of  
1656 the building's design. Balusters and railings should be designed in a simple, straight forward manner.  
1657 Ornate balusters and railings suggesting Swiss or historic motifs are prohibited.

1658 3. Balconies shall be designed to prevent snow accumulation, interior leaks and icicle buildup. They  
1659 shall be located so that neither snow nor ice falling on or from them can endanger passersby.

1660 E. Color Palette And Texture:

1661 1. The predominant tones shall be colors selected from warm earthy tones or a muted natural color  
1662 and light to dark shades of wood. The colors found in the mountain forest canopy, the meadow grasses,  
1663 and hillside vegetation is appropriate.

2. A uniform color and texture for walls is not acceptable. While color and texture changes shall be accomplished through the use of various principal materials described in subsection B1 of this section, accent colors should be used. Such colors shall be compatible with the predominant color tones of the building and shall not be used as attention getting (advertising) devices.

3. Primary and closely related colors are strongly discouraged.

F. Roof Materials:

1. Complementary Materials: The materials used on a pitched roof shall complement the building design and encourage compatibility with the surrounding environment. The color of materials on a flat roof shall blend with the color of surrounding vegetation. Primary and closely related colors are not permitted.

2. Prohibited Materials: The following materials are prohibited on any roof:

a. Reflective materials (the color and slope of metal roofs shall be carefully considered since steeper slopes may increase reflectivity).

b. Any bright colored or highly visible material.

G. Roof Shapes:

1. In immediately adjacent buildings, groups or clusters, particularly in a town or resort center, a general roof shape should predominate, but not constitute the only shape in the group. The predominant roof shape should be set by existing adjacent buildings. Subsequent adjacent developments are expected to adhere to their precedents unless there are compelling reasons not to follow this example. Such an instance is where smaller commercial structures will be constructed adjacent to a larger scale, flat roof building. In this instance, the smaller buildings shall consider an appropriately pitched roof, or a mix of flat and pitched styles.

2. Where a pitched roof is provided on larger multiple-family, commercial, overhangs of at least thirty six inches (36") shall be provided. Overhangs of greater size may be required to ensure that they are appropriately scaled to the size of the building.

3. Large unbroken expanses of roof area shall not be permitted.

4. Roof design techniques may be required on two- and three-story buildings that help to minimize the scale of the building (i.e., extending the eaves line below the ceiling level of the upper story). The basis for using such techniques will depend on the visibility of the building from public roadways and pedestrian areas.

5. The following roof shapes are prohibited:

a. Geodesic domes.

b. Conical roofs.

c. Onion dome roofs.

d. A-frame or modified A-frame roofs.

1699 e. Semicircular arching roofs.

1700 H. Mechanical Equipment On Roofs: Mechanical equipment shall be hidden with a visual barrier so it  
1701 is not readily visible from adjacent properties or public roadways, parks or other public spaces. All  
1702 rooftop mechanical equipment shall be painted or coated with an appropriate color to blend with other  
1703 rooftop materials and minimize visual impacts. (Ord. 818, 2-26-2014)

1704 I. Roof Appurtenances: Features including, but not limited to, shed dormers, gable dormers, hip  
1705 dormers and/or articulation of the roof shall be considered on pitched roofs to add visual interest and  
1706 character. Such features may be required on large pitched roofs as a means to minimize the massiveness  
1707 of the roof. When provided, dormers shall be in scale with the roof on which they are located. However,  
1708 dormers and other similar features shall not be allowed to over decorate the exterior appearance.

1709 J. Window And Door Treatments:

1710 1. Architecturally significant window treatment is encouraged, particularly where there is an  
1711 associated pedestrian streetscape in town and resort centers. Such treatment is also encouraged in  
1712 other buildings and complexes of buildings to minimize the repetitive nature of a uniform window  
1713 treatment.

1714 2. Untreated aluminum or metal window frames are prohibited. Windows shall be adequately  
1715 trimmed on the exterior and the size of the trim shall be in scale with the building facade. In most  
1716 instances larger trim will be required as the scale of the building facade increases.

1717 3. An area containing a large amount of window surface shall not be flush with the plane of the  
1718 principal facade. The amount of offset shall be commensurate with the amount of window surface (the  
1719 more window surface the greater the offset).

1720 4. Careful consideration should be given to the ratio of solid wall area to window area. Inappropriate  
1721 ratios will not be permitted. In certain instances, larger and smaller windows should be used on a facade.  
1722 Window selection and placement shall avoid the monotony of many identical windows or the confusion  
1723 of too much variation in the windows.

1724 5. Treatments which obscure the visual distinction between windows and walls are not permitted.

1725 6. Smoky or tinted windows are permitted, while mirrored glass is not permitted.

1726 K. Facade Length And Variations:

1727 1. All walls described in subsection C of this section that are greater than sixty feet (60') in length,  
1728 but less than one hundred feet (100') in length, must exhibit a prominent shift in the facade of the  
1729 structure so that no greater than seventy five percent (75%) of the length of the facade appears linear.  
1730 The shift shall be in the form of at least a ten foot (10') change in facade alignment. A series of shifts may  
1731 be appropriate; provided, that the cumulative offset is at least ten feet (10'). A combination of both a  
1732 roofline and facade change is encouraged, particularly when they occur at the same point.

1733 2. All walls described in subsection C of this section that exceed one hundred feet (100') in length  
1734 shall provide a prominent shift in the mass of the structure so that no greater than seventy five percent  
1735 (75%) of the length of the facade appears unbroken. The shift or series of shifts in height and/or  
1736 alignment that reflect a change in function and scale is required. A shift shall be in the form of at least a

1737 fifteen foot (15') change in facade alignment. A combination of both a roofline and facade change is  
1738 encouraged, particularly when they occur at the same point on the facade. A series of shifts may be  
1739 appropriate; provided, that the cumulative offset is at least fifteen feet (15').

1740 3. The required shift in facade alignment shall not be created by add on features such a porticos,  
1741 porte cocheres, exterior vestibules, decks, and other similar features.

1742 4. Any long horizontal building shall include vertical design elements to break up the building mass.  
1743 The number and scale of such elements shall be commensurate with the length of the facade.

1744 5. Required vertical and horizontal elements shall not be created by using paint schemes on the  
1745 siding material.

1746 6. Commercial structures comprised of various tenant spaces shall emphasize the individuality of  
1747 units by variation in rooflines and/or walls or other appropriate design techniques.

1748 L. Prototypical Structures: While prototype designs may be used in a development consisting of a  
1749 number of structures, it may be necessary to include an appropriate number of such designs to provide  
1750 appropriate variety and vitality within a development project, particularly in residential development.  
1751 Simply using various color schemes or changes in materials selections will not be adequate. Changes in  
1752 prototype designs shall include, among other things, a variety of roof, facade and window treatments,  
1753 together with changes in color schemes and materials.

1754 M. Interpretation Of Standards: The above architectural requirements shall be promoted in all  
1755 applicable building designs. These standards are not meant to encourage the overuse of an existing  
1756 architectural style or feature. In fact, such practices will be discouraged. These regulations are intended  
1757 to establish restrictions on a limited number of architectural approaches that are not considered  
1758 desirable and provide guidance only. Appropriate latitude shall be allowed and creativity promoted to  
1759 achieve interest and vitality throughout the New Harmony Valley.

#### 1761 **10-4-20: LANDSCAPING:**

1762 A. Purpose: The purpose of these landscape regulations is to promote water conservation and prevent  
1763 water waste through the implementation of xeriscape landscaping principles to ensure that the quality  
1764 and character of the landscaping in the New Harmony Valley reflects the high desert nature of the area.  
1765 Landscaping should protect and enhance the community's environmental, economic, recreational, and  
1766 aesthetic resources by promoting efficient use of water, reducing water waste, and establishing a  
1767 structure for the design, installation, and maintenance of xeriscape landscaping areas. Where possible, it  
1768 is encouraged that native vegetation areas be protected during construction and retained thereafter. The  
1769 use of turf should be limited to the greatest extent possible.

#### 1770 B. Applicability:

1771 1. New Development: All new development requiring a land use permit from the County shall  
1772 comply with the provisions of Chapter 27 LANDSCAPE AND WATER CONSERVATION STANDARDS of Title  
1773 10 and this section.

1774 2. Existing Development: All projects that increase the square footage of the footprint of an existing  
1775 building or the parking requirement by twenty percent (20%) or more shall comply with the provisions of  
1776 this section.

1777 3. Exemptions: The following are exempt from the requirements of this section:

1778 a. The use of water for agricultural purposes, including the irrigation of pastures and crops.

1779 b. The use of water pursuant to water shares, or State Engineer approved, or water rights that are  
1780 not held by a public water supplier, provided that such water shares, water rights, or State Engineer  
1781 approved water exchanges used to irrigate golf courses, parks, athletic fields and playgrounds shall  
1782 comply with this title.

1783 c. Ecological restoration projects that do not require a permanent irrigation system.

1784 C. Improvement Completion Assurance Required:

1785 1. An improvement completion assurance for landscaping is required for multi-family dwelling units,  
1786 and commercial, industrial, and institutional landscapes.

1787 2. The improvement completion assurance shall be for one hundred and ten percent (110%) of the  
1788 estimated cost of completion of the landscaping. The improvement completion assurance is to ensure  
1789 the proper installation and maintenance of the landscape and irrigation system.

1790 3. The improvement completion assurance may be reduced to ten percent (10%) when the  
1791 Community Development Director determines the landscape has been adequately installed. This  
1792 determination shall be based on a certificate of substantial completion issued by the contractor or  
1793 landscape designer/landscape architect designer who prepared the landscape plan and shall indicate  
1794 that the landscape was installed correctly with healthy plants.

1795 4. This remaining ten percent (10%) shall constitute the warranty under Utah Code Annotated  
1796 section 17-27a-604.5(3) and shall be for a period of two (2) years.

1797 5. This improvement completion assurance for landscaping may be combined with the improvement  
1798 completion assurance for public infrastructure improvements and the development improvements  
1799 agreement set forth in Chapter 6 of this Title.

1800 D. Landscape Plan:

1801 1. A landscape plan shall be required for all applicable development projects in accordance with [10-](#)  
1802 [4-20](#)-B. The Community Development Director is the land use authority for the approval of all landscape  
1803 plans. Modifications to landscape plans must be approved by the Community Development Director  
1804 prior to installation of any landscape improvements.

1805 2. The landscape plan shall include the following information:

1806 a. Site plan showing the location and identification of all significant native vegetation.

1807 b. Site plan showing the location, size in square feet, and identification of all proposed irrigated  
1808 landscape areas, hardscape areas, xeriscape landscaping areas, and native vegetation areas. A summary  
1809 table of this information shall appear on the site plan.

- 1810 c. Quantity and size of all proposed plantings.
- 1811 d. Site plan showing the location of all proposed stormwater detention and retention areas.
- 1812 e. Irrigation plan, indicating the layout and details of the irrigation system.
- 1813 E. Standards: The landscape plan shall comply with the following standards:
- 1814 1. Turf Area Restrictions:
- 1815 a. In single family, two family, or multi-family developments, the turf area within the irrigated
- 1816 landscaped area shall not exceed the lesser of fifteen percent (15%) of the irrigated landscaped area or
- 1817 two thousand (2,000) square feet.
- 1818 b. In commercial, industrial, or institutional developments, the turf area within the irrigated
- 1819 landscaped area shall not exceed the lesser of fifteen percent (15%) of the irrigated landscaped area or
- 1820 two hundred fifty (250) square feet.
- 1821 c. A list of plants that satisfy these requirements, thrive in the area, and are available to purchase
- 1822 locally may be obtained from the Community Development Director.
- 1823 d. The use of turf in narrow, small, or oddly shaped areas less than eight feet (8') wide, is
- 1824 prohibited.
- 1825 e. The use of turf on slopes greater than fifteen percent (15%) is prohibited.
- 1826 f. Turf shall be irrigated separately from other landscaped areas.
- 1827 2. Environmental Considerations: The landscape plan shall demonstrate that plants are placed in the
- 1828 optimum location for water conservation, soil stabilization, and erosion control.
- 1829 3. Landscape Watering Zones: Plants with similar water needs shall be grouped together. Areas
- 1830 landscaped with high water use plants shall be separated from those with low and very low water usage.
- 1831 4. Critical Lands: Existing plants within critical land areas, as defined in [10-4-3](#), shall be disturbed
- 1832 only at the Community Development Director's discretion. If slopes greater than thirty percent (30%) are
- 1833 disturbed, the area shall be landscaped with deep rooting, water conserving plants for erosion control
- 1834 and soil stabilization.
- 1835 5. Required Plants: All landscapes shall use plants identified as being "water wise" or "low water"
- 1836 plants. A list of plants that satisfy these requirements, thrive in the area, and are available to purchase
- 1837 locally may be obtained from the Community Development Director.
- 1838 6. Plant Substitutions: Landscaping shall be installed consistent with approved planting plans, but
- 1839 plant substitutions may be made provided that the substituted plants are of a similar plant type (bush-
- 1840 for-bush, tree-for-tree, etc.) and have a similar water need as the plant originally specified in the
- 1841 approved landscape plan.
- 1842 7. Soil Amendment/Preparation: Where appropriate, the use of organic soil amendments or
- 1843 additives, such as aged compost, are encouraged.



1844 8. Mulch: Mulch shall be installed and maintained at a minimum depth of three inches to four  
1845 inches (3"- 4"). Fiber barriers and plastic sheeting that are not porous to air and water are prohibited.

1846 9. Water Features: Unless it is a natural lake, pond, or stream, all water features such as fountains,  
1847 ponds, reflecting pools, and other similar water features are prohibited.

1848 10. Preservation Of Existing Vegetation: To the extent possible, significant native vegetation shall be  
1849 maintained on property and protected during construction. When allowed to be removed, based on an  
1850 approved development permit, the native vegetation shall be replaced with landscaping similar in type.  
1851 To ensure survivability, replacement plantings may be smaller sized and slightly denser than the original.  
1852 The Community Development Director may grant exceptions if it is found that replacement is impossible  
1853 or would require excessive amounts of water.

1854 11. Energy Conservation: When planting trees, the following should be considered:

1855 a. To maximize the utility and production of solar panels, trees should be planted in locations that  
1856 will not shade or obstruct solar panels on either the property or on adjacent properties.

1857 b. To take advantage of potential summer shade and winter sun to heat or cool structures, most  
1858 deciduous trees should be placed along the south, east and west sides of the structure.

1859 c. To help insulate a building from cold and snow, most evergreen trees should be placed on the  
1860 north side.

1861 12. Hardscape Areas:

1862 a. Decks, patios and walkways shall be constructed of permeable materials. Nonpermeable  
1863 materials are prohibited.

1864 b. Permeable asphalt, pavers, concrete, aggregate, and grass paving are all allowed materials.

1865 c. Loose aggregates like gravel, stones and pebbles may be used.

1866 13. Parking Area Landscaping:

1867 a. Internal landscape shall equal at least fifteen percent (15%) of the total parking area.

1868 b. The use of turf within a parking area is prohibited.

1869 c. Landscape islands shall be a minimum of nine feet (9') in width and shall be landscaped with  
1870 plants no more than four feet (4') in height or high canopy trees.

1871 d. Internal landscape shall be located so that pedestrians are not required to cross landscaped  
1872 areas without pathways to reach building entrances from parked cars. This should be achieved through  
1873 proper orientation of islands and spaces.

1874 e. Bioretention systems or other sustainable natural drainage systems which reduce the  
1875 stormwater runoff created by the development and which promote infiltration of the generated  
1876 stormwater into the subsurface are required. Such systems include stormwater planter strips, infiltration  
1877 swales or trenches, stormwater curb extensions, rain gardens, etc. Exceptions to any standards within

1878 this section may be granted by the Community Development Director to accommodate the design of  
1879 such systems.

1880 F. Irrigation System Requirements:

1881 1. Automatic Controller: All irrigation systems shall include an WaterSense labeled smart irrigation  
1882 controller with multiple programs, multiple repeat cycle capabilities to reduce runoff on slopes and soils  
1883 with slow infiltration rates, and a flexible calendar program. All controllers shall be capable of utilizing an  
1884 automatic rain shut-off device, and the ability to adjust run times.

1885 2. Irrigation Zones And Use: Each irrigation zone/valve shall be used in a landscape with similar site,  
1886 slope and soil conditions and plant materials with similar watering needs.

1887 3. Drip Irrigation: Drip emitters or bubblers with a filter and pressure regulator shall be used in areas  
1888 where turf is not used.

1889 4. Time Of Irrigation: Zones with spray or stream sprinklers shall not be scheduled to operate  
1890 between the hours of ten o'clock (10:00) A.M. to seven o'clock (7:00) P.M. in order to reduce water loss  
1891 from wind and evaporation.

1892 G. Prohibition On Restrictive Covenants Requiring Uniform Plant Material Irrigated With Spray  
1893 Irrigation:

1894 1. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants,  
1895 conditions, and restrictions that govern the operation of a common interest development, are contrary  
1896 to public policy and are thereby void and unenforceable if they:

1897 a. Require turf areas in violation of this section;

1898 b. Prohibit, or include conditions that have the effect of prohibiting, the use of xeriscape  
1899 landscaping areas; or

1900 c. Have the effect of prohibiting or restricting compliance with this section.

1901 H. Penalty: This section may be enforced using the Administrative Code Enforcement Hearing  
1902 Program, Summit County Code Title 1, Chapter 13. A violation of this section shall be punishable by a  
1903 civil fine of not less than five hundred dollars (\$500.00), which shall accrue daily until the violation is  
1904 corrected. The County Attorney reserves the right to enforce these regulations using any of the remedies  
1905 provided for in Utah law. (Ord. 708, 12-10-2008; amd. Ord. 730, 12-2-2009; Ord. 936, 8-31-2022)

1907 **Landscape Notes from Susie**

1908 Landscape design standards (Springdale)

1909 1. Improve the Appearance of Buildings

1910 The front of all commercial properties should be landscaped. Parking, large expanses of pavement or  
1911 concrete, and extensive use of decorative gravel are not appropriate to be placed at the front of  
1912 commercial properties.

1913

1914           2.   Provide Shaded Areas

1915   Landscaping should provide areas for pedestrians to escape the heat of the summer sun. Trees with  
1916   good canopy cover should be placed on the south and west sides of pedestrian walkways and gathering  
1917   areas, and when placed on the south and west sides of buildings may act as natural climate control for  
1918   the buildings. Conversely, evergreen trees should not be placed where their shadows in winter will cause  
1919   icing problems on walkways or in parking areas.

1920

1921           3.   Break up the Mass of Buildings

1922   Landscaping can be used to break up large buildings to make them seem less visually impactful,  
1923   Landscaping at the base of buildings can make the building appear to grow organically out of the  
1924   landscape. This reduces the visual mass of the building. Large evergreen trees placed strategically in  
1925   front of buildings can disguise much of the mass of the building. The more the building is integrated into  
1926   the landscape, the less visually massive the building will be.

1927

1928           4.   Provide Screening

1929   Landscaping should be used to screen the view of parking areas, trash enclosures, and mechanical  
1930   equipment. Some evergreen vegetation should be used in screening applications to ensure year-round  
1931   screening.

1932

1933           5.   Water Conservation

1934   Landscape should be designed to be low water use and drought tolerant. Plant varieties that use  
1935   excessive amounts of water should be avoided. The community of New Harmony has adopted a list of  
1936   recommended water conserving plants that are known to thrive in the sometimes harsh climate of the  
1937   New Harmony valley and it is recommended that landscaping in commercial zones should use plants on  
1938   this list.

1939

1940           6.   Preserve Historic Landscape Features and Provide a Sense of Continuity

1941   In addition to water conservation, plant selection should be guided by historical and natural occurring  
1942   landscapes in the New Harmony valley. The repeated use of core plants and trees creates a sense of  
1943   continuity and anchors new development with existing buildings within the commercial zones.

1944

1945   Additionally, historic landscape features such as stacked rock walls, rock lined irrigation and drainage  
1946   ditches and the use of large indigenous boulders are encouraged as part of the overall landscape design  
1947   for a property.

1948 From Sedona landscaping requirements - SLDC/5.6 C

1949

1950 1 a (2) - minimum of 1 tree and 3 shrubs per 400 sft, and the greater of 1 tree for every 1,000 sft. of  
 1951 landscape area, or 10 trees;

1952 1 b (5) - artificial trees or shrubs (not turf) prohibited; (allow metal plant sculptures, etc.?) 1 c (1) - at  
 1953 least 8 different plant species required from NH signature plant list, and

1954 (2) - no one species shall make up 50% of quantity of landscape materials

1955 (add - minimum 25% of plants shall be evergreen, and plants used for screening of trash enclosures and  
 1956 mechanical equipment shall be of sufficient density to provide effective screening and shall include  
 1957 evergreen vegetation to ensure year-round screening;)

1958

1959 1 d - minimum plant specifications: (some of Springdale's requirements mixed in) Evergreen trees - 8 ft.  
 1960 tall

1961 Deciduous trees - 2 inch caliper, and at least 1 large "burlap" or "boxed" tree per 1,000 sft of  
 1962 landscaping;

1963 Shrubs - 2 ft tall and minimum of 5 gallon size; when certain shrubs are shown to not be commercially  
 1964 available in 5 gallon sizes, a smaller size may be acceptable; Groundcovers - minimum when planted to  
 1965 provide full coverage within 2 years;

1966

1967 Add: Design standards - the quantities of plants listed above shall be placed according to an overall  
 1968 landscape design plan for the property;

1969

1970 1 g - Where coordinated development is on 2 or more abutting sites, or multiple parking areas are  
 1971 located on a single lot, or on planned development areas controlled by site plans, requirement shall be  
 1972 based on the entire development site, unless otherwise approved by decision making body;

1973

1974 1 h - If existing vegetation or trees meets the requirements and intent of landscaping, buffering or  
 1975 screening, the preservation of those existing plants may be used towards requirements, and credited  
 1976 one-for-one;

1977

1978 Existing trees shall be credited on the following basis:

<u>Diameter at breast ht:</u>	<u># of trees credited:</u>
25" or greater	6

13" to 24.5" 4

8" to 12.5" 3

4" to 7.5" 2

2" to 3.5" 1

1979

1980 All existing plants used for landscaping credit must be protected during construction by a fence erected 1  
1981 ft beyond dripline of vegetation;

1982

1983 If preserved trees are removed or die, the applicant is responsible for providing the number of trees that  
1984 were credited by the removed/deceased tree;

1985

1986 1 k - Lawn or turf areas shall not exceed 10% of overall landscape area;

1987

1988 Also check out the following sections from Springdale's Code regarding Landscaping for things we can  
1989 use:

1990

1991 1. : Landscaping Design

1992 A. Landscape zones (WashCo already have this?)

1993 B. Commercial zone requirements regarding landscaping of front entrances to buildings and  
1994 sidewalks and street frontages;

1995 C. Parking areas;

1996 D. Screening;

1997 E. Existing natural areas (may also want to include something like this in clustering/open spaces is  
1998 residential zones.

1999 F. G. Landscape rock

2000

2001 1. : Sight Distance

2002 2. : Installation

2003 3. : Irrigation

2004 4. : Maintenance

2005 5. : Definitions

2006

2007

2008 10-4-21: LIGHTING REGULATIONS:

2009 OUTDOOR LIGHTING

2010 SECTION:

2011 Purpose

2012 Scope And Applicability

2013 Interpretation

2014 Definitions

2015 General Standards And Criteria

2016 Outdoor Site Lighting Requirements

2017 Lighting Of Drive-Through Facilities And Gas Island Canopies

2018 Review Procedures

2019 Approval Procedure

2020 Appeal Procedure

2021 Enforcement

2022 xx-x-x: PURPOSE:

2023 The purpose of this chapter is to encourage the quantity and level of lighting necessary for safety,  
2024 security and the enjoyment of outdoor living. The type of lighting and the location of lighting fixtures are  
2025 key components of effective lighting. It is the intent of this chapter to effectively light areas with lighting  
2026 fixtures that limit glare and direct light onto the area to be lit.

2027 The purpose of this chapter is to assist in implementing the Washington County General Plan that  
2028 includes the following Vision Statement:

2029 "Washington County that values and preserves its scenic beauty and provides a variety of intellectual,  
2030 educational, cultural, recreational, historic and economic opportunities to its diverse population and  
2031 visitors. Ivins is a vibrant community that preserves a high quality of life for residents while promoting a  
2032 resort character."

2033 Effective outdoor lighting enhances the City's character and identity, promotes a pleasant and soft  
2034 ambiance, protects astronomical observations, and provides safety and security for persons and

2035 property. Excessive light, or light pollution, can be annoying, cause safety problems, reduce privacy, and  
2036 waste energy resources.

2037 Outdoor lighting has a number of functions, it must promise immediate good vision and orientation so  
2038 that an area is usable and safe at night. By means of placement and intensity, lighting is also used to  
2039 guide pedestrian and vehicular movement and highlight areas where traffic conflicts. Lighting is also  
2040 used for architectural emphasis and effect, to attract business, and to give a site a particular  
2041 "personality". All area lighting has the ultimate purpose of providing visibility. Good visibility is achieved  
2042 through the interaction of intensity, direction, and reflection of light so that an observer can immediately  
2043 translate received light into terms of shapes, surfaces, distance and movement.

2044 In order to effectively regulate these activities, communities are empowered to establish regulations and  
2045 standards for all outdoor lighting. This chapter contains standards and guidelines to preserve, protect,  
2046 and enhance the "night sky" in Ivins City.

2047 This chapter, and any rules, regulations and specifications hereafter adopted, is initiated for the following  
2048 purposes:

- 2049 (1) To promote and protect the public health, safety and welfare.
- 2050 (2) To preserve, protect, and enhance the natural beauty of the "night sky".
- 2051 (3) To encourage and promote the conservation of energy resources.
- 2052 (4) To promote safety and security for persons and property.
- 2053 (5) To maintain and enhance property values.
- 2054 (6) To adopt clear standards for all outdoor lighting and to inform the public of those standards.
- 2055 (7) To implement the goals and objectives of the Ivins City General Plan.
- 2056 (8) To implement the goals and objectives of the Ivins City Design Guidelines and Standard  
2057 Specifications for Design and Construction.
- 2058 (9) To eliminate light trespass onto abutting properties.
- 2059 (10) To promote appropriate business.
- 2060 (11) To allow flexibility for creative lighting.
- 2061 (12) To avoid duplicate lighting sources.
- 2062 (13) To enhance community personality.
- 2063 (14) To comply with adopted state energy codes. (Ord. 2007-11, 2007; amd. Ord. 2021-02, 2021)

2064 Xx.x.xx: SCOPE AND APPLICABILITY:

2065 This chapter, together with the Ivins City General Plan, Ivins City Zoning Ordinance, Ivins City Subdivision  
2066 Ordinance, Ivins City Design Guidelines, and Ivins City Standard Specifications for Design and  
2067 Construction shall guide outdoor lighting within the municipal boundaries of the City. This chapter does  
2068 not apply to indoor lighting. (Ord. 2007-11, 2007; amd. Ord. 2021-02, 2021)

2069 Xx.xx.x: INTERPRETATION:

2070 (1) Greater Restrictions Prevail: In their interpretation and application, the provisions of this chapter  
2071 shall be considered as minimum requirements. Where the provisions of this chapter impose greater  
2072 restrictions than any statute, other regulations, ordinance or covenant, the provisions of this chapter  
2073 shall prevail whenever legally allowed. Where the provisions of any statute, other regulation, ordinance  
2074 or covenant impose greater restrictions than the provision of this chapter, the provisions of such statute,  
2075 other regulation, ordinance or covenant shall prevail.

2076 (2) Definitions: Whenever any word or phrase used in this chapter is not defined herein, but is defined  
2077 in related sections of the Utah Code or in this Code, such definition is incorporated herein and shall  
2078 apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a  
2079 contrary intention clearly appears, words used in the present tense include the future, the singular  
2080 includes the plural, the term "shall" is always mandatory and the term "may" is permissive.

2081 (3) Severability Of Parts: The various sections, subparagraphs, sentences, phrases and clauses of this  
2082 chapter are hereby declared to be severable. If any such part of this chapter is declared to be invalid by a  
2083 court of competent jurisdiction or is amended or deleted by the City Council, all remaining parts shall  
2084 remain valid and in force. (Ord. 2007-11, 2007; amd. Ord. 2021-02, 2021)

2085 Xx.x.xx: DEFINITIONS:

2086 Unless the context requires otherwise, the following definitions shall be used in the interpretation and  
2087 construction of this chapter. Words used in the present tense include the future; the singular includes  
2088 the plural; the word "shall" is mandatory and not directory; the word "may" is permissive. Words used in  
2089 this chapter, but not defined herein, shall have the meaning first as defined in any other ordinance  
2090 adopted by the City and then its common, ordinary meaning.

BOLLARD: A post-shaped light fixture that is useful along pathways, garden borders and other areas that require definition at night. These fixtures cast light downward in a full 360-degree pattern or have half lenses that confine illumination to 180 degrees. Bollards shall use cut-off optics.

CUT-OFF FIXTURE: The IESNA definition of a shielded luminaire where less than 2.5% of the light is emitted above 90 degrees above horizontal, for purposes of this chapter. Also see definition for full cut-off fixture.

DESIGN GUIDELINES: The document adopted by the City Council to direct and guide the aesthetics of development in Ivins City.

ELECTRONIC MESSAGE BOARDS: Includes, but is not limited to, digital signage, LED sign message boards, scrolling LED sign, and programmable electronic message signs. Excluded: open/closed signs; message boards for traffic that may be used for special events approved by Ivins City.



EXISTING OUTDOOR LIGHTING:	All existing outdoor lighting located on a subject property that is part of a land use application or building permit.
FLOODLIGHT:	A fixture designed to "flood" a well-defined area with light.
FLUORESCENT LAMP:	A long arc lamp that uses the fluorescence of a phosphor to produce visible light.
FOOT-CANDLE (FC):	A standard unit of measure used to specify illuminance; how much light is falling per square foot onto a surface. One foot-candle of illumination arises when one lumen is spread onto one square foot of surface. The amount of light striking a surface, measured by a light meter.
FULL CUT-OFF FIXTURE:	The IESNA definition of a shielded luminaire where none of the light is emitted above 90 degrees above horizontal, for purposes of this chapter. Additionally, this requires the luminaire to have a flat lens and may not be angled more than 1 degree from horizontal. Also see definition for cut-off fixture.
FULLY SHIELDED FIXTURE:	A fixture with an opaque housing or attachment which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.
GENERAL PLAN:	The document that sets forth general guidelines for proposed future development of the land within the municipality that includes what is also commonly referred to as a "Master Plan".
GLARE:	Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
HEIGHT OF LUMINAIRE:	The (mounting) height of a luminaire shall be measured as the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.
HIGH-INTENSITY DISCHARGE (HID) LAMP:	Family of bulb type that produces illumination by passing an electric current through a gas, also referred to as a "gas discharge lamp". HID includes low and high-pressure sodium, mercury vapor, and metal halide.

HIGH-PRESSURE SODIUM (HPS) LAMP:	An HID lamp where light is produced from a mixture of mercury and sodium at high pressure. The lamp produces a yellow or amber effect.
IESNA:	The Illuminating Engineering Society of North America, the ANSI accredited standards writing body for lighting definitions and recommended practices cited in this chapter.
ILLUMINANCE:	The intensity of light per unit of area.
INN:	A commercial establishment for the lodging and accommodation of overnight guest. A place An Inn is generally more charming and intimate in design, as well as smaller in size than a hotel
INCANDESCENT LAMP:	A lamp in which the light is produced by a filament of conducting material contained in a vacuum and heated by an electric current.
INITIAL LUMENS:	The amount of light emitted by a lamp after one hundred (100) hours of operation.
LAMP:	The electric bulb or tube within a luminaire that produces the actual light.
LASER SOURCE LIGHT:	A device containing a substance the majority of whose atoms or molecules can be put into an excited energy state, allowing the substance to emit coherent light in an intense narrow beam.
LED LAMP:	The LED light bulb is an electric light for use in light fixtures that produces light using one or more light emitting diodes. The lamp color can be manufactured in a broader spectrum.
LIGHTING FIXTURE:	The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
LIGHT SOURCE:	The lamp and lens, diffuser, or reflective enclosure, also known as a luminaire.
LIGHT POLLUTION:	Occurs when night lighting is emitted upwards and obstructs the view of the night sky.

LIGHT TRESPASS:	Occurs when outdoor night lighting encroaches onto adjacent properties and/or adjacent public properties. See also SPILL LIGHT.
LOW-PRESSURE SODIUM (LPS) LAMP:	An HID lamp where the light is produced by radiation from sodium vapor at a relatively low pressure. The lamp produces a yellowish light.
LUMEN:	The standard unit used to measure the brightness of the illumination exiting a lamp, provided by the manufacturer.
LUMINAIRE:	A structure that holds an electric lamp and its socket, wiring, and auxiliaries, such as ballasts, reflectors, lenses and attachment parts.
MEAN LUMENS:	The amount of light emitted by a lamp at the end of useful life. Used for calculation of illuminance demonstrating compliance with these requirements, unless noted differently.
MERCURY VAPOR LAMP:	An HID lamp where the light is produced by radiation from mercury vapor. The lamp produces a blue/green light.
METAL-HALIDE LAMP:	An HID lamp where the light is produced by radiation from metal-halide vapors. The lamp produces a crystal white light. Lamp may be coated or uncoated by a phosphor.
NEON LAMP:	A discharge tube filled with luminous gas (neon, argon, xenon or other gasses). Tubes are often formed into text, symbols or decorative elements and produce lights of various colors. Replaceable fluorescent lamps are not included in this definition.
NON-CONFORMING LUMINAIRES:	Luminaires that do not conform to this chapter but existed at the time of the adoption of this chapter.
OUTDOOR LIGHTING:	The nighttime illumination of an outside area or object by any handmade device located outdoors that produces light by any means.
SAFETY LIGHTING:	Low-level lighting used to illuminate vehicular and pedestrian circulation.
SECURITY LIGHTING:	Lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed to remain on during nighttime hours in the absence of business activity as well as motion sensing lighting fixtures.

SPELL LIGHT:	Undesired light falling beyond the desired and allowable target. See LIGHT TRESPASS.
SPORTS LIGHTING:	Lighting designed for active recreation, whether publicly or privately owned, including but not limited to, parks, baseball and softball diamonds, soccer and football fields, golf courses, tennis courts, roping/equestrian activities and swimming pools. Requires special construction permit.
SPOTLIGHT:	Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam of less than 25 degrees in a particular direction.
STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION:	The standards and construction requirements for improvements as published by Ivins City, most recent edition.
STREET LIGHTING:	Lighting installed by or at the direction of a governmental agency to illuminate public roadways and adjacent walking surfaces.
SUBDIVISION ORDINANCE:	The Ivins City Subdivision Ordinance as presently adopted and as amended hereafter by the County Commission.
UP-LIGHTING:	Direct light emitted above the horizontal. See LIGHT POLLUTION.
WATT:	The standard unit used for measuring the amount of electrical energy used.

2091 Xx.x.xx: GENERAL STANDARDS AND CRITERIA:

2092 Listed herein are standards and criteria for lighting. It is important to note that the intent of this section  
2093 is to effectively regulate lighting, and it is not the intent of this section to limit creative lighting solutions.  
2094 Creative approaches to lighting are encouraged and viable alternatives to these standards and guidelines  
2095 may be substituted if the alternatives can be demonstrated to meet the intent of this chapter and do not  
2096 otherwise violate this chapter.

2097 (1) Type Of Lights Recommended:

2098 (a) Incandescent Or Tungsten Halogen Lamps: Allowed for some landscape lighting or residential  
2099 safety lighting, generally less than sixty (60) watts, twenty (20) watt limitation for landscape lighting.

2100 (b) Compact Fluorescent Lamps: Allowed for some landscape lighting or residential safety lighting,  
2101 generally less than forty (40) watts, twenty six (26) watt limitation for landscape lighting.

2102 (c) LED lamps.

(2) Conformance With Applicable Codes: All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this chapter, Building Codes, the Electrical Code, and Sign Ordinance, with appropriate permits and inspection. Reference applicable IESNA publications.

(3) Color/Temperature: Warm lighting colors are required and blue-white colors are generally prohibited. In this regard, all outdoor light shall meet the following:

(a) For Non-Residential Properties, Private Streets And Parking Lot Lighting: The correlated color temperature (CCT) of outdoor lamps shall be three thousand (3,000) degrees Kelvin plus or minus two hundred (200) degrees and must be covered with an amber filter that reduces the CCT to approximately two thousand two hundred (2,200) degrees Kelvin.

(i) The amber filter shall be ACRYLITE® cast acrylic sheeting 1/8" to 1/4" thick. The color of the filter is "Transparent Amber - 86%". Equal alternative shall only be considered with testing by the City.

(b) For residential properties, the correlated color temperature (CCT) of outdoor lamps shall not exceed three thousand (3,000) degrees Kelvin, except that parking lot lights, bollards, entry lights, signage lighting, and any other freestanding outdoor lights (except low-voltage landscape lighting mounted no higher than eighteen inches (18") off the ground) are required to meet the color temperature requirements for all non-residential properties as described above.

(4) Light Trespass: All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the light source. Direct illumination shall not fall onto or across any public or private street or road. No spill lighting is permitted.

(5) Fully Shielded Fixtures: All outdoor lighting, emitting more than two thousand (2,000) initial lumens, shall be full cut-off fixtures fully shielded with fixtures installed and aimed in such a way so that no light is emitted above the horizontal. For luminaires under one thousand eight hundred (1,800) lumens the bulb must be frosted glass or installed behind a translucent cover. Shielding may be accomplished by: full cut-off fixtures; design; shielding; visors; louvers; or other devices.

(6) Spotlights: Spotlights shall be aimed or directed toward the ground and no light shall be aimed at neighboring property or create direct glare for motorists.

(7) Searchlights, Floodlights, Etc: Searchlights, floodlights, laser source lights, strobe, or flashing lights, illusion lights, or any similar high intensity light shall not be permitted except in emergencies by public safety personnel or at their direction.

(8) Site Shielding: In certain cases, additional shielding may be required to mitigate glare or light trespass. The need for additional shielding shall be considered as part of the development review process described in the Ivins City Subdivision Ordinance.

(9) Up-Lighting: Up-lighting (light pollution) is prohibited unless the light is shielded in a manner that confines the light to the surface of a building facade or other object of illumination, without spill light.

(10) Light Curfews:

(a) Commercial and industrial lighting shall be turned off within thirty (30) minutes of close of business, except that lighting within forty feet (40') of a building, outside display areas, or other areas requiring security lighting shall not exceed two (2) initial lumens per square foot.

2141 (b) Lighting for signage, except monument signs, shall be turned off thirty (30) minutes after the  
2142 close of business.

2143 (c) Sports lighting shall be turned off by eleven o'clock (11:00) P.M., except to conclude a specific  
2144 sporting event that is underway.

2145 (11) Landscape Lighting: The primary function of landscape lighting is to provide illumination for  
2146 pathways, steps, and entrances to buildings.

2147 (a) Pathway Lighting: The intent of pathway lights is to provide pools of light to help direct  
2148 pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be  
2149 illuminated for safety. The maximum foot-candle permitted on the ground is one (1) horizontal foot-  
2150 candle or less. Two (2) types of lights may be selected: three and one half (3'6") foot bollards with  
2151 louvers or ten foot (10') pole mounted down directed luminaires. Lights must be shielded.

2152 (b) Highlighting, Backlighting: Only low voltage systems are permitted. Lights must be partially  
2153 shielded and light must not be directed off the property being lighted. A maximum foot-candle permitted  
2154 at ten feet (10') is 0.6 horizontal foot-candles from the light source. Up-lighting is prohibited except  
2155 where demonstrated to be non-polluting at a power density of twenty (20) watts per ten (10) square feet  
2156 of landscape area.

2157 (c) The lighting of vegetation and other landscape features shall comply with the regulations  
2158 established in this chapter.

2159 (12) Lighting Of Flags:

2160 (a) U.S. Code states that: "It is the universal custom to display the flag only from sunrise to sunset on  
2161 buildings and flagstaffs in the open. However, when a patriotic effect is desired, the flag may be  
2162 displayed twenty-four hours a day if properly illuminated during the hours of darkness."

2163 (b) The lighting of Federal or State flags shall be permitted provided that the light is a narrow beam  
2164 spotlight rather than a floodlight, carefully aimed to avoid creating a source of glare (maximum lumen  
2165 output of one thousand five hundred (1,500) lumens per pole).

2166 (13) Security Lighting: Appropriate security lighting is allowed in compliance with the general  
2167 provisions of this chapter including shielding, direction, color, and measurement.

2168 (a) Commercial: Security lighting is permitted within forty feet (40') of a building, in outside display  
2169 areas, or other areas requiring such lighting. Security lighting may remain on after the close of business  
2170 for security purposes, reduced to defined illuminance levels.

2171 (b) Residential: All security lighting shall be fully shielded and shall be set on a timer or motion  
2172 detector. Infrared sensor spotlights are the recommended light type for security.

2173 (14) Roadway/Streetlights/Trails: All streetlights shall be in accordance with Ivins City Standard  
2174 Specifications except as indicated below for non-standard lighting.

2175 (a) Full Cut-Off Fixtures: All new lighting for streets or highways shall be full cut-off fixtures.

2176 (b) Light Source: Streetlights shall preferably use LED lighting.

2177 (c) Height: Streetlights shall not exceed twenty five feet (25') in height.

2178 (d) Non-Standard Poles: Metal poles that are used to mount light fixtures shall be painted black,  
2179 brown, or other colors that blend with the surrounding terrain. Fiberglass poles shall be likewise painted  
2180 or intrinsically colored. Wooden poles shall be naturally stained or painted in colors that blend with the  
2181 surrounding terrain.

2182 (e) Non-Complying Streetlights: Existing street and highway lights that do not meet the  
2183 requirements of this chapter shall be brought into compliance as part of the Ivins City Capital Facilities  
2184 Improvements Plan as funds become available.

2185 (f) Location: Roadway and streetlights, as a minimum, should be placed:

2186 (i) At intersections and crosswalks on major collector streets and arterials unless within one  
2187 hundred twenty five feet (125') of an adjacent streetlight.

2188 (ii) At intersections and crosswalks on minor collector or residential collector streets unless within  
2189 two hundred fifty feet (250') of an adjacent streetlight.

2190 (g) Exceptions: Exceptions may be made by the City Engineer or Public Works Director if crosswalks  
2191 and street signs along collector and arterial streets are provided with alternative lighting as proposed by  
2192 a developer.

2193 (15) Trails: Trails lighting shall be low-level bollards (below eye level where possible), shielded, and  
2194 designed to meet all requirements established in this chapter and in accordance with the Standard  
2195 Specifications for Design and Construction. Bollards shall not be necessary where trail is within one  
2196 hundred feet (100') of a streetlight. Other low-level lighting alternatives shall be considered during the  
2197 development process on a case by case basis.

2198 (16) Project Entrance Lighting: The design of the fixtures shall blend with the general theme of the  
2199 project, project signage, and should be integrated into entry landscaping as approved by the  
2200 development process.

2201 (17) Parking Lots:

2202 (a) Full Cut-Off Fixtures: All lighting shall be full cut-off fixtures as defined by the Illuminating  
2203 Engineering Society of North America (IESNA).

2204 (b) Appropriate Location: Entrances, exits, and barriers should be emphasized.

2205 (c) Integrate With Landscaping: All parking lot lighting should be integrated into landscape areas  
2206 wherever possible.

2207 (d) Height: Height of parking area light poles should be in proportion to the building mass and  
2208 height, and no more than fourteen feet (14') high.

2209 (e) Maximum: A maximum of two (2) initial lumens per square foot of parking lot surface is  
2210 permitted.

2211 (f) Spot Or Floodlighting Prohibited: Spot or floodlighting of parking lots from a building or other  
2212 structure is not permitted.

2213 (g) Compliance Required: Parking lot lighting shall comply with all other requirements of this  
2214 chapter.

2215 (h) Metal Poles: If metal poles are used to mount light fixtures they shall be painted black, brown, or  
2216 other colors that blend with the surrounding terrain.

2217 (i) Wooden Poles: Wooden poles shall be naturally stained or painted in earth tones.

2218 (18) Sports Facility Lighting:

2219 (a) All sports lighting shall be fully shielded, or be designed or provided with sharp, cut-off capability,  
2220 so as to minimize up-light, spill light, and glare.

2221 (b) All sports lighting shall be turned off within thirty (30) minutes of the completion of the last  
2222 game, practice, or event. In no case shall recreational lighting occur after eleven o'clock (11:00) P.M.  
2223 except to conclude a specific sporting event that is underway.

2224 (c) IESNA Certificate: All new sports lighting fixtures shall not exceed the minimum standard  
2225 illumination levels for sports lighting as established by IESNA. All new sports lighting shall require site  
2226 specific computer calculations and a printout demonstrating that such lighting meets IESNA standards  
2227 and does not otherwise violate this chapter, including required time of day and lighting curfew.

2228 (d) Compliance: All sports lighting shall meet the requirements of this chapter.

2229 (19) Residential Lighting:

2230 (a) All exterior luminaires on porches, garages, and entryways shall be fully shielded to prevent glare  
2231 onto adjacent property or public right of ways and light pollution into the night sky. Luminaires shall be  
2232 directed at walkways or entries and shall not be directed upward.

2233 (b) Compact fluorescent fixtures are permitted.

2234 (c) Security lighting shall be fully shielded and shall be set on a time or motion detector. Infrared  
2235 sensor spotlights are the recommended light type for security.

2236 (d) Private sport court facilities shall use fully shielded fixtures and shall not use the lights after  
2237 eleven o'clock (11:00) P.M. Pole height for mounting fixtures should not exceed twenty feet (20').

2238 (e) All sports lighting poles shall be painted black, brown, or other colors that blend with the  
2239 surrounding terrain.

2240 (20) Signs: Signs, including directional, project entrance, free standing, building, and monuments signs  
2241 shall comply with the following requirements:

2242 (a) Shielded: All lighting fixture shall be aimed and shielded so that light is directed only onto the  
2243 sign facade and not aimed at adjacent streets, roads, or properties.

2244 (b) Mounting: Lighting fixtures shall be mounted so as to light only the sign. Lighting fixtures  
2245 producing more than one thousand eight hundred (1,800) initial lumens must, and all lighting is  
2246 encouraged to, be mounted above sign and directed downward towards sign.



2247 (c) Maximum: A maximum of forty (40) initial lumens per square foot of sign surface is permitted.  
2248 This figure is the total amount of initial lumens produced by all lamps used to illuminate the sign, divided  
2249 by the area of the sign

2250 (d) Signs In Residential Zones: Signs that abut residential zones shall be designed, placed, and  
2251 landscaped in such a manner so that the lighting does not trespass onto residential properties

2252 (e) Signs In Commercial Zones: Signs shall have no visible light source and only low intensity lighting.

2253 (21) Exempt Lighting: The following lighting shall be exempt from the provisions of this chapter:

2254 (a) Holiday lighting, as long as it does not create a hazard or nuisance from glare.

2255 (b) Traffic control signals and devices.

2256 (c) Temporary emergency lighting in use by law enforcement or government agencies or at their  
2257 direction.

2258 (d) Temporary lighting, used for a period not to exceed thirty (30) days in any one (1) year period for  
2259 festivals, celebrations, or other public activities.

2260 (e) Security lighting controlled by a motion sensor switch that remains on for no longer than ten (10)  
2261 minutes after activation but shall in all cases be shielded and directed to the areas where such lighting is  
2262 required.

2263 (f) Temporary construction lighting used for a period not to exceed thirty (30) days in any one (1)  
2264 year period.

2265 (22) Prohibited Lighting: The following lighting shall be prohibited:

2266 (a) Unshielded Lighting: Unshielded lighting for any purpose is prohibited.

2267 (b) Flashing, Blinking, Intermittent Lights: Flashing, blinking, intermittent lights or other lights that  
2268 move or give the impression of movement, is prohibited. Holiday lighting is permitted.

2269 (c) Building Mounted Lights Under Most Conditions: Spotlights may not be affixed to buildings for  
2270 the purpose of lighting parking lots or sales display lot areas. Fully shielded fixtures may be attached to  
2271 buildings to light walkways and parking lot spaces adjacent to buildings.

2272 (d) Laser Lighting: All laser lighting is prohibited.

2273 (e) Searchlights: All searchlights are prohibited.

2274 (f) Neon: All neon lighting must be shielded.

2275 (g) Linear Fluorescent Lamps: Generally not allowed.

2276 (h) Electronic message boards.

2277 (i) On-premise digital signs. (Ord. 2007-11, 2007; amd. Ord. 2018-18, 2019; Ord. 2021-02, 2021)

2278 Xx.x.xx: OUTDOOR SITE LIGHTING REQUIREMENTS:

2279 Site and building lighting plans shall be provided for all class II, class III, class IV and class V use  
2280 applications identifying all proposed site and building lighting and identifying the type, design, location,  
2281 intensity, height and direction of all site and building lighting. A photometric plan of the site, including all  
2282 site and building light, may be required by the land use authority, necessary to review compliance with  
2283 this section.

2284 For guidance, the general provisions contained in chapter 19 of this title are provided for reference. All  
2285 class II, class III, class IV and class V use applications shall be found to comply with the following:

2286 (1) To protect the night sky, all outside lighting shall be "downlighting" and no lighting shall be allowed  
2287 to trespass, or spill onto, any adjoining properties.

2288 (2) All exterior lighting should provide for the illumination of buildings and grounds for safety  
2289 purposes, but in an aesthetically pleasing manner.

2290 (3) Warm lighting colors are encouraged. Blue white colors of fluorescent and mercury vapor lamps  
2291 are prohibited.

2292 (4) All exterior lighting shall be reduced to the minimum levels necessary for safety and security  
2293 purposes. The use of motion sensors and timers is encouraged, and may be required.

2294 (5) All walkway lighting should be provided below eye level to direct light downward onto the  
2295 walkway surface.

2296 (6) No indoor lighting shall be provided or constructed to provide lighting for any outdoor areas. (Ord.  
2297 2005-13, 2005; amd. Ord. 2021-02, 2021)

2298 Xx.x.xx: LIGHTING OF DRIVE-THROUGH FACILITIES AND GAS ISLAND CANOPIES:

2299 All lighting for drive-through facilities and canopies associated with gasoline pumps shall be "down  
2300 lighting" and provided so that all lighting fixtures are recessed so that no part of any light fixture or any  
2301 lens extends below the lower surface of any drive-through facility or canopy.

2302 Xx.x.xx: REVIEW PROCEDURES:

2303 (1) Single-Family Residential: All single-family home outdoor lighting shall comply with this chapter.

2304 (2) Multi-Family Residential And Commercial: Lighting plans are required. All building plans,  
2305 commercial sign permit applications, conditional use permits, and subdivision applications shall include a  
2306 detailed lighting plan that shows evidence that the proposed lighting fixtures and light sources comply  
2307 with this chapter.

2308 (a) Lighting plans shall include the following:

2309 (i) Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures,  
2310 and type of illumination devices, lamps, supports, shielding, and reflectors used along with installation  
2311 and electrical details.

2312 (ii) Illustrations, such as those contained in a manufacturer's catalog, of all proposed lighting  
2313 fixtures.

2314 (iii) Photometric data, such as that furnished by manufacturers, showing illumination levels in  
2315 wattage and lumens per lamp and lighting fixture.

2316 (iv) Total initial lumens for the developed area.

2317 (v) Initial lumens for any specialized lighting.

2318 (vi) Initial lumens per square foot of externally illuminated sign surface.

2319 (vii) Site specific computer calculations for all parking lots, sports fields, and similar large-scale  
2320 lighted areas. Include assumptions, depreciation factors, complete calculation areas and summary  
2321 information.

2322 (3) Evidence Of Compliance With Codes: All lighting plans shall include certification by a licensed  
2323 electrical engineer that the lighting fixtures proposed by the plan conform to the requirements of this  
2324 chapter, Building and Electrical Codes.

2325 Xx.x.xx: APPROVAL PROCEDURE:

2326 (1) Small Scale Applications: Lighting plans for developments of one (1) acre or less shall be approved  
2327 by the Ivins City Zoning Administrator.

2328 (2) New Development: New development applications shall include a detailed lighting plan that will  
2329 be approved as part of the development approval in compliance with the Ivins City Subdivision  
2330 Ordinance, the conditional use permit, or the building permit.

2331 (3) Sign Applications: Sign applications shall include a detailed lighting plan that will be approved as  
2332 part of the sign application approval.

2333 (4) Compliance With This Chapter: All lighting approvals shall be granted only in compliance with this  
2334 chapter.

2335 (5) Suspension, Revocation, Or Modifications To The Lighting Plan: The Zoning Administrator may  
2336 suspend, revoke, or require modification of any lighting plan that is not in compliance with this chapter.

2337 (6) Lamp Or Fixture Substitution: If any outdoor light fixture or the type of light source therein is  
2338 proposed to be changed after a lighting plan has been approved, a change request must be submitted to  
2339 the Zoning Administrator for approval. Adequate information to assure compliance with all codes must  
2340 be provided and the change request must be received prior to substitution.

2341 16.23.110: APPEAL PROCEDURE:

2342 The applicant or any person aggrieved by a final decision, determination, or requirement imposed  
2343 regarding this chapter may appeal according to the provisions set forth in chapter 30 of the Ivins City  
2344 Zoning Ordinance.

2345 16.23.111: ENFORCEMENT:

2346 The provisions of this chapter shall only apply prospectively from the date they were adopted and not  
2347 retroactively. Outdoor lighting that conformed with Washington County ordinances prior to the adoption  
2348 of a provision of this chapter shall be treated similarly to a legal nonconforming use that can be

2349 maintained or replaced but not expanded. Where applicable, Washington County Zoning and Code  
2350 enforcement is authorized as the enforcing officer for this chapter, and shall enforce all applicable  
2351 provisions, entering actions in court if necessary.

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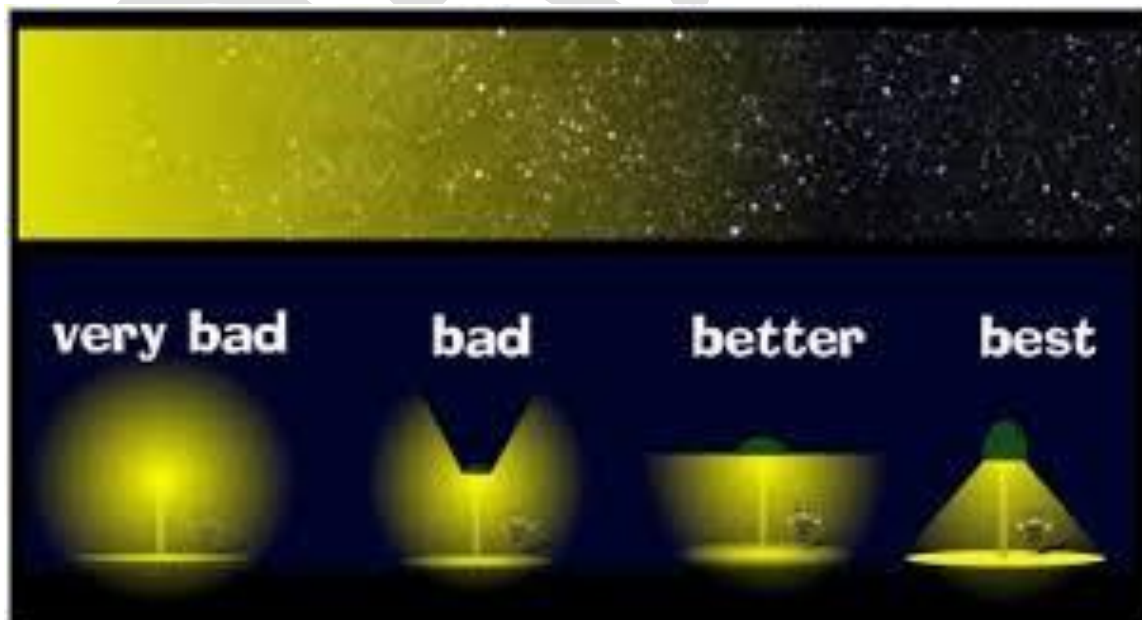
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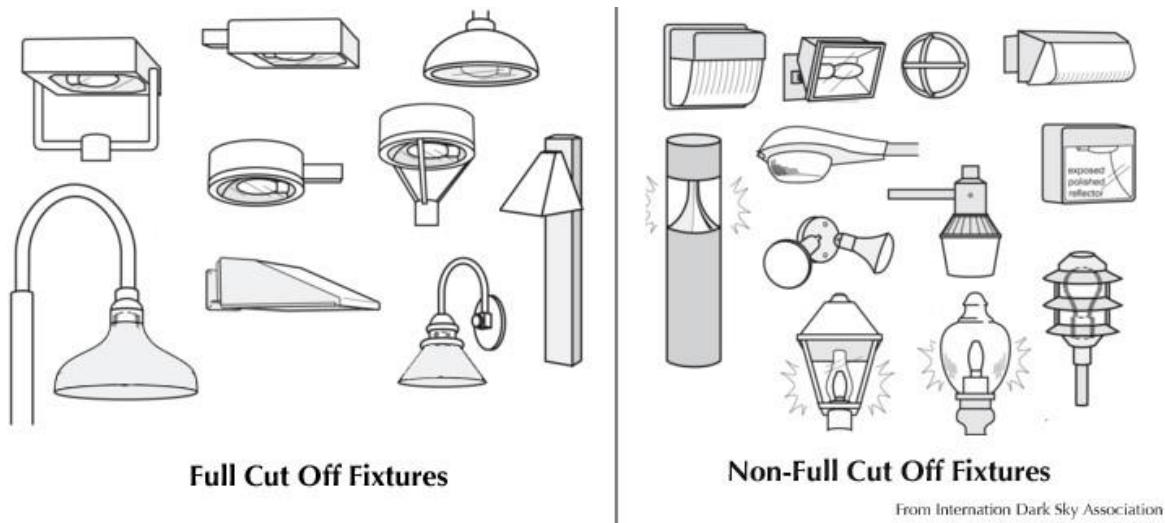
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2365 10-4-22: HEIGHT REGULATIONS:

2366 A. Height Maximum: Building height maximum shall be as stated in chapter 2 of this title.

2367 B. Height Measurement: Height of the perimeter of a structure shall be measured from existing grade  
2368 or finished grade, whichever measurement is greater. Roof ridges in the center of a structure shall be  
2369 measured from the roof ridge to the existing grade directly below that point. A facade shall shift at least  
2370 ten feet (10') from the perimeter of the structure to qualify for existing grade measurement. Roof vents,  
2371 chimneys, furnace vents, plumbing vents, and antennas are exempt from the height regulations. Window  
2372 wells, basement stairwells, and patios that do not project more than five feet (5') horizontally from the  
2373 foundation walls are exempt from the height regulations; in some cases more than five feet (5') may be  
2374 warranted for egress.

2375 C. Height Submission Requirements: The following information shall be shown on plans submitted for  
2376 building permit consideration:

2377 1. Site plans shall show a bench mark elevation that is a fixed point, i.e., manhole cover, top back of  
2378 curb at property line, or storm grate opening in curb.

2379 2. Site plans for residential buildings shall show the height of top of foundation at four (4) separate  
2380 locations along with garage floor, main living level, and roof ridge elevations in relationship to the bench  
2381 mark elevation. Site plans for commercial buildings shall show height of top of foundation of at least four  
2382 (4) corners of the building.

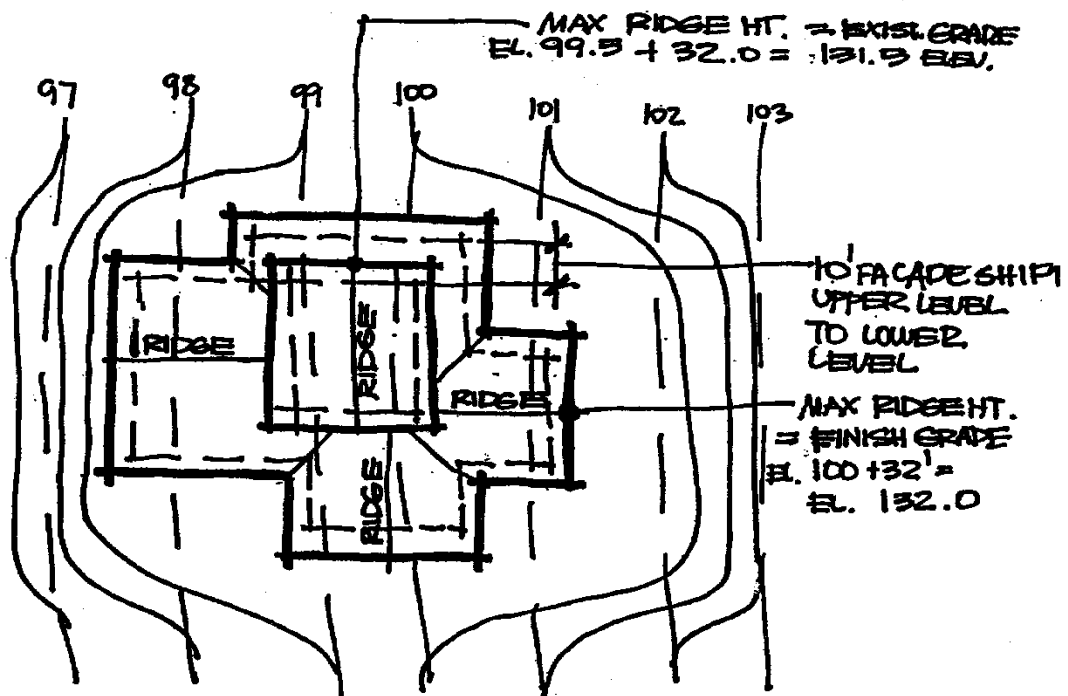
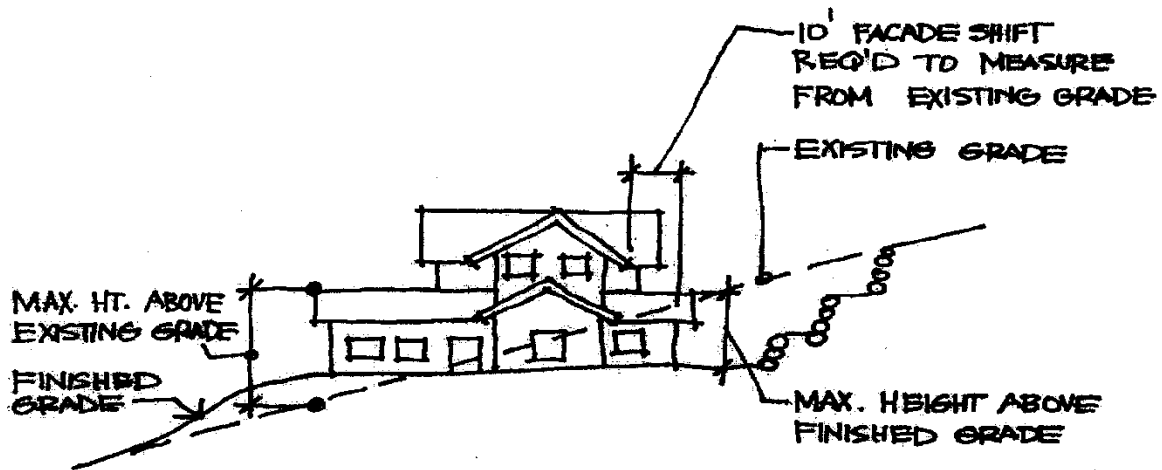
2383 3. Site plans shall show existing and finished grades. Existing grade lines shall be depicted by dashed  
2384 lines. Finished grade lines shall be depicted by solid lines.

2385 4. Elevation drawings shall show finished and existing grades. Grade lines shall show how existing  
2386 and finished grades would strike the building.

2387 5. The Director may request more information as needed.

2388 D. Certificate Of Elevation: A certificate of elevation prepared by a licensed land surveyor shall be  
2389 submitted after the foundation has been poured and before framing. The certificate of elevation shall  
2390 show the same foundation height as shown on the submitted site plan.

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2395 10-30-5: Definitions:

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2397 MICRO-RETAIL Historically, micro-retail has been viewed by many as a simple, low-overhead way for  
 2398 certain niche businesses to come into existence. As of 2020, micro-retail comes in many forms. The most

2399 widely understood form in the United States is in market-based specialty vendors and mobile food  
2400 vendors (food carts). The Portland region was an early pioneer within the country in creating a culture  
2401 that embraced this type of retail, which had historically been popular in other parts of the world.  
2402 Farmers markets in the area are popular places for artisans and other merchants to start and build their  
2403 businesses. The rise of online retail has allowed for many artisans to establish virtual storefronts. Mobile  
2404 food vendors also became increasingly popular since 2000, with many of them congregating in food cart  
2405 pod clusters that have become destinations in their own right. Since 2010, these pods have gone beyond  
2406 vacant properties within larger cities and are now found across suburban landscapes and in small towns.  
2407 Increasingly though, micro-retail has expanded to other facets of the economy and sometimes out of  
2408 necessity due to start-up costs making it cost-prohibitive for some businesses to establish a commercial  
2409 presence. The ability for buildings to be designed or retrofitted to accommodate smaller leasable areas  
2410 may lower the barriers to establish businesses. The Rural Village Center should consider any existing built  
2411 environment and evaluate new proposals to determine if there are flexibilities afforded to prospective  
2412 businesses that may desire an ability to start small. This would involve reviewing regulations to  
2413 determine unnecessary roadblocks that restrict micro-retail and investigating possibilities to assist  
2414 existing buildings to transition or retrofit spaces to accommodate these uses.

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2416 Parkitecture: Also known as "National Park Service Rustic" is a style of 20th-century architecture  
2417 developed by the United States National Park Service in its efforts to create buildings that harmonize  
2418 with natural environment . The CCC (Civilian Conservation Corps built many structures in this style. The  
2419 style draws from craftsman and adirondack architecture. Includes horizontal lines; sloped roofs to break  
2420 up the mass and height; the use of natural materials; porches; blending of indoor spaces with the  
2421 outdoor surroundings. Examples include Yosemite's Ahwahnee Hotel, Old Faithful Inn, The Glacier Park  
2422 Lodge, Timberline Lodge, Vista House at Mt. Spokane Stake Park, Paradise Inn and Crater Lake Lodge.  
2423 Local examples include the Browse Guard station at the Sequoia in the Dixie National Forest, Zion  
2424 National Park Lodge, various dwellings and structures on Tree's Ranch

2425

2426 Desert Modern Architecture: Inspired by the majestic High Desert climate and landscape  
2427 pf.....incorporating colors of clay, stone, golden burnt umbers, sand stone beiges to off white, sage and  
2428 olive green with an emphasis on unique textures. The design takes advantage of bountiful sunshine and  
2429 gorgeous vistas through the use of sprawling windows, while seamlessly integrating the rocks, trees and  
2430 landscaping.

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