

City Contract No. 16-1040-04

**WHEN RECORDED, RETURN TO:**

ROBERT HYDE  
KIRTON McCONKIE  
50 EAST SOUTH TEMPLE  
SUITE 400  
SALT LAKE CITY UT 84111

12502232  
3/24/2017 4:18:00 PM \$648.00  
Book - 10541 Pg - 2546-2858  
Gary W. Ott  
Recorder, Salt Lake County, UT  
OLD REPUBLIC TITLE DRAPER/OREM  
BY: eCASH, DEPUTY - EF 313 P.

Tax Parcel Numbers: See Exhibit A

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**MASTER DEVELOPMENT AGREEMENT**

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DATED: 3/24/, 2017

4841-2740-7404

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## MASTER DEVELOPMENT AGREEMENT

THIS MASTER DEVELOPMENT AGREEMENT is made and entered as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Riverton, a Utah municipal corporation, and Suburban Land Reserve, Inc., a Utah corporation (“SLR”).

### RECITALS

A. Unless otherwise defined in the body of this MDA, the capitalized terms used in this MDA are defined in Section 1.2 below.

B. On January 19, 2016, the City approved the Zoning Plan for the Property. Such Zoning Plan, as amended, is effective with regard to the Property on the date this MDA is recorded against the Property in the real property records of Salt Lake County.

C. The City has rezoned, and hereby does rezone, the Property with a Specific Development District pursuant to the specific development district provisions in Section 18.125.010 et seq. of the City’s Vested Laws. In connection with such rezoning, the City has determined that the Master Developer has complied with all the standards and procedures contemplated by the City’s General Plan, the City’s Vested Laws, and any and all applicable rules and regulations to obtain the approval for such rezoning and the SDD and this MDA are hereby approved by the City.

D. Master Developer and the City desire that the Property be developed in a unified and consistent fashion pursuant to the Zoning Plan and the SDD.

E. Development of the Project as a master planned community pursuant to this MDA is acknowledged by the parties to be consistent with the Act, and the Zoning Ordinance and to operate to the benefit of the City, Master Developer, and the general public.

F. The City Council acknowledges that instead of amending various provisions of the City’s Vested Laws, the City Council desires for this MDA to act as an amendment to any inconsistent provisions contained in the City’s Vested Laws. As such, to the extent expressly set forth in this MDA is a land use ordinance amending certain provisions of the City’s Vested Laws as they pertain to the Property.

G. The City Council has reviewed this MDA and determined that it is consistent with the Act, the Zoning Ordinance and the Zoning of the Property.

H. The parties acknowledge that development of the Property pursuant to this MDA will result in significant planning and economic benefits to the City and its residents by, among other things requiring orderly development of the Property as a master planned community and increasing sales tax and other revenues to the City, and otherwise benefiting the City, based on improvements to be constructed on the Property. The Parties acknowledge that the economic benefits to the City arise in large part from the successful sale and development of approximately eighty-six (86) acres of real property within the Property to CenterCal Properties LLC, a Delaware limited liability company.

I. Development of the Property pursuant to this MDA will also result in significant benefits to Master Developer by providing assurances to Master Developer that it will have the ability to develop the Property in accordance with this MDA.

J. Master Developer and the City have cooperated in the preparation of this MDA.

K. The parties desire to enter into this MDA to specify the rights and responsibilities of the Master Developer to develop the Property as expressed in this MDA and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this MDA.

L. The parties understand and intend that this MDA is a “development agreement” within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-102 (2008).

## AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer hereby agree to the following:

1. **Incorporation of Recitals and Exhibits/ Definitions.**

1.1. **Incorporation.** The foregoing Recitals and Exhibits A – H are hereby incorporated into, and are expressly a part of, this MDA.

1.2. **Definitions.** As used in this MDA, and all exhibits attached hereto, the words and phrases specified below shall have the following meanings:

1.2.1. **Act** means the Municipal Land Use, Development, and Management Act, Utah Code Ann. §§10-9a-101, et seq. (2008).

1.2.2. **Administrative Action** means and includes the actions and/or items described in Section 6.2.1, or otherwise permissible under the Act or the City's Vested Laws, and require approval only by the Administrator or land use authority and not by the City Council, the Planning Commission, or any other party or group.

1.2.3. **Administrative Modifications** means and includes any amendment, modification, or supplement to this MDA that may be approved by the Administrator pursuant to the terms of Section 6.16.1.

1.2.4. **Administrator** means the Community Development Director or other person or body as designated by the City Council in accordance with the City's Vested Laws.

1.2.5. **Applicant** means a person or entity submitting a Development Application, a Modification Application or a request for an Administrative Action.

1.2.6. **Backbone Infrastructure** means those improvements described in the Infrastructure Agreement and other generally infrastructure improvements of a comprehensive scale that are a part of the overall development of the Property and not merely a part of the development of any particular Subdivision. In connection with any roads or streets included as Backbone Infrastructure, such infrastructure shall also include any and all improvements related to such roads and/or streets, including without limitation, all curbing, gutters, sidewalks, trails, bike paths, landscaping, streetscapes, street lights, semaphores, traffic signs, traffic lights, and storm water systems. In addition, Backbone Infrastructure shall also include any and all utilities, utility lines, and conduits relating to, and running through or under, all of the roads and streets described above, including without limitation, storm water, culinary water, and secondary water. Backbone Infrastructure is generally considered to be in the nature of "System Improvements," as defined in Utah Code Ann. § 11-36(a)-101, et seq. (2008). The Backbone Infrastructure shall be designed and constructed to accommodate the Maximum Residential Units granted for the Property and all Non-Residential Space that can be developed

within the Property, along with the development and use of other adjacent property that may use the infrastructure improvements.

1.2.7. **Block Scale Plan** means a “Block Scale Plan” as defined in the SDD.

1.2.8. **BOMA** means Building Owners and Managers Association International.

1.2.9. **Building Permit** means a permit issued by the City to allow construction, erection or structural alteration of any building, structure, private or public infrastructure, or On-Site Infrastructure on any portion of the Project, or to construct any Off-Site Infrastructure.

1.2.10. **Buildout** means the completion of all of the development of the Property, including (without limitation) all infrastructure, residential dwelling units, commercial buildings, Non-Residential Space, Civic Space, Community Space, Trails, Local Parks, Neighborhood Parks, and Community Parks on all of the Project.

1.2.11. **CC&Rs** means any declarations, covenants, conditions, or restrictions that may be recorded against the Property, or any portion thereof, by Master Developer or any Subdeveloper, Master Developer’s or Subdeveloper’s (as applicable) sole and absolute discretion.

1.2.12. **CenterCal Property** means that certain real property described on Exhibit B attached hereto.

1.2.13. **City** means the City of Riverton, a Utah municipal corporation.

1.2.14. **City Consultants** means those outside consultants employed by the City in various specialized disciplines such as traffic, hydrology or drainage for reviewing certain aspects of the development of the Project.

1.2.15. **City Infrastructure** means all of the infrastructure and improvements (both on-site and off-site) for which the City is responsible as set forth in the Infrastructure Agreement and any capital facilities plans adopted by the City.

1.2.16. **City’s Future Laws** means the ordinances, policies, standards, procedures and processing fee schedules of the City which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and

which may be applicable to the Development Application depending upon the provisions of this MDA.

1.2.17. **City's Vested Laws** means the ordinances, policies, standards and procedures of the City related to zoning, subdivisions, development, public improvements and other similar or related matters that were in effect as of the date of this MDA, as more particularly described in Exhibit C.

1.2.18. **Civic Space** means property dedicated to the City, Salt Lake County, other municipality, or the Jordan School District for use as a community center, event center, cultural center, civic center, city or county office, government building, courthouse, recreation center, library, museum, school, cemetery or other city-related activity, forest and urban forest, conservation area, or any use similar thereto, together with all space ancillary or related spaces in connection with any of the foregoing, including, without limitation: parks, open spaces, fields or courts used for sports activities, trails, wilderness areas, watershed areas, wildlife refuges, wetlands.

1.2.19. **Civic Use** means any use by the City, Salt Lake County, other municipality, or the Jordan School District with respect to any Civic Space.

1.2.20. **Community Park** means a public park that is dedicated to the City and includes amenities of sufficient quality and construction to be acceptable under Riverton City standards and guidelines (as of the Effective Date), such as the following: sports fields, active and passive recreation, picnic, tot lots, gathering areas, community center, and special facilities such as a skate park, bike track, fishing pond, equestrian, special events, tennis, basketball, and/or volleyball, and serves the residents within the immediate neighborhood and residents located outside of the immediate neighborhood as evidenced by improvements, such as parking lots or restrooms.

1.2.21. **Community Scale Plan** means a "Community Scale Plan" as defined in the SDD.

1.2.22. **Community Space** means (a) those areas for use and/or benefit by the community in general, including without limitation, Civic Spaces, parks, trails, bike or pedestrian paths, park strips, gardens, recreational facilities, playgrounds, sports fields (or sports courts) and complexes, swimming pools, landscaped areas, open space, and/or green space, (b)

those areas for the preservation of native landscaping, view corridors and drainage or to provide recreation, including hillsides/slopes, storm water retention/detention basins, creeks and water shed/flood plain areas, areas located under power transmission lines, and improved landscaped areas; (c) any natural space that provides appropriate breaks from building masses or which conserves or preserves natural, historic or other amenities with social or cultural values or which maintains the natural water table level or preserves wetlands; (d) natural or landscaped common area owned or managed by an HOA, but only to the extent same is not fenced or does not otherwise exclude public access; (e) property owned by private entities or persons used for any recreation, such as an equestrian facility, recreational bicycle facility, swimming pool facility, or other landscaped, recreational or outdoor areas with multi-family developments, such as condominium or apartment projects (even when such areas are fenced to exclude individuals or others that are not included or living within the applicable development or project); (f) any areas under any transmission lines (to the extent improved with landscaping), (g) any open or green space areas relating to, or in connection with, any TRAX line or similar commuter rail system; (h) all areas related to the Rose Creek corridor or wash area; and/or, (i) any public or other quasi-public area which the City determines to be Community Space as a part of the approval of a Development Application. Any community space or open space provided within any development or any multi-family developments shall be considered Community Space. The City and Master Developer acknowledge and agree that the definition of Community Space contained herein was negotiated as a material element of this MDA. The City agrees that the Community Space as defined herein shall be counted at one hundred percent (100%) of the actual acreage of such Community Space to satisfy any applicable open space and/or green space requirements under the City's Vested Laws.

1.2.23. **Council** means the elected City Council of the City.

1.2.24. **Council Modification** means and includes any amendment, modification, or supplement to this MDA that may be approved by the Council pursuant to the terms of Section 6.16.3.

1.2.25. **Culinary Water System Improvements** means all pipe, fittings, valves, lines, services, fire hydrants, blow off assemblies, air vacuum release valves, isolation valves, sampling stations, pressure reducing valves, backflow prevention devices, vaults, meters,



and other structures required in the project that culinary water consistent with the Development Standards.

1.2.26. **Default** means a material breach of this MDA.

1.2.27. **Default Interest Rate** means an interest rate of eight percent (8.0%) per annum.

1.2.28. **Denied or Denial** means a formal denial issued by the final decision-making body of the City for a particular type of Development Application but does not include review comments or “redlines” by City staff.

1.2.29. **Density** means, with respect to Residential Use, the number of Residential Dwelling Units allocated to any Parcel or Subdivision, and with respect to Non-Residential Use, the amount of net rentable or occupiable, based on BOMA standards as of the Effective Date, intended to be occupied for use for any commercial, office, retail, restaurant, or any other use that is not considered Residential Use or Civic Space and that is allowed under the SDD that is allocated to any Parcel or Subdivision.

1.2.30. **Detail Plan** means a “Detail Plan” as defined in the SDD and, in all events, any Detail Plan submitted to the City shall include a written letter from the Master Developer stating that the Master Developer has approved such Detail Plan as submitted.

1.2.31. **Development Application** means a complete application to the City for development of a portion of the Project including a Detail Plan, or any other permit, certificate or other authorization from the City required for development of the Project. Any application item submitted to the City must meet City standards for completeness and be accompanied by correct application fees to meet the definition of a Development Application. Notwithstanding the foregoing, any Community Scale Plan, Block Scale Plan, and/or any submittal or application of same to the City and/or any Administrator shall not deemed to be a Development Application. Development Applications shall include submittals related to Detail Plans.

1.2.32. **Development Report** means a report containing the information specified in Sections 3.5 and/or 3.6 submitted to the City by Master Developer for the development by Master Developer of any Parcel or for the sale of any Parcel to a Subdeveloper

or the submittal of a Development Application by a Subdeveloper pursuant to an assignment from Master Developer.

1.2.33. **Development Standards** means the standards for review and approval of an applicable application or submittal as set forth in the City's Vested Laws, the City's Future Laws (as applicable), this MDA and/or in the SDD.

1.2.34. **Effective Date** means the date that this MDA is signed by the parties and recorded against the Property and the conditions found in Section 33 hereof are met.

1.2.35. **Homeowner Association(s) (or "HOA(s)")** means one or more associations formed pursuant to Utah law to perform the functions of an association of property owners.

1.2.36. **Impact Fee Facility Plan** means a plan to be adopted by the City to substantiate the collection of Impact Fees as required by State law, and which shall satisfy the requirements of an impact fee analysis pursuant to Utah Code Ann. §11-36a-304.

1.2.37. **Impact Fees** means those fees, assessments, exactions or payments of money imposed by the City as a condition of development activity as specified in Utah Code Ann. §§ 11-36a-101, et seq., (2008).

1.2.38. **Infrastructure Agreement** means that certain Infrastructure Development Agreement between the City and Master Developer dated January 19, 2016.

1.2.39. **Intended Uses** means the use of all or portions of the Project for (i) all uses allowed (including both permitted and conditional uses) as set forth in the SDD, and (ii) any and all Civic Uses.

1.2.40. **Interest Rate** means the interest rate available to funds invested in the Public Treasurers Investment Fund on the date interest accrues under this MDA.

1.2.41. **Irrigation and Landscaping System Improvements** mean all irrigation systems (i.e., water pipe, valves, controllers), landscaping, trees, shrubs, fencing, and other improvements required within the park strips in the Project consistent with the Development Standards.

1.2.42. **Local Park** means a park that is planned and designed as an amenity to serve and is necessary for the use and convenience of a particular Subdivision.

1.2.43. **Master Developer** means Suburban Land Reserve, Inc., a Utah corporation, and its assignees or transferees as permitted by this MDA.

1.2.44. **Material Action** means and includes the actions and/or items described in Section 6.3.1.

1.2.45. **Maximum Non-Residential Space** means the development on the Property with up to Three Million (3,000,000) square feet of net rentable or occupiable (based on BOMA standards) commercial, office, retail, restaurant, or any and all other Intended Uses, other than residential uses, within all or any part of the Property.

1.2.46. **Maximum Residential Units** means the development on the Property of seven (7) Residential Dwelling Units per gross acre; provided, however, property used for public schools located on the Property and the acreage for the Community Spaces described in subsections (a) and (b) of Section 7.1 herein shall not be included in the calculation of the Maximum Residential Units.

1.2.47. **MDA** means this Master Development Agreement including all of its Exhibits.

1.2.48. **MDG** means the Master Development Guidelines as adopted by the Master Developer, as such Master Development Guidelines may be amended from time to time (by Master Developer).

1.2.49. **MDA Ordinance** means an ordinance whereby this MDA has been approved and adopted by the City, a copy of which is attached hereto as Exhibit D.

1.2.50. **Intentionally Deleted.**

1.2.51. **Modification Application** means an application to amend, modify, or supplement this MDA.

1.2.52. **Neighborhood Park** means a park that services a greater neighborhood area and includes amenities, such as the following: grassy play areas, tot lots, sport courts, picnic areas, and/or walking paths that service the residents within the greater neighborhood, as evidenced by improvements, such as parking lots or restrooms.

1.2.53. **Non-City Agency** means a governmental or quasi-governmental entity, other than those of the City, which has jurisdiction over the approval of any aspect of the Project.

1.2.54. **Non-Residential Space** means any space intended to be occupied for use for any commercial, office, retail, restaurant, or any other use that is not considered Residential Use and that is allowed under the SDD. Such space shall only be counted toward the Maximum Non-Residential Space to the extent same is actually usable.

1.2.55. **Non-Residential Use** means all of the non-residential uses allowed within the SDD.

1.2.56. **Notice** means any notice to or from any party to this MDA that is either required or permitted to be given to another party.

1.2.57. **Off-Site Infrastructure** means those items of public or private infrastructure specified in the Infrastructure Agreement necessary for development of the Property such as roads and utilities that are not on the site of any portion of the Property that is the subject of a Development Application.

1.2.58. **On-Site Infrastructure** means those items of public or private infrastructure as a condition of the approval of a Development Application that are necessary for development of the Property such as roads or utilities and that are located on that portion of the Property which is subject to a Development Application, excluding any Backbone Infrastructure or any Off-Site Infrastructure.

1.2.59. **Ordinances** means the MDA Ordinance, the SDD, the City's Vested Laws, and the Zoning Ordinance.

1.2.60. **Outsourc[e][ing]** means the process of the City contracting with City Consultants or paying overtime to City employees to provide technical support in the review and approval of the various aspects of a Development Application as is more fully set out in this MDA.

1.2.61. **Parcel** means an area identified for development of a particular type of Intended Use that is not an individually developable lot.

1.2.62. **Phase** means the development of a portion of the Project at a point in a logical sequence as determined by Master Developer.

1.2.63. **Planning Commission** means the City's Planning Commission.

1.2.64. **Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603, and approved by the City,

effectuating a Subdivision of any portion of the Project. A Plat shall be included as part of a Detail Plan.

1.2.65. **Project** means the development to be constructed on the Property pursuant to this MDA with the associated public and private facilities, Intended Uses, Densities, Phases and all of the other aspects approved as part of this MDA including its Exhibits.

1.2.66. **Property** means the real property more fully described on Exhibit A attached hereto.

1.2.67. **Regional Park** means a park that is intended to serve the community at large such that it would be considered to be a System Improvement.

1.2.68. **Residential Dwelling Unit** means, for purposes of calculating Density, a unit intended to be occupied for residential living purposes; one single-family residential dwelling and each separate unit in a multi-family dwelling, apartment building, condominium or time-share equals one Residential Dwelling Unit.

1.2.69. **Residential Use** means the all of the residential uses allowed within the SDD.

1.2.70. **SDD** means the Mountain View Specific Development District that is approved as part of this MDA and which is attached as Exhibit E to this MDA, which special development district provides certain vested zoning and development rights with respect to the Property as more fully set forth in the SDD and in this MDA.

1.2.71. **Secondary Water System Improvements** means all pipe, fittings, valves, lines, services, blow off assemblies, air vacuum release valves, pressure reducing valves, isolation valves, and other structures required in the Project that convey non-culinary water for irrigation purposes consistent with the Development Standards.

1.2.72. **Sewer System Improvements** means all pipe, fittings, valves, culverts and vaults, man holes, collars, man hole covers, pumps, and other structures required and consistent with the standards established by any applicable.

1.2.73. **Sidewalk Improvements** means all sidewalks and sidewalk ramps consistent with the Development Standards.

1.2.74. **Storm Drain System Improvements** means all pipe, manholes, catch basins, inlet structures, outlet structures, swales, pond excavation, and other structures required in the Project that convey storm water consistent with the Development Standards.

1.2.75. **Street Light System Improvements** means all street lights, conduit, pedestal bases, meters, and other appurtenances required to provide a complete street lighting system pursuant to the standards set forth in the Development Standards, as amended from time to time, including installation of energy saving lighting.

1.2.76. **Street System Improvements** means all earth work, rough grading, final grading, road base, curb and gutter, waterways, asphalt, survey monuments, collars, and associated improvements, which shall comply with the Development Standards.

1.2.77. **Subdeveloper** means an entity that purchases or acquires a Parcel for development and that actively develops such Parcel; provided, however, that SLR, and Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (“CPB”) and any entity controlling, controlled by, under common control with CPB and/or SLR shall not to be considered a Subdeveloper.

1.2.78. **Subdevelopment Agreement** means any development agreement between the City and any Subdeveloper, which development agreement must, in all respects, satisfy the requirements of Section 2.3 of this MDA.

1.2.79. **Subdivision** means any portion of the Project separated into a subdivision, whether for Residential Use or Non-Residential Use, pursuant to State law and/or the City’s Vested Laws.

1.2.80. **Subdivision Application** means the application to create a Subdivision.

1.2.81. **Subdivision Site Plan** means the site plan submitted with a Subdivision Application.

1.2.82. **Substantial Completion or Substantially Completed** means a point in the progress of a construction project where the work is sufficiently complete such that any remaining work will not interfere with the intended use or occupancy of the project and represents minor punch list type issues. For work to be substantially complete it is not required that the work be 100% complete.

1.2.83. **System Improvement** means those elements of infrastructure that are defined as System Improvements pursuant to Utah Code Ann. §11-36a-102(21) (2008).

1.2.84. **Intentionally Deleted.**

1.2.85. **Zoning Map** means Exhibit F which is a map of the CPAs (as defined in the SDD) of the Property.

1.2.86. **Zoning Plan** means the SDD, an amendment to the General Plan to allow for and to be in accordance with the SDD, and all other rezoning and documentation as may be necessary to allow for the rezoning of the Property in accordance with the SDD and this MDA.

2. **Development of the Project; Subdivision; Subdevelopment Agreements.**

2.1 **Applicability of this MDA to Property.** This MDA is applicable to all portions of the Property, including without limitation, the CenterCal Property; provided, however, any portion of the CenterCal Property that is actually conveyed to CenterCal Properties LLC, a Delaware limited liability company, may be governed by a separate Subdevelopment Agreement (and not this MDA), to the extent such Subdevelopment Agreement is consented to in writing by Master Developer.

2.2 **Development of the Project.** Development of the Project shall be in accordance with the City's Vested Laws, the City's Future Laws (but only to the extent that the City's Future Laws are expressly applicable as specified in this MDA), the SDD, this MDA and its Exhibits. The City hereby acknowledges and agrees that the SDD provides benefits and rights to the Property and is in full force and effect for the Property and any change, modification, alteration or amendment to this Agreement or to any rights of Master Developer and/or any Subdeveloper hereunder without the Master Developer's prior written consent shall be deemed a material breach and default by the City hereunder and shall entitle Master Developer and/or any Subdeveloper to all rights and remedies available at law and/or in equity. This section shall not be interpreted to limit the exceptions to Master Developer's Vested Rights as listed under Section 5.2.1 of this MDA.

2.3 **Subdivision and Platting.** In accordance with the SDD and this MDA, the City hereby agrees that: (a) Master Developer may subdivide portions of the Property into

Parcels and sell Parcels to various Subdevelopers or other parties; (b) the Subdevelopers or other parties owning Parcels within the Property may further subdivide Parcels into smaller Parcels, (c) each Subdeveloper or other parties owning Parcels within the Property will submit applications, as applicable, for review approval Detail Plans for each Parcel (or portion thereof), and/or any other Development Applications (as applicable) in the sole discretion of such Subdeveloper or other party(ies), (d) each such application shall be independently reviewed; provided that the Community Space and density shall be considered based upon right related to same in connection with the Property as a whole and not to any specific application; (e) applications for any Plat approval shall satisfy the requirements set forth in the City's Vested Laws as modified by the SDD and/or this MDA; , and (f) any conditions related to the final Plat will be solely applied toward the Parcel governed by such final Plat approval. The parties agree that Plats will be submitted as part of a Detail Plan, and no plat submittals shall be required to be prepared or submitted with any Community Scale Plans or Block Scale Plans. In evaluating the application for final Plat approval, the Planning Commission may not impose any conditions or requirements on Master Developer or any Subdeveloper that (1) are inconsistent with the SDD and/or the terms and conditions of this MDA, and (2) are in addition to any conditions or requirements set forth in the City's Vested Laws. The City acknowledges that the SDD satisfies any and all requirements under the Zoning Ordinance. The SDD shall be, and is, valid and binding upon the Property.

2.4 **Subdevelopment Agreements.** Any Subdeveloper shall have the right to negotiate and enter into one or more Subdevelopment Agreements with respect to any parcel or property which is owned by such Subdeveloper. Any such Subdevelopment Agreement shall (i) relate only to the development and/or construction of the portion of the Property owned by such Subdeveloper and shall not be applicable to, or otherwise encumber, any other portion of the Property, and (ii) be subject and subordinate to the terms, provisions, conditions, and obligations of this MDA and shall incorporate all aspects of this MDA by reference, all unless otherwise consented to in writing by Master Developer in such Subdevelopment Agreement (which consent may be withheld in Master Developer's sole and absolute discretion). No Subdevelopment Agreement shall be effective unless and until such Subdevelopment Agreement has been approved in writing by Master Developer (which approval may be withheld in Master



Developer's sole and absolute discretion).

3. **Development of the Property.**

3.1. **Project Maximum Density.** At Buildout of the Project, Master Developer, Subdevelopers, and assignees to this MDA shall be entitled to have developed no more than (i) the Maximum Residential Units, (ii) the Maximum Non-Residential Space, (iii) any and all Civic Space, and (iv) any and all other Intended Uses as specified in the SDD for the Property.

3.2. **Parcels Intended Uses and Densities.** Intended Uses and Densities are shown and set forth in the SDD.

3.3. **Use of Density.** Master Developer and/or any Subdeveloper, as applicable, may develop any Subdivision or Parcel within any portion of the Property using all or any portion of the overall density and/or overall Maximum Residential Units or Maximum Non-Residential Space allocated for the Property. Notwithstanding the above, the total of number of residential units constructed within the Property, regardless of whether the property has been subdivided, shall not exceed the Maximum Residential Units and the total amount of net rentable office, commercial, retail, restaurant, and/or other similar uses shall not exceed the Maximum Non-Residential Space. Under no condition shall the City deny a Development Application if (i) the applicant Subdeveloper is not currently in default under this MDA (regardless of whether or not any other Subdeveloper or the Master Developer is in default), (ii) such Subdeveloper's Development Application does not cause the overall Property to exceed the Maximum Residential Units, or the Maximum Non-Residential Space, as applicable, (iii) such Subdeveloper has received written approval from the Master Developer for the number of Residential Dwelling Units or the amount of Non-Residential Space, as applicable, to be used by the Subdivision or Parcel subject to the Development Application, (iv) the plan set forth in such Development Application is consistent with the City's Vested Laws and the City's Future Laws (when applicable), all as modified by the SDD and this MDA, (v) such plan does not contain aspects that are materially detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in the vicinity, and (vi) the Master Developer or Subdeveloper complies with the City's Vested Laws and any other applicable state,

county, or district code, or ordinance. Subject to the terms and conditions of this MDA, any Development Application will comply with any of the City's Vested Laws. Concurrently with any Development Application, Master Developer will demonstrate how much Density has been allocated to previously approved Development Applications and how many Residential Dwelling Units are available for future development. City reserves the right to deny a land use application of any kind if the application in question will exceed the Maximum Residential Units, or the Maximum Non-Residential Space, as the case may be.

**3.4 Density Transfer.** The provisions of Section 3.3 are intended to measure density by considering the entire acreage of the Property. The parties agree that the density of Residential Dwelling Units within a Subdivision or Parcel may exceed the average density for the Property so long as the total number of Residential Dwelling Units for the entire Property does not exceed the Maximum Residential Units, subject to (i) the Master Developer's obligation to provide Development Reports as set forth herein, and (ii) the total remaining undeveloped portions Property for which no Development Application has then-previously been provided is less than 50 acres. Condominiums, townhomes, apartments, and other multi-family buildings are allowed within the Project, subject only to any terms, limitations, and/or conditions expressly set forth in this MDA or in the SDD. The parties further agree that the Non-Residential Space may be located throughout the Project, or concentrated in one or more pockets or areas within the Project, all in the discretion of the Master Developer and/or any applicable Subdevelopers.

**3.5 Accounting for Density for Parcels.** At the recordation of a Final Plat or other approved and recorded instrument for any Parcel(s) developed by Master Developer and/or a Subdeveloper, Master Developer shall provide the City a Development Report showing any Density used with the Parcel(s) and the density remaining with Master Developer for the remainder of the Property. City shall not be liable for any inaccuracies in any Development Report or for Master Developer's failure to submit a timely Development Report.

**3.6 Accounting for Density for Parcels Sold to Subdevelopers.** Any contract for the sale of any Parcel by Master Developer to a Subdeveloper shall include the transfer of a specified portion of the Maximum Residential Units and, for any non-residential use (including any Non-Residential Space), shall specify the amount and type of any such other use

sold with the Parcel. Said contract provisions which describe the transfer of a specified portion of the Maximum Residential Units and, for any non-residential use (including any Non-Residential Space) shall be expressed in a manner which survives closing of the Parcel transaction. At the recordation of a Final Plat or other document of conveyance for any Parcel sold to a Subdeveloper, Master Developer shall provide the City a Sub-Development Report showing the ownership of the Parcel(s) sold, the portion of the Maximum Residential Units, Maximum Non-Residential Space, and/or other type of use transferred with the Parcel(s), the amount of the Maximum Residential Units and Maximum Non-Residential Space remaining with Master Developer. If any portion of the Residential Dwelling Units for a Subdivision or Parcel transferred to a Subdeveloper are unused by the Subdeveloper, the unused portion of the transferred Residential Dwelling Units shall automatically revert back to Master Developer for use within the other portions of the Property in Master Developer's discretion and Master Developer shall file with the City a Development Report. Master Developer shall have the right to reallocate such unused Residential Dwelling Units to other Parcels within the Property as provided herein; provided, however, in all events upon approval by the City of any Plat, no reallocation of Residential Dwelling Units shall be allowed to increase the Density of any portion of the Property shown on such Plat unless a new Plat is approved by the City.

**3.7 Parcel Sales.** The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar items regarding the development of a particular Parcel may not be known at the time of the sale of a Parcel. The City acknowledges and agrees that Master Developer or a Subdeveloper may sell or transfer portions of the Property using a metes and bounds descriptions of same without first subdividing or platting such portions of the Property; provided, such subdividing and/or platting shall be required (in accordance with the terms of this MDA, the SDD, and the City's Vested Laws) prior to development of such portions of the Property. Without limiting the generality of the foregoing, in order to sell or transfer such portions of the Property as set forth above, neither Master Developer nor any Subdeveloper shall have any obligation to (i) apply for any final or preliminary Plat approval, (ii) install any On-Site or Off-Site Infrastructure improvements, or (iii) provide detailed development information. In addition, Master Developer and/or Subdevelopers may obtain approval of a Subdivision that does not create any individually

developable lots in the Parcel without being subject to any requirement in the City's Vested Laws to provide any site plans, building elevations, and Development Applications or to complete or provide security for any On-Site Infrastructure or Off-Site Infrastructure at the time of such Subdivision. The responsibility for completing and providing any Development Application and the obligation for completion (including providing any security associated therewith) of any On-Site Infrastructure or Off-Site Infrastructure in the Parcel shall be that of the Master Developer and/or Subdeveloper upon a subsequent re-Subdivision of the Parcel that creates individually developable lots or upon submittal of a Development Application

**3.8 Development within the Property.** The buildings, structures, and improvements developed within any zone classification within the Property may be developed on single or multiple lots or Parcels. In light of the above, a final Plat approval may allocate density and Community Space throughout the entire Property and individual Areas or Parcels. Final Plat approval will be considered and granted in phases and each phase may include only a portion of an Area. Multiple main or ancillary buildings may be located on a single lot or Parcel within the Property, so long the buildings and the Parcel are under common ownership.

**3.9 Development by a Subdeveloper.** In the event that any Subdeveloper shall develop all or any portion of the Property, any and all improvements constructed, installed, or developed by such Subdeveloper shall be completed in accordance with plans, designs, and specifications approved in writing by Master Developer. No improvements shall be constructed, installed, or developed on all or any portion of the Property unless and until Master Developer has approved in writing the plans, designs and specifications for same. Any change or alteration of such plans, designs, and/or specifications by Subdeveloper (or its successors and/or assigns) after Master Developer has originally approved such plans, designs, and/or specifications shall require written approval by Master Developer. Any and all approvals by Master Developer set forth in this Section 3.9 may be given or withheld by Master Developer in its sole and absolute discretion. The City hereby agrees not to permit or allow the commencement of any construction, installation, or development of any improvements on any portion of the Property by any Subdeveloper without written authorization and approval from Master Developer. Notwithstanding the foregoing, the approval rights of Master Developer set forth in this Section 3.9 shall not apply to the development of the CenterCal Property to the extent that CenterCal

Properties LLC or its affiliates own same. Notwithstanding the foregoing, the City may rely on Master Developer's approval of any plans, designs and specifications as set forth in the Detail Plan as conclusive evidence that the Master Developer has approved same.

4     **Development Applications.** To the extent not prohibited by applicable law, the City agrees to review and process any complete Development Applications, subdivision applications, conditional use permit applications, sign permit applications, lot line adjustment applications, site plan applications, applications for building permits, and any other development or permit application pertaining to the Property prior to reviewing and processing any subsequently submitted applications related to other developments (such that the review will be given on a first come, first served basis), which review shall go through the City's normal process. Except for any fee related to an expedited review, the fees charged by the City for any review and the processing of any application shall not exceed the fees as set forth on Exhibit G. The City covenants and agrees that the fees assessed by the City, including, without limitation, review fees, building permit fees, grading, building, electrical, mechanical, and plumbing fees, subdivision application fees, Plat application fees (whether preliminary or final), conditional use permit fees, etc. shall not exceed the fees assessed by the City for projects within the City as a whole as set forth in the City's then current fee schedule.

5     **Zoning and Vested Rights.**

5.1.   **Zoning.** The Project is now hereby zoned and approved in accordance with the SDD and this MDA.

5.2.   **Vested Rights Granted by Approval of this MDA.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the City and Master Developer intend that this MDA grant Master Developer all rights to develop the Project in accordance with the terms and conditions of this MDA and the SDD. This MDA modifies the operation of the City's Vested Laws pertaining to the Property to the extent that the terms and conditions of the MDA conflict with, or are otherwise inconsistent with, the City's Vested Laws. This MDA, together with the SDD, have been adopted by the City through its legislative power and operate as an amendment to any portion of the City's Vested Laws that is inconsistent with

the terms and conditions of this MDA and the SDD. The parties specifically intend that this MDA and the SDD grant to Master Developer “vested rights” as that term is construed in Utah’s common law and pursuant to Utah Code Ann. §10-9a-509 (2008) in the all use, density, development standards, and other rights, and benefits as more fully described in this MDA and in the SDD. The rules, regulations and official policies applicable to and governing the development of the Property shall be the City’s Vested Laws. Unless otherwise provided in, or amended by, this MDA, the City’s Future Laws shall not be applicable to or govern the development of the Property except as provided in Section 5.2.1 below.

5.2.1. Exceptions. The restrictions on the applicability of the City’s Future Laws to the Project as specified in Section 5.1 are subject to only the following exceptions:

5.2.1.1. *Election to Use City’s Future Laws.* If a Master Developer, assignees of Master Developer and/or Subdevelopers elect to be governed by City’s Future Laws instead of the City’s Vested Laws, the Master Developer, assignees of Master Developer and/or Subdevelopers will so notify the City in writing;

5.2.1.2. *Compliance with State and Federal Laws.* The City’s Future Laws that are generally applicable to all properties in the City and to the extent such modifications are required to comply with County, State and Federal laws and regulations affecting the Project;

5.2.1.3. *Safety Code Updates.* The City’s Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or fire or safety related codes, such as without limitation the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments.

5.2.1.4. *Taxes.* Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated;

5.2.1.5. *Fees.* Changes to the amounts of fees (but not changes to

the times provided in the City's Vested Laws for the imposition or collection of such fees) for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law, but not exceeding the fees set forth on the schedule attached hereto and incorporate herein as Exhibit G;

5.2.1.6. *Countervailing, Compelling Public Interest.* Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. §10-9a-509(1)(a)(i) (2008); or

5.2.1.7. *Impact Fees.* Impact Fees or modifications thereto which are lawfully adopted, imposed and collected, subject to the terms and conditions of this MDA. Any Impact Fee imposed upon Master Developer or any Subdevelopers will not exceed the uniformly assessed individual impact fee applied toward all developments within the service area where the Property is located, and the collective Impact Fees imposed upon Master Developer or any Subdevelopers will not exceed the aggregate impact fees set forth in the Fee Schedule attached hereto as Exhibit G. Subject to the terms and conditions contained herein, Master Developer and Subdeveloper agree that the impact fees imposed on the Master Developer by the City meet all requirements of the law and applicable statutes, including but not limited to Utah Code Ann. Section 11-36a-101 et seq. or any successor statute, except Developer and/or Subdeveloper shall have the right to perform a study of the impact fees charged to Master Developer or a Subdeveloper in accordance with Utah Code Ann. Section 11-36a-402(1) (d), or any successor statute. If the Utah Code Ann. Section 11-36a-402(1)(d) study concerning the developable property within the Property shows that the proposed impact fee is disproportional or should be lower in accordance with applicable law, Master Developer and/or Subdeveloper shall pay the lower impact fee based upon the impact fee study in accordance with applicable law.

In all events, the City shall not impose upon the Property any regulations or fees that are more expensive, restrictive, burdensome, or onerous than those imposed generally on all real property throughout the City or in violation of the terms of this MDA. Subject to the terms and conditions of this Section and this MDA, Master Developer waives any claims regarding the

City's administrative actions regarding the creation of the Impact Fees. Nothing herein shall prevent the City from imposing an impact fee in any amount against any property or person located outside of the Property.

5.3. **Legislative Action.** The City has approved the development of the Property in accordance with the terms of this MDA. As a material part of this transaction, the City and Council has complied with any and all requirements under this MDA and has taken all actions required or advisable to adopt:

- (a) an amendment to the City's General Plan consistent with the intent and the terms of this MDA and the SDD;
- (b) the SDD; and
- (c) the MDA Ordinance.

The City represents, acknowledges, and agrees that this MDA modifies certain provisions of the City's Vested Laws. In as much as any provision of this MDA conflicts with any provision of the City's Vested Laws, the terms and conditions of this MDA will control and govern and the provisions of the City's Vested Laws shall be deemed modified and/or supplemented by this MDA pertaining to the Property. This MDA is an ordinance modifying any conflicting provisions of the City's Vested Laws. Without limiting the foregoing, attached hereto as Exhibit H is a summary of the some of the provisions of the City's Vested Laws that are modified by this MDA. To the extent amended, these ordinances shall be amended solely for the Property.

After the Effective Date, the Master Developer may request the City to take further actions to effectuate the intent of the parties and ratify or reaffirm any of the Ordinances. In addition, the City, without a request by Master Developer, may elect to ratify or reaffirm one or more of the Ordinances. If the Master Developer requests that the City ratify or reaffirm any Ordinance, the City agrees to ratify or reaffirm such Ordinance at the next earliest necessary Planning Commission and/or City Council meetings, subject to any applicable notice requirements and/or other City processes for such ratification and/or reaffirmation (but in all events the City agrees to use all diligence to expedite such ratification and/or reaffirmation as soon as possible). In the event the City ratifies or reaffirms any of the Ordinances after the date hereof, the City agrees that the ratification shall merely be the ratification of the Ordinances and



shall not include any modification or supplementation to any of the Ordinances.

In the event any Ordinance or any term or condition of this MDA is illegal, unconstitutional, invalid, or not enforceable, the parties shall cooperate to amend the MDA to resolve the issue in a mutually agreeable manner that is consistent with the terms and intent of this MDA. If after reasonable efforts have been made by both parties to resolve these issues and they remain unresolved, Master Developer shall have the right to terminate this MDA and/or otherwise withdraw any and all applications previously provided or given to the City.

5.4 **Term of MDA.** The term of this MDA shall expire upon the earlier of Buildout or the date that is thirty-five (35) years after the Effective Date.

## **6. Approval Processes and Modification of MDA.**

### **6.1. Approval Processes for Development Applications.**

6.1.1. **Phasing.** The City acknowledges that Master Developer, assignees of Master Developer, and/or Subdevelopers who have purchased Parcels of the Property may submit a single or multiple Development Applications from time to time to develop and/or construct all or portions of the Project in one or multiple phases. Subject to the completion of the Off-Site Infrastructure in accordance with the Infrastructure Agreement, any phase of the Project may be developed independently of other phases. The City shall not require any sequencing of phases within the Project. However, except as otherwise set forth in a separate written agreement between the City and the Master Developer, the City shall not be liable for any damage, loss, cost or expense of Master Developer and assigns arising out of the sequencing of phases, nor shall City be required to install infrastructure to serve a phase of a Project which is not contiguous to existing infrastructure (provided Master Developer shall have the right to install certain infrastructure in accordance with the terms of the Infrastructure Agreement).

6.1.2. **Processing Under SDD and City's Vested Laws.** Approval processes for Development Applications shall be as provided in the SDD, this MDA, or as otherwise in the City's Vested Laws (to the extent not inconsistent with the terms of the SDD or this MDA). Development Applications shall be approved by the City if they comply with the City's Vested Laws and conform to this MDA and the SDD.

6.1.3. MDG. Notwithstanding any language to the contrary in this MDA, the City acknowledges that Community Scale Plans, Block Scale Plans, and Detail Plans are subject to the review and approval by the Master Developer and the MDRC (as such term is defined in the SDD) before they are submitted to the City in conjunction with a formal land use application. Master Developer, or such MDRC, shall have the right to impose standards and/or requirements that are in addition to the standards and/or requirements of development as set forth in this MDA, the SDD, and/or the City's Vested Laws, which additional standards and/or requirements may be set forth in the MDG. The MDG may be amended or modified by Master Developer and the MDRC in Master Developer's and the MDRC's sole discretion (without the need for any approvals of any kind from the City with respect to the MDG). Notwithstanding the foregoing, in the event of any conflict between the MDG on the one hand, and this MDA, the SDD, or the City's Vested Laws (as may be modified by this MDA and the SDD) on the other hand, the MDA, the SDD, or the City's Vested Laws (as may be modified by this MDA and the SDD) shall control. The City shall have no obligation to enforce, or liability for the enforcement of, the MDG or any provisions thereof.

6.1.4. City's Cooperation in Processing Development Applications. The City shall treat Master Developer similarly to others seeking development approvals or constructing improvements in the City by cooperating reasonably in promptly and fairly processing Development Applications and in the City staff's review of Community Scale Plans and/or Block Scale Plans as set forth above.

## 6.2. **Administrative Actions.**

6.2.1. Administrative Actions Defined. Aspects of a Development Application may be approved by an Administrative Action. An Administrative Action involves approval of aspects of any Development Application by the City staff and/or the Administrator and is not an Administrative Modification or legislative act, which concerns the modification of aspects of this MDA. Administrative Actions with regard to Development Applications means the following, which shall be subject only to the approval process more fully set forth below in this Section 6.2:

(i) the location of On-Site Infrastructure, including utility lines and stub outs to adjacent developments,

(ii) right-of-way modifications (excluding Backbone Infrastructure) that do not involve the altering, narrowing or vacating of a previously dedicated public right-of-way,

(iii) minor technical edits or inconsistencies necessary to clarify or modify documents consistent with their intended purpose (including, without limitation, the Development Standards),

(iv) the issuance of building permits and

(v) Other administrative actions described in the Riverton City Subdivision Ordinance, title 17 of Riverton Municipal Code, or successor; provided said standards do not conflict with this MDA.

Notwithstanding any language to the contrary, the parties hereby agree that Detail Plan approvals are not considered Administrative Actions, but shall be deemed Material Actions hereunder.

6.2.2. Information Contained in a Community Scale Plan, Block Scale Plan, or a Development Application for an Administrative Action. In connection with the City staff's review, a Community Scale Plan and a Block Scale Plan is required to include only those aspects and items described in the SDD. A Community Scale Plan or a Block Scale Plan may include other aspects and items in the Master Developer's or MDRC's sole discretion, provided (a) no such other aspects or items shall be subject to review or approval by the City staff and/or the Administrator, and (b) any additional aspects or items shall not conflict with (1) the SDD, (2) this MDA, or (3) the City's Vested Laws to the extent applicable. Except to the extent not required by any other terms of this MDA or the SDD, any Development Application subject to approval by Administrative Action shall contain (i) the information required in the Development Standards for the specific approval, consent, and/or permit requested in the applicable Development Application, or (ii) in the event the Development Standards do not address such specific approval, consent, and/or permit requested in the applicable Development Application, the information normally required by the City staff for the issuance of such specific approval, consent, and/or permit requested, in accordance with the City's Vested Laws.

6.2.3. Administrator Review. Administrative Actions shall require only the approval of the Administrator (with the review of the City's staff as requested by the Administrator), and the Administrator shall not seek or condition the Administrator's approval upon: (i) approval of the Council, (ii) approval of the Planning Commission, (iii) approval of the City Manager, or (iv) notice of or participation in any public meeting, hearing or forum. Upon approval by the Administrator, any Administrative Action shall be deemed and considered fully approved in all respects.

6.2.4. Development Standards. Development Standards for purposes of reviewing Community Scale Plans, Block Scale Plans, Detail Plans, or for any other Development Application shall be the standards and requirements for development as set forth in the SDD, this MDA, the City's Vested Laws; provided, however, in the event of any conflict between Development Standards set forth in the he SDD, this MDA, the City's Vested Laws, the Development Standards in each of the respective documents shall apply in the following order: (i) the Development Standards in the SDD shall control over the Development Standards in this MDA, and the City's Vested Laws, and (ii) the Development Standards in this MDA shall control over the Development Standards in the City's Vested Laws. In all events, with respect to the Development Standards, the City hereby agrees as follows:

(a) Subdivision approval shall last for a period of one (1) year after receiving Planning Commission approval, with one (1) one year extension automatically provided upon request by Master Developer or a Subdeveloper.

(b) Inasmuch as the Property may be developed in phases, when Master Developer or Subdeveloper seeks final Plat approval for any phase or portion of the Property, Master Developer or Subdeveloper will submit the improvement plans for that phase of the Property. Improvement plans will not be required for the entire Property or for any portion of the Property not included within the phase or portion of the Property that is the subject of the application; however, each phase needs to generally demonstrate, to the City's reasonable satisfaction, how it will connect with existing infrastructure, and infrastructure to be built in future phases; provided, however, Master Developer or any Subdeveloper shall have the right to construct (at Master Developer's or such Subdeveloper's cost) any such infrastructure necessary to connect such phase to the existing or future infrastructure in which event no such

demonstration of connectivity shall be necessary.

(c) Notwithstanding any terms or language to the contrary in this MDA, the SDD, or in any of the City's Vested Laws, the City, and not the Master Developer or any Subdeveloper shall be required to construct and complete the City Infrastructure.

(d) Any references to "developer" in the Development Standards shall mean Master Developer, its assigns, or the Subdeveloper that actually develops a Subdivision within the Property and submits a Block Scale Plan, a Community Scale Plan, or Development Application. If a Subdeveloper submits a Block Scale Plan, a Community Scale Plan, or Development Application and develops a Subdivision, the Master Developer shall not be deemed the "developer" related to that Subdivision.

(e) Notwithstanding anything in the Development Standards to the contrary, in the event a detention basin or facility is required within the Property, such detention basin or facility may be located within Community Space (1) in Master Developer's and/or Subdeveloper's discretion to the extent such detention basin or facility is within (i) any areas impacted by power line (or similar) easements, and/or (ii) any areas that are five hundred (500) feet or less from the future alignment of Rose Creek, in Master Developer's and/or Subdeveloper's discretion, and within other areas as mutually agreed by the Master Developer and/or Subdeveloper and the City, and (2) as mutually determined by the Master Developer and/or Subdeveloper and the City to the extent such detention basin or facility is within any other portion of the Community Space. Any such detention basin or facility may be dedicated to the City by Master Developer and/or Subdeveloper, if mutually agreed to by the Parties, and the detention facility, once dedicated, shall be deemed a public detention facility and maintained by the City; provided, however, a Block Scale Plan, Community Scale Plan, or Development Application may provide for privately owned detention basins located on a privately owned parcel, which detention basin will be privately owned and maintained. Notwithstanding the foregoing, the City shall not be required to accept any detention facility that retains or detains only private water, or does not meet City design or construction standards (as universally applied to all such detention facilities within the City).

6.2.5. City Approval or Denial of Block Scale Plans and Community

Scale Plans. After such review and approval by the Master Developer and the MDRC, the City shall have the right to review and approve such Community Scale Plans and Block Scale Plans, which right to review shall be limited to a review to confirm that the Community Scale Plan and/or the Block Scale Plan (as applicable) is consistent with the SDD, this MDA, the Infrastructure Agreement (to the extent applicable), and the City's Vested Laws (to the extent applicable). Except for such review to confirm consistency with the SDD, this MDA, the Infrastructure Agreement (to the extent applicable), and the City's Vested Laws (to the extent applicable), the City shall have no other review rights with respect to any Community Scale Plans and/or Block Scale Plans. In addition, notwithstanding any language to the contrary in this MDA, the SDD, or any the City's Vested Laws, in no event shall either the City staff and/or Administrator in its review of the Community Scale Plans and/or the Block Scale Plans have any right to request or cause any review of same by the Planning Commission or the Council. Unless a formal application for approval is made by the Master Developer or the applicable Subdeveloper, all reviews of Block Scale Plans and Community Scale Plans shall be completed by the City's staff on any informal basis.. During such informal reviews, the City's staff shall review Block Scale Plans and Community Scale Plans as set forth above. In all events, the City's staff shall not have the right to right to request or cause any review of same by the Planning Commission of any Block Scale Plan or Community Scale Plan unless and until (i) a Master Developer or a Subdeveloper requests same, and (ii) a formal application has been submitted to the City. Notwithstanding the foregoing, the Planning Commission shall have the right to review and approve all Block Scale Plans and Community Scale Plans; provided, however, Master Developer or the applicable Subdeveloper shall have the right to combine or separate any application or applications for review and approval of any Block Scale Plan and/or Community Scale Plan with any Development Application for review and approval of a Detail Plan. No Council review or approval shall be necessary at any time with respect to any Block Scale Plan and/or Community Scale Plan. In addition, notwithstanding any disapproval by the City's staff of all or any Block Scale Plan and Community Scale Plan, Master Developer and/or Subdeveloper shall have the option of submitting, or requesting any review and approval from the Planning Commission of, a Development Application related of any kind (including any Detail Plan), or any other Development Application, in Master Developer's or Subdeveloper's sole discretion (as

applicable). Upon any approval by the Planning Commission of any Community Scale Plan, all aspects of such Community Scale Plan shall be deemed and considered approved by the Planning Commission in connection with any Block Scale Plan submitted for the same property. The Planning Commission shall only have the right, with respect to any Block Scale Plan, to review and approve new concepts, details, or items in such Block Scale Plan not previously included in any Community Scale Plan related to the same property.

6.2.6. City Approval or Denial of a Development Application.

Development Applications subject only to Administrative Action under the City's ordinances or as set forth in this MDA or the SDD shall be approved by the properly designated authority if (i) such Development Application complies with the terms of this MDA, the SDD and the Development Standards to the extent related to terms or conditions set forth in this MDA, or (ii) as applicable, such Development Application complies with the City's Vested Laws. The applicable authority's review of all Development Applications subject to approval by Administrative Actions shall be limited to material differences and/or inconsistencies between the information and/or documentation submitted and the materials, and information and/or documentation described in subsections (i) and (ii) of the preceding sentence. If the applicable authority denies a Development Application subject only to Administrative Action, the authority shall provide a written determination advising the Applicant of detailed reasons for Denial, including all specific items of non-compliance with subsections (i) and (ii) above. Detail Plans, and the Plats set forth therein shall be submitted to, and reviewed and approved by, the Planning Commission, in accordance with the terms of the SDD, this MDA, and the City's Vested Laws (as modified by the SDD and this MDA). With respect to any Development Application for a Detail Plan, upon any approval by the Planning Commission of any Block Scale Plan and/or Community Scale Plan for the same property as described in such Detail Plan, all aspects of such Block Scale Plan and/or Community Scale Plan shall be deemed and considered approved by the Planning Commission in connection with such Detail Plan. The Planning Commission shall only have the right, with respect to any Detail Plan, to review and approve new concepts, details, or items in such Detail Plan not previously included in any Block Scale Plan or Community Scale Plan related to the same property.

6.2.7.

6.2.8. Re-submittal of Development Applications. If the applicable authority has previously denied a Development Application subject only to Administrative Action, then the land use authority shall promptly complete its review of any re-submittal (which may include redlines) of a Development Application. No additional fees will be required from the Applicant in connection with any re-submittal or redlines, provided the City shall have the right to collect a nominal fee after the second re-submittal or redline in an amount described in the City' Vested Laws. To the extent Applicant has changed the Development Application to (a) substantially comply with this MDA or the City's Vested Laws or (b) substantially conform to the Development Standards, then the re-submittal or redline shall be approved by the land use authority. Applicant shall only be required to re-submit, and the land use authority shall only review, the portions of the Development Application which related to the Denial by the land use authority as set forth in the land use authority's written response described in Section 6.2.5 above; provided, said resubmittal does not have a material impact on any aspects of a Development Application already approved. All other portions of the Development Application that were not addressed specifically in such written response by the land use authority shall be deemed and considered previously approved. If the City again denies the re-submitted Development Application or redline subject only to Administrative Action, then the City shall meet with the Applicant as promptly as possible to discuss same. Applicant shall have the right to treat such Denial as a "final action of the City" and immediately appeal as appropriate through mediation and/or arbitration as set forth in this MDA.

6.2.9. No Other Required Submittals, Applications, or Permits. Notwithstanding any language to the contrary, the City hereby agrees and acknowledges that, except with respect to submittals, applications, and permits that are required by the City from Master Developer or any Subdeveloper as expressly set forth in the SDD, this MDA, or in the City's Vested Laws (as modified by the SDD and this MDA), no other submittals, applications, or permits are required to obtain full approval for development of the Property.

**6.3. Material Actions.**

6.3.1. Material Actions Defined. Material Actions are requests for approvals and/or submittals that (i) are not Administrative Actions as described in Section 6.2.1, and (ii) require approval of the Planning Commission, the City Council, or any other party or



group described in the City's Vested Laws. Except with respect to the listed Administrative Actions described in Section 6.2.1 above, all other reviews, actions, approvals, and/or consents with respect to a Development Application concerning a portion of the Property shall be deemed and considered Material Actions and shall be processed in accordance with the SDD, this MDA, and the City's Vested Laws in accordance with Section 6.2.4 above.

6.3.2. Information Contained in a Development Application Requiring Material Action. Except to the extent not required by any other terms of this MDA, any Development Application requiring Material Action shall contain (i) the information required in the Development Standards for the specific approval, consent, and/or permit requested in the applicable Development Application, or (ii) in the event the Development Standards do not address such specific approval, consent, and/or permit requested in the applicable Development Application, the information normally required by the City under the City's Vested Laws for the issuance of such specific approval, consent, and/or permit requested.

**6.4. General Provisions Regarding All Development Applications and Approvals.**

6.4.1. Application Fees. The City hereby agrees (i) to allow Master Developer and/or Subdevelopers to obtain approvals for development of the Project, and to otherwise develop the Project, in accordance with the processes and procedures set forth in this MDA, the SDD, and the City's Vested Laws, (ii) to deem satisfied certain requirements for the Master Developer and/or Subdeveloper's to provide certain information and/or documentation to the City under the City's Vested Laws, and (iii) to grant Master Developer's and/or Subdeveloper's requested reviews and approvals of all Development Applications, all without the imposition of any charges or fees to Master Developer and/or Subdevelopers except as set forth on Exhibit G; provided, however, Master Developer and Subdevelopers hereby recognize that (except as otherwise specifically provided in this MDA and/or the SDD) a complete application will still be required for all Development Applications.

6.4.2. No Construction Without Approval. No improvements shall be constructed within any Parcel without Master Developer and/or Subdevelopers first obtaining approval of the applicable Community Scale Plan, Block Scale Plan, and Detail Plan, and/or Development Application (if applicable) for such Parcel from the City. Upon approval by the

City of same, the Parcel related to such approval may be improved, as approved, which shall be issued in accordance with the terms and conditions of this MDA.

6.4.3. Standard Review Fees. Except as otherwise specifically provided in this MDA, Developer shall only have the obligation to pay the standard fees applicable with respect to any submittal of a Development Application under the City's fee schedule in effect at the time of the application subject to the terms and conditions of this MDA.

6.4.4. Processing of Community Scale Plans, Block Scale Plans, and Development Applications. The City shall cooperate reasonably and in good faith in promptly and fairly processing and reviewing all Community Scale Plans, Block Scale Plans, and Development Applications. During each application process, the City shall keep the Applicant informed of the status of the applicable Community Scale Plan, Block Scale Plan, or Development Application. In all events, the parties hereby agree that for purposes of Utah Code Ann. Section 10-9a-509.5, a "reasonable period of time" shall be twenty (20) days after submittal of same to the City. The City agrees to exercise its best efforts to meet the timelines set forth above. If Master Developer and/or Subdeveloper determines the City has not met such timelines, then, in addition to any rights and remedies set forth in this MDA, Master Developer and/or Subdeveloper shall have the right to request and obtain a decision under Utah Code Ann. Section 10-9a-509.5.

6.4.5. Additional Terms, Provisions and Conditions Related to Development Applications. Notwithstanding any language to the contrary herein or in the City's Vested Laws and/or City's Future Laws, the parties hereby agree that in reviewing Community Scale Plans, Block Scale Plans, Detail Plans, or Development Applications pertaining to the Property, the SDD and this MDA shall govern such review. In addition, to the extent any standard, requirement, condition, term, provision, or process, method, or guideline is set forth in the SDD or this MDA, then any standard, requirement, condition, term, provision, or process, method, or guideline related to the same issue or subject matter is found in the City's Vested Laws and/or City's Future Laws, then such standard, requirement, condition, term, provision, or process, method, or guideline set forth in the City's Vested Laws and/or City's Future Laws shall be deemed inapplicable to the Property and only the applicable standard, requirement, condition, term, provision, or process, method, or guideline as set forth in the SDD or this MDA will be

applicable to, or binding against, the Property.

6.4.6. Request for City Council Review. For those Development Applications that require Council or Planning Commission review, Master Developer and/or Subdeveloper shall have the right to seek review of special circumstances in the Development Application with City staff in order to help the City and Master Developer and/or Subdeveloper resolve issues at a preliminary stage. The City agrees to expedite any such review to process same as soon as is reasonably possible, subject to ordinary procedures and notice requirements. If the issue cannot be resolved without Council or Planning Commission review and approval, upon receipt of a request by Master Developer and/or Subdeveloper to City in writing, the issue shall be placed on the agenda for the next available Council or Planning Commission meeting.

6.5. **Outsourcing of Processing of Development Applications.** Within ten (10) business days after receipt of a Development Application, upon the request of either party, the parties will confer and determine whether the City and/or Master Developer or a Subdeveloper wishes the City to Outsource the review of any aspect of the Development Application to ensure that it is processed on a timely basis. If the City determines that Outsourcing is appropriate then the City shall promptly estimate the reasonably anticipated cost of Outsourcing in the manner selected by the City in good faith consultation with Master Developer either overtime to City employees or the hiring of a City Consultant Master Developer or Subdeveloper shall deposit in advance with the City the estimated cost and the City shall then promptly proceed with the Outsourced work. Upon completion of the Outsourcing services and the provision by the City of an invoice (with such reasonable supporting documentation as may be requested by Master Developer or the Subdeveloper) for the actual differential cost (whether by way of paying a City Consultant or paying overtime to City employees) of Outsourcing, Master Developer or the Subdeveloper shall, within ten (10) business days pay or receive credit (as the case may be) for any difference between the estimated cost deposited for the Outsourcing and the actual cost.

6.6. **Non-City Agency Reviews.** If any aspect or a portion of a Development Application is governed exclusively by a Non-City Agency, an approval for these aspects does not need to be submitted by Applicant for review by any body or agency of the City, but the City may provide comment to the Non-City Agency as it reviews a Development Application. The

Applicant shall timely notify the City of any such submittals and promptly provide the City with a copy of the requested submissions. The City may grant final approval for any Development Application only upon receipt of any conditions required for such Non-City Agency approval; and the City's grant of final approval for any Development Action shall be subject to compliance by Applicant with any conditions required for such Non-City Agency's approval. Notwithstanding the foregoing, this section cannot be interpreted to require the City to accept Development Applications which violate the City's Vested Laws, property rights, or standards (to the extent applicable to the Property) because of conditions imposed by a Non-City Agency.

**6.7. Acceptance of Certifications Required for Development Applications.**

Any Development Application requiring the signature, endorsement, or certification and/or stamping by a person holding a license or professional certification required by the State of Utah in a particular discipline shall be so signed, endorsed, certified or stamped signifying that the contents of the Development Application comply with the applicable regulatory standards of the City. A Development Application so signed, endorsed, certified or stamped shall, if not subject to review or approval by the City or other governmental entity having review and approval authority as set forth in this MDA and/or in the SDD, be deemed to meet the specific standards which are the subject of the opinion or certification without further objection or required review by the City or any other agency of the City; provided, however, the City shall have the right to review same for errors, mistakes, or omissions by the certifying party. It is not the intent of this Section to preclude the normal process of the City's "redlining", commenting on or suggesting alternatives to the proposed designs or specifications in the Development Application. Generally, the City shall endeavor to make all of its redlines, comments or suggestions at the time of the first review of the Development Application unless any changes to the Development Application raise new issues that need to be addressed. The City may not impose any duties, obligations, or responsibilities on Master Developer and/or Subdeveloper inconsistent with the terms and conditions of the City's Vested Laws and this MDAs.

**6.8. Expert Review of Certifications Required for Development Applications.** If the City, notwithstanding such a certification by Applicant's experts, subjects the Development Application to a review by City Consultants, the City shall bear the costs of such review if the City Consultants determine that the Applicant's expert certification was

materially correct. If the City Consultants determine that the certification in the Development Application was materially incorrect, then Applicant will pay the reasonable and actual costs of the City Consultants' incurred to review the certification contained in the Development Application.

6.8.1. Selection of City Consultants for Review of Certifications Required for Development Applications. The City Consultant undertaking any review by the City required or permitted by this MDA or the City's Vested Laws shall be selected from a list generated by the City for each such City review pursuant to a "request for proposal" process or as otherwise allowed by City ordinances or regulations. Applicant may, in its sole discretion, strike from the list of qualified proposers up to two thirds of any of such proposed consultants. The anticipated cost and timeliness of such review may be a factor in choosing the expert.

6.9. **Independent Technical Analyses for Development Applications.** If the City needs technical expertise beyond the City's internal resources to determine impacts of a Development Application, including, but not limited to, structures, bridges, water tanks, "threatened and endangered species" and other similar matters which are required by the City's Vested Laws to be certified by such experts as part of a Development Application, the City may engage such experts as City Consultants under the processes specified in Section 6.5 with the actual and reasonable costs being the responsibility of Applicant. If the City needs any other technical expertise other than as specified above, under extraordinary circumstances specified in writing by the City, the City may engage such experts as City Consultants under the processes in Section 6.5 with the actual and reasonable costs being the responsibility of Applicant. If the City requires any review that is not required by the City's Vested Laws, the City shall be responsible for the cost of such reviews.

6.10 **City Denial of a Development Application.** City acknowledges and agrees that the City is responsible to perform certain obligations and to pay costs associated with the City Infrastructure. The City cannot use the Development Application process to impose upon the Master Developer and/or Subdeveloper greater obligations than agreed to in this MDA or to avoid the City's responsibilities, obligations, or costs as set forth in this MDA, and the City cannot Deny or condition approval of a Development Application to impose upon Master Developer or Subdeveloper any obligation or cost assumed by the City in this MDA. If the City

denies a Development Application, the City shall provide a written determination advising the Applicant of the reasons for Denial including specifying the reasons the City believes that the Development Application is not consistent with this MDA, the SDD, and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

6.11. **Meet and Confer Regarding Development Application Denials.** The City and Applicant shall meet within fifteen (15) business days of any Denial to resolve the issues specified in the Denial.

6.12. **City Denials of Development Applications Based on Denials from Non-City Agencies.** If the City's Denial of a Development Application is based on a Denial by a Non-City Agency, Master Developer or Subdeveloper may appeal any such Denial through the appropriate procedures for such a decision and not through the processes specified below.

6.13. **Mediation of Development Application Denials.**

6.13.1. Issues Subject to Mediation. Except as provided in Section 6.11 and Section 6.13.1, all issues resulting from the City's Denial of a Development Application shall be mediated.

6.13.2. Mediation Process. If the City and Applicant are unable to resolve a disagreement, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant and the City shall equally share the fees of the chosen mediator. Within ten (10) business days after the selection of the chosen mediator, each party shall provide to the chosen mediator and the other party a position paper setting forth their position, along with any relevant fact and circumstances. The chosen mediator shall, within fourteen (14) calendar days, review the positions of the parties regarding the mediation issue and schedule a mediation. The parties agree to act in good faith and participate in the mediation process in order to reach a resolution of the dispute.

6.14. **Arbitration of Development Application Objections.**

6.14.1. Issues Subject to Arbitration. The parties may, but shall not be obligated, to seek resolution of any disputes regarding a Denial through binding arbitration.

6.14.2. Mediation Required Before Arbitration. Prior to any arbitration the parties shall first attempt mediation as specified in Section 6.13.

6.14.3. Arbitration Process. In connection with issues not resolved through mediation, the parties shall within ten (10) business days appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator they shall each, within ten (10) business days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator, which shall be an expert in the professional discipline of the issue in question. Applicant and the City shall equally share the fees of the chosen arbitrator. The arbitration shall be performed in accordance with the most recently enacted American Arbitration Association Commercial Arbitration Rules and Procedures provided that within thirty (30) days after selection of the arbitrator the parties shall submit to the arbitrator a statement of their respective positions. Upon mutual agreement of the parties, they may modify the rules and procedures pertaining to the arbitration. The chosen arbitrator shall within fifteen (15) business days after receipt of the position statements, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the City's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator shall order the City to pay the arbitrator's fees. If the arbitrator determines as a part of the decision that the Applicant's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator shall order the Applicant to pay the arbitrator's fees. The parties agree that they will faithfully observe this MDA and the arbitration rules, that they will abide by and perform any decision rendered by the arbitrator, and that a judgment of any court having jurisdiction may be entered on the decision.

6.15. Modifications to this MDA. It is acknowledged and agreed that Community Scale Plans, Block Scale Plans, Detail Plans, and/or Development Applications as addressed above will be subject to this MDA and not require a modification to this MDA. However, on occasion there may be a need to amend portions of this MDA to accommodate a

Development Application. In addition, Master Developer may elect to amend, modify, or supplement this MDA unrelated to any Community Scale Plans, Block Scale Plans, Detail Plans, and/or Development Application. Any amendment, modification, or supplement to this MDA must be in writing and approved by the City and Master Developer and its assigns as provided herein. Only Master Developer or an assignee that succeeds to all of the rights and obligations of Master Developer under this MDA (and not including a Subdeveloper) may submit an application to modify the MDA. If a Subdeveloper desires to modify the MDA as part of a Development Application, the Subdeveloper must obtain the Master Developer's approval to such modification. Notwithstanding the foregoing, the parties may mutually determine to waive one or more provisions hereof as such provisions relate to a particular Development Application, without formally amending the MDA.

6.15.1. Administrative Modifications. The Administrator may approve without approval by the Council any modifications of Infrastructure Agreement, the CC&Rs, and any part of the Backbone Infrastructure for the Project that do not materially change the functionality of the Backbone Infrastructure, do not result in a material increase to the cost of the Backbone Infrastructure, and so long as the modifications are based upon sound engineering. Notwithstanding the foregoing, in no event shall any of the Backbone Infrastructure be changed, modified, moved, or otherwise amended in any way, except as allowed in the Infrastructure Agreement. Applications for Administrative Modifications shall be filed with the Administrator. If the Administrator, at his sole discretion, determines for any reason that it would be inappropriate for the Administrator to determine any proposed Administrative Modification, the Administrator may require the Administrative Modification to be processed as a Planning Commission Modification or a Council Modification; provided, however, no Community Scale Plans or Block Scale Plans (or any submittals therefor) may be processed as a Planning Commission Modification or a Council Modification. The Administrator shall consider and decide upon the Administrative Modification within a reasonable time, which shall in no case be longer than fourteen (14) calendar days. If the Administrator approves any Administrative Modification, the Administrative Modification by the Administrator shall be conclusively deemed binding on the City. If the Administrator denies any proposed Administrative Modification, the Master Developer may process the proposed Administrative



Amendment as a Planning Commission Modification or a Council Modification, as applicable.

6.15.2. Council Modifications. The Council may approve any amendments, modifications, or supplements to this MDA or the SDD that are legislative and not Administrative Modifications or Planning Commission Modifications and are otherwise required by the City's Vested Laws. Applications for Council Modifications shall be filed with the City staff. Only Master Developer shall have the right to file such applications. No other party shall have the right to seek or obtain any amendments, modifications, or supplements to this MDA or the SDD. The Council shall consider and decide upon the Council Modification within a reasonable time, but in all events within the earlier of (i) forty-five (45) days following the filing of the request for the Council Modification, and (ii) any earlier time period provided in the City's Vested Laws, but in all cases subject to any applicable notice requirements. In all events, the Council shall only have the right to review, consider, and decide upon the specific issue or provision set forth in the application. No other issue or provision set forth in this MDA or the SDD shall be reviewed, considered, or decided upon by the Council, and no acceptance by the Council shall be conditioned on a change or revision to any other issue or provision of this MDA or the SDD. If the Council objects to the Modification Application, the Council shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Modification Application is not consistent with the intent of this MDA, the SDD and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

6.15.3. Contents of Modification Applications. All Modification Applications shall:

- (a) Identify the property or properties affected by the Modification Application;
- (b) Describe the effect of the Modification Application on the affected portions of the Project;
- (c) Identify any Non-City Agencies potentially having jurisdiction over the Modification Application;
- (d) Provide a map of any affected property and all property within three hundred feet (300') showing the present or Intended Use and Density of all such properties; and

(e) Be accompanied by a fee in an amount reasonably estimated by the City to cover the costs of processing the Modification Application.

6.15.4. Resolution of Objections/Denial of Modification Applications.

The City shall reasonably cooperate in promptly and fairly processing any Modification Applications. The Council and Master Developer and/or Subdeveloper shall meet within ten (10) calendar days of any objection to resolve the issues presented by a Modification Application and any of the Council's objections. If the Council and Master Developer are unable to resolve a dispute regarding a Modification Application, the parties shall mediate any dispute as set forth in Section 6.12 above.

7. Community Space

7.1. **Dedication to the City of Community Space.** In connection with Project, the Master Developer shall dedicate the following Community Space to the City:

- (a) Up to three (3) contiguous acres of unimproved ground for the creation of a community center, which may be in cooperation with Salt Lake County, and which shall be located on an arterial street and within one half (1/2) mile of the Trax line stop anticipated to be developed on the Property. The property so dedicated as set forth in this subsection (a) must be reasonably suitable for features necessary to construct a structure and parking for a community center, as mutually agreed to by the parties; and
- (b) With respect to each of the CPAs (as such term is defined in the SDD), (1) four (4) contiguous acres in CPA 1, (2) four (4) contiguous acres in CPA 2, and (3) ten (10) contiguous acres in CPA 5. The property so dedicated as set forth in this subsection (b) shall be developed as open space and/or park space in accordance with the terms and conditions relating to the development of open space and/or park space within the different CPAs as set forth in the SDD.

In addition to the foregoing, Master Developer shall also dedicate up to five (5) acres as Community Space to be used as side treatments for pedestrian walkways, landscaping, and utility installation adjacent to Backbone Infrastructure. Side treatments shall typically extend

between six feet (6') and ten feet (10') from back of curb (depending on the circumstances), but may be adjusted as mutually agreed to by the parties. With respect to all Community Space described in this Section 7.1 that shall be dedicated by the Master Developer, the location or locations of the dedicated Community Space shall be mutually agreed upon by the City and the Master Developer. In no event shall any Development Application be Denied due to the parties lack of agreement on the location of the Community Space proposed to be dedicated to the City unless (i) a specific Parcel for which such Development Application is provided includes the location of one or more areas that the City has previously requested be Community Space dedicated to the City, or (ii) the total remaining undeveloped portions Property for which no Development Application has then-previously been provided is less than 150 acres. Master Developer and the City each hereby agree to work together in good faith to mutually identify the Community Space to be dedicated to the City. Notwithstanding any of the City's Vested Laws or the City's Future Laws regarding open space, green space, park space, or similar space, while additional Community Space may be dedicated to the City and/or reserved as other Community Space, except for the Minimum Dedicated Community Space, no other open space, green space, park space, or other similar space shall be required in connection with the development of the Project. The Community Space requirement is not in addition to the landscaping requirements and the landscaping requirements are not in addition to the Community Space requirements. The entire Community Space located within the Property may be allocated or used anywhere within the entire Property and each Subdivision or Parcel within the Property is not required to independently satisfy any Community Space requirements so long as the development, at full build-out, meets the overall Community Space requirements.

7.2. **Community Space.** The City hereby agrees that, except as otherwise expressly set forth in this Section 7 of this MDA, any and all open space requirements, green space requirements, park requirements, and/or similar requirements under the City's Vested Laws are hereby inapplicable to the Property. Only those requirements for open space and/or green space specifically set forth in this MDA shall be applicable to the Property. So long as the Master Developer and/or any Subdeveloper meets the requirements for Community Space as expressly set forth herein, then no additional requirements relating to open space and/or green space shall be imposed on all or any portion of the Property and any and all open space

requirements, green space requirements, park requirements, and/or similar requirements of the City, whether or not included in the City's Vested Laws are hereby waived.

**7.3. Creation of Additional Community Space.** In addition to the Minimum Dedicated Community Space to be dedicated above, when Development Applications are submitted, the Master Developer and/or Subdeveloper may, but shall not be obligated, to designate additional Community Space within the applicable Parcel, all or some of which additional Community Space may be dedicated to the City. Except for the property described in Section 7.1 above which the City hereby agrees to accept, the City shall not be required to accept property proposed for dedication, but said property shall be accepted or rejected, at the City's sole discretion.

**7.4. No Pro Rata Relationship for Community Space.** The parties understand that there is no need to maintain a pro rata relationship between the amount of land being developed with a Development Application and the total acreage designated for Community Space as established in this MDA. The City acknowledges that it may not be in the interest of either the City, Master Developer, assignees of Master Developer or Subdevelopers to always include Community Space in each Parcel on such a basis that may result in constructing and/or designating incremental, small, unusable parcels of land. Notwithstanding the foregoing, City reserves the right to deny a land use application of any kind if the application in question will exceed the Maximum Residential Units, or the Maximum Non-Residential Space.

**7.5. Method and Requirements of Conveyance of Community Space.** All property dedicated to the City as Community Space shall be conveyed by Special Warranty Deed, subject to all matters of record; provided, however, that title will be conveyed free and clear of any (a) financial encumbrance or (b) other encumbrance (including easements) that materially and adversely interferes with the use of the property for Community Space. The dedication of any Community Space location within a Subdivision shall occur immediately following: (1) the recordation of the applicable Subdivision plat; (2) the improvement by Master Developer and/or Subdeveloper of the Community Space to the extent Master Developer or any applicable Sub-developer is required to improve same, and (3) the release of any applicable warranty periods which apply to any improvements of said Community Space. To the extent practicable, the Community Space will be designed whereby utilities and easements will be

located on the periphery of the Community Space. To the extent that Master Developer and/or Subdeveloper believes it is not practicable to locate an easement or utility on the periphery of the Community Space, Master Developer and/or Subdeveloper may reserve unto itself an easement over the Community Space for such easement(s) in a location mutually agreed upon by the Master Developer and/or Subdeveloper and the City; provided that the location of utilities and the easement shall be located in a manner to allow the City and/or Salt Lake County to improve the Community Space with buildings and structures in locations reasonably agreed upon by the Master Developer and the City. Upon mutual agreement as to the location of an easement, Master Developer and/or Subdeveloper may record a document indicating the location of such easement.

**7.6. Relationship Between Development and Construction of Community Space, Local Parks, Neighborhood Parks, Community Parks, and Trails.** Unless otherwise agreed to in writing, construction of any Local Park, Neighborhood Park, or Community Park, which is part of any Subdivision and which the City has agreed to accept by dedication as a part of the Development Application related to such Subdivision shall be Substantially Completed prior to issuance of (a) sixty-percent (60%) of the building permits for a Subdivision for Residential Use, or (b) issuance of the certificate of occupancy for one-half of the improvements for a Subdivision for Non-Residential Use, as the case may be. This requirement for substantial completion shall not apply to any elements of any Community Space, Local Parks, or Neighborhood Parks, Community Parks, the completion of which are weather dependent (e.g., landscaping that cannot be installed in winter). These weather dependent items shall be installed and Substantially Completed as soon as practicable based upon the weather. If they are not completed after it is practicable to complete such items, then, unless Master Developer, or as applicable Subdeveloper bonds for the completion of such items, no further building permits shall be issued for the Subdivision subject to the particular Development Application until they are Substantially Completed or until Master Developer and/or Subdeveloper enters into a contract with a contractor requiring contractor to initiate and promptly complete such improvements or Master Developer and/or Subdeveloper has provided funds or other security sufficient to cover the costs of the improvements. The requirements in this Section 7.5 shall not apply to the installation of any Community Space, Local Parks, Neighborhood Parks,

Community Parks, and/or Trails that (a) are not part of the same Development Application that includes the dedication of Community Space, or (b) are intended to service the entire Project or a portion of the community located outside of the Property, or (c) are part of any Regional Park.

7.7. **Park Impact Fees.** The City shall include all the Community Space to be developed as set forth in this MDA within the Impact Fee Facility Plan (IFFP) pertaining to the Property, which will assume that the Community Space will be improved with Neighborhood Parks, Community Parks, Regional Parks, and Trails. Any and all park and recreation impact fees collected within the Property shall be set aside and shall be exclusively used for the improvement and development of the public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails that are located on the Property, or that are connected with, or relate to, the public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails that are located on the Property, including the Neighborhood Parks and Community Parks located within a Parcel; provided, however, after all such Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails described above have been fully improved and developed, the City shall have the right to use any remaining park and recreation impact fees collected for other appropriate uses within the City whether or not such uses relate to the Property. Notwithstanding the above, impact fees will not be allocated to Local Parks that are not System Improvements, and the City shall be entitled to use up to \$1,333,000.00 of park impact fees from projects within the Property for other lawful purposes not within the Property. The City shall thereafter allocate impact fees as set forth above. In no event shall the City be required to improve any Community Space, Neighborhood Parks, Community Parks, Regional Parks, or Trails unless and until the City has received sufficient recreation and park impact fees to pay the applicable costs thereof; provided, however, the City shall use commercially reasonable and good faith efforts to collect same as soon as is reasonably possible. Notwithstanding the foregoing, in the event that, despite the City's best efforts to use the applicable park impact fees for the public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails that are located on the Property, or that are connected with, or relate to, the public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails that are located on the Property, if such impact fees are within six (6) months of being forfeited under applicable state law, then the City shall have the right to

use such park impact fees for parks and similar spaces not located on the Property and not connected with, or related to, the Property, provided the City shall, as soon as reasonably possible thereafter continue to improve and develop the public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails that are located on the Property, or that are connected with, or relate to, the public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and Trails that are located on the Property.

**7.8. Reimbursement of Community Space Improvements.** In the event Master Developer or a Subdeveloper installs any public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and/or Trails located within the Project that are included in the Park Impact Fee Facility Plan, the City shall reimburse the Master Developer and/or Subdeveloper for the costs associated with the design and installation of such Community Space, Neighborhood Parks, Community Parks, or Trails pursuant to the terms and conditions of a reimbursement agreement entered into between the City and the Master Developer and/or Subdeveloper, which reimbursement agreement shall be substantially similar to the reimbursement agreement attached to the Infrastructure Agreement. Such reimbursement due to the Master Developer or applicable Subdeveloper shall accrue interest at the Interest Rate; provided, however, in the event that the City has received sufficient park impact fees to construct the applicable public Community Space, Neighborhood Parks, Community Parks, Regional Parks, and/or Trails, but has elected not to construct same, then the reimbursement due to the Master Developer or applicable Subdeveloper shall accrue interest at the Default Interest Rate. The City hereby agrees that the Neighborhood Parks, Community Parks, and/or Trails will be included within the Impact Fee Facility Plan and will be subject to reimbursement.

**7.9. Maintenance of Open Space, Local Parks, Neighborhood Parks, Community Parks, Regional Parks, and Trails.** The City shall be responsible for maintaining the Community Space, Local Parks, Neighborhood Parks, Community Parks, Regional Parks, and/or Trails which are dedicated to the City, after final inspection and acceptance of the improvements by the City in accordance with the same maintenance standards which the City observes in the maintenance of all parks owned by the City. If any Community Space, Local Parks, Neighborhood Parks, Community Parks, and/or Trails are owned by or dedicated to an entity other than the City then the owner/recipient of the dedication shall maintain the

Community Space, Local Parks, Neighborhood Parks, Community Parks, and/or Trails consistent with City standards. Notwithstanding the above, in the event Master Developer or a Subdeveloper installs any Community Space, Local Parks, Neighborhood Parks, Community Parks, Regional Parks, and/or Trails and such Community Space, Local Parks, Neighborhood Parks, Community Parks, Regional Parks, and/or Trails are dedicated or conveyed to the City, the Master Developer or the Subdeveloper will provide the City with a warranty from the contractor that the improvements are free from defects for a period of one (1) year after all of the improvements have been installed and finally accepted by the City; provided, however, any cures or corrections performed by Master Developer shall not re-start such one (1) year period. The cost of the warranty, but not the repair, if any, shall be deemed part of the costs associated with the installation of the Community Space, Local Parks, Neighborhood Parks, Community Parks, Regional Parks, and/or Trails for which reimbursement may be obtained in connection with any reimbursement agreement.

**7.10. Parking for Community Space.** In all events, any Community Space shall provide sufficient parking on-site. If the City improves any Community Space, Local Parks, Neighborhood Parks, Community Parks, or Regional Parks located on the Property and the Community Space, Local Parks, Neighborhood Parks, Community Parks, and Regional Parks to be used for organized sporting events, such as baseball games, soccer games, ice skating, hockey, or other organized sports, as part of the improvement of the Community Space, Local Parks, Neighborhood Parks, Community Parks, or Regional Parks, the City shall design and improve the Community Space to include sufficient parking to handle the peak parking demands from the activities planned on such Community Space with a traffic flow plan to accommodate the vehicular traffic. The City shall use commercially reasonable efforts to plan all such Community Space, Local Parks, Neighborhood Parks, Community Parks, or Regional Parks so that there shall be no traffic, parking, or other burden on the roadways and areas surrounding, near, or adjacent to same. Master Developer and/or a Subdeveloper may have pedestrian access to any and all Community Space located on the Property so that there is pedestrian inter-connectivity within the Project. Since inter-connectivity may encourage patrons of the parks and Community Space to park vehicles on residential streets within the Project, at the request by a homeowners association the City agrees to evaluate on street parking issues and may prohibit on-



street parking on designated residential streets within a particular neighborhood within the Project if the City determines elimination of parking on one or more sides of a street will significantly reduce traffic congestion. In all events, the Master Developer and/or any Subdeveloper shall have the right to restrict on-street parking in any CC&Rs or other recorded restriction or covenant.

7.11. **Public/Quasi-Public Purposes.** Master Developer shall not lose any Density from the Maximum Residential Units or the Maximum Non-Residential Space in the event any portion of the Property is used for Community Space, Local Parks, Neighborhood Parks, Community Parks, Trails, or used for a quasi-public use. Instead, the Density otherwise related to such area shall be used in any other portion of the Property pursuant to the SDD and the terms of this MDA.

7.12. **Tax Benefits.** The City acknowledges that Master Developer and/or a Subdeveloper may seek and qualify for certain tax benefits by reason of conveying, dedicating, gifting, granting or transferring Community Space and/or Trails to the City or to a charitable organization. Master Developer and/or Subdeveloper shall have the sole responsibility to claim and qualify for any tax benefits sought by Master Developer and/or Subdeveloper by reason of the foregoing. The City shall reasonably cooperate with Master Developer and/or Subdeveloper to the extent allowable under law to allow Master Developer and/or Subdeveloper to take advantage of any such tax benefits. The City does not offer tax advice and the Master Developer and Subdeveloper shall rely on its own independent review and analysis of tax issues.

8. **Public Improvements.**

8.1. **On-Site Infrastructure.**

8.1.1. **Installation and Construction of On-Site Infrastructure.** Master Developer and/or Subdeveloper shall design and construct or cause to be constructed and installed all portions of the On-Site Infrastructure pursuant to any Development Application approvals. If the City requests or requires Master Developer or Subdeveloper to oversize any On-Site Infrastructure for the benefit of any property located outside of the Property, the City and Master Developer and/or Subdeveloper will enter into a Reimbursement Agreement with terms and conditions acceptable to the Master Developer and/or Subdeveloper and the City whereby Master Developer and/or Subdeveloper will be reimbursed for the additional costs associated

with such oversizing.

8.1.2. Private Agreements for Infrastructure. Nothing herein shall prohibit or restrict Master Developer from entering into private agreements with Subdevelopers regarding the allocation of costs of On-Site Infrastructure among multiple Subdevelopers of the Property.

**8.2. Approval of Development Applications; Governing Nature of MDA.** Notwithstanding anything to the contrary in the City's Vested Laws, the City's Future Laws, and/or the Development Standards, (a) Master Developer and/or Subdeveloper shall not be obligated to file a subdivision plat or any other document related to the development of the Property as a condition of obtaining approval or permits related to the Backbone Infrastructure or to otherwise convey real property for Backbone Infrastructure, provided Master Developer and/or Subdeveloper shall convey the applicable property to the City using a metes and bounds description thereof (either through conveyance of an easement or conveyance in fee simple), and (b) the construction, installation and/or completion of any portion of the Backbone Infrastructure shall not be a condition to the approval of any Development Application or the issuance of any building permits by the City; provided, however, the City may delay the issuance of building permits for vertical improvements on the Property pursuant to health, life, and safety regulations, such as accessibility for fire trucks and availability of fire suppression water, or for snow plowing, ambulances, and utility trucks. In all events, Master Developer shall have all rights to construct any applicable Backbone Infrastructure in accordance with the terms of the Infrastructure Agreement.

**8.3. No Additional Off-Site Infrastructure Requirements.** Except as otherwise agreed to by City and the Master Developer in the Infrastructure Agreement, the City shall not, directly or indirectly, charge the Master Developer, its affiliates or successors, Subdevelopers or the Property any development fees, impact fees, water hookup fees, or any similar fees, charges, assessments or exactions for Off-Site Infrastructure for the development of the Project except as may be otherwise allowed by law and provided in this MDA.

**8.4. Water.** The City represents and acknowledges that sufficient water rights (including both culinary and secondary water) and water storage capacity shall, from and after the development of the first Parcel within the Property, exist to serve the Property with

sufficient water tanks and infrastructure that will provide appropriate and adequate water pressure, flow, and capacity to the Property for the Maximum Residential Units, the Maximum Non-Residential Space, all Civic Space, and all other uses for both indoor and outdoor water use and fire protection. City acknowledges and agrees that it shall be responsible to provide infrastructure to the Property relating to all types of water and water systems, including both culinary and secondary water. As such, there shall be no obligation on the Master Developer and/or any Subdeveloper to provide any water to or within the Property. For culinary water, Master Developer and any Subdevelopers shall not be required to dedicate or convey any water to the City, but shall pay the water connection fee related to culinary water as set forth on Exhibit G attached hereto. Upon payment of the culinary water connection fee, the City shall immediately provide sufficient culinary water for the use and development of the portion of the Property for which such fee was paid. For secondary water, Master Developer and any Subdevelopers shall be required to dedicate or convey to the City secondary water (or shares in a reasonably acceptable water company) in the amount required by the City's Future Laws at the time of the dedication or conveyance; provided, however in no event shall Master Developer or any Subdeveloper be required to dedicate or convey more than one (1) acre foot of water per commercial acre of the Property, or three (3) acre feet of water per residential acre of the Property. In addition, for secondary water, Master Developer or any Subdeveloper shall pay the water connection fee related to secondary water as set forth on Exhibit G attached hereto. Upon dedication or conveyance of the applicable secondary water, and payment of the secondary water connection fee, the City shall immediately provide sufficient secondary water for the use and development of the portion of the Property for which such water was dedicated and such fee was paid. In all events, no water shall be required to be dedicated or conveyed, and no connection fees relating to any water shall be required to be paid, unless and until a Plat is submitted, accepted, and recorded. Upon the submittal, acceptance, and recording of any Plat, only the secondary water required for the Parcel subject to the Plat shall be required to be dedicated or conveyed, and only the water connection fees required for the Parcel subject to such Plat shall be required to be paid. If the water infrastructure is insufficient to serve the Property, the City shall take reasonable steps to cause the water infrastructure to be upgraded to provide sufficient water capacity, pressure, and flow to the Property as it may be developed.

Notwithstanding the above and without waiving or releasing any of the obligations set forth above, Master Developer and/or Subdeveloper may provide its/their own water to the Property to augment the water provided by the City. Without waiving any rights or remedies against the City, if the City's representations are not accurate or if the City allows other developments to use water that diminish the water available to the Property that results in a decrease the quantity, flow, or pressure of water for culinary or fire protection services, and if Master Developer and/or Subdeveloper provide its/their own water to the Project or otherwise incur costs to augment the water service or infrastructure, the City shall reimburse the Master Developer and/or Subdeveloper in accordance with the terms of a reimbursement agreement in substantially the same form as attached to the Infrastructure Agreement.

9. **Cable TV/Fiber Optic/Data/Communications Service.** Notwithstanding the above and without waiving or releasing any of the obligations set forth above, Master Developer and/or a Subdeveloper may install or cause to be installed underground all conduits and cable service/fiber optic lines within the Project and underneath any public streets at no expense to the City. In such an event, the City agrees not to charge Master Developer and/or Subdeveloper any fees or costs associated with the installation of such conduits and cable, except reasonable fees associated with permits charged by the City for all such installations. In all events, the City shall have reasonable approval rights with respect to the exact location of the conduits and cable and the Master Developer and/or Subdeveloper and the City shall work together cooperatively and in good faith to identify such location. Any and all conduits, cable, lines, connections and lateral connections (except for conduit installed for public utilities, such as power, natural gas, culinary water, and sanitary sewer, that are installed by the City, which will be owned by the City) shall remain the sole and exclusive property of Master Developer or cable/fiber optic provider even though the roadways in which the cable/fiber optic lines, conduits, connections and laterals are installed may be dedicated to the City, and the City shall provide to Master Developer and/or any Subdeveloper (as applicable) an easement on, through, over, across, and/or under (as applicable) such publicly dedicated right-of-way for such conduits and cables (in a form, and of a substance, reasonably acceptable to the City and Master Developer and/or any Subdeveloper (as applicable)). In connection with the providing of private utilities to the Property, the City hereby agrees to work cooperatively and in good faith with any and all private utility providers

(including, without limitation, providers of cable, fiber optic, data, and other such utilities) to allow for the installation of same for the benefit and servicing of the Property.

10. **CC&Rs.** Portions of the Property may be subject to the CC&Rs. The content of any CC&Rs recorded against any portion of the Property may vary and/or change from the content of CC&Rs on other portions of the Property. Prior to the issuance of any building permits for residential, business, commercial or recreational use, but excluding infrastructure, any design review comment established in any CC&Rs, if applicable, shall certify to the City that the proposed permit complies with the any applicable design guidelines of such design review committee and is approved by such design review committee. Any CC&Rs may create a home owners association or similar group to govern certain aspects of the applicable portion of the Property (including any common areas) to which such CC&Rs apply. There shall be no obligation for any residential or commercial community within the Project to be governed by any such association or similar group. Notwithstanding any provision to the contrary in this agreement, the City shall have no duty to enforce CC&R's and/or any design guidelines related thereto and shall have no liability if it approves development in violation of such CC&R's and design guidelines or the CC&R's and design guidelines are not followed or are violated.

11. **Payment of Fees.**

11.1. **General Requirement of Payment of Fees.** Master Developer and/or a Subdeveloper shall pay to the City all fees in amounts specified in the City's Future Laws not to exceed the fees set forth in Exhibit G (but, the timing of the imposition and collection of such fees shall be governed by the City's Vested Laws).

12. **Construction Standards and Requirements.**

12.1. **Separate Security for Landscaping.** Security for the completion of those items of landscaping that are weather dependent may be, at the option of Subdeveloper, secured by a security instrument reasonably acceptable to the City separate from the security instrument used for the other portion of the public improvements as required by the City's Vested Laws.

12.2. **Building Permits.** No buildings or other structures shall be constructed within the Project without Master Developer and/or a Subdeveloper first obtaining building permits. Master Developer and/or a Subdeveloper may apply for and obtain a Land Disturbance

Permit following approval by the Planning Commission of a Detail Plan if Master Developer and/or a Subdeveloper has submitted and received a Notice of Intent from the Utah Pollution Discharge Elimination System (“NOI”), a Storm Water Pollution Prevention Plan, and a Land Disturbance Permit from the City Engineer. Any grading performed by Master Developer and/or a Subdeveloper pursuant to only a Land Disturbance Permit prior to the establishment of finished grades by a final approval shall be at the risk of Master Developer or the Subdeveloper, meaning that if there are any changes between the grade elevations created by the Land Disturbance Permit activities and the final, approved elevations then such changes must be made at the sole cost and expense of Master Developer or the Subdeveloper that created the discrepancy. Notwithstanding the above, the City waives any fees associated with Building Permits associated with any System Improvements, Backbone Infrastructure, or public Community Space.

12.3. **City and Other Governmental Agency Permits.** Before commencement of construction or development of any buildings, structures or other work or improvements upon any portion of the Project, Master Developer or a Subdeveloper shall, at its expense, secure, or cause to be secured, any and all permits which may be required by the City or any other governmental entity having jurisdiction over the work. The City shall reasonably cooperate with the Master Developer or a Subdeveloper in seeking to secure such permits from other governmental entities.

13. **On-Site Processing of Natural Materials.** Upon approval of the first final PUD or Subdivision within the Project, Master Developer and/or any Subdeveloper may use the natural materials located anywhere on the Project such as sand, gravel and rock, and may process such natural materials into construction materials such as aggregate or topsoil for use in the construction of infrastructure, homes or other buildings or improvements located within the Project. The City acknowledges that processing such material is not a conditional use and no permit or other approvals are required associated with the processing of any material related to the development of the Property; however, other approvals such as Stormwater Pollution Prevention Plans and a NOI shall be required. Processing material which is intended to be delivered to locations outside the Project is not permitted. In the event of any complaints by residents within the Project or of immediately adjacent property, Master Developer and Subdeveloper acknowledge and agree that they will work together with the City to mutually

agree upon conditions that may be placed on such activities to respond to such complaints and reasonably limit possible adverse impacts on adjacent property

14. **Provision of Municipal Services.** Upon dedication of the applicable infrastructure related thereto, the City shall provide all City services to the Project that it provides from time-to-time to other residents and properties within the City including, but not limited to, culinary water, police, fire and other emergency services. Such services shall be provided to the Project at the same levels of services, on the same terms and at the same rates as provided to other residents and properties in the City.

15. **Future Property Which May be Included in this MDA.** If Master Developer acquires any additional contiguous property that is not within the Property then such future property may be added to this MDA by approval of the Council, which approval shall not be unreasonably withheld, conditioned, or delayed. If approved by the Council, the terms and conditions of this MDA will govern such additional property whereby the additional property will be entitled to the vested rights and other rights and benefits granted herein to the Master Developer and the Property. Master Developer hereby acknowledges that the inclusion of any such additional land within the terms of this MDA shall be subject to any federal or state laws relating thereto.

16. **Default.**

16.1. **Notice.** If Master Developer or a Subdeveloper or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a Subdeveloper then the City shall also provide a courtesy copy of the Notice to Master Developer.

16.2. **Contents of the Notice of Default.** The Notice of Default shall:

- (a) **Claim of Default.** Specify the claimed event of Default;
- (b) **Identification of Provisions.** Identify with particularity the provisions of any applicable law, rule, regulation or provision of this MDA that is claimed to be in Default;
- (c) **Specify Materiality.** Identify why the Default is claimed to be material; and

(d) Optional Proposed Cure. If the City chooses, in its discretion, propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

16.3. **Meet and Confer, Mediation, Arbitration.** Upon the issuance of a Notice of Default, the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 6.13 and 6.14. If the claimed Default is subject to Arbitration as provided in Section 6.14 then the parties shall follow such processes.

16.4. **Remedies.** If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, and if the Default is not subject to Arbitration then the parties may have the following remedies:

(a) Legal Remedies. All rights and remedies available at law, including, but not limited to, action for monetary damages. To the extent permitted under applicable law, all rights and remedies available in equity shall also be available to the parties..

(b) Self-help. In the event of a default by the City, to the extent possible, Master Developer and/or Subdeveloper shall perform the City’s obligations. In such an event, the City shall reimburse the Master Developer and/or Subdeveloper for the costs incurred associated with the performance of the City’s obligations within thirty (30) days after written demand. If the City fails to reimburse the Master Developer and/or Subdeveloper within such thirty (30) day period, the amount due shall accrue interest at the Default Interest Rate. Notwithstanding the foregoing, if any amount owed by the City to the Master Developer and/or the Subdeveloper is not paid within ninety (90) days after such amount is due, Master Developer and/or the Subdeveloper shall have the right to exercise any remedies available under this MDA, at law or in equity against the City.

(c) Enforcement of Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

(d) Withholding Further Development Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Master Developer, or in the case of a default by a Subdeveloper, development of those Parcels owned by the Subdeveloper until the Default has been cured.



16.5. **Public Meeting.** Before any remedy in Section 16.4(c) may be imposed by the City the party against which the Default is alleged shall be afforded the right to attend a public meeting before the Council and address the Council regarding the claimed Default.

16.6. **Emergency Defaults.** Anything in this MDA notwithstanding, if the Council finds on the record that a default materially impairing and creating a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City, then the City may impose the remedies of Sections 16.4(c) and 18.4(d) without the requirements of Sections 16.3. The City shall give Notice to the Developer and/or any applicable Subdeveloper of any public meeting at which an emergency default is to be considered and the Developer and/or any applicable Subdeveloper shall be allowed to address the Council at that meeting regarding the claimed emergency Default.

16.7. **Extended Cure Period.** If any Default cannot be reasonably cured within sixty (60) days then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

16.8. **Cumulative Rights.** The rights and remedies set forth herein shall be cumulative.

16.9. **No Cross Default.** Notwithstanding any language to the contrary herein, the City hereby agrees that no default by Master Developer shall be deemed a default by, or shall in any way affect, any Subdeveloper and no such default shall by Master Developer shall in any way hinder, limit, stop, delay, impede, or obstruct any work of any Subdeveloper or any Development Application of any Subdeveloper. In no event shall the City have the right, in the event of any default by Master Developer, to condition or delay in any way the approval or any Development Application or any other approval or permit sought by any Subdeveloper until any such default by the Master Developer is cured. Correspondingly, notwithstanding any language to the contrary herein, the City hereby agrees that no default by Subdeveloper shall be deemed a default by, or shall in any way affect, Master Developer or any other Subdeveloper and no such default shall by such Subdeveloper shall in any way hinder, limit, stop, delay, impede, or obstruct any work of Master Developer or any other Subdeveloper or any Development Application Master Developer or any other such Subdeveloper. In no event shall the City have the right, in the event of any default by a Subdeveloper, to condition or delay in any way the

approval or any Development Application or any other approval or permit sought by Master Developer or any other Subdeveloper until any such default by defaulting Subdeveloper is cured.

17. **Notices.** All notices required or permitted under this MDA shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

**To the Master Developer:**

Suburban Land Reserve, Inc.  
Attn: President  
79 South Main Street, Suite 500  
Salt Lake City, Utah 84111

Robert C. Hyde, Esq.  
Kirton McConkie  
50 East South Temple  
Salt Lake City, Utah 84111

**To the City:**

Riverton City  
Attn: City Manager  
12830 South Redwood Road  
Riverton, Utah 84065

Riverton City  
Attn: Legal Department  
12830 South Redwood Road  
Riverton, Utah 84065

17.1. **Effectiveness of Notice.** Except as otherwise provided in this MDA, each Notice shall be effective and shall be deemed delivered on the earlier of:

(a) **Physical Delivery.** Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation of transmission receipt of the Notice.

(b) **Electronic Delivery.** Its actual receipt if delivered electronically by email provided that a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending party has an electronic receipt of

the delivery of the Notice.

(c) **Mail Delivery.** On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this MDA by giving written Notice to the other party in accordance with the provisions of this Section.

18. **Estoppel Certificate.** Upon ten (10) calendar days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate to any third party certifying that Master Developer or a Subdeveloper, as the case may be, at that time is not in default of the terms of this MDA.

19. **Entire Agreement.** This MDA, and all Exhibits thereto, is the entire agreement between the parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

20. **Headings.** The captions used in this MDA are for convenience only and are not intended to be substantive provisions or evidences of intent.

21. **No Third Party Rights/No Joint Venture.** This MDA does not create a joint venture relationship, partnership or agency relationship between the City and Master Developer. Further, the parties do not intend this MDA to create any third-party beneficiary rights. The parties acknowledge that this MDA refers to a private development and that the City has no interest in, responsibility for or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements at which time all rights and responsibilities for the dedicated public improvement shall be the City's.

22. **Assignability.** The rights, responsibilities, benefits, obligations, and burdens of Master Developer under this MDA may be assigned by Master Developer to any Subdeveloper, in Master Developer's sole discretion; provided, however, in the event that Master Developer's rights are assigned under this MDA to a single, separate, unaffiliated third party relating to more than thirty percent (30%) of the overall Property, then the City shall have the right to approve such assignee, which approval shall not be unreasonably withheld, conditioned, or delayed. The City's right to approve may be determined based on the reasonable capability of the assignee to assume all then-remaining obligations of Master Developer hereunder.

22.1. **Certain Sales not an Assignment.** Master Developer's selling or conveying lots in any approved Subdivision or Parcels to builders, users, or Subdevelopers, shall not be deemed to be an "assignment" unless specifically designated as such an assignment by the Master Developer.

22.2. **Related Party Transfer.** Master Developer's transfer of all or any part of the Property to any entity "related" to Master Developer (as defined by regulations of the Internal Revenue Service), Master Developer's entry into a joint venture for the development of the Project or Master Developer's pledging of part or all of the Project as security for financing shall also not be deemed to be an "assignment" subject to the above-referenced approval by the City unless specifically designated as such an assignment by the Master Developer. Master Developer shall give the City Notice of any event specified in this sub-section within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party.

22.3. **Notice.** Master Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request. Such Notice shall include providing the City with all necessary contact information for the proposed assignee. Notwithstanding the foregoing, the City shall not have any approval rights with respect to any assignment by Master Developer.

22.4. **Partial Assignment.** If any proposed assignment is for less than all of Master Developer's rights and responsibilities as it relates to any Parcel within the Property then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such partial assignment, Master Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

22.5. **Assignee Bound by this MDA.** Any assignee shall consent in writing to be bound by the assigned terms and conditions of this MDA as a condition precedent to the effectiveness of the assignment.

22.6. **Release of Master Developer.** Master Developer discloses and the City acknowledges that the Master Developer plans to all or portions of the Property and that Master Developer may not develop all or any portion of the Property itself. Instead the Property will be

developed by one or more Subdevelopers. As such, in the event Master Developer sells or conveys any portion of the Property, such sale shall be deemed a partial assignment and Sections 22.4 and 22.5 shall apply, and Master Developer shall be fully and completely released from any obligations whatsoever related to the portion of the Property sold.

23. **Binding Effect.** If Master Developer sells or conveys Parcels of lands to Subdevelopers or related parties, the lands so sold and conveyed shall bear the same rights, privileges, Intended Uses, configurations, and Density as applicable to such Parcel and be subject to the same limitations, obligations and rights of the City when owned by Master Developer and as set forth in this MDA without any required approval, review, or consent by the City except as otherwise provided herein. The City agrees that this MDA is a contract and contains contractual obligations of the City, and is fully enforceable and binding upon the City.

24. **No Waiver.** Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

25. **Severability.** If any provision of this MDA is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect; provided, however, if any of the City's representations, covenants, agreements, or obligations are invalidated, Master Developer shall have the right, in its sole and absolute discretion, to terminate this MDA and/or pursue any remedies available under this MDA.

26. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this MDA which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

27. **Time is of the Essence.** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.

28. **Mutual Drafting.** Each party has participated in negotiating this MDA and therefore no provision of this MDA shall be construed for or against either party based on which party drafted any particular portion of this MDA.

29. **Applicable Law.** This MDA is entered into in the City of Riverton, Salt Lake County, State of Utah, and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

30. **Venue.** Any action to enforce this MDA shall be brought only in the Third District Court for the State of Utah, Salt Lake County.

31. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Project. This MDA shall be deemed to run with the land. The data disk of the City's Vested Laws, Exhibit C, shall not be recorded in the chain of title. A secure copy of Exhibit C shall be filed with the City Recorder and each party shall also have an identical copy.

32. **Authority/Approval by Ordinance.** The parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, this MDA amends and supersedes certain provisions of the City's Vested Laws and is a land use ordinance pertaining to the Property and has been approved and adopted by the MDA Ordinance. The signature of the Mayor of the City is affixed to this MDA lawfully binding the City pursuant to the MDA Ordinance. Inasmuch as the MDA is approved by the MDA Ordinance and the terms and conditions of this MDA are in themselves adopted by ordinance through the City's legislative act, in the event of any conflicts between the terms and conditions of this MDA and any of the City's Vested Laws, Development Standards, or the City's Future Laws, or any other ordinances, rules, regulations, or orders adopted or promulgated by the City, the terms and conditions of this MDA shall govern and control. This MDA is approved and certified as having been properly and lawfully adopted in accordance with all applicable laws and ordinances by the City by the signature of the Mayor.

33. **Effectiveness of MDA.** This MDA shall not take effect until each of the following conditions has been complied with:

(1) The Riverton City Council has approved this MDA and any conditions attached to said approval have been met;

(2) The Mayor has executed this MDA on behalf of the City, and SLR has

executed this Agreement;

(3) The City Council has approved and the Mayor has executed that certain Development Agreement for Mountain View Place at Riverton by and between Riverton City and CenterCal Properties LLC, or its affiliates (the “Mountain View Place Development Agreement”), to govern the CenterCal Property, which Mountain View Place Development Agreement was approved by the Council as Riverton City Ordinance 15-25; and

(4) CenterCal Properties LLC, or its affiliates, has acquired ownership in real property defined as the “Initial Property” under the Mountain View Place Development Agreement. In the event CenterCal Properties LLC, or its affiliates, does not obtain title to the Initial Property by December 31, 2019, this MDA shall be of no further force and effect. This MDA shall not benefit the Property in any capacity if the Initial Property is not acquired by CenterCal Properties LLC, or its affiliates.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the parties hereto have executed this MDA by and through their respective, duly authorized representatives as of the day and year first herein above written.

**MASTER DEVELOPER:**

**CITY:**

SUBURBAN LAND RESERVE, INC.  
a Utah corporation

CITY OF RIVERTON,  
a Utah municipal corporation

By: *R. Steven Romney* *DM*  
Name: R. Steven Romney  
Its: President

By: *William R. Applegarth*  
Name: William R. Applegarth  
Its: Mayor

Attest:  
*Jay Johnson*  
Riverton City Recorder



APPROVED AS TO FORM  
*[Signature]*  
Riverton City Attorney



CITY ACKNOWLEDGMENT

STATE OF UTAH )

:SS.

COUNTY OF SALT LAKE )

On the 15<sup>th</sup> day of March, 2016, personally appeared before me Bill Applegarth, who, being by me duly sworn, did say that he is the Mayor of City of Riverton, a Utah municipal corporation, and that said instrument was signed in behalf of the City by authority of its governing body and said Mayor acknowledged to me that the City executed the same.

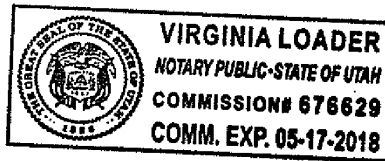
Virginia Loader  
NOTARY PUBLIC

My Commission Expires:

Residing at:

05-17-2018

Riverton, UT



MASTER DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH )

:ss.

COUNTY OF SALT LAKE )

On the 22nd day of March, 2017, personally appeared before me R. Steven Pomroy, who, being by me duly sworn, did say that he is the President of Suburban Land Reserve, Inc., a Utah corporation, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.



*[Handwritten Signature]*  
NOTARY PUBLIC

My Commission Expires:

Residing at:

4/22/2020

Salt Lake City

**TABLE OF EXHIBITS**

Exhibit A: Description of Property  
Exhibit B : Description of CenterCal Property  
Exhibit C: City’s Vested Laws  
Exhibit D: MDA Ordinance  
Exhibit E: SDD  
Exhibit F: Zoning Map  
Exhibit G: Fee Schedule  
Exhibit H: Modified Code Sections

**Exhibit A**

Description of Property

**All or some of the following real property is currently not owned by Master Developer. However, the City hereby agrees that the following real property shall automatically be included as part of the "Property" if and when acquired by Master Developer without any other need for any approvals.**

NORTH WEST PIVOT PARCEL  
164.857 ACRES

Affecting Tax ID. No. 27-31-300-002

BEGINNING AT THE CENTER OF SECTION MONUMENT FOR SECTION 31, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE SOUTH89°31'03"EAST 508.33 FEET ALONG THE QUARTER SECTION LINE TO THE WEST LINE OF THE WELBY CANAL AS DEFINED IN DOCUMENT ENTRY NO. 7502870; THENCE ALONG SAID CANAL THE FOLLOWING COURSES AND DISTANCES: SOUTH0°35'01"EAST 48.08 FEET, SOUTH01°22'54"EAST 216.06 FEET, SOUTH04°03'53"WEST 43.06 FEET, SOUTH0°26'02"WEST 136.53 FEET, SOUTH03°42'25"EAST 48.61 FEET, SOUTH0°11'42"WEST 245.31 FEET, SOUTH01°21'22"EAST 333.34 FEET, SOUTH0°05'39"EAST 369.70 FEET, SOUTH07°12'16"EAST 97.74 FEET, SOUTH14°39'01"EAST 50.07 FEET, SOUTH22°05'46"EAST 51.77 FEET, SOUTH28°08'34"EAST 97.81 FEET, SOUTH22°52'37"EAST 94.43 FEET, SOUTH13°04'33"EAST 295.98 FEET, SOUTH11°27'03"EAST 493.10 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 13400 SOUTH STREET; THENCE NORTH89°48'35"WEST 826.64 FEET; THENCE NORTH89°48'47"WEST 1060.80 FEET TO THE PROPERTY CONVEYED TO THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE MOUNTAIN VIEW CORRIDOR; THENCE ALONG SAID LINE THE FOLLOWING COURSES AND DISTANCES: NORTH0°01'46"WEST 3.40 FEET, NORTH89°55'00"WEST 73.23 FEET, NORTH89°48'43"WEST 55.753 FEET, NORTH87°16'17"WEST 52.05 FEET, NORTH86°29'14"WEST 105.88 FEET, NORTH84°56'44"WEST 105.88 FEET, NORTH04°45'17"EAST 6.45 FEET, NORTH85°14'43"WEST 58.96 FEET, SOUTH04°45'17"WEST 6.45 FEET, NORTH86°20'14"WEST 78.08 FEET, NORTH87°26'08"WEST 78.08 FEET, NORTH88°28'05"WEST 68.72 FEET, NORTH89°26'15"WEST 69.14 FEET, NORTH89°55'04"WEST 90.78 FEET, NORTH78°39'45"WEST 230.08 FEET, NORTH89°55'32"WEST 30.84 FEET, NORTH02°16'04"EAST 619.80 FEET, NORTH11°47'26"EAST 238.89 FEET, NORTH03°48'01"WEST 588.90 FEET, NORTH21°41'43"WEST 321.97 FEET, NORTH13°52'13"WEST 797.10 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH89°31'13"EAST 2442.31 FEET ALONG SAID LINE TO THE POINT OF BEGINNING, CONTAINING 164.857 ACRES.

*Ck by JJB 27 Jan. 2015*

NORTH EAST PIVOT PARCEL  
163.03 ACRES

Affecting Tax ID. No. 27-31-400-022

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE NORTH0°21'31"EAST 1311.43 FEET ALONG THE WEST LINE OF SAID SECTION TO A 1/16TH LINE; THENCE SOUTH89°59'12"EAST ALONG SAID LINE 494.79 FEET TO THE WEST LINE OF THE BANGERTER HIGHWAY; THENCE ALONG SAID LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH0°03'43"WEST 544.14 FEET TO A RIGHT-OF-WAY MONUMENT, SOUTH0°03'43"WEST 2239.29 FEET TO A RIGHT-OF-WAY MONUMENT AND A POINT OF CURVATURE TO A 3379.27-FOOT RADIUS CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE FOR A DISTANCE OF 543.24 FEET, (CHORD BEARING AND DISTANCE = SOUTH11°17'58"EAST 542.65 FEET), SOUTH13°01'29"EAST 203.89 FEET TO A POINT OF CURVATURE TO THE LEFT (CHORD BEARING AND DISTANCE = NORTH22°44'34"EAST 404.26 FEET) TO THE NORTH SIDE OF 13400 SOUTH STREET; THENCE NORTH89°58'29"WEST 122.35 FEET ALONG SAID LINE TO THE RIGHT OF WAY MONUMENT; THENCE SOUTH0°00'00"EAST 0.97 FEET; THENCE NORTH89°39'57"WEST 235.41; THENCE SOUTH0°20'03"WEST 49.73 FEET TO THE SECTION LINE; THENCE NORTH89°48'52"WEST 59.07 FEET ALONG SAID LINE; THENCE NORTH0°05'06"EAST 57.16 FEET; THENCE SOUTH89°50'13"WEST 408.11 FEET; THENCE NORTH89°48'32"WEST 1350.79 FEET; THENCE LEAVING SAID STREET NORTH0°14'25"EAST 206.10 FEET; THENCE NORTH49°39'39"WEST 196.10 FEET; THENCE SOUTH89°50'20"WEST 343.41 FEET TO THE EASTERLY LINE OF THE WELBY CANAL PROPERTY AS DEFINED IN DOCUMENT ENTRY NO.7502870; THENCE ALONG SAID LINE NORTH11°27'03"WEST 166.60 FEET, NORTH13°04'33"WEST 300.93 FEET, NORTH22°52'37"WEST 100.95 FEET, NORTH28°08'234"WEST 97.47 FEET, NORTH22°05'46"WEST 45.93 FEET, NORTH14°39'01"WEST 43.62 FEET, NORTH07°12'16"WEST 91.44 FEET, NORTH0°05'39"WEST 367.17 FEET, NORTH01°21'22"WEST 333.22 FEET, NORTH0°11'42"EAST 246.33 FEET, NORTH03°42'25"WEST 48.51 FEET, NORTH0°26'02"EAST 133.17 FEET, NORTH04°03'53"EAST 43.84 FEET, NORTH01°22'54"WEST 218.07 FEET, NORTH0°35'01"WEST 46.81 FEET TO THE SECTION LINE; THENCE SOUTH89°31'03"EAST 2098.02 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING, CONTAINING 163.03 Acres

*Ck by JJB 27 Jan. 2015*

SOUTH PIVOT PARCEL  
 287.584 ACRES  
 (Portion within Riverton-179.87 acres.)  
 (Portion within Herriman-107.71 acres)

Affecting Tax ID. No. 33-06-200-055,  
 33-06-100-044-4001, 33-06-100-047

BEGINNING AT A POINT WHICH IS SOUTH 0°16'25" EAST 45.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, BASIS OF

BEARING IS NORTH 89°48'47" WEST BETWEEN THE NORTH QUARTER CORNER OF SECTION 6 AND THE NORTHWEST CORNER OF SAID SECTION 6 AND RUNNING THENCE ALONG THE SOUTH LINE OF 13400 SOUTH STREET THE FOLLOWING COURSES AND DISTANCES: SOUTH 89°49'27" EAST 55.98 FEET, CURVE TO THE RIGHT, RADIUS = 2361.00 FEET, ARC = 56.04 FEET, CHORD BEARING AND DISTANCE = SOUTH 89°07'59" EAST 56.04 FEET, SOUTH 88°27'11" EAST 617.16 FEET, CURVE TO THE LEFT, RADIUS = 2439.00, ARC = 65.85, CHORD BEARING AND DISTANCE = SOUTH 89°13'36" EAST 65.85 FEET, NORTH 90°00'00" EAST 44.11 FEET TO THE WEST LINE OF THE PROVO RESERVOIR CANAL; THENCE ALONG SAID LINE SOUTH 0°02'54" EAST 34.90 FEET, SOUTH 04°42'22" WEST 427.97 FEET, SOUTH 06°07'09" WEST 19.62 FEET, SOUTH 04°56'39" WEST 116.10 FEET, SOUTH 01°31'26" WEST 114.94 FEET, SOUTH 03°33'13" EAST 85.79 FEET, SOUTH 04°49'22" EAST 397.90 FEET TO THE PROPERTY OWNED BY THE CITY OF RIVERTON, ENTRY NO. 10410754; THENCE ALONG SAID LINE SOUTH 81°24'06" WEST 20.23 FEET, SOUTH 08°35'54" EAST 78.27 FEET, SOUTH 22°22'32" EAST 296.56 FEET SOUTH 25°11'03" EAST 106.56 FEET SOUTH 20° 04'29" EAST 100.35 FEET, SOUTH 05°15'41" EAST 107.69 FEET, SOUTH 0°24'02" WEST 525.27 FEET, SOUTH 06°59'42" EAST 109.21 FEET, SOUTH 25°34'15" EAST 112.81 FEET, SOUTH 89°50'58" EAST 24.20 FEET; THENCE LEAVING SAID PROPERTY AND FOLLOWING ALONG THE WEST RIGHT-OF-WAY LINE OF THE PROVO RESERVOIR CANAL SOUTH 33°11'55" EAST 131.19 FEET, CURVE TO THE RIGHT, ARC = 260.93 FEET, CHORD BEARING AND DISTANCE = SOUTH 06°16'53" EAST 256.68 FEET, RADIUS = 416.50 FEET, CURVE TO THE LEFT, ARC = 120.63 FEET, RADIUS = 316.50, CHORD BEARING AND DISTANCE = SOUTH 09°43'03" WEST 119.90 FEET, SOUTH 01°12'03" EAST 236.80 FEET, CURVE TO THE LEFT, ARC = 197.64 FEET, RADIUS = 416.50 FEET, CHORD BEARING AND DISTANCE = SOUTH 14°47'43" EAST 195.79 FEET, SOUTH 27°32'12" EAST 155.63 FEET, SOUTH 26°33'53" EAST 103.31 FEET, SOUTH 30°37'30" EAST 106.96 FEET, SOUTH 28°31'46" EAST 115.09 FEET, SOUTH 29°35'10" EAST 33.08 FEET; THENCE LEAVING SAID LINE SOUTH 89°59'44" WEST 1463.88 FEET, SOUTH 0°16'25" EAST 99.91 FEET ALONG THE QUARTER SECTION LINE; THENCE SOUTH 89°59'44" WEST 1322.09 FEET; THENCE NORTH 0°21'29" WEST 100.00 FEET; THENCE SOUTH 89°59'44" WEST 855.76 FEET TO THE EASTERLY LINE OF THE PROPERTY CONVEYED TO THE UTAH DEPARTMENT OF TRANSPORTATION; THENCE ALONG SAID LINE CURVE TO THE RIGHT, RADIUS = 4480.00 FEET, ARC = 276.40 FEET, CHORD BEARING AND DISTANCE = NORTH 02°12'29" WEST 276.35 FEET, NORTH 0°26'26" WEST 1625.088 FEET, NORTH 03°20'26" EAST 400.51 FEET, CURVE TO THE LEFT, RADIUS = 15,241.00 FEET, ARC = 412.74 FEET, CHORD BEARING AND DISTANCE = NORTH 0°20'07" EAST 412.73 FEET, NORTH 0°26'26" WEST 943.66 FEET, NORTH 05°55'18" EAST 257.76 FEET, NORTH 78°43'37" EAST 195.01 FEET; THENCE SOUTH 89°46'40" EAST 76.75 FEET; THENCE LEAVING SAID LINE SOUTH 0°21'35" EAST 297.37 FEET; THENCE SOUTH 89°48'47" EAST 540.65 FEET; THENCE NORTH 0°21'38" WEST 92.98 FEET; THENCE SOUTH 89°48'47" EAST 187.72 FEET; THENCE NORTH 0°21'04" WEST 204.75 FEET TO THE SOUTHERLY LINE OF 13400 SOUTH STREET; THENCE ALONG SAID LINE SOUTH 89°52'27" EAST 341.51 FEET; THENCE NORTH 0°15'03" WEST 14.90 FEET THENCE SOUTH 89°48'47" EAST 799.31 FEET TO THE POINT OF BEGINNING, CONTAINING

287.584 ACRES.

Less and excepting that portion of property located in Herriman City.  
*Ck by JJB 27 Jan. 2015*

DRAINAGE POND 13-ACRE PARCEL  
9.132 ACRES

Affecting Tax ID. No. 33-06-200-067

BEGINNING AT A POINT WHICH IS NORTH 89°48'35" WEST 1326.43 FEET ALONG THE SECTION LINE AND SOUTH 0°16'10" EAST 57.00 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE SOUTH 0°16'10" EAST 388.85 FEET; THENCE NORTH 89°48'35" WEST 10.80 FEET; THENCE SOUTH 0°53'40" WEST 882.04 FEET; THENCE NORTH 89°06'20" WEST 414.70 FEET TO THE EASTERLY LINE OF THE PROVO RESERVOIR CANAL; THENCE ALONG SAID LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 22°37'25" WEST 17.77 FEET, NORTH 04°35'30" WEST 554.80 FEET, NORTH 03°51'05" EAST 695.26 FEET TO THE SOUTH LINE OF 13400 SOUTH STREET; THENCE ALONG SAID LINE NORTH 90°00'00" EAST 86.66 FEET TO A POINT OF CURVATURE TO A 1270.00-FOOT RADIUS CURVE TO THE LEFT; THENCE EASTERLY ALONG SAID CURVE 72.95 FEET, (CHORD BEARING AND DISTANCE = NORTH 88°21'11" EAST 72.94 FEET); THENCE SOUTH 89°48'35" EAST 282.38 FEET TO THE POINT OF BEGINNING, CONTAINING 13.23 ACRES.

*Ck by JJB 27 Jan. 2015*

Less and excepting:

Parcel No. 0182:112J  
Project No. MP-0182(6)  
Affecting Tax ID. No. 33-06-200-048

A parcel of land, in fee for a drainage facility incident to the construction of a highway known as Project No. MP-0182(6), being part of an entire tract of property, situate in Lot 2 of Section 6, T. 4 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the easterly boundary of said entire tract at a point 1,316.99 ft. S. 89°48'32" E. along the section line and 644.32 ft. S. 0°11'28" W. from the North Quarter Corner of said Section 6; and running thence S. 0°53'43" W. 236.05 ft. along said easterly boundary line; thence S. 44°45'07" W. 212.44 ft.; thence S. 89°45'07" W. 280.67 ft.; thence S. 4°55'01" E. 258.08 ft.; thence S. 13°18'18" E. 32.79 ft. to a point in the southerly boundary of said entire tract; thence N. 89°06'17" W. 21.06 ft. along said southerly boundary line to the southwest corner of said entire tract; thence along the westerly boundary line of said entire tract for the following three (3) courses 1) N. 22°51'44" W. 17.63 ft. 2) N. 4°29'48" W. 561.01 ft. 3) N. 4°22'31" E. 122.47 ft thence leaving said westerly boundary line S. 86°50'48" E. 385.09 ft; thence N. 89°45'07" E 82.31 ft. to the point of beginning as shown on the official map of said

project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 178,496 square feet in area or 4.098 acres, more or less.

(Note: Rotate all bearings in the above description 0°14'53" clockwise to match the above said Right of Way Control Line.)

*Ck by JJB 2 Feb. 2015*



EXHIBIT "A" B

CENTERCAL PROPERTY

**Riverton Overall Legal Description, (Parcel 1, Parcel 2 and Canal combined)  
3-16-2017 srv/cea**

Beginning at a point on the east right-of-way line of the Mountain View Corridor for the Utah Department of Transportation Project No. MP-0182(6) as described in a Quit Claim Deed recorded July 15, 2014 in Book 10245 at Page 5268 in the Salt Lake County Recorder's Office, said point also being South 89°34'03" East, along the Section Line, 534.33 feet and North 00°25'57" East 136.72 feet from the Southwest Corner of Section 31, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said east right-of-way line the following five (5) courses: (1) North 15°19'40" West 67.94 feet, (2) North 02°30'46" East 553.12 feet, (3) North 12°02'08" East 266.84 feet, (4) North 05°07'17" West 269.61 feet, (5) North 03°33'19" West 6.27 feet; thence South 89°25'15" East 2945.00 feet; thence South 00°32'06" West 647.62 feet to a point on a 149.87 foot radius curve to the right; thence Southwesterly 106.14 feet along said curve, through a central angle of 40°34'40" (chord bears South 20°49'07" West 103.94 feet); thence South 41°05'23" West 88.60 feet to a point on a 220.00 foot radius curve to the left; thence Southwesterly 156.03 feet along said curve, through a central angle of 40°38'06", (chord bears South 20°46'20" West 152.78 feet); thence South 00°27'17" West 239.36 feet to a point on a 66.72 foot radius curve to the right; thence Southwesterly 32.29 feet along said curve, through a central angle of 27°43'43", (chord bears South 10°52'13" West 31.97 feet) to the north right-of-way line of 13400 South Street; thence along said north right-of-way, North 89°34'44" West 220.46 feet to the north right-of-way of 13400 South Street as described in a Quit Claim Deed recorded March 19, 2012 in Book 10000 at Page 4080 in the Salt Lake County Recorder's Office; thence, along said north right-of-way line, the following eleven (11) courses: (1) North 88°17'31" West 500.73 feet, (2) North 89°33'54" West 325.00, (3) North 85°45'03" West 97.72 feet, (4) North 89°33'54" West 244.87 feet, (5) North 44°07'42" West 55.55 feet, (6) North 00°11'47" West 35.07 feet, (7) South 89°48'13" West 102.00 feet, (8) South 00°11'47" East 39.61 feet, (9) South 45°07'09" West 56.85 feet, (10) North 89°33'54" West 348.39 feet to a point on a 5861.83 foot radius curve to the right, (11) Northwesterly along said curve 141.13 feet through a central angle of 01°22'46", (chord bears North 88°52'31" West 141.13 feet), to the north right-of-way line of 13400 South Street as described in a Quit Claim Deed recorded May 11, 2010 in Book 9824 at Page 7738 in the Salt Lake County Recorder's Office; thence along said north right-of-way line the following ten (10) courses: (1) North 84°42'01" West 92.10 feet, (2) North 05°00'00" East 6.45 feet, (3) North 85°00'00" West 58.96 feet, (4) South 05°00'00" West 6.45 feet, (5) North 86°05'31" West 78.08 feet, (6) North 87°11'25" West 78.08 feet, (7) North 88°13'22" West 68.71 feet, (8) North 89°11'32" West 69.14 feet, (9) North 89°40'21" West 90.78 feet, (10) North 78°25'02" West 230.08 feet to the Point of Beginning.

Contains 3,520,733 Sq. Ft. or 80.82 Ac.

27-31-300-011

27-31-400-022

**Exhibit C**

City's Vested Laws

All of the City's current code provisions as of January 19, 2016. A copy of a portion of the City's Vested Laws is attached hereto.



# **Vested City Laws: Title 17 & 18**

**January 19, 2016**

**Title 17  
SUBDIVISIONS**

**Chapters:**

- 17.05 General Provisions**
- 17.10 Subdivision Processing and Approval Procedures**
- 17.15 General Subdivision Improvement Requirements**
- 17.20 Subdivision Standards**
- 17.25 Street Lighting**

**Chapter 17.05  
GENERAL PROVISIONS**

**Sections:**

- 17.05.010 Short title.
- 17.05.020 Purpose.
- 17.05.030 Definitions.
- 17.05.040 General considerations.
- 17.05.050 Evidence of public welfare.
- 17.05.060 Compliance required.
- 17.05.070 Revocation.
- 17.05.080 Penalty.
- 17.05.090 Appeals.
- 17.05.100 Severability.
- 17.05.110 Building and occupancy permits.
- 17.05.120 Subdivision types.

**17.05.010 Short title.**

This chapter shall be known and may be so cited and pleaded as the subdivision ordinance of Riverton City, Utah. Riverton City shall hereinafter be referred to as the "city." [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-A); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-A). Code 1997 § 12-325-005-A.]

**17.05.020 Purpose.**

- (1) To promote the health, safety, and general welfare of the residents of the city.
- (2) To promote the efficient and orderly growth of the city.

(3) To provide standards for the physical development of residential subdivision and construction of improvements thereon, including, but not limited to, the design and installation of roads, streets, curbs, gutters, drainage systems, water systems, and other public facilities and utilities; dedication of land and streets; granting easements or rights-of-way and to provide for the payment of fees and other charges for the authorizing of a subdivision. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-B); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-B). Code 1997 § 12-325-005-B.]

**17.05.030 Definitions.<sup>1</sup>**

"Applicant" means the owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the property owner.

"Block" means the land surrounded by streets and other rights-of-way (other than alleys), or land designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the city.

"Bond agreement" means an agreement, on forms approved by the city, wherever a bond is required by this title to install improvements secured by an escrow agreement with funds on deposit in an acceptable financial institution, a surety bond issued by a bonding company licensed to do business in the state of Utah, a cash bond with the city, or other instrument as approved by the city in an amount corresponding to the city's estimate of the cost of the public improvements to be installed.

"Building" means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

"Building official" means the appointed official responsible for the issuance of building permits and certificates of occupancy and for inspections of buildings under construction.

"City engineer" means the appointed official responsible for the engineering functions of the city as described in this title and in the policies and regulations of the city.

Collector Street. See "Streets."

"Concept plan" means a sketch or concept drawing created prior to the preliminary plat for subdivisions, to enable the subdivider to demonstrate general compliance with the city's ordinances and development regulations and policies. A concept plan is generally prepared for and is presented to the city's development review committee as described in this title.

"Developer/subdivider" means, as the case may be:

- (a) An applicant for subdivision approval;
- (b) An applicant for a building permit or another issued permit;
- (c) The owner of any right, title or interest in real property for which development or subdivision approval is sought.

"Development agreement" means a written contractual agreement between the city and the developer which sets forth the respective obligations of the city and the developer relative to a proposed project.

"Development review committee" means that group of persons or officials having subdivision responsibilities as outlined in this title. The committee includes, but is not limited to, representatives from the planning, engineering, public works, administration and fire departments or any other agency or entity that the city deems necessary or appropriate.

"Easement" means authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface or above the owner's property. Generally, unless specified otherwise, permanent structures may not be erected upon any easement.

"Fee schedule" means the list or appendix of fees adopted periodically by the governing body that sets forth various fees charged by the city.

"Final plat" means a map of a subdivision prepared for final approval and recordation, that has been accurately surveyed so that streets, alleys, blocks, lots and other divisions thereof can be identified, and meeting any other requirements of this title or the Utah Code.

"Flag lot" means a lot that has an irregular shape that results in access provided to the bulk of the lot by means of a narrow corridor.

"Flood, 10-year" means a flood having a 10 percent chance of being equaled or exceeded in any given year.

"Floodplain, 100-year" means that area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent Flood Insurance Rate Map published by the Federal Emergency Management Agency.

"General plan" means the comprehensive, long-range strategic plan for the future of the city and includes elements such as future land uses, transportation, housing, storm drainage, culinary water, secondary water, economic development, capital facilities plan and intergovernmental coordination.

"Greenbelt" is similar to a linear park that may or may not serve as an interlinking trailway or may serve as a buffer to agricultural practices. The greenbelt is generally a public right-of-way serving as visual and physical break between other land uses.

"Gross density" means a calculation of the number of lots per acre located within the entire subdivision area.

"Incompatible land uses" means any agricultural, rural residential, or commercial land uses which abut a residential use; any commercial use that abuts a rural residential use; or any commercial use that abuts an agricultural use.

"Lot" means a parcel or tract of land within a subdivision and abutting a public street, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.

"Minor subdivision" means a subdivision consisting of two or fewer lots.

"Natural drainage course" means an undulation in the earth where surface water runoff has etched a channel and directs water into larger watercourses.

"Net density" means the amount of buildable lots that are possible within a subdivision after the land areas needed for public rights-of-way are removed from the total acreage of the parcel.

"Parcel of land" means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same owner.

"Park strip" means the strip of land located within the public right-of-way between the sidewalk and the curb and gutter.

"Planned unit development" means a development pursuant to the regulations found in RCC Title 18, Land Use and Development.

"Planning commission" means the Riverton City planning commission.

"Planning department" means the department in the city authorized to oversee the planning and zoning functions of the city.

"Preliminary plat" means the initial formal plat of a proposed land division or subdivision and containing the information required by this title.

"Property owner" means the owner in fee simple of real property as shown in the records of the Salt Lake County recorder's office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entity authorized by the state of Utah, or any combination of the foregoing.

"Public improvements" means streets, curbs, gutters, sidewalks, water and sewer lines, storm drains and other similar facilities which are required to be dedicated to the city in connection with subdivision, conditional uses or site plan approval.

"Public right-of-way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

"Riverton City Standard Specifications and Plans Manual" means the city's construction standard specifications and plans regarding the installation of public improvements.

"Secondary water system" means any system designed and intended to provide, transport and/or store water used for watering of crops, lawns, shrubberies, flowers and other nonculinary uses.

"Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

Streets. See Chapter 18.05 RCC.

"Subdivider" means a person who:

- (a) Having interest in land, causes it, directly or indirectly, to be divided into a subdivision; or
- (b) Directly or indirectly sells, leases, or develops, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or
- (c) Engages directly, or through an agent, in the business of selling, leasing or developing, or offering for sale, lease or development, a subdivision; or
- (d) Is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing.

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for development either in installments or on any other plans, terms or conditions. Subdivision includes: (a) the division of development of land whether by deed, metes and bounds description, lease, map, plat or other recorded instrument; and (b) divisions of land for all residential and nonresidential purposes.

"Subdivision" does not include parcels that do not meet the minimum area and/or frontage requirements of the city's zoning regulations and are solely acquired as additions to existing lots or parcels. No building permits for any main structures shall be issued by the city on such "addition" parcels because of their noncompliance with the ordinances of the city.

"Subdivision, nonstandard" means any subdivision that meets the criteria of RCC 17.05.120.

"Trail" means a dedicated path, improved or unimproved, for the passage of pedestrians, nonmotorized vehicles or equestrian-related uses.

"Utilities" includes culinary and secondary water lines and systems, pressure and gravity irrigation lines and/or ditches, sanitary sewer lines, storm drain lines, sub-drains, electric, natural gas facilities, cable television and telephone transmission lines, underground conduits and junction boxes.

"Zoning ordinance" means the city planning and zoning ordinance as presently adopted and as amended hereafter by the city council. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-C); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-C). Code 1997 § 12-325-005-C.]

#### **17.05.040 General considerations.**

(1) Riverton City Zoning Map and General Plan. The Riverton City zoning map and general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvements of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, RCC Title 18, and other applicable ordinances.

(2) Conservation of Natural Features. Trees, native land cover, wetlands, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with RCC Title 18. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.

(3) Community Facilities. Community facilities, such as parks, recreation areas and transportation facilities, shall be provided in the subdivision in accordance with the general plan standards, this title, RCC Title 18, and other applicable ordinances. This title and RCC Title 18 establish procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public right-of-way, utility easements, and other public purposes. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-D); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-D). Code 1997 § 12-325-005-D.]

#### **17.05.050 Evidence of public welfare.**

Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood concerned; and the subdivider shall present evidence to this effect when requested to do so by the city. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-E); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-E). Code 1997 § 12-325-005-E.]

#### **17.05.060 Compliance required.**

(1) Sales of Portions of Subdivision Parcels. No person shall sell, exchange, or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, or record for building purposes in the office of the county recorder any subdivision plat unless the subdivision has been approved by the city according to the provisions of this title.

(2) All Lots Subject to Ordinances. All lots, plots, or tracts of land located within a subdivision shall be subject to the provisions of this title and RCC Title 18, regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the land. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-F); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-F). Code 1997 § 12-325-005-F.]

#### **17.05.070 Revocation.**

(1) In the event a subdivision approval is issued in violation of any Riverton City ordinance and the Riverton City council determines that the revocation of the subdivision approval would not violate state law, the city council may, by resolution, revoke the subdivision approval.

(2) Within five days after passage of the resolution revoking the subdivision approval, the city recorder shall send a copy of the resolution to the person or entity that received the approval at his last known or registered address by certified or registered mail, return receipt requested. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-G); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-G). Code 1997 § 12-325-005-G.]

#### **17.05.080 Penalty.**

(1) Violation of Ordinances. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any provision or section or part of this title shall be guilty of a class B misdemeanor and, upon conviction, the city shall pursue legal remedy to ensure compliance with this title, including, but not limited to, injunctory relief.

(2) Intentional Violations. Such persons, firm or corporation who intentionally violate this title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this title is committed, continued, or permitted by such persons, firm or corporation, and shall be punishable as herein provided. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-H); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-H). Code 1997 § 12-325-005-H.]

#### **17.05.090 Appeals.**

Appeals may be made to the board of adjustment from any interpretation of this title or any decision, determination or requirement of the planning commission, planning director, city engineer or public works director as it relates to any subdivision application hereunder by filing with the city recorder a notice thereof in writing within 14 days after such a decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider or other person deems himself or herself aggrieved. The applicant shall pay an appeal fee as provided in the city's fee schedule.

The city recorder shall, within 15 days after receipt of a written notice of appeal, schedule the appeal for hearing before the board of adjustment. Said appeal shall occur within a reasonable time after the city recorder commences to schedule the appeal, after coordinating an acceptable date and time with the board of adjustment, the appellant, and a city representative. Such hearing may be continued by order of the board of adjustment. The appellant shall be notified of appeal hearing date at least seven days prior to the hearing. After hearing the appeal, the board of adjustment may affirm, modify or reverse the decision, determination or requirement appealed, and enter any such orders as are in harmony with the spirit and purpose of this title and RCC Title 18. The board of adjustment shall notify the appellant in writing of its ruling. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the board of adjustment. The standard of review on appeal shall not be de novo, but shall be based on a review of the record to determine whether an appealable interpretation, decision, determination, or requirement is supported by ordinance and based upon substantial evidence. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-I); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-I). Code 1997 § 12-325-005-I.]

#### **17.05.100 Severability.**

If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this title. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-L); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-L). Code 1997 § 12-325-005-J.]

#### **17.05.110 Building and occupancy permits.**

(1) It shall be unlawful for any person to receive a building permit for any phase of development until a plat for that phase is recorded and all improvements required by the city for that phase except sidewalks and street lighting are completed to Riverton City standards, accepted by authorized city inspectors, and approved by the city council for a performance/warranty bond release. Where a bond was not initially required and posted, the city council shall approve the inspection and acceptance of improvements by authorized city inspectors, following which the developer shall post a warranty bond of 10 percent of the cost of the improvements, with cost and bonding method as stipulated by the city engineer.

Certain exceptions to this may be granted by the city council based on seasonal delays to installation of asphalt. In such situations, additional requirements may be imposed by the council.

(2) A certificate of occupancy may not be granted until all of the requirements of subsection (1) of this section have been satisfied and sidewalk and street lighting are installed, inspected, and accepted by authorized city inspectors.

(3) Building permits may be issued for model homes on a case-by-case basis once a plat has been recorded for that phase with approval of the city engineer, fire marshal, water operations director, and building official. Final residential occupancy of a model home shall only be granted once the development has satisfied the conditions in subsections (1) and (2) of this section. [Ord. 15-23 § 1 (Exh. A); Ord. 9-26-06-1 § 1 (Exh. B); Ord. 4-1-03-1 § 1; Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-M); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-M). Code 1997 § 12-325-005-M.]

#### **17.05.120 Subdivision types.**

(1) Designation of Subdivision. Where a subdivision application is accepted as complete, the planning director shall determine of which type the subdivision is, from one of the following:

(a) Minor Subdivision. Any subdivision that has three or fewer lots.

(b) Commercial Subdivision. Any subdivision that is not for the purpose of single-family residential lots.

(c) Single Stage Subdivision. Any subdivision of 20 or fewer lots which is being developed as a single phase, and does not meet the requirements of a minor subdivision.

(d) Amended Plat. Any plat having been previously recorded and applying to change the boundaries of one or more lots, change a street or right-of-way, or adding property and lots. If property is added to the amended plat, the verbiage "Amending and Extending..." shall be added.

(e) Private Lanes – Subdivision on Private Lane. Any subdivision of land which has primary access from a private lane or right-of-way.

(f) Preliminary Plats. Preliminary plats shall follow the requirements as set forth in RCC 17.10.010, including RCC 17.10.010(9), Notification.

(g) Final Plats. Final plats shall follow the requirements as set forth in RCC 17.10.020(3) and (4).

(2) Private Streets and Rights-of-Way.

(a) Public Street Systems Encouraged. Public street systems shall be encouraged for access to all residential dwelling sites. However, the city recognizes that there are cases where it is impossible or impractical to develop the lot according to normal subdivision standards. In situations where insufficient land access exists for a public street system, a conditional use for a private lane or right-of-way may be approved by the planning commission.

(b) Subdivision for Lots on Private Lanes. Subdivisions on private lanes or rights-of-way may be developed in any residential zone where at least two of the following conditions exist (subsections (4)(b)(i) or (ii) and (iii) of this section). All subdivisions on private lanes shall submit the same materials that are required for standard subdivisions and shall be approved via the process for standard subdivisions.

(i) A lot of record which is preexisting and has no frontage or adequate property to construct a public street; or

(ii) It can be demonstrated by the applicant that the property cannot be physically subdivided with public streets, either now or in the foreseeable future; and

(iii) The development does not impede the necessary access from adjoining properties as required by the master transportation plan. [Ord. 15-23 § 1 (Exh. A); Ord. 4-3-01-1 § 1 (Exh. A § 12-235-010-N); Ord. 8-17-99-1 § 1 (Exh. A § 12-325-010-N); Ord. 2-3-98-1 § 1 (Exh. A § 12-325-010-N). Code 1997 § 12-325-005-N.]

<sup>1</sup>Cross-reference: Definitions, Chapter 18.05 RCC.

## Chapter 17.10 SUBDIVISION PROCESSING AND APPROVAL PROCEDURES

Sections:

- 17.10.010 Preliminary plat.
- 17.10.020 Final plat.
- 17.10.030 Improvements and dedications.
- 17.10.040 Recordation and limitations.
- 17.10.050 Geographic information system.

**17.10.010 Preliminary plat.**

(1) Preliminary Consultation. Each person who proposes to subdivide land in the jurisdiction of the city shall prepare a site analysis and a concept plan, and request a consultation with planning department staff before preparing any plats, charts, or plans, in order to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.

(2) Preapplication Conference Submission. Submission for consultation with planning staff shall include one copy of a concept plan at a scale of no less than one inch equals 50 feet, and one 11-inch by 17-inch reduction of the plan with the following information:

(a) A site analysis plan showing the following features to within 500 feet of any portion of the subject property:

- (i) Significant natural and manmade features;
- (ii) The property boundaries of the proposed subdivision;
- (iii) The names of adjacent property owners;

(b) A concept plan illustrating the proposed name of the subdivision, a proposed lot and street layout, a description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA, and the total acreage of the entire tract proposed for subdivision; the total number of lots proposed and the proposed gross or net density of the subdivision.

(3) Zoning Requirements. Before the preliminary plat is submitted for processing, the subdivider shall comply with all zoning ordinances regulations to accommodate intended lot size and type of development.

(4) Development Review Committee (DRC). Before submittal of an application, preliminary plats shall be reviewed by the development review committee. Plats which have not been reviewed by the development review committee (DRC) shall not be reviewed by the planning commission.

(5) Preliminary Plat Filing. A preliminary plat shall be prepared in conformance with the standards, rules, and regulations contained herein and shall be submitted to the Riverton City planning department and any other special service districts which provide service to the area proposed for development.

(6) Preliminary Plat Application Fee. At the time of filing the preliminary plat, the subdivider shall pay to the city a nonrefundable fee. The city council shall prescribe by resolution from time to time the amount of such fee, which shall be for the purpose of defraying expenses incidental to and in connection with the



checking and reviewing of such preliminary subdivision plats.

(7) Preliminary Plat Requirements. The preliminary plat shall be drawn to a scale not smaller than one inch equals 50 feet, and shall be on standard 22-inch by 34-inch ("D" size) paper. The plat shall include:

- (a) The proposed name of the subdivision and approximate address (there shall be no duplication of subdivision names within the city and all names shall be approved by the city).
- (b) The subdivision location as forming a part of a larger tract or parcel. Where the plat submitted includes only a portion of a larger tract or only a part of a parcel or parcels of the same owner, a schematic plan of a prospective major street system shall be prepared showing logical connections to and through the larger parcel in conformance with the adopted transportation master plan. The preliminary plat shall show all adjoining property owners.
- (c) Sufficient information to accurately locate the property shown on the plat including the nearest section corner tie. A copy of the county ownership plat relating to the proposed subdivision and a legal description of the parcel must also be submitted.
- (d) The names and addresses of the subdivider(s), the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- (e) Contours at two-foot intervals to show the topography of the land.
- (f) The boundary lines and total acreage of the tract to be subdivided including total acreage proposed for subdivision as well as the boundary lines of adjacent tracts within 200 feet of any part thereof, showing ownership and property monuments.
- (g) The location, dimensions, and other details of all existing streets and other important features such as utility easements, railroad lines, watercourses (including irrigation canals and ditches), canal weirs, exceptional topography, bridges and buildings within the tract or within 200 feet thereof.
- (h) Existing sanitary sewer lines, storm drains, water supply mains, secondary water lines, and surface water control structures within the tract or within 200 feet thereof. A commitment in writing may be required from the appropriate agencies that utility services will be available for the project.
- (i) The locations, widths, and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces dedicated to the public or designated for private use.
- (j) The flood hazard boundary per the Federal Flood Insurance Administration and as approved by the Salt Lake County Flood Control District, when applicable.
- (k) When any new development creates an incompatible land use there shall be a fenced and/or landscaped area along the entire lot(s) adjacent to the incompatible use created by the new development compliant with RCC 18.155.080.
- (l) North arrow, scale, date, name of project, and sheet number shown on each sheet of the plans (i.e., one of five sheets).
- (m) A tentative plan for providing street lighting in the subdivision.
- (n) A review copy of proposed protective covenants.
- (o) Compliance with existing zoning and conformance with the city's general plan including the transportation and future land use elements.
- (p) A preliminary storm drainage study and plan by which the subdivider proposes to handle stormwater drainage.
- (q) The proposed layout, dimension and numbering of all lots, including a surveyor's certificate indicating compliance of all lots with zoning requirements.
- (r) Fencing as required along appropriate subdivision boundaries, including where adjacent to incompatible uses or canal easements.
- (s) The proposed methods of providing all secondary water systems relating to the properties, including a full consideration of all runoff water conditions and any adjacent canal weirs that will need access provided.
- (t) Traffic analyses and studies as required.
- (u) Plan showing any required landscaping and/or park strip tree planting, including an irrigation plan for all publicly maintained facilities or areas.
- (v) Special attention for entries from an arterial into the proposed subdivision shall consist of landscaping and/or formal entry signs or some form of demarcation as to the entry of that subdivision.
- (w) *Repealed by Ord. 15-23.*
- (x) Copies of any agreements with adjacent property owners relevant to the proposed subdivision, including disposition of all ditches, weirs, waterways, etc., that are on or directly adjacent to the proposed project.
- (y) Evidence of how the subdivision provides linkages and/or connections to surrounding neighborhoods for vehicles and pedestrians, including, but not limited to, the use of stub streets, trails, pedestrian walkways or other paths.
- (z) A soil report, based upon adequate test borings and excavations, shall be required prior to preliminary approval of any subdivision plat.
- (aa) Satisfactory evidence that all utilities and services will be available for the subdivision and the utilities and easements therefor have been reviewed by

the utility companies.

(bb) The subdivider shall comply with all other applicable federal, state, and local laws and regulations and shall provide evidence of such compliance if requested by the city.

(8) Complete Preliminary Plat. A preliminary plat application shall not be deemed complete until all submittals are accepted by the planning department and the planning director together with the city engineer have agreed that the application is complete. At such point, the city staff shall have four weeks to complete the initial review and redline the drawings to ensure evidence compliance with city ordinances and specifications.

(9) Notification. Once all redlines have been corrected, the planning department shall mail to all owners of property located within 300 feet of the boundary of the proposed subdivision a written notice of the time, date, and place where the planning commission will review and consider the subdivision proposal. The subdivider shall have the sole responsibility to provide mailing information to the planning department for each and all property owners within 300 feet for mailing the required notice. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

(10) Preliminary Plat Approval. The preliminary plat shall be reviewed during a public hearing by the planning commission and shall approve; approve with conditions; or deny the plat based on the regulations found within this section within 45 days after its presentation to the commission. If modified, the planning commission shall take action within 45 days of the presentation of the latest modification. If approved, the city shall provide written approval with whatever conditions are attached. If the preliminary plat is not approved, the planning commission shall indicate its disapproval in writing and reasons therefor by a similarly signed copy. Upon the planning commission's action, the subdivider is authorized to proceed with the preparation of the final plat.

(11) Time Limitation. Approval of the preliminary plat by the planning commission shall be effective for a maximum period of one year after approval unless upon application of the subdivider the planning commission grants an extension. If the final plat has not been submitted within one year, or within the approved extension period (a maximum of six months), the preliminary plan must again be submitted to the planning commission for reconsideration. However, preliminary approval of a large tract shall not be voided; provided, that the final plat of the first phase is submitted for final approval within the one-year period unless changes in the original preliminary plat are required to accommodate changes in planning objectives advocated by the city. [Ord. 15-23 § 1 (Exh. A); Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-020-A.]

#### **17.10.020 Final plat.**

(1) Final Plat Application Fee. At the time of submitting the final plats, the subdivider shall pay to the city a nonrefundable fee. The city council shall prescribe, by resolution, from time to time, the amount of such fee, which shall be for the purpose of defraying expenses incidental to checking and reviewing the plat and engineering inspections of the future subdivision.

(2) Final Approval. After compliance with the provisions for preliminary plat approval, the subdivider shall submit all required application materials, including four full-size copies of the proposed final plat for review by staff.

(3) Submittal Process for Final Approvals.

(a) The subdivider shall provide in addition to all required application material four copies of a complete set of profiles, construction and design data of all streets, existing and proposed, and all utilities to be constructed within the subdivision, and furnish such information to the city with the final plat for review. These shall be prepared by a registered engineer not employed by the city. All construction drawings and details shall conform to the city's adopted regulations and the Riverton City Standard Specifications and Plans Manual. All construction drawings and details must be approved by the city engineer before his signature is entered on the final plat. The city engineer shall determine the amount of bond or other security to assure construction of improvements.

(b) Unless otherwise indicated during preliminary plat approval, after approval and recommendation by the city staff, the final plat shall be submitted to the planning commission for consideration at a regularly scheduled public meeting. Upon their vote of approval the commission shall authorize the mayor to sign the final plat which is to be attested by the city recorder.

(4) Final Plat Requirements. The final plat shall be prepared on Salt Lake County recorder's office approved medium and specifications. The plat shall be so drawn that the top of the sheet faces either north or west, whichever accommodates the drawing. The plat shall include the following information:

(a) A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters.

(b) *Repealed by Ord. 15-23.*

(c) A north arrow, scale of the drawing, and the date.

(d) Accurately drawn bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.

(e) The widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys and easements.

(f) The boundaries bearing the dimensions of all portions within the subdivision as intended to be dedicated to the use of the subdivision as intended to be dedicated to the use of the public.

(g) The lines, dimensions, bearings, and numbers of all lots, blocks and parts reserved for any reason within the subdivision.

(h) Lot Numbers. All lots are to be numbered consecutively as approved by the city.

(i) The developer shall provide an address number to each residential structure as approved by Salt Lake County. Addresses may not end in zeros. The

subdivider may provide names for streets, but such names shall be cleared through the Salt Lake County auditor's office by the subdivider and approved by the city.

(j) *Repealed by Ord. 15-23.*

(k) Parcels of land to be dedicated as public parks or to be permanently reserved for private common open space shall also be titled "public park" or "private common open space," whichever is applicable.

(l) The plat shall be drawn utilizing the Riverton City standard plat template for all subdivision plats.

(m) At the time of submission for approval by the city, the final plat shall bear notation by all outside agencies from which a signature is required, and shall remain in the city's possession until recorded. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-020-B.]

#### **17.10.030 Improvements and dedications.**

(1) **Requirements Before Recordation.** The improvements required by this title shall be constructed, installed and maintained by the subdivider until accepted by the municipality prior to recording the final plat in the office of the county recorder, unless the construction, installation, and maintenance is guaranteed in the manner provided in this title. Improvements shall not be installed or constructed until their design and specifications have been approved by the city.

(2) **Guarantee of Improvements.** In lieu of the actual completion and acceptance by the city council of the improvements required by this title, the subdivider shall guarantee the installation and construction of the required improvements within one year from the date of recordation of the final plat by one or more of the following methods:

(a) **Bonds.** In order to ensure that the development will be constructed to completion in an acceptable manner, the applicant (owner) shall enter into a bond agreement to guarantee construction of dedicated improvements. Said bond agreement shall include either an escrow deposit, letter of credit, or surety bond issued by a bonding company licensed to do business in the state of Utah, which posts or deposits a financial guarantee with the city in an amount equal to 100 percent of the costs to construct dedicated improvements, as estimated by the city engineer. All financial instruments offered to the city to ensure the construction of public improvements shall be approved as to legal form by the city attorney. The agreement and escrow deposit shall assure timely construction and installation of all required public improvements. Developer may not seek release of individual public improvements from coverage under the bond agreement before all public improvements are ready to be dedicated. The developer may request partial bond releases of whole categories of improvements within the bond. Ninety percent of the entire bond may be released when 100 percent of the site is complete, inspected, accepted by the city and approved by the city council. The remaining 10 percent will be held to insure that the improvements shall be maintained in a state of good repair for a period of 12 months from the date of completion and acceptance by the city inspector for all improvements bonded. The final release must receive approval by the city council.

(b) **Inadequate Bond.** If the bond proceeds are inadequate to pay for the cost of the completion of the improvements according to the city's standard of specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with the city council's approval, a new, satisfactory bond has been executed and delivered to the city or other satisfactory arrangements have been made to insure completion of the remaining improvements.

(c) **Electronic Version of As-Constructed Drawings.** Prior to acceptance of the subdivision, as-constructed drawings shall be turned in to the city engineer in both an electronic format which is acceptable to the city engineer and in 22-inch by 34-inch drawings.

(3) **Acceptance of Dedicated Streets and Improvements.** The dedication of the streets and other improvements required by this title shall be deemed an offer by the subdivider which shall be kept open for at least two years and may not be withdrawn during that time. The city shall accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the improvements required by Riverton City Standard Specifications and Plans Manual and the improvements comply with the minimum requirements of Riverton City Standard Specifications and Plans Manual at the time of acceptance. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 07-13 § 1; Ord. 9-26-06-1 § 1 (Exh. C); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-020-C.]

#### **17.10.040 Recordation and limitations.**

(1) **Responsibility for Recordation of Plat.** When finally approved, the city recorder shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No final plats shall be recorded in the office of the county recorder, and no lots included in such final plat shall be sold or exchanged, unless and until the plat is properly approved, signed, and accepted by the city.

(2) **Changes on Plats without Approval.** It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has received approval by any person whose approval is required. Any plat that is changed in violation of this subsection is void and the subdivider may, upon conviction thereof, be punished to the extent of the law for violation of a misdemeanor. In addition, the city may compel the person recording the plat to withdraw the plat from the county recorder's office or to file a notice, or the city may itself file a notice that the recordation of the plat is void. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-020-D.]

#### **17.10.050 Geographic information system.**

(1) **Purpose.** The requirements contained herein relate to the submission of data to the city for further development of the city's geographic information system, in order to facilitate the planning and management of the city.

(2) **Submission Requirements.** At the time of the applicant's 90 percent bond release, the applicant shall provide as-built drawings in formats described in subsection (4) of this section. If the applicant for the bond release is not the original applicant of record for a project, the applicant for the bond release shall still bear responsibility for submission of GIS data to the city as described herein. These drawings shall include the following:

- (a) Roadway system (stop signs, stop lights, street signs, street lights, speed limit signs, centerlines, curb and gutter, sidewalks).
  - (b) Culinary water system (fire hydrants, water meters).
  - (c) Secondary water system (secondary water stop and wastes).
  - (d) Lots (closed boundary, lot number, lot size, address).
  - (e) Dedicated land (parks, trails).
  - (f) Landscape (trees).
- (3) The city reserves the right to request further information as directed by the city engineer.
- (4) Data Formats. Electronic data formats of data required by this section shall be submitted in a format acceptable to the city engineer.
- (5) Construction Projects. Construction projects extending into the public right-of-way, where underground utilities could be identified, shall be required to submit geographic data on the utility or item in the aforementioned formats. The city reserves the right to request further information as directed by the city engineer.
- (6) Exemptions. Single-lot residential projects or applications that are not installing new or modifying existing utilities are exempt from GIS submittal requirements. Construction projects limited to single service laterals are also exempt. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 5-1-01-1 § 1 (Exh. B). Code 1997 § 12-325-020-E.]

**Chapter 17.15  
GENERAL SUBDIVISION IMPROVEMENT REQUIREMENTS**

Sections:

- 17.15.010 Subdivision layout.
- 17.15.020 Lots.
- 17.15.030 Permanent improvements.
- 17.15.040 *Repealed.*
- 17.15.050 *Repealed.*
- 17.15.060 Order of making improvements.

**17.15.010 Subdivision layout.**

- (1) General Plan. The subdivision layout shall conform to the city's general plan.
- (2) Conservation of Natural Features, Historic Spots, and Landmarks. Where trees, groves, waterways, scenic points, historic spots or other city assets and landmarks, as determined by the planning commission, are located within a proposed subdivision, reasonable steps should be taken to preserve these features.
- (3) Railroad Rights-of-Way. Where a railroad right-of-way abuts a subdivision, the plat shall make provisions for future grade separations whenever the city shall find such a requirement to be necessary.
- (4) Width of Blocks. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this title, unless the general layout of the vicinity, line of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.
- (5) *Repealed by Ord. 15-23.*
- (6) Neighborhood Connections. The city will require the use of connecting streets, pedestrian walkways, trails, and other methods of providing logical connections and/or linkages between neighborhoods. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-030-A.]

**17.15.020 Lots.**

- (1) Developable and Buildable Lots. All subdivisions should result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, problems of sewage, driveway grades or other physical conditions.
- (2) Frontage and Rear Lots. All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, except for flag lots which may be reduced below the required frontage and only if a flag lot creation does not reduce the parent parcel below the minimum lot frontage. Land dedicated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.
- (3) Side Property Lines. Side lines of lots shall be at approximately right angles to the street line, or radial to the street line.
- (4) Corner Lots. Corner lots for residential use should be platted 10 percent larger than interior lots in order to facilitate conformance with the required street setback for both streets.
- (5) City Limit Lines. A lot shall not be divided by a city limit line. Each property boundary line shall be made a lot line.
- (6) Property Remnants. Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for

common open space, private utility, public purpose, or other purpose approved by the city.

(7) Double Frontage Lots. Residential lots shall not be allowed to front onto arterial and collector streets. Where lots double front on an arterial or collector street, as determined by the master transportation plan, the following requirements shall apply:

(a) Curb, Gutter and Sidewalk, and Park Strip. Curb, gutter, sidewalk and park strip shall be installed the length of the property to Riverton City standards as specified in the Riverton City Standard Specifications and Plans Manual, and as approved during the subdivision approval process.

(b) *Repealed by Ord. 15-23.*

(c) Collector Street Fencing. Collector street fencing shall be installed along arterial or collector streets. Collector street fencing shall be compliant with Chapter 18.155 RCC. [Ord. 15-23 § 1 (Exh. A); Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-030-B.]

#### **17.15.030 Permanent improvements.**

The subdivider of any land located in or platted as a subdivision shall, at his own expense, install the following improvements in compliance with preliminary and/or final plat approval and the specifications contained in the Riverton City Standard Specifications and Plans Manual:

##### **(1) Water Systems.**

(a) No subdivision shall be approved or allowed that does not connect onto an approved public water system with adequate capacity and pressure to supply the water needs of the proposed subdivision. The city shall determine whether the water system is adequate in both capacity and pressure. If the water system is not adequate, the subdivider shall be required to improve the water system at his own cost to bring the water system up to an adequate level of capacity and pressure. The subdivider shall also install through the utility easement, at his own expense, all off-site water pipelines, equipment, and pump stations necessary to connect with and make available the existing water supply distribution system of the city. Service lines shall not be placed in driveway approaches. Stop and waste valves shall be in private property and shall not be placed in park strips. The bonding provisions of RCC 17.10.030 shall apply to this section.

(b) The subdivider shall install water lines to make the supply of water available to each lot within the subdivision, including laterals to the utility easement of each lot. The location and size of water mains shall be approved by the city engineer. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed city streets.

(c) Existing mains must be relocated if in conflict with proposed subdivision.

(d) The subdivider shall pay to the city a per acre charge for the development of off-site capital storm drainage facilities as required by Chapter 18.205 RCC, Impact Fees.

(2) Secondary Water Shares. The subdivider shall install a secondary water system sufficient to meet the outside watering needs of each lot within the subdivision. The city shall determine whether the designed secondary water system is adequate in both capacity and pressure. The secondary water system shall meet all requirements and specifications as shall be recommended by the Riverton City Standard Specifications and Plans Manual. In addition, the developer shall dedicate to the city secondary water shares in the amount of three acre-feet per developed acre.

##### **(3) Sewage Disposal.**

(a) The subdivider shall connect to the sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the South Valley Sewer District.

(b) The subdivider shall also install all needed off-site lines to connect with the existing sewer system, furnished by the South Valley Sewer District. Such sewer connections, lines and subdivision sewer systems shall comply with the regulations and specifications of the South Valley Sewer District. Disposal of sewage other than connection to a system approved by the South Valley Sewer District shall not be allowed.

##### **(4) Stormwater.**

(a) The subdivider shall comply with the requirements of the Riverton City storm drain master plan, and all applicable Riverton City ordinances and standards regarding storm water management.

(b) Subdividers shall be required to provide on-site detention as required by the Riverton City Standard Specifications and Plans Manual and as approved by the city engineer. In conditions where unusual topography or other exceptional conditions exist, variations and exceptions from this subsection may be made by the city after the recommendation of the city engineer; provided, that such variations and exceptions may be granted without substantially impairing the intent and purpose of this subsection.

(5) Street Grading and Surfacing. All public streets shall be graded and surfaced in accordance with the Riverton City Standard Specifications and Plans Manual.

(6) Curbs, Gutters, and Sidewalk. Concrete curbs and gutters shall be installed by the subdivider on existing and proposed streets in accordance with all the appropriate specifications adopted by the city council. This subsection applies to all subdivisions.

(7) Concrete sidewalks shall be constructed by the subdivider to the specifications adopted by the city council and as required by the Riverton City Standard Specifications and Plans Manual. Sidewalks shall be in compliance with the transportation master plan.

(8) Driveway Approaches. For single-family homes, approaches shall be a minimum of 18 feet and a maximum of 35 feet in width and shall be constructed of

concrete or comparable hard surface, as approved by the building official, from a roadway up to the garage or approved parking area. Driveway approach width shall be measured at the face of curb or at the edge of roadway asphalt if no curb exists. A maximum of one driveway access shall be permitted per lot unless the following conditions apply:

- (a) The second driveway is more than 25 feet from the main driveway; and
- (b) The second drive does not access an arterial or collector street, unless approved by the city engineer.

(9) Park Strips. All public rights-of-way shall have a park strip of a minimum of five feet wide. Tree plantings shall be in compliance with Riverton's approved street tree master plan.

(10) Irrigation Water. All gravity flow ditches through which water will continue to flow within or adjoining a subdivision after its completion, whether to serve as irrigation water and/or tail water to or from any adjacent property, shall be piped and shall be approved by the city engineer. Irrigation ditches which do not carry irrigation water and/or waste flow may be abandoned. A letter of approval from the ditch company must be submitted to the city for ditch modifications or abandonment.

(11) Fire Hydrants. Fire hydrants shall be installed as required. Such fire hydrants shall be of the type, size, and number as required by Riverton City, and installed in such locations as approved by the city engineer. A fire hydrant shall be placed at the end of every cul-de-sac.

(12) Street Signs. The subdivider shall furnish and install all necessary street marker and traffic control signs as defined by Riverton City standards and specifications and approved by the city engineer.

(13) Fencing. Perimeter fencing compliant with RCC 18.155.090 shall be installed. In addition, temporary construction fencing shall be installed along boundaries or where required to contain blowing refuse prior to the start of building construction as recommended by the city engineer. Upon installation and approval of the permanent fence by the city, individual property owners shall assume full responsibility for maintenance of fences or portions of fences constructed upon their property and shall hold the city harmless for any and all defects of workmanship, maintenance, repair, and liabilities of any nature arising from the construction or intended use of said fences. In situations where a temporary construction fence and a nonclimbable permanent fence coincide, the nonclimbable permanent fence shall take the place of the temporary construction fence and shall be constructed prior to the beginning of home construction within the subdivision. Where necessary, collector and arterial street fencing shall also be installed as per RCC 18.155.150(2).

(14) Staking of Lots. Survey stakes shall be placed at both front and back lot corners to completely identify the lot boundaries on site. Back lot corners shall be marked with a rod driven into the ground, and front lot corners shall be identified with permanent plugs in the back of the curb. All lot corners must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to ensure that all lot corners are in place prior to the final inspection of the house.

(15) *Repealed by Ord. 15-23.*

(16) Road Improvements. All subdividers regulated under this section shall install right-of-way improvements which comply with the Riverton City Standards and Specifications Manual and as approved by the city, along any Riverton City, county or state public street leading to or connecting with the subdivision.

(17) *Repealed by Ord. 15-23.*

(18) Utilities. All utility lines shall be underground in designated easements. No pipe, conduit, cable, water lines, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction. Existing overhead power lines in minor subdivisions or three or fewer lots may be maintained provided they do not obstruct any proposed right-of-way.

- (a) Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.
- (b) Transformers and high voltage power lines shall not be placed under the footprint of any building.
- (c) Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.
- (d) Prior to construction, contact must be made with Blue Stakes to identify underground utility lines. [Ord. 15-23 § 1 (Exh. A); Ord. 15-02 § 1 (Exh. A); Ord. 12-17 § 1; amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 6-2-98-1K § 1; Ord. 2-3-98-1 § 1 (Exh. A), Code 1997 § 12-325-030-C.]

#### **17.15.040 Lots not fully improved.**

*Repealed by Ord. 15-23. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A); Ord. 10-7-97-2 § 1. Code 1997 § 12-325-030-D.]*

#### **17.15.050 Emergency repairs.**

*Repealed by Ord. 15-23. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A), Code 1997 § 12-325-030-E.]*

#### **17.15.060 Order of making improvements.**

Underground utilities, culinary and secondary water laterals and sewer laterals and fire hydrants shall be installed prior to surfacing the streets and installing road base. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A), Code 1997 § 12-325-030-F.]

## SUBDIVISION STANDARDS

### Sections:

- 17.20.010 Streets and bridges.
- 17.20.020 Natural drainage and irrigation water.
- 17.20.030 Parks, school sites, and other public places.
- 17.20.040 *Repealed.*

### 17.20.010 Streets and bridges.

(1) Relation to Adjoining Street System. The subdivider shall locate streets within the subdivision so that the streets will connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided.

#### (2) Standards.

(a) Major and collector streets shall conform to the location and width designated on the transportation element of the general plan and the official map accompanying the element wherever a subdivision falls in an area for which such a plan has been adopted.

(b) The minimum right-of-way width of streets within a subdivision shall be based on the transportation master plan, the Riverton City Standards and Specifications Manual, and as approved by the planning commission.

(c) Minor terminal streets (cul-de-sacs) shall not be longer than 1,000 feet from the centerline of the adjoining street to the center of the cul-de-sac, or as determined by the city. Each cul-de-sac must be terminated by a turnaround of not less than 80 feet in diameter. If surface water drains into the turnaround, due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate turning area shall be provided as follows:

(i) Where the street dead-ends into a subsequent phase of the same subdivision, a temporary paved 80-foot-diameter turnaround and a permanent easement of right-of-way on the property shall be required.

(d) Streets along a subdivision boundary shall be constructed to city standards, except that with the approval of the planning commission, the right-of-way line may be contiguous with the front of sidewalk.

(e) Partial street right-of-way width shall be considered only if full asphalt and curb and gutter improvements are installed on both sides of the road. The city may allow a partial right-of-way only when the above-described improvements are installed.

(f) All proposed streets, whether public or private, shall conform to the Riverton City Standard Specifications and Plans Manual. [Ord. 15-23 § 1 (Exh. A); Ord. 15-13 § 1 (Exh. A); Ord. 13-11 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-040-A.]

### 17.20.020 Natural drainage and irrigation water.

#### (1) Standards.

(a) Natural Drainage and Other Easements. Public utility easements shall be provided on every lot, including a 10-foot easement on front and rear property lines, and a seven-and-one-half-foot easement on side property lines. Drainage easements may be required as determined by the city. Where natural drainage channels or wetlands controlled by the State Engineer and/or the U.S. Army Corps of Engineers cross a subdivision, the subdivider must obtain the necessary permits to modify such drainage facilities from the appropriate agencies.

(b) Irrigation Water. No gravity flow open irrigation ditches shall be permitted within the boundary of a subdivision or minor subdivision. All necessary irrigation ditches, whether used for the purpose of transporting irrigation or waste flow water, must be maintained within a subdivision or minor subdivision, and must be replaced with a pipe culvert. The developer of a subdivision must provide for the rights of all irrigation users, both upstream and downstream of the proposed development. Notification of and coordination with downstream water users in the area of the subdivision shall be the responsibility of the developer. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-040-B.]

### 17.20.030 Parks, school sites, and other public places.

(1) Standards. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds, greenbelts, trails and other areas for similar public use as recommended by the city's adopted general plan. [Ord. 15-23 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-040-C.]

### 17.20.040 Planned developments – Special provisions.

*Repealed by Ord. 15-23. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 2-3-98-1 § 1 (Exh. A). Code 1997 § 12-325-040-D.]*

## Chapter 17.25 STREET LIGHTING

### Sections:

- 17.25.010 Street lighting.
- 17.25.020 Subdivision requirements.
- 17.25.030 –
- 17.25.080 *Repealed.*

### 17.25.010 Street lighting.

This chapter defines the general requirements for street lighting improvements to be built by the subdivider. All fixtures and installation procedures shall conform to IES Lighting Handbook, Section 14, Roadway Lighting, and the American National Standard Practice for Roadway Lighting, ANSI/IES RP-8 and the current edition of the National Electrical Code (NEC). [Ord. 15-23 § 1 (Exh. A); Code 1997 § 12-400-005.]

**17.25.020 Subdivision requirements.**

All subdivisions are required to install and dedicate to the city a residential street lighting system according to city-approved standards and specifications. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification. Code 1997 § 12-400-010.]

**17.25.030 Residential standard (5,600 lumens/150-foot right-of-way).**

*Repealed by Ord. 15-23. [Amended during 2011 recodification. Code 1997 § 12-400-015.]*

**17.25.040 Minor collector standard (9,500 lumens/60-foot right-of-way).**

*Repealed by Ord. 15-23. [Amended during 2011 recodification. Code 1997 § 12-400-020.]*

**17.25.050 Major collector standard (16,000 lumens/80-foot right-of-way).**

*Repealed by Ord. 15-23. [Amended during 2011 recodification. Code 1997 § 12-400-025.]*

**17.25.060 Major arterial standard (27,500 lumens/106-foot right-of-way).**

*Repealed by Ord. 15-23. [Amended during 2011 recodification. Code 1997 § 12-400-030.]*

**17.25.070 Standards for all lights.**

*Repealed by Ord. 15-23. [Code 1997 § 12-400-035.]*

**17.25.080 Additional specifications.**

*Repealed by Ord. 15-23. [Code 1997 § 12-400-040.]*

**Title 18  
LAND USE AND DEVELOPMENT**

**Chapters:**

- 18.05 Definitions
- 18.10 Establishment of Zones
- 18.15 Agriculture Zones
- 18.20 R-1 Residential Zone
- 18.25 RR-22 Residential Zone
- 18.30 R-2 Residential Zone
- 18.35 R-3 Residential Zone
- 18.40 R-4 Residential Zone
- 18.45 RM-6 Residential Zone
- 18.50 RM-8 Residential Zone
- 18.53 RM-8-D Residential Zone
- 18.55 RM-14 Residential Zone
- 18.57 RM-14-D Residential Zone
- 18.60 RM-18 Residential Zone
- 18.65 Downtown Commercial (C-D) Zone
- 18.70 Gateway Commercial (C-G) Zone
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- 18.80 Professional Office Commercial (C-PO) Zone
- 18.85 Regional Commercial (C-R) Zone
- 18.90 Table of Commercial Uses
- 18.95 Manufacturing Zones
- 18.100 Planned Commercial Center (PCC) Zone
- 18.105 Parks and Open Space (P-OS) Zone
- 18.110 Sensitive Area Overlay (OV-SA) Zone
- 18.115 Groundwater Protection Overlay (OV-GP) Zone
- 18.120 Elderly Housing Overlay (OV-EH) Zone
- 18.125 Specific Development Districts
- 18.130 *Repealed*



- 18.135 General Regulations
- 18.140 Performance Standards
- 18.145 Automobile Parking
- 18.150 Sign Regulation Ordinance
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- 18.185 Sexually Oriented Businesses
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- 18.190 Home Occupations
- 18.195 Conditional Uses
- 18.200 Nonconforming Buildings, Uses and Lots
- 18.205 Impact Fees
- 18.210 Development Agreements
- 18.215 Site Plan Review and Standards
- 18.220 Regulatory Provisions
- 18.225 Accessory Structures

**Chapter 18.05  
DEFINITIONS<sup>1</sup>**

Sections:

- 18.05.010 Description.
- 18.05.020 Words not defined.
- 18.05.030 Definition of terms.

**18.05.010 Description.**

For the purposes of this title, certain words and terms have meaning in a broad context: words used in the present tense shall include future and past tenses; words used in singular number shall include the plural, and the plural shall include the singular; the word "used" or "occupied" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation," as well as an individual. The word "lot" includes the words "plot" or "parcel." [Amended during 2011 recodification, Code 1997 § 12-115-05.]

**18.05.020 Words not defined.**

Words in this title but not defined herein shall have meaning as defined in any other ordinance adopted by the city if such definition exists within another ordinance. If a word or phrase is not defined in this title, or any other ordinance adopted by the city, then that word or phrase shall be interpreted according to its plain and ordinary meaning as defined by dictionary. Words or phrases must also be interpreted in harmony with other provisions of the Riverton City Code. Where ambiguity exists, legislative history and other resolutions, ordinances, or policies adopted by city elected or appointed officials may be considered for guidance. [Amended during 2011 recodification. Code 1997 § 12-115-10.]

**18.05.030 Definition of terms.**

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title:

"Adjacent landowners" means any property owner of record according to the records of the county recorder, whose property adjoins or abuts. Lands separated by a public right-of-way, easement or private access way shall be considered as adjacent for the purposes of this title.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, including the grazing and pasturing of domestic animals, but not including any agricultural business or industry.

"Agricultural industry or business" means an industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, commercial milk production, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.

"Alley" means a public thoroughfare less than 25 feet wide.

"Animals and fowl for recreation and family food production" means the keeping of animals for the exclusive use of persons residing on the lot; provided, that the number of animal units maintained for food production at any one time shall not exceed that required to supply the household needs for a one-year period.

Animal Unit. Each horse and cow or other similar large domestic animal shall be counted as one animal unit. Each medium size domestic animal such as sheep

and goats shall be counted at a ratio of five per animal unit. Small domestic animals and fowl shall be counted at a ratio of 10 per animal unit, except dogs and cats.

"Basement" means enclosed room or space, fully or partially underground. A basement shall be counted as an above-ground story if it is one-half or more above finished grade.

"Block" means the land surrounded by streets and other rights-of-way other than an alley, or land designated as a block on any recorded subdivision plat.

"Boardinghouse" means a building with not more than five guest rooms where, for compensation, meals are provided for at least five but not more than 15 persons.

Bona Fide Division of Agricultural Land for Agricultural Purposes. The division of agricultural land into three or more lots may be made upon written petition of such findings as follows by a landowner, and for which the planning commission makes the following findings:

(a) No urban services will be required for said division of agricultural land.

(b) The purpose and use of each of the lots in the division shall be for agriculture, not for investment, building development, recreational use, cabin or other housing use, livestock feed yard, or agricultural industry or business.

(c) Each of the parcels created has access to an existing public street or to a private street approved by the planning commission and the city council.

(d) Each of the lots created shall be found to be capable of producing an income from the sales of agricultural products sufficient to justify its existence as a separate agricultural entity now or in the future. Among the controlling factors used in making a decision as to whether a division of land is or is not a bona fide division or partition of agricultural purposes, the planning commission and the city council shall make findings as to the availability of water for irrigation or stock watering purposes; the class of the soil and the depth of the soil mantle; the slope of the land; past history of agricultural production, and the present state of agricultural technology.

(e) The division shall not result in the creation of any lots or parcels less than five acres in area.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

"Building, accessory" means a detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

"Building height" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

"Building line" means a line parallel to the front, side or rear lot line and established at the point where that lot line is closest to any part of the building or structure exclusive of the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and ornamental features which do not project into a yard more than two and one-half feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers which do not project into a yard more than five feet.

"Building, main" means the principal building or one of the principal buildings housing a principal use upon a lot.

"Building occupancy front" means that side of a commercial or industrial building which is normally the primary access or architectural front of the structure. Only one building occupancy frontage can be designated for each public street that abuts the property and each such designation shall be subject to approval of the planning commission.

"Building official" means individuals designated by the city council to handle code compliance.

"Carport" means a structure at least 20 feet by 20 feet for sheltering vehicles not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

"Check cashing" means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state pursuant to the Check Cashing Registration Act, including deferred deposit lenders, as defined herein. "Check cashing" shall not be construed to include the activities of depository institutions or persons who cash a check in a transaction that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or \$1.00.

"City" means Riverton City, Utah, Municipal Corporation, a body politic with perpetual existence unless reincorporated according to Utah law.

"City council" means the city council of Riverton City, Utah.

"City engineer" means any registered civil engineer so appointed or employed by the city council.

"Conditional use" means a use of land for which a conditional use permit is required, pursuant to this title.

"Condominium" means the ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas and facilities of the property. For regulation purposes, the development of a condominium project is treated by Utah state law and by this code as a subdivision, and condominium developments must comply with the subdivision regulations of this code.

"Cul-de-sac" means a minor terminal street provided with a turnaround.

"Dedication" means land set aside by an owner for any general and public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner through the

presentment for filing of a plat showing the dedication thereon.

"Deferred deposit loan" means a transaction where:

(a) A person:

(i) Presents to a deferred deposit lender a check written on that person's account; or

(ii) Provides written or electronic authorization to a deferred deposit lender to effect a debit from that person's account using an electronic payment; and

(b) The deferred deposit lender:

(i) Provides the person described above an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction; and

(ii) Agrees not to cash the check or process the debit until a specific date.

"Dwelling" means any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartment hotels, boardinghouses, lodging houses, tourist courts, and mobile homes.

"Dwelling, farm or ranch" means a building to provide housing for migratory or temporary farm workers, persons permanently working on a farm or ranch, or for family members of the main household who are engaged full-time in operating a farm or ranch.

"Dwelling, multifamily" means a building arranged or designed to be occupied by three or more families.

"Dwelling, single-family" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

"Dwelling, two-family" means a building arranged or designed to be occupied by two families, the structure having two dwelling units.

"Dwelling unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one kitchen or set of cooking facilities, other than hot plates or other portable cooking units.

"Easement" means that portion of a lot or lots reserved or granted for the present or future use by a person or agency other than the legal owner or owners of said properties. The easement may be for use under, on or above the surface of said lot or lots.

"Family" means one person living alone or four or more persons related by blood, or related by marriage or adoption, according to the laws of the state of Utah; or a group not to exceed four unrelated persons living together as a single housekeeping unit.

"Final plat" means the final drawing of a subdivision and dedication prepared for filing with the Salt Lake County recorder being in compliance with all the requirements set forth in this title.

"Frontage" means the property fronting one side of the street between intersecting or interception streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary; measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

"Garage, private" means a building at least 20 feet by 20 feet designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwellings units in the multiple dwelling.

"Garage, public" means a building or a portion thereof, other than a private garage, designed or used for servicing, repairing equipment, hiring, selling or storing motor-driven vehicles.

"Geographic information system (GIS)" is an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information. Riverton City utilizes ArcView/ArcInfo and compatible systems and data.

"Geographic information system (GIS) data" means locational and descriptive data of geographic features, in a format compatible with ArcView and ArcInfo software and hardware.

"Guest house" means a separate dwelling structure without kitchen facilities located on a lot with one or more main dwelling structures and used for housing of guests or servants, but not rented, leased, or sold separate from the rental, lease, or sale of the main building.

"Home occupation" means a use conducted by persons residing on the same lot as their dwelling, which use is clearly incidental and secondary to the use of the premises for residential purposes and which does not change the residential character thereof, and in connection with, any display of merchandise, stock in trade or trade equipment does not detract from the established neighborhood environment. In general, a home occupation is an accessory use so located that the average neighbor, under normal conditions, would not be aware of its existence.

"Household pet" means an animal or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats, canaries, but not including a sufficient number of animals to constitute a kennel as defined in this title.

"Improved frontage" means improvements including, without limitation, curb, gutters, sidewalks, paved streets (including tie-in to curb and gutter), stormwater

facilities, piped irrigation systems, water lines, fire hydrants and sewer lines installed across the full lot width on all public streets, and private streets approved by the city council.

"Junkyard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

"Kennel" means the keeping of three or more dogs or cats six months old.

"Lot" means a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title, having improved frontage upon a public street or an improved private right-of-way.

"Lot area" means the total gross land area of a parcel of land not including street right-of-way dedicated to the public.

"Lot, corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of the intersection or interception does not exceed 130 degrees.

"Lot depth" means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

"Lot line, front" means, for an interior lot, the lot line adjoining the street, for the corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

"Lot line, rear" means, ordinarily, that line of a lot which is opposite and distant from the front line of the lot. In the case of a triangular, or gore-shaped lot, a line 10 feet in length within the parcel, parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.

"Lot line, side" means any lot boundary line that is not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a front lot line.

"Lot width" means the horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

"Master plan" means the official plan adopted by the city pursuant to Section 10-9-20, Utah Code Annotated 1953.

"Master street plan" means a plan labeled "Master Street Plan of the City," adopted by the city pursuant to the laws of the state of Utah.

"Mobile home" means a detached single-family dwelling unit of not less than 30 feet in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower or both, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy, except for connections to utilities and other work. Pre-sectionalized, modular, or prefabricated houses not placed on permanent foundations shall be regarded as mobile homes. If placed upon a permanent foundation, such structures that meet all applicable building and housing codes shall not be considered as mobile homes, but shall be regulated as conventional housing.

"Mobile home lot" means a lot within a mobile home subdivision, designed and to be used for the accommodation of one mobile home.

"Mobile home park" means a space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of this title.

"Mobile home space" means a space within a mobile home park, designed and to be used for the accommodation of one mobile home.

"Mobile home subdivision" means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by the mobile homes exclusively.

"Modular home" means a permanent dwelling structure built in prefabricated units, which is assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classified as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

"Motel" means a building or group of buildings for the drive-in accommodation of transient guests, comprised of individual sleeping or living units, and designed and located to serve the motoring public.

"Natural waterways" means those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the city engineer.

"Noncompatible use of land" or "noncompatible zone" means a use of land or zone that is determined to be or of potentially being in conflict with, or of adverse impact to, adjoining parcels. Adjoining uses which differ in activity, intensity and utilization or which are contrary to harmonious uses may be determined as noncompatible at the discretion of the planning commission, and shall include without limitation:

(a) The shared border between any residential zone, other than rural residential zone, and:

(i) A rural residential zone,

(ii) An agricultural zone,

- (iii) Any commercial zone,
- (iv) Any professional office zone;
- (b) The shared border between any commercial zone and any noncommercial zone;
- (c) The shared border between any planned community zone and any other zone;
- (d) The shared border between any industrial zone and any other zone.

"Nonconforming building or structure" means a structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance or zoning changes, the building or structure no longer conforms to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.

"Nonconforming use" means the use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land has changed, and because of one or more subsequent land use ordinance changes the use does not conform to the regulations that now govern the use of the land.

"Official map" means a map adopted by the city council under the provisions of Utah state law.

"Parking lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

"Parking space" means space within a building, lot, or parking structure for the parking or storage of one automobile.

"Person" means any individual, corporation, partnership, firm, or association of individuals, however styled or designated.

"Planned unit development (PUD)" means an integrated design for development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

"Planning commission" means the planning commission of Riverton City, Utah.

"Plat" means a map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

"Protection strip" means a strip of land bordering both the boundary of a subdivision and a street within the subdivision, but not at the end of a street, which, if approved by agreement with the city council, may be held by the subdivider for the purpose of controlling the access of property by owners abutting the subdivision.

"Public use" means any use owned or controlled by federal, state, or local government.

"Quasi-public use" means any use not for profit, which, in the opinion of the planning commission and city council, benefits the public as a whole.

"Recreational coach" means a vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, camp car, or other vehicle with or without motor power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed and for use of human habitation.

"Story" means the space within a building included between the surface of any floor and the surface of the ceiling next above it.

"Story, half" means a story with at least two of its opposite sides situated in a slopping roof, the floor of which does not exceed two-thirds of the floor immediately below it.

"Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by the proper public authority, or a thoroughfare not less than 30 feet wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.

"Street, collector" means a street, existing or proposed, of considerable continuity, which is the main means of access of the major street system.

"Street, major" means a street, existing or proposed, which serves, or is intended to serve, as a major traffic way, functioning as a controlled-access highway, expressway, thoroughfare, or other equivalent use comprising the basic structure of the vehicular circulation system.

"Street, marginal access" means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection for through traffic.

"Street, minor" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

"Street, private" means a thoroughfare within a subdivision which has been reserved by dedication to the subdivider to lot owners to be used as a private access to serve the lots platted within the subdivision. Private streets shall comply with the adopted street construction standards of the city and shall be maintained by the subdivider or other private agency.

"Structural alteration" means any change in supporting members of a building or structure, such as bearing walls, columns, beams and girders.

"Structure" means anything constructed or erected either above or below ground, which requires location on the ground attached to something having a location on the ground.

"Subdivider" means any person, including a corporate person, who undertakes to create a subdivision.

"Subdivision" means the division created since regulations were promulgated in the local jurisdiction of any tract, lot or parcel of land as an undivided tract by one individual or by joint tenants in common or by an entirety, into three or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of sale, lease, or of building development. This definition shall not include bona fide division or partition of agricultural land larger than five acres for agricultural purposes nor shall it include or apply to any cemetery or burial plot, while used for that purpose, or the allocation of land in the settlement of an estate, or to a court decree for the distribution of property. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as herein defined.

For the purpose of these regulations, a subdivision of land shall include: (a) the dedication of a road, highway or street through a tract of land which may create a division of lots or parcels constituting a subdivision except for a bona fide division for agricultural purposes; (b) further division of land heretofore divided or platted into lots, sites, or parcels for the purpose of building development whether immediate or future.

"Subdivision, cluster" means a subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the least provisions of this title, and in which a significant part of the land is privately reserved or dedicated as permanent open space.

"Subdivision, large lot" means a subdivision of land where parcel sizes are one acre or larger, but which do not meet the requirements of division for agriculture.

"Subdivision, minor" means the division of land that meets the following conditions:

- (a) The subdivision consists of fewer than five lots.
- (b) The subdivision has sufficient frontage on an existing public street to meet the minimum width requirements for each lot as provided in this title.
- (c) The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the master plan, major street plan, or on the official map.
- (d) Each of the lots in the subdivision meets width and area requirements of this title, or has been granted a variance from such requirements by the board of adjustment, under power of the board granted in this title and Chapter 2.80 RCC.
- (e) The lots are not part of a minor subdivision approved less than three years earlier.

"Subdivision, one lot" means the creation of a single lot being the third or more division of land from the original parcel.

"Subdivision, planned development" means the creation of three or more land uses or separate land parcels which may or may not continue to be held by the subdivider for sale or lease as part of an approved plan where development, maintenance, and ownership of land and improvements are defined by agreement with all users of the parcels. Condominiums, planned unit developments, cluster subdivisions, and similar projects shall be classified as planned development subdivisions for the purposes of this title.

"Title loan" means a loan secured by the title to a motor vehicle, mobile home, or motor boat, as defined by state statute. "Title loan" does not include a purchase money loan or loan made in connection with the sale of a motor vehicle, mobile home, or motor boat.

"Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types including water-based or "hookah" pipes, and any other item designed for the smoking, ingestion, or preparation of tobacco products.

"Tobacco products" means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

"Tobacco retailer" means any person or business who sells, exchanges or offers to sell or exchanges for any form of consideration tobacco, tobacco products, and/or tobacco paraphernalia, and either devotes 20 percent or more floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

"Tourist court" means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

"Trailer camp" means any area or tract of land used or designed to accommodate two or more automobile trailers or camping parties.

"Use, accessory" means a subordinate use customarily incidental to and located upon the same lot by a main use.

"Use, main" means the principal function or use of the land and/or building or structure.

"Yard" means a space on the lot, other than a court, unoccupied and unobstructed from the ground upwards, by buildings, except as otherwise provided therein.

"Yard, front" means a space extending across the full width of a lot, between the front building line and the front lot line. The depth of the front yard is the minimum distance between the front lot line and the front building line.

"Yard, rear" means a space extending across the full width of a lot, between the rear building line and the rear lot line. The depth of the rear yard is the

minimum distance between the rear lot line and the rear building line.

"Yard, side" means a space extending along the full depth of a lot between the side building line and the side lot line. The width of the side yard shall be the minimum distance between the side lot line and the side building line.

"Zoning ordinance" means this title as adopted and amended by the city council. [Ord. 15-02 § 1 (Exh. A); Ord. 14-18 § 1 (Exh. A); Ord. 11-17 § 1 (Exh. A); Amended during 2011 recodification; Ord. 10-02 § 1 (Exh. A); Ord. 5-1-01-1 § 1 (Exh. A). Code 1997 § 12-115-15.]

<sup>1</sup>Cross-reference: Definitions, RCC 17.05.030.

## Chapter 18.10 ESTABLISHMENT OF ZONES

Sections:

18.10.010 Zoning districts.

### 18.10.010 Zoning districts.

For the purposes of this title, the territory of the city is divided into districts as follows:

Agricultural Zone A-5  
Agricultural Zone A-10  
Agricultural Zone A-20  
Residential Zone R-4  
Residential Zone R-3  
Residential Zone R-2  
Rural Residential Zone RR-22  
Rural Residential Zone R-1  
Residential Zone RM-6  
Residential Zone RM-8  
Residential Zone RM-12  
Residential Zone RM-18  
Commercial Zone C-N  
Commercial Zone C-D  
Commercial Zone C-G  
Commercial Zone C-R  
Commercial Zone C-PO  
Commercial Zone PCC  
Parks and Open Space Zone P-OS  
Sensitive Area Overlay Zone OV-SA  
Groundwater Protection Overlay Zone OV-GP  
Elderly Housing Overlay Zone OV-EH  
Manufacturing Zone M-1  
Manufacturing Zone M-2  
Specific Development SD or -SD (Suffix)

(1) Further Restrictions. Districts may be further designated with restrictions limiting minimum home size when so indicated by a suffix attached to the zone district classifications:

(1,200) 1,200-square-foot minimum dwelling

(2) Minimum Square Footage Equivalents. Minimum square footage equivalents for dwellings shall be the finished area, not including garage or porches, as follows:

(a) For One-Story Dwellings. The gross area of the single above-ground level without vertical separation of more than 36 inches.

(b) For Two-Story Dwellings. The combined area of the two above-ground levels increased one and three-tenths times the area required for one-story dwellings. The floor area for a two-story dwelling shall be determined by taking the gross horizontal area covered on the ground plus the gross horizontal area of the total living space above the first floor, not including the portion over a garage.

(c) For Split-Level Dwellings. The same area required for one-story dwellings not including any portion below ground level. Minimum floor area of a split-level dwelling shall be determined by taking the gross horizontal living area of two adjoining floors above ground level.

(d) For Split-Entry Dwellings. The same area required for one-story dwellings not including any portions below ground level. Minimum floor area of a split-entry dwelling shall be determined by taking the gross horizontal area covered on the ground.

(3) No Minimum Dwelling Designation. Districts not provided with a minimum dwelling designation shall be regulated as (1,200) zones.

(4) Official Zoning Map Adopted. The official zone map is hereby adopted and made part of this title and zone districts shall exist and be established on the official zone map as adopted and amended from time to time.

(5) Rules for Locating Boundaries. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

(a) Wherever the district boundary is indicated as being approximately upon the centerline of a street, alley, block, or along a property line, then, unless otherwise indicated on the map, the centerline of such street, alley, or block of such property line shall be construed to be the boundary of such zone.

(b) Whenever such boundary line of such district is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.

(c) Where such district boundary lines cannot be determined by the rules in subsections (5)(a) and (b) of this section, their location may be found by the use of the scale appearing upon the map.

(d) Where the application of the rules in subsections (5)(a) through (c) of this section does not clarify the district boundary location, the board of adjustment shall interpret the map.

(6) Use Regulations. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as allowed in the districts as shown as permitted uses, indicated by a "P" in the appropriate column, or as conditional uses, indicated by a "C" in the appropriate column. If a regulation applies in the district it is indicated in the appropriate column by the letter "A" or by a numeral to show the linear or square feet or acres required. If a use is not allowed in the district or if a regulation does not apply, it is indicated in the appropriate column by a dash, "-". Uses not listed are not allowed. The symbol "h" indicates the conditional use process must include a public hearing before the planning commission. [Amended during 2011 recodification. Code 1997 § 12-210.]

### Chapter 18.15 AGRICULTURE ZONES

Sections:

18.15.010 Agriculture zone.

**18.15.010 Agriculture zone.**

(1) Purpose. To promote and preserve, in appropriate areas, conditions favorable to agriculture, and to maintain greenbelt open spaces. Such districts are intended to include activities normally and necessarily related to the conduct of agricultural production and to provide protection from the intrusion of uses inimical to the continuance of agricultural activity.

	A-5	A-10	A-20
(2) Allowed Uses.			
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accessory uses and buildings customarily incidental to conditional uses	C	C	C
Agriculture			
Agriculture, except grazing and pasturing of animals	P	P	P
Agriculture, including grazing and pasturing of animals	P	P	P
Agricultural business or industry	c/h	c/h	c/h
Animals and fowl for recreation or family food production for the primary use of persons residing on the premises where the number of animals shall be limited to:			
Two animal units per one-half acre	P	P	P
More than two animal units, per one-half acre, as prescribed by the planning commission	C	C	C
Nursery or greenhouse, wholesale or retail, fruit/vegetable stand	c/h	c/h	c/h
Apiary	P	P	P
Aviary	P	P	P
Dude ranch; family vacation ranch	-	C	C
Dwellings			
Single-family dwellings	P	P	P
Farm or ranch housing	C	C	C
Move-on dwellings	c/h	c/h	c/h
Home occupation	C	C	C
Household pets	P	P	P
Kennel	-	-	-
Public stable, riding academy or riding ring, horse show barns or facilities	c/h	c/h	c/h
Public and quasi-public buildings and uses			
Commercial cemetery	c/h	c/h	c/h



Church	c/h	c/h	c/h
Correctional institutions	-	-	-
Essential service facilities	c/h	c/h	c/h
Golf course	c/h	c/h	c/h
Hospital	c/h	c/h	c/h
Park	c/h	c/h	c/h
Schools, private	c/h	c/h	c/h
Schools, public	c/h	c/h	c/h
Utility substation	c/h	c/h	c/h
Residential, subdivisions, regular and nonregular	c/h	c/h	c/h
(3) Area Regulations. The minimum lot area in acres for any main use in the districts regulated by this chapter shall be:	5	15	20
(4) Width Regulations. The minimum width in feet at the building line for any lot in the districts regulated by this chapter shall be:	250	330	660
(5) Frontage Regulations. The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be:	60	60	60
(6) Front Yard Regulations. The minimum depth in feet for the front yard for main residential buildings in districts regulated by this chapter shall be:	30	30	30
Provided the minimum right-of-way is 60 feet. Accessory buildings may have the same minimum front yard depth as main if they have the same side yard required for main buildings, otherwise they shall be set back at least six feet in the rear of the main buildings.	A	A	A
The minimum depth in feet for the front yard for all nonresidential main buildings in districts regulated by this chapter shall be:	50	50	50
(7) Rear Yard Regulations. The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:			
For main buildings	60	60	60
For accessory buildings	60	60	60
(8) Side Yard Regulations. The minimum side yard in feet for any dwelling, other main or accessory buildings in districts regulated by this chapter shall be:	8	8	8
And a total width of the two required side yards of not less than:	18	18	18
Except on corner lots, two front and two rear yards are required:	A	A	A
(9) Height Regulations. The maximum height for all buildings and structures in districts regulated by this chapter shall be:			
In feet	35	35	35
In number of stories	2.5	2.5	2.5
(10) Coverage Regulations. The maximum area coverage in percent for any lot in the districts regulated by this chapter shall be:	10	5	5

[Amended during 2011 recodification. Code 1997 § 12-211.]

## Chapter 18.20 R-1 RESIDENTIAL ZONE

### Sections:

- 18.20.010 Purpose.
- 18.20.020 Permitted uses.
- 18.20.030 Conditional uses.
- 18.20.040 Permitted accessory uses.
- 18.20.050 Density and lot regulations.
- 18.20.060 Building size.
- 18.20.070 Lots located on private lanes.
- 18.20.080 Fencing between noncompatible zones.
- 18.20.090 Automobile access.
- 18.20.100 Landscaping.
- 18.20.110 Farm animals.
- 18.20.120 Swimming pools.
- 18.20.130 Churches, religious, cultural, public and quasi-public uses.

### 18.20.010 Purpose.

The residential R-1 zone is established to provide a rural residential environment within Riverton City that is characterized by large single-family houses, a minimum of vehicular traffic and quiet neighborhoods favorable for rural family life. Agriculture (which does not necessarily include the keeping of farm animals) is allowed. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-005.]

### 18.20.020 Permitted uses.

- (1) Agriculture.
- (2) Dwelling, single-family.
- (3) Parks and open spaces.
- (4) Farm animals (large, medium, small) subject to the requirements of this chapter.
- (5) Household pets (maximum four). [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-010.]

**18.20.030 Conditional uses.**

- (1) Dwelling, residential facility for elderly persons, subject to the requirements of Chapter 18.165 RCC.
- (2) Dwelling, residential facility for the disabled subject to the requirements of Chapter 18.165 RCC.
- (3) Church, religious, cultural activity, subject to RCC 18.20.130.
- (4) Public and quasi-public, subject to RCC 18.20.130.
- (5) Home occupations subject to the regulations as listed in Chapter 18.190 RCC.
- (6) Cemetery, public or private.
- (7) Home on a private lane, subject to the requirements of this chapter.
- (8) Single-family dwelling, move-on. [Ord. 08-13 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-015.]

**18.20.040 Permitted accessory uses.**

- (1) Accessory Buildings. Barn, garage, shed, and any building on a foundation, subject to the requirements of Chapter 18.225 RCC.
- (2) Accessory Structures. Swimming pools and jacuzzis, subject to the requirements of Chapter 18.225 RCC.
- (3) Recreation Facilities. Recreation facilities such as basketball courts, tennis courts, and similar structures. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-020.]

**18.20.050 Density and lot regulations.**

- (1) Density. Subdivisions within the R-1 zone shall have no more than one residential lot per one acre gross density.
- (2) Lot Size. An area of not less than 43,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- (3) Frontage. The minimum frontage for any lot for a dwelling shall be 60 feet.
- (4) Width. The minimum width for any residential lot in the R-1 zone shall be 150 feet, measured 30 feet from the front property line. The minimum width for corner lots shall be 10 percent greater than that of interior lots.
- (5) Front Yard Requirements. The minimum front yard setback shall be 25 feet, as measured to the foundation, or to foundation of a covered front porch or patio if present.
- (6) Side Yard Requirements. All dwelling structures and other main buildings shall be set back from each side property line a minimum distance of eight feet, a total of 18 feet, and a minimum of 16 feet between residential dwelling units. The 10-foot setback shall be on the side of the home where the garage is located. Setbacks shall be measured to the foundation.
- (7) Rear Yard Requirements. All dwelling structures shall be set back from the rear property line a minimum of 25 feet as measured to the foundation, on irregular lots, an average of 25 feet as measured to the foundation; provided, that no portion of the building is closer than 15 feet to any rear property line. An unenclosed and attached covered porch or patio may extend to within 15 feet of the rear property line.
- (8) Corner Lots. On corner lots, the front setback shall be a minimum of 25 feet and the side yard setback on the street side of the lot shall be a minimum of 20 feet.
- (9) Building Coverage. Lots in the R-1 zone shall have a lot coverage of no more than 30 percent. [Ord. 11-15 § 1 (Exh. B); Amended during 2011 recodification; Ord. 09-06 § 1; Ord. 9-2-03-2 § 1; Ord. 2-5-02-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-025.]

**18.20.060 Building size.**

- (1) Height of Buildings. All buildings in an R-1 zone shall be no higher than 35 feet.
- (2) Minimum Square Feet. The following requirements apply to dwelling size in all single-family residential zones:
  - (a) One-Story Dwellings. Where there is no vertical separation from the ground floor of more than 36 inches, the minimum size of the dwelling shall be 1,200 square feet.
  - (b) Multi-Story Dwellings. The size of a multi-story dwelling shall be a minimum of 1,560 square feet (one and three-tenths times the area required for a single-story dwelling) finished area above ground level.

(c) Split-Level or Split-Entry Dwellings. The size of a split-level or split-entry dwelling shall be a minimum of 1,200 square feet finished area above ground level. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-030.]

**18.20.070 Lots located on private lanes.**

The planning commission may authorize conditional use approval of residential building permits for lots on private rights-of-way under the following provisions:

(1) Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All new private lanes shall be fully improved with asphalt to adopted city standards. Curb, gutter or other appropriate storm drainage methods may be required, based upon city engineer's review. All portions of private rights-of-way shall accommodate a street of no less than the standards as listed subsequently:

(a) One residential user: 20-foot right-of-way with a minimum of 15 feet of paved surface width.

(b) Two residential users: 25 feet (a minimum of 20 feet of paved surface width).

(c) Three to four residential users: 30 feet (a minimum of 25 feet of paved surface width).

(d) Development of up to four dwelling units on an existing private lane shall be developed to the minimum standards on the existing private lane. However, all new development shall provide or bond for asphalt pavement to city standards at a similar width to the existing private lane.

(2) A minimum pavement width of 20 feet shall be provided where lanes are more than 150 feet in length, regardless of the number of homes located thereon.

(3) A maximum of four residential users are permitted on a private drive or lane.

(4) All necessary public utility easements shall be dedicated for full access by city officials or workers, unless the private lane is part of a planned unit development for which there is a master water or utility meter.

(5) Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining on private rights-of-way.

(6) No private drive or lane may be greater in length than 450 feet.

(7) No building or other structure shall be erected to obstruct the logical extension of any street as identified on the transportation element of the Riverton City general plan or master transportation plan.

(8) All lots shall be provided with standard utility connections, furnished by the property owner, including an approved sewage disposal system and water line capable of supplying fire protection to within 200 feet of a dwelling. A fire hydrant shall also be required to furnish said fire protection.

(9) Easements across private property in another ownership may be allowed to accommodate a private lane only if the property to be accessed is landlocked, with no other means of access available, now or in the foreseeable future.

(10) Private lanes shall be named and identified by means of a suitable permanent street marker to Riverton City standards.

(11) An approved driveway approach from the street to the lane shall be provided.

(12) A recorded binding covenant shall be prepared providing for maintenance for the lane, drainage structures, curb, gutter and any other common improvements.

(13) Building permits shall be subject to payment of construction bond required by the city for all improvements.

(14) Storm drain lines, inlets and/or on-site detention basins may be required.

(15) Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in the following forms, as determined by the fire chief or designee, and must conform to the following standard:

(a) Cul-de-Sac. Minimum radius distance of 35 feet. This is the preferred radius for a turnaround and may be required if it is determined by staff to be feasible.

(b) Hammerhead. Minimum arm lengths of 45 feet or according to the current adopted fire code, and may be in different configurations. The appropriate configuration shall be determined by the fire chief or designee. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-035.]

**18.20.080 Fencing between noncompatible zones.**

Fencing between noncompatible zones shall comply with RCC 18.155.080. [Ord. 15-02 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-040.]

**18.20.090 Automobile access.**

All automobile access shall be through the front setback only. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-045.]

**18.20.100 Landscaping.**

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-050.]

**18.20.110 Farm animals.**

(1) Minimum Requirements. The minimum lot size to keep and own farm animals shall be a minimum of one-half of an acre lot. Residential lots zoned R-1 and RR-22, that are not at least one-half acre, are excluded from owning or keeping farm animals.

(2) Keeping of Farm Animals. No agricultural animals or fowl shall be kept within 40 feet of any residential dwelling. No structure for the keeping of agricultural animals or fowl shall be constructed or maintained within 40 feet of a residential dwelling.

(3) Standards for Farm Animal Use.

(a) Large animals may be kept at a ratio of two animals for each one-half acre of lot size; or

(b) Medium animals may be kept at a ratio of five animals for each one-half acre of lot size; or

(c) Small animals may be kept at a ratio of 20 animals for each one-half acre of lot size.

(d) Partially enclosed (and roofed) structures may be provided and maintained for all animals. Such structures shall be sited at the rear of the main dwelling and at least 40 feet from any dwelling unit, and comply with all other setback and yard regulations of the zone district and shall also comply with requirements outlined by the Salt Lake Valley health department.

(e) All types of pigs are strictly prohibited within the Riverton City limits.

(4) Large Farm Animals. Large farm animals shall include, but are not limited to, the following:

(a) Cow.

(b) Horse (mule-ass, pony or similar species not listed).

(c) Ostrich (or other similar size, closely related species).

(d) Llama (or other similar species not listed).

(e) Other animals of similar size, as determined by the planning department.

(5) Medium Farm Animals. Medium farm animals shall include, but are not limited to, the following:

(a) Sheep.

(b) Emu.

(c) Goat.

(d) Turkey.

(e) Goose.

(f) Peacock.

(g) Other animals of similar size, as determined by the planning department.

(6) Small Farm Animals. Small farm animals shall include but are not limited to the following:

(a) Chicken.

(b) Rabbit.

(c) Duck.

(d) Pheasant.

(e) Other animals of similar size, as determined by the planning department. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-065.]

**18.20.120 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-215-070.]

**18.20.130 Churches, religious, cultural, public and quasi-public uses.**

Churches, religious and cultural buildings, public, and quasi-public uses shall conform to the following standards:

(1) Front Yard Setbacks. Provided that all parking is located in back of the building, the setback from the front property line shall be no less than 30 feet.

(2) Side Yard Setbacks.

(a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.

(b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.

(3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case, a minimum of 22 feet is required.

(4) Setbacks shall be measured to the foundation.

(5) Open Space. Each such site shall contain a minimum of 20 percent landscaped open space within property boundaries.

(6) Parking Areas. Parking associated with such sites shall comply with the provisions of Chapter 18.145 RCC and with the Riverton City Standards and Specifications Manual.

(7) Building Height. Buildings shall not exceed two stories or 35 feet in height, whichever is less. Steeples or other decorative elements of a religious or cultural building may be allowed up to 50 feet as approved in the conditional use permit.

(8) Building Architecture.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, stone, or other decorative masonry.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick or other decorative masonry, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass. [Amended during 2011 recodification; Ord. 08-13 § 1. Code 1997 § 12-215-080.]

## Chapter 18.25 RR-22 RESIDENTIAL ZONE

### Sections:

- 18.25.010 Purpose.
- 18.25.020 Permitted uses.
- 18.25.030 Conditional uses.
- 18.25.040 Permitted accessory uses.
- 18.25.050 Density and lot regulations.
- 18.25.060 Size of buildings.
- 18.25.070 Lots located on private lanes.
- 18.25.080 Fencing between noncompatible zones.
- 18.25.090 Automobile access.
- 18.25.100 Landscaping.
- 18.25.110 Farm animals.
- 18.25.120 Swimming pools.
- 18.25.130 Churches, religious, cultural, public and quasi-public uses.

#### 18.25.010 Purpose.

The residential RR-22 zone is established to provide a residential environment within Riverton City that is characterized by low density single-family housing, a minimum of vehicular traffic and quiet neighborhoods favorable for family life. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-005.]

#### 18.25.020 Permitted uses.

- (1) Agriculture.
- (2) Dwelling, single-family.
- (3) Parks and open spaces.
- (4) Household pets (maximum three).
- (5) Farm animals (large, medium, small) subject to RCC 18.25.110. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-010.]

#### 18.25.030 Conditional uses.

- (1) Dwelling, residential facility for elderly persons subject to the requirements of Chapter 18.165 RCC.
- (2) Dwelling, residential facility for the disabled subject to the requirements of Chapter 18.165 RCC.
- (3) Church, religious, cultural activity, subject to RCC 18.25.130.
- (4) Public and quasi-public, subject to RCC 18.25.130.

- (5) Home occupations subject to rules and regulations as listed in Chapter 18.190 RCC.
- (6) Home on a private lane, subject to the requirements of this chapter.
- (7) Single-family dwelling, move-on. [Ord. 08-13 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-015.]

**18.25.040 Permitted accessory uses.**

- (1) Accessory Buildings. Barn, garage, shed and any building on a foundation, subject to the requirements of Chapter 18.225 RCC.
- (2) Accessory Structures. Pools and jacuzzis, subject to the requirements of Chapter 18.225 RCC.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-020.]

**18.25.050 Density and lot regulations.**

- (1) Density. Subdivisions within the RR-22 zone shall have no more than two residential lots per one acre gross density.
- (2) Lot Size. An area of not less than 21,780 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- (3) Frontage. The minimum frontage for any lot for a dwelling shall be 45 feet.
- (4) Width. The minimum width for any residential lot in the RR-22 zone shall be 100 feet, measured 30 feet from the front property line. The minimum width for corner lots shall be 10 percent greater than that of interior lots.
- (5) Front Yard Requirements. The minimum front yard setback shall be 25 feet, as measured to the foundation, or to foundation of a covered front porch or patio if present.
- (6) Side Yard Requirements. All dwelling structures and other main buildings shall be set back from each side property line a minimum distance of eight feet, a total of 18 feet, and a minimum of 16 feet between residential dwelling units. The 10-foot setback shall be on the side of the home where the garage is located. Setbacks shall be measured to the foundation.
- (7) Rear Yard Requirements. All dwelling structures shall be set back from the rear property line a minimum of 25 feet as measured to the foundation, on irregular lots, an average of 25 feet as measured to the foundation; provided, that no portion of the building is closer than 15 feet to any rear property line. An unenclosed and attached covered porch or patio may extend to within 15 feet of the rear property line.
- (8) Corner Lots. On corner lots, the front setback shall be a minimum of 25 feet and the side yard setback on the street side of the lot shall be a minimum of 20 feet.
- (9) Coverage. Lots in the RR-22 zone shall have a lot coverage of no more than 30 percent. [Ord. 11-15 § 1 (Exh. B); Amended during 2011 recodification; Ord. 09-06 § 1; Ord. 9-2-03-2 § 1; Ord. 2-5-02-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-025.]

**18.25.060 Size of buildings.**

- (1) Height of Buildings. All buildings in an RR-22 zone shall be no higher than 35 feet.
- (2) Minimum Square Feet. The following requirements apply to dwelling size in all single-family residential zones:
  - (a) One-Story Dwellings. Where there is no vertical separation from the ground floor of more than 36 inches, the minimum size of the dwelling shall be 1,200 square feet.
  - (b) Multi-Story Dwellings. The size of a multi-story dwelling shall be a minimum of 1,560 square feet (one and three-tenths times the area required for a single-story dwelling) finished area above ground level.
  - (c) Split-Level or Split-Entry Dwellings. The size of a split-level or split-entry dwelling shall be a minimum of 1,200 square feet finished area above ground level. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-030.]

**18.25.070 Lots located on private lanes.**

The planning commission may authorize conditional use approval of residential building permits for lots on private rights-of-way under the following provisions:

- (1) Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All new private lanes shall be fully improved with asphalt to adopted city standards. Curb, gutter or other appropriate storm drainage methods may be required, based upon city engineer's review. All portions of private rights-of-way shall accommodate a street of no less than the standards as listed subsequently:
  - (a) One residential user: 20-foot right-of-way with a minimum of 15 feet of paved surface width.
  - (b) Two residential users: 25 feet (a minimum of 20 feet of paved surface width).
  - (c) Three to four residential users: 30 feet (a minimum of 25 feet of paved surface width).
  - (d) Development of up to four dwelling units on an existing private lane shall be developed to the minimum standards on the existing private lane. However, all new development shall provide or bond for asphalt pavement to city standards at a similar width to the existing private lane.
- (2) A minimum pavement width of 20 feet shall be provided where lanes are more than 150 feet in length, regardless of the number of homes located thereon.

(3) A maximum of four residential users are permitted on a private drive or lane.

(4) All necessary public utility easements shall be dedicated for full access by city officials or workers, unless the private lane is part of a planned unit development for which there is a master water or utility meter.

(5) Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining on private rights-of-way.

(6) No private drive or lane may be greater in length than 450 feet.

(7) No building or other structure shall be erected to obstruct the logical extension of any street as identified on the transportation element of the Riverton City general plan or master transportation plan.

(8) All lots shall be provided with standard utility connections, furnished by the property owner, including an approved sewage disposal system and water line capable of supplying fire protection to within 200 feet of a dwelling. A fire hydrant shall also be required to furnish said fire protection.

(9) Easements across private property in another ownership may be allowed to accommodate a private lane only if the property to be accessed is landlocked, with no other means of access available, now or in the foreseeable future.

(10) Private lanes shall be named and identified by means of a suitable permanent street marker to Riverton City standards.

(11) An approved driveway approach from the street to the lane shall be provided.

(12) A recorded binding covenant shall be prepared providing for maintenance for the lane, drainage structures, curb, and gutter and any other common improvements.

(13) Building permit approval shall be subject to payment of a construction bond required by the city for all improvements.

(14) Storm drain lines, inlets and/or on-site detention basins may be required.

(15) Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in the following forms, as determined by the fire chief or designee, and must conform to the following standard:

(a) Cul-de-Sac. Minimum radius distance of 35 feet. This is the preferred radius for a turnaround and may be required if it is determined by staff to be feasible.

(b) Hammerhead. Minimum arm lengths of 45 feet or according to the current adopted fire code and may be in different configurations. The appropriate configuration shall be determined by the fire chief or designee. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-035.]

#### **18.25.080 Fencing between noncompatible zones.**

All properties adjacent to or abutting zones which are not rural residential or agricultural in nature shall install fencing of sufficient quality, able to withstand an impact from large animals. Fencing may also be required by the planning commission or city council for other potential noncompatible uses. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-040.]

#### **18.25.090 Automobile access.**

All automobile access shall be through the front setback only. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-045.]

#### **18.25.100 Landscaping.**

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-050.]

#### **18.25.110 Farm animals.**

(1) Minimum Requirements. The minimum lot size to keep and own farm animals shall be one-half acre (21,780 square feet). Residential lots zoned R-1 and R-2, that are not at least one-half acre, are excluded from owning or keeping farm animals.

(2) Keeping of Farm Animals. No agricultural animals shall be kept within 40 feet of any residential dwelling. No structure for the keeping of agricultural animals or fowl shall be constructed or maintained within 40 feet of a residential dwelling.

(3) Standards for Farm Animal Use.

(a) Large animals may be kept at a ratio of two animals for each one-half acre of lot size; or

(b) Medium animals may be kept at a ratio of five animals for each one-half acre of lot size; or

(c) Small animals may be kept at a ratio of 20 animals for each one-half acre of lot size.

(d) Partially enclosed (and roofed) structures may be provided and maintained for all animals. Such structures shall be sited at the rear of the main dwelling and at least 40 feet from any dwelling unit, and comply with all other setback and yard regulations of the zone district and shall also comply with requirements outlined by the Salt Lake Valley health department.

- (e) All types of pigs are strictly prohibited within the Riverton City limits.
- (4) Large Farm Animals. Large farm animals shall include, but are not limited to, the following:
  - (a) Cow.
  - (b) Horse (mule-ass, pony or similar species not listed).
  - (c) Ostrich (or other similar size, closely related species).
  - (d) Llama (or other similar species not listed).
  - (e) Other animals of similar size, as determined by the planning department.
- (5) Medium Farm Animals. Medium farm animals shall include, but are not limited to, the following:
  - (a) Sheep.
  - (b) Emu.
  - (c) Goat.
  - (d) Turkey.
  - (e) Goose.
  - (f) Peacock.
  - (g) Other animals of similar size, as determined by the planning department.
- (6) Small Farm Animals. Small farm animals shall include but are not limited to the following:
  - (a) Chicken.
  - (b) Rabbit.
  - (c) Duck.
  - (d) Quail.
  - (e) Pheasant.
  - (f) Other animals of similar size, as determined by the planning department. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-065.]

**18.25.120 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates that shall be equipped with self-closing and self-latching devices. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-220-070.]

**18.25.130 Churches, religious, cultural, public and quasi-public uses.**

Churches, religious and cultural buildings, public, and quasi-public uses shall conform to the following standards:

- (1) Front Yard Setbacks. Provided that all parking is located in back of the building, the setback from the front property line shall be no less than 30 feet.
- (2) Side Yard Setbacks.
  - (a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.
  - (b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.
- (3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case a minimum of 22 feet is required.
- (4) Setbacks shall be measured to the foundation.
- (5) Open Space. Each such site shall contain a minimum of 20 percent landscaped open space within property boundaries.
- (6) Parking Areas. Parking associated with such sites shall comply with the provisions of Chapter 18.145 RCC, and with the Riverton City Standards and Specifications Manual.



(7) Building Height. Buildings shall not exceed two stories or 35 feet in height, whichever is less. Steeples or other decorative elements of a religious or cultural building may be allowed up to 50 feet as approved in the conditional use permit.

(8) Building Architecture.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, stone, or other decorative masonry.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick or other decorative masonry, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass. [Amended during 2011 recodification; Ord. 08-13 § 1. Code 1997 § 12-220-080.]

**Chapter 18.30  
R-2 RESIDENTIAL ZONE**

Sections:

- 18.30.010 Purpose.
- 18.30.020 Permitted uses.
- 18.30.030 Conditional uses.
- 18.30.040 Permitted accessory uses.
- 18.30.050 Density and lot regulations.
- 18.30.060 Building size.
- 18.30.070 Lots located on private lanes.
- 18.30.080 Fencing between noncompatible zones.
- 18.30.090 Automobile access.
- 18.30.100 Landscaping.
- 18.30.110 Farm animals.
- 18.30.120 Swimming pools.
- 18.30.130 Churches, religious, cultural, public and quasi-public uses.

**18.30.010 Purpose.**

The residential R-2 zone is established to provide a residential environment within Riverton City that is characterized by low density single-family housing, a minimum of vehicular traffic and quiet neighborhoods favorable for family life. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-005.]

**18.30.020 Permitted uses.**

- (1) Dwelling, single-family.
- (2) Parks and open spaces.
- (3) Household pets (maximum three). [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-010.]

**18.30.030 Conditional uses.**

- (1) Dwelling, residential facility for elderly persons subject to the requirements of Chapter 18.165 RCC.
- (2) Dwelling, residential facility for the disabled subject to the requirements of Chapter 18.165 RCC.
- (3) Church, religious, cultural activity, subject to RCC 18.30.130.
- (4) Public and quasi-public, subject to RCC 18.30.130.
- (5) Home occupations subject to rules and regulations as listed in Chapter 18.190 RCC.
- (6) Home on a private lane, subject to the requirements of this chapter.
- (7) Single-family dwelling, move-on. [Ord. 08-13 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-015.]

**18.30.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet), subject to the requirements of Chapter 18.225 RCC.
- (2) Accessory Structures. Pools and jacuzzis, subject to the requirements of Chapter 18.225 RCC.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-020.]

**18.30.050 Density and lot regulations.**

- (1) Density. Subdivisions within the R-2 zone shall have no more than two residential lots per one acre gross density.
- (2) Lot Size. An area of not less than 19,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- (3) Frontage. The minimum frontage for any lot for a dwelling shall be 45 feet.

(4) Width. The minimum width for any residential lot in the R-2 zone shall be 100 feet, measured 30 feet from the front property line. The minimum width for corner lots shall be 10 percent greater than that of interior lots.

(5) Front Yard Requirements. The minimum front yard setback shall be 25 feet, as measured to the foundation, or to foundation of a covered front porch or patio if present.

(6) Side Yard Requirements. All dwelling structures and other main buildings shall be set back from each side property line a minimum distance of eight feet, a total of 18 feet, and a minimum of 16 feet between residential dwelling units. The 10-foot setback shall be on the side of the home where the garage is located. Setbacks shall be measured to the foundation.

(7) Rear Yard Requirements. All dwelling structures shall be set back from the rear property line a minimum of 25 feet as measured to the foundation, on irregular lots, an average of 25 feet as measured to the foundation; provided, that no portion of the building is closer than 15 feet to any rear property line. An unenclosed and attached covered porch or patio may extend to within 15 feet of the rear property line.

(8) Corner Lots. On corner lots, the front setback shall be a minimum of 25 feet and the side yard setback on the street side of the lot shall be a minimum of 20 feet.

(9) Building Coverage. Lots in the R-2 zone shall have a lot coverage of no more than 30 percent. [Ord. 11-15 § 1 (Exh. B); Amended during 2011 recodification; Ord. 09-06 § 2; Ord. 9-2-03-2 § 1; Ord. 2-5-02-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-025.]

#### **18.30.060 Building size.**

(1) Height of Buildings. All buildings in an R-2 zone shall be no higher than 35 feet.

(2) Minimum Square Feet. The following requirements apply to dwelling size in all single-family residential zones:

(a) One-Story Dwellings. Where there is no vertical separation from the ground floor of more than 36 inches, the minimum size of the dwelling shall be 1,200 square feet.

(b) Multi-Story Dwellings. The size of a multi-story dwelling shall be a minimum of 1,560 square feet (one and three-tenths times the area required for a single-story dwelling) finished area above ground level.

(c) Split-Level or Split-Entry Dwellings. The size of a split-level or split-entry dwelling shall be a minimum of 1,200 square feet finished area above ground level. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-030.]

#### **18.30.070 Lots located on private lanes.**

The planning commission may authorize conditional use approval of residential building permits for lots on private rights-of-way under the following provisions:

(1) Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All private lanes shall be fully improved with curb, gutter and asphalt to adopted city standards. All portions of private rights-of-way shall accommodate a street of no less than the standards as listed subsequently:

(a) One residential user: 20-foot right-of-way with a minimum of 15 feet of paved surface width.

(b) Two residential users: 25 feet (a minimum of 20 feet of paved surface width).

(c) Three to four residential users: 30 feet (a minimum of 25 feet of paved surface width).

(d) Development of up to four dwelling units on an existing private lane shall be developed to the minimum standards on the existing private lane. However, all new development shall provide or bond for asphalt pavement to city standards at a similar width to the existing private lane.

(2) A minimum pavement width of 20 feet shall be provided where lanes are more than 150 feet in length, regardless of the number of homes located thereon.

(3) A maximum of four residential users are permitted on a private drive or lane.

(4) All necessary public utility easements shall be dedicated for full access by city officials or workers, unless the private lane is part of a planned unit development for which there is a master water or utility meter.

(5) Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining on private rights-of-way.

(6) No private drive or lane may be greater in length than 450 feet.

(7) No building or other structure shall be erected to obstruct the logical extension of any street as identified on the transportation element of the Riverton City general plan or master transportation plan.

(8) All lots shall be provided with standard utility connections, furnished by the property owner, including an approved sewage disposal system and water line capable of supplying fire protection to within 200 feet of a dwelling. A fire hydrant shall also be required to furnish said fire protection.

(9) Easements across private property in another ownership may be allowed to accommodate a private lane only if the property to be accessed is landlocked, with no other means of access available, now or in the foreseeable future.

(10) Private lanes shall be named and identified by means of a suitable permanent street marker to Riverton City standards.

- (11) An approved driveway approach from the street to the lane shall be provided.
- (12) A recorded binding covenant shall be prepared providing for maintenance for the lane, drainage structures, curb, and gutter and any other common improvements.
- (13) Building permit approval shall be subject to payment of a construction bond required by the city for improvements installed along public rights-of-way.
- (14) Storm drain lines, inlets and/or on-site detention basins may be required.
- (15) Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in the following forms, as determined by the fire chief or designee, and must conform to the following standard:
  - (a) Cul-de-Sac. Minimum radius distance of 35 feet. This is the preferred radius for a turnaround and may be required if it is determined by staff to be feasible.
  - (b) Hammerhead. Minimum arm lengths of 45 feet or according to the current adopted fire code and may be in different configurations. The appropriate configuration shall be determined by the fire chief or designee. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-035.]

**18.30.080 Fencing between noncompatible zones.**

All properties adjacent to or abutting zones which are not rural residential or agricultural in nature shall install fencing of sufficient quality, able to withstand an impact from large animals. Fencing may also be required by the planning commission or city council for other potential noncompatible uses. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-040.]

**18.30.090 Automobile access.**

All automobile access shall be through the front setback only. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-045.]

**18.30.100 Landscaping.**

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-050.]

**18.30.110 Farm animals.**

No farm animals shall be permitted in the R-2 zone regardless of lot size. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-065.]

**18.30.120 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-225-070.]

**18.30.130 Churches, religious, cultural, public and quasi-public uses.**

Churches, religious and cultural buildings, public, and quasi-public uses shall conform to the following standards:

- (1) Front Yard Setbacks. Provided that all parking is located in back of the building, the setback from the front property line shall be no less than 30 feet.
- (2) Side Yard Setbacks.
  - (a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.
  - (b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.
- (3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case, a minimum of 22 feet is required.
- (4) Setbacks shall be measured to the foundation.
- (5) Open Space. Each such site shall contain a minimum of 20 percent landscaped open space within property boundaries.
- (6) Parking Areas. Parking associated with such sites shall comply with the provisions of Chapter 18.145 RCC, and with the Riverton City Standards and Specifications Manual.
- (7) Building Height. Buildings shall not exceed two stories or 35 feet in height, whichever is less. Steeples or other decorative elements of a religious or cultural building may be allowed up to 50 feet as approved in the conditional use permit.
- (8) Building Architecture.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, stone, or other decorative masonry.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick or other decorative masonry, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass. [Amended during 2011 recodification; Ord. 08-13 § 1. Code 1997 § 12-225-080.]

## Chapter 18.35 R-3 RESIDENTIAL ZONE

### Sections:

- 18.35.010 Purpose.
- 18.35.020 Permitted uses.
- 18.35.030 Conditional uses.
- 18.35.040 Permitted accessory uses.
- 18.35.050 Density and lot regulations.
- 18.35.060 Size of buildings.
- 18.35.070 Lots located on private lanes.
- 18.35.080 Fencing between noncompatible zones.
- 18.35.090 Automobile access.
- 18.35.100 Landscaping.
- 18.35.110 Swimming pools.
- 18.35.120 Churches, religious, cultural, public and quasi-public uses.

#### **18.35.010 Purpose.**

The purpose of the R-3 zone is to promote conditions favorable to medium-low density residential living. Such zoning districts are intended to include activities normally and necessarily associated with various residential and community needs as herein defined. The R-3 zoning district is to provide areas for single-family residential neighborhoods on medium and smaller sized lots without animal rights, allowing for a variety of housing styles. [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-230-005.]

#### **18.35.020 Permitted uses.**

- (1) Dwelling, single-family.
- (2) Parks and open spaces.
- (3) Household pets (maximum two). [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-230-010.]

#### **18.35.030 Conditional uses.**

- (1) Dwelling, residential facility for elderly persons subject to requirements of Chapter 18.165 RCC.
- (2) Dwelling, residential facility for the disabled subject to the requirements of Chapter 18.165 RCC.
- (3) Church, religious, cultural activity, subject to RCC 18.35.120.
- (4) Public and quasi-public, subject to RCC 18.35.120.
- (5) Home occupations subject to rules and regulations as listed in Chapter 18.190 RCC.
- (6) Home on a private lane, subject to the requirements of this chapter.
- (7) Single-family dwelling, move-on. [Ord. 08-13 § 1; Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-230-015.]

#### **18.35.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation, subject to the requirements of Chapter 18.225 RCC.
- (2) Accessory Structures. Pools and jacuzzis, subject to the requirements of Chapter 18.225 RCC.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-230-020.]

#### **18.35.050 Density and lot regulations.**

- (1) Density. Subdivisions within the R-3 zone shall have no more than three residential lots per one acre net density.
- (2) Lot Size. An area of not less than 14,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- (3) Frontage. The minimum frontage for any lot for a dwelling shall be 45 feet.
- (4) Width. The minimum width for any residential lot in the R-3 zone shall be 90 feet, measured 30 feet from the front property line. The minimum width for corner lots shall be 10 percent greater than that of interior lots.

(5) Front Yard Requirements. The minimum front yard setback shall be 25 feet, as measured to the foundation, or to foundation of a covered front porch or patio if present.

(6) Side Yard Requirements. All dwelling structures and other main buildings shall be set back from each side property line a distance of at least 10 feet on one side and eight feet on the other, a total of 18 feet, and a minimum of 16 feet between residential dwelling units. The 10-foot setback shall be on the side of the home where the garage is located. Setbacks shall be measured to the foundation.

(7) Rear Yard Requirements. All dwelling structures shall be set back from the rear property line a minimum of 25 feet as measured to the foundation, on irregular lots, an average of 25 feet as measured to the foundation; provided, that no portion of the building is closer than 15 feet to any rear property line. An unenclosed and attached covered porch or patio may extend to within 15 feet of the rear property line.

(8) Corner Lots. On corner lots, the front setback shall be a minimum of 25 feet and the side yard setback on the street side of the lot shall be a minimum of 20 feet.

(9) Building Coverage. Lots in the R-3 zone shall have a lot coverage of no more than 30 percent. [Ord. 11-15 § 1 (Exh. B); Amended during 2011 recodification; Ord. 09-06 § 2; Ord. 9-2-03-2 § 1; Ord. 2-5-02-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-025.]

#### **18.35.060 Size of buildings.**

(1) Height of Buildings. All residential buildings in an R-3 zone shall be no higher than 35 feet.

(2) Minimum Square Feet. The following requirements apply to dwelling size in all single-family residential zones:

(a) One-Story Dwellings. Where there is no vertical separation from the ground floor of more than 36 inches, the minimum size of the dwelling shall be 1,200 square feet.

(b) Multi-Story Dwellings. The size of a multi-story dwelling shall be a minimum of 1,560 square feet (one and three-tenths times the area required for a single-story dwelling) finished area above ground level.

(c) Split-Level or Split-Entry Dwellings. The size of a split-level or split-entry dwelling shall be a minimum of 1,200 square feet finished area above ground level. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-030.]

#### **18.35.070 Lots located on private lanes.**

The planning commission may authorize conditional use approval of residential building permits for lots on private rights-of-way under the following provisions:

(1) Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All new private lanes shall be fully improved with asphalt to adopted city standards. Curb, gutter or other appropriate storm drainage methods may be required, based upon city engineer's review. All portions of private rights-of-way shall accommodate a street of no less than the standards as listed subsequently:

(a) One residential user: 20-foot right-of-way with a minimum of 15 feet of paved surface width.

(b) Two residential users: 25 feet (a minimum of 20 feet of paved surface width).

(c) Three to four residential users: 30 feet (a minimum of 25 feet of paved surface width).

(d) Development of up to four dwelling units on an existing private lane shall be developed to the minimum standards on the existing private lane. However, all new development shall provide or bond for asphalt pavement to city standards at a similar width to the existing private lane.

(2) A minimum pavement width of 20 feet shall be provided where lanes are more than 150 feet in length, regardless of the number of homes located thereon.

(3) A maximum of four residential users are permitted on a private drive or lane.

(4) All necessary public utility easements shall be dedicated for full access by city officials or workers, unless the private lane is part of a planned unit development for which there is a master water or utility meter.

(5) Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining on private rights-of-way.

(6) No private drive or lane may be greater in length than 450 feet.

(7) No building or other structure shall be erected to obstruct the logical extension of any street as identified on the transportation element of the Riverton City general plan or master transportation plan.

(8) All lots shall be provided with standard utility connections, furnished by the property owner, including an approved sewage disposal system and water line capable of supplying fire protection to within 200 feet of a dwelling. A fire hydrant shall also be required to furnish said fire protection.

(9) Easements across private property in another ownership may be allowed to accommodate a private lane only if the property to be accessed is landlocked, with no other means of access available, now or in the foreseeable future.

(10) Private lanes shall be named and identified by means of a suitable permanent street marker to Riverton City standards.

(11) An approved driveway approach from the street to the lane shall be provided.

(12) A recorded binding covenant shall be prepared providing for maintenance for the lane, drainage structures, curb, and gutter and any other common

improvements.

(13) Building permit approval shall be subject to payment of a construction bond required by the city for all improvements.

(14) Storm drain lines, inlets and/or on-site detention basins may be required.

(15) Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in the following forms, as determined by the fire chief or designee, and must conform to the following standard:

(a) Cul-de-Sac. Minimum radius distance of 35 feet. This is the preferred radius for a turnaround and may be required if it is determined by staff to be feasible.

(b) Hammerhead. Minimum arm lengths of 45 feet or according to the current adopted fire code and may be in different configurations. The appropriate configuration shall be determined by the fire chief or designee. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-035.]

**18.35.080 Fencing between noncompatible zones.**

All properties adjacent to or abutting a rural residential or agricultural zone shall install fencing of sufficient quality, able to withstand an impact from large animals. Fencing may also be required by the planning commission or city council for other potential noncompatible uses. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-040.]

**18.35.090 Automobile access.**

All automobile access shall be through the front setback only. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-045.]

**18.35.100 Landscaping.**

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-050.]

**18.35.110 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-230-065.]

**18.35.120 Churches, religious, cultural, public and quasi-public uses.**

Churches, religious and cultural buildings, public, and quasi-public uses shall conform to the following standards:

(1) Front Yard Setbacks. Provided that all parking is located in back of the building, the setback from the front property line shall be no less than 30 feet.

(2) Side Yard Setbacks.

(a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.

(b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.

(3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case, a minimum of 22 feet is required.

(4) Setbacks shall be measured to the foundation.

(5) Open Space. Each such site shall contain a minimum of 20 percent landscaped open space within property boundaries.

(6) Parking Areas. Parking associated with such sites shall comply with the provisions of Chapter 18.145 RCC, and with the Riverton City Standards and Specifications Manual.

(7) Building Height. Buildings shall not exceed two stories or 35 feet in height, whichever is less. Steeple or other decorative elements of a religious or cultural building may be allowed up to 50 feet as approved in the conditional use permit.

(8) Building Architecture.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, stone, or other decorative masonry.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick or other decorative masonry, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass. [Amended during 2011 recodification; Ord. 08-13 § 1. Code

**Chapter 18.40  
R-4 RESIDENTIAL ZONE**

**Sections:**

- 18.40.010 Purpose.
- 18.40.020 Permitted uses.
- 18.40.030 Conditional uses.
- 18.40.040 Permitted accessory uses.
- 18.40.050 Density and lot regulations.
- 18.40.060 Size of buildings.
- 18.40.070 Lots located on private lanes.
- 18.40.080 Fencing between noncompatible zones.
- 18.40.090 Landscaping.
- 18.40.100 Swimming pools.
- 18.40.110 Churches, religious, cultural, public and quasi-public uses.

**18.40.010 Purpose.**

The purpose of the R-4 zone is to promote conditions favorable to medium density residential living. Such zoning districts are intended to include activities normally and necessarily associated with various residential and community needs as herein defined. The R-4 zone is to provide areas for single-family residential neighborhoods on medium and smaller sized lots without animal rights, allowing for a variety of housing styles. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-005.]

**18.40.020 Permitted uses.**

- (1) Dwelling, single-family.
- (2) Parks and open spaces.
- (3) Household pets (maximum two). [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-010.]

**18.40.030 Conditional uses.**

- (1) Dwelling, residential facility for elderly persons subject to the requirements of Chapter 18.165 RCC.
- (2) Dwelling, residential facility for the disabled subject to the requirements of Chapter 18.165 RCC.
- (3) Church, religious, cultural activity, subject to RCC 18.40.110.
- (4) Public and quasi-public, subject to RCC 18.40.110.
- (5) Home occupations subject to rules and regulations as listed in Chapter 18.190 RCC.
- (6) Home on a private lane, subject to the requirements of this chapter.
- (7) Single-family dwelling, move-on. [Ord. 08-13 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-015.]

**18.40.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation, subject to the requirements of Chapter 18.225 RCC.
- (2) Accessory Structures. Pools and jacuzzis, subject to the requirements of Chapter 18.225 RCC.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-020.]

**18.40.050 Density and lot regulations.**

- (1) Density. Subdivisions within the R-4 zone shall have no more than four residential lots per one acre net density.
- (2) Lot Size. An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- (3) Frontage. The minimum frontage for any lot for a dwelling shall be 45 feet.
- (4) Width. The minimum width for any residential lot in the R-4 zone shall be 80 feet, measured 30 feet from the front property line. The minimum width for corner lots shall be 10 percent greater than that of interior lots.
- (5) Front Yard Requirements. The minimum front yard setback shall be 25 feet, as measured to the foundation, or to foundation of a covered front porch or patio if present.
- (6) Side Yard Requirements. All dwelling structures and other main buildings shall be set back from each side property line a distance of at least 10 feet on one side and eight feet on the other (a total of 18 feet) and a minimum of 16 feet between residential dwelling units. The 10-foot setback shall be on the side of the home where the garage is located. Setbacks shall be measured to the foundation.

(7) Rear Yard Requirements. All dwelling structures shall be set back from the rear property line a minimum of 25 feet as measured to the foundation, on irregular lots, an average of 25 feet as measured to the foundation; provided, that no portion of the building is closer than 15 feet to any rear property line. An unenclosed and attached covered porch or patio may extend to within 15 feet of the rear property line.

(8) Corner Lots. On corner lots, the front setback shall be a minimum of 25 feet and the side yard setback on the street side of the lot shall be a minimum of 20 feet.

(9) Building Coverage. Lots in the R-4 zone shall have a lot coverage of no more than 30 percent. [Ord. 11-15 § 1 (Exh. B); Amended during 2011 recodification; Ord. 09-06 § 2; Ord. 9-2-03-2 § 1; Ord. 2-5-02-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-025.]

#### **18.40.060 Size of buildings.**

(1) Height of Buildings. All residential buildings in an R-4 zone shall be no higher than 35 feet.

(2) Minimum Square Feet. The following requirements apply to dwelling size in all single-family residential zones:

(a) One-Story Dwellings. Where there is no vertical separation from the ground floor of more than 36 inches, the minimum size of the dwelling shall be 1,200 square feet.

(b) Multi-Story Dwellings. The size of a multi-story dwelling shall be a minimum of 1,560 square feet (one and three-tenths times the area required for a single-story dwelling) finished area above ground level.

(c) Split-Level or Split-Entry Dwellings. The size of a split-level or split-entry dwelling shall be a minimum of 1,200 square feet finished area above ground level. [Ord. 11-15 § 1 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-030.]

#### **18.40.070 Lots located on private lanes.**

The planning commission may authorize conditional use approval of residential building permits for lots on private rights-of-way under the following provisions:

(1) Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All new private lanes shall be fully improved with asphalt to adopted city standards. Curb, gutter or other appropriate storm drainage methods may be required, based upon city engineer's review. All portions of private rights-of-way shall accommodate a street of no less than the standards as listed subsequently:

(a) One residential user: 20-foot right-of-way with a minimum of 15 feet of paved surface width.

(b) Two residential users: 25 feet (a minimum of 20 feet of paved surface width).

(c) Three to four residential users: 30 feet (a minimum of 25 feet of paved surface width).

(d) Development of up to four dwelling units on an existing private lane shall be developed to the minimum standards on the existing private lane. However, all new development shall provide or bond for asphalt pavement to city standards at a similar width to the existing private lane.

(2) A minimum pavement width of 20 feet shall be provided where lanes are more than 150 feet in length, regardless of the number of homes located thereon.

(3) A maximum of four residential users are permitted on a private drive or lane.

(4) All necessary public utility easements shall be dedicated for full access by city officials or workers, unless the private lane is part of a planned unit development for which there is a master water or utility meter.

(5) Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining on private rights-of-way.

(6) No private drive or lane may be greater in length than 450 feet.

(7) No building or other structure shall be erected to obstruct the logical extension of any street as identified on the transportation element of the Riverton City general plan or master transportation plan.

(8) All lots shall be provided with standard utility connections, furnished by the property owner, including an approved sewage disposal system and water line capable of supplying fire protection to within 200 feet of a dwelling. A fire hydrant shall also be required to furnish said fire protection.

(9) Easements across private property in another ownership may be allowed to accommodate a private lane only if the property to be accessed is landlocked, with no other means of access available, now or in the foreseeable future.

(10) Private lanes shall be named and identified by means of a suitable permanent street marker to Riverton City standards.

(11) An approved driveway approach from the street to the lane shall be provided.

(12) A recorded binding covenant shall be prepared providing for maintenance for the lane, drainage structures, curb, and gutter and any other common improvements.

(13) Building permit approval shall be subject to payment of a construction bond required by the city for all improvements.

(14) Storm drain lines, inlets and/or on-site detention basins may be required.

(15) Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in the following forms, as determined by the fire chief or designee, and must conform to the following standard:



(a) Cul-de-Sac. Minimum radius distance of 35 feet. This is the preferred radius for a turnaround and may be required if it is determined by staff to be feasible.

(b) Hammerhead. Minimum arm lengths of 45 feet or according to the current adopted fire code and may be in different configurations. The appropriate configuration shall be determined by the fire chief or designee. [Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-035.]

**18.40.080 Fencing between noncompatible zones.**

All properties adjacent to or abutting a rural residential or agricultural zone shall install fencing of sufficient quality, able to withstand an impact from large animals. Fencing may also be required by the planning commission or city council for other potential noncompatible uses. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-040.]

**18.40.090 Landscaping.**

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-045.]

**18.40.100 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-235-065.]

**18.40.110 Churches, religious, cultural, public and quasi-public uses.**

Churches, religious and cultural buildings, public, and quasi-public uses shall conform to the following standards:

(1) Front Yard Setbacks. Provided that all parking is located in back of the building, the setback from the front property line shall be no less than 30 feet.

(2) Side Yard Setbacks.

(a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.

(b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.

(3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case, a minimum of 22 feet is required.

(4) Setbacks shall be measured to the foundation.

(5) Open Space. Each such site shall contain a minimum of 20 percent landscaped open space within property boundaries.

(6) Parking Areas. Parking associated with such sites shall comply with the provisions of Chapter 18.145 RCC, and with the Riverton City Standards and Specifications Manual.

(7) Building Height. Buildings shall not exceed two stories or 35 feet in height, whichever is less. Steeples or other decorative elements of a religious or cultural building may be allowed up to 50 feet as approved in the conditional use permit.

(8) Building Architecture.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, stone, or other decorative masonry.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick or other decorative masonry, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass. [Amended during 2011 recodification; Ord. 08-13 § 1. Code 1997 § 12-235-080.]

**Chapter 18.45  
RM-6 RESIDENTIAL ZONE**

**Sections:**

- 18.45.010 Purpose.
- 18.45.020 Permitted uses.
- 18.45.030 Conditional uses.
- 18.45.040 Permitted accessory uses.
- 18.45.050 Area requirements.
- 18.45.060 Private yard requirements.

- 18.45.070 Frontage requirements.
- 18.45.080 Setback requirements.
- 18.45.090 Square footage of dwelling units.
- 18.45.100 Building height.
- 18.45.110 Development standards.
- 18.45.120 Parking and access.
- 18.45.130 Trash storage.
- 18.45.140 Vehicle storage.
- 18.45.150 Standards for open space.
- 18.45.160 Fencing.
- 18.45.170 Swimming pools.

**18.45.010 Purpose.**

To provide areas of medium residential density with the opportunity for varied housing styles and neighborhood character, with a maximum density of six dwelling units per gross acre. [Ord. 07-08 § 1. Code 1997 § 12-250-005.]

**18.45.020 Permitted uses.**

- (1) Condos or townhomes (attached or detached) as part of a residential planned development.
- (2) Single-family units.
- (3) Parks and open spaces (public).
- (4) Household pets (two maximum). [Ord. 07-08 § 1. Code 1997 § 12-250-010.]

**18.45.030 Conditional uses.**

- (1) Golf course (public or private) as part of a planned development.
- (2) Independent senior citizen housing.
- (3) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission. [Ord. 07-08 § 1. Code 1997 § 12-250-015.]

**18.45.040 Permitted accessory uses.**

- (1) Accessory Buildings. Detached garages, sheds, and any building on a foundation with a maximum one story or 15 feet in height.
- (2) Recreation Facilities. Basketball and tennis courts, other sports facilities, gazebos and pavilions, and pools and jacuzzis, subject to this chapter.
- (3) Community Facilities. Club houses, common meeting rooms, pool houses, etc., subject to the same setback, height requirements, and architectural standards of this chapter as apply to dwelling units. [Ord. 07-08 § 1. Code 1997 § 12-250-020.]

**18.45.050 Area requirements.**

- (1) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than one and a half acres and not more than six acres.
- (2) Percent Open Space. Each development in the RM-6 zone shall have a minimum of 30 percent of the site reserved for common open space. [Ord. 14-13 § 1; Ord. 07-08 § 1. Code 1997 § 12-250-025.]

**18.45.060 Private yard requirements.**

A minimum of 500 square feet of private yard space per unit shall be required in the RM-6 zone. [Ord. 07-08 § 1. Code 1997 § 12-250-030.]

**18.45.070 Frontage requirements.**

No more than six units per 200 feet of frontage shall be allowed. [Ord. 07-08 § 1. Code 1997 § 12-250-035.]

**18.45.080 Setback requirements.**

- (1) Front Yard Setback. The minimum setback shall be 20 feet from the back of a sidewalk which abuts a private driveway, private road, and/or parking areas. The minimum setback from the foundation of the residential building to a dedicated public right-of-way shall be no less than 25 feet.
- (2) Side Yard Setback. All buildings shall have a setback of 14 feet between detached buildings. Where a side yard is located contiguous with a public street the side yard setback shall not be less than 25 feet. Where a side yard is adjacent to a property line shared with an incompatible zone (single-family residential, commercial, or as determined by the planning commission and city council), the side yard setback shall be 25 feet, with an additional one foot of setback for every foot in building height over 25 feet.
- (3) Rear Yard Setback. All buildings shall have a rear setback of 25 feet from any property line. The setback may include both private yard and common open space. Where a rear yard is adjacent to a property line shared with an incompatible zone (single-family residential, commercial, or as determined by the planning commission and city council), the rear yard setback shall be 25 feet, with an additional one foot of setback for every foot in building height over 25 feet.
- (4) Parking areas shall have a setback of 10 feet from any property line. Adjacent to a single-family residential zone, a minimum of seven feet depth of landscaping shall be installed along that property line.

(5) Accessory Buildings and Uses.

- (a) There shall be a five-foot minimum setback from the side and rear property lines to the foundation. If the accessory building is located within 20 feet of a dwelling or main building on an adjoining lot, it shall be constructed of fire-resistant materials that provide a one-hour or greater fire rating.
- (b) Accessory buildings shall be set at least 15 feet back of the front plane of the home and a minimum of 10 feet from the any dwelling unit.
- (c) Accessory buildings or uses shall not encroach upon any easement or right-of-way.
- (d) Accessory buildings shall be of quality design and workmanship to match the integrity and materials of the homes. Similar and/or complementary materials to those on the main structure shall be used on the accessory structure. Exterior materials may not include metal, particle board, plywood or other similar materials. [Ord. 07-08 § 1. Code 1997 § 12-250-040.]

**18.45.090 Square footage of dwelling units.**

A minimum of 1,200 square feet main level living area, exclusive of garage or basement area, shall be required for all dwelling units, whether attached or detached. [Ord. 07-08 § 1. Code 1997 § 12-250-045.]

**18.45.100 Building height.**

The maximum height for all buildings and structures in RM-6 zone shall be no more than 35 feet or two and one-half stories. Accessory buildings shall be a maximum of 20 feet in height. [Ord. 07-08 § 1. Code 1997 § 12-250-050.]

**18.45.110 Development standards.**

- (1) Building Materials. All dwellings within the RM-6 zone shall be constructed with consistent architectural elements and themes as established during site plan approval. A minimum of 40 percent of the total combined area of the facades must be brick, stone, or comparable material, with no more than 60 percent of the combined area of the facades in stucco, EFIS, etc. Vinyl, aluminum, or fibrous cement siding is not allowed. Building facades which face onto public rights-of-way must include brick, stone, or comparable material.
- (2) Attached Units. Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common with other dwelling units, not including units situated above other dwelling units. Such developments shall be limited to a maximum of three attached units. [Ord. 07-08 § 1. Code 1997 § 12-250-055.]

**18.45.120 Parking and access.**

The following requirements shall be followed when planning parking for multifamily or condominium projects:

- (1) Number and Width of Driveways. Two driveways shall be used for each 200 feet of parcel frontage or fraction thereof. Each driveway shall have a minimum width of 24 feet and a maximum width of 40 feet exclusive of turnout areas to allow access to a garage or side yard.
- (2) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 30 feet to the point of intersection as measured at the property line.
- (3) Restrictions of Driveways on Arterial and Collector Streets. No residential units in the RM-6 zone may front or access directly onto an arterial or collector street as defined by the city engineer.
- (4) Minimum Number of Parking Spaces. Each unit, attached or detached, shall include an enclosed garage of sufficient size for two cars. In addition, each unit shall have a minimum of two off-street parking spaces. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk.
- (5) Internal Roadways. Internal roadways shall include a minimum of 28 feet measured face of curb to face of curb, with high-backed curbs required. Sidewalks shall be installed on both sides of the roadway, but may be installed in an easement if the roadway is privately maintained. Park strips along the roadways are not required, but may be counted towards the common open space requirement if commonly maintained. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City Standards and Specifications Manual. Internal roadways may be publicly or privately owned and maintained, as determined by the city council. Publicly owned and maintained rights-of-way may not be included in the area used for density calculations.
- (6) Other Requirements. Parking in the RM-6 zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC. [Ord. 07-08 § 1. Code 1997 § 12-250-060.]

**18.45.130 Trash storage.**

No trash receptacles shall be stored in an open area. All such receptacles must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited. [Ord. 07-08 § 1. Code 1997 § 12-250-065.]

**18.45.140 Vehicle storage.**

- (1) RV Storage. Common recreational vehicle storage areas or within common parking areas are prohibited in the RM-6 zone. [Ord. 07-08 § 1. Code 1997 § 12-250-070.]

**18.45.150 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

- (1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.

(2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.

(3) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere. The following shall be required:

(a) A minimum of 20 trees per acre shall be planted and maintained.

(b) Irrigation. All areas shall be watered by an installed irrigation system.

(4) Landscaping Quality. All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(5) Amenities. Amenities such as club houses, swimming pools, tot lots, and other play equipment may be included in the open space requirement, provided they are commonly owned and maintained. Structural amenities such as a club house shall be consistent with the standards of this chapter and shall be approved as part of the site plan approval process for the development. [Amended during 2011 recodification; Ord. 07-08 § 1. Code 1997 § 12-250-075.]

#### **18.45.160 Fencing.**

(1) Collector Street Fencing. All residential subdivisions that have properties adjacent to or abutting onto a collector or arterial residential street shall have decorative fencing, in compliance with Chapter 18.155 RCC.

(2) Incompatible Land Uses. All properties adjacent to or abutting a single-family residential or commercial zone shall install fencing compliant with RCC 18.155.080.

(3) Height Requirements. No wall or fence higher than six feet shall be erected or maintained in any private rear yard, nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually nonobstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points equal to the required setback lines. [Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 07-08 § 1. Code 1997 § 12-250-080.]

#### **18.45.170 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of four feet above finished grade of the fence. [Ord. 07-08 § 1. Code 1997 § 12-250-085.]

### **Chapter 18.50 RM-8 RESIDENTIAL ZONE**

#### **Sections:**

- 18.50.010 Purpose.
- 18.50.020 Permitted uses.
- 18.50.030 Conditional uses.
- 18.50.040 Permitted accessory uses.
- 18.50.050 Area requirements.
- 18.50.060 Private yard requirements.
- 18.50.070 Frontage requirements.
- 18.50.080 Setback requirements.
- 18.50.090 Square footage of dwelling units.
- 18.50.100 Building height.
- 18.50.110 Multi-unit development standards.
- 18.50.120 Parking and access.
- 18.50.130 Trash storage.
- 18.50.140 Vehicle storage.
- 18.50.150 Standards for open space.
- 18.50.160 Fencing.
- 18.50.170 Swimming pools.

#### **18.50.010 Purpose.**

To provide areas of medium residential density with the opportunity for varied housing styles and neighborhood character, with a maximum density of eight dwelling units per gross acre. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-005.]

#### **18.50.020 Permitted uses.**

(1) Condos or townhomes (attached or detached).

- (2) Residential planned developments.
- (3) Parks and open spaces (public).
- (4) Household pets (two maximum). [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-010.]

**18.50.030 Conditional uses.**

- (1) Nursing homes or convalescent care centers.
- (2) Public and quasi-public buildings and uses.
- (3) Group day care.
- (4) Golf course (public or private) as part of a planned development.
- (5) Medical clinics.
- (6) Independent senior citizen housing.
- (7) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-015.]

**18.50.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-020.]

**18.50.050 Area requirements.**

- (1) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than five acres and not more than 10 acres.
- (2) Percent Open Space. Each development in the RM-8 zone shall have a minimum of 30 percent of the site reserved for common open space. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 3-18-03-1 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-025.]

**18.50.060 Private yard requirements.**

A minimum of 500 square feet of private yard space per unit shall be required in the RM-8 zone. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-030.]

**18.50.070 Frontage requirements.**

No more than four units per 150 feet of frontage shall be allowed. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-035.]

**18.50.080 Setback requirements.**

- (1) Front Yard Setback. The minimum setback from the foundation of the residential building to the dedicated public right-of-way shall be no less than 30 feet, and 50 feet from an arterial street. The minimum setback shall be 10 feet from the back of a sidewalk which abuts a private driveway, private road, and/or parking areas.
- (2) Side Yard Setback. All buildings shall have a setback of 20 feet between detached buildings. Where a side yard is located contiguous with a public street or a property line shared with an incompatible zone, the side yard setback shall not be less than 30 feet.
- (3) Rear Yard Setback. All buildings shall have a rear setback of 30 feet that may include both private yard and common open space. Parking areas shall have a setback of 10 feet from the rear property line. Adjacent to a single-family residential zone, a minimum of seven feet depth of landscaping shall be installed along that property line.
- (4) Accessory Buildings and Uses.
  - (a) There shall be a five-foot minimum setback from the side and rear property lines to the closest portion of the building (including the eaves); provided, that rain gutters and rain pipes are installed. If the building does not meet the previous criteria the setback shall be a minimum of 10 feet from all property lines. If the accessory building is located within 20 feet of a dwelling or main building on an adjoining lot, it shall be constructed of fire-resistant materials that provide a one-hour or greater fire rating.
  - (b) Detached garages and accessory buildings shall be set at least 10 feet back of the normal front setback and a minimum of 10 feet from the main structure. In cases where accessory garages and/or buildings are placed in the side yard, the standard side yard setbacks for main structures shall apply.
  - (c) Accessory buildings or uses shall not encroach upon any easement or right-of-way.
  - (d) Accessory buildings shall be of quality design and workmanship to match the integrity and materials of the existing home. If approved hard surface materials are used for the main dwelling, similar and/or complementary materials shall be used on the accessory structure. Exterior materials may not include metal, particle board, plywood or other similar materials. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-040.]

**18.50.090 Square footage of dwelling units.**

A minimum of 1,100 square feet main level living area, exclusive of garage or basement area, shall be required for all single-story dwelling units, whether attached or detached. For two-story units, a minimum of 900 square feet main level living area, exclusive of garage or basement area, shall be required. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-045.]

**18.50.100 Building height.**

The maximum height for all buildings and structures in the RM-8 zone shall be no more than 35 feet or two and one-half stories. Accessory buildings shall be a maximum of 20 feet in height. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-050.]

**18.50.110 Multi-unit development standards.**

Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common with other dwelling units, not including units situated above other dwelling units. Such developments shall be limited to a maximum of five attached units. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-055.]

**18.50.120 Parking and access.**

The following requirements shall be followed when planning parking for a multifamily or condominium projects:

- (1) Number and Width of Driveways. Two driveways shall be used for each 200 feet of parcel frontage or fraction thereof. Each driveway shall have a minimum width of 24 feet and a maximum width of 40 feet exclusive of turnout areas to allow access to a garage or side yard.
- (2) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 30 feet to the point of intersection as measured at the property line.
- (3) Restrictions of Driveways on Collector Streets. Any lot fronting on a collector street shall have the driveway designed so that automobiles will not back onto the street.
- (4) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two off-street parking spaces per dwelling unit, at least one of which shall be in an enclosed garage. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk. In addition, guest parking shall be provided at a ratio of one-half stall per unit.
- (5) Internal Roadways. Internal roadways shall include a minimum of 28 feet measured face of curb to face of curb, with high-backed curbs required. Sidewalks shall be installed on both sides of the roadway, but may be installed in an easement if the roadway is privately maintained. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City Standards and Specifications Manual.
- (6) Other Requirements. Parking in the RM-8 zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-060.]

**18.50.130 Trash storage.**

No junk or trash shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid vinyl or comparable solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-065.]

**18.50.140 Vehicle storage.**

(1) RV Storage. Each multifamily or condominium development shall provide recreational vehicle storage areas for one recreational vehicle for every 10 units within the development. Storage areas shall be fully enclosed and screened with a solid decorative masonry enclosure, with solid vinyl or comparable solid grating. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-070.]

**18.50.150 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

- (1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.
- (2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.
- (3) Native Vegetation. Where it is deemed appropriate by the city, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.
- (4) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere. The following shall be required:
  - (a) A minimum of 20 trees per acre shall be planted and maintained.
  - (b) Trees shall be as follows:
    - (i) Ten percent shall be three-inch caliper.
    - (ii) Thirty percent shall be two-inch caliper or, if evergreen, nine feet or larger.
    - (iii) Fifty percent shall be one-and-one-half-inch caliper or, if evergreen, seven feet or larger.
    - (iv) Ten percent shall be one-inch caliper or, if evergreen, five feet or larger.

(v) In no case will trees of less than one-inch caliber be accepted.

(c) Irrigation. All areas shall be watered by an installed irrigation system.

(5) Open Space Guarantees. Within all areas where condominium ownership is established in the RM-8 zone, adequate assurance in a form approved by the city attorney shall be provided for permanent retention and maintenance of all open space and areas of common ownership. A building permit shall not be issued until all required guarantees have been reviewed by the planning commission and approved by the city council. Such open space guarantees could include easements to the city for perpetual use as open space.

(6) Landscaping Guarantees. Whenever a residential dwelling is constructed, landscaping in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy, unless weather forces the developer to bond with the city for the landscaping for a maximum period of six months.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(7) Tot Lots. Tot lots, including jungle gyms and other play equipment, shall be provided as part of the open space requirements at a ratio of one tot lot per 100 one-bedroom apartments, or 50 two-bedroom apartments, with a minimum of one tot lot per development. An exception to this requirement may be granted where the subject development is specifically set aside for senior citizens or elderly persons. Play equipment type and placement must be proposed and reviewed as part of the overall site plan. [Amended during 2011 recodification; Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-075.]

#### **18.50.160 Fencing.**

(1) Collector Street Fencing. All residential subdivisions that have properties adjacent to, or abutting onto, a collector or arterial residential street shall have decorative fencing, in compliance with Chapter 18.155 RCC.

(2) Incompatible Land Uses. All properties adjacent to or abutting a single-family residential or commercial zone shall install fencing compliant with RCC 18.155.080. Fencing for properties adjacent to other uses may also be required by the planning commission or city council.

(3) Height Requirements. No wall or fence higher than six feet shall be erected or maintained in any private rear yard, nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually nonobstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at point equal to the required setback lines. [Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-080.]

#### **18.50.170 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of five feet above finished grade of the fence. [Ord. 3-22-06-1 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-240-085.]

### **Chapter 18.53 RM-8-D RESIDENTIAL ZONE**

#### **Sections:**

- 18.53.010 Purpose.
- 18.53.020 Permitted uses.
- 18.53.030 Conditional uses.
- 18.53.040 Permitted accessory uses.
- 18.53.050 Area requirements.
- 18.53.060 Private yard requirements.
- 18.53.070 Design standards.
- 18.53.080 Setback requirements.
- 18.53.090 Square footage of dwelling units.
- 18.53.100 Building height.
- 18.53.110 Multi-unit development standards.
- 18.53.120 Parking and access.
- 18.53.130 Trash storage.
- 18.53.140 Vehicle storage.
- 18.53.150 Standards for open space.
- 18.53.160 Fencing.
- 18.53.170 Swimming pools.

#### **18.53.010 Purpose.**

To provide areas of medium residential density with the opportunity for varied housing styles within the downtown area, with a maximum density of eight dwelling units per gross acre. [Ord. 12-10 § 1 (Exh. A).]

**18.53.020 Permitted uses.**

- (1) Condos or townhomes (attached or detached).
- (2) Residential planned developments.
- (3) Parks and open spaces (public).
- (4) Household pets (two maximum). [Ord. 12-10 § 1 (Exh. A).]

**18.53.030 Conditional uses.**

- (1) Public and quasi-public buildings and uses.
- (2) Independent senior citizen housing.
- (3) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission. [Ord. 12-10 § 1 (Exh. A).]

**18.53.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 12-10 § 1 (Exh. A).]

**18.53.050 Area requirements.**

- (1) Area. Each application pursuant to this chapter must be for a parcel or parcels within the downtown area, as defined in Figure 1 attached to the ordinance codified in this chapter.
- (2) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than two acres.
- (3) Percent Open Space. Each development in the RM-8-D zone shall have a minimum of 25 percent of the site reserved for common open space. [Ord. 12-10 § 1 (Exh. A).]

**18.53.060 Private yard requirements.**

A minimum of 500 square feet of private yard space per unit shall be required in the RM-8-D zone. [Ord. 12-10 § 1 (Exh. A).]

**18.53.070 Design standards.**

The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Exterior materials for all buildings in the RM-8-D zone shall include brick, stucco, stone, or other decorative masonry products including fiber-cement siding as approved by the city council upon recommendation from the planning commission. A minimum of 25 percent of the exterior shall be brick or stone. Vinyl and wood siding are not permitted. However, shake shingles may be permitted as an accent material as approved. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties. [Ord. 12-10 § 1 (Exh. A).]

**18.53.080 Setback requirements.**

- (1) Front Yard Setback. The minimum setback shall be 20 feet from the top back of curb which abuts an internal public or private driveway or road if no sidewalk exists, or 20 feet from back of sidewalk if a sidewalk is installed.
- (2) Side Yard Setback. All buildings shall have a setback of 10 feet between detached buildings. Where a side yard is located contiguous with an external public street, the side yard setback shall not be less than 20 feet. The side yard setback from an internal driveway, road, and/or parking area shall be 12 feet from top back of curb.
- (3) Rear Yard Setback. All buildings shall have a rear setback of 20 feet that may include both private yard and common open space. Parking areas shall have a setback of 10 feet from the property line. Adjacent to a single-family residential zone, a minimum of seven feet depth of landscaping shall be installed along that property line.
- (4) Setbacks shall be measured to foundation.
- (5) Accessory Buildings and Uses.
  - (a) There shall be a five-foot minimum setback from the side and rear property lines to the closest portion of the building (including the eaves); provided, that rain gutters and rain pipes are installed. If the building does not meet the previous criteria the setback shall be a minimum of 10 feet from all property lines. If the accessory building is located within 20 feet of a dwelling or main building on an adjoining lot, it shall be constructed of fire-resistant materials that provide a one-hour or greater fire rating.
  - (b) Detached garages and accessory buildings shall be set at least 10 feet back of the normal front setback and a minimum of 10 feet from the main structure. In cases where accessory garages and/or buildings are placed in the side yard, the standard side yard setbacks for main structures shall apply.
  - (c) Accessory buildings or uses shall not encroach upon any easement or right-of-way.



(d) Accessory building placement, architecture, and building materials shall be approved as part of site plan approval for the overall development. [Ord. 12-10 § 1 (Exh. A).]

**18.53.090 Square footage of dwelling units.**

A minimum of 1,100 square feet of main level living area, exclusive of garage or basement area, shall be required for all single-story dwelling units, whether attached or detached. For two-story units, a minimum of 900 square feet of main level living area and a minimum total of 1,400 square feet, exclusive of garage or basement area, shall be required. [Ord. 12-10 § 1 (Exh. A).]

**18.53.100 Building height.**

The maximum height for all buildings and structures in the RM-8-D zone shall be no more than 35 feet or two and one-half stories. Accessory buildings shall be a maximum of 18 feet in height. [Ord. 12-10 § 1 (Exh. A).]

**18.53.110 Multi-unit development standards.**

Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common with other dwelling units, not including units situated above other dwelling units. [Ord. 12-10 § 1 (Exh. A).]

**18.53.120 Parking and access.**

The following requirements shall be followed when planning parking for a multifamily or condominium project:

- (1) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 20 feet to the point of intersection as measured at the property line.
- (2) Restrictions of Driveways on Collector Streets. Residential units may not access directly onto any collector or arterial street.
- (3) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two off-street parking spaces per dwelling unit, at least one of which shall be in an enclosed garage. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk. Guest parking shall be provided as approved by the city council as part of the site plan approval process.
- (4) Internal Roadways. Internal roadways may be publicly or privately maintained as approved by the city council. Public or publicly maintained roadways may not be gated or otherwise obstructed. Internal roadway dimensions and configuration, including curb and gutter, shall be as approved in the site plan, upon recommendation from the city engineer and Unified Fire Authority. However, sidewalks shall not be publicly owned or maintained unless approved as such by the city council. The city council may allow a monolithic sidewalk without a park strip as part of the overall site plan approval. On private roads or driveways, sidewalks shall be installed as approved during the site plan approval process. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City standards and specifications manual. Internal public rights-of-way and roadways may be included in the gross density calculations as approved by the city council.
- (5) Utilities on Public Rights-of-Way. As approved by the city council upon recommendation from the city engineer, public utilities may be placed within an easement or easements outside of the public right-of-way.
- (6) Other Requirements. Parking in the RM-8-D zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC. [Ord. 12-18 § 1; Ord. 12-10 § 1 (Exh. A).]

**18.53.130 Trash storage.**

No junk or trash shall be stored in an open area. All common trash receptacles or materials must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid vinyl or comparable solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited. [Ord. 12-10 § 1 (Exh. A).]

**18.53.140 Vehicle storage.**

- (1) RV Storage. RV, boat, or other recreational vehicle storage is not permitted in the RM-8-D zone. [Ord. 12-10 § 1 (Exh. A).]

**18.53.150 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

- (1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.
- (2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.
- (3) Native Vegetation. Where it is deemed appropriate by the city, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.
- (4) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere.

The following shall be required:

- (a) A minimum of 15 trees per acre shall be planted and maintained within the project, with tree type, placement, and caliper as approved by Riverton City.
- (b) Tree types, placement, and caliper shall be designated in the approved project landscape plan.
- (c) Irrigation. All areas shall be watered by an installed irrigation system.

(5) Landscaping Guarantees. Whenever a residential dwelling is constructed, landscaping in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(6) Amenities. Amenities within a development, such as a clubhouse, gazebo, pool, tot lot or play area, or similar amenities, must be proposed and approved as part of the overall site plan. The city council and planning commission may amend, add to, or otherwise modify proposed amenities or types of amenities, based on the size of the project, unit types, projected demographics and other considerations. [Ord. 12-10 § 1 (Exh. A).]

**18.53.160 Fencing.**

(1) Collector Street Fencing. All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter 18.155 RCC.

(2) Incompatible Land Uses. Fencing between noncompatible zones shall comply with RCC 18.155.080.

(3) Height Requirements. No wall or fence higher than eight feet shall be erected or maintained in any private rear yard, nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually nonobstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at point equal to the required setback lines.

(5) Fencing Design. Required perimeter fencing shall be of a consistent design and type, with both internal and external sides of the fence similarly decorated and colored. [Ord. 15-02 § 1 (Exh. A); Ord. 12-10 § 1 (Exh. A).]

**18.53.170 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of five feet above finished grade of the fence. [Ord. 12-10 § 1 (Exh. A).]

**Chapter 18.55  
RM-14 RESIDENTIAL ZONE**

**Sections:**

- 18.55.010 Purpose.
- 18.55.020 Permitted uses.
- 18.55.030 Conditional uses.
- 18.55.040 Permitted accessory uses.
- 18.55.050 Area requirements.
- 18.55.060 Design standards.
- 18.55.070 Setback requirements.
- 18.55.080 Square footage of dwelling units.
- 18.55.090 Building height.
- 18.55.100 Multi-unit development standards.
- 18.55.110 Parking and access.
- 18.55.120 Trash storage.
- 18.55.130 Vehicle storage.
- 18.55.140 Standards for open space.
- 18.55.170 Fencing.
- 18.55.180 Swimming pools.

Prior legislation: Code 1997 §§ 12-245-075 and 12-245-080.

**18.55.010 Purpose.**

To provide areas of medium residential density with the opportunity for varied housing styles with a maximum density of 14 dwelling units per gross acre. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-005.]

**18.55.020 Permitted uses.**

(1) Condos or townhomes (attached or detached).

(2) Residential planned developments.

(3) Parks and open spaces (public).

(4) Household pets (two maximum). [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-010.]

**18.55.030 Conditional uses.**

(1) Public and quasi-public buildings and uses.

(2) Home occupations.

(3) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-015.]

**18.55.040 Permitted accessory uses.**

(1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).

(2) Accessory Structures. Pools and jacuzzis, subject to this chapter.

(3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 15-09 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-020.]

**18.55.050 Area requirements.**

(1) Area. Each application pursuant to this chapter must be for parcel or contiguous parcels within Riverton City.

(2) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than five acres.

(3) Percent Open Space. Each development in the RM-14 zone shall have a minimum of 25 percent of the site reserved for common open space. [Ord. 15-09 § 1 (Exh. A); Ord. 3-18-03-1 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-025.]

**18.55.060 Design standards.**

The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Exterior materials for all buildings in the RM-14 zone shall include brick, stucco, stone, or other decorative masonry products including fiber-cement siding as approved by the city council upon recommendation from the planning commission. A minimum of 25 percent of the exterior shall be brick or stone. Vinyl and wood siding are not permitted. However, shake shingles may be permitted as an accent material as approved. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-030.]

**18.55.070 Setback requirements.**

(1) Front Yard Setback. The minimum setback shall be 20 feet from the top back of curb which abuts an internal public or private road if no sidewalk exists, or 20 feet from back of sidewalk if a sidewalk is installed. Where a unit includes rear loaded garages, the front setback shall be a minimum of 15 feet from top back of curb.

(2) Side Yard Setback. All buildings shall have a setback of 10 feet between detached buildings. Where a side yard is located contiguous with an external public street, the side yard setback shall not be less than 20 feet from property line. The side yard setback from an internal driveway, road, and/or parking area shall be 10 feet from top back of curb, or from back of sidewalk if sidewalk is installed.

(3) Rear Yard Setback. All buildings shall have a rear setback of 25 feet from property line when adjacent to an external public right-of-way. Where a rear yard is set back from an internal road and/or parking area the setback shall be 20 feet from top back of curb. Where a unit includes rear loaded garages off internal roadways, the setback shall be a minimum of five feet from edge of roadway. Parking areas shall have a setback of 10 feet from the property line.

(4) Setbacks shall be measured to foundation.

(5) Incompatible Uses. Where adjacent to an existing commercial, single-family, or agricultural zone, all structures shall be set back one foot for every foot in building height from property line, with a minimum of 25 feet. A minimum of seven feet depth of landscaping shall be installed along that property line. Accessory structures shall be set back a minimum of 10 feet from property line. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-035.]

**18.55.080 Square footage of dwelling units.**

A minimum finished living area square footage shall be 900 square feet. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-040.]

**18.55.090 Building height.**

The maximum height for all buildings and structures in the RM-14 zone shall be no more than 35 feet or two and one-half stories, whichever is less. Accessory buildings shall be a maximum of 15 feet in height. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-045.]

**18.55.100 Multi-unit development standards.**

Dwelling units may be clustered in common wall construction. Such units may have no more than three walls in common with other dwelling units, not including units situated above other dwelling units. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-050.]

**18.55.110 Parking and access.**

The following requirements shall be followed when planning parking for a multifamily or condominium project:

(1) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 20 feet to the point of intersection as measured at the property line.

(2) Restrictions of Driveways on Collector Streets. Residential units may not access directly onto any collector or arterial street.

(3) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two off-street parking spaces per dwelling unit, at least one of which shall be in an enclosed garage. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk. Guest parking shall be provided as approved by the city council as part of the site plan approval process.

(4) Internal Roadways. Internal roadways may be publicly or privately maintained as approved by the city council. Public or publicly maintained roadways may not be gated or otherwise obstructed. Internal roadway dimensions and configuration, including curb and gutter, shall be as approved in the site plan, upon recommendation from the city engineer and Unified Fire Authority. However, sidewalks shall not be publicly owned or maintained unless approved as such by the city council. The city council may allow a monolithic sidewalk without a park strip as part of the overall site plan approval. On private roads or driveways, sidewalks shall be installed as approved during the site plan approval process. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City standards and specifications manual. Internal public rights-of-way and roadways may be included in the gross density calculations as approved by the city council.

(5) Utilities on Public Rights-of-Way. As approved by the city council upon recommendation from the city engineer, public utilities may be placed within an easement or easements outside of the public right-of-way.

(6) Other Requirements. Parking in the RM-14 zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-055.]

**18.55.120 Trash storage.**

No junk or trash shall be stored in an open area. All common trash receptacles or materials must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid vinyl or comparable solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-060.]

**18.55.130 Vehicle storage.**

(1) RV Storage. RV, boat, or other recreational vehicle storage is not permitted in the RM-14 zone. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-065.]

**18.55.140 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

(1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.

(2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.

(3) Native Vegetation. Where it is deemed appropriate by the city, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.

(4) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere.

The following shall be required:

(a) A minimum of 15 trees per acre shall be planted and maintained within the project, with tree type, placement, and caliper as approved by Riverton City.

(b) Tree types, placement, and caliper shall be designated in the approved project landscape plan.

(c) Irrigation. All areas shall be watered by an installed irrigation system.

(5) Landscaping Guarantees. Whenever a residential dwelling is constructed, landscaping in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(6) Amenities. Amenities within a development, such as a clubhouse, gazebo, pool, tot lot or play area, or similar amenities, must be proposed and approved as part of the overall site plan. The city council and planning commission may amend, add to, or otherwise modify proposed amenities or types of amenities, based on the size of the project, unit types, projected demographics and other considerations. [Ord. 15-09 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-070.]

**18.55.170 Fencing.**

(1) Collector Street Fencing. All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter 18.155 RCC unless otherwise approved by the city council as part of the site plan approval process.

(2) Incompatible Land Uses. All properties adjacent to or abutting a single-family residential or commercial zone shall install decorative masonry fencing at a minimum of eight feet in height. However, the city council, upon recommendation from the planning commission, may allow for alternative fence type and height based on current and proposed future land use of adjacent properties.

(3) Height Requirements. No wall or fence higher than eight feet shall be erected or maintained in any private rear yard nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually nonobstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at point equal to the required setback lines.

(5) Fencing Design. Required perimeter fencing shall be of a consistent design and type, with both internal and external sides of the fence similarly decorated and colored. [Ord. 15-09 § 1 (Exh. A); amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-085.]

**18.55.180 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of five feet above finished grade of the fence. [Ord. 15-09 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-245-090.]

**Chapter 18.57  
RM-14-D RESIDENTIAL ZONE**

**Sections:**

- 18.57.010 Purpose.
- 18.57.020 Permitted uses.
- 18.57.030 Conditional uses.
- 18.57.040 Permitted accessory uses.
- 18.57.050 Area requirements.
- 18.57.060 Design standards.
- 18.57.070 Setback requirements.
- 18.57.080 Square footage of dwelling units.
- 18.57.090 Building height.
- 18.57.100 Multi-unit development standards.
- 18.57.110 Parking and access.
- 18.57.120 Trash storage.
- 18.57.130 Vehicle storage.
- 18.57.140 Standards for open space.
- 18.57.170 Fencing.
- 18.57.180 Swimming pools.

**18.57.010 Purpose.**

To provide areas of medium residential density with the opportunity for varied housing styles within the downtown area, with a maximum density of 14 dwelling units per gross acre. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.020 Permitted uses.**

- (1) Condos or townhomes (attached or detached).
- (2) Residential planned developments.
- (3) Parks and open spaces (public).
- (4) Household pets (two maximum). [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.030 Conditional uses.**

- (1) Public and quasi-public buildings and uses.
- (2) Independent senior citizen housing.
- (3) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.050 Area requirements.**

(1) Area. Each application pursuant to this chapter must be for a parcel or parcels within the downtown area, as defined in Figure 1 attached to the ordinance codified in this chapter.

(2) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than two acres.

(3) Percent Open Space. Each development in the RM-14-D zone shall have a minimum of 25 percent of the site reserved for common open space. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

#### **18.57.060 Design standards.**

The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Exterior materials for all buildings in the RM-14-D zone shall include brick, stucco, stone, or other decorative masonry products including fiber-cement siding as approved by the city council upon recommendation from the planning commission. A minimum of 25 percent of the exterior shall be brick or stone. Vinyl and wood siding are not permitted. However, shake shingles may be permitted as an accent material as approved. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

#### **18.57.070 Setback requirements.**

(1) Front Yard Setback. The minimum setback shall be 20 feet from the top back of curb which abuts an internal public or private driveway or road if no sidewalk exists, or 20 feet from back of sidewalk if a sidewalk is installed. Where a unit includes rear loaded garages, the front setback shall be a minimum of 15 feet from top back of curb.

(2) Side Yard Setback. All buildings shall have a setback of 10 feet between detached buildings. Where a side yard is located contiguous with an external public street, the side yard setback shall not be less than 15 feet. The side yard setback from an internal driveway, road, and/or parking area shall be 10 feet from top back of curb.

(3) Rear Yard Setback. All buildings shall have a rear setback of 20 feet from top back of curb when adjacent to an external public right-of-way. Where a rear yard is set back from an internal driveway, road and/or parking area the setback shall be 10 feet from top back of curb. Where a unit includes rear loaded garages off internal roadways, the setback shall be a minimum of five feet from edge of roadway. Parking areas shall have a setback of 10 feet from the property line. Adjacent to a single-family residential zone, a minimum of seven feet depth of landscaping shall be installed along that property line.

(4) Setbacks shall be measured to foundation.

(5) Accessory Buildings and Uses. Enclosed garage units may be placed upon the property line providing all provisions of the current building code are met. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

#### **18.57.080 Square footage of dwelling units.**

A minimum finished living area square footage shall be 900 square feet. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

#### **18.57.090 Building height.**

The maximum height for all buildings and structures in the RM-14-D zone shall be no more than 35 feet or two and one-half stories. Accessory buildings shall be a maximum of 18 feet in height. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

#### **18.57.100 Multi-unit development standards.**

Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common with other dwelling units, not including units situated above other dwelling units. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

#### **18.57.110 Parking and access.**

The following requirements shall be followed when planning parking for a multifamily or condominium project:

(1) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 20 feet to the point of intersection as measured at the property line.

(2) Restrictions of Driveways on Collector Streets. Residential units may not access directly onto any collector or arterial street.

(3) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two off-street parking spaces per dwelling unit, at least one of which shall be in an enclosed garage. Driveways on individual units may be counted as an off-street parking space only if there is a minimum driveway depth of 20 feet from back of sidewalk. Guest parking shall be provided as approved by the city council as part of the site plan approval process.

(4) Internal Roadways. Internal roadways may be publicly or privately maintained as approved by the city council. Public or publicly maintained roadways may not be gated or otherwise obstructed. Internal roadway dimensions and configuration, including curb and gutter, shall be as approved in the site plan, upon recommendation from the city engineer and Unified Fire Authority. However, sidewalks shall not be publicly owned or maintained unless approved as such by the city council. The city council may allow a monolithic sidewalk without a park strip as part of the overall site plan approval. On private roads or driveways, sidewalks shall be installed as approved during the site plan approval process. All paved surfaces shall meet minimum standards of construction as specified in the Riverton City standards and specifications manual. Internal public rights-of-way and roadways may be included in the gross density calculations as approved by the city council.

(5) Utilities on Public Rights-of-Way. As approved by the city council upon recommendation from the city engineer, public utilities may be placed within an easement or easements outside of the public right-of-way.

(6) Other Requirements. Parking in the RM-14-D zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.120 Trash storage.**

No junk or trash shall be stored in an open area. All common trash receptacles or materials must be screened from public streets and adjacent properties with a solid decorative masonry enclosure with solid vinyl or comparable solid gating, or must be stored within an enclosed building. Storage of commercial goods or materials is expressly prohibited. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.130 Vehicle storage.**

(1) RV Storage. RV, boat, or other recreational vehicle storage is not permitted in the RM-14-D zone. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.140 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

- (1) Grading. All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.
- (2) Turf. All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.
- (3) Native Vegetation. Where it is deemed appropriate by the city, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.
- (4) Trees. All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere.

The following shall be required:

- (a) A minimum of 15 trees per acre shall be planted and maintained within the project, with tree type, placement, and caliper as approved by Riverton City.
- (b) Tree types, placement, and caliper shall be designated in the approved project landscape plan.
- (c) Irrigation. All areas shall be watered by an installed irrigation system.

(5) Landscaping Guarantees. Whenever a residential dwelling is constructed, landscaping in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora.

(6) Amenities. Amenities within a development, such as a clubhouse, gazebo, pool, tot lot or play area, or similar amenities, must be proposed and approved as part of the overall site plan. The city council and planning commission may amend, add to, or otherwise modify proposed amenities or types of amenities, based on the size of the project, unit types, projected demographics and other considerations. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.170 Fencing.**

(1) Collector Street Fencing. All developments that have dwelling units adjacent to, or abutting onto, a collector or arterial street shall have decorative masonry collector street fencing, in compliance with Chapter 18.155 RCC unless otherwise approved by the city council as part of the site plan approval process.

(2) Incompatible Land Uses. Fencing between noncompatible zones shall comply with RCC 18.155.080.

(3) Height Requirements. No wall or fence higher than eight feet shall be erected or maintained in any private rear yard, nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height, except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually nonobstructive material and shall be used to provide a safe distance for pedestrian and street traffic.

(4) Corner Lots. No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point equal to the required setback lines.

(5) Fencing Design. Required perimeter fencing shall be of a consistent design and type, with both internal and external sides of the fence similarly decorated and colored. [Ord. 15-02 § 1 (Exh. A); Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**18.57.180 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices, with latches placed a minimum of five feet above finished grade of the fence. [Ord. 14-17 § 1 (Exh. A); Ord. 14-02 § 1 (Exh. A).]

**Chapter 18.60  
RM-18 RESIDENTIAL ZONE**

Sections:

- 18.60.010 Purpose.
- 18.60.020 Permitted uses.
- 18.60.030 Conditional uses.
- 18.60.040 Permitted accessory uses.
- 18.60.050 Area requirements.
- 18.60.060 Setback requirements.
- 18.60.070 Square footage of dwelling units.
- 18.60.080 Building height.
- 18.60.090 Multi-unit development standards.
- 18.60.100 Parking and access.
- 18.60.110 Trash enclosure.
- 18.60.120 Vehicle storage.
- 18.60.130 Standards for open space.
- 18.60.140 Buffering and screening.
- 18.60.150 Swimming pools.
- 18.60.160 Fencing.
- 18.60.170 Lighting.
- 18.60.180 Independent elderly housing and convalescent homes.

**18.60.010 Purpose.**

To provide areas of high residential density with the opportunity for varied housing styles and neighborhood character, including condominiums and multifamily dwelling units, with a maximum density of 18 dwelling units per gross acre. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-005.]

**18.60.020 Permitted uses.**

- (1) Condos or townhomes (attached or detached).
- (2) Apartments (rental or owner-occupancy).
- (3) Residential planned developments.
- (4) Parks and open spaces (public).
- (5) Household pets (two maximum). [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-010.]

**18.60.030 Conditional uses.**

- (1) Nursing homes or convalescent care centers.
- (2) Public and quasi-public buildings and uses.
- (3) Group day care.
- (4) Golf course (public or private) as part of a planned development.
- (5) Medical clinics.
- (6) Residential facilities for disabled.
- (7) Independent senior citizen housing.
- (8) Other compatible uses, not elsewhere specified, approved by the city council after recommendation by the planning commission. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-015.]

**18.60.040 Permitted accessory uses.**

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Basketball courts, tennis courts, and similar structures. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-020.]

**18.60.050 Area requirements.**

- (1) Parcel Size. Each application pursuant to this chapter shall be for a site of not less than 10 acres and not more than 20 acres.
- (2) Open Space. Each development in the RM-18 zone shall have a minimum of 40 percent of the site reserved for common open space. [Ord. 3-18-03-1 § 1; Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-025.]

**18.60.060 Setback requirements.**

- (1) Front Yard Setback. The minimum setback from the facade of the residential building to the dedicated public right-of-way shall be no less than 30 feet, and 50 feet from an arterial street. The minimum setback shall be 20 feet from the back of curb which abuts a private driveway, private road, and/or parking areas.
- (2) Side Yard Setback. All buildings shall have a setback of 10 feet between all detached buildings. Where buildings are two stories, setbacks between



buildings shall be a minimum of 25 feet. Where a side yard is located contiguous with a public street, the side yard setback shall not be less than 20 feet.

(3) Rear Yard Setback. All buildings shall have a rear setback of 25 feet which may include both private yard and common open space. Parking areas shall have a setback of 10 feet from the rear property line. Adjacent to a single-family residential zone, a minimum of 10 feet of landscaping shall be installed.

(4) Accessory Buildings and Uses.

(a) There shall be a five-foot minimum setback from the side and rear property lines to the closest portion of the building (including the eaves); provided, that rain gutters and rain pipes are installed. If the building does not meet the previous criteria the setback shall be a minimum of 10 feet from all property lines. If the accessory building is located within 20 feet of a dwelling or main building on an adjoining lot, it shall be constructed of fire-resistant materials which provide a one-hour or greater fire rating.

(b) Accessory buildings or uses shall not encroach upon any easement or right-of-way.

(c) Accessory structures of 500 square feet or less not approved as part of the site plan approval for a multifamily development shall be approved by the planning department prior to the issuance of a building permit.

(d) Accessory buildings shall be of quality design and workmanship to match the integrity and materials of the existing home or main dwelling unit(s). If approved hard surface materials are used for the main dwelling, similar and/or complementary materials shall be used on the accessory structure. Exterior materials may not include metal, particle board, plywood, cinder block, split-faced block, or other similar materials. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-035.]

**18.60.070 Square footage of dwelling units.**

The following shall be the minimum size of any dwelling unit, exclusive of any open porches or garages in the RM-18 zone:

(1) Dwelling units with one bedroom shall be a minimum of 700 square feet.

(2) Dwelling units with two or more bedrooms shall be a minimum of 900 square feet. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-040.]

**18.60.080 Building height.**

The maximum height for all buildings and structures in the RM-18 zone shall be no more than four stories or 48 feet, whichever is less. Accessory buildings shall be a maximum of 15 feet in height. Height is measured from permanent grade at ground level, as determined by the city engineer. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-045.]

**18.60.090 Multi-unit development standards.**

Dwelling units may be clustered in common wall construction. Such units may have no more than two walls in common, excepting the dividing wall which serves as floor and ceiling between stacked units. Developments shall be limited to a maximum of eight attached units if the building is one story and eight attached units per story if the building is multi-story. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-050.]

**18.60.100 Parking and access.**

The following requirements shall be followed when planning parking for a multifamily project:

(1) Number and Width of Driveways. For each multiple-family residential lot, no more than two driveways shall be used for each 200 feet of parcel frontage or fraction thereof. Each driveway shall have a minimum width of 24 feet and a maximum width of 40 feet exclusive of turnout areas to allow access to a garage or side yard. Units with attached garages shall comply with Riverton City's residential driveway standard.

(2) Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than 30 feet to the point of intersection as measured at the property line.

(3) Restrictions of Driveways on Collector Streets. Any lot fronting on a collector street shall have the driveway designed so that automobiles will not back onto the street.

(4) Minimum Number of Parking Spaces. Multiple-family developments shall have a minimum of two parking spaces per dwelling unit, with one and one-half spaces per one-bedroom unit. The city may require additional stalls based on size of each unit, cost of units, lifestyle characteristics, size of project, future expansion capability, workplace relationship, comparable projects in the area, or other issues as it sees fit. Condominium developments shall have a minimum of two parking spaces per dwelling unit, one of which shall be enclosed in a garage or in a carport. All parking shall comply with Chapter 18.145 RCC, Automobile Parking.

(5) Garage Requirements. A minimum of one-half of the units shall have a fully enclosed garage sized and designed to Riverton City standards and ordinance. The city may allow covered parking in place of garages depending on development type. Garages shall be sized to accommodate a full-size vehicle, with minimum dimensions to match a Riverton City standard parking stall. Such garage must be free of clutter and stored materials enough to house a car at all times. Multi-unit structures may construct underground parking structures to meet this requirement. Carports may not substitute for an enclosed garage if so required by the city. At the discretion of the city council, garages may not necessarily count towards the required number of parking stalls.

(6) Carport Requirements. When carports are used in parking areas, they shall be required to be constructed with the following elements:

(a) Roofs. Roofs shall have a pitch of at least 20 percent. No wood shingles shall be used.

(b) Supports and Pillars. Supports and pillars shall be constructed of approved materials and shall have a minimum dimension of three square feet. Pillars shall be placed no less than every five stalls.

(7) Other Requirements. Parking in the RM-18 zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC.

(8) Access to Parking. Each multi-unit building shall have reasonable access to parking. [Ord. 2-19-02-1 § 1 (Exh. A), Code 1997 § 12-255-055.]

**18.60.110 Trash enclosure.**

No junk or trash shall be stored in any open area. One dumpster shall be required for each development with an additional dumpster required for each additional 20 units after 20. Trash enclosures shall be screened by landscaping and solid screening material to match the exterior materials of the building. Chain link and fencing with vinyl slats are prohibited. Such areas are to be well maintained and oriented away from public view. Storage of commercial goods or materials is expressly prohibited. [Ord. 2-19-02-1 § 1 (Exh. A), Code 1997 § 12-255-060.]

**18.60.120 Vehicle storage.**

(1) Inoperable Vehicles. No licensed or unlicensed motor vehicle of any kind or part(s) thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended to or not, shall be parked on private property in the RM-18 zone for a period of time in excess of 72 hours, except that not more than two such vehicles or parts thereof may be stored or parked within a building or behind an opaque screening fence.

(2) RV Storage. The planning commission and city council may require each multifamily or condominium development to provide recreational vehicle storage areas for one recreational vehicle for a minimum of five percent of dwelling units within the development, to be evaluated with respect to size of each unit, cost of units, lifestyle characteristics, and size of project. Storage areas shall be fully enclosed and screened. [Amended during 2011 recodification; Ord. 2-19-02-1 § 1 (Exh. A), Code 1997 § 12-255-065.]

**18.60.130 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

(1) All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.

(2) All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.

(3) Where it is deemed appropriate, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps shall be taken by developers to guard against such spaces becoming a fire hazard or haven for insects and/or rodents.

(4) All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief. The following minimums shall be required:

(a) A minimum of 20 trees per acre shall be planted and maintained, of which street trees shall be in addition to.

(b) Thirty percent of the interior trees shall be two-inch caliper or larger. No tree under one-and-one-half-inch caliper in size shall be accepted.

(c) All areas shall be watered by a pressurized irrigation system, installed to meet the watering needs of all flora. Irrigation design must be approved by the parks department prior to final plat approval by city council. Irrigation construction, along with all other landscaping improvements, shall be approved by the parks department for any public space prior to occupancy.

(5) Open Space Guarantees. Within all areas where common open space is required in the RM-18 zone, adequate assurance in a form approved by the city attorney shall be provided for permanent retention and maintenance of all open space and areas of common ownership. A building permit shall not be issued until all required guarantees have been reviewed by the planning commission and approved by the city council. Such open space guarantees could include easements to the city for perpetual use as open space.

(6) Landscaping Guarantee. Whenever a residential dwelling is constructed, landscaping, in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy unless weather forces the developer to bond with the city for the landscaping for a maximum period of six months.

All landscaping shall be of sufficient quality, durability and survivability.

(7) Recreation Facilities. Recreation facilities, including tot lots, swimming pools, basketball courts, tennis courts, and other play areas and equipment, shall be provided as part of the open space requirements at a ratio of one facility for every 25 units, with a minimum of one lot per development. A club house may be considered an individual recreational facility if it houses a room with workout equipment. An exception to these requirements may be granted where the subject development is specifically set aside for senior citizens or elderly persons. All recreation facility types and designs shall be approved as part of site plan approval for the project. The city may accept expanded or enhanced facilities or uses as fulfilling the requirement for multiple facilities within a development at its sole discretion. [Amended during 2011 recodification; Ord. 2-19-02-1 § 1 (Exh. A), Code 1997 § 12-255-070.]

**18.60.140 Buffering and screening.**

When any new development in the RM-18 zone creates an incompatible land use, there shall be a minimum eight-foot solid masonry wall and a landscaped area provided along the entire lot(s) adjacent to the incompatible use created by the new development, as approved by the city council upon recommendation of the planning commission. The landscaped area required in this section shall be a minimum seven feet in depth, as measured from the centerline of the wall. These same requirements shall apply to the lots of any development adjacent to collector or arterial streets as shown on the transportation element of the Riverton City general plan. [Amended during 2011 recodification; Ord. 2-19-02-1 § 1 (Exh. A), Code 1997 § 12-255-075.]

**18.60.150 Swimming pools.**

Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet from all property lines, and any public swimming pool not completely enclosed within a building having solid walls shall be set back at least 10 feet from all property lines. Any swimming pool shall be

completely surrounded by a nonaccessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates, which shall be equipped with self-closing and self-latching devices. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-080.]

**18.60.160 Fencing.**

Fencing within or surrounding any development shall comply with Chapter 18.155 RCC, Fences, as well as any specific requirements made and approved by the city council. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-085.]

**18.60.170 Lighting.**

Developments shall have sufficient exterior lighting necessary to provide safety for residents and visitors of the development.

All developments shall abide by all street lighting ordinances and standards. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-090.]

**18.60.180 Independent elderly housing and convalescent homes.**

(1) Conditions. Residential facilities for elderly persons shall be subject to the following conditions before being granted a conditional use permit, and said permit shall not be denied where a facility is found to meet all conditions set forth in this chapter:

(a) Code Compliance. The facility shall meet all city and state building, safety and health laws and regulations applicable to other dwellings in the zone. Further, the facility shall meet all state and federal laws which apply to structures and facilities used by elderly people.

(b) Parking. Sufficient off-street parking shall be provided for the residents, staff (including nonresident staff) and visitors without changing the residential character of the property. Said off-street parking shall also comply with city standards relating to side yard, rear yard, and front yard setbacks. Factors which will be considered in determining the number of spaces which will be required include: the width of the street, the availability of public transportation within a reasonable distance, and the availability of pedestrian access.

(c) Landscaping. All landscaping shall be maintained in a neat and orderly fashion. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner.

(d) Residents. No person who is being treated for alcoholism or drug abuse shall be placed in said dwelling. No person who is violent shall be placed in said dwelling.

(e) Volunteer Basis. Placement in said dwelling shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(f) Interior. For convalescent homes, no more than two residents shall sleep in a single bedroom. A minimum of 60 square feet per individual shall be provided in a double-occupancy bedroom. A minimum of 100 square feet per individual shall be provided in a single occupant bedroom.

(g) Other Conditions. The city council, upon prior recommendation of the planning commission, may set other reasonable conditions for any individual applicant which it feels will further the intent of Section 10-8-2.6, Utah Code Annotated 1953, as amended, and this chapter.

(2) Application Accompanied by Plot Plan. An application for a residential facility for elderly persons pursuant to this chapter shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the property, the size and locations of existing building, all hard-surfaced areas, landscaped areas and such other information as may be necessary to provide for the compliance of this chapter.

(3) Discrimination Prohibited. Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.

(4) Duration. A conditional use granted under this chapter is transferable only upon prior approval of the city council and terminates if the structure in which the facility is housed is devoted to use other than as a residential facility for elderly persons; if the structure fails to comply with applicable health, safety and building codes; or if the operation of the facility is transferred. If any of the above takes place, the structure cannot be sold or used as a multifamily unit unless a permit is obtained from the city.

(5) Licensing. Upon receipt of a conditional use permit, the applicant shall obtain a license from the Utah State Department of Health and a business license from the city. In order to obtain the city business license, the applicant shall submit a copy of the state license. Thereafter, the business license shall be renewed from year to year by paying the proper fees and maintaining the facility according to the standards set forth herein. The business license and conditional use permit shall be subject to revocation for violation or noncompliance with any of the requirements set forth herein or nonpayment of the proper fees. [Ord. 2-19-02-1 § 1 (Exh. A). Code 1997 § 12-255-090.]

**Chapter 18.65  
DOWNTOWN COMMERCIAL (C-D) ZONE**

**Sections:**

- 18.65.010 Purpose.
- 18.65.020 Permitted uses.
- 18.65.030 Conditional uses.
- 18.65.040 Setback requirements.
- 18.65.050 Lot coverage.
- 18.65.060 Architectural standards.
- 18.65.070 Development standards.
- 18.65.080 Parking areas.

**18.65.010 Purpose.**

The downtown commercial (C-D) zone is established so commercial businesses and shopping centers can serve the area in a manner that can create and preserve the city's historic downtown as a marketplace. This zone is also established to assure maximum efficiency of both pedestrian and automobile traffic circulation. The intent of the downtown commercial zone is to establish the downtown of Riverton as a place for area residents to shop, seek entertainment, and enjoy civic and cultural activities and recreation.

Generally, uses that are conducive to this zone will be retail sales, services, banking and financial lending, restaurants, cultural centers and theaters. When possible, these uses shall be required to integrate and consolidate shared driveways, ingress and egress, green spaces, signage, pedestrian access and parking.

The general location of this zone shall be the area from the South Jordan Canal to 2200 West and from approximately 12500 South to 12800 South encompassing the intersection of Redwood Road and 12600 South in those boundaries. [Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-005.]

**18.65.020 Permitted uses.**

The following uses are permitted and allowed in the C-D zone; provided, that the regulations and intent of this zone are met:

- (1) Bank or financial lending institution.
- (2) Beauty salon or barber shop.
- (3) Bakery.
- (4) Grocery store.
- (5) Theater, motion picture/play house.
- (6) Drug store or pharmacy.
- (7) Professional office.
- (8) Restaurant, sit down.
- (9) Department store, general merchandise.
- (10) Convenience store with gasoline (except when two or more like uses exist within 1,000 feet).
- (11) Sports activities, private.
- (12) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 11-04 § 1; Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-010.]

**18.65.030 Conditional uses.**

The following uses, but not limited to the following uses, are conditional and may be considered uses within the C-D zone; provided, that the regulations and intent of this zone are adhered to:

- (1) Recreation and fitness center, or health club.
- (2) Drive-through window.
- (3) Restaurant, fast food.
- (4) Health care facility or medical clinic.
- (5) Other uses as per RCC 18.90.010, Table of commercial uses.
- (6) Convenience store (except where two or more like uses exist within 1,000 feet). [Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-015.]

**18.65.040 Setback requirements.**

- (1) Adjacent to Public Streets. All buildings adjacent to public streets shall be set back a minimum of 30 feet from back of curb.
- (2) Side Yard Setbacks.
  - (a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.
  - (b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.
- (3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However,

there shall be a minimum setback of 20 feet, unless an access lane is planned, in which case a minimum of 22 feet is required.

(4) Setbacks shall be measured to the foundation. [Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 9-2-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-020.]

**18.65.050 Lot coverage.**

(1) Building Pad Coverage. Commercial lots in the C-D zone shall have a maximum coverage of 40 percent.

(2) Open Space. Each commercial site in the C-D zone shall contain a minimum of 20 percent landscaped open space within property boundaries. [Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-025.]

**18.65.060 Architectural standards.**

(1) Turn-of-the-Century Features. The C-D zone shall incorporate a minimum of five characteristics of the "turn-of-the-century." However, as many characteristics of the turn-of-the-century as possible should be used to create a distinct turn-of-the-century feel to the downtown. The closer to the intersection of 12600 South and Redwood Road a development is, the more elements of turn-of-the-century should be used. These design standards and guidelines are as directed and administrated by the planning commission and city council.

(a) Commercial District Master Plan. The standards and guidelines in this section are the same as those currently found in the Riverton commercial district master plan.

(b) Encouraged Features. The following are encouraged features for all commercial buildings. Large developments should be able to use all of these features. Smaller scale developments are encouraged to use as many of these features as possible. Other acceptable features not listed herein can be found in the architectural guidelines of the Riverton City commercial district master plan.

(i) High pitched roofs.

(ii) Arched doorways and windows.

(iii) Decorative block or brick quoins.

(iv) Columns, either brick, rounded wood or colonial.

(v) Clock towers and other decorative vertical features.

(vi) Keystones over doorways or windows.

(vii) Decorative wood window shutters.

(viii) Brick accent walls.

(ix) Other features as approved by the city council after recommendation by the planning commission.

(2) Building Height. Buildings shall not exceed three stories or 50 feet in height, whichever is less.

(3) Bulk. Commercial buildings shall be designed with architectural wall variations at least every 30 to 50 feet in linear width, depending on the size of the project. Variations could imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.

(4) Roof.

(a) Roofline.

(i) Parapet Walls. No parapet walls shall be constructed in the C-D zone. Buildings where two exterior walls span over 50 feet may be granted an exception to the gabled roof. In such a case, the roof design may be one of the following options for all facades visible from the public street:

(A) A roof pitch should extend a minimum of 15 feet from the exterior wall using a similar pitch between 4:12 and 12:12 such that the roof assumes an appearance of a gabled roof.

(B) The roofline shall create a three-dimensional appearance by including components such as extended eaves, canopies, pediments and/or an extended roofline.

(C) If it can be shown that parapet walls abide by the turn-of-the-century theme, parapet walls, combined with a flat roof, may be allowed.

(ii) Pitch. The roof pitch shall be a minimum of 4:12 and a maximum of 12:12.

(b) Roof Materials. Appropriate roofing materials shall be evaluated by the planning department. However, at no time shall wood shingles be permitted.

(5) Exterior Surfaces.

(a) Protected Lower Wall. The lower portion of the wall shall consist of brick in keeping with the historic downtown theme, excluding entryways.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass and brick. However, not more than 30 percent of the building's exterior wall surface may be glass, unless approved complementary to the turn-of-the-century theme.

(c) Color Palette. Exterior wall surfaces shall be rich tones consistent with the historical theme. Some of these may be earth tones and darker or red brick tones. [Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-030.]

**18.65.070 Development standards.**

**(1) Site Development.**

(a) Building Arrangement. A site plan containing several buildings shall be designed, with courtyards when possible, and should break up parking into separate courts.

(b) Site Detail – Walkways, Courtyards and Plazas. Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a nonskid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as according to the adopted Riverton City lighting standards.

(2) Minimum Lot Size. Development within the C-D zone shall not be less than one acre in size, unless it is a pad site included as part of a larger development. Each parcel shall also be of sufficient size to assure compliance with the city's off-street parking, landscaping, and site plan requirements.

The city may deny a commercial use on property where insufficient lot size or lot shape is such that it creates an illogical traffic circulation, or is not conducive to the intent of this title. The city will encourage the consolidation of lots for commercial uses where odd-shaped and insufficient-sized lots exists.

(3) Streetscape. The public right-of-way, which includes the back of curb, park strip, and sidewalk, shall be designed with a straight sidewalk in the C-D zone. Within the park strip, one-and-one-half-inch caliper trees shall be planted according to the streetscape master plan. Behind the sidewalk, the landscaping plan is encouraged to include berms that rise one foot over every three feet in width, for a maximum height of four feet.

(4) Buffering Between Noncompatible Land Uses. Between noncompatible land uses, a minimum of a six-foot solid masonry wall and seven feet of landscaping shall be installed. Businesses with a rear loading dock shall have an eight-foot masonry wall plus 10 feet of landscaping. Special considerations may be made when the rear yard is adjacent to compatible or future commercial holding zones. The landscaped strip shall include a combination of trees and shrubs that, along with the fence, shall maintain proper screening from adjacent residential uses. Unless otherwise specified by the city council as part of site plan approval, no land disturbance or construction not associated with placement and installation of fencing shall be allowed prior to installation of fencing required by ordinance or by action of the city council. [Ord. 09-07 § 1; Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-035.]

**18.65.080 Parking areas.**

(1) Arrangement. Parking shall be arranged for convenient access and visibility, but also contained by buildings and landscaping. The site plan shall be designed to encourage parking locations to be on the side and/or rear of the buildings. If parking is necessary in the front, parking and building arrangements shall avoid a strip mall design. The site plan may be required to group parking lots into courts in order to break up the expanse of parking.

(2) Pedestrian Access. Parking lots containing more than 150 spaces must install safe, unobstructed pedestrian paths leading to the store frontage.

(3) Shade. Parking lots shall have a minimum shade canopy of 20 percent at point of mature tree growth. Planters for trees shall be a minimum of five feet by five feet. Planter areas may be counted toward the required open space.

(4) Landscaping. Landscaping medians and borders shall be used to direct circulation flow.

(5) Building Protection. A store front and store access shall not be blocked by parked cars. A store front and store access are not considered blocked by parked cars where they are separated from approved on-street parking by a sidewalk. A minimum of 10 feet shall be required to separate any exterior building wall from parking areas. [Ord. 08-13 § 1; Ord. 10-8-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-260-040.]

**Chapter 18.70  
GATEWAY COMMERCIAL (C-G) ZONE**

**Sections:**

- 18.70.010 Purpose.
- 18.70.020 Permitted uses.
- 18.70.030 Conditional uses.
- 18.70.040 Setback requirements.
- 18.70.050 Lot coverage.
- 18.70.060 Architectural standards.
- 18.70.070 Development standards.
- 18.70.080 Parking areas.
- 18.70.090 Uses within buildings.
- 18.70.100 Outside storage.

**18.70.010 Purpose.**

The "Gateway," as established by area and definition in the Riverton City commercial district master plan, is where a combination of retail, professional businesses and related activities are encouraged and established. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which can be well integrated with the adjacent mixed commercial and residential zones.

The "Gateway" shall be any property aligned with main arteries, such as Redwood Road and 12600 South, at or near entrances to the city. [Ord. 15-18 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-005.]

**18.70.020 Permitted uses.**

The following uses are permitted and allowed in the C-G zone; provided, that the regulations and intent of this zone are adhered to:

- (1) Bakery.
- (2) Recreation or fitness center, health club.
- (3) Restaurant without drive-through.
- (4) Professional office.
- (5) Beauty salon or barber shop.
- (6) Bank or financial lending institution.
- (7) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 15-18 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-010.]

**18.70.030 Conditional uses.**

The following uses are conditional, and may be considered uses within the C-G zone; provided, that the regulations and intent of this zone are met:

- (1) Grocery store/shopping center.
- (2) Health care facility, medical clinic.
- (3) Convenience store with a gasoline service station (except when two or more like uses exist within 1,000 feet).
- (4) Educational services.
- (5) Storage units (except on any property or development adjacent to or having access to 12600 South east of the Bangerter Highway).
- (6) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 15-18 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-015.]

**18.70.040 Setback requirements.**

(1) **Adjacent to Public Streets.** All buildings adjacent to public streets shall be set back a minimum of 30 feet from back of curb. A minimum side and rear setback of 10 feet from back of sidewalk may be allowed where the structure(s) are being incorporated in perimeter fencing or enclosure of some or all of the site.

(2) **Side Yard Setbacks.**

(a) **Compatible Land Uses.** Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings. Zero lot lines, or structures constructed with no setback from the side property lines, may be allowed where the structure(s) are being incorporated in perimeter fencing or enclosure of some or all of the site. However, zero lot lines will not be permitted adjacent to a residential zone. A conditional use permit in conjunction with site plan approval is reacquired for zero lot line development.

(b) **Noncompatible Land Uses.** When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.

(3) **Rear Yard Setbacks.** Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 20 feet, unless an access lane is planned; in which case, a minimum of 22 feet is required.

(4) Setbacks shall be measured to the foundation. [Ord. 15-18 § 1 (Exh. A); Ord. 9-2-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-020.]

**18.70.050 Lot coverage.**

(1) **Building Pad Coverage.** Commercial lots in the C-G zone shall have a maximum coverage of 35 percent within property boundaries.

(2) **Open Space.** Each commercial site in the C-G zone shall contain a minimum of 20 percent landscaped open space. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-025.]

**18.70.060 Architectural standards.**

(1) **Turn-of-the-Century.** The C-G zone should incorporate a formal entry into Riverton. The following are encouraged features for all commercial buildings. A minimum of three turn-of-the-century features shall be used in all developments. However, developments are encouraged to use as many of these features as possible. Other acceptable features not listed herein can be found in the architectural guidelines of the Riverton City commercial district master plan.

- (a) High pitched roofs.
- (b) Arched doorways and windows.
- (c) Decorative block or brick quoins.
- (d) Columns, either brick, rounded wood or colonial.

- (e) Clock towers and other decorative vertical features.
- (f) Keystones over doorways or windows.
- (g) Decorative wood window shutters.
- (h) Brick accent walls.
- (i) Other features as approved by the city council after recommendation by the planning commission.

(2) **Building Height.** Buildings shall not exceed two stories or 35 feet in height, whichever is less, except where adjacent to a regional transportation corridor where buildings may not exceed four stories or 80 feet in height.

(3) **Bulk.** Commercial buildings shall be designed with architectural wall variations at least every 30 feet in linear width. Variations could imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.

(4) **Roof.**

(a) **Roofline.**

(i) **Parapet Walls.** Parapet walls and flat roofs shall be avoided in the C-G zone. Buildings where two exterior walls span over 50 feet may be granted an exception to the gabled roof. In such a case, the roof design may be one of the following options for all facades visible from the public street:

(A) A roof pitch should extend a minimum of 15 feet from the exterior wall using a similar pitch between 4:12 and 12:12 such that the roof assumes an appearance of a gabled roof.

(B) The roofline shall create a three-dimensional appearance by including components such as extended eaves, canopies, pediments and/or an extended roofline.

(C) If it can be shown that parapet walls abide by the turn-of-the-century theme, parapet walls, combined with a flat roof, may be allowed.

(ii) **Pitch.** The roof pitch shall be a minimum of 4:12 and a maximum of 12:12.

(b) **Roof Materials.** Appropriate roofing materials shall be evaluated by the planning department. However, wood shingles are not permitted.

(5) **Exterior Surfaces.**

(a) **Protected Lower Wall.** The lower wall shall be at least one-third the height of the first story. This lower portion of the wall shall consist of brick, tile, stone, decorative cinder block, or decorative concrete.

(b) **Upper Wall Materials.** The remaining portions of the exterior building may consist of glass, brick, stucco, stone, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass.

(c) **Color Palette.** Exterior wall surfaces shall be consistent with light earth tones for Victorian architecture and dark brick to match the turn-of-the-century architecture. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-030.]

**18.70.070 Development standards.**

(1) **Site Development.**

(a) **Building Arrangement.** A site plan containing several buildings shall be designed with courtyards when possible.

(b) **Site Detail.** Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as according to the adopted Riverton City lighting standards.

(2) **Minimum Lot Size.** Development within the C-G zone shall not be less than one-half acre in size, unless it is a pad site included as part of a larger development. Each parcel shall also be of sufficient size to assure compliance with the city's off-street parking, landscaping, and site plan requirements.

The city may deny a commercial use on property where insufficient lot size or lot shape is such that it creates illogical traffic circulation, or is not conducive to the intent of this title. The city will encourage the consolidation of lots for commercial uses with odd-shaped and insufficient-sized lots.

(3) **Streetscape.** The public right-of-way, which includes the back of curb, park strip, and sidewalk, shall be designed with a meandering sidewalk in the C-G zone. Within the park strip, one-and-one-half-inch caliper trees shall be planted every 25 feet on center according to the streetscape master plan. Behind the sidewalk, the landscaping plan is encouraged to include berms that rise one foot over every three feet in width.

(4) **Buffering Between Noncompatible Land Uses.** Between noncompatible land uses, a minimum of a six-foot solid masonry wall and seven feet of landscaping shall be installed. Businesses with rear loading docks shall have an eight-foot masonry wall plus 10 feet of landscaping. Special considerations may be made when the rear yard is adjacent to compatible or future commercial holding zones. The landscaped strip shall include a combination of trees and shrubs that, along with the fence, shall maintain proper screening from adjacent residential uses. Unless otherwise specified by the city council as part of site plan approval, no land disturbance or construction not associated with placement and installation of fencing shall be allowed prior to installation of fencing required by ordinance or by action of the city council. [Ord. 09-07 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-035.]



**18.70.080 Parking areas.**

(1) Arrangement. Parking shall be arranged for convenient access, secured visibility, but also contained by buildings and landscaping. Parking and building arrangements shall avoid a strip mall design. The site plan may be required to group parking lots into courts in order to break up the expanse of parking, thus encouraging parking to be located to the rear and side of the buildings.

(2) Pedestrian Access. Parking lots containing more than 150 spaces must install safe, unobstructed pedestrian paths leading to the store frontage.

(3) Shade. Parking lots shall have a minimum shade canopy of 20 percent at point of mature tree growth. Planters for trees shall be a minimum of five feet by five feet. Planter areas may be counted toward the required open space.

(4) Landscaping. Landscaping medians and borders shall be used to direct circulation flow.

(5) Building Protection. Parked cars shall not block a store front and store access. A minimum of 10 feet shall be required to separate any exterior building wall from parking areas. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-040.]

**18.70.090 Uses within buildings.**

All uses established in the C-G zone shall be conducted entirely within a fully enclosed approved building except those uses deemed by the city council in consideration of the prior recommendation of the planning commission to be customarily and appropriately conducted in the open. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-045.]

**18.70.100 Outside storage.**

Outside storage of any goods or materials in the C-G zone is prohibited except those uses deemed by the city council in consideration of the prior recommendation of the planning commission to be customarily and appropriately conducted in the open. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-265-050.]

**Chapter 18.75  
NEIGHBORHOOD COMMERCIAL (C-N) ZONE**

Sections:

- 18.75.010 Purpose.
- 18.75.020 Conditional uses.
- 18.75.030 Setback requirements.
- 18.75.040 Lot coverage.
- 18.75.050 Architectural standards.
- 18.75.060 Development standards.
- 18.75.070 Parking areas.
- 18.75.080 Hours of operation.

Prior legislation: Ord. 11-18-97-1.

**18.75.010 Purpose.**

The commercial neighborhood (C-N) zone is established to provide an area in which the primary use of the land is for commercial and service uses that will accommodate the daily convenience needs of the surrounding residential neighborhoods. The zone is intended to be located within, and integrated into, the residential neighborhoods in a manner that will create a minimum of detriment, hazard, or inconvenience to surrounding residential areas. Each commercial neighborhood use shall be within convenient walking distance from the surrounding residential area and shall encourage and accommodate for pedestrian access.

The intent of the C-N zone is to encourage compatible neighborhood market uses to be incorporated within a neighborhood so as to discourage residents from having to drive into the commercial centers for day-to-day necessities. Permitted and conditional uses within this zone are identified under RCC 18.90.010. Uses not identified underneath this section are not allowed within this zone. [Amended during 2011 recodification; Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-005.]

**18.75.020 Conditional uses.**

A commercial use locating in an existing commercial building where there shall be no structural changes, exterior changes, or outside storage, and where the use is identified as conditional in the C-N zone under RCC 18.90.010, Table of commercial uses, shall be approved by Riverton City planning staff. All other uses within the C-N zone shall require a public hearing by the planning commission.

(1) Temporary and seasonal uses (Christmas tree sales, pumpkin sales, fireworks) or other similar uses approved by the city.

(2) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-010.]

**18.75.030 Setback requirements.**

(1) Front Yard Setbacks. Provided that all parking is located in back of the building, the setback from the front property line shall be no less than 30 feet.

(2) Side Yard Setbacks.

(a) Compatible Land Uses. Setbacks between buildings of compatible land use may have a zero setback if both buildings are constructed with a one-hour fire wall. Otherwise, the setbacks shall be a minimum of 15 feet for adequate access. Also, building spans shall have separations for rear access every

300 linear feet unless it can be shown that safety vehicles can adequately service the buildings.

(b) Noncompatible Land Uses. When located adjacent to a residential district (excepting recognizable holding zones for future commercial development), side yard setbacks shall be a minimum of 20 feet.

(3) Rear Yard Setbacks. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case, a minimum of 22 feet is required.

(4) Setbacks shall be measured to the foundation. [Ord. 9-2-03-2 § 1; Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-015.]

**18.75.040 Lot coverage.**

(1) Building Pad Coverage. Commercial lots in the C-N zone shall have a maximum building pad coverage of 35 percent.

(2) Open Space. Each commercial site in the C-N zone shall contain a minimum of 20 percent landscaped open space within property boundaries. [Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-020.]

**18.75.050 Architectural standards.**

(1) Architectural Design. All buildings and landscaping shall be compatible with and reflect the residential character of the surrounding residential districts.

(2) Turn-of-the-Century Features. The C-N zone shall incorporate a minimum of five characteristics of the "turn-of-the-century." However, as many characteristics of the turn-of-the-century as possible should be used to create a distinct turn-of-the-century feel to the downtown. The closer to the intersection of 12600 South and Redwood Road a development is, the more elements of turn-of-the-century should be used. These design standards and guidelines are as directed and administrated by the planning commission and city council.

(a) Commercial District Master Plan. The standards and guidelines in this section are the same as those currently found in the Riverton commercial district master plan.

(b) Encouraged Features. The following are encouraged features for all commercial buildings. Large developments should be able to use all of these features. Smaller scale developments are encouraged to use as many of these features as possible. Other acceptable features not listed herein can be found in the architectural guidelines of the Riverton City commercial district master plan.

(i) High pitched roofs.

(ii) Arched doorways and windows.

(iii) Decorative block or brick quoins.

(iv) Columns, either brick, rounded wood or colonial.

(v) Clock towers and other decorative vertical features.

(vi) Keystones over doorways or windows.

(vii) Decorative wood window shutters.

(viii) Brick accent walls.

(ix) Other features as approved by the city council after recommendation by the planning commission.

(3) Building Height. Buildings shall not exceed two stories or 35 feet in height, whichever is less.

(4) Bulk. Commercial buildings shall be designed with architectural wall variations at least every 20 feet in linear width. Variations could imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.

(5) Roof.

(a) Roofline.

(i) Parapet Walls. No parapet walls or flat roofs shall be constructed in the C-N zone.

(ii) Pitch. The roof pitch shall be a minimum of 4:12 and a maximum of 12:12.

(b) Roof Materials. Appropriate roofing materials shall be evaluated by the planning department. However, wood shingles are not permitted.

(6) Exterior Surfaces.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, tile, or decorative concrete.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass.

(c) Color Palette. Exterior wall surfaces shall be consistent with light earth tones and light brick tones to provide an open appearance. Rich tones may be

used for accent only. [Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-025.]

**18.75.060 Development standards.**

(1) Minimum Lot Size. Development within the C-N zone shall not be less than one-half acre in size and be of sufficient size to assure compliance with the city's off-street parking, landscaping, and site plan requirements.

The city may deny a commercial use on property where insufficient lot size or lot shape is such that it creates an illogical traffic circulation, or is not conducive to the intent of this title. The city will encourage the consolidation of lots for commercial uses where odd-shaped and insufficient-sized lots exist.

(2) Streetscape. The public right-of-way, which includes the back of curb, park strip, and sidewalk, shall be designed with a straight sidewalk in the C-N zone. Within the park strip, one-and-one-half-inch caliper trees shall be planted every 25 feet on center according to the streetscape master plan. Behind the sidewalk, the landscaping plan is encouraged to include berms that rise one foot over every three feet in width for a maximum height of three feet.

(3) Buffering Between Noncompatible Land Uses. Between noncompatible land uses, a minimum of six-foot solid masonry wall and seven feet of landscaping shall be installed.

Businesses with rear loading docks shall have an eight-foot masonry wall plus 10 feet of landscaping. Special considerations may be made when the rear yard is adjacent to compatible or future commercial holding zones. The landscaped strip shall include a combination of trees and shrubs, that, along with the fence, shall maintain proper screening from adjacent residential uses. Unless otherwise specified by the city council as part of site plan approval, no land disturbance or construction not associated with placement and installation of fencing shall be allowed prior to installation of fencing required by ordinance or by action of the city council. [Ord. 09-07 § 1; Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-030.]

**18.75.070 Parking areas.**

(1) Arrangement. Parking shall be arranged for convenient access, secured visibility, but also contained by buildings and landscaping. The site plan shall be designed to encourage parking locations to be on the side and/or rear of the buildings, but parking located in the front is permitted. Parking and building arrangements shall avoid a strip mall design. The site plan may be required to group parking lots into courts in order to break up the expanse of parking.

(2) Pedestrian Access. Parking lots containing more than 150 spaces must install safe, unobstructed pedestrian paths leading to the store frontage.

(3) Shade. Parking lots shall have a minimum shade canopy of 20 percent at point of mature tree growth. Planters for trees shall be a minimum of five feet by five feet. Planter areas may be counted toward the required open space.

(4) Landscaping. Landscaping medians and borders shall be used to direct circulation flow.

(5) Building Protection. A store front and store access shall not be blocked by parked cars. A minimum of 10 feet shall be required to separate any exterior building wall from parking areas. [Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-035.]

**18.75.080 Hours of operation.**

Any commercial use within 250 feet of a residentially zoned district shall conduct regular hours of operation between 6:00 a.m. and 10:00 p.m. [Ord. 11-7-01-3 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-270-040.]

**Chapter 18.80  
PROFESSIONAL OFFICE COMMERCIAL (C-PO) ZONE**

**Sections:**

- 18.80.010 Purpose.
- 18.80.020 Permitted uses.
- 18.80.030 Conditional uses.
- 18.80.040 Setbacks requirements.
- 18.80.050 Lot coverage.
- 18.80.060 Architectural standards.
- 18.80.070 Development standards.
- 18.80.080 Parking areas.
- 18.80.090 Uses within buildings.
- 18.80.100 Outside storage.
- 18.80.110 Extended hours.

**18.80.010 Purpose.**

The professional office (C-PO) zone is established to provide an area for professional and business offices, nonretail services with business hours consistent with those of contiguous property. Uses not included for consideration of the C-PO zone include: merchandising, warehousing, manufacturing, retail services and similar uses. Developments adjacent to commercial zones shall act to buffer less dense residential development or districts.

The general area for this zone shall be that which is defined as the business transition district in the adopted Riverton City commercial district master plan. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-005.]

**18.80.020 Permitted uses.**

The following uses are permitted in the C-PO zone; provided, that the regulations and intent of this zone are adhered to:

- (1) Business, professional, and financial services without drive-through.
- (2) Medical and dental offices.
- (3) Recreation or fitness center, health club.
- (4) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-010.]

**18.80.030 Conditional uses.**

- (1) Artist and related services.
- (2) Businesses with extended hours, as outlined in this chapter.
- (3) Banking services with drive-through.
- (4) Day care.
- (5) Photography, portrait or commercial.
- (6) Government service.
- (7) Research and development/business park.
- (8) Retail commercial related to professional uses (less than 15 percent of total site, and located within an office building).
- (9) Restaurant, sit down, as part of an office complex.
- (10) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-015.]

**18.80.040 Setbacks requirements.**

- (1) **Adjacent to Public Streets.** All buildings shall be set back at least 30 feet from all front property lines.
- (2) **Side Yard Setbacks.** When located adjacent to a residential district (excepting recognizable holding zones for future commercial development established under the Riverton City general plan), side yard setbacks shall be a minimum of 20 feet, otherwise the setbacks shall be a minimum of 10 feet between buildings of compatible land use.
- (3) **Rear Yard Setbacks.** Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, there shall be a minimum setback of 15 feet, unless an access lane is planned, in which case, a minimum of 22 feet is required.
- (4) Setbacks shall be measured to the foundation. [Amended during 2011 recodification; Ord. 9-2-03-2 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-020.]

**18.80.050 Lot coverage.**

- (1) **Building Pad Coverage.** Commercial lots in the C-PO zone shall have a maximum coverage of 35 percent.
- (2) **Open Space.** Each commercial site in the C-PO zone shall contain a minimum of 20 percent landscaped open space within property boundaries. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-025.]

**18.80.060 Architectural standards.**

- (1) **Turn-of-the-Century.** The following are encouraged features for all commercial buildings in the C-PO zone. A minimum of three turn-of-the-century features shall be used in all developments. However, developments are encouraged to use as many of these features as possible. Other acceptable features not listed herein can be found in the architectural guidelines of the Riverton City commercial district master plan.

- (a) Symmetrical building design.
- (b) High pitched roofs.
- (c) Arched doorways and windows.
- (d) Decorative block or brick quoins.
- (e) Columns, either brick, rounded wood or neo-classical.
- (f) Clock towers and other vertical features.
- (g) Keystones over doorways or windows.
- (h) Decorative wood window shutters.
- (i) Brick accent walls.
- (j) Other features as approved by the city council after recommendation by the planning commission.

- (2) **Building Height.** Buildings shall not exceed two stories or 35 feet in height, whichever is less, except where adjacent to a regional transportation corridor

where buildings may not exceed four stories or 80 feet in height.

(3) Bulk. Commercial buildings shall be encouraged to be designed with architectural wall variations at least every 50 feet in linear width. Variations could imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.

(4) Roof.

(a) Roofline.

(i) Parapet Walls. Except where adjacent to a regional transportation corridor, no parapet walls nor flat roofs shall be constructed in the C-PO zone. Buildings where two exterior walls span over 50 feet may be granted an exception to the gabled roof. In such a case, a parapet roof should extend a minimum of 15 feet from the exterior wall using a similar pitch between 4:12 and 12:12 such that the roof assumes an appearance of a gabled roof.

(ii) Pitch. The roof pitch shall be a minimum of 4:12 and a maximum of 12:12.

(b) Roof Materials. Appropriate roofing materials shall be evaluated by the planning department. However, wood shingles are not permitted.

(5) Exterior Surfaces.

(a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, tile, or decorative concrete. Entryways that extend to the floor may be excluded from this requirement.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick, stucco, and treated wood. However, not more than 40 percent of the building's exterior wall surface may be glass.

(c) Color Palette. Exterior wall surfaces shall be consistent with light earth tones and rich brick tones to provide a campus atmosphere. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-030.]

**18.80.070 Development standards.**

(1) Site Development.

(a) Building Arrangement. The site plan shall be designed such that the parking is located to the side and/or rear of the buildings. A site plan containing several buildings shall be arranged symmetrically around courtyards when possible.

(b) Site Detail – Walkways, Courtyards and Plazas. Materials for walks, courtyards, and plazas shall be related to the materials of adjacent buildings and shall be a non-skid finish. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as according to the adopted Riverton City lighting standards.

(2) Minimum Lot Size. Development within the C-PO zone shall not be less than one-half acre in size, unless it is a pad site included as part of a larger development. Each parcel shall also be of sufficient size to assure compliance with the city's off-street parking, landscaping, and site plan requirements.

The city may deny a commercial use on property where insufficient lot size or lot shape is such that it creates illogical traffic circulation, or is not conducive to the intent of this title. The city will encourage the consolidation of lots for commercial uses where odd-shaped and insufficient-sized lots exist.

(3) Streetscape. The public right-of-way, which includes the back of curb, park strip, and sidewalk, shall be designed with a straight sidewalk in the C-PO zone. Within the park strip, one-and-one-half-inch caliper trees shall be planted every 25 feet on center according to the streetscape master plan. Behind the sidewalk, the landscaping plan is encouraged to include berms that rise one foot over every three feet in width.

(4) Buffering Between Noncompatible Land Uses. Between noncompatible land uses, a minimum of six-foot masonry wall and seven feet of landscaping shall be installed. Businesses with a rear loading dock shall have an eight-foot masonry wall plus 10 feet of landscaping. Special considerations may be made when the rear or side yard is adjacent to compatible or future commercial holding zones. The landscaped strip shall include a combination of trees and shrubs that, along with the fence, shall maintain proper screening from adjacent residential uses. Unless otherwise specified by the city council as part of site plan approval, no land disturbance or construction not associated with placement and installation of fencing shall be allowed prior to installation of fencing required by ordinance or by action of the city council. [Ord. 09-07 § 1; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-035.]

**18.80.080 Parking areas.**

(1) Arrangement. Parking shall be arranged for convenient access, secured visibility, but also contained by buildings and landscaping. The site plan shall be designed to encourage parking locations to be on the side and/or rear of the buildings, except where adjacent to a regional transportation corridor. In this situation, to encourage a campus atmosphere, parking may be located on all sides of buildings. Parking and building arrangements shall avoid a strip mall design. A site plan containing several buildings shall be required to group parking lots symmetrically around courtyards when possible.

(2) Pedestrian Access. Parking lots containing more than 150 spaces must install safe, unobstructed pedestrian paths leading to the store frontage.

(3) Shade. Parking lots shall have a minimum shade canopy of 20 percent at point of mature tree growth. Planters for trees shall be a minimum of five feet by five feet. Planter areas may be counted toward the required open space.

(4) Landscaping. Landscaping medians and borders shall be used to direct circulation.

(5) Building Protection. A store front and store access shall not be blocked by parked cars. A minimum of 10 feet shall be required to separate any exterior building wall from parking areas. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-275-040.]

**18.80.090 Uses within buildings.**

All uses established in the C-PO zone shall be conducted entirely within a fully enclosed approved building except those uses deemed by the city council in consideration of the prior recommendation of the planning commission to be customarily and appropriately conducted in the open. [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-275-045.]

**18.80.100 Outside storage.**

Outside storage of any goods or materials in the C-PO zone is prohibited, except those uses deemed by the city council in consideration of the prior recommendation of the planning commission to be customarily and appropriately conducted in the open. [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-275-050.]

**18.80.110 Extended hours.**

Any commercial use within 250 feet of a residentially zoned district shall conduct regular hours of operation between 8:00 a.m. and 10:00 p.m. [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-275-055.]

**Chapter 18.85  
REGIONAL COMMERCIAL (C-R) ZONE**

Sections:

- 18.85.010 Purpose.
- 18.85.020 Permitted uses.
- 18.85.030 Conditional uses.
- 18.85.040 Setbacks requirements.
- 18.85.050 Lot coverage.
- 18.85.060 Architectural standards.
- 18.85.070 Development standards.
- 18.85.080 Parking areas.
- 18.85.090 Check cashing regulations.
- 18.85.100 Tobacco retailer regulations.

**18.85.010 Purpose.**

The regional commercial (C-R) zone is established to stimulate economic development by allowing for a diversity of land uses in areas of Riverton City that are accessible to regional transportation facilities and developed within planned commercial centers.

Every effort shall be made to consolidate properties to encourage conformity and organized developments. [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-280-005.]

**18.85.020 Permitted uses.**

The following uses are permitted and allowed in the C-R zone; provided, that the regulations and intent of this zone are adhered to:

- (1) Automotive dealership (new), sales and service center.
- (2) Department stores.
- (3) Hotels and motels.
- (4) Grocery and retail stores combination.
- (5) Home furnishings, retail sales (furniture manufacturing prohibited).
- (6) Home improvement retail.
- (7) Theater, motion picture.
- (8) Professional office.
- (9) Restaurant.
- (10) Public or private parks.
- (11) Drug store or pharmacy.
- (12) Convenience store with gasoline (except when two or more like uses exist within 1,000 feet).
- (13) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-280-010.]

**18.85.030 Conditional uses.**

The following are conditional uses which must be proven to not deteriorate the purpose and intent of the regional commercial (C-R) zone:

- (1) Hospital or medical center.

- (2) Regional medical facility.
- (3) Other medical-related staffing offices and support.
- (4) Storage units.
- (5) Electrical and repair services.
- (6) Wholesale products.
- (7) Churches and related educational services.
- (8) Check cashing, subject to additional regulations found in RCC 18.85.090.
- (9) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 10-02 § 2 (Exh. B); Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-280-015.]

**18.85.040 Setbacks requirements.**

(1) **Adjacent to Public Street.** All buildings shall be set back at least 30 feet from the back of curb. Buildings over two stories and/or 35 feet in height, and/or greater than 30,000 square feet in area, shall be set back a minimum of 40 feet from the property line. On "irregular lots," defined as a lot of such a shape or configuration that technically meets the area, frontage, and width/depth requirements of this title but is unusual in elongations, angles, curvilinear lines unrelated to topography or other natural features, including triangle, gore, or pie-shaped lots, where determined by the city that alternative building orientations are not feasible and/or desirable to the city, the city council may approve adjusted building setbacks below the minimums listed in this subsection provided the average setback remains at or greater than the required setback; provided, however, that no portion of a building shall feature less than a 10-foot setback in relation to any property line.

(2) **Side Yard Setbacks.**

(a) **Compatible Land Uses.** Setbacks from the property line or between buildings of compatible land use shall be a minimum of 20 feet. Also, building spans shall have separations for rear access every 300 linear feet unless it can be shown that safety vehicles can adequately service the buildings. Zero lot lines, or structures constructed with no setback from the side property lines, may be allowed where the structure(s) are being incorporated in perimeter fencing or enclosure of some or all of the site. However, zero lot lines will not be permitted adjacent to a residential zone. A conditional use permit in conjunction with site plan approval is required for zero lot line development.

(b) **Noncompatible Land Uses.** When located adjacent to a residential district (excepting recognizable holding zones for future commercial development established under the Riverton City general plan), side yard setbacks shall be a minimum of 40 feet from the property line.

(3) **Rear Yard Setbacks.** Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height. However, the setback shall be a minimum 40 feet. When adjacent to commercial zones, the setback shall be a minimum of 20 feet.

(4) **Setbacks shall be measured to the foundation.** [Ord. 11-18 § 1; Amended during 2011 recodification; Ord. 08-13 § 1; Ord. 08-07 § 1; Ord. 10-4-05-1 § 1; Ord. 9-2-03-2 § 1; Ord. 5-20-03; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-280-020.]

**18.85.050 Lot coverage.**

(1) **Building Pad Coverage.** Commercial lots in the C-R zone shall have a maximum building pad coverage of 40 percent.

(2) **Open Space.** Each commercial site in the C-R zone shall contain a minimum of 20 percent landscaped open space. [Ord. 5-20-03; Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-280-025.]

**18.85.060 Architectural standards.**

(1) **Architectural Design – Turn-of-the-Century Features.** The C-R zone shall incorporate a minimum of five characteristics of the "turn-of-the-century." However, as many characteristics of the turn-of-the-century as possible should be used to create a distinct turn-of-the-century feel to the downtown. The closer to the intersection of 12600 South and Redwood Road a development is, the more elements of turn-of-the-century should be used. These design standards and guidelines are as directed and administrated by the planning commission and city council.

(a) **Commercial District Master Plan.** The standards and guidelines in this section are the same as those currently found in the Riverton commercial district master plan.

(b) **Encouraged Features.** The following are encouraged features for all commercial buildings. Large developments should be able to use all of these features. Smaller scale developments are encouraged to use as many of these features as possible. Other acceptable features not listed herein can be found in the architectural guidelines of the Riverton City commercial district master plan.

- (i) High pitched roofs.
- (ii) Arched doorways and windows.
- (iii) Decorative block or brick quoins.
- (iv) Columns, either brick, rounded wood or colonial.
- (v) Clock towers and other decorative vertical features.

(vi) Keystones over doorways or windows.

(vii) Decorative wood window shutters.

(viii) Brick accent walls.

(ix) Other features as approved by the city council after recommendation by the planning commission.

(2) Building Height. Buildings shall not exceed four stories or 80 feet in height, whichever is less.

(3) Bulk. Commercial buildings shall be encouraged to be designed with architectural wall variations at least every 70 feet in linear width. Variations could imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.

(4) Roof.

(a) Roofline.

(i) Parapet Walls. Except where adjacent to regional transportation corridors, no parapet walls shall be constructed in the C-R zone. Buildings where two exterior walls span over 50 feet may be granted an exception to the gabled roof. In such a case, the roof design may be one of the following options for all facades visible from the public street:

(A) The roof pitch should extend a minimum of 15 feet from the exterior wall using a similar pitch between 4:12 and 12:12 such that the roof assumes an appearance of a gabled roof.

(B) The roofline shall create a three-dimensional appearance by including components such as extended eaves, canopies, pediments and/or an extended roofline.

(ii) Pitch. The roof pitch shall be a minimum of 4:12 and a maximum of 12:12.

(b) Roof Materials. Appropriate roofing materials shall be evaluated by the planning department. However, wood shingles are not permitted.

(5) Exterior Surfaces.

(a) Lower Wall. The lower one-third of the wall may consist of brick, tile, stone, glass or decorative concrete. Glass may only be used where the wall is a minimum of 20 feet from any parking area or drive aisle. Entries and entryway features that extend to the floor may be excluded from this distance requirement as approved by the planning commission and city council. Approved entries or entryway features that extend to the floor may not constitute more than 20 percent of the length of the elevation.

(b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick, stucco, and stone. Fiber-cement siding, metal accents, and wood and simulated wood products may be utilized where appropriate to the use and the surrounding development.

(c) Color Palette. Exterior wall surfaces shall not include fluorescent colors. [Ord. 14-21 § 1; Ord. 11-18 § 1; Ord. 5-20-03; Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-280-030.]

#### **18.85.070 Development standards.**

(1) Planned Commercial Centers. All site plans shall be designed to be integrated into a larger overall site. Driveways, landscaping and all other elements of the site plan shall be planned so that it will fit into a larger shopping center when adjacent parcels are developed.

Development within the C-R zone shall not be less than two acres in size, unless it is a pad site included as part of a larger development. Each parcel shall be of sufficient size to assure compliance with the city's off-street parking, landscaping, and site plan requirements.

The city may deny a commercial use on property where insufficient lot size or lot shape is such that it creates illogical traffic circulation, or is not conducive to the intent of this title. The city will encourage the consolidation of lots for commercial uses where odd-shaped and insufficient-sized lots exist.

(2) Streetscape. The public right-of-way, which includes the back of curb, park strip, and sidewalk, shall be designed with a meandering sidewalk in the C-R zone. Within the park strip, one-and-one-half-inch caliper trees shall be planted every 25 feet on center according to the streetscape master plan. Behind the sidewalk, the landscaping plan is encouraged to include berms that rise one foot over every three feet in width.

(3) Buffering Between Noncompatible Land Uses. Between noncompatible land uses, eight-foot masonry wall plus 10 feet of landscaping. Special considerations may be made when the rear or side yard is adjacent to compatible or future commercial holding zones. The landscaped strip shall include a combination of trees and shrubs that, along with the fence, shall maintain proper screening from adjacent residential uses. Unless otherwise specified by the city council as part of site plan approval, no land disturbance or construction not associated with placement and installation of fencing shall be allowed prior to installation of fencing required by ordinance or by action of the city council. [Ord. 09-07 § 1; Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 § 12-280-035.]

#### **18.85.080 Parking areas.**

(1) Arrangement. Parking shall be arranged for convenient access, secured visibility, but also contained by buildings and landscaping. Parking and building arrangements shall avoid a strip mall design. The site plan may be required to group parking lots into courts in order to break up the expanse of parking.

(2) Pedestrian Access. Parking lots containing more than 150 spaces must install safe, unobstructed pedestrian paths leading to the store frontage.

(3) Shade. Parking lots shall have a minimum shade canopy of 20 percent at point of mature tree growth. Planters for trees shall be a minimum of five feet by five feet. Planter areas may be counted toward the required open space.



(4) Landscaping. Landscaping medians and borders shall be used to direct circulation flow.

(5) Building Protection. A store front and store access shall not be blocked by parked cars. A minimum of 10 feet shall be required to separate any exterior building wall from parking areas. [Ord. 8-17-99-1 § 1 (Exh. A). Code 1997 § 12-280-040.]

**18.85.090 Check cashing regulations.**

(1) The Riverton City council finds that the regulation of title lending businesses and check cashing businesses is a serious matter which affects the prosperity and welfare of the residents of Riverton City. The council further finds that the regulation of title lending businesses and check cashing businesses is appropriately the responsibility of the governments of the United States and of the state of Utah. The council also finds that current regulation and control over title lending businesses and check cashing businesses by the federal and state governments is inadequate to protect the welfare of the citizens of Riverton City, in that state and federal regulations do not place limitations on the locations wherein title lending businesses and check cashing businesses can be found, and further do not limit the number of eligible title lending businesses and check cashing businesses within a community.

(2) Limitations.

(a) The total number of title lending businesses and check cashing businesses in Riverton City shall not exceed one check cashing business or title lending businesses (each) per 10,000 population of Riverton City, including a check cashing business or title lending business which operates as a legal nonconforming use within the municipal territory of Riverton City. A check cashing business which also offers title lending loan services, or vice versa, shall count as a title lending business and a check cashing business for purposes of counting the number of permitted businesses located within Riverton City, and for the purpose of determining restrictions found under subsections (2)(c) and (d) of this section.

(b) Check cashing businesses and title lending businesses must provide to patrons a complete written description of the services provided by the business, which description is approved by the Utah State Department of Financial Institutions.

(c) No check cashing business shall be located within one mile of any other check cashing business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures of zoning districts, from the entry door of each business.

(d) No title lending business shall be located within one mile of any other title lending business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures of zoning districts, from the entry door of each business. [Ord. 14-18 § 1 (Exh. A); Ord. 10-02 § 3 (Exh. C). Code 1997 § 12-280-045.]

**18.85.100 Tobacco retailer regulations.**

(1) The Riverton City council finds that the regulation of tobacco retail businesses is a serious matter which affects the health, safety, and welfare of the residents of Riverton City. The purpose of this section is to regulate the placement and number of tobacco retail businesses in Riverton City, and to establish criteria under which such businesses may locate and operate in Riverton City.

(2) Limitations.

(a) The total number of tobacco retailer businesses in Riverton City shall not exceed one business per 10,000 population of Riverton City, including a tobacco retailer business which operates as a legal nonconforming use within the municipal territory of Riverton City.

(b) No tobacco retailer business shall be located within 500 feet of any other tobacco retailer business, measured from public entryway of each business or proposed business.

(c) Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures or zoning districts. [Ord. 11-17 § 1 (Exh. A). Code 1997 § 12-280-050.]

**Chapter 18.90  
TABLE OF COMMERCIAL USES**

Sections:

18.90.010 Table of commercial uses.

18.90.010 Table of commercial uses.

**Table of Commercial Uses**

**Permitted Uses, Uses Not Permitted, and Conditional Uses**

*P = Permitted*

*NP = Not Permitted C = Conditional*

*The written text as found in this title shall supersede any attachments or tables.*

LAND USE	C-D	C-G	C-N	C-PO	C-R
Apparel alteration and shoe repair	P	C	C	NP	P
Apparel and accessories retail and rental (apparel, accessories, tailoring, fur, shoes)	P	P	NP	NP	P
Artists and related services	C	C	NP	C	P
Auto parts retail	C	C	NP	NP	P

Auto dealership (new or used)	NP	NP	NP	NP	P
Auto glass repair and retail	NP	C	NP	NP	NP
Automobile repair and related services	C	C	NP	NP	P
Bakeries (including donut shops, delicatessens)	P	P	C	NP	P
Banking services (banks, credit unions, etc.)	P	P	NP	P	P
Beauty and barber services	P	P	C	P	P
Bed and breakfast	P	P	C	C	P
Books, stationery, art/hobby supplies retail	P	P	C	C	P
Bus passenger terminal	C	NP	NP	NP	P
Business, professional and finance consulting	P	P	C	P	P
Car wash, auto or self-serve (unless automatic car wash as part of a gasoline service station)	C	NP	NP	NP	P
Car wash, automatic as part of a gasoline service station	C	C	NP	NP	P
Check cashing businesses	NP	NP	NP	NP	C
Construction services	NP	NP	NP	NP	P
Convention and other public assembly halls	C	C	NP	C	C
Convenience store with gasoline service (max. 2 within 1,000 ft.)	C	C	NP	NP	P
Convenience store without gasoline service	C	C	NP	NP	P
Correctional institutions	NP	NP	NP	NP	NP
Counseling services	P	P	NP	P	P
Credit reporting services (adjustment and collections)	P	P	NP	P	P
Cultural activities (libraries, museums, art galleries, etc.)	P	P	C	C	C
Day care centers/preschool	P	P	C	C	P
Data processing services	P	P	C	P	P
Department store and general merchandise retail (including shopping centers)	P	C	NP	NP	P
Drinking places (bars, taverns, night clubs)	C	NP	NP	NP	C
Drive-through windows	C	C	C	C	P
Drive-through windows for food services	C	C	NP	C	P
Drug stores and pharmacies retail	P	C	C	C	P
Duplicating, mailing, and other office services	P	P	C	C	P
Educational services (primary, secondary, colleges, special training)	C	C	C	C	C
Electrical appliance repair and services	NP	C	NP	NP	P
Electrical supplies (except appliances) retail	P	C	NP	NP	P
Electrical, gas, and water utility	C	C	C	C	C
Employment services	P	P	C	P	P
Engineering, architectural, and planning services	P	P	NP	P	P
Fairgrounds, amusement parks, and sports assembly (arenas, race tracks, stadiums)	NP	NP	NP	NP	C
Farm and garden supply retail	C	C	NP	NP	P
Florists retail	P	P	C	NP	P
Funeral parlor	C	C	NP	C	C
Gasoline service stations (max. 2 within 1,000 ft.)	C	C	C	NP	P
Gifts retail	P	C	C	NP	P
Governmental services (executive, legislative, judicial, protective, postal)	P	P	C	C	C
Grocery stores retail	P	C	C	NP	P
Hardware and supplies retail/home improvement	C	C	NP	NP	P
Heating and plumbing equipment retail	C	C	NP	NP	P
Historic and monument sites	C	C	C	C	C
Holding and investment services	P	P	NP	C	P
Home furnishings and household appliances retail	P	P	NP	NP	P
Hospitals	C	C	NP	C	P
Hotel	NP	C	NP	NP	P
Insurance carriers, agents, brokers, and services	P	P	C	P	P
Interior decorators office with limited retail	P	P	NP	C	P
Jewelry retail	P	P	NP	NP	P
Landscaping services	NP	NP	NP	NP	P
Laundering, dry cleaning, and dyeing services	C	C	C	NP	P

Legal services	P	P	C	P	P
Mail and phone order houses	NP	C	C	NP	P
Medical clinics	C	C	NP	P	P
Microfilming services	P	P	NP	C	P
Motel	NP	C	NP	NP	P
Motor vehicle services (taxi, auto rental, ambulance, parcel pickup and delivery)	C	NP	NP	NP	P
Natural activities (planetariums, aquariums, botanical gardens, zoos, etc.)	C	C	NP	NP	C
News syndicate services	P	P	NP	C	P
Nurseries (plants)	NP	NP	C	NP	P
Office equipment, furniture, machines and supplies retail	P	C	NP	NP	P
Outlets, factory and direct sales, wholesale	NP	NP	NP	NP	C
Paint, glass, and wallpaper retail	P	C	NP	NP	P
Pawnshop	NP	NP	NP	NP	C
Pets and supplies retail	P	P	NP	NP	P
Photographic supplies retail	P	P	NP	NP	P
Photography, portrait and commercial	P	P	C	C	P
Physicians, dental, and other professional medical offices	P	P	C	P	P
Playgrounds, parks and other recreational grounds	C	C	C	C	C
Political, civic and veterans organizations	P	P	C	C	P
Printing and publishing services	C	C	NP	C	P
Recreation or fitness center/health club	P	C	C	C	P
Research and development services	C	C	NP	C	P
Restaurants, drive-in or fast food	C	C	NP	NP	P
Restaurants, sit down	P	P	NP	C	P
Sign graphics and production	NP	NP	NP	NP	C
Sports activities, private (golf courses, tennis courts, skating rinks, etc.)	P	C	NP	NP	P
Storage and warehousing	NP	NP	NP	NP	C
Swimming pools, commercial	NP	NP	C	NP	P
Telephone and radio communication office (billing and repair)	C	C	NP	C	P
Theaters (drive-in)	NP	NP	NP	NP	NP
Theaters (motion picture)	P	C	NP	NP	P
Theaters (traditional – plays)	C	C	NP	NP	P
Tobacco and tobacco products retailer	NP	NP	NP	NP	C
Treatment centers (behavioral, drug and alcohol, and sanitariums)	NP	NP	NP	NP	P
Veterinary and animal hospital services	C	P	C	C	P
Wedding reception center	C	C	NP	NP	P

[Ord. 12-15 § 1; Ord. 12-09 § 1; Ord. 11-17 § 1 (Exh. A); Ord. 11-04 § 1; Ord. 10-02 § 6; Ord. 09-02 § 1 (Exh. A); Ord. 10-8-03-3 § 1 (Exh. A); Ord. 2-19-02-2 § 1 (Exh. A); Ord. 11-20-01-4 § 1 (Exh. A); Ord. 8-17-99-1 § 1 (Exh. A), Code 1997 Title 12, Table of Commercial Uses.]

**Chapter 18.95  
MANUFACTURING ZONES**

Sections:

- 18.95.010 Purpose.
- 18.95.020 Area, width, frontage, yard and coverage regulations.
- 18.95.030 Special provisions.

**18.95.010 Purpose.**

- (1) Manufacturing Light Industrial (M-1) Zone. To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing may be established with sensitive relationships to adjacent agricultural, residential and commercial land uses.
- (2) Manufacturing Heavy Industrial (M-2) Zone. To provide areas in appropriate locations where heavy manufacturing and industrial processes may be conducted. The regulations of this district are intended to protect industrial uses and assure environmental quality to adjacent areas.

	M-1	M-2
<b>Agricultural and residential uses</b>		
Agriculture, not including the keeping of farm animals	P	P
Agricultural business or industry	c/h	c/h

Greenhouse	P	P
Single-family dwellings	C	C
Two-family dwellings	C	C
Multiple-family dwellings	-	-
Mobile home park	-	-
Travel trailer	-	-
Temporary dwelling incidental to construction work	C	C
<b>Assembly</b>		
Electronic appliances	P	P
Electronic instruments and devices	P	P
Component parts requiring mechanical system to assemble	P	P
Small components parts assembled by hand	P	P
<b>Manufacturing, fabricating, compounding, processing, packaging or treatment of:</b>		
Articles of merchandise composed of previously prepared organic material	C	C
Articles of merchandise composed of previously nonorganic material except as otherwise defined herein	C	P
Chemicals for farm, industrial and commercial use	c/h	c/h
Electronic appliances, parts or components	P	P
Food products for human and animal consumption	C	C
Pharmaceutical products	C	P
Plant or animal byproducts	c/h	c/h
Previously manufactured products requiring reprocessing, revitalization or refinement	C	C
Products having as the major component a ferrous metal	C	C
Products having as a major component a hydrocarbon base	c/h	c/h
Products having as the major component a nonferrous metal	C	C
<b>Mineral, extraction, mining excavation</b>		
Mine, quarry, gravel pit, including crushers, concrete batching plants used in connection with and as a part of an operation for the removal of sand or gravel from the parcel of property upon which the crusher or batching plant is installed	-	c/h
Mixing plant for concrete, mortar, plaster, paving material or the like	-	c/h
Sand blasting	c/h	c/h
Stone monument works	c/h	c/h
<b>Motor vehicle sales and related service</b>		
Automobile assembling, upholstering, restoring, reconditioning	C	C
Automobile body and fender work or painting	C	C
Automobile parts and engine sales	P	P
Automobile, truck, recreational vehicle and/or tractor sales/service or rental	C	C
Automobile service station, car	C	C

wash, lube center, maintenance center		
Construction equipment sales and service	C	C
Small engine repair and rebuilding	P	P
Truck repairing and overhauling	C	C
<b>Sales, rentals and service activities</b>		
Alcohol sales	c/h	c/h
Animal hospital	C	C
Air-conditioning and ventilating equipment sales and repair	P	P
Arcade	c/h	c/h
Antique shop	P	P
Appliance and small motor repair	P	P
Art shop and/or artist's supplies	P	P
Athletic club and/or health club/spa	C	C
Athletic goods store	P	P
Baby diaper service, baby supplies	P	P
Bakery	P	P
Bank	P	P
Barber shop	P	P
Beer sales	c/h	c/h
Beauty parlor	P	-
Bicycle shop	P	P
Blacksmith and welding repair shop	C	P
Blueprinting or photocopying	P	P
Bookstore	P	P
Bookbinding	P	P
Building material sales yard, including the sale of rock, gravel and the like as an incidental part of the main business, but excluding concrete	P	P
Candy store, confectionery, ice cream shop	P	P
Cafeteria	P	P
Carpet or rug cleaning	P	P
Carpenter shop, cabinet shop	P	P
Catering establishment	P	P
Clothes cleaning, dyeing and pressing	P	P
Clothing store	P	P
Club rooms for lodges, clubs or fraternal organizations	C	C
Coal and fuel sales office	P	P
Contractor's equipment rental yard or rental of equipment for construction	P	P
Convenience market	P	P
Dance studio	P	P
Distributor, wholesale business	P	P
Delicatessen	P	P
Department store	P	P
Drapery and/or curtain store	P	P
Dressmaking and millinery shop	P	P
Drive-in refreshment stand	P	P
Drug store	P	P
Dry goods store	P	P
Egg candling and sales	P	P

Electrical and heating equipment fixture sales and repair	P	P
Employment agency	P	P
Film exchange, film processing	P	P
Fix-it shop	P	P
Florist	P	P
Food sales, wholesale	P	P
Fruit and/or vegetable sales	P	P
Frozen food lockers	P	P
Fur storage, sales and repair	P	P
Furniture sales, storage and/or repair	P	P
Gift shop	P	P
Glass, china and silverware store	P	P
Greenhouse and nursery, commercial	P	P
Grocery store	P	P
Gunsmith	P	P
Hardware store, not including the outside storage of lumber or building materials	P	P
Health food store	P	P
Hobby and/or craft shop	P	P
Home improvement center	P	P
Hospital supplier	P	P
Ice storage or manufacturing	P	P
Ice vendor units not exceeding five-ton capacity	P	P
Insulation sales and installer	P	P
Interior decorating store	P	P
Janitorial service	P	P
Jewelry store	P	P
Joinery	P	P
Kennels	-	-
Key and lock service	P	P
Laboratory	P	P
Laundry	P	P
Laundry, automatic family self-help type	P	P
Lawn care service	P	P
Leather goods, sales	P	P
Liquor store	c/h	c/h
Locksmith	P	P
Lumber shop	P	P
Lumber yard and building supply yard	P	P
Machine tool sales	P	P
Medical or dental laboratories	P	P
Milk distribution station	P	P
Monument sales, retail	P	P
Mortician/mortuary	P	P
Motel, hotel, temporary living accommodations	P	P
News stand	P	P
Night club or social club	c/h	c/h
Novelty shop	P	P
Nursery/plant materials sales	P	P
Office, business and professional	P	P
Office machine sales and repair	P	P
Office supplies	P	P

Optometrlist/ocufist	P	P
Ornamental iron sales	P	P
Paint store	P	P
Pawnshop	P	P
Pest exterminator	P	P
Pet shop	P	P
Pet grooming	P	P
Photographer	P	P
Photographic supplies, sales	P	P
Plumbing shop	P	P
Pool hall	c/h	c/h
Precious metal exchange	P	P
Printing, lithographing and publishing	P	P
Quick food restaurants	P	P
Radio and television sale and repair	P	P
Radio and television stations	c/h	c/h
Recreational buildings, indoor sports	P	P
Recreational buildings and grounds for outdoor sports	P	P
Restaurant, tea room or cafe	P	P
Roofing sales and installation	P	P
Secondhand store	P	P
Seed and feed store	P	P
Sewing machine shop	P	P
Shoe shine shop	P	P
Shoe store	P	P
Sign painting shop	P	P
Sports shop	P	P
Stationery and greeting card sales	P	P
Tailor, clothing or wearing apparel	P	P
Tanning salon	C	C
Tavern	c/h	c/h
Taxi terminal stations	P	P
Taxidemist	P	P
Theater, indoor	P	P
Theater, outdoor	P	P
Tree sales	P	P
Travel bureau	P	P
Upholstering shop	P	P
Variety store	P	P
Video arcade	c/h	c/h
Wallpaper and paint store	P	P
Woodwork shop	P	P
<b>Public and quasi-public</b>		
Cemetery	P	P
Correctional institution	c/h	c/h
Essential service facilities	P	P
Golf course	P	P
Hospital and medical clinic	C	C
Schools, public or private	P	P
Recreation facility	P	P
Utility substation	c/h	c/h
<b>Storage and warehousing</b>		
Coal, fuel and wood yards	P	P
Contractor's equipment storage yard or plant	C	C

Garage, public	P	P
Junkyard	c/h	c/h
Materials collected for salvage and recycling	c/h	c/h
Petroleum and petroleum products storage and distribution	c/h	c/h
Warehouse, storage units	P	P
<b>Transportation</b>		
Bus terminal	P	P
Draying, freighting, or truck yard or terminal	P	P
Express office	P	P
Railroad yards, shop and/or round house for railroads	C	C
Taxi stand	P	P
Taxi terminal, parking and maintenance facilities	P	P
Transfer company, provided trucks no longer than two tons capacity are used	P	P
Transfer company	P	P
Truck stop and service facilities	P	P

[Amended during 2011 recodification. Code 1997 § 12-285-005.]

**18.95.020 Area, width, frontage, yard and coverage regulations.**

(1) The minimum lot area and lot configuration for commercial/industrial uses shall be determined by the following:

	M-1	M-2
Lot coverage, including all buildings or structures, shall not exceed a percent in excess of	60	80
In addition to the park strip, when so established, a landscaped strip 10 feet wide shall adjoin each public street frontage and of the total developed site, landscaped area shall be a percentage of not less than	10	10
Commercial/industrial buildings shall be located no closer to residential district boundaries than a distance in feet of	60	100
Each side yard adjoining an existing residential use shall be no less than the height of the building but no less than a distance in feet of	50	50
Setback from street property line shall be a distance in feet of at least	50	50

(2) All allowed agricultural and residential uses shall have a minimum lot size of five acres and shall be regulated by the provisions of the A-5 zone. [Amended during 2011 recodification. Code 1997 § 12-285-010.]

**18.95.030 Special provisions.**

(1) Screening. Any area outside of a building visible from a public street, used for any activity other than off-street parking and loading, shall be completely enclosed within an approved fence or wall or approved landscaping of a height sufficient to completely screen such activity from the street or from adjoining parcels.

(2) Hazards and Nuisances. All uses shall be free from objectionable odors, noises, hazards or other nuisances.

(3) Conditional Use. All uses in the commercial industrial districts within 200 feet of a residential district shall require conditional use approval. [Code 1997 § 12-285-015.]

**Chapter 18.100  
PLANNED COMMERCIAL CENTER (PCC) ZONE**



Sections:

- 18.100.010 Purpose.
- 18.100.020 Permitted uses.
- 18.100.030 Prohibited uses.
- 18.100.040 Setbacks requirements.
- 18.100.050 Lot coverage.
- 18.100.060 Architectural standards.
- 18.100.070 Development standards.
- 18.100.080 Parking areas.

**18.100.010 Purpose.**

The planned commercial center (PCC) zone is established to stimulate economic development through larger scale commercial and office developments served by regional transportation routes. Every effort shall be made to consolidate properties to encourage conformity and organized developments focused on cohesive centers rather than individual smaller lots. [Ord. 08-19 § 1. Code 1997 § 12-290-005.]

**18.100.020 Permitted uses.**

The following uses are permitted and allowed in the PCC zone; provided, that the regulations and intent of this zone and all other applicable ordinances are adhered to:

- (1) Automotive dealership (new) – Sales and service center.
- (2) Department stores.
- (3) Hotels and motels.
- (4) Grocery and retail stores combination.
- (5) Home furnishings – Retail sales (furniture manufacturing prohibited).
- (6) Home improvement retail.
- (7) Theater, motion picture.
- (8) Professional/medical office.
- (9) Restaurant.
- (10) Public or private parks.
- (11) Public/community uses.
- (12) Convenience store with gasoline (except when two or more like uses exist within 1,000 feet).
- (13) Other uses as per RCC 18.90.010, Table of commercial uses. [Ord. 08-19 § 1. Code 1997 § 12-290-010.]

**18.100.030 Prohibited uses.**

The following are prohibited uses which are not allowed or permitted in the PCC zone:

- (1) Storage units.
- (2) Auto storage not associated with approved sales/impound yards.
- (3) Construction staging yards/equipment storage.
- (4) Public facilities and/or utility substations larger than three acres.
- (5) Schools – public/quasi-public.
- (6) Warehousing separate from a retail or office structure. [Ord. 08-19 § 1. Code 1997 § 12-290-015.]

**18.100.040 Setbacks requirements.**

(1) Adjacent to Public Street. All buildings shall be set back at least 30 feet from the back of curb. Buildings over two stories and/or 35 feet in height, and/or greater than 30,000 square feet in area, shall be set back a minimum of 40 feet from property line.

(2) Side Yard Setbacks.

(a) Compatible Land Uses. Setbacks from the property line or between buildings of compatible land use shall be a minimum of 20 feet. Zero lot lines, or structures constructed with no setback from the side property lines, may be allowed where approved as part of a master site plan.

(b) Rear Yard Setbacks. The setback shall be a minimum 40 feet to property line. Where adjacent to residential zones, the minimum rear yard setback shall be one foot for every one foot in building height, with a minimum 40 feet. Zero lot lines, or structures constructed with no setback from the rear property lines, may be allowed where approved as part of a master site plan.

(3) Setbacks shall be measured to the foundation. [Ord. 08-19 § 1. Code 1997 § 12-290-020.]

**18.100.050 Lot coverage.**

(1) Building Pad Coverage. Commercial lots in the PCC zone shall have a maximum building pad coverage of 40 percent. Commercial lots in the PCC zone may be allowed building pad coverage of up to 60 percent where more than half of the site is fully enclosed and restricted from general access.

(2) Open Space. Each commercial site in the PCC zone shall contain a minimum of 20 percent landscaped open space. [Ord. 08-19 § 1. Code 1997 § 12-290-025.]

**18.100.060 Architectural standards.**

(1) Architectural Design. For projects within the planned commercial center zone that include more than one building or pad site, a master site plan is required.

The following are encouraged features for all commercial buildings. Large developments should be able to use all of these features. Smaller scale developments are encouraged to use as many of these features as possible:

- (a) Roofline variations.
- (b) Arched doorways and windows.
- (c) Decorative block or brick quoins.
- (d) Columns utilizing brick or other masonry as approved.
- (e) Clock towers and other decorative vertical features.
- (f) Keystones over doorways or windows.
- (g) Decorative awnings, shutters, and other window treatments.
- (h) Brick accent walls.
- (i) Other features as approved by the city council after recommendation by the planning commission.

(2) Building Height. Buildings shall not exceed four stories or 80 feet in height, whichever is less.

(3) Bulk. Commercial buildings shall be encouraged to be designed with architectural wall variations at least every 70 feet in linear width. Variations could imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.

(4) Roof.

- (a) Roof Materials. Appropriate roofing materials shall be evaluated by the planning department. However, wood shingles are not permitted.

(5) Exterior Surfaces.

- (a) Protected Lower Wall. The lower wall shall be at least one-third the height of the first story. This lower portion of the wall may consist of brick, tile, stone, or decorative concrete. Entries that extend to the floor may be excluded from this requirement.
- (b) Upper Wall Materials. The remaining portions of the exterior building may consist of glass, brick, stucco, and stone.
- (c) Color Palette. Exterior wall surfaces shall not include fluorescent colors. [Ord. 08-19 § 1. Code 1997 § 12-290-030.]

**18.100.070 Development standards.**

(1) Planned Commercial Centers. All site plans shall be designed to be integrated into a larger overall site. Driveways, landscaping and all other elements of the site plan shall be planned so that it will fit into a larger shopping center when adjacent parcels are developed.

Development within the PCC zone shall not be less than 20 acres in size, unless it is a pad site included as part of a larger previously approved development. Each parcel shall be of sufficient size to assure compliance with the city's off-street parking, landscaping, and site plan requirements.

The city may deny a commercial use on property where insufficient lot size or lot shape is such that it creates illogical traffic circulation, or is not conducive to the intent of this chapter. The city will encourage the consolidation of lots for commercial uses where odd-shaped and insufficient-sized lots exist.

(2) Streetscape. The public right-of-way, which includes the back of curb, park strip, and sidewalk, shall be designed with a meandering sidewalk in the PCC zone. Within the park strip, one-and-one-half-inch-caliper trees shall be planted every 25 feet on center according to the streetscape master plan. Behind the sidewalk, the landscaping plan is encouraged to include berms that rise one foot over every three feet in width.

(3) Buffering Between Noncompatible Land Uses. Between noncompatible land uses, an eight-foot masonry wall plus 10 feet of landscaping is required. No buildings shall be allowed within 100 feet of a noncompatible zone. Special considerations may be made when the rear or side yard is adjacent to compatible or future commercial holding zones. The landscaped strip shall include a combination of trees and shrubs, that, along with the fence, shall maintain proper screening from adjacent residential uses. Unless otherwise specified by the city council as part of site plan approval, no land disturbance or construction not associated with placement and installation of fencing shall be allowed prior to installation of fencing required by ordinance or by action of the city council. [Ord. 09-07 § 1; Ord. 08-19 § 1. Code 1997 § 12-290-035.]

**18.100.080 Parking areas.**

(1) Arrangement. Parking shall be arranged for convenient access and secured visibility, but also contained by buildings and landscaping. Parking and building arrangements shall avoid a strip mall design. The site plan may be required to group parking lots into courts in order to break up the expanse of parking.

(2) Pedestrian Access. Parking lots containing more than 150 spaces must install safe, unobstructed pedestrian paths leading to the store frontage.

(3) Shade. Parking lots shall have a minimum shade canopy of 20 percent at point of mature tree growth. Planters for trees shall be a minimum of five by five feet. Planter areas may be counted toward the required open space.

(4) Landscaping. Landscaping medians and borders shall be used to direct circulation flow.

(5) Building Protection. A store front and store access shall not be blocked by parked cars. A minimum of 10 feet shall be required to separate any exterior building wall from parking areas. [Ord. 08-19 § 1, Code 1997 § 12-290-040.]

**Chapter 18.105  
PARKS AND OPEN SPACE (P-OS) ZONE**

Sections:

- 18.105.010 Purpose.
- 18.105.020 Permitted uses.
- 18.105.030 Conditional uses.
- 18.105.040 Area requirements.
- 18.105.050 Frontage requirements.
- 18.105.060 Building height, size, and setbacks.
- 18.105.070 Parking ratios.
- 18.105.080 Location of parking.
- 18.105.090 Landscaping.
- 18.105.100 Signs.
- 18.105.110 Maintenance of facilities.

**18.105.010 Purpose.**

The intent of the parks and open space (P-OS) zone is to establish areas anywhere in the city where only open and generally undeveloped lands are to be encouraged. Development of a comprehensive network of permanent, multi-functional, publicly and privately owned open spaces shall be encouraged. The intent of this zone is to help provide areas for residential, commercial, and industrial uses where parks and open spaces can be integrated into them. [Ord. 5-20-97-2 § 1 (Exh. A), Code 1997 § 12-295-005.]

**18.105.020 Permitted uses.**

The following uses are permitted in any zoning district:

- (1) City-initiated parks, open spaces, trails, museums, cemeteries or other city-related activities.
- (2) Forests and urban forests.
- (3) Conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, wetlands, and any lands under the Jordan River Parkway Authority. [Ord. 5-20-97-2 § 1 (Exh. A), Code 1997 § 12-295-010.]

**18.105.030 Conditional uses.**

The following uses are conditional in any zoning district:

- (1) Botanical and zoological gardens.
- (2) Public and private parks and recreation areas including, but not limited to, playgrounds, athletic fields, golf courses, country clubs, tennis courts, and swimming pools. Accessory uses to the uses listed in this subsection such as, but not limited to, golf, tennis, swimming, the preparing and serving of food and beverages, and the sale of equipment and supplies in connection with the recreational activities engaged in upon the premises.
- (3) Historic preservation and monument sites.
- (4) Private open air theaters and meeting places.
- (5) Privately owned cemetery. [Ord. 5-20-97-2 § 1 (Exh. A), Code 1997 § 12-295-015.]

**18.105.040 Area requirements.**

Minimum area requirements are to be determined by the planning commission. [Ord. 5-20-97-2 § 1 (Exh. A), Code 1997 § 12-295-020.]

**18.105.050 Frontage requirements.**

Any parcel used for parks and open space shall have a minimum frontage of 30 feet on a public street. [Ord. 5-20-97-2 § 1 (Exh. A), Code 1997 § 12-295-025.]

**18.105.060 Building height, size, and setbacks.**

All building height, size and setback requirements shall be determined by the planning commission as part of the conditional use approval process. [Ord. 5-20-

97-2 § 1 (Exh. A). Code 1997 § 12-295-030.]

**18.105.070 Parking ratios.**

Refer to parking standards of Chapter 18.145 RCC. Any nondefined parking ratios shall be determined by the planning commission. [Ord. 5-20-97-2 § 1 (Exh. A). Code 1997 § 12-295-035.]

**18.105.080 Location of parking.**

As determined by the Riverton City planning commission. [Ord. 5-20-97-2 § 1 (Exh. A). Code 1997 § 12-295-040.]

**18.105.090 Landscaping.**

All areas not covered by buildings, pavement for roads and parking lots, or walkways shall be landscaped as required by the planning commission, which may include natural landscaping and/or xeriscaping. [Ord. 5-20-97-2 § 1 (Exh. A). Code 1997 § 12-295-045.]

**18.105.100 Signs.**

The only signs permitted in this zone shall be monument signs, guide signs, directional signs, wall signs, and temporary promotional signs compatible with the general objectives of this zone. All signs except for temporary promotional signs must be approved by the planning commission, and will require adherence to Chapter 18.150 RCC, Sign Regulation Ordinance. Private signs will require a sign permit. [Ord. 5-20-97-2 § 1 (Exh. A). Code 1997 § 12-295-050.]

**18.105.110 Maintenance of facilities.**

At the discretion of the planning commission, a legal submission may be required which sets forth a plan or manner of permanent care and maintenance of all open space and other facilities provided in the site plan. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect, and the planning commission as to suitability for the proposed use of the open space and subject facilities.

In the event the open space and other facilities are not maintained in a manner consistent with the approved site plan, the city may at its option cause such maintenance to be performed and assess the costs to the affected property owner(s) or responsible association. [Ord. 5-20-97-2 § 1 (Exh. A). Code 1997 § 12-295-055.]

**Chapter 18.110  
SENSITIVE AREA OVERLAY (OV-SA) ZONE**

**Sections:**

- 18.110.010 Purpose.
- 18.110.020 Definitions.
- 18.110.030 General provisions.
- 18.110.040 Conditional use.
- 18.110.050 Clustering.
- 18.110.060 Hillsides/slopes protection.
- 18.110.070 Wetlands protection.
- 18.110.080 Stream corridor protection.
- 18.110.090 Wildlife habitat protection.
- 18.110.100 Application and approval procedure.

**18.110.010 Purpose.**

The general purpose of the sensitive area overlay (OV-SA) zone is to provide standards, guidelines and criteria that will help minimize flooding, erosion and other environmental hazards as well as protect the natural scenic character of the hillsides, wetlands, stream corridors and wildlife areas within Riverton City boundaries. The standards contained herein are intended to accomplish the following purposes:

- (1) Encourage development designed to reduce risks associated with natural hazards from stormwater runoff and erosion by requiring drainage facilities and the minimal removal of vegetation.
- (2) Minimize the threat and consequential damages of fire in hillside areas by establishing fire protection measures.
- (3) Preserve natural features, wildlife habitat and open space.
- (4) Preserve public access to mountain areas and natural drainage channels.
- (5) Retain natural topographical features such as drainage channels, streams, ridgelines, rock outcroppings, vistas, trees and other natural plant formations.
- (6) Preserve and enhance visual and environmental quality by the use of natural vegetation and prohibition of excessive excavation and terracing.
- (7) Assuring adequate transportation systems for sensitive areas to include consideration of the Riverton City street master plan. This system design will consider densities and topography with minimal cuts, fills or other visible scars.
- (8) Establish on-site and off-site traffic facilities that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at any time.
- (9) Encourage a variety of development designs and concepts that are compatible with the natural terrain of sensitive areas and will preserve open space and natural landscape.
- (10) Establish land use management criteria that will encourage protection of natural features while allowing a harmonious and high quality residential

environment.

(11) Encourage location, design and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of natural terrain.

(12) Encourage the use of creative design teams composed of professional landscape architects, engineers and others.

(13) Preserve the visual and aesthetic qualities of the foothills, including prominent ridgelines, which are vital to the attractiveness of foothill areas. [Ord. 5-19-98-1 § 1 (Exh. A § 12-250-005). Code 1997 § 12-330-005.]

#### 18.110.020 Definitions.

"Clustering" means a development technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

"Critical value wildlife habitat" means sensitive use areas necessary to sustain the existence of one or more species of high interest wildlife during critical periods of their life cycles. Examples of critical value habitats are: concentration areas for big game on winter ranges, important movement corridors, breeding and rearing complexes, developed wetlands, and riparian habitats critical to high interest wildlife. High interest wildlife are all game species, any economically important species, and any species of special aesthetic, scientific or educational significance which may include all protected wildlife. Threatened or endangered species are defined separately.

"Drainage corridor" means an above-ground swale, gully or impression in the landscape that carries stormwater runoff or spring water.

"Environmental hazard" means any hazard created by a condition of the environment such as fault line, liquefaction, flood danger, etc.

"Normal high water line" means the water elevation of a drainage occurring as a result of an approximate two-year recurrence interval flow.

"Stream corridor" means a drainage that can support a riparian habitat and regulated by the Utah State Engineer's Office, Division of Water Rights and/or the Army Corps of Engineers. The stream corridor also includes an area up to 60 feet beyond the high water line of the river bed.

"Waterway" means the area between the high water mark on either bank.

"Wetland" means an area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to maintain saturated conditions and to support a prevalence of vegetation. These may be either preexisting natural wetlands (e.g., marshes, swamps, bogs, cypress domes and strands, etc.) or constructed wetland systems. [Amended during 2011 recodification; Ord. 5-19-98-1 § 1 (Exh. A § 12-250-010). Code 1997 § 12-330-010.]

#### 18.110.030 General provisions.

(1) Applicability of the OV-SA Zone. The OV-SA zone will be automatically applied to those areas that fit within the definitions of delineated sensitive areas or as mapped by the Riverton City planning department and other managing agencies (see RCC 18.110.060(1), 18.110.070(1), 18.110.080(1) and 18.110.090(1)).

(2) Trees/Vegetation. The following requirements shall apply to trees and vegetation in all types of sensitive lands:

(a) Existing Trees. Every effort to save all quality full-size existing trees on a property proposed for development shall be made by the developer. All existing trees over five inches diameter at breast height (DBH) in caliper, along with tree types and tree locations, shall be shown and submitted to the planning commission along with the landscape planting plan. In areas determined by the Riverton City fire marshal as being highly susceptible to fire hazards, vegetation up to 30 feet from the perimeter of a structure shall be selectively pruned and thinned for fire protection purposes.

(b) Replacement of Significant Trees. Where trees more than five inches in caliper are removed, the applicant or developer shall replace such trees. Replacement trees shall be maintained and guaranteed for a period of three years, except for residential lots where the period shall be one year. All replacement trees shall be determined by a licensed landscape architect. Trees shall be replaced according to the following schedule:

(i) Deciduous Trees Removed. Replace with two trees with a minimum of two-inch caliper.

(ii) Coniferous Trees Removed. Replace with two trees with a minimum height of five feet.

(3) Storm Drainage. Storm drainage shall comply with the adopted Riverton City storm drain master plan. In some cases the drainage system shall meet the requirements of the Department of Environmental Quality to accommodate a filtration system for on-site retardation. In areas not covered by the current storm drain master plan, a study of the storm drainage for the proposed development and adjacent property shall be required. [Ord. 5-19-98-1 § 1 (Exh. A § 12-250-015). Code 1997 § 12-330-015.]

#### 18.110.040 Conditional use.

Each development project involving a sensitive area overlay zone shall first obtain a conditional use permit.

Sensitive areas consisting of delineated wetlands and stream corridors shall be considered undevelopable. However, the development potential of sensitive areas such as hillsides and wildlife habitat will vary according to the measure of sensitivity. Mitigation efforts for wildlife habitation areas shall be as according to requirements set forth in RCC 18.110.090. Uses in the hillside areas shall be according to the following requirements:

(1) Residential land uses shall be allowed on areas up to 30 percent (17-degree) slope; provided, that the development meets all the requirements of this chapter. Slopes 30 percent (17 degrees) or greater shall be considered undevelopable.

(2) Commercial and office uses shall be allowed in areas with slopes of up to 15 percent (nine degrees).

(3) Light industrial uses shall be allowed in areas with slopes up to 10 percent (six degrees).

(4) Special considerations may be made for restaurants, hotels, resorts, recreational facilities and other similar uses where it can be shown that the development will blend into the natural landscape and negative effects can be mitigated. [Amended during 2011 recodification; Ord. 5-19-98-1 § 1 (Exh. A § 12-250-020), Code 1997 § 12-330-020.]

**18.110.050 Clustering.**

Clustering of development is strongly encouraged and may be required by the planning commission to meet the requirements of this chapter.

(1) Criteria for Reduction of Lot Size. Minimum lot size may be reduced through clustering of development if the planning commission makes the following findings:

(a) The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this chapter, such as providing more open space, preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes;

(b) The clustering proposal will have no significant adverse impact on adjacent properties or development, or the applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards and other design features as recommended by the planning director to buffer and protect adjacent properties from the proposed clustered development;

(c) The architecture, height, building materials, building colors, and other design features of the development are compatible with adjacent properties or development and blend with the surrounding natural landscape.

(2) Density Bonus. Where a development gives up land to be placed in permanent park or open space, the city may grant up to a 10 percent density bonus over the base density. This density bonus shall be subject to city council approval upon recommendation from the planning commission.

For the purpose of calculating this 10 percent cluster density bonus, the base density permitted in the underlying zone shall be calculated based on net developable acreage which shall be defined as land with all the following characteristics:

(a) An average slope less than 30 percent (15 degrees);

(b) Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality;

(c) Minimum distance from any stream corridor, as defined and described in this chapter; and

(d) Free from any identified natural hazards such as flood, avalanche, landslide, high water table, fault line, liquefaction and similar features.

(e) Density bonuses shall only be given when area beyond the sensitive area is contributing to the overall open space plan. In addition, density bonuses may only be applied to contiguous land. [Amended during 2011 recodification; Ord. 5-19-98-1 § 1 (Exh. A § 12-250-025), Code 1997 § 12-330-025.]

**18.110.060 Hillside/slopes protection.**

(1) Boundary Delineation. A sensitive hillside or slope area shall be delineated where any slope is 12 percent (seven degrees) or greater. However, a certified soils report that reveals unstable soils or, in contrast, the presence of bedrock, may vary the delineation of the sensitive area overlay subject to approval by the city engineer. Areas of slope over 30 percent (17 degrees) have a density of one dwelling unit per 20 acres.

(2) Density. Development densities in the hillside areas of the OV-SA zone shall not be allocated a density higher than two dwelling units per acre. However, if the development is clustered, lot sizes shall not be smaller than those indicated in the table below according to the corresponding slope:

Degree of Slope	% Slope	Acreage	Square Footage
Under 3°	Under 5%	0.18	10,890
3° – 5°	5% – 9%	0.25	10,890
6° – 8°	10% – 14%	0.33	14,520
9° – 11°	15% – 19%	0.50	21,780
12° – 13°	20% – 24%	1.00	43,560
14° – 16°	25% – 29%	5.00	217,800
17° or greater	30% or greater	20.00	871,200

(3) Grading. Grading in hillside areas shall be in accordance with all applicable provisions of the International Building Code. Grading requirements listed in such document shall apply to sensitive areas pertaining to hillside protection only and shall require a grading permit obtained through the city engineer.

(4) Streets and Driveways. The following restriction shall be placed upon the development of streets and driveways in a hillside sensitive area:

(a) Maximum Slope. Streets shall be constructed at a maximum of 12 percent (seven-degree) slope. Streets in slopes between 10 percent (six degrees) and 12 percent (seven degrees) shall be no more than 250 feet in length and only upon city engineer and fire department approval. Driveways to all residential dwellings shall be constructed at a maximum of 15 percent (nine degrees). However, driveways may be approved at a slope of 18 percent (10 degrees) only if they receive approval from the city engineer and fire chief.

(b) **Criteria for Traversing Steep Slopes.** Streets, roads, private access roads, driveways, and other vehicular routes shall not be allowed to traverse slopes between 30 percent (17 degrees) and 50 percent (27 degrees) unless specifically authorized by the city council upon recommendation from the planning commission. Any driveway so authorized shall meet the following criteria:

(i) No alternative location for access is feasible or available;

(ii) No individual segment of the street, road, private access road, driveway or other vehicular route that will cross slopes between 30 percent (17 degrees) and 50 percent (27 degrees) shall exceed 100 feet in length or 10 percent of the total length of the street, road, private access road, or other vehicular route; and

(iii) No significant adverse visual, environmental, or safety impacts will result from the crossing.

(c) **Fifty Percent Slope Traversings.** Under no circumstances shall any street, road, private access road, driveway or other vehicular route cross slopes greater than 50 percent (27 degrees).

(d) **Natural Contour.** Streets, roads, private access roads, driveways and other vehicular routes shall follow the natural contour lines as much as possible.

(e) **Grading for streets, roads, private access roads, and other vehicular routes** shall be limited to the roadway portion of the right-of-way, plus up to an additional 10 feet on either side of the roadway as needed, except that when developing access on slopes in excess of 25 percent, only the roadway portion of the right-of-way shall be graded, plus the minimum area required for any necessary curb, gutter, or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent possible.

(f) **Other Roads.** Roads, other vehicle routes, or trails may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.

(g) **Shared Driveways.** Driveways may be shared by no more than two residential units, or by two or more principal nonresidential uses provided such nonresidential uses together do not exceed a total of 25,000 square feet of gross floor area. Shared driveways are strongly encouraged.

(5) **Fire Protection.** The following fire protection measures shall be taken when developments are placed in hillside areas:

(a) Each development site and building permit for private lots, rear lots, and lots where the front setback is greater than 50 feet shall be reviewed by the city fire marshal to see that it complies with all applicable provisions of the International Fire Code. Access requirements shall comply with the city standards.

(b) Spark arrestors shall be installed in every fireplace constructed indoors or outdoors. Screen openings in such arrestors shall not be in excess of one-fourth inch diameter.

(c) Development adjacent to environmentally sensitive lands shall provide access for fire protection vehicles and equipment. Access shall be a minimum of the following:

(i) Lots backing against sensitive lands must be separated by an access road every 500 feet.

(ii) Fire hydrants located at the entrance to each access road every 500 feet.

(iii) A minimum of a 20-foot access road to be placed behind home abutting the sensitive land areas.

(6) **Preservation of Ridgelines.** Development shall be architecturally designed to protect the natural ridgeline. Working with the planning director, development shall aim to be set back below the ridgeline or behind the natural crest of the hill. Methods to mitigate disturbance of the ridgeline shall include, but not be limited to, steep rooflines, heavy vegetation and the use of materials that blend with the natural environment. [Amended during 2011 recodification; Ord. 5-19-98-1 § 1 (Exh. A § 12-250-030). Code 1997 § 12-330-030.]

#### **18.110.070 Wetlands protection.**

(1) **Boundary Delineation.** Unless previously delineated by Salt Lake County, boundaries for wetlands shall be delineated according to the following provisions:

(a) Boundary delineation for wetlands shall be established using the current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. A 20-foot buffer, which shall be undevelopable, shall surround all wetland areas.

(b) **Applicable Agencies.** The following agencies, other than Riverton City staff, may review and approve any proposed plan, if needed:

(i) U.S. Army Corps of Engineers.

(ii) Environmental Protection Agency.

(2) **Density.** Wetland areas of the OV-SA zone shall not be allocated building entitlements.

(3) **Grading.** No surface grading shall be done that shall impact any wetland areas or within 100 feet of any wetland area.

(4) **Disturbance of Wetlands.** No activity will be permitted which will disturb, fill, dredge, clear, destroy or alter any area, including vegetation, within wetlands and their setbacks as set forth in this chapter, except where approved by the Army Corp of Engineers. [Ord. 5-19-98-1 § 1 (Exh. A § 12-250-035). Code 1997 § 12-330-035.]

#### **18.110.080 Stream corridor protection.**

(1) **Boundary Delineation.** Unless previously delineated by Salt Lake County, boundaries for stream corridors shall be delineated according to the following provisions:

(a) There shall be two classifications of drainages considered in Riverton City. They are:

(i) **Streams, Creeks and Rivers.** These shall not be piped, covered, altered, moved or destroyed in any way, except for a public roadway crossing. Irrigation ditches that do not follow the natural channel are not considered stream corridors unless the majority of the stream flow has been diverted from the natural channel to accommodate water delivery.

(ii) **Washes, Drainages, and Swales.** These types of waterways may be considered for piping if it is agreed to have a minimal impact and adequate conveyance as approved by the Salt Lake County Flood Control District.

(b) Stream corridors shall be delineated at the top of the stream or river bank where the bank is at a slope of 20 percent or greater. Where the stream or river bank is less than 20 percent slope, the stream corridor shall be delineated 30 feet from the normal high water line, as defined in this chapter, plus 40 feet. Stream corridors shall not include irrigation ditches or any ditch that does not contribute to the preservation and enhancement of fisheries or wildlife.

(c) **Applicable Agencies.** Approval may be required from the following agencies, other than Riverton City staff, for any proposed plan:

(i) U.S. Army Corps of Engineers.

(ii) Utah State Engineer's Office, Division of Water Rights.

(iii) Environmental Protection Agency.

(iv) Salt Lake County Flood Control District.

(2) **Density.** Development densities in stream corridor areas of the OV-SA zone shall be one dwelling unit per acre, excluding that area defined as the waterway. If development adjacent to a stream corridor is clustered, lot density may be increased accordingly using the one dwelling unit per acre of the area which is in the stream corridor. However, waterway areas of the stream corridor shall not have building entitlements.

(3) **Grading.** No grading shall be done within the stream corridor that will disturb the natural vegetation or natural terrain of the area.

(4) **Streets and Bridges.**

(a) **Streets.** No streets or roads shall encroach upon the stream bank as defined in this chapter or as determined by the applicable agencies.

(b) **Crossings.** The construction of crossings over a stream corridor and within the stream setback area is permitted, provided such crossings are planned and constructed so as to minimize impacts on the stream corridor to the maximum extent possible. Bridges shall be constructed where they reach from the top of the bank to the top of the bank on the other side of the waterway, as approved by the city engineer. Natural rock bottoms may be required where it is found that the velocity of water flow would cause erosion of surrounding banks.

(5) **Filling or Dredging of Waterways.** Filling or dredging of watercourses, stream or creek beds, rivers, washes, drainages, swales, wetlands, gullies, or other stormwater runoff channels is prohibited unless approval is received by all applicable agencies listed in this chapter and the city engineer. [Ord. 5-19-98-1 § 1 (Exh. A § 12-250-040). Code 1997 § 12-330-040.]

#### **18.110.090 Wildlife habitat protection.**

All developments subject to this section, to the maximum extent possible, shall incorporate the following principles when locating site elements in relation to wildlife habitat:

(1) **Applicable Areas.** Any critical habitat as defined by the Division of Wildlife Resources and the adopted Utah Sensitive Species List (see UAC R657-48).

(2) **Maintenance of Buffers.** Buffers shall be maintained between areas dominated by human activities and core areas of wildlife habitat, with more intense human activities, such as automobile and pedestrian traffic, relegated to more distant zones away from the core habitat areas.

(3) **Facilitation of Wildlife Movement.** Development shall facilitate wildlife movement across areas dominated by human activities by:

(a) Maintaining connections between open space parcels on adjacent and nearby parcels;

(b) Minimizing fencing that inhibits the movement of wildlife species; and

(c) Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas (for example, by retaining or planting native vegetation and trees around a house or accessory building).

(4) **Referral Requirements and Planning Commission Action.** The following considerations shall apply when applications are made in or adjacent to critical habitat areas:

(a) **Review by Utah Division of Wildlife Resources.** Site development applications subject to this section shall be referred to the Utah Division of Wildlife Resources for review, comment and recommendations. Comments and recommendations from the Utah Division of Wildlife Resources shall be incorporated into the staff report or in some other way transmitted in writing to the planning commission and city council prior to final action on submitted proposals.

(b) **Special Consideration for Wildlife.** The planning director, planning commission and city council shall give special consideration to wildlife habitats that



are determined by the Utah Division of Wildlife Resources in their review to be of unique or critical value and may require project modifications or special conditions recommended to mitigate impacts on critical wildlife habitat.

(c) Denial Based on Significant Adverse Impacts. The city council upon recommendation from the planning commission may deny a development proposal if it finds that the proposed development will have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated.

(d) Definition of "Significant." For the purposes of this section, "significant adverse impact" shall mean the elimination, reduction, and/or fragmentation of wildlife habitat to the point that viability of an individual species occurring within the Riverton City boundaries and the diversity of wildlife species occurring within Riverton City boundaries is reduced. [Amended during 2011 recodification; Ord. 5-19-98-1 § 1 (Exh. A § 12-250-045). Code 1997 § 12-330-045.]

**18.110.100 Application and approval procedure.**

Application shall be made by the property owner or an authorized agent on a form prescribed for this purpose by the city. Applicants for development approval must provide complete and accurate information regarding the specific site and the proposed use on the application. No application shall be processed until it has been reviewed for completeness and accepted by the planning department. Incomplete applications shall not be processed under any circumstance.

(1) Preapplication Conference. Prior to a complete application, a preapplication conference shall be held between the applicant and the planning staff, once the applicant can provide the following:

(a) Concept plan fees.

(b) Site Analysis. A site analysis is a plan view drawing demonstrating land constraints and existing features. These existing conditions may consist of the presence of boulders, existing manmade features, significant trees, canal or ditches, access points or public right-of-way and existing conditions within 200 feet from the property line.

(c) Conceptual Development Plan. A conceptual development plan may be a hand-drawn or preliminary drawing that will outline the building footprint, the area devoted to landscaping and the general concept of storm drainage.

(d) Conceptual elevations.

(e) Vicinity map.

(2) Application and Submittals. All applications for development in a sensitive area shall abide by the following:

(a) Residential Development. All residential development within a sensitive area shall abide by the requirements of RCC Title 17, Subdivisions. In addition to the said requirements, the applicant shall submit the following:

(i) Environmental Analysis. An environmental analysis shall include:

(A) Sensitive land delineation according to the requirements of this chapter.

(B) A detailed list of flora and fauna within the site area.

(C) A soils report of the entire area within the sensitive area.

(ii) Traffic Impact Study. A traffic impact study (completed by a certified traffic engineer) shall include, but not be limited to, the following:

(A) An analysis of the average daily trips generated by the proposed project.

(B) An analysis of the distribution of trips on city street systems.

(C) A description of the type of traffic generated.

(iii) Grading Plan. A grading plan shall include the following:

(A) The current topography of the property being developed.

(B) The proposed grading plan with calculations for cut and fill loads.

(b) Commercial Development. All commercial development within sensitive areas shall abide by the requirements of Chapter 18.215 RCC, Site Plan Review and Standards. In addition to the said requirements, the applicant shall submit the following:

(i) Environmental Analysis. An environmental analysis shall include:

(A) Sensitive land delineation according to the requirements of this chapter.

(B) A detailed list of flora and fauna within the site area.

(C) A soils report of the entire area within the sensitive area.

(ii) Grading Plan. A grading plan shall include the following:

(A) The current topography of the property being developed.

(B) The proposed grading plan with calculations for cut and fill loads. [Ord. 5-19-98-1 § 1 (Exh. A § 12-250-050). Code 1997 § 12-330-050.]

**Chapter 18.115**  
**GROUNDWATER PROTECTION OVERLAY (OV-GP) ZONE<sup>1</sup>**

Sections:

- 18.115.010 Title, applicability, and authority.
- 18.115.020 Purpose and intent.
- 18.115.030 Definitions.
- 18.115.040 Extent and designation of recharge areas and protection zones.
- 18.115.050 Permitted uses, conditional uses, and prohibitions within recharge areas and protection zones.
- 18.115.060 Management strategies and performance standards.
- 18.115.070 Exclusions and exemptions.
- 18.115.080 Enforcement, violation, and penalties.
- 18.115.090 Other.
- 18.115.100 Liability.
- 18.115.110 Administration.

**18.115.010 Title, applicability, and authority.**

(1) Title. This chapter shall be known as the model drinking water source protection ordinance. The provisions of this chapter shall be effective within the boundaries of the city of Riverton, Utah, and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the city as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the city. This chapter shall be liberally construed to effect the purposes set forth herein.

(2) Applicability. It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the city to conform and comply with the applicable provisions contained in this chapter. Ignorance of this provision shall not excuse any violations of the provisions of this chapter.

(3) Authority. The city of Riverton has the authority to adopt this chapter to facilitate compliance with drinking water source protection regulations pursuant to the Municipal Land Use, Development, and Management Act, Section 10-9a-101 et seq., Utah Code Annotated 1953, UAC R309-113, and other such authorities and provisions as in the statutory and common law of the state of Utah. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-005). Code 1997 § 12-335-005.]

**18.115.020 Purpose and intent.**

The purpose of this chapter is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of city residents and visitors. The intent of this chapter is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within city boundaries and jurisdiction. This chapter establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where groundwater is, or could be, affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this chapter apply to new development and/or handling, movement, and storage of potentially hazardous materials.

The degree of protection afforded by this chapter is considered adequate for regulatory purposes. This chapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the city, or an officer or employee thereof, for any damages to the public water supplies from reliance on this chapter or any administrative order lawfully made thereunder.

A notice to cease or an exemption issued under this chapter shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-010). Code 1997 § 12-335-010.]

**18.115.030 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be defined as follows:

"Abandoned well" means a well the use of which has been permanently discontinued or is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.

"Best management practices (BMPs)" means a practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

Biosolids. See "Sludge."

"City" shall mean the city of Riverton, Utah.

"Closure" means the cessation of operation of a facility, or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of groundwater in accordance with the appropriate state, federal, and local regulations applicable to the specific facility and with the provisions of this chapter.

"Code" means the Riverton City Code.

"Code inspector" means any authorized agent or employee of the city whose duty is to assure code compliance.

Collection Area. See "Protection zone," "Primary recharge area" and "Secondary recharge area."

"Continuous transit" means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

"Council" means the city council of the city of Riverton, Utah.

"Department" means the public agency, division, or department designated by the city of Riverton to enforce the provisions of this chapter. For the city of Riverton, the department is the planning and zoning department and building department, in consultation with the water and engineering departments, with ultimate authority resting with the engineering department.

"Discharge" shall mean and include, but not be limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the soils, air, groundwaters, or surface waters of the city. Release does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substance; provided, that such use is not prohibited by federal, state, or local regulations. Release shall not include releases specifically authorized by federal or state permits.

"Drinking water source protection review committee" shall be the public utilities department determined by the city of Riverton, and whose purpose is to make determinations regarding delineation of protection areas and zones.

"Drinking water source protection zone" means an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

"Drinking water supply spring" means a drinking water spring to supply water, which has been permitted or intended for consumptive use.

"Drinking water supply well" means a drinking water well to supply water, which has been permitted or intended for consumptive use.

"DWSP" means drinking water source protection.

"EPA" means the U.S. Environmental Protection Agency.

"Groundwater" means any water which may be drawn from the ground.

"Groundwater discharge area" means an area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer. Discharge areas, determined by the United States Geological Survey (USGS), are shown on Exhibit 2 in RCC 18.115.110.

"Groundwater divide" means the topographical and/or the geological strata that physically divides the groundwater flow of one primary recharge area from another.

"Groundwater TOT" shall mean time of travel for groundwater.

"Handle" means to use, generate, process, produce, package, treat, store, or transport a regulated substance in any fashion.

"Hazardous waste" means as defined by the United States EPA.

"Nonresidential activity" means all activity that is not designated as residential.

"Operating permit" means a permit to operate a facility handling regulated substances under this chapter. The department of building, zoning, and licensing will issue the permit for the city of Riverton, Utah.

"PCS" shall mean potential contaminant source.

"Person" means an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as singular.

"Petroleum product" shall include fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

"Primary recharge area" shall mean the areas depicted on Exhibit 2 in RCC 18.115.110.

"Protection zone" means delineation zones of the drinking water source protection zone, as summarized in RCC 18.115.040(2).

"PWS" shall mean public water system.

"Regulated substances" means substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristics relevant to a particular material may cause significant harm to human health and/or the environment (including surface and groundwater, plants, and animals).

"Residential activity" means any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in this title.

"SARA Title III" means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300 through 302, pertaining to emergency response and right-to-know.

"Secondary containment" means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or

other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

"Secondary recharge area" shall mean the areas depicted on Exhibit 2 in RCC 18.115.110.

"Septic holding tank" means a watertight receptacle, used to contain septic waste, the contents of which are exfiltrated and disposed of at a waste disposal facility.

"Septic tank system" means a generally watertight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

"Sludge" or "biosolids" means the solids separated from wastewater during the wastewater treatment process.

"Solid waste disposal facility" means any solid waste management facility, which is the final resting place for solid waste, including landfills, and incineration facilities that produce ash from the process of incinerating solid waste.

"Solid waste transfer facility" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility.

"Travel time contour" means the locus of points that form a line of any configuration in space from which groundwater particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, as predicted by the Refined Salt Lake Valley MODFLOW/MODPATH model copyrighted.

"UAC" shall mean the Utah Administrative Code.

"USGS" shall mean the United States Geological Survey.

"Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.

"Wellfield" means an area of land which contains one or more drinking water supply wells. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-015). Code 1997 § 12-335-015.]

#### **18.115.040 Extent and designation of recharge areas and protection zones.**

(1) Recharge Area and Protection Zone Map. The extent of the recharge areas and the protection zones may be seen on the recharge area and protection zone map, Exhibit 2 in RCC 18.115.110. The recharge area and protection zone map was completed January 1997, and is incorporated and made a part of this chapter. The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibitions and restrictions apply to a specific property. This map shall be on file with the city of Riverton, and shall be maintained by the city and public water systems whose groundwater resources lay within the city of Riverton boundaries and jurisdiction. Any amendments, additions, or deletions to this map shall be by the city and/or the public water system following written notice after approval by the drinking water source protection review committee. The committee shall publish notice at least 30 days prior to consideration.

#### **(2) Designation of Recharge Areas and Protection Zones.**

(a) The following recharge areas and protection zones are hereby designated within the city of Riverton:

- (i) Primary recharge area, as determined by the USGS (see Exhibit 2 in RCC 18.115.110).
- (ii) Secondary recharge area, as determined by the USGS (see Exhibit 2 in RCC 18.115.110).
- (iii) Protection Zone No. 1 shall be the area within a 100-foot radius from the well or margin of the collection area.
- (iv) Protection Zone No. 2 shall be area within a 250-day groundwater TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- (v) Protection Zone No. 3 shall be the area within a three-year TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- (vi) Protection Zone No. 4 shall be the area within a 15-year TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(b) In determining the location of properties and facilities within the areas and zones depicted on the drinking water source protection overlay map, the following rules shall apply:

- (i) Property located wholly or partially in a recharge area or a protection zone on the overlay map shall be governed by the restrictions applicable to that recharge area or protection zone.
- (ii) Properties located within more than one recharge area or protection zone as shown on the overlay map shall be governed by the restrictions

applicable to the most restrictive protection zone.

(3) Review of Recharge Area and Protection Zone Map. The recharge area and protection zone map shall be reviewed at least one time every five years or more frequently if determined appropriate by the city of Riverton. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

- (a) Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
- (b) Changes in wellfield configuration.
- (c) Changes in pumping rates for the wellfield.
- (d) Development of new wells, wellfields, and/or springs.
- (e) Changes in water quality. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-020). Code 1997 § 12-335-020.]

**18.115.050 Permitted uses, conditional uses, and prohibitions within recharge areas and protection zones.**

(1) Releases. No person shall discharge or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, to soils, air, groundwater, or surface water in any recharge area or protection zone, that may have a deleterious effect upon the groundwater in the city of Riverton, unless the release is in compliance with federal, state, and local regulations.

(2) Prohibitions and Restrictions. Table 18.115.060 is a summary matrix of potential contamination sources and their prohibited, permitted, or conditional use in the protection zones referenced in RCC 18.115.040(2).

(3) Review of Development Plans. A registered geologist who has demonstrated expertise in the assessment of recharge rates shall review all development plans that lie within the primary recharge area. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to the city of Riverton for subsequent review by a registered geologist. Developments that do not lie within either the primary or secondary recharge area may proceed with the development plan processing requirements of the city of Riverton. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-025). Code 1997 § 12-335-025.]

**18.115.060 Management strategies and performance standards.**

(1) Toxic, Hazardous, and Other Materials Handling Regulations. The general classes of substances to be regulated under this chapter shall be those set forth in the generic regulated substances list which is presented as Exhibit 1 in RCC 18.115.110. The regulated substances shall include those set forth in the most current lists, as amended from time to time, entitled Identification and Listing of Hazardous Materials (40 CFR 261, Subpart D) and List of Extremely Hazardous Substances (40 CFR 355, Appendices A and B), and which are in a form that they are, all or in part, capable of entering the groundwater.

The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed; provided, that the quantities of these substances do not exceed the reportable quantity for each regulated substance, as designated in 40 CFR 302 (pursuant to Section 311 of the Clean Water Act). An applicant may be exempted from the provisions of this chapter; provided, that he or she demonstrates to the department and to the Utah Division of Drinking Water Quality that the regulated substances pose no hazard to groundwater.

Table 18.115.060 identifies uses that have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

- (a) Permitted Uses (P). The risk of contamination is considered relatively low in the specified zone if regulatory requirements and best management practices are implemented and, therefore, the use is permitted.
- (b) Conditional Uses (C). The risk of contamination is moderate in the specified zone. The planning commission may permit the use only after conditional use review and approval. Approval is subject to implementation of best management practices and the planning commission may establish compliance with other reasonable conditions. The Utah Division of Drinking Water Quality shall review all conditional use requests.
- (c) Prohibited Uses (X). The risk of contamination is very high in the specified zone. The use is not permitted.

Table 18.115.060

Use Matrix for Potential Contamination Sources

Potential Contamination Source	Protection Zone					Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4		
Abandoned wells	X	X	X	X	X	UAC R655-4, 12.1 to 12.2 for requirements to abandon wells	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	C	C	X	C	C	FIFRA (40 CFR 152 – 157); RCRA Subtitle C; Utah Pesticide Control Act	Department of Agriculture
Airport maintenance and fueling sites	C	C	X	C	C	Stormwater; UST	

Appliance repair	P	P	X	P	P	RCRA Subtitle C	
Auto operations and fleet vehicle maintenance facilities (commercial):	C	C	X	C	C		Salt Lake Valley health department
• Dealership maintenance departments						RCRA Subtitle C; UST; Pretreatment	
• Tire							
• Auto body							
• Engine repair							
• Rust proofing							
• Oil and lube shops						Used Oil (UAC R315-15)	
• Vehicle rental with maintenance							
Beauty salons	C	P	X	C	P		
Boat building and refinishing	C	P	X	C	C	RCRA Subtitle C	
Car washes	C	P	X	P	P	Pretreatment	Contact local planning department
Cemeteries, golf courses, parks, and plant nurseries	C	C	X	C	C	FIFRA	
Chemical reclamation facilities	C	C	X	C	C	RCRA Subtitle G	
Chemigation wells	C	C	X	X	C	UIC	
Concrete, asphalt, and tar companies	C	C	X	C	C		
Dairy farms and animal feed lots (more than 10 animal units)	C	P	X	X	P	UPDES (UAC R317-8)	
Dry cleaners (with on-site chemicals)	C	C	X	X	P	RCRA Subtitle C; Pretreatment	Salt Lake Valley health department
Dry cleaners (without on-site chemicals)	P	P	X	P	P		
Embalming services	C	C	X	C	C	Pretreatment	
Farm operations							
• Dump sites	X	C	X	C	C	Used Oil (UAC R315-15); Solid and Hazardous (RCRA Subtitle C)	
• Maintenance garages	C	C	X	C	C	Used Oil; RCRA Subtitle C	
• Manure piles (<100 cubic feet-residential, 3,600 cubic feet-agricultural)	C	C	X	C	P	UPDES (UAC R317-8); Groundwater (UAC R317-6)	
Food processing, meat packing, and slaughter houses	C	C	X	X	P	UPDES (UAC R317-8); Pretreatment	
Fuel, oil, and heating oil distribution and storage facilities	X	C	X	C	C	Subsections (1) through (5) of this section	
Furniture stripping, painting, and finishing businesses	C	C	X	C	C	RCRA Subtitle C	
Gasoline service stations (including underground storage tanks)	C	C	X	C	C	Local zoning and land use regulations; UST guidelines	
Hospitals and medical, dental, and veterinary offices	C	C	X	C	C	Solid and Hazardous	
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	X	C	X	C	C	Subsections (1) through (5) and (7) of this section; FIFRA; RCRA Subtitle C	
Industrial waste disposal/impoundment areas	X	C	X	X	C	Groundwater (UAC R317-6); RCRA Subtitle C	
Junk and salvage yards	X	C	X	C	C		Salt Lake Valley health department

Landfills and transfer stations	X	C	X	C	P	UDSW, Solid Waste Rules (UAC R315-301 – R315-320); subsection (12) of this section; RCRA Subtitle D	
Laundromats	C	P	X	P	P	Pretreatment	
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	X	C	X	C	C	Pretreatment; RCRA Subtitle C	
Mining operations							
• Radiological	C	C	X	P	P	UAC R313-25; Groundwater (UAC R317-6)	
• Sand and gravel excavation and processing	C	P	X	P	P	Construction (UAC R317-1)	
Municipal wastewater treatment plants	C	C	X	X	P	UDDWQ, Design Requirements for Wastewater Collection, Treatment, and Disposal Systems (UAC R317-3)	
Photo processing and print shops	C	C	X	C	C	Pretreatment	
Railroad yards	C	P	X	P	P	Used Oil	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	C	P	X	C	C		Follow manufacturer's directions for use and storage
Residential underground storage tanks	X	C	X	C	P	UAC R311-203, R311-205 and R311-206	
RV waste disposal stations	C	C	X	X	P	UAC R392	
Salt and salt-sand piles	C	C	X	C	C	Subsection (11) of this section	DEQ/UDOT
Septic tank drain field systems	X	C	X	X	C	UDDWQ, Individual Wastewater Disposal Systems (UAC R317-501 – R317-513); State Department of Health, Code of Waste Disposal Regulations, Parts IV and V	
Stormwater detention basin and snow storage sites	C	C	X	C	P		
Toxic chemical storage and oil pipelines	X	X	X	X	X	Subsections (1) through (5) of this section	
Wood preservative treatment facilities	X	C	X	C	C		
Stormwater: UAC R317-8-3.9(1)(a) – (c) Pretreatment: Contact local municipal wastewater plant UAC: Utah Administrative Code UDDWQ: Utah Division of Drinking Water Quality UDOGM: Utah Division of Oil, Gas, and Mining UDSW: Utah Division of Solid Waste RCRA: Resource Conservation and Recovery Act							

(2) Storage Containers. All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in this chapter, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire-protection water discharged in the storage area (secondary containment).

Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.

(3) Secondary Containment. Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections that would allow leakage through the containment material.

The secondary containment system shall have sufficient capacity to contain (a) 10 percent of the volume of all containers and 100 percent of the volume of the largest single container, whichever is greater, plus (b) the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area is open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as

timely a manner as necessary to prevent overflow of the system. Nonhazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under 40 CFR 261, it must be managed as a hazardous waste in accordance with all applicable requirements of 40 CFR 262 through 266.

Vacuum suction devices, absorbent scavenger materials or other devices approved by the department shall be present on site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances plus absorbent material.

(4) Regulated Substances Emergency Management Plan. An emergency plan shall be prepared and filed with the department, the fire department, the police department, and the PWS indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner as to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the department to submit a regulated substances management plan for the facility. The written plan will be used to demonstrate to the department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this chapter. The plan should not be implemented without the approval of the department.

(5) Reporting of Spills. Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the list of hazardous waste (40 CFR 261, Subpart D), 40 CFR 261 Appendix VIII, Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302) shall be reported by telephone to the city and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the city within 15 days of discovery of the spill.

(6) Best Management Practices. Under the provisions of this chapter, all potential contamination sources within the city's boundaries shall incorporate and utilize best management practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this chapter to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Department of Drinking Water Quality and the U.S. Environmental Protection Agency.

(7) Underground Storage Tanks. Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and protection zones designated under RCC 18.115.040(2) and (3) shall require a secondary containment system for the tank and associated underground piping, and an automatic leak detection system.

A permit from the Division of Environmental Remediation and Response shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a state-licensed company. If removal of the UST(s) is not feasible, the lines shall be disconnected and capped and the tank shall be filled with an inert substance such as washed sand.

Best management practices implementation is required for all underground storage tanks.

(8) Septic Tank Systems. No person shall place, maintain, or operate on-site sewage disposal from a septic tank within the primary recharge area, Zone No. 1 or 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in Zone Nos. 3 and 4 shall comply with the Utah State Department of Health Care of Waste Disposal Regulations, Parts IV and V.

Nonresidential activities that have septic tank systems shall have installed a four-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by department personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.

A septic holding tank that does not discharge into the soil would be preferred. The contents of a septic holding tank are removed, and can be treated or disposed of at an appropriate facility.

(9) Sewage Collection, Transmission and Disposal. No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the department. The owner or operators of any wastewater treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the department within 24 hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within Zone Nos. 1, 2, 3, and 4, and the primary recharging area.

All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.

No person shall place, maintain, or operate a wastewater treatment plant within Zone No. 1 or 2.

(10) General Stormwater Management. All future stormwater management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, state, and federal laws and regulations.

The discharge of stormwater into drainage wells or open sinkholes shall be prohibited without some form of treatment. This treatment shall be applied to at least the first one-half inch of runoff from the area tributary to the well or open sinkhole.

The clean water and stormwater regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

(11) Deicing Salt Storage and Application. Deicing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.

(12) Landfills. Expansion or creation of new landfills is prohibited in the primary recharge area and Zone Nos. 1 and 2. Existing landfills in the Primary



Recharge Area or in Protection Zone No. 1 shall be required to comply with the provisions of UAC R315-301-1 through R315-301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:

- (a) Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.
- (b) Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

(13) Environmental Quality Monitoring. Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the department to monitor soil and groundwater in and adjacent to the facility. At the request of the department, the facility will submit a monitoring plan for department review. The plan shall be implemented with the approval of the department. Facilities that undergo closure may be required to monitor soil and groundwater in and adjacent to the facility subject to closure. The operator of the facility will pay for all costs associated with the closing and monitoring of the site. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-030). Code 1997 § 12-335-030.]

#### **18.115.070 Exclusions and exemptions.**

Exclusions and exemptions shall not pertain to Zone Nos. 1 and 2 within 100 feet of the wellfield in the recharge areas.

(1) Exclusions. The following substances are not subject to the provisions of this chapter; provided, that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater:

- (a) Required substances stored at residences that do not exceed 10 pounds or five gallons and used for personal, family, or household purposes.
- (b) Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds, or 10 gallons.
- (c) Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored.
- (d) Water-based latex paints.
- (e) Fertilizers and treated seed (except as noted in this chapter).
- (f) Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.
- (g) Compressed gases.
- (h) Substances or mixtures that may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) Continuous Transit. The transportation of any regulated substance(s) through any protection zone or recharge area shall be allowed; provided, that the transporting vehicle is in continuous transit.

(3) Vehicular and Lawn Maintenance Fuel and Lubricant Use. The use of any petroleum product solely as an operational fuel in the vehicle or lawn maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this chapter. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-035). Code 1997 § 12-335-035.]

#### **18.115.080 Enforcement, violation, and penalties.**

(1) Inspections. The department shall be granted the right, under this chapter, to enforce the provisions of this chapter for the city of Riverton. An authorized officer of the city of Riverton or the PWS has the right to conduct inspections of facilities to determine compliance with this chapter. The authorized officer or the PWS shall inform the department and other city entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the city of Riverton shall enforce the provisions of this chapter without regard to whether the wells within the city of Riverton boundaries are owned by the city of Riverton. Noncompliance with the provisions of this chapter is a violation. If the facility is not complying with the requirements of this chapter, penalties (i.e., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This chapter regulates businesses within the protection zones and primary and secondary recharge areas within the city.

(2) Notice of Violations. Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, the notice of violation shall:

- (a) Be in writing;
- (b) Be dated and signed by the authorized city agent that made the inspection or determined the violation;
- (c) Specify the violation or violations;
- (d) Provide a specific date that the violations will be corrected by;
- (e) State that if the violation is not corrected by a specific date a hearing may be requested before the city.

If a potential contaminant source (PCS) is out of compliance with the provisions of this chapter, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the city if the PCS is found not to employ BMPs and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the PCS. In the event that the

PCS fails to comply with a cease and desist order within the specified time period, the city may initiate proceedings for issuance of penalties and other relief as necessary.

Any PCS or person found in violation of any provision of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak or discharge of a regulated substance, if it deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the city has the authority under this chapter to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this chapter if use of regulated substances in a protection zone or primary or secondary recharge area exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.

(3) Appeals. Persons cited under the enforcement provisions of subsections (1) and (2) of this section shall be afforded a process for appealing the ruling of the department. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the department a written statement demonstrating compliance or explaining a process for coming into compliance. The written response is required no later than 30 days from the date of issuance of the warning.

If the appeal pertains to a cease and desist order issued by the department, the PCS can submit a written appeal response no later than 10 days from the date of issuance of the order. The written appeal shall contain:

- (a) Documentation of compliance; or
- (b) Response to specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance; and
- (c) Schedule for compliance.

Upon receipt of the written appeal, the department shall be required to review the appeal within 10 days of its receipt and respond to the PCS. If the department determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action is required. If the department determines that the appeals response is inadequate, the PCS may request a hearing before the department. This hearing shall be held within 30 days of receiving the cease and desist order and shall remain in effect until the hearing is conducted. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-040). Code 1997 § 12-335-040.]

#### **18.115.090 Other.**

(1) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations, conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

(2) Disputes. Disputes arising from the delineation of DWSP zones and primary and secondary recharge areas shall be directed to the drinking water source protection review committee to review specific detailed delineation maps showing the boundaries. The boundaries have been defined, for ease of implementation of this chapter, according to major city streets.

(3) Review of This Chapter. The city, the drinking water source protection review committee, and all water utilities whose wells and/or springs lay within the city boundaries shall review the provisions of this chapter at least once every five years, or more frequently if determined appropriate by the city, to determine its applicability and may incorporate changes as deemed appropriate. [Ord. 4-21-98-2 § 1 (Exh. A § 12-251-045). Code 1997 § 12-335-045.]

#### **18.115.100 Liability.**

Any person subject to regulation under this chapter shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the city or the PWS and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this chapter. Such removal or remedial action by the city or the PWS may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates, or is expected to create, an emergency hazardous situation. [Amended during 2011 recodification; Ord. 4-21-98-2 § 1 (Exh. A § 12-251-050). Code 1997 § 12-335-050.]

#### **18.115.110 Administration.**

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this chapter, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in any existing zoning ordinance in the city, as the same is presently enacted or may from time to time be amended.

#### **Exhibit 1**

##### **Generic Regulated Substance List**

Acidic and basic cleaning solutions  
Animal dips  
Antifreeze and coolants

Arsenic and arsenic compounds  
Battery acids  
Bleaches and peroxide  
Brake and transmission fluid  
Brine solution  
Casting and foundry chemicals  
Caulking agents and sealants  
Cleaning solvents  
Corrosion and rust preventatives  
Cutting fluids  
Degreasing solvents  
Disinfectants  
Dyes  
Electroplating solutions  
Engraving and etching solutions  
Explosives  
Fertilizers  
Fire extinguishing chemicals  
Food processing waste  
Formaldehyde  
Fuels and additives  
Glues, adhesives and resins  
Greases  
Hydraulic fluid  
Indicators  
Industrial and commercial janitorial supplies  
Industrial sludges and stillbottoms  
Inks, printing, and photocopying chemicals  
Laboratory chemicals  
Liquid storage batteries  
Medical, pharmaceutical, dental, veterinary, and hospital solutions  
Mercury and mercury compounds  
Metal finishing solutions  
Oils  
Painting solvents  
Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds  
Pesticides and herbicides  
Photo development chemicals  
Plastic resins, plasticizers and catalysts  
Poisons  
Polishes  
Polychlorinated biphenyls (PCBs)  
Pool chemicals  
Processed dust and particulates  
Radioactive sources  
Reagents and standards  
Refrigerants  
Roofing chemicals and sealers  
Sanitizers, disinfectants, bactericides, and algacides  
Soaps, detergents and surfactants  
Solders and fluxes  
Stripping compounds  
Tanning industry chemicals  
Transformer and capacitor oils and fluids  
Wastewater  
Water and wastewater treatment chemicals

**Exhibit 2**

## Map of Primary and Secondary Recharge Areas<sup>2</sup>

[Ord. 4-21-98-2 § 1 (Exh. A § 12-251-055), Code 1997 § 12-335-055.]

<sup>1</sup>Code reviser's note: Ord. 11-16 repeals Ord. 4-21-98-2, but the repeal was not intended to affect this chapter. The intent was to repeal only those provisions of Ord. 4-21-98-2 relating to areas of flood hazard (formerly codified in Code 1997 § 12-350).

<sup>2</sup>Code reviser's note: Exhibit 2 is on file with the city.

### Chapter 18.120 ELDERLY HOUSING OVERLAY (OV-EH) ZONE

#### Sections:

- 18.120.010 Purpose.
- 18.120.020 Permitted uses.
- 18.120.030 Permitted accessory uses.
- 18.120.040 Placement of elderly housing.
- 18.120.050 Process.
- 18.120.060 Density and area requirements.
- 18.120.070 Setback requirements.
- 18.120.080 Building height.
- 18.120.090 Parking and access.
- 18.120.100 Vehicle storage.
- 18.120.110 Buffering and screening.
- 18.120.120 Standards for open space.
- 18.120.130 Independent elderly housing.
- 18.120.140 Fencing.

#### 18.120.010 Purpose.

The elderly housing overlay (OV-EH) zone is established to provide an area for elderly housing, including independent elderly housing, nursing homes, convalescent centers and assisted living centers adjacent to, or in proximity to, commercial centers, mass-transportation access, or community and civic centers. This overlay zone is not intended for hospitals, clinics, health care centers, or like uses. The OV-EH zone may be permitted in any commercial or RM zone. The intent of this overlay zone is to provide adequate accommodation for Riverton's elderly citizens, where the lifestyle is less burdensome and more convenient for residents to perform daily activities. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-005), Code 1997 § 12-340-005.]

#### 18.120.020 Permitted uses.

Permitted uses in the elderly housing overlay zone shall be limited to the following uses or similar uses as interpreted by the planning commission:

- (1) Independent elderly housing.
- (2) Residential health care facility.
- (3) Associated real estate/management office. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-010), Code 1997 § 12-340-010.]

#### 18.120.030 Permitted accessory uses.

- (1) Accessory Buildings. Garage, shed, and any building on a foundation (maximum one story or 15 feet).
- (2) Accessory Structures. Pools and jacuzzis, subject to this chapter.
- (3) Recreation Facilities. Recreation facilities such as game rooms, fitness facilities, basketball courts, tennis courts, and similar structures. [Amended during 2011 recodification; Ord. 2-3-98-2 § 1 (Exh. A § 12-256-015), Code 1997 § 12-340-015.]

#### 18.120.040 Placement of elderly housing.

- (1) Zones Applicable to Overlay. The elderly housing overlay zone may be used in conjunction with the following zones: downtown commercial, professional office, regional commercial, RM-8 and RM-12.
- (2) Maximum Percentage. No more than 25 percent of any specific zone district may be considered for elderly housing overlay. There shall be no maximum allowable percentage within RM zones. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-020), Code 1997 § 12-340-020.]

#### 18.120.050 Process.

An overlay zone must follow the rezoning process to add elderly housing as a permitted use onto these zones: downtown commercial, professional office commercial, regional commercial, RM-8, and RM-12. This process is set forth in Chapter 18.220 RCC. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-025), Code 1997 § 12-340-025.]

#### 18.120.060 Density and area requirements.

- (1) Maximum Density. The OV-EH zone shall have a maximum density of 20 dwelling units per acre for independent senior housing. Maximum density for a nursing home, convalescent center, or assisted living facility shall be as approved under the site plan, and consideration shall include parking and traffic

management, maximum occupancy levels, and total square footage that can reasonably be accommodated under city ordinances on the site.

(2) **Parcel Size.** Each application pursuant to this chapter shall be for a site of not less than one acre and not more than 10 acres.

(3) **Open Space.** Each development in the OV-EH zone shall have a minimum of 30 percent of the site reserved for common open space. [Ord. 14-05 § 1 (Exh. A); Ord. 2-3-98-2 § 1 (Exh. A § 12-256-030). Code 1997 § 12-340-030.]

#### **18.120.070 Setback requirements.**

(1) **Front Yard Setback.** The minimum setback from the facade of the residential building to the dedicated public right-of-way shall be no less than 30 feet, and 50 feet from an arterial street. The minimum setback shall be 20 feet from the back of a sidewalk which abuts a private driveway, private road, and/or parking areas. Canopies, overhangs and similar coverings may project into the front setback area a maximum of 10 feet. However, overhead projections shall not extend lower than nine feet above finished grade.

(2) **Side Yard Setback.** All buildings shall have a minimum setback of 20 feet between all detached buildings or from the property line. Where buildings are two stories, setbacks between buildings shall be a minimum of 30 feet. Where a side yard is located contiguous with a public street, the side yard setback shall not be less than 30 feet.

(3) **Rear Yard Setback.** All buildings shall have a rear setback of 30 feet. Parking areas shall have a minimum setback of 10 feet from the rear property line.

#### **(4) Accessory Buildings and Uses.**

(a) There shall be a two-foot minimum setback from the side and rear property lines; provided, that accessory buildings are constructed of fire-resistant materials which provide a one-hour or greater fire rating, rain gutters and rain pipes are installed, and buildings are not located within 10 feet of any dwelling or main building located on an adjoining lot.

(b) Detached garages and accessory buildings shall be set at least 10 feet behind the main structure.

(c) Accessory buildings or uses shall not encroach upon any easement or right-of-way.

(d) Structures greater than 600 square feet in size shall be approved by the planning commission before a public hearing. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-035). Code 1997 § 12-340-035.]

#### **18.120.080 Building height.**

The maximum height for all buildings and structures in the OV-EH zone shall be no more than 35 or two and one-half stories, whichever is greater. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-040). Code 1997 § 12-340-040.]

#### **18.120.090 Parking and access.**

(1) **Number and Width of Driveways.** For each development, no more than two driveways shall be used for each 200 feet of parcel frontage or fraction thereof. Each driveway shall have a minimum width of 24 feet and a maximum width of 40 feet exclusive of turnout areas to allow access to a garage or side yard.

(2) **Restrictions on Corner Lots.** Driveways shall not be closer than 100 feet to the point of intersection as measured at the property line.

(3) **Minimum Number of Spaces.** The minimum number of parking spaces shall be according to Chapter 18.145 RCC, and shall depend on the type of elderly housing proposed.

(4) **Parking Setback.** Parking shall be set back a minimum of 10 feet from any property line.

(5) **Carport Requirements.** When carports are used in parking areas, they shall be required to be constructed with the following elements:

(a) **Roofs.** Roofs shall have a pitch of at least 20 percent. No wood shingles shall be used.

(b) **Supports and Pillars.** Supports and pillars shall be constructed of masonry and shall have a minimum dimension of three square feet. Pillars shall be placed no less than every five stalls.

(6) **Other Requirements.** Parking in the OV-EH zone shall follow all other applicable parking regulations as listed in Chapter 18.145 RCC. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-045). Code 1997 § 12-340-045.]

#### **18.120.100 Vehicle storage.**

(1) **Inoperable Vehicles.** No licensed or unlicensed motor vehicle of any kind or part(s) thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended to or not, shall be parked in the OV-EH zone for a period of time in excess of 72 hours, except that a maximum of two such vehicles or parts thereof may be stored or parked within a building or behind an opaque screening fence.

(2) **RV Storage.** Each independent elderly housing development shall provide recreational vehicle storage areas for a minimum of five percent of dwelling units within the development. Storage areas shall be screened with a minimum six-foot solid masonry wall and seven feet of landscaping. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-050). Code 1997 § 12-340-050.]

#### **18.120.110 Buffering and screening.**

(1) **Incompatible Land Uses.** When any new development in the OV-EH zone creates an incompatible land use there shall be a fenced and/or landscaped area provided along the entire parcel(s) adjacent to the incompatible use created by the new development, as approved by the city council upon recommendation of the planning commission. These same requirements shall apply to the lots of any development adjacent to collector or arterial streets as shown on the

transportation element of the Riverton City general plan.

(2) **Trash Storage.** No junk or trash shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with opaque screening material. Storage of commercial goods or materials is expressly prohibited. [Ord. 2-3-98-2 § 1 (Exh. A § 12-256-055). Code 1997 § 12-340-055.]

**18.120.120 Standards for open space.**

Open space shall be maintained by the owner and shall meet the following minimum requirements:

(1) All areas shall be properly graded so as to cause no drainage problems to adjacent homes or other uses.

(2) All open space shall be sodded or seeded to provide a visually pleasing as well as functional space for appropriate activities.

(3) Where it is deemed appropriate, native grasses and plants may be used along equestrian trails, bicycle paths, etc. Steps will be taken by developers to guard against such spaces becoming a fire hazard or haven for insects.

(4) All areas shall have a minimum number of both deciduous and evergreen trees to provide for shade and to provide visual relief and a source of rural atmosphere. The following shall be required:

(a) A minimum of 20 trees per acre shall be planted and maintained.

(b) Trees shall be a minimum of one-and-one-half-inch caliper to two-inch caliper or, if evergreen, seven feet to nine feet tall.

(c) All areas shall be watered by an installed irrigation system.

(5) **Open Space Guarantees.** Within all areas where condominium ownership is established in the RM-12 zone, adequate assurance in a form approved by the city attorney shall be provided for permanent retention and maintenance of all open space and areas of common ownership. A building permit shall not be issued until all required guarantees have been reviewed by the planning commission and approved by the city council. Such open space guarantees could include easements to the city for perpetual use as open space.

(6) **Landscaping Guarantee.** Whenever a residential dwelling is constructed, landscaping, in the form of lawn, trees, or other plantings or landscape features, except for areas covered by walls, driveways, and other structures, shall be installed before issuing a certificate of occupancy unless weather forces the developer to bond with the city for the landscaping for a maximum period of six months.

All landscaping shall be of sufficient quality, durability and survivability. Landscaping and open spaces shall be watered by a pressurized irrigation system installed to meet the watering needs of all flora. [Amended during 2011 recodification; Ord. 2-3-98-2 § 1 (Exh. A § 12-256-060). Code 1997 § 12-340-060.]

**18.120.130 Independent elderly housing.**

(1) **Conditions.** Independent elderly housing facilities shall be subject to the following conditions before being granted a conditional use permit, and said permit shall not be denied where a facility is found to meet all conditions set forth in this chapter:

(a) **Code Compliance.** The facility shall meet all city and state building, safety and health laws and regulations applicable to other dwellings in the zone. Further, the facility shall meet all state and federal laws which apply to structures and facilities used by elderly people.

(b) **Residents.** No person being treated for alcoholism or drug abuse shall be placed in said dwelling. No person who is violent shall be placed in said dwelling. No residents of said facilities shall be less than 55 years of age unless a spouse to a resident who is 55 years of age or older.

(c) **Volunteer Basis.** Placement in said dwelling shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(d) **Interior.** For convalescent homes, no more than two residents shall sleep in a single bedroom. A minimum of 60 square feet per individual shall be provided in a double-occupancy bedroom. A minimum of 100 square feet per individual shall be provided in a single occupant bedroom.

(e) **Other Conditions.** The city council, upon prior recommendation of the planning commission, may set other reasonable conditions for any individual applicant which it feels will further the intent of Section 10-8-2.6, Utah Code Annotated 1953, as amended, and this chapter.

(2) **Application Accompanied by Plot Plan.** An application for a residential facility for elderly persons pursuant to this chapter shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the property, the size and locations of existing buildings, all hard-surfaced areas, landscaped areas and such other information as may be necessary to provide for the compliance of this chapter.

(3) **Discrimination Prohibited.** Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.

(4) **Duration.** A conditional use granted under this chapter is transferable only upon prior approval of the city council and terminates if the structure in which the facility is housed is devoted to use other than as a residential facility for elderly persons; if the structure fails to comply with applicable health, safety and building codes; or if the operation of the facility is transferred. If any of the above takes place, the structure cannot be sold or used as a multifamily unit unless a permit is obtained from the city.

(5) **Licensing.** Upon receipt of a conditional use permit, the applicant shall obtain a license from the Utah State Department of Health and a business license from the city. In order to obtain the city business license, the applicant shall submit a copy of the state license. Thereafter, the business license shall be renewed from year to year by paying proper fees and maintaining the facility according to the standards set forth herein. The business license shall be subject to

revocation for violation or noncompliance with any of the requirements set forth herein or nonpayment of the proper fees. [Ord. 6-2-98-1Q § 1 (Exh. A); Ord. 2-3-98-2 § 1 (Exh. A § 12-256-065). Code 1997 § 12-340-065.]

#### **18.120.140 Fencing.**

- (1) **Collector Street Fencing.** All residential subdivisions having properties adjacent to or abutting onto a collector or arterial residential street shall have decorative fencing, in compliance with Chapter 18.155 RCC.
- (2) **Incompatible Land Uses.** All properties adjacent to or abutting a rural residential or agricultural zone shall install fencing of sufficient quality, able to withstand an impact from large animals. Fencing for properties adjacent to other uses may also be required by the planning commission or city council to provide fencing of quality design, and landscape incorporation.
- (3) **Height Requirements.** No wall or fence less than six feet in height shall be erected or maintained in any rear yard, nor shall any wall, fence, opaque hedge, or screening material be erected or maintained in any required front yard in excess of three feet in height. Except that any fence erected within 10 feet of any driveway and exceeding two feet in height shall be of visually nonobstructive material and shall be used to provide a safe distance for pedestrian and street traffic.
- (4) **Corner Lots.** No wall, fence, opaque hedge, or screening material in excess of two feet shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point equal to the required setback lines. [Amended during 2011 recodification; Ord. 2-3-98-2 § 1 (Exh. A § 12-256-070). Code 1997 § 12-340-070.]

### **Chapter 18.125 SPECIFIC DEVELOPMENT DISTRICTS**

#### **Sections:**

- 18.125.010 Purpose and intent.
- 18.125.020 Application.
- 18.125.030 Permitted and development standards suffix.
- 18.125.040 Permitted and development standards individual.
- 18.125.050 Development plan and architectural review.
- 18.125.060 Approval of specific development plans.
- 18.125.070 Standards and regulations.
- 18.125.080 Division of property.

#### **18.125.010 Purpose and intent.**

The specific development districts and suffix are authorized and established for the purpose of protecting and promoting the public health, safety and general welfare of the city and its residents by:

- (1) Protecting and enhancing the value of properties by encouraging the use of good design principles and concepts, as related to the division of property, site planning and individual improvements with full recognition of the significance and effect they have on the proper planning and development of adjacent and nearby properties.
- (2) Encouraging, securing and maintaining the orderly and harmonious appearance, attractiveness and aesthetic development of structures and grounds in order that the most appropriate use and value thereof be determined and protected.
- (3) Providing a method whereby specific development plans, based upon city criteria and policy and anticipated general plan programs as well as other regulations, programs and legislation, may, in the judgment of the city, be required for the systematic and orderly development of the city.
- (4) Recognizing the interdependence of land values and aesthetics and providing a method to implement this interdependence in order to maintain the values of surrounding properties and improvements and encouraging excellence of property development, compatible with plans and policies of the city with due regard for the public and private interests involved.
- (5) Ensuring that the public benefits derived from expenditures of public funds for improvements and beautification of streets and public facilities shall be protected by exercise of reasonable controls over the character and design of private buildings, structures and open spaces. [Amended during 2011 recodification. Code 1997 § 12-208-005.]

#### **18.125.020 Application.**

The regulations contained in this chapter shall apply to all property within a district where the district symbol is combined with the "SD" (specific development) suffix and to all property within the SD district, when applied as a separate district. In all cases where a plan in an SD district has been approved, the "SD" symbol shall be followed by a number to designate the specific development plan number, and the development that shall be permitted subject to the provisions of the approved specific development plan and the regulations of this chapter. [Code 1997 § 12-208-010.]

#### **18.125.030 Permitted and development standards suffix.**

- (1) **Designations with "SD" Suffix – Zoning Conformance.** When the "SD" symbol is applied as a suffix in combination with the district symbol, the specific development regulations apply only to those uses that are permitted in the zoning district to which the suffix is combined. In any case where the development standards of the specific development plan differ from the regulations of the base zone the specific development plan shall apply. [Amended during 2011 recodification. Code 1997 § 12-208-015.]

#### **18.125.040 Permitted and development standards individual.**

Any uses or development of property within an SD district where the "SD" symbol is not combined with another district shall be in compliance with all applicable general plan provisions and elements and any specific development standards and regulations that have been adopted to conform with the specific development standards and regulations of this chapter. [Code 1997 § 12-208-020.]

**18.125.050 Development plan and architectural review.**

(1) Building Permit Application. Any application for a permit for a building or structure in the SD district or any district combined with the "SD" suffix shall be accompanied or preceded by the filing with the planning commission of a specific development plan, consisting of architectural drawings or sketches and plot plans, all to a workable scale, showing the elevation of the proposed building or structure, signs proposed, landscaping or other treatment of grounds around such buildings or structures, off-street parking and other physical features such as trees, hydrants, poles, and other such installations, and in addition, any other plan, drawing or information as may be determined by the planning commission, which, in its opinion, is necessary to fully evaluate any requirement for a building permit.

(2) Application Submission to Planning Commission. Upon receipt of said specific development plan by the planning department the same shall be referred to the planning commission, which shall consider said plans in an endeavor to provide that such buildings or structures and grounds be in keeping with the neighborhood and such as not to be detrimental to the harmonious development of the city or to impair the desirability of investment or occupation in the neighborhood. [Code 1997 § 12-208-025.]

**18.125.060 Approval of specific development plans.**

No permit for a building or structure shall be issued for any property subject to the provisions of this chapter until all plans, drawings and other information required under the provisions of this chapter are first approved by the planning commission and the city council as set forth in this section and as follows:

(1) No building permit shall be issued for the development of property within a zoning district classification combined with an "SD" suffix, until there is first obtained for said property an approval of the planning commission of the use of the property in accordance with an adopted development plan.

(2) As to property within an SD district, upon adoption of a specific development plan by ordinance of the city council. [Code 1997 § 12-208-030.]

**18.125.070 Standards and regulations.**

The planning commission may or, if so directed by the city council, shall prepare specific development standards and regulations for any property subject to this chapter; provided, that such standards and regulations are in conformity with city council adopted policies, programs and plans and all applicable sections of this chapter. Such standards and regulations may include but are not limited to:

(1) The height, location and bulk of buildings.

(2) The location, arrangement and configuration of open space and building setback.

(3) The location and design of off-street parking areas.

(4) The number, size and location of all signs.

(5) Such other regulations and standards as may be necessary to accomplish the purposes and intent of this chapter or to ensure the proper execution of the general plan. [Code 1997 § 12-208-035.]

**18.125.080 Division of property.**

No parcel subject to the provisions of this chapter may be divided or in any way reduced in area except for land area acquired by a public agency without first having received:

(1) Preparation of specific development standards and regulations for said parcel pursuant to the specific development standards and regulations of this chapter.

(2) Approval by the planning commission and city council of a proposed specific development plan for said parcel. [Code 1997 § 12-208-040.]

**Chapter 18.130  
AREAS OF FLOOD HAZARD<sup>1</sup>**

**(Repealed by Ord. 11-16)**

<sup>1</sup>Code reviser's note: See Chapter 15.45 RCC, Flood Damage Prevention Ordinance.

**Chapter 18.135  
GENERAL REGULATIONS**

**Sections:**

- 18.135.010 Purpose.
- 18.135.020 Amendments.
- 18.135.030 Supplementary and qualifying regulations.
- 18.135.040 Buildings.
- 18.135.050 Streets and rights-of-way.
- 18.135.060 Lot improvements.



- 18.135.070 Fences and visual obstructions.
- 18.135.080 Conservation of value.
- 18.135.090 Animals and fowl.
- 18.135.100 Nonconforming building and uses.

**18.135.010 Purpose.**

The general purpose of this title is for the promoting of the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including but not limited to: minimizing of the congestion on the streets and roads, securing safety from fire and other dangers, providing adequate light and air, classifying land uses to distribute development and utilization, protecting the local tax base, securing economy in governmental expenditures, fostering agriculture and other industries and protecting urban and nonurban development. In the event an operative provision of this chapter presents a conflict or inconsistency with a section or provision found elsewhere in this title, the other section or provision shall apply. [Amended during 2011 recodification. Code 1997 § 12-200-005.]

**18.135.020 Amendments.**

The zoning map and use restrictions may be amended by the city council from time to time, but any amendment shall be first submitted to the planning commission for its review and comment. No proposed amendment affecting the number, shape, boundary or zoning classification of any zone shall be adopted unless the proposed zoning ordinance amendment complies with the following criteria:

- (1) The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classification.
- (2) That all uses permitted under the proposed zoning amendment are in the general public interest and not merely in the interest of an individual or small group.
- (3) All uses permitted under the proposed zoning classifications amendment will be appropriate in the area to be included in the proposed zoning amendment.
- (4) The character of the neighborhood will not be adversely affected by any use permitted in the proposed zoning classifications.
- (5) The proposed zoning amendment is consistent with the city's master plan.

Before adopting any amendment to this title the city council shall hold a public hearing. Notice of the time and place of the hearing shall be given by at least one publication in a newspaper of general circulation in the city, at least 15 days before the hearing. The cost of publication shall be paid by the applicant for the zoning change.

On any property requested for rezoning (except for rezoning initiated by the city to implement general planning objectives), the applicant shall be required to post the property in question with a notification of rezoning which states the zone classification being requested and the time and place of public hearing. The signs shall be obtained from the city and be posted at 500-foot intervals around the property and on all corners at least 15 days prior to the public hearing. All adjacent property owners and all owners within 1,000 feet shall be notified 15 days prior to the date of the hearing. Mailed notification shall comply with requirements set forth by the city. Cost and responsibility of such posting and notification shall be borne by the applicant. [Code 1997 § 12-200-010.]

**18.135.030 Supplementary and qualifying regulations.**

- (1) Lots in Separate Ownership – Reduced Yards. The requirements of this title as to minimum lot area or lot width shall not prevent the use for a single-family dwelling on any lot or parcel of land in the event that the lot or parcel of land was held in separate ownership at the time such parcel became nonconforming as to area or width.
- (2) Area of Lots Including a Public Right-of-Way. Lots created prior to the adoption of local zoning regulations, having a public right-of-way included in the parcel description, may include up to one-half of the right-of-way within the area calculations when so approved by the city council.
- (3) Reduced Yards. On lots having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width not less than the same percentage of the width of the lot as the required side yard; provided, however, that on interior lots the smaller of the two yards shall be in no case less than five feet, or larger than eight feet, and for corner lots the street side yard shall be in no case less than 10 feet or the side yard be less than five feet.
- (4) Yard Space for One Building Only. No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.
- (5) Every Dwelling to Be on a Lot. Every dwelling shall be located and maintained on a lot as defined in this code.
- (6) Sale or Lease of Required Space. No space needed to meet the width, yard, area coverage, parking or other requirements of this title for minimum lot or building requirements may be sold or leased away from such lot or building.
- (7) Creation of Lots Below Minimum Space Requirements. No parcel of land which has less than the minimum width and area requirement for the zone in which it is located may be separated from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.
- (8) Yards to Be Unobstructed – Exceptions. Every part of a required yard shall be open to the sky (unobstructed), except for accessory buildings in a rear yard. The ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features shall not project into a yard more than two and one-half feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers shall not project into a yard more than five feet. [Code 1997 § 12-200-015.]

**18.135.040 Buildings.**

(1) Area of Accessory Buildings. No accessory building or group of accessory buildings in any residential zone shall cover more than 25 percent of the rear yard.

(2) Additional Height Allowed.

(a) Public and semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 35 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit allowed in the zone in which the building is erected.

(b) The provisions of this chapter shall not restrict the height of a church spire, tower or belfry, or flagpole, communication system tower, monument, chimney, water tank, or elevator bulkhead. Towers to accommodate wind-powered generators, amateur radio antennas or other accessory residential uses may be allowed by conditional use approval.

(3) Minimum Height of Main Buildings. No dwelling shall be erected to a height less than one story above grade, except that dwellings designed to be complete with earth mounds or where part or all of the structure is located below grade for energy conservation purposes may be allowed when all applicable building and safety code regulations are met.

(4) Maximum Height of Accessory Buildings. No building which is accessory to a one-family or a multiple-family dwelling with four or less dwelling units shall be erected to a height greater than one story or 20 feet.

(5) Detached Single-Family Dwelling Outside Mobile Home Park or Mobile Home Subdivision. Any detached single-family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off-street requirements and the following standards in addition to any others required by law.

The dwelling must meet the building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standard Act of 1974, and must have been issued an insignia and approved by the following standards in addition to any others required by law:

The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Section 59-2-602, Utah Code Annotated 1953.

The dwelling must be permanently connected to and approved for all required utilities.

The dwelling must have an attached two-car garage, said garage to conform to all applicable building codes.

The dwelling must be attached to a site-built permanent perimeter foundation which meets the International Building Code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with said ICBO guidelines with a perimeter concrete foundation. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and is constructed to meet the requirements of the International Building Code. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.

At least 60 percent of the roof of the dwelling must be pitched at a minimum of 2.5:12 and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate.

The dwelling shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, or metal or vinyl lap or any material meeting the International Building Code or materials of like appearance approved by the city. The roof overhang must not be less than six inches, including rain gutters that may account for up to four inches of overhang, measured from the vertical side of the dwelling.

The dwelling must meet the minimum housing square footage requirements for the zone.

The dwelling must have a basement roughed in. The basement requirements may be waived upon showing that there is a groundwater problem on site that cannot be solved with reasonable expenses.

Dwellings without a basement (slab-on-grade) are allowed where the minimum square footage of the home is at least 1,500 square feet for one-story dwellings, and 1,800 square feet for two-story dwellings. Dwellings without a basement shall construct with a typical perimeter footing and foundation per International Building Code.

(6) New Residential Construction. Riverton City will not issue building permits for new residential construction, in recorded subdivisions having three or more lots, for any dwelling that does not meet the requirements of the following:

(a) The exterior design and materials of all dwellings must be of sufficient quality, durability, and resistance to the elements to satisfy the purpose of this title and the International Building Code. Exterior materials shall be limited to brick, concrete, glass, steel, aluminum, vinyl, tile, stone, stucco, wood or any other material allowed by the International Building Code. Brick, tile, stone, or stucco is required on the exterior walls of all residential buildings, the location and placement of such materials being left to the discretion of the builder or owner. The minimum required amount of brick, tile, stone, stucco, glass or combination thereof (measured in square feet) is the number of feet of the foundation perimeter of the dwelling, including garage, multiplied by four. New materials that have the quality, look, desirability and resistance to the elements comparable to brick, tile, stone, or stucco may be approved by the Riverton building department upon application to the department and upon a showing by the applicant that the proposed material satisfies the purpose of this title.

(b) Any person aggrieved by a decision of the Riverton City building department in interpreting or enforcing this title shall have a right of appeal to the

Riverton City board of adjustment pursuant to Chapter 2.80 RCC within 30 days of the aggrieved party being informed of the decision of the building department from which the appeal is taken. [Amended during 2011 recodification; Ord. 4-22-03-1 § 1. Code 1997 § 12-200-030.]

**18.135.050 Streets and rights-of-way.**

(1) **Clear View of Intersection Streets.** In all zones that require a front yard, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a regular area formed by the street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except for a reasonable number of trees pruned high enough to permit unobstructed vision to an automobile driver and pedestrian-type identification signs when permitted by local sign regulations.

(2) **Effect of Official Map.** Wherever a front yard is required for a lot facing on a street for which an official plat has been filed with the county recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

(3) **Dedication of Frontage.** In all instances where streets are intended for widening as shown on the official street map, the city master plan or as generally recognized by policy of the city, all new building construction shall comply with front yard setback requirements consistent with proposed right-of-way extensions. In the event the size, shape or configuration of a parcel of land demands greater contribution value than required by other landowners in similar instances, appeal for relief may be made to the board of adjustment.

(4) **Fee Establishment.** Fee established by the city.

(5) **Driveway Approaches.** For single-family homes, approaches shall be a minimum of 18 feet and a maximum of 35 feet in width and shall be constructed of concrete or comparable hard surface, as approved by the building official, from a roadway up to the garage or approved parking area. Driveway approach width shall be measured at the face of curb or at the edge of roadway asphalt if no curb exists. A maximum of one driveway access shall be permitted per lot unless the following conditions apply:

(a) The second driveway is more than 25 feet from the main driveway; and

(b) The second drive does not access an arterial or collector street, unless approved by the city engineer. [Ord. 12-17 § 2. Code 1997 § 12-200-035.]

**18.135.060 Lot improvements.**

(1) **Public Street Frontage.** No building permit for new construction shall be issued for a lot fronting on a public street without full improvements constructed to city standards. Full improvements shall include paved street, piped and safety grated irrigation ditch (when applicable), and a water line of sufficient capacity to provide fire protection. Curb, gutter, and sidewalk may be waived pursuant to the payment of the frontage improvement impact fee established by the city. Use changes from lesser to greater intensity shall require the approval of the planning commission. Frontage improvements shall be required for no less than the minimum lot width mandated in the applicable zone. The costs of the improvements shall be borne entirely by the applicant for the permit or use change.

(2) **Private Street and Right-of-Way.** Upon recommendation by the planning commission, the city council may authorize conditional use approval of residential building permits for lots on private rights-of-way. All portions of private rights-of-way shall accommodate a street of no less than the following standard:

(a) For one residential user: 20 feet.

(b) For two residential users: 30 feet (16 feet paved surface width).

(c) For three or more residential users: 40 feet to 60 feet as determined by the city council (minimum of 25 feet paved surface width).

(d) For other than residential users: as determined by the city council.

(3) **Turnabouts.** Each private right-of-way serving two or more residential areas shall have strategically located, as determined by the city engineer, turnabouts to accommodate emergency service vehicles.

(4) **Setbacks.** Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining private rights-of-way.

(5) **Extension of Right-of-Way.** No building or other structure shall be erected to obstruct the logical extension of any street right-of-way, whether or not such street is identified on the city street map or master plan.

(6) **Utility Connections.** All lots shall be provided with standard utility connections, furnished by the owner, including an approved sewage disposal system and a water line capable of supplying fire protection to within 200 feet of the dwelling.

(7) **Curb, Gutter, Sidewalk Waived.** In lieu of curb, gutter and sidewalk improvements, building permit approval shall be subject to the payment of the frontage improvement fee established by the city. [Code 1997 § 12-200-040.]

**18.135.070 Fences and visual obstructions.**

(1) **Fence Height.** No fence or wall or other similar structure shall be erected in any required front yard as defined herein to a height in excess of three feet; nor shall any fence or wall or other similar structure be erected in any side or rear yard to a height in excess of six feet. Where there is a difference in the grade of the properties on either side of the fence or wall, the height of the fence or wall shall be measured from the average grade of the adjoining properties, except that in any instance a three-foot-high fence shall be allowed.

(2) **Fence Obstruction.** Each corner lot shall be designed with a lot front according to the orientation of the dwelling or main use structure for fencing purposes. No fence, wall or visual barrier greater than three feet in height shall be erected in any defined front yard area and no fence, wall or visual barrier greater than three feet in height shall be erected to obstruct line of sight defined as follows:

(a) Within the triangular area formed by intersecting street property lines and a line connecting them at points 40 feet from the intersection of the street property lines.

(b) Within the triangular area formed by the street property line, the side line of a driveway or access way and a line connecting to points 10 feet from the intersection of the side driveway line and the street property line.

(c) See diagrams in RCC 18.155.190.

(3) Barbed Wire. It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence along or adjacent to any street, or as a division fence between adjoining lots or parcels of land, either of which is occupied as a place of residence, and any such fence so erected or maintained is hereby declared a nuisance; provided, however, a fence with barbs not to exceed three strands of barbed wire may be placed upon the top of a fence not less than six feet high, said strands slanting inward at an angle of not more than 60 degrees from the vertical, for solely security reasons, around transformer stations, microwave stations, construction sites and other places other than in residential districts upon permission thereof having first been obtained from the planning and zoning commission upon a showing of reasonable necessity thereof. [Code 1997 § 12-200-045.]

**18.135.080 Conservation of value.**

(1) Wood. The outside surfaces of buildings and structures constructed of wood shall be coated with paint or other wood preservative before such building is occupied or used.

(2) Front Yard Landscaping. Whenever a front yard is required by this title, said yard shall be planted and maintained in lawn, trees, or other plantings, or landscape features, except for areas covered by walls, driveways, and structures. Such landscaping shall be done within one year from the date of the occupancy of the building.

(3) Commercial Landscaping. All yards or lots in commercial or manufacturing zones shall be planted and maintained in lawns, trees, or other plantings or landscaped features, except for yard areas covered by walls, driveways, parking lots and structures and working areas. Such landscaping shall be done within one year from the date of occupancy of any building.

(4) Trash, Rubbish, Debris, and Weeds. No trash, rubbish or debris shall be allowed to remain on any lot outside of approved containers, nor shall any weeds in excess of six inches in height be allowed to remain on any lot.

(5) Park Strip Landscaping. The area of the street right-of-way between the curb line, or the proposed curb lines as established by the city street standard, and the property line (park strip) shall be kept free of weeds and maintained by the abutting property owner and be landscaped with lawn, shrubs, trees, flowers, growing ground cover or other decorative material approved by the city. Park strips may not be hard surfaced except for approved driveways, bike trails, equestrian trails and walk areas. [Code 1997 § 12-200-050.]

**18.135.090 Animals and fowl.**

No agricultural animals shall be kept or maintained within 75 feet of any dwelling nor shall any such animal be kept or maintained within 40 feet of any zone district boundary that prohibits such use. No coop or shelter for keeping of agricultural fowl shall be constructed or maintained within 75 feet of a dwelling nor 40 feet of a zone district boundary which prohibits such use. [Code 1997 § 12-200-060.]

**18.135.100 Nonconforming building and uses.**

(1) Maintenance Permitted. A nonconforming building or structure may be maintained.

(2) Repairs and Alterations. Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use with a valid building permit.

(3) Additions, Enlargements, and Moving. A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot except as provided herein.

(4) Alterations. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot upon receipt of a permit authorized by the board of adjustment, which may be issued; provided, that the board of adjustment after hearing shall find:

(a) The addition to, enlargement of, or moving of the building will be in harmony with the purposes of and shall be in keeping with the intent of this title.

(b) The proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

(5) Alteration Where Parking Is Insufficient. A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement.

(6) Restoration of Damaged Buildings. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently pursued to completion.

(7) One-Year Vacancy. A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, shall not thereafter be occupied except by a use that conforms to the use regulations of the zone in which it is located.

(8) Continuation of Use. The occupancy of a building or structure by a nonconforming use, existing at the time the ordinance codified in this title becomes effective, may be continued.

(9) Occupation Within One Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became a nonconforming use.

(10) Change of Use. The nonconforming use of a building or structure may not be changed except to a conforming use, but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

(11) Expansion of Use Permitted. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

(12) Nonconforming Use of Land.

(a) The nonconforming use of land may be added to, enlarged, or moved to a new location on the lot upon which the use is established; provided, that the city council, after notification of all property owners within 1,000 feet of the boundary of the lot where the use is established, find that such change shall be in harmony and keeping with the purpose of this title, that it does not impose undue or unreasonable burden on adjoining land or use, and that the use is compatible with the general environment of the neighborhood. Application for change of a nonconforming use shall be made directly to the city council; however, such application may be referred to the planning commission for a recommendation from that body if so directed by the city council. All costs for notification of adjoining property owners, public hearing and administrative functions shall be borne by the applicant.

(b) A nonconforming use of land, or any portion thereof, which is abandoned or changed for a period of one year or more, shall cease to have continuing status and any future use of such land as was occupied by a nonconforming use shall be consistent with the provisions of this title.

(13) Geographic Information System.

(a) Purpose. The requirements contained herein relate to the submission of data to the city for further development of the city's geographic information system, in order to facilitate the planning and management of the city.

(b) Submission Requirements. At the time of the applicant's 90 percent bond release, the applicant shall provide as-built drawings in formats described in subsection (13)(d) of this section. If the applicant for the bond release is not the original applicant of record for a project, the applicant for the bond release shall still bear responsibility for submission of GIS data to the city as described herein. If no bond is required, data shall be submitted on approval of the project. These drawings shall include the following:

(i) Roadway system (stop signs, stop lights, street signs, street lights, speed limit signs, centerlines, curb and gutter, sidewalks).

(ii) Culinary water system (fire hydrants, water meters).

(iii) Secondary water system (secondary water stop and wastes).

(iv) Lots (closed boundary, lot number, lot size, address).

(v) Dedicated land (parks, trails).

(vi) Landscape (trees).

(c) Additional Information. The city reserves the right to request further information as directed by the city engineer.

(d) Data Formats. Electronic data formats of data required by this section shall be submitted in a format acceptable to the city engineer.

(e) Construction Projects. Construction projects extending into the public right-of-way where underground utilities could be identified shall be required to submit geographic data on the utility or item in the aforementioned formats. The geographic data shall be submitted within 14 days of completion of the project. The city will not release any bonds associated with the project until the GIS data has been satisfactorily submitted. The utilities include, but are not limited to, gas lines, phone lines, water lines, secondary water lines, sewer lines, cable TV lines, fiber optic cables, power lines, storm drains, and irrigation items and ditches. The city reserves the right to request further information as directed by the city engineer.

(f) Exemptions. Single-lot residential projects or applications that are not installing new or modifying existing utilities are exempt from GIS submittal requirements. Construction projects limited to single service laterals are also exempt.

(g) Exemption. Projects with an estimated cost of less than \$50,000 may petition for an exemption with the city engineer prior to construction. [Amended during 2011 recodification; Ord. 5-1-01-1 § 1 (Exh. D § 12-2). Code 1997 § 12-200-065.]

#### Chapter 18.140 PERFORMANCE STANDARDS

Sections:

- 18.140.010 Purpose and objectives.
- 18.140.020 General.
- 18.140.030 State agency notification.
- 18.140.040 Performance standards review.
- 18.140.050 Locations where determinations are to be made for enforcement of performance standards.
- 18.140.060 Dangerous and objectionable elements.

**18.140.010 Purpose and objectives.**

The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect the city from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation. [Code 1997 § 12-135-010.]

**18.140.020 General.**

No land or building devoted to uses authorized by this chapter shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." [Code 1997 § 12-135-015.]

**18.140.030 State agency notification.**

The planning director shall confirm to the planning commission and city council that the Environmental Health Services Section of the State Health Division is informed of all applicants for conditional use permits for industrial uses. [Code 1997 § 12-135-020.]

**18.140.040 Performance standards review.**

In addition to meeting other application requirements for a conditional use permit, parties seeking conditional use permit for an industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the city council or planning commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in this chapter. Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.

(1) Ruling by Planning Commission. Within 20 days after the commission has received the aforesaid application agreed to by the applicant, the commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the commission may recommend approval or disapproval of a conditional use permit or may recommend a modification of the proposed plans, construction specifications, device or operation to the city council. The city council shall carefully consider the recommendations of the planning commission before acting on the conditional use.

(2) Conditional Compliance. Any permit so authorized and issued shall show only that reasonable measures are being taken. It shall not relieve the applicant of the responsibility of meeting such standards when the plant is actually in operation; and, in case of failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards, shall be the sole responsibility of the applicant.

(3) Continued Enforcement. The planning director shall investigate any purported violation or performance standards and, if necessary for such investigation, may request that the city council employ qualified experts. Should the violation of performance standards threaten the public health, safety, or welfare, the city council may, after due notice and hearing, order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation. The services of any qualified experts, employed by the city council to advise in establishing a violation, shall be paid by the violator if said violation is established in a hearing, otherwise by the city. Operation of a plant ordered to cease operation pursuant to this subsection shall be a class C misdemeanor for each day of such use. [Code 1997 § 12-135-025.]

**18.140.050 Locations where determinations are to be made for enforcement of performance standards.**

The determination of the existence of dangerous and objectionable elements may be made at any point; provided, however, that the measures having to do with noise, vibration, odors, or glare shall be taken at the property line of the establishment. [Code 1997 § 12-135-030.]

**18.140.060 Dangerous and objectionable elements.**

(1) Noise. All industries shall be required to comply with the Riverton City noise ordinances found in the Riverton City Code.

(2) Vibration. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at the points of measurement specified, nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at the point of measurement using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cps frequency or a periodic vibration shall not induce accelerations exceeding 0.001g. Single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g.

(3) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement or at the point of greatest concentration. Any process that may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in Chapter 5, Air Pollution Abatement Manual, copyright 1959, by Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.

(4) Glare.

(a) Direct Glare. "Direct glare" is defined for the purposes of this title as illumination visible at the points of measurement caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, or petroleum or metallurgical refining.

No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that

the maximum angle of the cone of direct illumination shall be 60 degrees if the luminary is not less than six feet above the ground. Such luminary shall be placed no higher than the principal structure on the site if attached to said structure and, if not attached to the principal structure, no higher than 20 feet unless the zoning administrator determines that special operational circumstances of the subject property require higher light standards. The maximum illumination at ground level shall not be in excess of three foot-candles.

(b) Indirect Glare. "Indirect glare" is defined for the purposes of this title as illumination visible at the points of measurement caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

- 0.3 foot-candle (maximum)
- 0.1 foot-candle (average)

Deliberately induced sky reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited without the issuance of a temporary sign permit. [Amended during 2011 recodification. Code 1997 § 12-135-035.]

**Chapter 18.145  
AUTOMOBILE PARKING**

Sections:

- 18.145.010 Purpose.
- 18.145.020 Provision for off-street parking.
- 18.145.030 General requirements for parking.
- 18.145.040 Calculating parking requirements.
- 18.145.050 Landscaping in parking areas.
- 18.145.060 Pedestrian access.
- 18.145.070 Parking structures.
- 18.145.080 Lighting.
- 18.145.090 Location of parking spaces.
- 18.145.100 Disabled parking.
- 18.145.110 Restriction on parking.
- 18.145.120 Minimum space requirements.

**18.145.010 Purpose.**

The purpose of this chapter is to reduce street congestion and traffic hazards in Riverton City by requiring adequate, attractively designed facilities for off-street parking and loading as an integral part of every use of land of the city. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-005.]

**18.145.020 Provision for off-street parking.**

Off-street parking shall be provided for when any new building is erected or any remodeled building is enlarged or increased in capacity. Parking shall consist of asphalt or concrete surface off-street area with adequate provisions for paved ingress and egress by standard-sized automobiles as hereinafter provided. All required parking facilities shall be maintained so long as any use requiring such facilities continues. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-010.]

**18.145.030 General requirements for parking.**

The following requirements apply to all parking areas unless otherwise stated herein:

(1) Dimensions of Parking Spaces and Drive Aisles. The dimensions of each off-street parking space shall be nine and one-half feet by 19 feet for angled or 90-degree-angle spaces, or nine feet by 22 feet for parallel spaces exclusive of access drives or aisles. However, where stalls are located against curbed areas, stall depths may be reduced to 18 feet (nine and one-half feet by 18 feet) for angled or 90-degree spaces. Dimensions for parking spaces and drive aisles shall be as shown in Table 18.145.030. For some land uses, parking stall dimensions may deviate from Table 18.145.030 when determined appropriate or necessary by the city.

**Table 18.145.030**

**Parking Stall and Drive Aisle Dimensions**

A	B	C	D	E
0°	9'	22'	0'	12'
45°	9.5'	18'	25'	14'
60°	9.5'	18'	25'	18'
90°	9.5'	19'	24'	24'

A = PARKING ANGLE

B = STALL WIDTH

C = STALL LENGTH – NONCURBED AREAS

D = AISLE WIDTH

E = AISLE WIDTHS: ONE-WAY TRAFFIC ONLY

(2) Backing Space. Backing space must be provided such that cars will not back onto a public street or sidewalk.

(3) Grading. All parking and grading shall be reviewed and approved by the city engineer for drainage.

(4) Parking Design. Parking areas shall be designed to provide orderly and safe circulation, loading, unloading, parking and storage of vehicles. All parking areas shall be landscaped, striped, marked and maintained according to approved plans.

(5) Entrance by Forward Motion. Off-street parking areas shall allow vehicles to enter and exit from a public street by forward motion only. Parking shall not be installed that allows automobiles to back out onto public streets. This regulation does not apply to parking areas serving one- and two-family residential units.

(6) Maintenance. Pavement, striping, landscaping, paintings, lighting and all other parking area components shall be maintained to prevent deterioration and safety hazards.

No tandem parking (one space blocking access behind another) shall be allowed, except for conventional single-family dwellings. [Ord. 7-6-04-2; Ord. 6-1-04-1; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-015.]

#### **18.145.040 Calculating parking requirements.**

The following shall apply when calculating parking spaces for residential and commercial uses:

(1) Square Footage Basis. Whenever parking requirements are based on square footage, calculations shall be based on gross square footage of the building or use.

(2) Number of Employees Basis. When parking regulations are based on the number of employees, parking calculations shall use the largest number of employees who work at any one shift. Where shift changes may cause substantial overcrowding of parking facilities, the planning commission may require additional spaces.

(3) Inclusion of On-Street Parking. Available on-street parking spaces may not be used to meet the requirements set forth herein. No development plans shall be based on the assumption that excess vehicles can be parked on public streets.

(4) Multiple Uses. When a structure or parcel contains multiple uses, more than one parking standard may apply.

(5) Fractional Numbers. If, when calculating the number of parking spaces, a fractional number is obtained, one parking space shall be required for each fraction.

(6) Transportation System Management. For office and industrial uses with parking lots over 300 parking spaces, a maximum of 20 percent reduction in parking spaces may be permitted when an approved transportation system management (TSM) plan is in place. TSMs must include a minimum of one dedicated bus stop located on site and/or a van pool system. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 10-27-98-2 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-020.]

#### **18.145.050 Landscaping in parking areas.**

The following regulations shall apply to landscaping of off-street parking areas:

(1) Landscape Strips. All parking areas for a commercial use that are adjacent to a public street shall have a landscaped, bermed strip of not less than 10 feet placed between the sidewalk and the parking area. Trees, both deciduous and evergreen, shall be placed in the strip with spacing of no less than 30-foot intervals, and shall comply with all ratio requirements listed herein.

(2) Curbing. All landscaped areas abutting any paved surface shall be curbed. Boundary landscaping around the perimeter of the parking areas shall be separated by a concrete curb or wall at least six inches higher than the parking surface.

(3) Sight Distance. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than three feet above grade. The grade at the said intersections shall not be bermed or raised for a distribution of 15 feet back from the intersection to allow for sight distance.

(4) Medians. Any traffic median or island, either on or off site, shall be fully landscaped with trees, shrubs, or grass, or a mixture of the three. In any case, however, the landscaping shall include trees unless deemed inappropriate by the planning commission, or puts the safety of patrons, residents, or others in jeopardy by its design.

(5) Islands within Parking Areas. On double rows of parking stalls, there shall be one 40-foot by nine-foot landscaped island on each end of all parking rows, plus one 40-foot by nine-foot landscaped island to be placed at a minimum of every twentieth parking space. On single rows of parking or where it abuts a sidewalk, there shall be one 20-foot by nine-foot landscaped island a minimum of every 10 spaces. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a maximum of 40 parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site. Each island on double parking rows shall include a minimum of two trees per planter. Islands on a single parking row shall have a minimum of one tree per planter. The purpose of the landscaped area is to provide shade relief to the parking area and all vegetation shall be placed to this end.

(6) Boundary Strips. All landscaped boundary strips shall be a minimum of five feet in width.

(7) Site Plan – Landscape Planting Plan. All landscaping shall be completed in accordance with the approved site plan and landscape planting plan and shall be installed prior to the issuance of a certificate of occupancy for the building, except where weather conditions are prohibitive. In such cases an extension period of six months is permitted but all bonding shall be withheld until full compliance is determined.



(8) Parking Abutting Building. Parking which abuts the side or front of buildings shall be, as a minimum, separated in the following ways:

(a) In the front of the building by a four-foot sidewalk and a five-foot landscaped strip or as approved by the city council upon recommendation from the planning commission.

(b) On the side and rear of the building by a five-foot landscaped strip.

(9) Land Area Covered by Landscaping. All land area not occupied by buildings, structures, hard surface, vehicular driveways, or pedestrian walkways shall be landscaped and maintained in a weed-free condition.

(10) Snow Stacking. Every parking lot design shall plan for a snow stacking area to accommodate the stacking volume of a two-foot snow base over the entire parking lot. Parking lot snow removal shall include shoveling of raised walkways, where used. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 10-27-98-2 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-025.]

**18.145.060 Pedestrian access.**

Parking lots larger than 15,000 square feet shall provide raised or delineated walkways. The walkways shall be minimum of 10 feet wide. Parking shall include pleasant pedestrian access to building front. This shall include an unobstructed walkway to the building front a minimum 10 feet in width. Walkways shall be placed, at a minimum, through the center of the parking area and along the front of buildings to serve as pedestrian access to adjoining buildings. The center walkway shall be placed roughly at midpoint of the parking area, but shall align with the front entrance to the main building. Trees along the center walkway shall be placed a minimum of every 30 feet, but are encouraged to be offset from one another to create a feeling of greater coverage. Where parking configurations are long and narrow, the center walkway may be removed as long as there is a maximum of 250 feet to the nearest walkway. Additional elements such as pergolas, covered walkways or tree-lined walkways shall be encouraged along pedestrian access. Where the developer(s) desires to have a driveway access at the center of the parking area, a pedestrian access shall be placed on either side of the driveway. Where this is the case, the landscaping shall be a minimum of five feet in width with a minimum six-foot sidewalk. Trees shall be placed at the said intervals. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 10-27-98-2 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-030.]

**18.145.070 Parking structures.**

When parking structures are considered, exterior walls will include small store fronts and architectural treatments to integrate with adjacent architecture of buildings. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-035.]

**18.145.080 Lighting.**

Parking areas shall be adequately lit so as to reflect the light away from adjoining premises of any residential or agricultural zone and adjacent streets. Lighting arrangement and design shall be approved by the city council upon recommendation of the planning commission. All lighting fixtures shall conform to Riverton City's adopted lighting design standards. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-040.]

**18.145.090 Location of parking spaces.**

For any new use, structure, or building other than a dwelling, required off-site parking, which due to the size or location of the premises cannot be provided on the premises, may be provided on other property in accordance with the following provisions:

(1) Easement. If a building, structure, or improvement requiring parking is located upon a parcel under different ownership, or upon a different lot from that upon which the required parking is provided, an easement from the owner(s) of the property thus to be used shall be executed and recorded in the office of the Salt Lake County recorder in a form first approved by the city council; provided, that the dominant tenant of the building, structure, or improvement exists within said city.

(2) Shared Parking Facilities. Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use, and up to 50 percent of the parking facilities required by this chapter for a use considered to be a nighttime use may be provided by the parking facilities of a use considered to be primarily daytime use; provided, that such reciprocal parking area shall be contiguous, and the joint use of such facilities is approved by the city council and is assured by executing and recording in the office of the Salt Lake County recorder covenants as prescribed by this chapter. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-045.]

**18.145.100 Disabled parking.**

(1) Disabled Stalls to Be Provided. Handicapped parking spaces shall be provided in off-street parking lots and shall count towards fulfilling the minimum requirements for automobile parking.

(2) Location and Marking. Physically handicapped parking spaces shall be located as near as practical to a primary building entrance with access ramps negotiable for all handicapped equipment. Each parking space shall be identified by a permanently affixed reflective sign and/or surface identification painting depicting the standard symbol for handicapped parking.

(3) Number of Stalls. The number of handicapped parking spaces shall conform to the minimum requirements of the Americans with Disabilities Act (ADA) listed in the following table:

**ADA PARKING REQUIREMENTS**

Total Parking Spaces in Lot or Garage	Minimum Number of Handicap Accessible Spaces
---------------------------------------	--

1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 999	2% of total spaces
Over 1,000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1,000

(4) Dimensions. Handicapped parking stalls shall meet ADA requirements in dimension. Spaces shall be 13 feet by 20 feet. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A), Code 1997 § 12-315-050.]

**18.145.110 Restriction on parking.**

(1) Parking for Automobile Sales. It shall be unlawful for the owner of an automobile or a property owner to park such vehicle or allow it to be parked on a vacant lot for the purpose of displaying it for sale, unless the property owner has a business license from Riverton City to sell automobiles at that location.

(2) Parking of Utility and Accessory Vehicles. Parking of all boats, recreational vehicles, work or other trailers, work vehicles, semi-trucks, and any vehicle longer than 32 feet shall be off-street only. [Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A), Code 1997 § 12-315-055.]

**18.145.120 Minimum space requirements.**

The following minimum number of parking spaces shall be required for any new or enlarged building, or increase in seating capacity or floor area, and shall be permanently maintained:

LAND USE	SPACES REQUIRED
<b>Residential Land Uses</b>	
Dwellings	
Single-family	Two spaces per dwelling unit, enclosed in garage. Residential driveways shall be concrete a minimum of 20 ft. from garage or the entire span between the street and garage, excluding private lanes of 50 ft. or longer.
Duplex	Two spaces per dwelling unit.
Single-family condos	Two spaces per dwelling unit with one enclosed.
Multifamily	(A minimum of one covered space per dwelling unit.)
Efficiency unit	One and one-fourth spaces per dwelling unit.
One-bedroom units	Two spaces per dwelling unit for the first five units. One and one-half spaces per dwelling unit thereafter.
Two or more bedroom units	Two and one-half spaces per dwelling unit for the first five units. Two spaces per dwelling unit thereafter.
Boarding, rooming and lodging houses	One space per guest room or guest dwelling.
Independent senior housing	One space per dwelling unit.
Nursing homes or convalescent hospitals	Four spaces plus one-half space per bed.
<b>Public/Semipublic Land Uses</b>	
Churches, temples, synagogues, clubs and lodges	One parking space per three and one-half fixed seats in the main assembly room; or one space per 20 sq. ft. in the main assembly room. For buildings for conferences or other nonregular congregations necessary parking determined by planning commission.
Country club, swim club or recreational use	One parking space per three persons based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the planning director.
Governmental offices (executive, legislative, and judicial)	One space per 200 sq. ft. of floor area.
Hospitals	One space per patient bed.
Libraries and museums	One space per 300 sq. ft. of floor area.
Post offices	One space per 200 sq. ft. of floor area.
Parks, regional	Two spaces per acre or as determined by the planning commission.

Public assembly	One space per 175 sq. ft. of floor area.
Schools	
Elementary and middle	Two spaces per teaching station plus 10 visitor spaces.
Senior high schools	10 spaces per teaching station, plus 10 visitor spaces.
<b>Commercial Sales and Services Land Uses</b>	
Art gallery	One parking space per 350 sq. ft. of floor area.
Athletic club, gymnasium or fitness center, not on a school site	One space per 200 sq. ft. of floor area.
Automobiles, new and used, boat, camper or similar vehicle sale or rentals	One parking space for each 1,000 sq. ft. of gross land area used for sales and display purposes.
Bank, financial institution, public or private utility office	One space per 200 sq. ft. of floor area.
Barber or beauty shops	One and one-half spaces per two work stations.
Bed and breakfast establishments	One parking space per guest unit plus one parking space per owner occupant.
Billiard parlors	One space per one and one-half billiard tables.
Bus depot	One space per 100 sq. ft. of waiting room space.
Bowling alleys	Four spaces per alley.
Business or professional offices	One space per 250 sq. ft.
Car wash and lube centers	Parking spaces or reservoir parking equal to five times the capacity of the car wash or lube center.
Cinema, theater, entertainment center	One space for each four seats up to 800 seats, plus one parking space for each six seats over 800.
Cleaning or laundry use or similar personal service use (self-service)	One space per two washing machines.
Commercial service uses, repair shops, garages	One space per 200 sq. ft. of floor area (including display).
Convenience stores	One space per 200 sq. ft. of floor area.
Dance halls, dance studios, skating rinks	One space per 250 sq. ft. of floor area.
Day care center, preschool	One space per staff member plus one space per 10 students.
Drive-through uses	
Bank or financial	One parking space per 200 sq. ft. of floor area, plus five vehicles per drive-through station for vehicle stacking space.
Sit down, taverns, or private nonprofit clubs for consumption of food or beverage on the premises with more than 16 seats	One space per 100 sq. ft. of floor area. In addition, four spaces before the order area shall be required for vehicle stacking space.
Drive-in and fast food with 16 seats or less	One space per 200 sq. ft. of floor area. In addition, four spaces before the order area shall be required for vehicle stacking space.
Convenience or liquor store	One parking space per 200 sq. ft. of floor area plus a minimum of 60 ft. of stacking area to accommodate at least three vehicles at the window.
Dry cleaners	One parking space per 200 sq. ft. of floor area plus a minimum of 60 ft. of stacking area to accommodate at least three vehicles at the window.
Other	Parking spaces as required by the specific use plus a minimum of 60 ft. of stacking area to accommodate at least three vehicles at the window.
Dry cleaners	One space per 300 sq. ft. of floor area.
Food store or supermarket	1. One parking space for each 200 sq. ft. of floor area for buildings over 10,000 sq. ft. 2. One space per each 250 sq. ft. for buildings less than or equal to 10,000 sq. ft. of floor area.
Funeral homes, mortuaries	One space per three fixed seats or one space per 20 sq. ft. of floor area in assembly room, plus one space per each commercial funeral vehicle.
Furniture and appliance stores, household equipment or repair shop	One space for each 600 sq. ft. of gross leasable area.
Heavy equipment and machinery sales	One space per 750 sq. ft. of floor area.
Hotels, motels, time-shares and other similar lodging uses as determined by the director of community development. Total per unit of the following requirements:	One space for each living or sleeping unit and one space per employee, plus parking for all accessory uses.

	<p>a. One-half space per room within each lodging unit, but not less than one space per total unit (excluding kitchens, bathrooms, closets or similar rooms as determined by the director of community development).</p> <p>b. One-fourth space per total unit if the timeshare facility accommodates on-site sales activities (this requirement may be waived by the director if applicant provides adequate documentation indicating sales customers are also overnight guests at the facility).</p> <p>c. One-fourth space per lock-out suite.</p> <p>d. For projects under 60 units, an additional five spaces shall be provided. For projects with 60 or more units, an additional 10 spaces shall be added.</p> <p>e. Parking shall be added for any accessory uses (e.g., convention centers, meeting rooms, etc.) according to requirements set forth in this chapter.</p>
Independent elderly housing	One space per dwelling unit.
Plant nursery, garden shop	Five spaces plus one additional space per 2,000 sq. ft. of sales or display area.
Manufacturing plants, research and testing laboratories, bottling plants	One space per person employed on the highest employee shift.
Medical or dental offices, clinics	One space per 200 sq. ft. of gross floor area.
Restaurants	
Sit down, taverns, or private nonprofit clubs for consumption of food or beverage on the premises with more than 16 seats	One space per 100 sq. ft. of floor area.
Drive-in and fast food with 16 seats or less	One space per 200 sq. ft. of floor area.
Retail stores, shops, etc., except as provided for in furniture and appliance retail	One space per 200 sq. ft. of retail floor space.
Planned shopping centers under unified control over 25,000 sq. ft.	<p>1. One space per 250 sq. ft. of gross floor area.</p> <p>2. Parking spaces for restaurant space that exceeds 15% of the total square footage of the shopping center shall be calculated as required for restaurant.</p>
Special care facilities	One for each three beds, patients, and residents.
Sports arenas, auditoriums, theaters, assembly halls, and meeting rooms	One space per three and one-half seats of maximum seating capacity.
Warehouse and distribution industry	One space per 2,000 sq. ft. for the first 20,000 sq. ft. of floor area, plus one space per 4,000 sq. ft. of floor area thereafter.
Wholesale establishments	One space per 500 sq. ft. of floor area.
Not listed	To be determined by city council with prior recommendation from planning commission.

[Amended during 2011 recodification; Ord. 8-17-99-1 § 1 (Exh. A); Ord. 3-3-98-2 § 1 (Exh. A). Code 1997 § 12-315-060.]

## Chapter 18.150 SIGN REGULATION ORDINANCE

### Sections:

#### Article I. General Provisions

- 18.150.010 Short title.
- 18.150.020 Purpose and scope of chapter.
- 18.150.030 Interpretation.
- 18.150.040 Definitions.

#### Article II. Application of Regulations

- 18.150.050 Conformity of signs.
- 18.150.060 Construction standards.
- 18.150.070 Sign permit.
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- 18.150.090 Exempt signs for which no sign permit is required.

#### Article III. Sign Requirements

- 18.150.100 General provisions.

- 18.150.110 Types of signs which are permitted, permitted only upon successful application for a conditional use permit, and signs which are not permitted in each zoning district – Sign standards.
- 18.150.120 Exceptions and qualifications for specific sign types.
- 18.150.130 Visual appearance of signage along major streets.
- 18.150.140 Prohibited signs.

Article IV. Nonconforming Signs

- 18.150.150 Nonconforming signs.

Article V. Enforcement and Appeals

- 18.150.160 Enforcement.
- 18.150.170 Appeals.

Article I. General Provisions

**18.150.010 Short title.**

This chapter shall be known as the Riverton City sign regulation ordinance. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-320-101.]

**18.150.020 Purpose and scope of chapter.**

Because Riverton City is a large, diverse and rapidly expanding municipality, the city council finds that consistent sign control is necessary. The provisions of this chapter are made to establish reasonable, objective and constitutional time, place, and manner regulations for all signs in Riverton City which are visible to the public. Within those legal constraints, sign regulations adopted under this chapter are necessary to protect the general public health, safety, welfare, convenience, and aesthetics; to protect and enhance property values; and to protect and enhance the natural setting of the city. At the same time, this chapter is also intended to reasonably serve the public's need to be given helpful directions and to be informed of available products, businesses, and services. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-320-102.]

**18.150.030 Interpretation.**

In interpreting and applying this chapter, the sign area requirements contained herein are declared to be the maximum allowable for the purpose set forth. The types of signs allowed by this chapter are fully described herein. Sign types not specifically set forth within this chapter are prohibited. This chapter shall not nullify more restrictive provisions of covenants, agreements, easements, deed restrictions, other ordinances, or laws, but shall prevail over such provisions which are less restrictive. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-320-103.]

**18.150.040 Definitions.**

The terms, phrases, words and their derivatives shall have the meaning as stated and defined in this chapter unless the context indicates a contrary meaning. Terms defined in this title shall have the same meaning when used in this chapter. Where inconsistent with definitions in other provisions of this title, the definitions found in this chapter shall be applied to this chapter.

"Abandoned sign" is a sign that is left on property for a period of time in excess of 45 calendar days after the business or use that it advertises has moved to another location or ceased doing business.

"A-frame sign" is a freestanding, permanently permitted portable sign usually constructed of two separate sign faces attached at the top.

"Animated sign" is a sign with parts or sections which revolve or move or which has flashing or intermittent lights, but not including time and temperature signs or electronic signs.

"Awning sign" is a sign constructed of a framework that is mounted to a building or canopy. The framework is usually covered with a light fabric that may be translucent. The awning cover may contain advertising or identifying copy, graphics, or design and may be backlighted. Awnings used strictly as protective structures for windows and doors and having no sign copy or design are not signs and may display the building address only.

"Backlighted sign" is a sign with the light source positioned inside or behind the sign face, such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer.

"Banner" is any cloth, bunting, plastic, paper, or similar material used for temporary advertising which is attached to or appended from a building.

"Bench sign" is a sign that is applied to the back of a bench located at a bus stop designated by the Utah Transit Authority.

"Billboard sign" is a freestanding ground sign designed or intended to direct attention to a business, product, or service that is not sold, offered or existing on the property where the billboard is located.

"Changeable copy sign" is a sign on which the text or copy is changed manually or electronically.

"Conforming sign" is a sign that meets all provisions of this chapter.

"Construction sign" is a sign, on-premises or off-premises, which directs to, identifies or describes the development or construction of a use, building or buildings which are planned or currently underway located within the city boundaries.

"Copy" is the wording on the display surface of a sign.

"Directional sign" is a sign limited to directional messages such as one way, entrance and exit and has no advertising copy.

"Directory sign" means a variation of a monument or wall sign on which the names and locations of occupants or the use of a building or property is identified, but which does not include any advertising message.

"Electronic message sign" is a display consisting of an array of light sources, panels, or disks that are electronically activated.

"Extending sign" is a sign that projects more than 24 inches from a wall.

"Freestanding sign" is a sign that is self-supported by poles, pylons, or other structural supports mounted in the ground.

"Freeway-oriented sign" is an on-premises sign located on and providing advertising for a regional commercial site which is adjacent to a limited access highway or freeway.

"Illegal sign" is any sign that violates any provision of the Riverton City Code or is determined to not be a conforming sign.

"Illuminated or lighted sign" is a sign equipped with artificial lighting devices for the purpose of improving the sign's visibility.

"Inflated sign" is any advertising device that is supported by heated or forced-air or lighter-than-air gases.

"Kiosk sign" is a structure with four sides or less upon which a subdivision, planned residential development, homebuilder, multifamily development or public service sign panel may be mounted.

"Low-maintenance sign" is a sign composed of sign materials that do not require frequent replacement, painting, or refurbishing as a result of exposure to the elements.

"Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing billboard and its structure safe and in a state suitable for use, including signs destroyed or damaged by vandalism, an act of God, or casualty.

"Major pylon sign" is a freestanding sign, not more than 25 feet in height.

"Major street construction" means the repair or reconstruction of a street where access to adjacent properties is restricted for more than seven consecutive days.

"Minor pylon sign" is a freestanding sign, not more than 12 feet in height.

"Monument sign" is a freestanding identification, advertising or business sign which is supported by a base which is equal to or greater than the width of the sign and is mounted permanently in the ground.

"Nameplate sign" is a wall sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

"Neighborhood entryway sign" is a permanent sign used to identify the main entrance(s) of a neighborhood, which is incorporated into an approved wall or fence.

"Noncommercial sign" is any structure, housing, sign, device, figure, statuary, painting, display, message, placard or other contrivance, which is designed, constructed, created, engineered, intended or used to provide data or information that does not do any of the following:

- (1) Advertise a product or service for profit or for a business purpose;
- (2) Propose a commercial transaction; or
- (3) Relate solely to economic interests.

"Off-premises sign" is a sign indicating the availability of goods or services at a location other than the location of the sign.

"On-premises sign" is a sign located on the property that it serves.

"Pedestal sign" is a portable sign supported by a column or columns and a base.

"Pole sign" is a freestanding sign which is supported by a pole or poles mounted permanently to the ground.

"Political sign" is any sign that supports the candidacy of any candidate for public office or conveys a message relating to any other political issue.

"Portable reader sign" is a reader sign that is mounted on a portable framework and intended for temporary use.

"Portable sign" is any sign which is prominently displayed to identify, advertise, direct, or promote any person, product, company, entity or service, and which is movable in nature such as A-frames, pedestals, signs on vehicles, banners attached to freestanding poles, or similar signs which are not permanently installed in the ground.

"Projecting sign" is a sign that is attached to and projects from a building, pole or other support.

"Promotional sign" is a temporary device such as banners, streamers, flags, balloons, pennants, searchlights, and inflated signs.

"Reader sign" is a changeable copy display that allows for the manual or electrical changing of the copy or text.

"Roof sign" is a sign which is supported wholly or in part by and which projects over a roof.

"Sculptured sign" is a free-form or three-dimensional sign that has a depth greater than two feet.

"Sign" means materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, billboards, murals, diagrams, banners, flags, or projected slides, images or holograms, and also includes the structure, supports, lighting system attachments, and other features of the sign. The scope of the term "sign" does not depend on the content of the message or image conveyed.

"Sign alteration" is the changing or rearranging of any structural part, sign face, enclosure, lighting, coloring, copy (except on reader signs), graphics, component, or location of a sign.

"Sign area" is the portion of a sign used for display purposes, excluding the frame and supports. Only one side of a double-faced sign (covering the same subject) shall be used for computing the sign area when the signs are parallel (no greater than two feet apart) or diverge from a common edge by an angle not greater than 30 degrees. For signs that do not have defined display areas, sign area shall be the area of the smallest rectangle or square that will frame the display.

"Sign clearance" is the height of the lower edge of the face of a freestanding sign from the finished grade.

"Sign density" is the concentration of signs in a given area, frontage, district, or lot. "Density," as used in this chapter, will usually be defined in terms of numbers of signs per lot or frontage.

"Sign design" is the form, features, colors, and overall appearance of a sign structure.

"Sign development plan" is a comprehensive plan for all signs proposed for a development and may include a combination of site plans, architectural elevations, and written specifications which illustrate and describe proposed location, height, design, colors, and materials for such signs.

"Sign height" is the height of a sign measured from the elevation of the nearest sidewalk or, if there is no sidewalk, from the nearest curb or, if there is no curb, from the elevation of the nearest street paving surface.

"Sign location" is the position on a property where a sign is to be placed.

"Sign separation" is the horizontal distance between signs measured parallel with the street or curb.

"Sign setback" is the horizontal distance between the property line (front or side) and the closest edge of the sign structure.

"Snipe sign" is a sign for which a permit has not been obtained which is attached to a public utility pole, service pole, support for another sign, fence, tree, etc.

"Structural modification" is any change other than incidental repairs that would prolong the life of the supporting members of the sign.

"Suspended sign" is a sign that overhangs a pedestrian walkway beneath a canopy, eave, or awning.

"Temporary sign" is any exterior sign, banner, pennant, valance, or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without light frames, intended to be displayed for a short period of time. Examples of temporary signs include but are not limited to A-frame signs, balloons, banners, garage/yard sale signs, real estate signs, or special event signs.

"Vehicle sign" is a sign or advertising device that is attached to, painted on, placed upon, or supported by any truck, trailer, boat, other vehicle, or portable structure conspicuously or regularly parked on- or off-premises expressly to attract attention to a business, product, or promotion. This definition does not apply to signs or lettering on public transit vehicles, taxis, or company vehicles operating during the normal course of business or parked in a legally designated on-site parking space at the location of the company owning the vehicle.

"Wall sign" is a sign that is painted on or affixed to a building wall and projects less than six inches from the wall. [Ord. 12-04 § 1 (Exh. A); Ord. 11-08 § 1(A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-320-104.]

## Article II. Application of Regulations

### 18.150.050 Conformity of signs.

No sign shall be erected, constructed, reconstructed, located, relocated, placed, replaced, restored, extended, enlarged, modified, altered, or repaired except in conformity with this title. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-321-101.]

### 18.150.060 Construction standards.

All sign construction and use shall comply with the International Building Code, the National Electrical Code, this chapter, and all federal, state and other applicable city regulations, including those concerning power line and other utility clearances. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-321-102.]

### 18.150.070 Sign permit.

(1) Permit Required. A sign permit shall be required prior to the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, modification, alteration, repair, or use of any sign within the city, unless designated as an exempt sign in RCC 18.150.090. Sign permits requiring review of the city council are not automatically approved. Signs installed without a permit or in violation of the terms of a permit shall render the sign and its owner subject to the enforcement provisions of this chapter.

(2) Issuance. The planning department is empowered to:

- (a) Issue permits to erect, construct, reconstruct, locate, relocate, place, replace, restore, extend, enlarge, modify, alter, repair or use signs which conform to this chapter and are a part of a sign development plan which has received approval of the city council; and
- (b) Determine that all sign applications conform to this chapter.

(3) Zoning District Approval. Before any sign permit shall be issued, the planning department shall review the sign application to determine compliance with the land use provisions of the respective zone in which the relevant sign is found or proposed to be located.

(4) City Council Approval. Before a sign permit may be issued, the following levels of review and approval shall be obtained:

- (a) A sign development plan for all nonresidential developments must be approved by the city council. A sign development plan may be reviewed and approved as a part of the applicant's application for site plan approval;
- (b) Revised sign development plans for existing developments must be approved by the city council where an existing sign is proposed to be relocated or undergo a material change to the height or width of the sign;
- (c) A sign conditional use permit must be obtained where required by this chapter.

(5) City Staff Approval. All other sign permits may be approved by the planning department.

(6) Application Submittal. Permit applications for a temporary or permanent sign shall be made by submitting the following information to the planning department:

(a) Applications for Monument and Pole Signs.

- (i) A site plan showing the relationship of the sign to buildings, other signs, and property lines and setbacks from public rights-of-way, intersections, easements and driveways;
- (ii) Accurately dimensioned, scaled drawings showing height, color, dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
- (iii) Details of sign construction, including: electrical plan, foundation scheme, and value of the sign; and
- (iv) Length of property street frontage.

(b) Applications for Wall Signs.

- (i) Scaled drawings or accurate, scaled photos showing dimensions of both the building face and the sign, sign composition, and type of illumination;
- (ii) An architectural elevation drawing of the sign on the building to show how the sign will appear from the street/parking area; and
- (iii) Details of sign construction and attachment including an electrical plan, if applicable.

(c) Applications for Temporary Signs.

- (i) Site plan showing the relationship of the sign(s) to buildings, property lines, and other signs; and setbacks from each public right-of-way, intersection, easement, and driveway existing and adjacent to the property on which the temporary sign is to be situated. The site plan does not need to be professionally drawn; and
- (ii) Length of requested period for display.

(d) Applications for Bus Bench/Shelter Signs.

- (i) Written approval from the property owner of the proposed location for the bus bench/shelter. The property owner's approval shall be required whether the bench/shelter is to be located on private property or within an adjacent street right-of-way;
- (ii) A letter of approval from the Utah Transit Authority;
- (iii) A site plan, vicinity map and specifications for bus bench/shelters, as well as any improvements needed for the particular site;
- (iv) A signed contract with Riverton City for each bus bench/shelter sign located on public property; and
- (v) A fee, in an amount established by resolution of the city council.

(e) Applications for Off-Premises Development and Private Directional Signs. Written consent from the owner of the property upon which the sign will be located.

(f) Applications for Kiosk Signs.

- (i) Written approval from the property owner of the proposed location for the kiosk sign;
- (ii) A letter of approval from UDOT, if applicable;



- (iii) A kiosk location plan shall be prepared showing the site of each kiosk;
- (iv) An approved kiosk location plan shall be resubmitted for approval every 12 months; and
- (v) An annual fee, in an amount established by resolution of the city council.

(g) Additional Information Required for All Sign Permits.

- (i) Proof of current Riverton City business license, where applicable;
- (ii) Business address and phone number;
- (iii) Address of real property owner and phone number;
- (iv) General or electrical contractor license, phone number, and address; and
- (v) Estimated fair market value of the sign and its cost of manufacture or construction; and
- (vi) Property owner approval.

(7) Expiration of Permit.

- (a) All sign permits shall expire 180 days following the date of issuance of the sign permit by the building safety division, unless the sign is fully constructed according to the plans submitted with the application for the sign permit.
- (b) Permits issued for bus bench/shelter signs and off-premises development signs are valid for only one calendar year. A change in the text of the sign on the bus bench/shelter sign or a substitution of benches/shelters shall not require the issuance of a new permit, if the bus bench/shelter is placed in the same location as originally permitted. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-321-103.]

**18.150.080 Fees.**

Fees as established by resolution of the city council shall be paid at the time of the issuance of the sign permit. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-321-104.]

**18.150.090 Exempt signs for which no sign permit is required.**

The following types of signs are exempt from the permit requirements of this chapter, but shall be in compliance with all other applicable provisions:

- (1) On-Premises Development or Construction Signs. Two on-premises development or construction signs, each no larger than 32 square feet in area and not exceeding eight feet in height and which comply with the same size, location, spacing and display period standards as an off-premises development sign, may be placed on real property on which new subdivisions or homes are being constructed. The permitted number of on-premises development or construction signs located on real property shall not increase with the participation of multiple developers or builders participating in the development project. These signs must be removed once 95 percent of the development has received a city certificate of occupancy.
- (2) On-Premises Real Estate Sign – Small Lots. Lots with less than 200 feet of frontage on a street may display one on-premises sign per lot; provided, that the sign is securely attached to the ground; advertises only that the home on the lot is for sale or rent, including signs titled "For Rent," "For Sale," "Open House," "For Lease," or similar signs; is no larger than eight square feet in area; and does not exceed six feet in height. "Open house" signs may only be displayed for the duration of the open house or eight consecutive hours, whichever is less, and shall be removed within 30 minutes after the conclusion of the advertised "open house."
- (3) On-Premises Real Estate Sign – Large Lots. Notwithstanding the number limit in subsection (2) of this section, lots with 200 or more feet of frontage on a street may display two on-premises signs per lot, which are no larger than 16 square feet in area. The other provisions of subsection (2) of this section shall apply.
- (4) Temporary Real Estate Directional Signs. Temporary real estate directional signs located to direct a potential customer to real property for sale or lease. The size of the sign shall not exceed four square feet and shall be placed at the entrance to the subdivision in which the subject property is located. The sign shall not be located within any public right-of-way, including park strip between curb and sidewalk, and shall be subject to the following:
  - (a) Directional signs to a residence shall be limited to one on-premises and three off-premises signs. If a realtor has more than one house open for inspection in a single development, off-premises signs are limited to four for the entire development;
  - (b) The signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale or lease; and
  - (c) The directional signs shall be a minimum of 25 feet from any other freestanding sign and outside the clear vision area at street intersections.
- (5) Noncommercial Signs. Noncommercial signs, not exceeding eight square feet in size, located on private property with the owner's permission. Noncommercial signage referring to a specific event must be removed 15 days after the event has occurred. Anywhere a display, structure or sign is permitted by this chapter, a noncommercial message may be placed on such display, structure or sign.
- (6) Temporary Use On-Premises Sign. One 32-square-foot, temporary use on-premises sign placed in connection with a Christmas tree lot, fireworks stand or other temporary use that is approved and licensed by the city.
- (7) Vacant Property Signs. Signs on undeveloped or vacant property including "No Dumping" or "No Trespassing" signs, provided the sign is eight square feet or less in area.

- (8) Nameplates. A nameplate sign, provided the sign is no larger than two square feet in area.
- (9) Directional Signs. Service or directional signs or signs located only on private property and not exceeding four square feet in area, which serve to designate the location or direction to any use or structure on the premises such as signs titled "Entrance," "Exit," "Parking," "Restrooms," "No Smoking," or "Delivery."
- (10) Public Necessity or Regulatory Signs. Public necessity or regulatory signs which warn or inform as required by law, if erected by or on behalf of public agencies.
- (11) Window Signs. Window signs, including posters, messages or displays painted or mounted on the interior side of a window; provided, that no more than 50 percent of the total window area on which the sign is located is covered.
- (12) Garage/Yard Sale Signs. Temporary home production or garage sale signs on private property in residential zones; provided, that sign is no larger than four square feet in area.
- (13) Public/Quasi-Public Signs. Flags, banners or pennants of governments, public agencies or institutions.
- (14) Civic and Nonprofit Events. Signs which announce events, activities, or celebrations sponsored by, or conducted in conjunction with, Riverton City, Salt Lake County or the state of Utah.
- (15) Interior Signs. Interior signs or signs used within buildings and not intentionally positioned to be visible from the outside.
- (16) Temporary Banners and Freestanding Signs Placed During Holiday Periods. In addition to the display periods specified in RCC 18.150.120(12)(b), a business may display one banner, securely attached to the building facade, and one freestanding sign during the holiday periods specified below. Freestanding holiday signs shall not be larger than 24 square feet in size. The sign may be erected in front of the business on private property and shall be securely attached to the ground. The holiday periods during which temporary banners and freestanding signs may be displayed are as follows:
- (a) Presidents' Day. Four days before the date of the holiday, on the holiday and one calendar day after the holiday;
  - (b) Dr. Martin Luther King, Jr. Day. Four calendar days before the date of the holiday, on the holiday and one calendar day after the holiday;
  - (c) Memorial Day. Four days before the date of the holiday, on the holiday and one calendar day after the holiday;
  - (d) Independence Day. June 30th through July 3rd, and July 5th;
  - (e) Pioneer Day. July 20th through July 23rd, and July 25th;
  - (f) Labor Day. Four calendar days before the date of the holiday, on the holiday and one calendar day after the holiday;
  - (g) Columbus Day. Four calendar days before the date of the holiday, on the holiday and one calendar day after the holiday;
  - (h) Veterans' Day. Four calendar days before the date of the holiday, on the holiday and one calendar day after the holiday;
  - (i) Thanksgiving. One calendar day before the date of the holiday, on the holiday and four calendar days after the holiday; and
  - (j) Christmas/Hanukkah/New Year's Day. December 15th through January 2nd.
- (17) Art. Art or art forms that do not contain or imply any commercial message.
- (18) Temporary Signs During Road Construction. Temporary signs displayed during periods of major road construction, as described by RCC 18.150.120(13), or any successor section.
- (19) Handheld Signs. Commercial handheld signs; provided, that each is no larger than six square feet in size, is displayed only during daylight hours, and is subject to the limitations of RCC 18.150.140(2).
- (20) New Building Construction – Temporary Signs. Shall be approved for 30 days before the estimated date of certificate of occupancy, and last until 14 days after the certificate of occupancy is issued; normal temporary sign ordinances apply.
- (21) Political Signs. Political signs may be displayed without permit and are allowed; provided, that the signs are not erected in such a manner as to constitute a roof sign, are not located on property in a way that constitutes a safety or visibility problem and are not erected on utility poles, street signs or in public rights-of-way. Political signs lawfully erected without a sign permit must be located on private property with the property owner's consent and shall not be located within the city right-of-way or on any city-owned property or structure. All other provisions of this chapter shall continue to apply to political signs. Any sign placed in public right-of-way is subject to removal by city staff. When signs are removed for this reason, the responsible party shall be notified of the reason for the removal and the location. The sign will be made available for five calendar days to be picked up. After that time, the confiscated sign will be destroyed. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-321-105.]

### Article III. Sign Requirements

#### 18.150.100 General provisions.

The following provisions shall apply to all signs:

- (1) Minimum Side Yard Setback. Signs shall not be constructed in or project into any required side yard in any zone. Where no side yard is required, signs shall not be located closer than five feet from the property line.

(2) Maintenance. Signs, sign structures, and the areas around sign bases shall be kept in good repair and maintained in a safe and attractive condition. This includes the replacement of defective parts, repainting, cleaning and other acts for proper maintenance. The ground space within a radius of five feet from the base of any sign shall be kept free and clear of all weeds, trash and flammable material. "Sign maintenance" does not mean altering a sign in any way without a sign permit.

(3) Repair of Building Facade. Any building facade from which a sign is removed or on which a sign is repaired, changed or replaced shall be repaired, if damaged, within 30 calendar days of removing the sign from the building.

(4) Highway Frontage. Limited access highway frontage shall not be considered frontage for purposes of this chapter.

(5) Clear Vision Zone. Any sign located in a clear vision area shall maintain required clearances as specified in this section. All signs shall be located a minimum of five feet from all property lines. For traffic safety, signs exceeding three feet in height shall not be located within the triangular area formed by street curb lines (or where curb lines would exist) and a line connecting them at points 40 feet from intersection of street curb lines (or where curb lines would exist). A sign shall not be erected within 10 feet of any drive aisle or point of access to a street.

(6) Minimum Clearance of Signs. Where pedestrian traffic is anticipated near a sign, minimum clearance of not less than 10 feet shall be maintained from the bottom edge of a projecting sign, suspended sign, pole sign, billboard or any similar sign to the final grade beneath the sign. The minimum clearance for signs near driveways or parking areas shall be 14 feet. Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors. The term "overhead conductors" as used in this subsection means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(7) Construction. All signs shall be constructed of durable, low-maintenance materials. The area around all freestanding signs shall be landscaped. All wiring and similar components shall be concealed.

(8) Illumination. External or internal lighting or backlighting shall be allowed for illuminated signs.

(9) Urban Design Standards. All signs shall be designed and constructed in accordance with the following guidelines:

(a) Signs shall be designed to incorporate colors, materials, and architectural design that are compatible with the development that they serve. The supports or base of signs shall complement the overall design scheme or shall be enclosed with architectural coverings;

(b) Sign locations should be integrated with other elements on the site and the adjacent streetscape:

(i) Signs shall not be located so as to obscure signs on adjacent sites;

(ii) Signs shall not be placed in an area that can confuse motorists and pedestrians and cause potential safety hazards;

(iii) Traffic directional signs should be placed to promote safe and efficient traffic flow; and

(iv) Signs should be oriented to promote readability and serve their intended function; and

(c) Although landscaping may not initially appear to obscure a sign, it may significantly reduce or eliminate the sign's effectiveness unless taken into account in the planning stage. Signs should be placed so they are not obscured by landscaping when it has reached full maturity. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-322-101.]

**18.150.110 Types of signs which are permitted, permitted only upon successful application for a conditional use permit, and signs which are not permitted in each zoning district – Sign standards.**

(1) Signs permitted are designated with a "P"; signs permitted by conditional use only are designated with a "C." A sign which shows no designation is not permitted within the applicable zoning district.

Zoning District	Sign Type															
	A-Frame Sign	Animated Sign	Awning Sign	Bench Sign	Changeable Copy Sign	Directional Sign	Directory Sign	Electronic/LED	Freeway-Oriented Sign	Historic Marker	Inflated Display Sign	Kiosk Sign	Monument Sign over 4 Feet in Height	Monument Sign 4 Feet or Less in Height	Nameplate Sign	Neighborhood Entryway Monument Sign
A Zones						P				P				C	P	
R-1 Zone						P				P				C	P	C
RR-22 Zone						P				P				C	P	C
R-2 Zone						P				P				C	P	C
R-3 Zone				P		P	P			P				C	P	C
R-4 Zone				P		P	P			P				C	P	C

RM-8 Zone			P		P	P			P			C	P	C
RM-12 Zone			P		P	P			P			C	P	C
RM-18 Zone			P		P	P			P			C	P	C
C-G Zone	C	P	P	P	P	P	P		P	P		P	P	
C-D Zone	C	P	P	P	P	P	P		P	P		P	P	
C-R Zone	C	P	P	P	P	P	P	C	P	P		P	P	
C-N Zone			P	P	P	P	P		P			P	P	
M Zone			P	P	P	P	P		P			P	P	
C-PO Zone	C		P	P	P	P	P		P			P	P	
P-OS Zone	C			P	P	P	P		P			P	P	

(2) Sign Standards.

SIGN TYPE	SIGN STANDARDS				
	Maximum Area (square feet)	Max. Height/Projection	Density	Spacing	Front Setback
A-frame signs*	10 s.f. per sign face with a maximum of two sign faces	Height: 4 feet	One per business	75 feet from any other sign	Signs must be within 20 feet of the primary entrance to the business
Animated signs	Integrated in the design of another approved sign and not to exceed 25% of the area of such sign	N/A	N/A	N/A	N/A
Awning signs*	Sign: 25% of the building facade Copy or design: 50% of the awning area	Height: 5 feet Projection: 3 feet or less than 33% of window height	N/A	N/A	Awnings shall not project into any public R.O.W.
Bus bench/shelter signs*	Bench sign: 16 Shelter sign: 22	Bench sign height: 42 inches Shelter sign height: 6 feet, 0 inches	One at each UTA bus stop	500 feet from any other bench/shelter sign and 50 feet from any other freestanding sign except pole signs. There is no required separation between pole signs and bus bench/shelter signs.	A minimum distance between the front edge of the bench or shelter and the face of the adjacent curb of 48 inches on state roads and 24 inches on city streets
Changeable copy signs*	Integrated with another approved sign and not to exceed 30% of the area of such sign	N/A	N/A	N/A	N/A
Directional signs*	6	Height: 6 feet	See spacing	50 feet from any other freestanding sign	Public use directional signs may be located within public rights-of-way Other directional signs: 18 inches
Directory signs*	50	Height: 10 feet	One for each	N/A	10 feet

			primary entrance into a commercial, industrial or office complex		
Electronic/LED	Integrated with another approved sign up to 50% of sign area	N/A	N/A	N/A	N/A
Freeway-oriented signs* **	950 For master planned developments having 5,000 l.f. or more of frontage on a freeway, not more than one sign may be up to 1,500 s.f., including the area of any shopping center logo	Height: 50 feet For master planned developments having 5,000 l.f. or more of frontage on a freeway, not more than one sign may be up to 72 feet in height	See spacing	One sign for each 1,000 feet of highway frontage	N/A
Historical markers*	8	Height: 6 feet	N/A	N/A	10 feet
Inflated sign display*	N/A	Height: 25 feet	One per commercial complex or one for each business not located in a commercial complex	200 feet from any other freestanding sign	In compliance with setbacks of the zone in which the sign is located.
Kiosk sign*	Overall kiosk sign: 12 feet x 4 feet 6 inches Sign Panels: 1 foot x 4 feet	Height: 12 feet	N/A	300 feet from any other kiosk sign, 50 feet from any other freestanding sign	N/A
Monument signs over 4 feet in height	50	Height: All monument signs shall sit on a base not less than 2 feet in height. The sign itself shall not exceed 6 feet. The cumulative height of a monument sign shall not exceed 8 feet.	One for sites having only one business For all other sites: as approved on a sign development plan	Not less than 100 feet from any other freestanding sign.	18 inches
Monument signs 4 feet or less in height	20	Height: 4 feet above grade or 6 feet above the elevation of the nearest sidewalk, whichever is greater	One for each agricultural sales or service business	N/A	20 feet
Neighborhood entryway monument sign*	20	Height: 4 feet above grade or 6 feet above the elevation of the nearest sidewalk, whichever is greater	2 per main entrance along collector and arterial streets for each planned development and subdivision	50 feet from any other monument sign, 100 feet from any other entrance or pole sign	20 feet
Neighborhood entryway sign*	20	Height: incorporated into a wall to assume the approved wall height	2 per main entrance along collector and arterial streets	50 feet from any other neighborhood entryway sign, 100 feet from any other monument or pole sign	10 feet, outside of clear vision area

Off-premises development signs*	32	Height: 8 feet	One sign per 100 residential units in a development	50 feet from any other freestanding sign or structure	18 inches
Pole signs*	80% of the street frontage of the lot upon which the sign will be located up to a maximum of 200 square feet	Height: 25 feet	One sign per nonresidential development which is developed on a site equal to or greater than 5 acres in size. One additional sign may be obtained for eligible nonresidential developments with frontage on 2 or more streets.	200 feet from any other pole sign, 150 feet from any monument sign, and 50 feet from any other freestanding sign except bus bench and bus shelter signs. There is no required separation between pole signs and bus bench/shelter signs.	18 inches
Pylon sign, minor	64	Height: 12 feet	Approved as an element of a sign development plan for an approved commercial development of at least 20 acres	Not less than 150 feet from any other freestanding sign within the same development	18 inches
Pylon sign, major	200	Height: 25 feet	Approved as an element of a sign development plan for an approved commercial development of at least 20 acres	200 feet from any other pylon sign or pole sign within the same development, 150 feet from any monument sign within the same development, and 75 feet from any other freestanding sign within the same development	18 inches
Sculptured signs	As approved by planning commission	Height: 8 feet above grade or 10 feet above the elevation of the nearest sidewalk, whichever is greater	N/A	N/A	10 feet
Suspended signs	4	N/A	N/A	N/A	N/A
Temporary promotional signs*	Wall banners: 30 s.f. Freestanding signs: 30 s.f.	Wall banners: N/A Freestanding sign height: 6 feet	Wall banners: One per business plus one additional banner for a business located in a building having a front face of 150 l.f. or more. Freestanding signs: One per business. Sign shall be securely attached to the ground.	Wall banners: N/A Freestanding signs: 25 feet from any other freestanding sign	Wall banners shall be securely attached to the building facade. Freestanding signs: 18 inches Searchlights: 50 feet from the edge of any street pavement

Wall signs*	15% of facade for primary wall sign. Two secondary wall signs: up to 30 s.f. each.	Height: N/A Projection from building: not more than 18 inches.	One for each business occupying a building	N/A	N/A
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\* This section is subject to exceptions and qualifications in RCC 18.150.120.

\*\* No more than one sign per development, with a minimum of 20 acres and 1,000 feet of contiguous frontage on a freeway required. In addition, a minimum of 300 feet between freeway signs, and a minimum separation of 100 feet from any other freestanding sign, is required.

[Ord. 12-04 § 1 (Exh. A); Ord. 11-08 §§ 1(C), (D); Ord. 09-05 §§ 1 – 3; Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-322-102.]

**18.150.120 Exceptions and qualifications for specific sign types.**

(1) **Awning Signs.** Awning signs may be displayed, but striping shall not consist of more than one color (including black and white). The background shall not be considered design space.

(2) **Bus Bench Signs and Bus Shelter Signs.** Signs on bus benches and bus shelters are permitted, subject to the following conditions:

(a) **Improvements.** All street improvements (i.e., curb, gutter, and sidewalk) shall be in place prior to the installation of a bus bench or bus shelter.

(b) **Location.** Bus bench/shelter signs shall be located behind the sidewalk, private property side, and only at bus stops designated by the Utah Transit Authority (UTA); provided, that: (i) a physical barrier exists behind the sidewalk which prevents the placement of a bench or shelter at that location; or (ii) the property owner refuses to grant approval for the placement of the bench or shelter behind the sidewalk; and (iii) there is adequate depth in the park strip so that the bus bench or bus shelter will not encroach on the sidewalk and there is a minimum distance between the front edge of the bench or shelter and the face of the adjacent curb of 48 inches on state roads and 24 inches on city streets. Any person requesting approval to locate a bus bench or bus shelter in a street right-of-way shall first submit written documentation from the property owner that approval to locate the sign behind the sidewalk has been refused. Nonetheless, bus bench signs and bus shelter signs shall not be located in clear vision areas at intersections and shall not obstruct sidewalks, roadways or other locations where the signs may pose a hazard to motorists or pedestrians. Benches installed by UTA which carry no message may be located within a public right-of-way; however, bus benches or bus shelters proposed to be located adjacent to state roads shall comply with all applicable state provisions governing the location and site development standards for such benches or shelters.

(c) **Signs in Bus Shelters.** Only one double-sided sign is permitted in a bus shelter. This sign shall be placed inside the shelter and shall be securely attached to the opposite wall of the shelter that faces oncoming traffic. Signs shall not be placed on the bench that is located inside the shelter.

(d) **Construction and Materials.** The following provisions shall govern the construction and materials for bus benches and bus shelters:

(i) Bus bench backs and seats shall be constructed of metal, fiberglass, or rigid plastic/vinyl materials and shall be kept in good repair. Bench legs shall be constructed of reinforced concrete. The design and materials of bus shelters shall be approved by the city prior to issuing permits.

(ii) A concrete pad shall be required for all bus benches and bus shelters. The minimum pad size for bus benches shall be four feet by six feet and the minimum pad size for a bus shelter shall be two feet wider than the width of the shelter and two feet longer than the length of the shelter. Additional space should also be designed for persons in wheelchairs and/or to provide additional waiting area for bus patrons.

(iii) The minimum pad area for a bus bench or bus shelter may include part of a sidewalk. However, no bus bench or bus shelter shall infringe upon or obstruct any sidewalk, other pedestrian path, or driveway without adding paving which meets passage standards established by the Americans with Disabilities Act (ADA).

(iv) Bus benches and bus shelters shall be securely fastened to the concrete pad. Upon removal of a bench or shelter, the concrete pad shall be repaired by the owner of the bench or shelter, including removal of attachment bolts and repair of all holes in the concrete pad.

(e) **Insurance.** For any bus bench or bus shelter sign, the company or person responsible for the bus bench or shelter sign shall enter into an agreement with Riverton City which must be approved by the city attorney. This agreement will require, among other things, that the company or person responsible for the bus bench or bus shelter sign provide to the city proof of liability insurance in the minimum amount of \$1,000,000, name Riverton City as an additional insured, and indemnify and hold harmless Riverton City from any and all injuries and defense costs arising from the placement or use of the bus bench or bus shelter sign.

(f) **Permit.** A sign permit shall be required for each bus bench sign and bus shelter sign, pursuant to RCC 18.150.070.

(g) **Approval.** Once an applicant has obtained approval for the location of the bus bench/shelter sign, the approval shall continue as long as the permit is maintained or until the property owner withdraws the approval in writing.

(3) **Directional Signs.**

(a) Off-premises private directional signs are permissible only in cases where, due to its unusual location, a business is not easily seen from or is not located near a street.

(b) Private directional signs shall contain only the name or logo of an establishment or directions such as "parking," "drive-thru," or "exit."

(4) **Freeway-Oriented Signs.** Freeway-oriented signs shall be designed with architecture and materials consistent with the approved site and structures. A minimum of the lower one-fourth of the height of the sign shall consist of masonry such as brick, or stone with color and material to match approved building architecture of the site.

(5) **Historical Monuments and Markers.** Monuments or markers designating historic sites may be constructed in all zones with planning commission approval. Historic monuments and markers shall be constructed of masonry or noncorrodible metal materials or other materials as approved by the planning commission.

(6) **Home Occupation Signs.** Home occupation nameplate signs shall be limited to one unanimated, nonilluminated wall sign for each street upon which the dwelling fronts. The sign shall not have an area greater than four square feet. Minimal mailbox identification is permitted.

(7) **Inflated Sign Displays.**

(a) **Display Period.** Inflated signs may be displayed for no longer than 14 consecutive days per calendar quarter and no longer than 30 days during a grand opening.

(b) **Safety.** Inflated signs shall be placed upon and securely tethered to the ground, and shall be located in a manner that they shall not obstruct the use of public rights-of-way or otherwise constitute a safety hazard. Flammable gases shall not be utilized for inflated signs. Use of flammable gases shall constitute a hazard, subject to the immediate removal provisions of Article V of this chapter.

(8) **Monument Signs.**

(a) **Height.** The height of a monument sign may vary depending on the grading of landscaping upon which the sign is located. However, the combined height of the sign plus any landscape berming shall not exceed eight feet above the elevation of the nearest sidewalk. In order for this result to occur, the entire frontage of the site which the sign serves, not just the sign location, must have berming incorporated into the landscape design.

(b) **Construction.** A monument sign shall be constructed of brick or masonry materials which match the buildings identified by the monument sign, and shall be designed to be harmonious with the building architecture. Copy of individual monument signs in these zones shall consist only of the name and address of the occupant.

(9) **Off-Premises Development Signs.**

(a) **Sign Density Interpretation.** The density standard of one sign per 100 residential units shall mean the following: one sign is allowed for a development with up to 100 residential units, an additional sign is allowed for a development with between 101 and 200 residential units, a third sign is allowed for a development with between 201 and 300 residential units, and so forth.

(b) **Illumination.** Off-premises construction or development signs shall not be illuminated.

(10) **Pole Signs.** Notwithstanding the density standards for pole signs listed in RCC 18.150.110, the owner or lessee of a pad site contained within a nonresidential development for which a sign development plan has been approved shall not be permitted to have a pole sign upon the pad site solely by reason of the frontage, unless the pole sign was approved as part of the sign development plan. Pole signs shall be located as close to the midpoint of a lot or development as possible.

(11) **Temporary Signs.**

(a) All temporary signs shall be securely attached to a building or to the ground.

(b) There shall be no specific spacing requirement between freestanding temporary signs and other temporary or permanent signs. However, signs shall be placed as far apart as possible in order to provide equal visibility for all signs.

(c) Except for the signs permitted by subsection (13) of this section, no sign shall be located within a street right-of-way or within clear vision areas at intersections of streets or intersections of streets and driveways.

(12) **Promotional Signs.**

(a) Promotional signs include banners, pennants, streamers, flags, and searchlights, but do not include portable signs.

(b) **Display Period.** A temporary sign permit may be issued for promotional signage and is valid for a period not to exceed 30 consecutive calendar days; however, no such permit may be issued for the same property or business more than four times during any calendar year or for longer than 60 total days. A minimum of 14 days shall elapse between each display period.

(c) **Searchlights.** Searchlights shall be directed upward at an angle of at least 45 degrees and operated only between dusk and 11:59 p.m.

(d) **Temporary Promotional Signs in P-O Zones.** The use of a temporary promotional sign in P-O zones shall be limited to one temporary promotional sign at any given time regardless of the number of businesses occupying the building(s) on the individual parcel.

(13) **Use of Temporary Signs During Periods of Major Street Construction.**

(a) Portable signs may be placed in the public right-of-way to mark points of ingress and egress. Such signs may include the message "Business Access Only," an arrow directing patrons to a driveway and the name or logo of the business.

(b) The maximum display period for temporary signs used during periods of major street construction shall only be for the duration of the construction period. Such signs shall be removed within 10 business days after construction in front of the affected business is completed.

(c) Businesses may qualify for these exceptions only if major construction is materially impairing the primary access to the business.

(14) **Wall Signs in Professional Office Zones.** Wall signs in professional office zones shall consist only of the name of the occupant of the building.



(15) Neighborhood Entryway Signs.

- (a) If neighborhood entryway signs are utilized, the maximum number of signs on each side of an entry point shall be one sign.
- (b) All neighborhood entryway signs shall be architecturally compatible with on-site signs, structures and streetscape walls.
- (c) Changeable copy, illumination, pan channel letters, cabinet, and painted signs are prohibited. [Ord. 12-04 § 1 (Exh. A); Ord. 11-08 § 1(B); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-322-103.]

**18.150.130 Visual appearance of signage along major streets.**

All signage along major streets shall be of a similar type and appearance to create an impression that is consistent with the visual character of Riverton City. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-322-104.]

**18.150.140 Prohibited signs.**

The following signs are prohibited:

(1) Portable Signs. Movable or portable signs and signs not permanently installed in the ground or on a pole or building, except as specifically allowed by this chapter.

(2) Signs on Public Property. Signs located on public property; within street rights-of-way, including sidewalks; or those attached to any structure or appurtenance on public property; however, the following signs may be displayed on public property subject to the provisions of this chapter:

- (a) Public necessity signs, traffic regulatory signs, and directional signs related to public uses and facilities installed by a governmental agency;
- (b) Temporary signs, placed during major street construction as described in RCC 18.150.120(13);
- (c) Handheld signs, no larger than six square feet in size, displayed by individuals on traditional public fora, including public sidewalks, in such a way that the sign does not unreasonably impede or inhibit pedestrian and other traffic on or over the public property; impede or inhibit ingress or egress to buildings or other areas which must be accessed from or over the public property; or, subject to constitutionally protected rights, create a hazard, or which unreasonably restricts the lawful use of the public property by others; and
- (d) Bus bench and bus shelter signs for which a valid permit has been obtained.

(3) Bus Bench/Shelter Signs, Without a Permit. Bus benches and bus shelters with signs which have not been approved pursuant to the provisions of this chapter.

(4) Home Occupation Signs. Home occupation signs except for nameplate signs.

(5) Signs Which Distract. Signs which simulate or imitate in size, coloring, lettering or design any traffic sign or signal, or use the words "STOP," "YIELD," "DANGER," or any other words, phrases, symbols or characters in such a way as to interfere with, mislead or confuse drivers.

(6) Portable reader signs.

(7) Obsolete or Abandoned Signs. Obsolete or abandoned signs or messages which identify services no longer provided on the premises. Conforming sign structures may remain on a site but all sign copy shall be removed and the sign shall be covered with a durable opaque material to prevent deterioration during the period in which the sign structure is unused.

(8) Flashing Signs. Signs with flashing or strobe-like lighting effects.

(9) Signs with Sound-Emitting Devices. Any sign equipped with any device which creates or amplifies sound.

(10) Extending Signs. Signs that project more than 24 inches from a wall.

(11) Signs in Clear Vision Zone. Signs located within the clear vision zone.

(12) Snipe signs.

(13) Vehicle signs.

(14) Roof Signs. Any sign mounted on the top of, or roof of, any building or structure.

(15) Any other sign not complying with the provisions of this chapter or any prior ordinance. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-322-105.]

**Article IV. Nonconforming Signs**

**18.150.150 Nonconforming signs.**

(1) Legal Nonconforming Sign. Any sign lawfully erected prior to November 18, 2008, which exceeds the limitations of this chapter shall be deemed legal, but nonconforming, and may continue to exist until made conforming or abandoned. Legal nonconforming signs are an accessory structure to the principal structure or use on the lot and shall become illegal by the occurrence of the earliest of any of the following events:

- (a) Any modification of the appearance of the sign, except for normal maintenance necessary to retain its original appearance;

- (b) Removal of the sign, except for when done for purposes of normal maintenance, in which case the sign must be replaced within 14 calendar days after removal for maintenance;
  - (c) Destruction, remodeling, repair or other construction related to the sign or of the building having a business subject of advertising on said sign caused by deterioration, fire, calamity or other event, to an extent that the cost of said remodeling, repair or other construction work exceeds 50 percent of the original cost of said building or sign subject of such work;
  - (d) The sign or any support structure of the sign is allowed to deteriorate to a condition that the structure is rendered unusable and is not repaired or restored within six months after written notice to the property owner that the sign is unusable and the nonconforming sign will be lost if the sign is not repaired or restored within six months; or
  - (e) A change of an occupancy or classification of use is made and such change results in a higher intensity of use on the lot or in the building on which a legal nonconforming sign was located.
- (2) Removal. Upon becoming nonconforming and illegal, any nonconforming sign shall immediately be removed or made to comply with all requirements of this chapter. Nonconforming signs which are not removed shall be subject to the enforcement provisions found in Article V of this chapter.
- (3) Unlawful Signs. Any sign unlawfully erected prior to November 18, 2008, shall be deemed to be nonconforming and shall be immediately removed. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-323-101.]

#### **Article V. Enforcement and Appeals**

##### **18.150.160 Enforcement.**

- (1) Supplemental Regulations. The provisions of this section apply specifically to signs and are intended to supplement the general enforcement provisions established throughout this chapter.
- (2) Authority to Enforce. The planning department, or the code enforcement division or any designee of the mayor, shall have authority to enforce this chapter. In exercising this authority, the code enforcement division may institute any appropriate action to correct violations of this chapter. Enforcement actions may include civil abatement proceedings and other enforcement procedures as provided by law. Such actions include, but are not limited to, the following:
- (a) Determine Conformance. Ascertain that all signs and the erection, construction, reconstruction, location, relocation, placement, replacement, extension, enlargement, modification, alteration, restoration, repair and use of all signs are in conformance with this chapter.
  - (b) Issue Citations and Complaints. Issue citations and/or commence civil complaints against violators of this chapter.
  - (c) Remove Signs. Remove any sign in accordance with this chapter.
  - (d) Confiscate Signs. Confiscate any signs that are removed under this section.
- (3) Removal of Illegal Signs. Signs displayed contrary to the provisions of this chapter are subject to removal as set forth herein. The code enforcement division may remove signs as follows:
- (a) Unsafe Signs or Signs in Disrepair. Any sign, including bus benches and shelters, that is in disrepair, unsafe, unstable, or otherwise creates a safety hazard shall be repaired or removed by the owner within 24 hours after being served with written notice by the city. Any sign, including bus benches and shelters, which is not repaired or removed within the 24-hour period shall be removed immediately without further notice to the owner.
  - (b) Signs on Public Property. Any sign illegally on public property, as described in RCC 18.150.140, shall be removed immediately without notice to the owner.
  - (c) Signs Without a Permit. Signs installed without a permit shall be removed immediately without notice to the owner and shall be assessed a penalty of \$100.00 or double the normal sign permit fee, whichever is greater, at the time the owner of the sign makes application for a sign permit.
  - (d) Withdrawal of Consent. If a property owner upon whose property a sign or bus bench or shelter is placed withdraws, in writing, his or her consent to the placement of the sign or bus bench or shelter, the sign or bus bench or shelter shall be removed within 30 calendar days of the date the property owner withdraws his or her consent. If the sign or bus bench or shelter is not removed within the above-described time period, the city may remove the sign or bus bench or shelter immediately without further notice to the owner.
  - (e) Abandoned Signs. Any abandoned sign may be removed within seven calendar days after the owner is served with written notice.
  - (f) Illegal Signs. Any sign in violation of this chapter may be removed immediately if the illegal sign is not brought into compliance within seven calendar days after the owner is served with written notice.
  - (g) Immediate Removal. Notwithstanding any provision in this chapter, any sign that creates an immediate safety hazard to persons or property may be removed or repaired immediately by the city, without notice to the owner.
- (4) Service of Notice. Notice required under this section may be served by personal service, or mailing notice to the person, firm or corporation by certified mail. If service of notice is performed by mailing as provided in this section, the planning department or code enforcement division must also cause a copy of said notice to be posted on the sign installation for 10 days.
- (5) Costs of Removal. The costs of removal of a sign by the city shall be borne by the owner of the sign and of the property on which it is located. Therefore, the city may bring any action for recovery allowed by law and may seek recovery of all costs, including attorney fees, incurred in bringing such an action.

(a) Confiscation and Destruction. After impounding a sign, the city shall make a reasonable effort to identify and contact the owner of the sign in order to notify them of the reason why the sign was impounded, the location where the sign may be retrieved if the owner wishes to do so, and the time period within which the sign must be retrieved. Notification may be provided in person or by U.S. Mail. After the owner is notified of the impoundment, the city shall store the sign for 14 calendar days. The person responsible for the sign may claim it only after paying an impound fee as established by resolution of the city council. If after 14 days the sign has not been claimed, it will be destroyed.

(6) Prosecution. Any violation of the provisions of this chapter is a class B misdemeanor and subject to criminal prosecution, regardless of whether notice for remediation or removal has been given. However, if the owner, lessee, or other person responsible for the display of the illegal sign has not removed the illegal sign or brought it into compliance with the provisions of this chapter by the end of the notice period, it is the duty of the planning department or code enforcement division to forward the information regarding the illegal sign to the city prosecutor for appropriate action. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-324-101.]

#### **18.150.170 Appeals.**

Appeals of decisions implementing or interpreting the provisions of this chapter shall be made pursuant to the appeals provisions set forth in RCC 2.80.050. [Ord. 12-04 § 1 (Exh. A); Ord. 08-24 § 1 (Exh. A). Code 1997 § 12-324-102.]

### **Chapter 18.155 FENCES**

#### Sections:

- 18.155.010 Title.
- 18.155.020 Purpose.
- 18.155.030 Definitions.
- 18.155.040 Residential fencing.
- 18.155.050 Corner lot.
- 18.155.060 Exceptions for lots fronting on major streets.
- 18.155.070 Fencing material permitted/not permitted.
- 18.155.080 Nonresidential fencing.
- 18.155.090 Fences surrounding development.
- 18.155.100 Fences for recreational use.
- 18.155.110 Fence within a fence.
- 18.155.120 Elevation differential.
- 18.155.130 Retaining walls.
- 18.155.140 Fences on public rights-of-way.
- 18.155.150 Fences required in specific areas.
- 18.155.160 Modification of required fences on major roadways.
- 18.155.170 Fences not otherwise identified.
- 18.155.180 Violation – Fines.
- 18.155.190 Figures.

#### **18.155.010 Title.**

This chapter shall be known as the Riverton City fencing ordinance, and may be so cited and pleaded. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-005.]

#### **18.155.020 Purpose.**

- (1) Promote property security, privacy and architectural compatibility.
- (2) Promote vehicular and pedestrian safety through safe fence placement and height to allow proper visibility standards. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-010.]

#### **18.155.030 Definitions.**

The term "fence" shall include any sight-obscuring, tangible barrier, an obstruction of any material, which creates a solid line and serves as an obstacle, a line of obstacles, lattice work, screening material, or wall, hedge, or continuous growth of vegetative material installed with the purpose of or having the effect of preventing passage or view across the fence line. The term "fence" shall not include a hedge row or other continuous growth of vegetative material. A fence which is not sight-obscuring but uses vegetative material to create a sight-obscuring fence shall not meet the definition of a fence under the Riverton City Municipal Code. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-015.]

#### **18.155.040 Residential fencing.**

(1) Rear and/or Side Yard Setback. It shall be prohibited to construct, maintain or cause a fence to be constructed along a rear and/or side yard(s) exceeding eight feet in height except in front of schools and public and quasi-public buildings when needed for the safety restraint of the occupants thereof as approved by city council.

(2) Front Yard Setback. Fencing shall not be permitted greater than three feet high within the first 20 feet inside any front property line subject to the following exception:

- (a) Fencing of a height greater than three feet may be installed in front of schools, public, and quasi-public buildings when necessary for the safety

restraint of the occupants thereof, provided said fencing does not interfere with the line of sight necessary for vehicles to safely enter or exit the property where fencing may be installed, or any neighboring property. Approval of fencing at a greater height under this subsection (2)(a) requires a finding by the planning commission that the safety restraint of the occupants of the subject building is necessary because the building site is adjacent to an arterial street. [Amended during 4/15 supplement; Ord. 15-02 § 1 (Exh. A); Ord. 09-14 § 1(A); Ord. 12-7-04-1 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-020.]

**18.155.050 Corner lot.**

- (1) Corner Lot Setbacks. Fencing on corner lots shall not exceed three feet in height within a triangular area formed by street curb lines (or where curb lines would exist) and a line connecting them at points 40 feet from intersection of street curb lines (or where curb lines would exist).
- (2) Obstructions. No plant material, monument signs, nor any other obstruction will be permitted above three feet within the triangular area formed by street curb lines (or where curb lines would exist) and a line connecting them at points 40 feet from intersection of street curb lines (or where curb lines would exist).
- (3) Corner Lot Exceptions. The maximum fence height shall not exceed three feet to a minimum 10-foot setback where a fence is located adjacent to an existing driveway on an adjoining lot if the adjoining driveway is within 15 feet of the fence. Fence height shall not exceed three feet to a minimum 20-foot setback where a driveway accesses a garage or other parking area from the street side yard. [Ord. 15-02 § 1 (Exh. A); Ord. 10-11 § 1; Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-025.]

**18.155.060 Exceptions for lots fronting on major streets.**

For purposes of this chapter, "major streets" shall be defined as:

Redwood Road  
12600 South  
13400 South  
11800 South  
3600 West  
2700 West  
1300 West

- (1) Major Streets. Fences, walls, hedges or screening material adjacent to major streets may be eight feet high to provide additional privacy and reduce the noise from the street. This includes fencing within the front setback for lots with frontage on major streets. No fence, wall, etc., shall be allowed to exceed three feet in height within 10 feet of any driveway or property access point. Fencing must comply with all applicable requirements of this chapter, including RCC 18.155.070(7), which requires all fencing taller than six feet to be engineered and meet Riverton City engineering department approval.
- (2) Bangerter Highway. Property owners abutting Bangerter Highway may erect a fence to a height not exceeding 10 feet on the property line adjacent to the highway right-of-way. All fences along the highway must meet collector street fencing standards and shall be approved by the planning commission. [Ord. 15-02 § 1 (Exh. A); Ord. 09-14 § 1(B); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-030.]

**18.155.070 Fencing material permitted/not permitted.**

Barbed wire, razor ribbon and similar fencing material shall be prohibited in all zones except agricultural, manufacturing and certain commercial zones which must be approved by the city council. The use of barbed wire, razor ribbon and similar fencing material shall conform to the following restrictions:

- (1) Standards for Barbed Wire or Similar Material. Barbed wire, razor ribbon or similar material shall be pulled straight and not rolled or coiled.
- (2) Standards for Barbed Wire or Similar Material. When straight strands of barbed wire and similar material are used on top of fences or walls, the total fence height shall not exceed seven feet. The barbed wire or similar material shall not be less than six feet from the ground and shall not consist of more than three strands.
- (3) Setback. In nonresidential commercial zones, barbed wire, razor ribbon or similar material shall not be used within the 20-foot front setback, nor along any common lot line with a residential zone or a residential development.
- (4) Electrically Charged Fences. It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge except in zones with animal rights where large or medium animals (as defined in RCC 18.20.110) are currently on the property. Electrically charged fences must be removed within 30 days of the time when animals no longer live on the property. No electrically charged fences will be permitted between noncompatible uses, nor along any public rights-of-way.
- (5) Prohibited Materials. Materials prohibited in all zones: grape stakes (or similar), plastic materials other than vinyl. Chain link fencing with slats will not be permitted within the front setback nor along any street.
- (6) Construction Sites. Temporary construction fencing shall be installed along boundaries or where required, to contain blowing refuse prior to the start of building construction as recommended by the city engineering department. The construction fence shall remain in place until the final bond release or until 90 percent of the lots are built on (see Chapter 17.15 RCC). Temporary fences for uses other than construction shall be subject to city planning staff approval.
- (7) Engineering Fencing. All fences taller than six feet must be engineered and meet Riverton City engineering department approval. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-035.]

**18.155.080 Nonresidential fencing.**

(1) Noncompatible Zones. A solid core decorative precast concrete or integrally colored and textured block, brick, or other masonry fence with a minimum height of six feet shall be required between noncompatible zones. Both sides of the fence shall receive equal treatment with respect to pattern, color, etc. Hollow, foam core, fiberglass/concrete mix, or other alternative fence types are not permitted.

(2) Fencing Height. Fencing shall be a minimum of eight feet in height between commercial/industrial zones and residential zoning of any type, and between multifamily development and single-family residential zones. [Amended 11/13/15 to reflect council motion; Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-040.]

**18.155.090 Fences surrounding development.**

(1) Developments Adjacent to Compatible Zones. New development adjacent to compatible zones shall have a solid fence or wall at a minimum height of six feet. Fencing shall be consistent in color and design with area fencing, and shall be reviewed as part of development approvals. The planning commission and city council may require fence type and design based on surrounding fencing. Fencing for all subdivisions shall meet all ordinances as outlined in Chapter 17.15 RCC. [Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-045.]

**18.155.100 Fences for recreational use.**

(1) Height Restrictions. On interior, side and rear property lines, fence type uses such as tennis court enclosures, sport courts, covered jacuzzis, ball diamond backstops, etc., may be erected to a height greater than six feet, but shall not exceed a height of 18 feet and must meet accessory structure setback requirements. All fences taller than eight feet shall require a conditional use permit.

(2) Approval. All pools, jacuzzis and fencing around pools and jacuzzis must be approved by city planning staff.

**(3) Swimming Pools and Uncovered Jacuzzis.**

(a) Pool Location. Swimming pools shall not occupy any front yard, nor shall the edge of the pool be located any closer than five feet from any fence.

(b) Fencing around Pool. A fence six feet in height shall be required to enclose all pools but shall not be within five feet of the pool edge. Fencing must meet city planning staff approval.

(c) Fences Previously Built. Fences constructed and approved by the city prior to the adoption of the ordinance codified in this chapter shall be considered a nominal six-foot fence; provided, that the measured fence height is not less than five feet six inches and that such conditions are not dangerous to life or safety.

(d) Hand- and Footholds. Fences around swimming pools and jacuzzis shall not be constructed in a manner as to provide hand- or footholds for climbing.

(e) Gates. Self-locking gates and/or entrances shall be used if openings are provided in pool walls or fences. All pedestrian gates will be self-closing and self-latching and open outwards from the pool if no interior barrier is installed. Gate latches shall not be less than 54 inches above finished grade, and shall not require a key to exit from inside the enclosure. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-050.]

**18.155.110 Fence within a fence.**

(1) Parallel Fencing. It shall be prohibited to construct, cause to be constructed or maintain a fence running parallel within 10 feet of another fence, except where both fences meet each of the following requirements:

(a) Only one fence is visible from any street.

(b) Only one fence is visible from adjacent properties at ground level.

(c) The second fence shall be equal to or shorter than the first fence.

(2) Existing Fencing. Private property owners of residential lots whose backyards are adjacent to roads with existing wrought iron fencing, where wrought iron fencing is not permitted to be removed, may install a fence parallel to the existing fence within 10 feet after receiving staff approval, but shall be responsible for maintenance of any space created between the fences.

(3) Vegetation. A hedge or other plantings will be permitted adjacent to a fence for screening if consistent with all aspects of this chapter. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-055.]

**18.155.120 Elevation differential.**

(1) Change in Elevation. Fences, walls, or hedges located along a property line separating two lots where there is a difference in the grade of two feet or greater shall be approved by the planning manager prior to installation, and may require engineering department review and approval.

(2) Fence Height. Fence height shall be measured on the exterior side of the enclosure from the top of the foundation to a line five feet from the fence.

(3) Varying Grade. In varying grade situations, the average height of the majority of the fence shall be deemed the overall fence height.

(4) Berms. For residential development, all fencing on berms must remain in accordance to all ordinances with the height measurement being taken from original elevations. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-060.]

**18.155.130 Retaining walls.**

(1) Engineer Approval. Retaining walls greater than four feet in height must have a stamped approval from a Utah-registered and licensed engineer. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-065.]

**18.155.140 Fences on public rights-of-way.**

No fence approved under this chapter shall be erected which extends beyond the property line without the issuance of a permit by the city planning department.

Approval of a fence on the public right-of-way shall be subject to the following conditions:

- (1) Sidewalks and Fire Hydrants. No fence shall be erected, maintained or caused to be erected within one foot of an existing or future sidewalk or within a three-foot radius of a fire hydrant.
- (2) Public Rights-of-Way. The city shall retain the right to remove any fence on the public right-of-way for any purpose it deems necessary. Removal and replacement shall be at the sole expense of the property owner.
- (3) Maintenance. Maintenance of the area between the sidewalk and the property line shall be the sole responsibility of the property owner.
- (4) Mow Strips. All new developments required by the city council to install fencing along major arterials must have a concrete mow strip installed beneath the fence, no less than four inches in width. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-075.]

**18.155.150 Fences required in specific areas.**

- (1) Fences Required by the State. Fences required by state law to surround or enclose public utility installations, public schools or other public buildings shall be exempt from these height restrictions but shall meet other pertinent state and local requirements.
- (2) Collector/Arterial Street Fencing. Fencing along collector and arterial streets as defined by Riverton City shall consist of a minimum six-foot-high decorative solid core precast concrete or integrally colored and textured block, brick, or other masonry fencing. Hollow, foam core, fiberglass/concrete mix, or other alternative fence types are not permitted. Both sides of the fence shall receive equal treatment with respect to pattern, color, etc.
- (3) Irrigation Access. No fence shall be permitted to obstruct a weir or irrigation access unless permitted by the water master of the respective ditch or canal.
- (4) Irrigation Fencing. Fencing along ditches, canals or other irrigation lines shall consist of a minimum six-foot-high decorative solid core precast concrete or integrally colored and textured block, brick, or other masonry fencing. Hollow, foam core, fiberglass/concrete mix, or other alternative fence types are not permitted. Both sides of the fence shall receive equal treatment with respect to pattern, color, etc. [Amended 11/13/15 to reflect council motion; Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-080.]

**18.155.160 Modification of required fences on major roadways.**

It shall be prohibited to remove, replace, or physically alter any existing fence along a collector or arterial roadway as categorized by the city which the city has required and/or specified by location, height, type or material, either by ordinance or as a condition of approval of a development, except as follows:

- (1) Fences required by the city are classified by category:
  - (a) Category III. Solid masonry (brick, stone, etc.), stucco, precast concrete, cinder block, and similar materials.
  - (b) Category II. Solid vinyl, vinyl with masonry columns, precast vinyl panels, and similar materials.
  - (c) Category I. Wood, chain link, chain link with slats, wrought iron, etc.
- (2) A fence required by the city may be repaired or replaced as it was approved, or it may be replaced with a fence type from a higher category. For example, a wood fence (Category I) may be rebuilt as a wood fence, or it may be replaced with a fence type from either Category II or III. A precast concrete panel fence (Category III) may only be rebuilt as approved, as it is in the highest category.
- (3) A request to replace or rebuild a fence required by the city must be submitted in writing to and approved by the planning manager. The planning manager may, at his discretion, submit the request to the city council for approval.
- (4) Approval is not required for minor or emergency repairs, provided they do not alter the character or material of the fence. [Ord. 15-02 § 1 (Exh. A); Ord. 2-13-07-1 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-085.]

**18.155.170 Fences not otherwise identified.**

The planning commission shall review all requests for any type of fence not specifically identified in this chapter and may approve said fence if, in the opinion of the commission, the fence does not impair the intent and purpose of this chapter. [Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-090.]

**18.155.180 Violation – Fines.**

Violations of this chapter shall be punishable as a class C misdemeanor. [Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-095.]

**18.155.190 Figures.**

Figure A

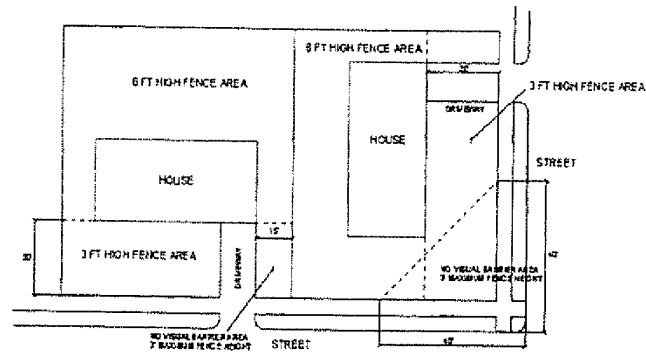
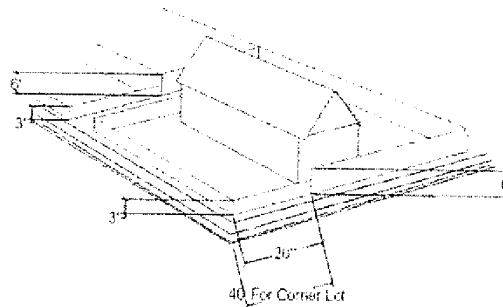


Figure B



[Ord. 15-02 § 1 (Exh. A); Ord. 10-3-00-1 § 1 (Exh. A). Code 1997 § 12-360-095.]

## Chapter 18.160 MOBILE HOME REGULATIONS

### Sections:

- 18.160.010 Purpose.
- 18.160.020 Intent.
- 18.160.030 Definitions.
- 18.160.040 Procedures for application.
- 18.160.050 Requirements.
- 18.160.060 Improvements – Standards and requirements.
- 18.160.070 Conformance.

### 18.160.010 Purpose.

This chapter shall be known as the mobile home ordinance of Riverton City. The provisions of this chapter shall be held to be the minimum regulations required for the protection of the public health, safety and welfare. Such provisions are intended to provide for permanently wholesome community environments, adequate municipal services and safe streets. [Code 1997 § 12-700-005.]

### 18.160.020 Intent.

To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain districts within the local jurisdiction. To require that mobile home and recreational coach developments will be of such character as to promote the objectives and purposes of this title to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other land use values contiguous to or near mobile home or recreational coach developments. The mobile home is recognized as a form of housing for which provisions should be made. It is further recognized that in municipal areas such as Riverton, mobile home parks and subdivisions must be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. [Amended during 2011 recodification. Code 1997 § 12-700-010.]

### 18.160.030 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied; the word "shall" is mandatory and not directory and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words "plot" or "parcel."

"Accessory use or building" means a use or building on the same lot with mobile homes, and of a nature customarily incidental to mobile homes.

"Awning" means any shade structure of approved materials installed, erected or used adjoining or adjacent to a mobile home.

"Building" means any structure used or intended to be used for the shelter, or enclosure, of persons, animals or property.

"Building, accessory" means a building or structure which is subordinate to and the use of which is incidental to, that of the main building, structure, or use on the same lot.

Camper. See "Recreational coach."

General Plan. See "Master plan."

"License" means a written license issued by the local jurisdiction and approved by the local building inspector allowing a person to operate and maintain a mobile home park or recreational coach park under the provisions of this chapter and regulations issued hereunder.

"Local attorney" means the attorney employed by or officially representing the local jurisdiction.

"Local building inspector" means the building inspector employed by or officially representing the local jurisdiction.

"Local engineer" means the engineer employed by or officially representing the local jurisdiction.

"Local governing body" means the Riverton City court.

"Local health officer" means the health officer or department employed by or officially representing the local jurisdiction.

"Local jurisdiction" means Riverton City.

"Local planner" means the planner employed by or officially representing the local jurisdiction.

"Master plan" means the master plan of the local jurisdiction.

"Mobile home" means a structure, other than a motor vehicle, of not less than 30 feet in length designed with attached axles and wheels which may be used for permanent or semi-permanent housing or human occupancy; and which is designed to be drawn by a motor vehicle, containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems and ready for occupancy except for connection to utilities and other work. Pre-sectionalized, modular, or prefabricated houses not placed on permanent foundations shall be regarded as mobile homes. The term "mobile home" shall also include any structure meeting the above description which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such use.

"Mobile home lot" means a lot within a mobile home subdivision, designed and to be used for the accommodation of one mobile home.

"Mobile home park" means a space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of this chapter and this title.

"Mobile home space" means a space within a mobile home park, designed and to be used for the accommodation of one mobile home.

"Mobile home stand" means that part of the mobile home space reserved for the placement of the mobile home and its appurtenant structures or additions.

"Mobile home subdivision" means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

"Planned unit development" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied in site and building design and location, in accordance with an approval plan and imposed requirements.

"Recreational coach" means a vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, camp car, or other vehicle with or without motive power designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for use of human habitation. [Amended during 2011 recodification. Code 1997 § 12-700-015.]

#### **18.160.040 Procedures for application.**

The application for a mobile home park, a recreational coach park or mobile home subdivision permit shall contain the following information:

- (1) Name, address, and phone number of the applicant.
- (2) Interest of the applicant in the mobile home park or recreational coach park.
- (3) Location and legal description of the park.
- (4) An overall plan for development of the mobile home park, recreational coach park, or mobile home subdivision prepared by a person or persons qualified to prepare such plans. The plan shall be drawn to a scale no smaller than one inch to 50 feet. At least 12 copies of the plan shall be submitted. The plan shall show:
  - (a) The area of the tract of land drawn to scale, with dimension and the approximate total acreage.
  - (b) The number, location and size of mobile home lots, recreational coach spaces or mobile home subdivision lots, and open spaces shall be clearly designated.
  - (c) The location, width and size of the roadways, walkways, parking areas, and access to public thoroughfares.



- (d) The location of service buildings and all other proposed structures.
- (e) The location and size of natural features, wetlands, streams, lakes, drains, wooded areas, and any anticipated change in these features, together with topography at two-foot contour intervals unless otherwise required by the planning commission.
- (f) The size, location and design of recreational facilities.
- (g) Detailed landscaping and utility plan, including location of TV system, fire hydrant, water, sewer, gas, power and telephone lines.
- (h) Property ownership if other than applicant.

The applicant for approval of plans for a mobile home park, recreational coach park, or a mobile home subdivision shall pay to the building inspector at the time of application a checking fee, in addition to building, plumbing and electrical permits or any other fee, which shall be based upon a fee resolution adopted by the Riverton City council.

Application for approval shall be in writing, submitted to the planning commission at its regular meeting, and shall be granted or denied within 30 days, unless an extension of such time is approved by the applicant. If approved by the planning commission, the application and planning commission recommendations shall be forwarded to the local governing body within 15 days. [Amended during 2011 recodification. Code 1997 § 12-700-020.]

**18.160.050 Requirements.**

(1) Mobile home parks may be approved by the local governing body in locations permitting such use in this title. Before such approval may be granted, a report to the governing body by the planning commission shall find that the proposed development will:

- (a) Be in keeping with the general character of the district within which the proposed development will be located.
- (b) Be located on a parcel of land containing not less than 10 acres, or on two or more parcels separated by a street or alley only, and totaling 10 acres, unless modified by an approved planned unit development plan.
- (c) Have at least 25 spaces completed and ready for occupancy, or an approved schedule of financing, construction and phase completion together with approved security to assure compliance before first occupancy is permitted.
- (d) Meet all standards and requirements of RCC 18.160.060 and all other requirements of applicable ordinances, except when such requirements are modified by approval of a planned unit development plan.
- (e) Have written approval of the Salt Lake Valley health department.

(2) Mobile home subdivisions may be approved by the local governing body in locations permitting such use in this title. Before such approval may be granted, a report to the governing body by the planning commission shall find that the proposed development will:

- (a) Be located on a parcel of land containing not less than three acres.
- (b) Contain lots with a minimum net area of 7,000 square feet and minimum width of 70 feet.
- (c) Meet all applicable requirements of RCC Title 17, Subdivisions.
- (d) Meet all standards and requirements of RCC 18.160.060 and all other requirements of applicable ordinances, except where such requirements are modified by approval of a planned unit development plan.
- (e) Be organized in a homeowners' association if required by the planning commission.
- (f) Be in keeping with the general character of the district within which the proposed development will be located.

(3) Recreational coach parks may be approved by the local governing body in locations permitting such use in this title. Before such approval may be granted, a report to the governing body by the planning commission shall find that the proposed development will:

- (a) Be in keeping with the general character of the district within which the proposed development will be located.
- (b) Be located on a parcel of land containing not less than five acres, or be located within a mobile home park, unless modified by a planned unit development plan.
- (c) Have at least 25 spaces completed, or 10 spaces if located within a mobile home park, and ready for occupancy, or an approved schedule of financing, construction and phase completion together with approved security to assure compliance before first occupancy is permitted.
- (d) Meet all standards and requirements of RCC 18.160.060 and all other requirements of applicable ordinances, except where such requirements are modified by approval of a planned unit development plan.
- (e) Have the written approval of the State Division of Health.

(4) The planning commission shall disapprove any application for mobile home park, recreational coach park or mobile home subdivision if the developer cannot provide required water supplies or facilities, waste disposal systems, storm drainage facilities, access or improvement, if the developer cannot satisfactorily assure the planned development will be completed in a reasonable period of time, if the planning commission or local governing body determines there would be danger of flood, fire or other hazards, or if the proposed development would be of such a character or in such a location that it would:

- (a) Create excessive costs for public services and facilities;
- (b) Endanger the health or safety of the public;
- (c) Unreasonably damage or destroy the natural environment;
- (d) Cause excessive air or water pollution, or soil erosion; or
- (e) Be inconsistent with any adopted general or specific plan of the area in which the development would be located. [Amended during 2011 recodification. Code 1997 § 12-700-025.]

**18.160.060 Improvements – Standards and requirements.**

The development of a mobile home park, recreational coach park or mobile home subdivision shall conform to the following standards and requirements, unless modified by an approved planned unit development plan.

- (1) The area shall be in one ownership, or, if in several ownerships, the application for approval of the development shall be filed jointly by all the owners of the property included in the plan.
- (2) The plans for a mobile home park, recreational coach park or a mobile home subdivision shall be prepared by a team of competent professionals in planning, engineering, architecture, and landscape architecture. In all cases, it is recommended that professional design and other assistance be obtained early in the program, including, as needed, an urban planner, a geologist, or soil engineer, a lawyer, a financial expert, or others. It is the intent of the local jurisdiction that the developer solve his problems before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the planning commission.
- (3) In all mobile home and recreational coach parks and mobile home subdivisions, a strip of land at least 30 feet wide surrounding the entire park or subdivision shall be left unoccupied by mobile homes, and shall be planted and maintained in lawn, shrubs, and trees, with an approved wall or fence, designed to afford privacy to the development.
- (4) Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
- (5) All storage and solid waste receptacles, outside of the confines of any mobile home, must be housed in a closed structure compatible in design and construction to the mobile homes, and to any service buildings within the developments; all patios, garages, carports, and other add-ons must be compatible in design and constructed with the mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as approved by the building inspector.
- (6) A security compound for the storage of vehicles, boats and other large items shall be provided equivalent to a minimum of 300 square feet of paved area per mobile home space in mobile home parks. The planning commission may also require a security compound in mobile home subdivisions, to be maintained by a homeowners' association.
- (7) In all mobile home parks and mobile home subdivisions, within 45 days of occupancy, each mobile home shall be skirted, or if shields are used, they are to be fireproof, well painted or otherwise preserved.
- (8) In mobile home parks and recreational coach parks, not less than 15 percent of the gross land area shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be constructed as part of the 15 percent common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or special smaller developments the minimum area shall be not less than three-fourths acre or 15 percent, whichever is greater.
- (9)(a) The subdivider shall have installed in each lot a yard light, or shall contract with the builder to have said yard light installed.
  - (b) The light pole, lamp and other part of the said yard light may be of the choosing of the builder or subdivider, but in no case shall it be constructed to a height of more than nine feet or less than six feet, and shall emit a light intensity of no less than that of a 175 watt mercury vapor lamp.
  - (c) Each lamp shall be connected to a photoelectric switching device which will automatically turn the lamp on at dusk and off at dawn.
  - (d) The light pole and lamp shall be located no further than 20 feet from the front property line of each lot.
- (10) In mobile home and recreational coach parks, all areas not covered by mobile homes, hard surfacing or buildings shall be landscaped as approved by the planning commission and such landscaping shall be permanently maintained.
- (11) In mobile home parks and recreational coach parks, all off-street parking spaces and driveways shall be hard surfaced before the adjacent mobile home spaces may be occupied.
- (12) In mobile home parks, the roadways shall be designed to accommodate anticipated traffic, including the following standards unless modified by an approved planned unit development plan.
- (13) All recreational coach parks shall be subject to conditional use approval and all applicable zoning ordinances shall apply as specified by the Riverton City planning commission.
- (14) In mobile home subdivisions, roadway widths shall be as required by RCC Title 17, Subdivisions, except as may be modified by an approved planned unit development plan.

(15) In a mobile home park, the number of mobile homes shall be limited to eight units per acre and may be limited to fewer units depending on mobile home size, topography and other factors of the particular site. The mobile homes may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and visitors thereto.

(16) In a mobile home park, no mobile home or add-on shall be located closer than 20 feet from the nearest portion of any other mobile home or add-on. All mobile homes and add-ons shall be set back at least 10 feet from road curbs or walks. If the tongue of the mobile home remains attached, it shall be set back a minimum of six feet from road curbs or walks. All mobile homes shall set back at least 30 feet from any boundary of the mobile home park.

(17) Off-street parking shall be provided at the rate of two parking spaces per mobile home space, and each such parking space shall have a minimum depth of 20 feet. In no case shall the parking space be located further than 100 feet from the mobile home space it is designed to serve.

(18) One-story bulk storage areas shall be provided within a mobile home park, equivalent to 60 square feet per mobile home space. The area designed for said bulk storage shall be improved, landscaped, and screened in such a manner as approved by the planning commission.

(19) A launderette for convenience of the park occupants but not for the general public may be included in mobile home parks.

(20) An access shall be provided to each mobile home stand for maneuvering mobile homes into position. The access way shall be kept free from trees and other immovable obstructions. Paving under mobile homes will not be required if adequate support is provided. Use of planks, steel mats or other means to support the mobile home during placement shall be allowed so long as the same are removed upon completion of placement.

(21) Recreational coach parks shall generally be located:

- (a) Adjacent to or in close proximity to a major traffic artery or highway;
- (b) Near adequate shopping facilities;
- (c) Within or adjacent to mobile home park.

(22) Recreational coach parks shall contain not more than 20 units per acre. The spaces may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual recreational coach spaces, roads or parking shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the park and visitors thereto.

(23) No individual space in a recreational coach park shall be used by one individual recreational coach for more than 90 consecutive days, nor shall such space be rented or leased to any one individual for a period longer than 90 days in any one calendar year.

(24) Recreational coaches may be stored where permitted, but not used for permanent living quarters.

(25) Recreational coaches may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.

(26) Recreational coaches may be accommodated in an approved and licensed mobile home park; provided, that:

- (a) The recreational coach park portion of the development is separated by barriers, screens or otherwise from the area of mobile homes.
- (b) The recreational coach use area shall have direct access to a collector or arterial street.

(27) In addition to meeting the requirements of this section and conforming to the other laws of the local jurisdiction, all mobile home parks and recreational coach parks shall also conform to requirements set forth in the Code of Camp Trailer Court, Hotel, Motel, and Resort Sanitation Regulations adopted by the Utah State Board of Health, February 21, 1968, and to the fire prevention code, which codes are hereby adopted by reference; four copies of the codes are filed with the office of the local jurisdiction's recorder for use of the public and all restrictions, regulations and notations contained therein shall be made a part of this chapter as fully as though set forth herein. In the event of any conflict between said codes and this chapter, this chapter shall take precedence where its regulations are more strict, and the provisions of the codes shall take precedence where their regulations are more strict. [Amended during 2011 recodification, Code 1997 § 12-700-030.]

#### **18.160.070 Conformance.**

For all mobile home parks, recreational coach parks and mobile home subdivisions, the planning commission shall review the proposed development plan to determine its compliance with all portions of the local general plan. In considering the application, the planning commission among other things shall make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding areas. The planning commission may require changes to be made in the plan and development standards in excess of the minimum standards contained in this chapter, such as walls, buffers and setbacks. Greater amounts of landscaping or parking space may be imposed as conditions of the approval where determined by the planning commission to be necessary to ensure that the development will mix harmoniously with contiguous or nearby uses.

(1) Utilities. Every mobile home park, recreational coach park, and mobile home subdivision shall provide underground utility service to every mobile home stand or lot as required by the local jurisdiction's ordinances and as required by the planning commission, including but not limited to water, sewer, or power.

(2) Guarantees.

- (a) For mobile home parks and recreational coach parks, adequate and reasonable guarantees must be provided as determined by the city engineer for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the

application of these regulations.

Guarantees may be in the form of a bond, in the sum to be determined by the city engineer, which form must be approved by the Riverton City attorney.

(b) In any case when a mobile home park, or recreational coach park which is not within a mobile home park, is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be authorized to receive, process and represent fully the interests of the owners in respect to continuing management and maintenance of the park.

(c) Prerequisite to the operation of any mobile home park or recreational coach park in the local jurisdiction shall be the obtaining of an annual business license from the local jurisdiction.

(d) In the event a mobile home or recreational coach park is not completed according to approved plans, the annual business license shall be denied, the mobile homes or recreational coaches and associated property and facilities removed, and all services discontinued, before any part of the land within the development planning area may be used for another purpose or be subdivided. [Amended during 2011 recodification. Code 1997 § 12-700-035.]

## Chapter 18.165 RESIDENTIAL FACILITIES

### Sections:

- 18.165.010 General standards.
- 18.165.020 Residential facilities for elderly persons.
- 18.165.030 Residential facilities for disabled persons.

### 18.165.010 General standards.

A residential facility as defined in this chapter may only be constructed in a single-family, residential zone. Where this chapter is silent, the underlying standard of that single-family residential zone shall apply. [Ord. 08-13 § 1. Code 1997 § 12-300-010.]

### 18.165.020 Residential facilities for elderly persons.

(1) Conditions. A residential facility for elderly persons shall be subject to the following conditions before being granted a conditional use permit, and said permit shall not be denied where a facility is found to meet all conditions set forth in this chapter:

(a) Residential Character. A residential facility for elderly persons shall be capable of that use without structural or landscaping alterations that would change the structure's residential character.

(b) Code Compliance. The facility shall meet all city and state building, safety and health laws and regulations applicable to other dwellings in the zone. Further, the facility shall meet all state and federal laws which apply to structures and facilities used by elderly people.

(c) Parking. Sufficient off-street parking shall be provided for the residents, staff (including nonresident staff) and visitors without changing the residential character of the property. Said off-street parking shall also comply with city standards relating to side yard, rear yard, and front yard setbacks. Factors that will be considered in determining the number of spaces that will be required include: the width of the street, the availability of public transportation within a reasonable distance, and the availability of pedestrian access.

(d) Landscaping. All landscaping shall be in keeping with the residential character of the area. All landscaping shall be maintained in a neat and orderly fashion. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner.

(e) Residents. No person who is being treated for alcoholism or drug abuse shall be placed in said dwelling. No person who is violent shall be placed in said dwelling.

(f) Volunteer Basis. Placement in said dwelling shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(g) Interior. No more than two residents shall sleep in a single bedroom. A minimum of 60 square feet per individual shall be provided in a double-occupancy bedroom. A minimum number of 100 square feet per individual shall be provided in a single occupant bedroom.

(h) Other Conditions. The city council, upon prior recommendation of the planning commission, may set other reasonable conditions for any individual applicant which it feels will further the intent of Section 10-8-2.6, Utah Code Annotated 1953, as amended, and this chapter.

(2) Application Accompanied by Plot Plan. An application for a residential facility for elderly persons pursuant to this chapter shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the property, the size and locations of existing buildings, all hard surfaced areas, landscaped areas and such other information as may be necessary to provide for the compliance of this chapter.

(3) Discrimination Prohibited. Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on age of the facility's residents.

(4) Duration. A conditional use granted under this chapter is transferable only upon prior approval of the city council and terminates if the structure in which the facility is housed is devoted to a use other than as a residential facility for elderly persons; if the structure fails to comply with applicable health, safety and building codes; or if the operation of the facility is transferred. If any of the above takes place, the structure cannot be sold or used as a multifamily unit unless a permit is obtained from the city.

(5) Licensing. Upon receipt of a conditional use permit, the applicant shall obtain a license from the Utah State Department of Health and a business license from the city. In order to obtain the city business license, the applicant shall submit a copy of the state license. Thereafter, the business license shall be renewed from year to year by paying the proper fees and maintaining the facility according to the standards set forth herein. The business license and conditional use permit shall be subject to revocation for violation or noncompliance with any of the requirements set forth herein or nonpayment of the proper fees. [Ord. 08-13 § 1. Code 1997 § 12-300-020.]

**18.165.030 Residential facilities for disabled persons.**

(1) Conditions. A residential facility for mentally or physically disabled persons shall be subject to the following conditions before being granted a conditional use permit, and said permit shall not be denied where the facility is found to meet all conditions set forth in this chapter:

(a) Residential Character. A residential facility for disabled persons shall be capable of that use without structural or landscaping alterations that would change the structure's residential character.

(b) Code Compliance. The facility shall meet all city and state building, safety and health laws and regulations applicable to other dwellings in the zone. Further, the facility shall meet all state and federal laws that apply to structures and facilities used by disabled people.

(c) Supervision. The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

(d) Parking. Sufficient off-street parking shall be provided for the residents, staff (including nonresident staff) and visitors without changing the residential character of the property. Said off-street parking shall also comply with city standards relating to side yard, rear yard and front yard setbacks. Factors that will be considered in determining the number of spaces that will be required include: the width of the street, the availability of public transportation within a reasonable distance, and the availability of pedestrian access.

(e) Landscaping. All landscaping shall be in keeping with the residential character of the area. All landscaping shall be maintained in a neat and orderly fashion. Landscaped areas shall consist of an effective combination of trees, ground cover, and shrubbery. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner.

(f) Residents. No person who is being treated for alcoholism or drug abuse shall be placed in said dwelling. No person who is violent shall be placed in said dwelling. Placement in said dwelling shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(g) State Requirements. The facility shall conform to all applicable standards and requirements of the Utah State Department of Social Services and be operated by or under contract with the department.

(h) Interior. No more than two residents shall sleep in a single bedroom. A minimum of 60 square feet per individual shall be provided in a double occupant bedroom. A minimum of 100 square feet per individual shall be provided in a single occupant bedroom.

(i) Additional Conditions. The city council, upon prior recommendation of the planning commission, may set other reasonable conditions for any individual applicant which it feels will further the intent of Section 10-8-2.5, Utah Code Annotated 1953, as amended, and this chapter.

(2) Application Accompanied by Plot Plan. An application for a residential facility for disabled persons pursuant to this chapter shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the property, the size and locations of existing buildings, all hard-surfaced areas, landscaped areas and such other information as may be necessary to provide for the compliance of this chapter.

(3) Discrimination Prohibited. Discrimination against disabled persons and against residential facilities for disabled persons is prohibited. All decisions regarding an application for a residential facility for disabled persons must be based on legitimate land use criteria, and may not be based on the disabled conditions of the facility's residents.

(4) Duration. A conditional use granted under this chapter is transferable only upon prior approval of the city council, and terminates if the structure in which the facility is housed is devoted to use other than as a residential facility for disabled persons or if one or more of the following apply: the structure fails to comply with applicable health, safety and building codes, the facility's contract with the state terminates or if the operation of the facility is transferred. If any of the above takes place, the structure cannot be sold or used as a multifamily unit unless a permit is obtained from the city.

(5) Licensing. Upon receipt of a conditional use permit, the applicant shall obtain a license from the Utah State Department of Health and a business license from the city. In order to obtain the city business license, the applicant shall submit a copy of the state license. Thereafter, the business license shall be renewed from year to year by paying the proper fees and maintaining the facility according to the standards set forth herein. The business license and conditional use permit shall be subject to revocation for violation or noncompliance with any of the requirements set forth herein or nonpayment of the proper fees. [Ord. 08-13 § 1. Code 1997 § 12-300-030.]

**Chapter 18.170  
PUBLIC UTILITY SUBSTATIONS**

Sections:

- 18.170.010 Public utility substations.
- 18.170.020 Lot area.
- 18.170.030 Yards.
- 18.170.040 Street access.
- 18.170.050 Location.

**18.170.010 Public utility substations.**

In all residential zones, public utility substations shall meet the requirements of this chapter. [Code 1997 § 12-209-005.]

**18.170.020 Lot area.**

Each public utility substation in a residential zone shall be located on a lot not less than 1,000 square feet in area. [Code 1997 § 12-209-010.]

**18.170.030 Yards.**

Each public utility substation in a residential zone shall be provided with a yard on each of the four sides of the building not less than five feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard and side yards shall equal those required for a single-family residence in the same zone. [Code 1997 § 12-209-015.]

**18.170.040 Street access.**

Each public utility substation in a residential zone shall be located on a lot that has adequate access from a street, alley, or easement. [Code 1997 § 12-209-020.]

**18.170.050 Location.**

The location of public utility substations in a residential zone must be approved by the city council after recommendation by the planning commission. [Code 1997 § 12-209-025.]

**Chapter 18.175  
WIRELESS COMMUNICATION TOWERS**

Sections:

- 18.175.010 Purpose.
- 18.175.020 Antenna and structure types.
- 18.175.030 Permitted use co-location.
- 18.175.040 Conditional use.
- 18.175.050 Development requirements.
- 18.175.060 Maintenance and business license.
- 18.175.070 Abandonment of facilities.
- 18.175.080 Requirements for monopole antennas.
- 18.175.090 Requirements for wall-mounted antennas.
- 18.175.100 Requirements for roof-mounted antennas.
- 18.175.110 Requirements for other antennas.
- 18.175.120 Telecommunications towers not permitted.

**18.175.010 Purpose.**

The purpose of this chapter is to plan for the rapid expansion of telecommunications facilities. In addition, other more specific purposes are as follows:

- (1) Set regulations addressing the preferred placement, visual mitigation, and installation of low powered communication towers.
- (2) To balance the increasing need for telecommunications technology with the interests of the property owner while protecting the health, safety, and welfare of the city's residents. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-005.]

**18.175.020 Antenna and structure types.**

Communication towers are characterized both by the type and/or location of the antenna structure. This chapter shall address low powered communication towers for the following facility types: amateur "ham" radios, lattice towers, monopoles, roof mounts, wall mounts, whip antennas, and microwave or satellite dishes. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-010.]

**18.175.030 Permitted use co-location.**

Antennas to be located on monopole, as allowed herein, may be allowed as a permitted use if co-located on a monopole site that has been previously approved by a conditional use permit. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-015.]

**18.175.040 Conditional use.**

- (1) General. Telecommunications towers are a conditional use in all zones except residentially zoned areas.

Telecommunications towers are prohibited in residentially zoned areas except as may be permitted with a conditional use permit upon or within any institutional use, regardless of the zoning designation. These institutional uses include, but are not limited to: churches, well sites, water tanks, city parks, city buildings (fire, police, City Hall), public schools, and quasi-public schools.

- (2) Approval and Building Permit. Each tower placement shall be reviewed and approved by the city council following a recommendation from the planning commission. Each tower location will require a building permit. Co-location of any additional antenna on a preexisting tower requires a building permit through administrative approval by the planning department.

- (3) Criteria for Approval of Conditional Use. In conducting its review and/or making its determination to allow a low power radio telecommunications antenna facility as a conditional use, the city council, after recommendation from the planning commission, shall, in addition to any other matters it may choose to consider, consider the following:

- (a) Whether the proposed structure complies with all the required standards and criteria listed in this chapter.

- (b) Compatibility of the proposed structure with the height and mass of existing buildings in the area.
- (c) The location of the antenna in relation to existing vegetation, topography, and buildings to obtain the best visual screening.
- (d) Visual and economic impact upon adjacent properties.
- (e) Compliance with Federal Communications Commission (FCC) emission standards.
- (f) Whether placement of the structure in the proposed location will result in a significant impact to other uses or the reception or transmission of existing facilities.
- (g) Each tower application shall evaluate whether co-location on other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., is possible without significantly impacting antenna transmission or reception. However, for location on such existing structures and poles, telecommunications facilities must meet the following additional requirements:
  - (i) No lighting shall be placed on the site that further illuminates, advertises, or draws attention to any part of the facility; and
  - (ii) The mounting of such facility complies in all respects with all other provisions of this chapter.
- (h) The city council may approve the conditional use application with additional conditions. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-020.]

**18.175.050 Development requirements.**

(1) **Applicability of Building and Safety Regulations.** All antenna locations shall provide assurance that the installation complies with all applicable standards and regulations, including, but not limited to, International Building Code, National Electrical Code, Federal Communications Commission, Federal Aviation Administration, and Environmental Protection Agency as well as all other city ordinances. Each application for a permit to build a telecommunications tower shall be certified by a licensed professional engineer that the design meets all standards herein. No communication facility shall encroach upon or block vehicular or pedestrian access at any time. Climbing pegs or access ladders shall be removed from the lower 20 feet regardless of location. Antennas shall be mounted with such standards that the structure can easily withstand wind force up to 80 miles per hour.

(2) **Site Plan.** Unless stated otherwise herein, all the types of antennas listed herein as permitted must make an application to the planning department for site plan approval. All applications shall adhere to the requirements for site plan approval in addition to requirements as detailed herein. The site plan shall be accompanied by a photographic example of an existing facility, the dimensions, elevation and site plan of the tower and associated electronic cabinetry and, if applicable, a prepared co-location contract in the event the facility may be shared for future antenna placement.

(3) **Accessory Buildings.** Accessory buildings must comply with required setback, height, and landscaping standards as required in the zoning district in which the tower is located.

(4) **Grounded.** All antennas and support structures shall be grounded in accordance with the National Electrical Code. [Ord. 13-12 § 1 (Exh. A); amended during 2011 recodification; Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-025.]

**18.175.060 Maintenance and business license.**

(1) **Maintenance.** Every antenna, pole, or support structure, and all ancillary facilities, comprising low power radio telecommunications facilities, shall at all times be maintained in good structural and aesthetic condition. The owner of any property on which any such antenna, pole, support structure, or ancillary facility or facilities are located, and those responsible for or receiving benefit from its placement, shall keep the area clean and free from rubbish, flammable waste material or any other noxious or offensive substance. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-030.]

**18.175.070 Abandonment of facilities.**

(1) **Abandonment Agreement.** Upon application for a telecommunications facility, the owner or agent of the tower must supply Riverton City with a letter stating that if the tower is vacated for any reason, the owner or agent will remove the tower, all apparatus associated with it, and the top three feet of the footing and restore the site to its original condition within 60 days of vacation of the tower.

(2) **Abandonment and Nonmaintenance.** Any antenna structure, antenna support, and accessory structures abandoned or not properly maintained shall be required to be removed at the expense of the persons having control or receiving benefits within 60 days after receiving notice of nonmaintenance. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-035.]

**18.175.080 Requirements for monopole antennas.**

Monopoles are cylindrical poles used to support telecommunications equipment. There are two primary divisions among the antenna equipment found on monopoles: antenna equipment that extends less than two feet in diameter around the monopole, and those wider than two feet in diameter.

Both antenna types shall abide by the following regulations:

(1) **Location.** The monopoles shall locate where the tower may be positioned at a minimum distance of one and one-half times the tower height away from any residential structure. Towers are permitted under lease agreements to locate on publicly owned lands. Co-location may be required. Towers shall be located in rear yards only and shall abide by all zoning setbacks.

(2) **Height.** Where there is only one antenna structure proposed, the maximum height will be 80 feet. If a tower is designed to allow co-location of additional antennas on one monopole, the monopole cannot exceed 100 feet in height. Antenna equipment on a monopole shall not exceed 10 feet in height.

(3) **Quantity and Co-location.** Only one tower shall be permitted in a one-mile radius unless the existing tower already has at least one co-locator or it can be

demonstrated that co-location on an existing tower is not practical or feasible. Provisions for co-location shall include the structural capability to hold additional co-locator antennas and adequate land area for subsequent electronic equipment cabinetry. Towers should not reach maximum allowable height until such co-locator(s) have secured an agreement with the original tower applicant.

(4) **Electronic Cabinetry.** The electronic cabinetry and subject enclosure shall not exceed 25 feet by 25 feet by 10 feet tall.

(5) **Screening.** Monopoles and electronic cabinetry shall be located to obtain the highest amount of visual screening, such as behind built structures, and screened with mature trees and shrubbery. Each application shall submit a screening plan.

Each co-locator shall place electronic cabinetry with one shared wall to the original electronic cabinetry enclosure for efficient space utilization. Where the location is limited, as in a commercial district, the first locator will be required to build housing that can adequately contain all co-locators' electronic cabinetry. Where the location is residential in character or the site is not conducive to landscaping, the electronic cabinetry shall be encased in a structure emulating a small residential building, with gabled roof and durable exterior materials.

(6) **Lighting.** No portion of the antenna or appurtenant structures shall be lighted except for warning lights at the top of the structure when warranted. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-040.]

**18.175.090 Requirements for wall-mounted antennas.**

Wall-mounted antennas are antennas mounted on a vertical exterior wall.

(1) **Location.** Wall-mounted antennas shall only be mounted on buildings of three stories or more, having a penthouse or a mechanical room.

(2) **Dimensions.** Wall-mounted antennas shall not locate more than four feet from the exterior wall on which they are mounted. The width of the antenna structure shall be a maximum of 13 feet wide and not taller than eight feet. Wall-mounted antennas shall not extend more than three feet above any roofline nor shall antennas be located closer than 30 feet to the base of the building.

(3) **Area.** The total area for wall-mounted antennas and support structures shall not exceed 100 square feet per wall or 40 square feet for each antenna. This shall be calculated as the areas of all antennas and support structures.

(4) **Quantity.** A maximum of three antenna structures shall be permitted to locate on any wall.

(5) **Screening and Design Guidelines.** Antennas shall be painted to match color, pattern and/or materials where they are mounted. Accessory buildings or cabinetry shall also receive screening treatment to blend into the building's architectural integrity. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-045.]

**18.175.100 Requirements for roof-mounted antennas.**

Roof-mounted antennas are where telecommunications equipment is mounted on a rooftop.

(1) **Location.** Roof-mounted antennas shall only be mounted on buildings of three stories or more, having flat roofs, a penthouse or a mechanical room. Not more than three antennas shall be located on any one rooftop.

(2) **Height.** The maximum height for antennas positioned on rooftops shall not exceed 10 feet above the roofline to top of antenna. However, when an antenna is attached to a mechanical room or penthouse or located 15 feet from exterior wall, the antenna may not exceed 15 feet above the roofline. Roof-mounted antennas shall be mounted a minimum of five feet back from the exterior wall.

(3) **Area.** The total area for roof-mounted antennas and support structures shall not exceed 200 square feet for all antenna structures on a roof or 40 square feet for each antenna.

(4) **Quantity.** A maximum of three antenna structures shall be permitted on any single building.

(5) **Screening and Design Guidelines.** Antennas shall be painted to match color, pattern and/or materials on which they are mounted. Accessory buildings or cabinetry shall also receive screening treatment to blend into the building's architectural integrity. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A). Code 1997 § 12-165-050.]

**18.175.110 Requirements for other antennas.**

(1) **Microwave or Satellite Dish.** Microwave dishes are large disks used to receive information via satellite. These are used for telecommunications where there are no ground lines available in the vicinity. Commercial microwave dishes are not permitted in city limits. Satellite dishes that are not used for telecommunications use and are under three feet in diameter are exempt from the provisions of this title.

(a) **Location.** Satellite dishes shall be located in the rear or side yards not facing a public street in single-family detached residential zones and on flat rooftops in all other zones. Wall-mounted satellite dishes are permitted if dishes are smaller than three feet in diameter.

(b) **Height.** Satellite dishes shall not be mounted in residential areas such that any part of the antenna exceeds eight feet from the ground. Satellite dishes located outside of residential zones shall not exceed over eight feet above the roofline upon which they are mounted.

(c) **Quantity.** Three small dishes, no greater than 18 inches in diameter, or one large dish is permitted per household in residential and agricultural zones. Each multifamily building (RM zones) may have up to three satellite dishes, if they are properly screened or camouflaged. A maximum of three satellite dishes are permitted on any one building in the commercial, office or industrial zones, and must be properly screened.

(d) **Mounting.** On residential property, satellite dishes and their support structure shall not be attached to or mounted on building appurtenances, such as a



pillar. Antennas shall be limited to rear or side yards and shielded from any public street. Satellite dishes outside of residential zones shall prioritize rooftop-mounting or commit to heavy screening. Rooftop-mounted satellite dishes shall have a minimum setback of eight feet from the closest exterior wall.

(e) Screening and Design Guidelines. All roof-mounted satellite dishes shall be painted to match the color, patterns and/or material such that they blend with the building's architectural integrity.

(2) Amateur "Ham" Radios Towers. Amateur radios are licensed and protected by the Federal Communication Act as part of the Emergency Broadcast System. Antennas greater than 12 feet tall with antenna and support structure exceeding 10 square feet in surface area must apply for a building permit after receiving community development approval.

(a) Quantity. No more than one amateur radio antenna shall be permitted on any lot.

(b) Height. Amateur towers may not exceed 65 feet in height without approval from the city council following a recommendation from the planning commission. Any applicant wishing to apply for an exception to the tower height shall specify the details and dimensions of the proposed antenna and its supporting structures and shall further specify why the applicant contends that such a design and height are necessary to accommodate reasonably the amateur radio communication.

(c) Mounting. Antenna and its support structure shall not be attached or mounted on any building appurtenance, such as a chimney. Antennas shall be limited to rear yards and shielded from any street. The placement of amateur radio antennas shall remain 65 feet from any neighboring house; guide wires shall not be closer than five feet from the property line on any side. The antenna shall be mounted to withstand wind force of more than 80 miles per hour without the support of guide wires. [Ord. 13-12 § 1 (Exh. A); amended during 2011 recodification; Ord. 9-15-98-2 § 2 (Exh. A), Code 1997 § 12-165-055.]

#### **18.175.120 Telecommunications towers not permitted.**

(1) Lattice Towers. A lattice tower is an open steel frame structure with multiple sides used to support telecommunications equipment. Lattice towers are not permitted in the city limits.

(2) Whip Antenna. Whip antennas are built with a flexible material that allows the antenna to bend freely. Whip antennas are not permitted in the city limits. [Ord. 13-12 § 1 (Exh. A); Ord. 9-15-98-2 § 2 (Exh. A), Code 1997 § 12-165-080.]

### **Chapter 18.180 WIND ENERGY CONVERSION**

#### **Sections:**

- 18.180.010 Purpose.
- 18.180.020 Definitions.
- 18.180.030 Conditional use.
- 18.180.040 Application procedure.
- 18.180.050 Conditions for approval.

#### **18.180.010 Purpose.**

The purpose and intent of this chapter is to encourage and regulate but not entirely prohibit the erection of wind energy conversion systems in appropriate areas of Riverton City. A balance is sought between promoting the health, safety and general welfare of the citizens of Riverton and providing opportunities for the use of wind as an alternative energy resource. [Code 1997 § 12-800-810.]

#### **18.180.020 Definitions.**

"IBC" shall mean the International Building Code as adopted by Riverton City.

"Setback" shall mean, unless otherwise indicated, the distance from the base of the WECS tower to the property line of the property upon which the WECS is located.

"Tower height" shall mean the height of the actual tower plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.

"WECS (wind energy conversion system)" is any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power. [Amended during 2011 recodification. Code 1997 § 12-800-811.]

#### **18.180.030 Conditional use.**

Any WECS with a tower height greater than the permitted height allowed in the zone in which it is proposed to be located may be allowed as a conditional use. [Code 1997 § 12-800-812.]

#### **18.180.040 Application procedure.**

The applicant must apply for a building permit for the WECS and shall complete the following procedures before a WECS building permit shall be issued:

(1) Notify the city of any tower greater than 35 feet that is to be used as temporary test structure for a wind feasibility analysis.

(2) Submit to the city building department the following plans and materials for preliminary review:

(a) The manufacturer of the WECS or applicant for the building permit shall provide drawings of the tower and the wind energy conversion system which

indicate that it meets the load requirements for structure as established by the IBC. Such drawings shall be attested to by a qualified and registered professional structural engineer. The plans shall indicate what the maximum wind speed stress design is.

(b) The manufacturer of the WECS or applicant for the building permit shall be responsible for providing specification drawings of the WECS which indicate that it meets with standard engineering practices and complies with the National Electrical Code as adopted by Riverton City ordinances; and when available, file with these plans safety results, including blade throw and braking systems.

(c) A photograph, drawing or illustration of the proposed WECS.

(d) Restrictive covenants, if any, of the subdivision within which the WECS is proposed to be located.

(i) Property lines and dimensions of applicant's lot.

(ii) Property lines, buildings, power lines and other valuable structures within 100 feet of the base of the WECS.

(iii) Easements or rights-of-way of any type on the applicant's property.

(iv) WECS proposed location showing distances between property lines and buildings. Show locations of anchors for guy wires, if any.

(v) Existing and proposed fences.

(vi) Locations of meter boxes and underground cable.

(3) After the submitted plans and materials have received preliminary review and approval from the city building department and city planner the applicant shall apply for a conditional use permit if lower height of the WECS is greater than the permitted height allowed in the zone in which the WECS is to be located.

(4) After the conditional use has been reviewed by the planning commission and approved by the city council, the applicant may receive a building permit.

(5) The applicant shall be held responsible to notify the city when he/she is ready for the footings and electrical inspections approval. [Amended during 2011 recodification. Code 1997 § 12-800-813.]

#### **18.180.050 Conditions for approval.**

Each WECS application shall be reviewed individually on the basis of meeting the following conditions for approval:

(1) Preliminary review and approval for a building permit has been approved.

(2) Maximum tower height of the WECS shall not exceed 90 feet as defined in this chapter.

(3) Building codes, including the International Building Code and the National Electrical Code, and any other applicable Riverton City ordinances, shall be complied with.

(4) Utility interconnections shall be supervised and approved by Utah Power and Light.

(5) Microwave communications interference shall not occur as a direct result of the WECS installation.

(6) Insurance for the WECS shall be provided by the owner in the amount of \$100,000 in liability insurance and in a form approved by the city council.

(7) Subdivision restrictive covenants shall not be violated.

(8) Location of a WECS shall be allowed in zones as a conditional use only if the following conditions are met:

(a) The minimum setbacks of any WECS shall be the tower height plus five feet. (Exception: where the design of the lot does not accommodate the setback requirements in this subsection and the applicant desires to locate the WECS within falling distance of adjoining properties, the WECS may be set back at least the distance equal to the tower height plus five feet from dwellings or main structures on adjoining lots, provided written consent is given by those adjoining property owners.)

(b) The minimum lot size shall be 10,000 square feet unless a cooperative is formed among owners of smaller lots.

(c) The WECS shall not be located on any type of easement or right-of-way without written approval of the easement and right-of-way owner.

(9) Safety shall be further guaranteed by compliance to the following:

(a) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base, or the tower climbing apparatus shall be limited to not lower than 12 feet from the ground.

(b) No large animals shall be permitted to graze next to guy wires that are used to support a WECS tower.

(10) Density of WECS within Riverton City shall be such that the minimum distance between any two WECS shall be 250 feet.

(11) Deleted during 2011 recodification.

(12) Objectionable or nuisance noises shall not be allowed and will warrant withdrawal of the conditional use permit and required removal of the WECS.

(13) Periodic inspections and maintenance shall be performed by the owner of the WECS as necessary and as required by the Riverton City council to ensure

that the WECS is maintained in a safe and sound condition. Failure to maintain the structural integrity of the WECS will warrant withdrawal of the conditional permit and require removal of the WECS. [Amended during 2011 recodification. Code 1997 § 12-800-814.]

## Chapter 18.185 SEXUALLY ORIENTED BUSINESSES

Sections:

- 18.185.010 Purpose.
- 18.185.020 Conditional use permit.
- 18.185.030 Location and restrictions.
- 18.185.040 Signs.

### 18.185.010 Purpose.

The purpose of this chapter is to set reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or adult uses and their location in areas deleterious to the community of Riverton City, and to regulate the signs of such businesses to control their adverse effects and prevent inappropriate exposure to the community. This chapter is designed to prevent crime and protect and preserve property values and the general quality of the city's neighborhoods, commercial districts, and quality of life. This chapter is a regulation of time, place, and manner of the operation of these businesses consistent with the limitations provided by provisions of the United States and Utah Constitutions. [Ord. 5-20-97-3 § 1 (Exh. A § 12-170-005). Code 1997 § 12-140-005.]

### 18.185.020 Conditional use permit.

The location of a sexually oriented business or adult use in Riverton City shall require a conditional use permit with a public hearing, which shall be reviewed yearly by the city council to ensure the strict compliance of said business. In the event that any of the requirements subsequently listed are violated, the conditional use permit may be revoked at the discretion of the city council. [Ord. 5-20-97-3 § 1 (Exh. A § 12-170-010). Code 1997 § 12-140-010.]

### 18.185.030 Location and restrictions.

Sexually oriented businesses or adult uses shall be a conditional use in areas zoned M-1 only under Chapter 18.95 RCC, and are subject to restrictions in addition to those imposed by the city council with a conditional use permit, as follows:

No sexually oriented business or adult use shall be located within:

- (1) One thousand feet of any school, public park, library, religious or cultural institution or land use;
- (2) One thousand feet of any other business currently being operated as a sexually oriented business or adult use;
- (3) Two hundred feet of any residential zone;
- (4) Two hundred fifty feet of any area deemed a city gateway.

All sexually oriented businesses or adult uses shall be set back from the right-of-way 50 feet in the front, and shall follow setback requirements of the M-1 zone for the rear and side setbacks.

Sexually oriented businesses or adult uses shall not have frontage on more than one city right-of-way. [Ord. 5-20-97-3 § 1 (Exh. A § 12-170-015). Code 1997 § 12-140-015.]

### 18.185.040 Signs.

Notwithstanding anything contrary contained in Chapter 18.150 RCC, Sign Regulation Ordinance, sexually oriented business or adult use signs shall be limited as follows:

- (1) No more than one sign shall be allowed on any sexually oriented business or adult use premises;
- (2) No sign shall exceed 18 square feet;
- (3) No animation shall be permitted on or around any sexually oriented business sign or adult use or on the exterior walls or roof of the premises;
- (4) No descriptive art, pictures, or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business or adult use sign. Said signs shall contain alphanumeric copy only;
- (5) Only flat wall signs shall be permitted;
- (6) Painted signs or painted wall advertising shall not be allowed;
- (7) Other than the signs specifically allowed by this chapter, the sexually oriented business shall not construct any temporary sign, banner, light, or other device designed to draw attention to the business location. [Ord. 5-20-97-3 § 1 (Exh. A § 12-170-020). Code 1997 § 12-140-020.]

## Chapter 18.187 CHECK CASHING BUSINESSES

Sections:

- 18.187.010 Prohibited – Exception.
- 18.187.020 Lawful existing businesses.

**18.187.010 Prohibited – Exception.**

Check cashing and title lending businesses are hereby prohibited in any zone other than the regional commercial zone found within Riverton City, the Riverton City general plan, or this title. [Ord. 14-18 § 1 (Exh. A); Ord. 10-02 § 4.]

**18.187.020 Lawful existing businesses.**

All other check cashing and title lending businesses lawfully found to exist in any zone other than the regional commercial zone of Riverton City are hereby declared to be a legal nonconforming use. [Ord. 14-18 § 1 (Exh. A); Ord. 10-02 § 5.]

**Chapter 18.190  
HOME OCCUPATIONS**

**Sections:**

- 18.190.010 Purpose.
- 18.190.020 Business license.
- 18.190.030 Simple home occupation.
- 18.190.040 Permitted home occupation.
- 18.190.050 Conditional use home occupation.
- 18.190.060 Fixed standards.
- 18.190.070 Qualifications.
- 18.190.080 Conditional use permit required.
- 18.190.090 Prohibited home occupations.
- 18.190.100 Exceptions.
- 18.190.110 Revocation.
- 18.190.120 Reapplication following revocation or denial.

**18.190.010 Purpose.**

(1) Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location.

(2) Guide business activities that are not compatible with neighborhoods, to appropriate commercial zones.

(3) Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood. Home occupations include but are not limited to the following:

- (a) Artists, authors, architectural services;
- (b) Accountants;
- (c) Barber shops and beauty shops;
- (d) Bookkeeping;
- (e) Consulting services;
- (f) Construction office;
- (g) Dance studio, aerobic exercise, music lessons, tutoring and general educational instruction;
- (h) Day care or preschool;
- (i) Data processing computer programming;
- (j) Direct sales distribution;
- (k) Home crafts;
- (l) Garden produce;
- (m) Janitorial service;
- (n) Insurance sales or broker interior design;
- (o) Landscape contractor office;
- (p) Mail order not including retail sales from site;
- (q) Offices;
- (r) Real estate sales or broker;

(s) Sales representative; and

(t) Sewing or embossing of clothing or fabrics.

Other occupations not listed in this section but of similar kind or character may be conducted as home occupations, subject to the provisions of this chapter. Prior to receipt of a conditional use permit, other occupations not listed in this section must be reviewed by the zoning administrator for a determination as to whether the proposed occupation is of a similar kind or character to home occupations listed in this section. A finding by the zoning administrator that an occupation is not of a similar kind or character as those listed herein may be appealed to the planning commission. A finding by the planning commission that an occupation is not of a similar kind or character as those listed herein may be appealed to the board of adjustment, as provided in Chapter 2.80 RCC. A sexually oriented business, or an administrative service in support of a sexually oriented business, may not operate as a home occupation in any zone of the city.

(4) Provide an opportunity for a home occupation to engage in the business of childcare and other group child activities, and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.

(5) Provide a means to enforce and regulate the businesses that are licensable through the authority of this chapter and, if necessary, terminate home occupations if a violation of the ordinances regulating home occupations occurs.

(6) Create a streamlined process for home occupations that meet strict criteria for blending into a neighborhood and facilitate other home occupations that may be allowed under specific conditions. [Ord. 07-12 § 1. Code 1997 § 12-207-005.]

#### **18.190.020 Business license.**

(1) All home occupations shall have a business license, unless specifically provided an exemption in this chapter. Only the owner of a business may apply for a home occupation business license and the applicant must be a bona fide resident of the home.

(2) Home occupation permits expire six months after granted if no business license is obtained.

(3) Home occupation permits expire three months after the business license lapses.

(4) Home occupation permits are issued for individuals at a specific address. The permit is not transferable to another person or party, nor to another address.

(5) Types of Home Occupations. Home occupation businesses are licensable as one of the following:

(a) Simple home occupation.

(b) Permitted home occupation.

(c) Conditional use home occupation. [Ord. 07-12 § 1. Code 1997 § 12-207-010.]

#### **18.190.030 Simple home occupation.**

(1) Planning staff can approve a simple home occupation permit when the applicant complies with the following:

(a) Applicant is a bona fide resident of the home.

(b) Business shall be entirely conducted within the home.

(c) The home occupation shall not involve any retail sales at the home.

(d) The home occupation will not require any signage, including signage on vehicles parked at the home.

(e) The home occupation does not involve customers or employees visiting the home.

(f) The home occupation does not require storage of inventory at the home.

(g) There will be no evidence from the exterior of the home that a business is being conducted.

(h) No specialty vehicles associated with this business such as dump trucks, tractors, skid steers, tractor trailers, boom trucks, tank trucks, backhoes, pump trucks or other similar vehicles will be parked or stored at the home.

(2) Staff may require drawings, photographs, schematics, floor plans or other materials necessary to demonstrate compliance with the criteria in subsection (1) of this section.

(3) The applicant will sign a statement verifying they have read and understand the criteria under which the simple home occupation is given and agree to operate their business within those criteria.

(4) Applicants may appeal the planning director's decision about a simple home occupation to the planning commission. The commission will decide whether the applicant qualifies for a simple permit or must apply for a staff-reviewed home occupation or a conditional use permit following the standards and procedure set forth in this chapter. A public hearing is not required for the appeal. [Amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-015.]

#### **18.190.040 Permitted home occupation.**

(1) Staff can approve home occupations that meet all of the requirements of RCC 18.190.060, Fixed standards, and all of the requirements of RCC 18.190.070, Qualifications.

(2) The applicant will fill out an application and submit plans, drawings, pictures, and other materials necessary to verify compliance with the standards and qualifications. Notice of the pending application will be sent to neighbors within 300 feet of the applicant's property. The applicant will bear the costs of noticing, and review fees, or any additional studies that may be required.

(3) Staff shall refer permitted home occupations to the planning commission as conditional use home occupations when:

(a) Evidence suggests that the application may not meet all of the qualifications;

(b) There is significant public clamor regarding the application;

(c) At the request of a planning commissioner; or

(d) At the discretion of the planning manager.

(e) In such cases the applicant will be responsible for the additional noticing fees.

(4) Applicants may appeal the planning director's decision about a permitted home occupation to the planning commission. The appeal would be a decision item where the commission will decide whether the applicant qualifies for a permitted home occupation or must apply for a conditional use permit following the standards and procedure set forth in RCC 18.190.050 and 18.190.080. A public hearing is not required for the appeal. [Ord. 07-12 § 1. Code 1997 § 12-207-020.]

**18.190.050 Conditional use home occupation.**

(1) The planning commission will hold a public hearing for home occupation applications that meet all of the fixed standards but are unable to meet all of the qualifications or have been referred by the planning manager.

(2) The planning commission may deny, approve, or approve with any of the conditions included in RCC 18.190.080, Conditional use permit required. The planning commission may also alter or waive any of the qualifications described in RCC 18.190.070. The planning commission may not alter or waive any of the fixed standards of RCC 18.190.060.

(3) Applications for conditional use home occupation permits will be noticed for a public hearing before the planning commission. Notices will be sent to property owners within 300 feet of the applicant property at least 15 days prior to the hearing and a notice will be published in a local newspaper.

(4) The applicant will be responsible to provide address labels and fees associated with the noticing and public hearing.

(5) The planning commission acts as the land use authority for conditional use home occupations. The city council shall act as the appeal authority to act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of the home occupation land use ordinances.

(6) Appeals of the planning commission decision must be made within 30 days of the decision. [Amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-025.]

**18.190.060 Fixed standards.**

Permitted home occupations and conditional use home occupations must comply with these fixed standards at all times. The applicant shall submit drawings, sketches, documentation and/or photos as required by staff to demonstrate compliance with these standards.

(1) Bona Fide Resident. The home occupation business shall be owned by and carried on only by a bona fide resident of the home.

(2) Satellite Office Not Allowed. Business activities shall not be conducted at the home of an employee of a company, by nonresident company employees. However, a home occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location.

(3) Accessory Use on the Property. The home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.

(4) On-Site Employees. One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises wherein the home occupation business is located. And only one nonresident employee may work at the home at one time regardless of the number of home occupations.

(5) Off-Site Employees. Any home occupation may utilize employees to work off site. The off-site employee, volunteer, hiree or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation license.

(6) Off-Street Parking. All business-related vehicles, which park at the location of the home occupation, including those of the applicant and employee, must be provided and use off-street parking. Off-street parking must also be provided for customers, clients or business-related visitor vehicles.

(7) Vehicle Advertisement. Vehicles or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.

(8) Designating Areas of Property to Be Used. The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage dedicated as the principal location for business activities.

(9) External Appearance. The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage or accessory structures. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.

(10) Outdoor/Yard Space. The home occupation shall not involve the use of any unscreened or unenclosed yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sales, service or production of goods. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.

(11) Conformity with Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.

(12) Health and Safety. No process can be used which is hazardous to public health, safety, morals or welfare.

(13) No Excessive Utility Uses. The home occupation shall not cause a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.

(14) Neighborhood Disruptions Not Permitted. The home occupation shall not unreasonably or uncharacteristically interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic or other nuisances, including interferences with radio and television reception or any other adverse effects within the neighborhood.

(15) Renter/Owner Responsibility. If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the license office.

(16) Interior Alterations/Remodeling. Interior alterations of the principal dwelling, for the purpose of accommodating the home occupation, are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas or all of the bedrooms. [Ord. 07-12 § 1. Code 1997 § 12-207-030.]

#### **18.190.070 Qualifications.**

In addition to the fixed standards set forth in RCC 18.190.060, all staff-reviewed home occupations must also comply with the requirements outlined in this section. If a business finds that they are unable to fully comply with all of the requirements as set forth in this section, the applicant may pursue possible approval as a conditional use home occupation.

(1) Hours. No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 7:00 p.m. and 7:00 a.m.

(2) Traffic. Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood. The home occupation shall be limited to two business-related visitors or customers per hour, to a maximum of eight business-related visitors or customers per day. Business-related deliveries or pickups shall not exceed two per day.

(3) Delivery Vehicles. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.

(4) Conducted in a Home. When business activities are being conducted on the property that is to be licensed, the home occupation shall be conducted within the principal home.

(5) Maximum Floor Space. No more than 25 percent of the total main floor area and upper floor areas of the dwelling unit shall be used for home occupation. As an alternative to use of main and upper floor areas of the dwelling unit, up to 50 percent of the basement of a home unit may be utilized for home occupation.

(6) Signs. The home occupation may utilize one unanimated, nonilluminated flat sign. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted, and may not have an area greater than four square feet.

(7) Display of Products. The home occupation may include the sale of tangible goods. Direct sales from display apparatus are permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.

(8) Permitted home occupations involving child day care and other child group activities shall also comply with the following:

(a) The home occupation shall not exceed eight children, associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

(b) No other permitted child day care or child group activities are within 300 feet of the proposed home occupation.

(c) All child day care shall be allowed to provide safe, outdoor play time in designated areas.

(d) Outdoor play areas shall be fenced in accordance with Riverton City fencing standards and shall have a self-locking gate. [Amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-035.]

#### **18.190.080 Conditional use permit required.**

The following uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the planning commission, all of the fixed standards, all the qualifications that have not been granted an exception through the conditional use process and additional regulations set forth hereafter:

(1) More Than Two Home Occupation Licenses. Any home where the applicant(s) are seeking more than two permitted or conditional home occupation

licenses.

(2) Workshops. Workshops, including carpentry, small scale sheet metal work, furniture making, upholstery and other similar activities.

(3) Business Not Conducted within a Home. Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:

(a) The applicant for a home occupation license shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation and, if approved, the home occupation may be conducted only in the designated area.

(b) A maximum 50 percent of the total floor space of any accessory structure or attached or detached garage may be used for the home occupation. The planning commission may grant an exception for parcels of at least one-half acre.

(c) Any accessory structure used for a home occupation will be reviewed for architectural aesthetics and compatibility of the home and the immediate neighborhood.

(d) The home occupation may utilize one unanimated, nonilluminated flat sign to be attached to the accessory structure where the home occupation is being conducted, in lieu of the sign attached to the home or in a window. The sign may not have an area greater than four square feet.

(4) Home Occupations and Outdoor Activities. Any home occupations proposing to conduct business utilizing any yard space, or in a swimming pool.

(5) Dangerous Home Occupations. Any home occupation using explosives, incendiary products and devices, or flammable or hazardous chemicals.

(6) Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or six per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for with child day care and other group child activities.

(7) Large, Business-Related Vehicles. Any home occupation which utilizes vehicles longer than 24 feet in length.

(8) Food or Beverage Preparation. Any home occupation involving or proposing to involve food or drink preparation, storage or catering.

(9) Child day care and other group child activities (e.g., dance schools, preschools, music classes, other care or instruction for children) that are expected to generate or exceed eight children/students any day. The following guidelines shall be used by the planning commission to determine the maximum number of students/children permitted:

(a) A traffic plan has been reviewed and approved by the planning department, which includes acceptable traffic flow, drop-off and turnaround areas.

(b) A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.

(c) A maximum of three sessions per day may be permitted.

(d) All sessions combined shall not generate more than 24 vehicular trips per day.

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

(f) No child day care or group child activities, conditional use home occupation may be established within 300 feet as measured from property line to property line of another child day care or group child activities, conditional use home occupation. [Ord. 15-07 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-040.]

**18.190.090 Prohibited home occupations.**

The following uses are not compatible with residential uses, and in order to protect the health, safety and welfare of residents from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood, the following uses are prohibited:

(1) Mortuaries, crematoriums, columbariums, or mausoleums.

(2) Animal hospitals and veterinary services.

(3) Clinics, dental offices, medical offices, chiropractic offices, or hospitals.

(4) Junkyards, auto wrecking yards or salvage yards.

(5) Stables, kennels, pet stores or any other commercial animal breeding or similar activities.

(6) Storage, service, repair, sales or rental of ambulance, tow truck, recreational vehicle, watercraft, automobiles, ATV, or other motorized vehicles.

(7) Food or drink preparations, storage or catering, which is not permitted by the appropriate state or county department or agency.

(8) Fitness or health spa facility.

(9) Lawn mower or small engine sales, service or repair.

(10) Auto body repair, motor vehicle repair.



- (11) Manufacturing and/or mechanical product assembly, other than small scale arts, crafts, and hobby work. Use of hazardous chemicals, pesticides and flammable/combustible materials, and any other process or business where current, adopted building and fire codes would require an operational permit.
- (12) Number of vehicular stops/or visits exceeds 24 per day.
- (13) Sexually oriented business.
- (14) Treatment centers or counseling for persons who are violent or being treated for alcoholism or drug abuse.
- (15) Bed and breakfast, motel or any similar use involving boarding or room rental. [Ord. 15-07 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-045.]

**18.190.100 Exceptions.**

(1) Home occupations do not include:

- (a) Occasional babysitting at the dwelling, which would not be classified as a day care or preschool operation.
- (b) Garage or yard sales are not considered home occupations but may be held no more than four calendar days per year.
- (c) Sales of night crawlers gathered from the subject property.
- (d) Lemonade stands and similar occasional activities related to the subject premises are not considered home occupations.
- (e) One-time in-home parties designed to take orders, such as Tupperware parties, Pampered Chef, or Mary Kay.

(2) Temporary signage may be used to advertise yard sales, night crawlers, lemonade and similar occasional sales activities, provided it does not create a nuisance or a traffic hazard, is not placed on private property without permission of the property owner or in the public right-of-way, and provided it is removed by 7:00 p.m. each day and upon conclusion of the activity. [Amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-050.]

**18.190.110 Revocation.**

A conditional use permit may be revoked by the planning commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this chapter occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the planning commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least 10 days prior to the hearing. [Ord. 15-07 § 1 (Exh. A).]

**18.190.120 Reapplication following revocation or denial.**

Following the revocation or denial of a conditional use permit, a new application for the same business type and location will not be accepted for a period of one year from the date of revocation or denial. Upon reapplication, the applicant for the same business type and location which was revoked in a prior year shall be required to pay application fees as established by the city council. [Ord. 15-07 § 1 (Exh. A).]

**Chapter 18.195  
CONDITIONAL USES**

**Sections:**

- 18.195.010 Purpose of conditional use provisions.
- 18.195.020 Permit required.
- 18.195.030 Application.
- 18.195.040 Fees.
- 18.195.050 Public hearing.
- 18.195.060 Determination.
- 18.195.070 Appeals of decision.
- 18.195.080 Inspections.
- 18.195.090 Time limit.
- 18.195.100 Permit revocation.

**18.195.010 Purpose of conditional use provisions.**

Certain uses which may be harmonious under special conditions and in specific locations within a district, but may be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits. [Code 1997 § 12-206-005.]

**18.195.020 Permit required.**

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. [Code 1997 § 12-206-010.]

**18.195.030 Application.**

A conditional use permit application shall be made to the planning commission as provided in this title. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the planning commission. [Code 1997 § 12-206-015.]

**18.195.040 Fees.**

Application for any conditional use permit shall be accompanied by the appropriate fee as determined by resolution of the city council. [Code 1997 § 12-206-020.]

**18.195.050 Public hearing.**

A conditional use permit may be approved by the planning commission without a public hearing except when mandated as indicated by the use regulations in this title. However, the planning commission may require a public hearing where any conditional use is judged to be of a controversial nature or where the best interests of the neighborhood or community are served by broader public exposure to the proposed use. [Amended during 2011 recodification. Code 1997 § 12-206-025.]

**18.195.060 Determination.**

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless evidence presented is such to establish:

- (1) That such use will not, under circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, and that the proposed use of the particular location is necessary or desirable and that it provides a service or facility which will contribute to the general well-being of the neighborhood and the city.
- (2) That the proposed use will comply with regulations and conditions specified in this title for such use.
- (3) The planning commission shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use. [Ord. 07-12 § 1. Code 1997 § 12-206-030.]

**18.195.070 Appeals of decision.**

Any person shall have the right to appeal the decision of the planning commission to the board of adjustment. [Code 1997 § 12-206-030.]

**18.195.080 Inspections.**

Following the issuance of a conditional use permit, the building official may approve an application for a building permit, provided the development is undertaken and completed in compliance with said conditional use and building regulations. [Code 1997 § 12-206-035.]

**18.195.090 Time limit.**

- (1) Temporary Permit Expiration and Renewal. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for not more than three successive periods thereafter.
- (2) Permit Expiration. Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the said permit shall expire. The planning commission may grant a maximum extension for six months when deemed in the public interest. [Code 1997 § 12-206-040.]

**18.195.100 Permit revocation.**

The planning commission shall revoke a conditional use permit if there is a substantial violation of the conditions placed on the permit. The commission shall give notice to the permit holder prior to revocation and the right to a hearing before the planning commission. [Code 1997 § 12-206-045.]

**Chapter 18.200  
NONCONFORMING BUILDINGS, USES AND LOTS**

**Sections:**

- 18.200.010 Purpose and objectives.
- 18.200.020 Continuation, maintenance, repairs, and alterations.
- 18.200.030 Additions, enlargements, and moving.
- 18.200.040 Alteration where parking insufficient.
- 18.200.050 Restoration of damaged buildings.
- 18.200.060 Abandonment of building or structure.
- 18.200.070 Change of use.
- 18.200.080 Cessation of nonconforming animals.
- 18.200.090 Change of nonconforming use of land.
- 18.200.100 Cessation of nonconforming use of land.

**18.200.010 Purpose and objectives.**

The purpose of this chapter is to control and gradually eliminate those uses of land, buildings, or lots which, although legal at the time of their establishment, do not now conform to the use, height, location, and similar regulations of the district within which they are situated. [Code 1997 § 12-150-005.]

**18.200.020 Continuation, maintenance, repairs, and alterations.**

Except as herein specified, any use, building, structure, or lot, lawfully existing at the time of the enactment or subsequent amendment of this title, may be continued and maintained, even though such use, building, structure, or lot does not conform with the provisions of this title for the zone in which it is located.

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use with a valid building permit, as provided in this chapter.

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming. [Code 1997 § 12-150-010.]

**18.200.030 Additions, enlargements, and moving.**

A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to a new location on the lot except where a permit is authorized by the planning commission after a hearing, upon finding:

- (1) The addition to, enlargement of, or moving of the building will be in harmony with the purposes of and shall be in keeping with the intent of this title.
- (2) The proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure. [Code 1997 § 12-150-015.]

**18.200.040 Alteration where parking insufficient.**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged; provided, that authorization has been given by the city council and additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement. [Code 1997 § 12-150-020.]

**18.200.050 Restoration of damaged buildings.**

In the event that a nonconforming building or structure, or building or structure occupied by a nonconforming use, is damaged or partially destroyed by fire, flood, wind, or earthquake, not in excess of 60 percent of its market value, the use or occupancy of such building which existed at the time of such damage or destruction may be continued or resumed; provided, that the restoration is begun within a period of one year and is completed in a period not to exceed two years from the time of destruction. In the event that the building is destroyed to more than 60 percent of market value, no reconstruction or restoration shall be pursued, except in the case of residences or accessory farm buildings, unless every portion of such building is made to conform to all regulations for new buildings in the zone in which it is located, as determined by the building official, and other requirements as may be imposed by site plan review. [Code 1997 § 12-150-025.]

**18.200.060 Abandonment of building or structure.**

A building or structure or portion thereof occupied by a nonconforming use, which is or hereafter becomes vacant, and remains unoccupied for a continuous period of six months, shall be considered abandoned, whether or not the intent is to abandon the said use, and shall not thereafter be occupied except by a use which conforms to the regulations of the zone in which it is located. [Code 1997 § 12-150-030.]

**18.200.070 Change of use.**

Whenever a nonconforming use has been changed to a conforming use, such a use shall not thereafter be changed or returned to a nonconforming use. [Code 1997 § 12-150-035.]

**18.200.080 Cessation of nonconforming animals.**

Whenever the keeping of nonconforming animals has ceased for the period of one continuous year, whether or not the intent is to abandon the practice, the keeping of nonconforming animals shall not be resumed. [Code 1997 § 12-150-040.]

**18.200.090 Change of nonconforming use of land.**

The nonconforming use of land may be added to, enlarged, or moved to a new location on the lot upon which the use is established; provided, that the board of adjustment, after notification of all property owners within 1,000 feet of the boundary of the lot where the use is established, find that such change shall be in harmony and keeping with the purpose of this title, that it does not impose unreasonable burden on adjoining land or use, and that the use is compatible with the general environment of the neighborhood. Application for change of a nonconforming use shall be submitted to the board of adjustment. Notification shall be as set forth in RCC 2.80.070, Notice. [Code 1997 § 12-150-045.]

**18.200.100 Cessation of nonconforming use of land.**

A nonconforming use of land, or any portion thereof, which is abandoned or changed for a period of one continuous year or more, shall cease to have continuing status and any future use of such land as was occupied by a nonconforming use shall be consistent with the provisions of this title. [Code 1997 § 12-150-050.]

**Chapter 18.205  
IMPACT FEES**

Sections:

**Article I. General Provisions**

- 18.205.010 Purpose.
- 18.205.020 Definitions.
- 18.205.030 Written impact fee analysis.
- 18.205.040 Impact fee calculations.
- 18.205.050 Capital facilities plan.
- 18.205.060 Impact fee schedule and calculations -- Maximum supportable impact fees.
- 18.205.070 Fee exceptions and adjustments.
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**Article II. Transportation/Roadway System Impact Fees**

- 18.205.090 Definitions.

- 18.205.100 Written impact fee analysis.
- 18.205.110 Adoption.
- 18.205.120 Impact fee calculations.
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#### Article I. General Provisions<sup>1</sup>

##### 18.205.010 Purpose.

This article revises and prescribes the city's impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. Further, this article:

- (1) Revises currently assessed impact fees within the service area;
- (2) Describes certain capital improvements to be funded by impact fees;
- (3) Provides a schedule of impact fees for differing types of land use development; and
- (4) Sets forth direction for challenging, modifying and appealing impact fees. [Ord. 08-16 § 1.]

##### 18.205.020 Definitions.

Words and phrases that are defined in the Act shall have the same definition in this impact fee policy. The following words and phrases shall have the following meanings:

"Capital facilities plan" means all capital facilities components of the Riverton City general plan.

"City" means a local political subdivision of the state of Utah and is referred to herein as Riverton City (the "city").

"Development activity" means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities. "Development activity" will include all development that will connect to the referenced systems.

"Development approval" means any written authorization from the city that authorizes the commencement of development activity.

"Impact fee" means a payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.

"Project improvements" means site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupant or users of development resulting from a development activity. "Project improvements" do not include "system improvements" as defined in this section.

"Proportionate share" of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

"Public facilities" means system improvements of the city relating to the services for which impact fees will be assessed.

"Service area" refers to a geographic area designated by the city based on sound planning or engineering principles in which a defined set of the city's public facilities provides service. The service area for purposes of this analysis is included in Exhibit A.

"System improvements" refers both to existing public facilities designed to provide services to the service area within the city at large and to future public facilities identified in a reasonable plan for capital improvements adopted by the city that are intended to provide service to service areas within the city at large.

"System improvements" does not include "project improvements" as defined in this section. [Ord. 08-16 § 2.]

##### 18.205.030 Written impact fee analysis.

(1) Executive Summary. A summary of the findings of the written impact fee analysis that is designed to be understood by a lay person is included in the written impact fee analysis (Exhibit C) and demonstrates the need for impact fees to be charged. A copy of the executive summary is included in the written impact fee analysis (Exhibit C) and has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this article.

(2) Written Analysis. The city must prepare a written impact fee analysis (Exhibit C) for the impact fees that identifies the impact upon the public utilities and systems required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identifies how the impact fees are calculated. A copy of the written impact fee analysis (Exhibit C) has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this article.

(3) Proportionate Share Analysis. The city must prepare a proportionate share analysis which analyzes whether the proportionate share of the costs of future public facilities is reasonably related to new development activity. The proportionate share analysis must identify the costs of existing public facilities, the manner of financing existing public facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of

the county. A copy of the proportionate share analysis is included in Exhibit C, Written Impact Fee Analysis, and has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this article. [Ord. 08-16 § 3.]

**18.205.040 Impact fee calculations.**

(1) **Article Enacting Impact Fees.** The city council, by this article, approves impact fees in accordance with the written impact fee analysis set forth in Exhibit C, Written Impact Fee Analysis.

(a) **Elements.** In calculating the impact fee, the city has included the construction contract price, costs of improvements, material costs, fees for engineering services provided for and directly related to the construction of system improvements, and debt service charges if the city might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.

(b) **Notice and Hearing.** Before approving the ordinance codified in this article, the city held a public hearing on July 15, 2008, and made a copy of the enactment available to the public at least 14 days before the date of the hearing, all in conformity with the requirements of Utah law. After the public hearing, the city council adopted this article as presented herein.

(c) **Contents of the Ordinance.** The ordinance adopting or modifying an impact fee will contain such detail and elements as deemed appropriate by the city council, including a designation of the service area within which the impact fee is to be calculated and imposed. The service area for this impact fee analysis includes the area shown in Exhibit A. The ordinance will include (i) a schedule of impact fees to be imposed for each type of system improvement or (ii) the formula to be used by the city in calculating the impact fees, or both. A copy of this requirement is included in Exhibit C, Written Impact Fee Analysis.

(d) **Adjustments.** The standard impact fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The standard impact fee may also be adjusted to ensure that impact fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes.

(e) **Previously Incurred Costs.** To the extent that the new growth and development will be served by previously constructed improvements, the city's impact fee may include public facility and bond costs previously incurred by the city. These projects are included in the calculation of the impact fee and are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations.

(2) **Developer Credits.** A developer may be allowed a credit against impact fees for any dedication of land or improvement to or new construction of system improvements provided by the developer; provided, that (a) it is identified in the city's capital facilities plan and (b) required by the city as a condition of approving the development activity. Otherwise, no credit may be allowed.

(3) **Impact Fees Accounting.** The city will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is collected and deposited into the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account.

(a) **Reporting.** At the end of each fiscal year, the city shall prepare a report on each fund or account generally showing the source and amount of all moneys collected, earned and received by the fund or account and each expenditure from the fund or account.

(b) **Impact Fee Expenditures.** The city may expend impact fees covered by the impact fees policy only for system improvements that are (i) public facilities identified in the city's capital facilities plan and (ii) of the specific public facility type for which the fee was collected.

(c) **Time of Expenditure.** Impact fees collected pursuant to the requirements of this impact fee policy are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the city, unless otherwise directed by the city council. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

(d) **Extension of Time.** The city may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years and (ii) an absolute date by which the fees will be expended.

(4) **Refunds.** The city shall refund any impact fees paid by a developer, plus interest actually earned when:

(a) The developer does not proceed with the development activity and files a written request for a refund;

(b) The fees have not been spent or encumbered; and

(c) No impact has resulted.

An impact that would preclude a developer from a refund from the city may include any impact reasonably identified by the city, including, but not limited to, the city having sized facilities and/or paid for, installed and/or caused the installation of facilities based, in whole or in part, upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

(5) **Other Impact Fees.** To the extent allowed by law, the city council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, in the discretion of the city council, include, but not be limited to, reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the city's system.

(6) **Additional Fees and Costs.** The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the city, such as engineering and inspection fees, and other fees and costs that may not be included as itemized component parts of the impact fee schedule. In charging any such fees as a condition of development approval, the city recognizes that the fees must be a reasonable charge for the service provided.

(7) Fees Effective at Time of Payment. Unless the city is otherwise bound by a contractual requirement, the impact fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of RCC 18.205.060.

(8) Imposition of Additional Fee or Refund after Development. Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the city, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the city shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid. [Ord. 08-16 § 4.]

**18.205.050 Capital facilities plan.**

The city has prepared capital facilities plans for storm drain, secondary water, transportation, public safety, and parks and recreation. The capital facilities plans have been prepared based on reasonable growth assumptions for the city, general demand characteristics of future users of each system, and engineering principles. Furthermore, the capital facilities plans identify the impact on system improvements created by development activity and estimate the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity. [Ord. 08-16 § 5.]

**18.205.060 Impact fee schedule and calculations – Maximum supportable impact fees.**

The fee schedule included herein represents the maximum impact fees which the city may impose on development within the defined service area and are based upon general demand characteristics and potential demand that can be created by each class of user. The city reserves the right under the Impact Fees Act, Section 11-36-202(2)(c) and (d), Utah Code Annotated 1953, to assess an adjusted fee to respond to unusual circumstances to ensure that the fees are equitably assessed.

This adjustment may result in a higher fee if the city determines that a user would create a greater than normal impact on the system. The city may also decrease the fee if the developer provides documentation that the proposed impact will be less than what could be expected given the type of user (Section 11-36-202(3)(a), Utah Code Annotated 1953).

**STORM DRAIN IMPACT FEES**

Standard Formula:	\$5,699.00	*	% of Acre	=	Impact Fee
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**TRANSPORTATION IMPACT FEES\***

\*Code reviser's note: The transportation impact fees in this section were superseded by Ord. 11-02, which is codified in Article II of this chapter, Transportation/Roadway System Impact Fees.

**PUBLIC SAFETY IMPACT FEES**

Zone	Cost per Call	Historic Calls per Unit	Public Safety Impact Fee per Unit	Square Feet per Acre (20% FAR)	Impact Fee per 1,000 Sq. Ft. (bldg space)
<b>Residential</b>					
<b>Dwelling Unit Fee per Unit</b>					
Residential	\$18,845.15	0.01634	\$307.85	N/A	N/A
<b>Nonresidential</b>					
<b>Acre Fee per Acre</b>					
Commercial	\$18,845.15	0.04116	\$ 775.61	8,712	\$ 89.03
Office	18,845.15	0.00549	103.51	8,712	11.88
Institutional	18,845.15	0.00874	164.62	8,712	18.90
Industrial	18,845.15	0.14144	2,665.38	8,712	305.94

**PARKS AND RECREATION IMPACT FEES**

<b>PARKS AND RECREATION IMPACT FEE</b>	
Total Residents at Build-out	53,934
<b>PURCHASE OF PARK LAND</b>	
Park Land Needed for Future Growth	13.30
Purchase	13.30
Cost per Acre (Land Purchase)	200,000.00
Total Cost for Parks	2,661,960.00
Cost per Future Resident	\$ 140.59
<b>IMPROVEMENT TO PARK LAND</b>	
Developed Acres Needed for Future Growth	62.30
Purchase	62.30

Cost per Acre (Land Development)	200,000.00
Total Cost for Parks	12,461,960.00
Cost per Resident	\$ 658.18
<b>TRAILS IMPACT FEE</b>	
Trails Needed for Future Growth	3.20
Purchase	3.20
Cost per Acre of Trails/Open Space	200,000.00
Cost for Improvement	63,920.00
Total Cost for Trails	639,196.00
Cost per Resident	\$ 33.76
<b>COMBINED PARKS/TRAILS IMPACT FEE</b>	
Total Fee per Resident	\$ 832.53
Total Purchases	\$ 15,827,036.00
Current Fund Balances	(4,000,000.00)
Total Adjusted Fee per Resident	\$ 624.64
Engineering	\$ 79.39
Total Fee per Household (3.8 PPH)	\$ 2,675.32

LYRB has performed this analysis using capital project and engineering data, planning analysis and other information provided by the city's staff. The accuracy and correctness of this report is contingent upon the accuracy of the data provided to LYRB. This impact fee analysis accurately evaluates the city's capital project needs by calculating the appropriate impact fees required to adequately fund growth-related capital needs. Any material deviations or changes in the capital projects or other relevant information provided by the city may be cause for this analysis to be modified.

Further calculation and presentation is included in Exhibit C, Riverton City Impact Fee Analysis.

**SECONDARY WATER IMPACT FEES**

SECONDARY WATER IMPACT FEE	
Phase 1 System Over-Sizing Fee	\$ 620.38
Phase 2 System Over-Sizing Fee	\$ 1,934.72
Future Improvements Fee	\$ 347.65
Total Impact Fee per Connection	\$ 2,902.75

**CULINARY WATER IMPACT FEES**

CULINARY WATER IMPACT FEE	
Total Impact Fee per Residential Connection	\$ 2,278.00

[Ord. 08-16 § 6.]

**18.205.070 Fee exceptions and adjustments.**

(1) Waiver for Public Purpose. The city council may, on a project-by-project basis, authorize exceptions or adjustments to the impact fee structure for those projects the city council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing project, or facilities of a temporary nature.

(a) Procedures. Applications for exceptions are to be filed with the city at the time the applicant first requests the extension of service to the applicant's development or property. [Amended during 2011 recodification; Ord. 08-16 § 7.]

**18.205.080 Appeal procedure.**

(1) Any person or entity that has paid an impact fee pursuant to this article may challenge the impact fee by filing:

- (a) An appeal to the city pursuant to subsections (2), (3) and (4) of this section;
- (b) A request for arbitration as provided in Section 11-36-402(1), Utah Code Annotated 1953, as amended; or
- (c) An action in state district court as provided in Section 11-36-401(4)(c)(iii), Utah Code Annotated 1953, as amended.

(2) Application. Any person or entity that has paid an impact fee pursuant to this article may challenge or appeal the impact fee by filing a written notice of appeal with the city council within 30 days of the date that the fee was paid.

(3) Hearing. Upon receiving the written notice of appeal, the city shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the city may also appear and present evidence to support the imposition of the fee.

(4) Decision. The hearing panel, which shall consist of the city council or such other body as the city shall designate, shall hold a hearing and make a decision

within 30 days after the date the challenge or appeal is filed. [Ord. 08-16 § 8.]

## Article II. Transportation/Roadway System Impact Fees<sup>2</sup>

### 18.205.090 Definitions.

Except as provided below, words and phrases that are defined in the Impact Fee Act shall have the same meaning in this article.

"Utah State Impact Fee Act" shall mean Title 11, Chapter 36, Utah Code Annotated 1953, or its successor state statute if that title and chapter is renumbered, recodified, or amended. Words and phrases that are defined in the Act shall have the same definition in this impact fee policy. The following words and phrases shall have the following meanings:

- (1) "Capital facilities plan" means all capital facilities components of the Riverton City general plan.
- (2) "City" means a local political subdivision of the state of Utah and is referred to herein as Riverton City (the "city").
- (3) "Development activity" means any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include all development that will connect to the referenced systems.
- (4) "Development approval" means any written authorization from the city that authorizes the commencement of development activity.
- (5) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.
- (6) "Project improvements" means site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupant or users of development resulting from a development activity. "Project improvements" do not include "system improvements" as defined in subsection (10) of this section.
- (7) "Proportionate share" of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.
- (8) "Public facilities" means system improvements of the city relating to the services for which impact fees will be assessed.
- (9) "Service area" refers to a geographic area designated by the city based on sound planning or engineering principles in which a defined set of the city's public facilities provides service. The service area for purposes of this analysis is defined to match the territorial limits of Riverton City.
- (10) "System improvements" refers both to existing public facilities designed to provide services to the service area within the city at large and to future public facilities identified in a reasonable plan for capital improvements adopted by the city that are intended to provide service to service areas within the city at large. "System improvements" do not include "project improvements" as defined in subsection (6) of this section. [Ord. 11-02 § 2.]

### 18.205.100 Written impact fee analysis.

- (1) Executive Summary. A summary of the findings of the written impact fee analysis that is designed to be understood by a lay person is included in the written impact fee analysis (Exhibit B) and demonstrates the need for impact fees to be charged. A copy of the executive summary is included in the written impact fee analysis and has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this article.
- (2) Written Analysis. The city must prepare a written impact fee analysis (Exhibit B) for the impact fees that identifies the impact upon the public utilities and systems required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identifies how the impact fees are calculated. A copy of the written impact fee analysis has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this article.
- (3) Proportionate Share Analysis. The city must prepare a proportionate share analysis which analyzes whether the proportionate share of the costs of future public facilities is reasonably related to new development activity. The proportionate share analysis must identify the costs of existing public facilities, the manner of financing existing public facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the county. A copy of the proportionate share analysis is included in Exhibit B, Written Impact Fee Analysis, and has been available for public inspection at least 14 days prior to the adoption of the ordinance codified in this article. [Ord. 11-02 § 3.]

### 18.205.110 Adoption.

The Riverton City council hereby approves and adopts the impact fee analysis addressing, and limited to, transportation/roadways attached as Exhibit B and the associated impact fees reflected therein. This adoption does not constitute a repeal of prior adopted impact fee analyses or related impact fees addressing capital facilities which do not apply to roadway transportation systems. The impact fee analysis is incorporated herein by reference as though fully set forth herein. Based on the Riverton City council's approval and adoption of the master plan, capital facility plan, and impact fee analysis for transportation/roadways, the Riverton City council imposes a requirement that developers install project improvements as a condition to connection to Riverton City's current or future transportation/roadway system and delivery of transportation/roadway services from Riverton City. Based on its approval and adoption of the master plan, capital facilities plan, and the impact fee analysis, the Riverton City council hereby imposes the impact fees specified herein and enacts this article to require payment of the impact fees specified herein as a condition to connect with Riverton City's current or future transportation/roadway system and delivery of transportation/roadway service from Riverton City. [Ord. 11-02 § 4.]



**18.205.120 Impact fee calculations.**

(1) Impact Fees. The Riverton City council, by this article, approves calculations of impact fees in accordance with the written impact fee analysis set forth in Exhibit B, Written Impact Fee Analysis.

(a) Elements. In calculating the impact fee, the city has included the construction contract price, costs of improvements, material costs, fees for engineering services provided for and directly related to the construction of system improvements, and debt service charges if the city might use impact fees as revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.

(2) Developer Credits/Developer Reimbursements. A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Riverton City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of any system improvements provided by the developer if the facilities are system improvements, or are dedicated to the public and offset the need for an identified system improvement.

(3) Impact Fees Accounting. Riverton City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this article. Interest earned on such account shall be allocated to that account. Impact fees collected prior to the effective date of the ordinance codified in this article need not meet the requirements of this section.

(a) Reporting. At the end of each fiscal year, Riverton City shall prepare a report on such account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure and be provided in a format approved by the State Auditor and certified by the Riverton City chief financial officer.

(b) Impact Fee Expenditures. Riverton City may expend cash impact fees covered by this article only for systems improvements that are (i) public facilities identified in the capital facilities plan; and (ii) of the specific public facilities type for which the fee was collected. Riverton City may use transportation/roadway rights collected as usage impact fees hereunder only to increase the quantity of transportation/roadway available to Riverton City's transportation/roadway system.

(c) Time of Expenditure. Cash impact fees collected pursuant to this article are to be expended, dedicated or encumbered for a permissible use within six years of receipt by Riverton City, unless the Riverton City council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

(d) Extension of Time. Riverton City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

(4) Refunds. Riverton City shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the building activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; (iii) the developer has contributed in excess of its proportional costs; and (iv) no impact has resulted.

(5) Additional Fees and Costs. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by Riverton City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that may not be included as itemized component parts of the impact fee.

(6) Fees Effective at Time of Payment. Unless Riverton City is otherwise bound by a contractual requirement, the impact fee shall be determined from the impact fee schedule in effect at the time of payment in accordance with the provisions of RCC 18.205.130. [Ord. 11-02 § 5.]

**18.205.130 Impact fee imposed.**

Impact fees are hereby imposed as a condition of the issuance of a building permit by Riverton City for any development activity which creates additional demand and need for public facilities or makes demands on the transportation/roadway supply in Riverton City's system. The fees imposed are as follows:

Land Use	ITE Code	Two-Way PM Peak	Adjustment Factor (Non-Passby)	Average Trip Length	Cost per VMT	Traffic Impact Fee
Industrial				2.71	\$436.00	
Light Industrial (per 1,000 sq. ft.)	110	0.97	1.00			\$1,144
Manufacturing (per 1,000 sq. ft.)	140	0.73	1.00			861.00
Warehousing (per 1,000 sq. ft.)	150	0.32	1.00			377.00
Mini-Warehouse (per 1,000 sq. ft.)	151	0.26	1.00			307.00
Residential				1.74		
Single-Family (per Dwelling Unit)	210	1.01	1.00			\$764.00
Apartment (per Dwelling Unit)	220	0.62	1.00			469.00
Residential Condo/Townhouse (per Dwelling Unit)	230	0.52	1.00			393.00
Mobile Home (per Occupied Dwelling Unit)	240	0.59	1.00			446.00
Assisted Living (per Bed)	254	0.22	1.00			166.00
Lodging				1.59		

Hotel (per Room)	310	0.59	1.00		\$409.00
Motel (per Room)	320	0.47	1.00		326.00
Recreational				1.59	
Golf Course (per Hole)	430	2.78	1.00		\$1,929
Movie Theater with Matinee (per Seat)	444	0.07	1.00		49.00
Multiplex Movie Theater (per Seat)	445	0.08	1.00		56.00
Health/Fitness Club (per 1,000 sq. ft.)	492	3.53	1.00		2,450
Institutional				1.70	
Elementary School (per 1,000 sq. ft.)	520	1.21	1.00		\$899.00
Middle School/Junior High School (per 1,000 sq. ft.)	522	1.19	1.00		885.00
High School (per 1,000 sq. ft.)	530	0.97	1.00		721.00
Church (per 1,000 sq. ft.)	560	0.55	1.00		409.00
Day Care Center (per 1,000 sq. ft.)	565	12.46	1.00		9,262
Medical				1.59	
Hospital (per 1,000 sq. ft.)	610	1.14	1.00		\$791.00
Nursing Home (per 1,000 sq. ft.)	620	0.74	1.00		513.00
Animal Hospital/Veterinary Clinic (per 1,000 sq. ft.)	640	4.72	1.00		3,275
Office				1.59	
General Office Building (per 1,000 sq. ft.)	710	1.49	1.00		\$1,034
Medical/Dental Office Building (per 1,000 sq. ft.)	720	3.46	1.00		2,401
Retail				1.59	
Building Materials and Lumber (per 1,000 sq. ft.)	812	4.49	0.74		\$2,306
Freestanding Discount Superstore (per 1,000 sq. ft.)	813	4.61	0.72		2,303
Specialty Retail (per 1,000 sq. ft.)	814	2.71	0.66		1,241
Freestanding Discount Store (per 1,000 sq. ft.)	815	5.00	0.83		2,880
Hardware/Paint Store (per 1,000 sq. ft.)	816	4.84	0.74		2,485
Garden Center/Nursery (per 1,000 sq. ft.)	817	3.80	0.74		1,951
Shopping Center (per 1,000 sq. ft.)	820	3.73	0.66		1,708
New Car Sales (per 1,000 sq. ft.)	841	2.59	0.72		1,294
Automobile Parts Sales (per 1,000 sq. ft.)	843	5.98	0.57		2,365
Tire Store (per 1,000 sq. ft.)	848	4.15	0.72		2,073
Supermarket (Freestanding) (per 1,000 sq. ft.)	850	10.50	0.64		4,663
Convenience Market (24 hours) (per 1,000 sq. ft.)	851	52.41	0.39		14,184
Discount Club (per 1,000 sq. ft.)	857	4.24	0.77		2,265
Home Improvement Superstore (per 1,000 sq. ft.)	862	2.37	0.52		855.00
Department Store (per 1,000 sq. ft.)	875	1.78	0.66		815.00
Apparel Store (per 1,000 sq. ft.)	876	3.83	0.66		1,754
Pharmacy/Drug Store (No Drive-Through) (per 1,000 sq. ft.)	880	8.42	0.47		2,746
Pharmacy/Drug Store (Drive-Through) (per 1,000 sq. ft.)	881	10.35	0.51		3,663
Furniture Store (per 1,000 sq. ft.)	890	0.45	0.47		147.00
Video Rental Store (per 1,000 sq. ft.)	896	13.60	0.66		6,229
Services				1.59	
Bank, Drive-Through (per 1,000 sq. ft.)	912	25.82	0.53		\$9,496
Restaurant – Quality (per 1,000 sq. ft.)	931	7.49	0.56		2,911
Restaurant – High Turnover (per 1,000 sq. ft.)	932	11.15	0.57		4,410
Restaurant – Fast Food with Drive-Through Window (per 1,000 sq. ft.)	934	33.84	0.50		11,741
Quick Lubrication (per Servicing Position)	941	5.19	0.58		2,089
Automobile Care Center (per 1,000 sq. ft.)	942	3.38	0.72		1,689
Automobile Parts and Service Center (per 1,000 sq. ft.)	943	4.46	0.57		1,764

Gas Station (per Fueling Position)	944	13.87	0.58		5,582
Gas Station with Convenience Market (per Fueling Position)	945	13.38	0.44		4,085
Self-Service Car Wash (per Stall)	947	5.54	0.58		2,230

[Ord. 11-02 § 6.]

**18.205.140 Fee exceptions and adjustments.**

(1) Waiver for Public Purpose. The Riverton City council may, on a project-by-project basis, authorize exceptions or adjustments to the then impact fee rate structure for those projects the Riverton City council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include low income housing.

(2) Adjustments. The Riverton City council may adjust impact fees imposed pursuant to this article as necessary in order to respond to unusual circumstances in specific areas, ensure that impact fees are imposed fairly, permit the adjustments of the amount of the impact fees based upon studies and data submitted by an applicant in order to ensure that the impact fee represents the proportionate share of the cost of providing such public facilities and water which are reasonably related to and necessary in order to provide the services in question to anticipate future growth and development activities. The Riverton City council may also adjust impact fees to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the state of Utah, a school district, or charter school. [Ord. 11-02 § 7.]

**18.205.150 Appeal procedures.**

(1) Application. The appeal procedure applies both to challenges to the legality of impact fees, to similar and related fees of Riverton City and to the interpretation and/or application of those fees.

(2) Request for Information Concerning the Fee. Any person or entity required to pay an impact fee under this article may file a written request for information concerning the fee with Riverton City. Riverton City will provide the person or entity with Riverton City's written impact fee analysis and other relevant information relating to the impact fee within 14 days after receipt of the request for information.

(3) Appeal to Riverton City before Payment of the Impact Fee. Any affected or potentially affected person or entity who wishes to challenge an impact fee under this article prior to payment thereof may file a written request for information concerning the fee and proceed under Riverton City's appeal procedure.

(4) Appeal to Riverton City after Payment of the Impact Fee – Statute of Limitations for Failure to File. Any person or entity that has paid an impact fee under this article and wishes to challenge the fee shall file a written request for information concerning the fee after having paid the fee and proceed under Riverton City's appeal procedure. The deadlines for filing an appeal shall be as follows:

(a) Notice. Within 30 days after the person making the appeal pays the impact fee he or she may challenge whether Riverton City complied with the notice requirements of the Utah State Impact Fee Act with respect to the imposition of the impact fee; and

(b) Procedure. Within 180 days after the person making the appeal pays the impact fee he or she may challenge whether Riverton City complied with other procedural requirements of the Utah State Impact Fee Act for imposing the impact fee; and

(c) Impact Fee. Within one year after the person making the appeal pays the impact fee he or she may challenge the impact fee.

(5) Appeals to Riverton City. Any developer, landowner or affected party desiring to challenge the legality of any impact fee or related fee or exaction under this article may appeal directly to Riverton City by filing a written challenge with Riverton City before the deadlines provided in subsection (4) of this section.

(a) Hearing. An informal hearing will be held not sooner than five days nor more than 25 days after the written appeal to Riverton City is filed.

(b) Decision. After the conclusion of the informal hearing, the mayor shall affirm, reverse, or take action with respect to the challenge or appeal as the mayor deems appropriate. The decision of the mayor will be issued within 30 days after the date the written challenge was filed. In light of the statutory mandated time restriction, Riverton City shall not be required to provide more than three working days' prior notice of the time, date and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of Riverton City's final determination.

(6) Denial Due to Passage of Time. Should Riverton City, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within 30 days after the filing of that challenge with Riverton City, the challenge shall be deemed to have been denied.

(7) Judicial Review. Nothing in this article shall be interpreted to alter the statutory deadlines before which an action to challenge an impact fee must be initiated in the district court. After having been served with a copy of the pleadings initiating a court review, Riverton City shall submit to the court the record of the proceedings before Riverton City, including minutes, and if available, a true and correct transcript of any proceedings. [Ord. 11-02 § 8.]

<sup>1</sup> Code reviser's note: Exhibit A, City-wide Service Area; Exhibit B, Capital Facilities Plans; and Exhibit C, Written Impact Fee Analysis, are on file with the city.

<sup>2</sup> Code reviser's note: Exhibit B, Written Impact Fee Analysis, is on file with the city.

**Chapter 18.210  
DEVELOPMENT AGREEMENTS**

Sections:

18.210.010 Purpose.

- 18.210.020 Where used – Nature of agreement.
- 18.210.030 Development agreement.
- 18.210.040 Procedures.
- 18.210.050 Hearings required.
- 18.210.060 Periodic review.
- 18.210.070 Requirements of agreement.
- 18.210.080 Enforceability – Remedies.
- 18.210.090 Effect of agreement.
- 18.210.100 Amendment – Cancellation.
- 18.210.110 Effective date.
- 18.210.120 Conflicting regulations.

**18.210.010 Purpose.**

The intent of this chapter is to permit development agreements for subdivision and commercial developments within Riverton City. In connection therewith, the city council hereby finds as follows:

- (1) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning that would make maximum efficient utilization of resources at the least economic cost to the public.
- (2) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and processes, encourage private participation in comprehensive planning, and reduce the economic costs of development. [Code 1997 § 12-180-10.]

**18.210.020 Where used – Nature of agreement.**

Development agreements as defined herein may be used in any zoning district authorized by this title. Said agreements shall be considered a combining zone with the existing district, and their approval shall be a legislative act, subject to referendum. [Code 1997 § 12-180-15.]

**18.210.030 Development agreement.**

The city may enter into a development agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this chapter, so long as such person's interest entitles him to engage in such development. [Code 1997 § 12-180-20.]

**18.210.040 Procedures.**

The procedures stated in this chapter shall govern the issuance of development agreements. [Code 1997 § 12-180-25.]

**18.210.050 Hearings required.**

Notwithstanding other provisions of this title, a development agreement shall be part of the public hearing on an application for a subdivision or commercial development held by the city council. [Code 1997 § 12-180-30.]

**18.210.060 Periodic review.**

At least every 12 months the community development or planning director shall review the project for good faith compliance with the terms of the agreement by the applicant or successor in interest thereto. In the event the director determines that there is not good faith compliance, he shall refer the matter to the city council, which shall determine, after a hearing, if good faith compliance has occurred. If the city council finds that good faith compliance has not occurred, it may, in its sole discretion, terminate or modify the agreement in order to best preserve the public health, safety and welfare. [Code 1997 § 12-180-35.]

**18.210.070 Requirements of agreement.**

A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. No such agreement shall conflict with the requirements of the zone in which the project is located at the time the agreement is approved, and all such agreements must be in conformity with the general plan as it exists at the time the agreement is approved. [Code 1997 § 12-180-40.]

**18.210.080 Enforceability – Remedies.**

A development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the city. The remedies stated in this chapter shall not be construed as limiting any other remedy provided by this title for violation thereof. [Code 1997 § 12-180-45.]

**18.210.090 Effect of agreement.**

Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the city, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the city from denying or conditionally approving any subsequent

development project application on the basis of such existing or new rules, regulations, and policies. [Code 1997 § 12-180-50.]

**18.210.100 Amendment – Cancellation.**

A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. [Code 1997 § 12-180-55.]

**18.210.110 Effective date.**

The development agreement shall be effective from the date the city council approves the same; however, a development agreement may not be submitted to the city council for approval until all other requirements of the development's application are approved, and a complete submittal of all engineering and planning documents is satisfactory to the city staff. [Amended during 2011 recodification. Code 1997 § 12-180-60.]

**18.210.120 Conflicting regulations.**

In the event that applicable state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations. [Code 1997 § 12-180-65.]

**Chapter 18.215  
SITE PLAN REVIEW AND STANDARDS**

Sections:

- 18.215.010 Purpose and objective.
- 18.215.020 Approval required.
- 18.215.030 Site plan development standards.
- 18.215.040 Special provisions.
- 18.215.050 Application.
- 18.215.060 Issuance of building permit.
- 18.215.070 Issuance of a certificate of occupancy.
- 18.215.080 Failure to begin and complete development.
- 18.215.090 Geographic information system.
- 18.215.100 Appeals.

**18.215.010 Purpose and objective.**

A design review procedure is established in order to encourage adequate advance planning and thereby assure a good quality of environment for the city. Such procedure is intended to provide for orderly, harmonious, safe and functionally efficient development, and thus for the stability of property values and the general welfare of the community. It is not the purpose of this chapter to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense; rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated above. [Ord. 15-23 § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-010.]

**18.215.020 Approval required.**

Site plan approval shall be required for all class A developments that contain the following uses, together with any others for which it is required elsewhere in this code:

- (1) Any industrial use.
- (2) Any commercial use.
- (3) Any institutional use.
- (4) Any multiple-unit residential development. [Ord. 15-23 § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-020.]

**18.215.030 Site plan development standards.**

The following are standards required for all commercial buildings in any zoning district:

- (1) Site Plan Standards. The entire parcel area shall be built upon, landscaped or paved in accordance with the zone district's open space and parking requirements.
- (2) Architectural Standards.
  - (a) Turn-of-the-Century Theme. All commercial development proposed east of 2700 West Street, including office, hotel and retail, shall uphold the turn-of-the-century theme, as adopted in the Riverton City commercial district master plan, in the architectural consideration of the development. This includes those zones designated as C-N, C-D, C-G and C-PO.
  - (b) Mechanical Equipment. All mechanical equipment shall be located or screened and/or other measures taken so as not to be visible from any public or private street. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened from all horizontal points of view. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the planning commission.
  - (c) Windows. Windows, other than rectangular windows, may be used as accents and trim. Untreated aluminum or metal window frames are prohibited.

Buildings, where tinted glass or windows occupy more than 30 percent of the total surface area, shall be considered a major color.

(d) **Building Lighting.** Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. Lighting shall not project above or beyond the property line.

(e) **Trash Enclosures, Storage Areas, and External Structures.** Trash enclosures, storage areas, and other external structures shall be screened by landscaping, fencing, berms or other devices integral to overall site and building design. Trash and storage areas shall be comparable to the proposed or existing building and with surrounding structures. These areas shall be well maintained and oriented away from public view. The consolidation of trash areas between businesses and the use of modern disposal and recycling techniques are encouraged. Chain link fences and fencing with vinyl slats are prohibited.

(f) **Prohibited Buildings and Materials.**

(i) **Temporary Buildings.** Temporary buildings shall not be permitted if they do not have prior approval by the planning commission.

(ii) **Prohibited Materials.** Precast cement walls for developments are only acceptable if covered by brick, brick veneer, approved stone/rock or an approved masonry component. Such types of walls are also acceptable where the brick, stone/rock or approved masonry are integrated into the exterior side of the wall. Exceptions are given to areas not normally visible to public streets, parking areas or public access areas.

Concrete block buildings may be allowed, but must be of quality design (such as combinations of split-face block and standard block), and must receive approval by the planning commission. This type of building shall be limited to the C-R, C-N, and M-1 zones only.

Prohibited siding materials, that are both aesthetically and functionally unsuitable because of use and climate, include: thick shake shingles, rustic frontier wood siding, plastic and vinyl siding, plywood or glass.

(3) **Landscape Guidelines.** Landscape guidelines are established to maintain the site qualities that exist in all commercial zones and minimize alteration, removal, or degradation of landscaping.

(a) **Landscape Planting Plan.** All commercial and multi-unit developments shall be required to submit a landscape plan prepared by a professional licensed landscape architect.

(b) **Installation Period.** All yards or lots on commercial sites shall be planted and maintained in lawns, trees, or other plantings or landscaped features, except for yard areas covered by walls, driveways, parking lots and structures and working areas. Such landscaping shall be completed at the time of the final building inspection. However, in the case of special exception or inclement weather, the developer may escrow for the cost of landscaping, the amount to be determined by the city engineer. In no case shall yards be maintained in artificial plantings, or more than 10 percent of the yard as crushed rock.

(c) **Parking in Landscaped Areas.** Temporary or permanent parking within any required landscaped area, either for special sale or promotion, is prohibited.

(d) **Minimum Landscaping Components.** Landscaping for commercial sites shall require a combination of sod (grass), trees, shrubbery, decorative rock or an approved ground cover that is low-maintenance and drought-resistant. The use of sod as a ground cover shall be limited to 70 percent of the total landscaped area. The remaining ground cover may be that which is listed above. All landscaped areas shall be maintained frequently by the property owner. Landscaped areas shall be irrigated by an irrigation system, which shall be shown as part of the landscape planting plan, and approved by the planning commission.

Tree types and species shall be in compliance with the recommended tree species list for Riverton City. However, tree species not on the said list may be used if approved by the parks superintendent. All tree species and sizes shall reviewed by the parks superintendent and the planning department.

(i) A minimum of 20 trees per acre shall be planted and maintained.

(ii) Trees shall be a minimum of one-and-one-half-inch caliper to two-inch caliper or, if evergreen, seven feet to nine feet in height.

(iii) Where possible, a 60/40 mix of deciduous and evergreen tree species shall be used for on-site landscaping. The planning commission may require specific types of deciduous trees for spring and fall coloring.

(iv) Street trees with a minimum one-and-one-half-inch caliper shall be installed along all public rights-of-way in the required park strip, by the developer of the property. The species type, location, and spacing of trees shall be as shown on the approved landscape planting plan, in compliance with designated streets within any city streetscape plans or according to the Riverton City standards and specifications for irrigation and planting of streetscapes. Such trees shall be placed at intervals of no less than 25 feet.

(e) **Vegetation Removal and Tree Preservation.** Every effort to save all quality full-size existing trees on a property proposed for development shall be made by the developer. All existing trees over 10 inches in caliper, along with tree types and tree locations, shall be shown and submitted to the planning commission along with the landscape planting plan.

Trees that are removed with or without good cause shall be replaced at the developer or owner's expense with trees of a two-inch caliper or greater, in compliance with the city's streetscape plan, unless otherwise approved by the planning department.

(f) **Internal Circulation Roads.** Internal circulation roads shall be landscaped with street trees and street-side planters. The streetscape planting shall be consistent throughout the park to provide a unifying landscape theme. Details for these areas shall be submitted with the landscape plan.

(g) Other Landscaping Regulations. In cases where a building(s) is set back from any street, and parking is contained in the front or the side of a building(s), a landscaped strip of no less than 10 feet wide shall be placed between the sidewalk and the parking lot. Trees as approved by the city shall be placed in the strip and spaced at no less than 30-foot intervals.

(4) Parking Lot and Street Lighting. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Pole-mounted fixtures are required. Lighting of all pedestrian pathways is recommended.

Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive direct light. All street lights and interior parking lot lights shall meet the adopted Riverton City design standards for lighting, and the adopted Street Lighting Policy within the Riverton City Standards and Specifications Manual.

(5) Buffering/Screening Requirements. Any commercial lot that abuts a residential or agricultural use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. Fencing shall comply with Chapter 18.155 RCC, Fencing, including RCC 18.155.080, Nonresidential fencing. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. All developments shall have a minimum number of both deciduous and evergreen trees to provide for shade and visual relief.

(6) Access Requirements.

(a) Access onto a Public Street. Access onto public rights-of-way shall not be closer than 100 feet from an intersection, nor another driveway on the same side of the street. When a parcel has less than 200 feet of frontage on a public right-of-way, then all necessary efforts shall be made to work collaboratively with adjacent property owners to share a common ingress and egress straddling the common property line.

(b) Access Dimensions. For each commercial lot, access shall be provided and shall meet the following requirements: each roadway shall not be more than 40 feet in width, measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radii shall fall within the right-of-way.

(c) Interconnection. All parking and other vehicular use areas shall be interconnected with adjacent properties in order to allow maximum off-street vehicular circulation.

(d) Acceleration and Deceleration Lanes. Acceleration and deceleration lanes shall be required on major arterials when deemed necessary by the city engineer.

(7) Off-Street Truck Loading Space. Every building or structure built, remodeled or occupied after the effective date of the ordinance codified in this chapter for manufacturing, commercial trade, or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise shall have provided and maintained on the building's lot adequate space for standing, loading, and unloading of the vehicles in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a minimum of 10 feet by 50 feet loading space with a minimum of 14 feet height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor used for the above-mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the above-mentioned purposes.

(8) Utilities. All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses or movable pipes used for irrigation or other purpose during construction.

(a) Grouping and Screening. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.

(b) Knowledge of Underground Utilities. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.

(c) Blue Stakes. Prior to construction, contact must be made with Blue Stakes to identify underground utility lines.

(9) Grading and Drainage. Drainage from any lot must follow current Riverton City requirements to show on-site retention and a maximum allowable discharge of two-tenths cubic feet per second (cfs) per acre. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

A site plan with grading, drainage, and clearing plans must be approved by the planning commission before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade.

(10) Secondary Water System and Dedication of Water Shares. The developer(s) shall install or escrow for a secondary water system as per the secondary water master plan. The secondary water system shall meet all requirements and specifications as shall be recommended by the Riverton City Standards and Specifications Manual. In addition, the developer shall dedicate to the city secondary water shares in the amount of three acre-feet per developed acre or an amount comparable to the amount of landscaping within the site plan. This is calculated as one acre-foot of water per 10,000 square feet of landscaping. In the case where a site plan has less than 10,000 square feet of landscaping, the applicant may escrow for one-half acre-foot of water with the city to be purchased at a later date.

(11) Piping of Irrigation Ditches. All existing irrigation ditches located on the site or straddling a site property line shall be piped with a sufficient size pipe and shall be approved by the city engineer. [Ord. 15-23 § 1 (Exh. A); Ord. 15-02 § 1 (Exh. A); amended during 2011 recodification; Ord. 10-27-98-1 § 1 (Exh. A); Ord. 6-2-98-1L § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-030.]

**18.215.040 Special provisions.**

(1) **Uses within Buildings.** All uses established in any commercial zone shall be conducted entirely within a fully enclosed approved building, except those uses deemed by the city council in consideration of the prior recommendation of the planning commission to be customarily and appropriately conducted in the open. Uses that qualify for this exception are vegetation nurseries, home improvement centers with lumber and/or vegetation nurseries, and outdoor cafes or auto dealerships. Approved seasonal temporary uses, such as Christmas tree lots, shall be exempt from this requirement.

(2) **Business Moving into Existing Buildings.** New businesses moving into existing nonconforming buildings shall conform with the requirements of this chapter where possible.

(3) **Nuisances.** All commercial uses shall be free from objectionable odors, noises, hazards or other nuisances.

(4) **Residential Conversions.** No existing residential lot in any commercial or residential district may be used or converted into a commercial use unless all of the standards set forth herein are met, including parking regulations, setbacks, landscaping and architectural design. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-040.]

**18.215.050 Application.**

Application shall be made by the property owner or an authorized agent on a form prescribed for this purpose by the city. Applicants for development approval must provide complete and accurate information regarding the specific site and the proposed use on the application. No application shall be processed until it has been reviewed for completeness and accepted by the planning department. Incomplete applications shall not be processed under any circumstance.

(1) **Preapplication Conference.** Prior to a complete application, a preapplication conference shall be held between the applicant and the planning staff, once the applicant can provide the following:

(a) Concept plan fees.

(b) **Site Analysis.** A site analysis is a plan view drawing demonstrating land constraints and existing features. These existing conditions may consist of the presence of boulders, existing manmade features, significant trees, canals or ditches, access points or public rights-of-way and existing conditions within 200 feet from the property line.

(c) **Conceptual Site Plan.** A conceptual site plan may be a hand-drawn or preliminary drawing that will outline the building footprint, the area devoted to landscaping and the general concept of storm drainage.

(d) Conceptual elevations.

(e) Vicinity map.

(2) **Accompanying Maps and Drawings Required.** The information submitted with the application shall include five 24-inch by 36-inch copies and one 11-inch by 17-inch copy of the site plan, landscaping plan, elevation, and drainage plan, and shall indicate the following:

(a) **Ownership Affidavit.** Statement of ownership and control of the subject property and a statement describing the nature of the intended use.

(b) **Vicinity Map.** A general location map indicating the approximate location of the subject parcel.

(c) **Context Plan.** A context plan shall include the existing features within 200 feet of the proposed site plan property line. Existing features include but are not limited to buildings, ingress and egress points, landscaping areas, pedestrian paths and property names.

(d) **Survey.** A survey prepared and stamped by a Utah-registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel.

(e) **Site Plan.** A site plan is hereby required and shall be prepared and stamped by licensed and/or certified professionals including, but not limited to, architects, landscape architects, land planners, engineers, surveyors, transportation engineers or other professionals deemed necessary by the planning director. The city may require plans prepared by any or all of the above-noted professionals. A site plan shall contain the date, scale, north arrow and:

(i) Boundaries of the subject parcel and the entire parcel (where the project does not occupy the entire parcel of which it is part).

(ii) Existing streets, watercourses, easements and other rights-of-way, and section lines.

(iii) Locations, dimensions and uses and heights of all proposed buildings and structures, including overhangs, porches, stair wells, and balconies; and the locations of all structures on adjoining properties.

(iv) Access points, provisions for vehicular and pedestrian circulation on and off site, interconnection to adjacent sites, and dimensions of such access and circulation.

(v) Acceleration and deceleration lanes, and dimensions thereof, if required.

(vi) Off-street parking and loading areas complying with the city's parking requirements, contained in Chapter 18.145 RCC.

(vii) Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements.

(viii) Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures.

(ix) Location and size of existing utilities and general location of utility access points and hookups.



- (x) Location, type and size of all business and on-site circulation signage.
  - (xi) Tabulation of square footage devoted to various land uses, ground coverage by structures and other impervious surfaces.
  - (xii) Location of existing and proposed curb, gutter, sidewalk, park strip and edge of asphalt, to be prepared, signed and stamped by a registered engineer.
  - (xiii) Type of construction of all structures, presence or absence of fire sprinkling and location of existing and proposed fire hydrants.
  - (xiv) Location of all existing and proposed secondary irrigation systems, both on site and on adjacent properties, including but not limited to ditches, pipes, and culverts.
  - (xv) A statement on the site plan that all applicable elements of the Americans with Disabilities Act Accessibility Guidelines will be adhered to.
  - (xvi) The piping of all existing irrigation ditches which affect the site.
  - (xvii) The names of all adjacent property owners.
- (f) Landscaping Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, existing trees (in accordance with RCC 18.215.030), and showing compliance with the city's parking requirements, the city's design guidelines and policies, and the requirements of this title.
- (g) Grading and Drainage Plan. A grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage. The plan must include:
- (i) Topographical plans showing existing grades and proposed grades and elevations.
  - (ii) Location and elevations of all existing and proposed drainage facilities within the subject parcel and the general vicinity within 100 feet of the site.
  - (iii) Retention areas and exfiltration systems.
  - (iv) Storm sewer piping and other appurtenances' sizes and locations.
  - (v) Contour lines at one-foot intervals.
  - (vi) A note indicating that all storm drainage facilities will conform to the city's construction standards and policies.
- (h) Lighting Plan. Lighting plan which indicates the illumination of all interior areas and immediately adjoining streets showing the location, candle power and type of lighting proposed, and in conformance with Riverton City standards.
- (i) Elevations. The elevations of all buildings, fences and other structures viewed from all sides indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials.
- (j) Signage Plan. Where a master sign plan is proposed, applicant shall comply with the standards of RCC 18.150.050. All information to be provided for the sign permit shall be submitted concurrent with the site plan application materials.
- (k) Traffic Impact Study. A traffic impact study (completed by a certified traffic engineer) may be required if it is estimated by the planning department that the project could generate trips for any given time period in excess of five percent of the existing volume of traffic on adjacent street systems. Said study shall include, but not be limited to, the following:
- (i) An analysis of the average daily trips generated by the proposed project.
  - (ii) An analysis of the distribution of trips on city street systems.
  - (iii) A description of the type of traffic generated.
- (l) Fee. The application for any site plan review shall be accompanied by a fee set by resolution of the city council.
- (3) Public Notice. At least 10 days prior to the planning commission meeting at which the site plan is scheduled for review, the planning department shall mail to all owners of property located within 300 feet of the boundary of the proposed site plan a written notice of the time, date, and place where the planning commission will review and consider the site plan proposal. In addition, a notice shall be published at least one time in a newspaper of general circulation at least 10 days prior to the planning commission public hearing. The developer shall have the sole responsibility to provide properly addressed, stamped envelopes to the department including all property owners within 300 feet for mailing the required notice. The written notice shall also advise the property owner that he/she has the right to be present and the right to comment on the proposed site plan.
- (4) *Repealed by Ord. 15-23.*
- (5) Consideration in Review of Applications. The planning commission and the planning director shall review the application and consider the following matters, and others when applicable:
- (a) Considerations Relating to Traffic Safety and Traffic Congestion.
    - (i) The effect of the site development plan on traffic conditions on adjacent street systems.

- (ii) The layout of site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways.
  - (iii) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion, and compliance with the provisions of Chapter 18.145 RCC, Automobile Parking.
  - (iv) The location, arrangement, and dimensions of truck loading and unloading facilities.
  - (v) The circulation patterns within the boundaries of the development.
  - (vi) The surfacing and lighting of off-street parking facilities.
- (b) Consideration Relating to Outdoor Advertising. Compliance with the provisions of Chapter 18.150 RCC, Sign Regulation Ordinance.
- (c) Consideration Relating to Landscaping.
- (i) The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - (ii) The planting of ground cover or other surfaces to prevent dust and erosion.
  - (iii) The unnecessary destruction of existing healthy trees.
- (d) Consideration Relating to Buildings and Site Layout.
- (i) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plan coverage, all in relationship to the character of the neighborhood.
  - (ii) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, and the arrangement of structures on the parcel. General compliance with the city's architectural design standards shall be considered.
- (e) Consideration Relating to Drainage. The effect of the site development plan on the adequacy of the storm and surface water drainage.
- (f) Fire Flow Requirements. Insurance that adequate water pressure and fire flow can be provided to this site as required by all applicable provisions of the International Fire Code.
- (g) Compliance. Consideration of the proposed project's compliance with the city's adopted general plan, this title, and all other adopted ordinances, policies and standards.
- (6) Site Plan Application and Approval Process.
- (a) Development Review Committee. All persons seeking site plan approval shall submit an application to the planning department for review by the city's development review committee (DRC). The DRC shall be composed of representatives of all affected city departments or other agencies which the planning director deems affected by any proposed development. The purpose of this review shall be to acquaint the applicant with the substantive and procedural requirements of this chapter; to provide the applicant with information regarding applicable elements of the general plan and the city's land development regulations; to provide such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints related to the proposed development. The information required for DRC review shall be established by the DRC and shall be contained on application forms and instruction materials prepared by the planning department. Upon review of all information submitted, the DRC shall make findings and recommendations to the applicant regarding any inadequacies or possible modifications which should be made to the proposal. The DRC shall produce a written report of findings and recommendations for the applicant.
  - (b) Planning Commission. Upon compliance with the development review committee's recommendations, the revised application shall be forwarded to the planning commission for review and action. The planning commission shall review the application for compliance with the considerations listed in this chapter. The planning commission shall then make a finding of approval, approval with conditions, or disapproval, or action may be postponed in order to further study the application or request additional information.
  - (c) Engineered Drawings. Prior to being scheduled for any public meeting, the developer shall produce complete engineering drawings that shall receive engineering department and development review committee approval.
  - (d) *Repealed by Ord. 15-23.*
  - (e) *Repealed by Ord. 15-23.*
  - (f) Notification of Approval or Denial. Upon the granting or denying of a site plan application, the planning department shall prepare and mail or deliver to the applicant a written statement of the decision, and in the case of a denial, the reasons therefor.
  - (g) Master Site Plans. Where development proposals larger than five acres seek master site plan approval to proceed in phases, the developer will be required to submit two or more site plan applications. The first application shall be the master site plan which shall address the following issues for the entire site: land use, open space and landscaped areas, architectural guidelines, build-able square footage, parking requirements, access and circulation requirements, storm drainage and all preliminary calculations for infrastructure improvements and traffic impact mitigation related to a traffic impact study. The proposal and accompanying documents shall be reviewed using the same procedure as any site plan application, except that a development agreement may be prepared in advance of the planning commission public hearing, submitted to the planning commission for recommendation.

Each subsequent site plan application for each phase shall proceed much like a regular site plan application. At this level, the developer shall submit, in addition to the requirements of the master site plan, all other requirements for a normal site plan, as listed in this section, except the traffic impact study specified in subsection (2)(k) of this section if submitted in connection with a master site plan. In considering the matters specified in subsection (5) of this section, the city shall limit its review to the details submitted in connection with the application for the subsequent site plan. These shall be reviewed and redlines corrected before being scheduled for a planning commission meeting. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 10-27-98-1 § 1 (Exh. A); Ord. 6-2-98-1L § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-050.]

**18.215.060 Issuance of building permit.**

Any building permit issued shall expressly require that development be undertaken and completed in conformity with the plans as approved by the city.

(1) Application Compliance. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this chapter have been complied with.

(2) Bonds. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant (owner) shall enter into an agreement and provide an escrow deposit similar to the requirements applicable to subdivision. The agreement and escrow deposit shall assure timely construction and installation of all required public improvements, including, but not limited to: landscaping, flood control facilities, parking, street improvements and other improvements required for site plan approval. The applicant (owner) shall enter into an agreement and provide an escrow for 125 percent of the cost as estimated by the city engineer. The developer may request 80 percent of the amount to be released with authorization by the development review committee, when all line items are 100 percent complete and accepted by the city inspector. Ninety percent of the entire bond may be released when 100 percent of the site is complete, inspected, and accepted by the city and approved by the city council. The remaining 10 percent will be held to insure that the improvements shall be maintained in a state of good repair for a period of 24 months from the date of the 90 percent bond release by the city council. These funds will be released after inspection and acceptance by the city inspector and approval by the city council. [Ord. 15-23 § 1 (Exh. A); Ord. 9-26-06-1 § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-060.]

**18.215.070 Issuance of a certificate of occupancy.**

A certificate of occupancy shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure, until the provisions of the approved site plan and/or written development agreement(s) have been completed. [Ord. 15-23 § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-070.]

**18.215.080 Failure to begin and complete development.**

If no substantial construction has occurred in a development which has been granted site plan approval pursuant to this chapter within 12 months from the date of approval, the director of the planning department may revoke site plan approval. Extensions of time may be granted by the director when such extensions will promote public health, safety and general welfare. Said extension must be requested within 12 months of site plan approval and shall not exceed six months.

For developments that are subject to a master site plan, if the development agreement establishes the deadline for commencement of substantial construction, the provisions of the development agreement shall apply. [Ord. 15-23 § 1 (Exh. A); Ord. 2-17-98-2 § 1 (Exh. A). Code 1997 § 12-310-080.]

**18.215.090 Geographic information system.**

(1) Purpose. The requirements contained herein relate to the submission of data to the city for further development of the city's geographic information system, in order to facilitate the planning and management of the city.

(2) Submission Requirements. At the time of the applicant's 90 percent bond release, the applicant shall provide as-built drawings in formats described in subsection (4) of this section. If the applicant for the bond release is not the original applicant of record for a project, the applicant for the bond release shall still bear responsibility for submission of GIS data to the city as described herein. These drawings shall include the following:

- (a) Roadway system (stop signs, stop lights, street signs, street lights, speed limit signs, centerlines, curb and gutter, sidewalks).
- (b) Culinary water system (fire hydrants, water meters).
- (c) Secondary water system (secondary water stop and wastes).
- (d) Lots (closed boundary, lot number, lot size, address).
- (e) Dedicated land (parks, trails).
- (f) Landscape (trees).

(3) The city reserves the right to request further information as directed by the city engineer.

(4) Data Formats. Electronic data formats of data required by this section shall be submitted in a format acceptable to the city engineer.

(5) Construction Projects. Construction projects extending into the public right-of-way, where underground utilities could be identified, shall be required to submit geographic data on the utility or item in the aforementioned formats. The geographic data shall be submitted within 14 days of completion of the project. The city will not release any bonds associated with the project until the GIS data has been satisfactorily submitted. The utilities include, but are not limited to, gas lines, phone lines, water lines, secondary water lines, sewer lines, cable TV lines, fiber optic cables, power lines, storm drains, and irrigation items and ditches. The city reserves the right to request further information as directed by the city engineer.

(6) Exemptions. Construction projects limited to single service laterals are exempt.

Projects with an estimated cost of less than \$50,000 may petition for an exemption with the city engineer prior to construction. [Ord. 15-23 § 1 (Exh. A); amended during 2011 recodification; Ord. 5-1-01-1 § 1 (Exh. C § 12-310-090-E). Code 1997 § 12-310-080-A.]

#### **18.215.100 Appeals.**

Appeals may be made to the board of adjustment from any interpretation of this title or any decision, determination or requirement of the planning commission, planning director, city engineer or public works director as it relates to any site plan application hereunder by filing with the city recorder a notice thereof in writing within 14 days after such a decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the site plan applicant or other person deems himself or herself aggrieved. The applicant shall pay an appeal fee as provided in the city's fee schedule.

The city recorder shall, within 15 days after receipt of a written notice of appeal, schedule the appeal for hearing before the board of adjustment. Said appeal shall occur within a reasonable time after the city recorder commences to schedule the appeal, after coordinating an acceptable date and time with the board of adjustment, the appellant, and a city representative. Such hearing may be continued by order of the board of adjustment. The appellant shall be notified of appeal hearing date at least seven days prior to the hearing. The board of adjustment shall notify the appellant in writing of its ruling. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the board of adjustment. The standard of review on appeal shall not be de novo, but shall be based on a review of the record to determine whether an appealable interpretation, decision, determination, or requirement is supported by ordinance and based upon substantial evidence. [Ord. 15-23 § 1 (Exh. A).]

### **Chapter 18.220 REGULATORY PROVISIONS**

#### Sections:

- 18.220.010 Enforcement.
- 18.220.020 Application and review.
- 18.220.030 Approval.
- 18.220.040 Nuisance and abatement.
- 18.220.050 Licensing.
- 18.220.060 Fees.
- 18.220.070 Penalty for violation.
- 18.220.080 Effect on previous ordinances and maps.
- 18.220.090 Interpretation.
- 18.220.100 Conflict.

#### **18.220.010 Enforcement.**

(1) Enforcer. The building inspector is the officer charged with the enforcement of this title, but from time to time, by resolution or ordinance, the city council may delegate the enforcement, in whole or in part, to any other employee of the city without amendment to this title. The building official may not waive any provision of this title. The building official shall not issue any permit unless the plans of the proposed erection, construction, reconstruction, alteration and use fully conform to all land use development regulations then in effect.

(2) Inspection. It shall be the duty of the building official to inspect or cause to be inspected all buildings and improvements in the course of construction or repair.

(3) Permit Required. No construction, alteration, repair or removal of any building or structure or any part thereof, or the change of use of any land or building, as provided or as regulated in this title is allowed, without a written permit issued by the building official. [Code 1997 § 12-120-005.]

#### **18.220.020 Application and review.**

(1) Design Submissions. All applications for permits shall be made to the building official. All applications for permits except for single-family dwellings and their accessory buildings shall be submitted also to the planning commission for design review to assure conformity with the intent of the master plan and compliance with all applicable ordinances and regulations. The design submissions shall include architectural and site development plans to scale which shall show buildings' locations, landscaping, prominent existing trees, ground cover treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, existing grades and proposed new grades, point of water and sewer connections, curb cuts, and locations of all freestanding signs.

(2) Design Review. Design review for buildings and uses covered by conditional use permits or planned unit development approval shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this title are met. [Code 1997 § 12-120-010.]

#### **18.220.030 Approval.**

The planning commission, or the building official when authorized by the planning commission, shall determine whether proposed architectural and site development plans submitted are consistent with the general objectives of this title, and shall give or withhold approval accordingly.

Denial of approval by the building official may be appealed to the planning commission, and denial by the planning commission may be appealed to the city council, as provided for in this title. [Code 1997 § 12-120-015.]

#### **18.220.040 Nuisance and abatement.**

Any building or structure erected, constructed, altered, enlarged, converted, or maintained contrary to provisions of this title shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the city attorney shall, upon request of the governing body, commence action for abatement thereof in a manner provided by law, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using the building structure or property

contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive. [Code 1997 § 12-120-020.]

**18.220.050 Licensing.**

All department officials and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this title and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void. [Code 1997 § 12-120-025.]

**18.220.060 Fees.**

Fees may be charged to applicants for building, occupancy, and conditional use permits, design review and planned unit development approval, planning commission and board of adjustment hearings, and such other services as are required by this title to be performed by public officers or agencies. Such fees shall be established by the governing body and be amounts reasonably needed to defray cost to the public. [Code 1997 § 12-120-030.]

**18.220.070 Penalty for violation.**

Violators of any provision of this title shall be guilty of a class B misdemeanor for each and every day such violation shall occur or continue and, upon conviction of any such violation, shall be punished by a fine of not more than the maximum as allowed by the state of Utah or by imprisonment for not more than six months, or by both such fine and imprisonment. [Code 1997 § 12-120-035.]

**18.220.080 Effect on previous ordinances and maps.**

The existing ordinances covering land use and development regulations in their entirety, and including the maps, and standard drawings heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this title, including its accompanying maps and standard drawings, shall be deemed a continuation of previous ordinances and not a new enactment insofar as the substance of revisions of previous ordinances are included in this title whether the same or in different language; and this title shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming dates upon which such uses, buildings or structures became conforming or nonconforming. [Code 1997 § 12-120-040.]

**18.220.090 Interpretation.**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth. [Code 1997 § 12-120-045.]

**18.220.100 Conflict.**

- (1) This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions that are less restrictive.
- (2) If any provision of this title or its application to any persons or circumstance is for any reason held invalid, the remaining portion and/or portions of this title or the application of the provision to other persons or circumstances shall not be affected. [Code 1997 § 12-120-050.]

**Chapter 18.225  
ACCESSORY STRUCTURES**

Sections:

- 18.225.020 General standards.
- 18.225.030 Location of accessory structures.
- 18.225.040 Architectural standards.
- 18.225.050 Agricultural structures.
- 18.225.060 Carports/temporary vehicle storage.
- 18.225.070 Swimming pools.

**18.225.020 General standards.**

- (1) General Standards. In addition to the use limitations and other regulations for the zoning district in which the accessory structure is proposed, no accessory use, building, or structure shall be allowed unless it complies with the following requirements:
  - (a) All accessory structures shall be incidental and subordinate to the principal use and/or structure on the property.
  - (b) An accessory structure shall be under the same ownership or control as the principal structure and/or use on the property.
  - (c) No accessory structure shall be established or constructed before the main dwelling or structure is under construction, and no accessory structure shall be occupied prior to issuance of a certificate of occupancy for the main dwelling or structure.
  - (d) No accessory structure shall include a residential dwelling or kitchen facilities, nor may an accessory structure be rented or otherwise used as a separate dwelling.
  - (e) All accessory structures shall comply with any and all applicable standards and requirements of the International Building and Fire Codes.
  - (f) Play structures less than 15 feet in height and with a covered and/or enclosed floor area of less than 30 square feet are exempt from the general restrictions of this chapter, but must comply with all setback requirements for accessory structures.
  - (g) It shall be the sole responsibility of the property owner to obtain a release from the utility companies and any other entity holding rights to public utility or other easements on the property prior to any construction within those areas. [Ord. 11-15 § 1 (Exh. A).]

**18.225.030 Location of accessory structures.**

(1) Measurements. For the purpose of this chapter, measurements shall be from the foundation of the accessory building to property line, or to foundation on the main dwelling.

(2) Accessory structures shall be located a minimum of 10 feet from the main dwelling.

(3) Side Yards. Side yard setbacks for accessory structures shall be as follows:

(a) Accessory structures may have a minimum side yard setback of five feet, except as follows:

(i) Accessory structures located between the main structure and the side property line shall maintain the same side yard setback as required for the main structure.

(ii) Accessory structures of 120 square feet or less may be located a minimum of one foot from the side property lines, provided no portion of the building extends over the property line and runoff is contained to the property.

(iii) Accessory structures over 20 feet in height shall have a minimum side yard setback of 15 feet.

(b) A minimum distance of five feet shall be maintained between accessory structures.

(c) All accessory structures on corner lots shall maintain the minimum corner side yard setback as required for the main dwelling.

(d) Accessory structures may not encroach into any public utility or other easement without written permission to encroach from all parties with rights to the easement.

(4) Front Yards. All accessory structures are prohibited within any required front yard area, and no accessory structure shall extend within 10 feet of the front plane of the main dwelling.

(5) Rear Yards. Rear yard setbacks for accessory structures shall be as follows:

(a) Accessory structures shall be located a minimum of five feet from the rear property line, except as follows:

(i) Accessory structures of 120 square feet or less shall be located a minimum of one foot from the rear property line, provided no portion of the building extends over the property line and runoff is contained to the property.

(ii) Accessory structures over 20 feet in height shall have a minimum rear yard setback of 15 feet.

(b) Accessory structures may not encroach into any public utility or other easement without written permission to encroach from all parties with rights to the easement. [Ord. 11-15 § 1 (Exh. A).]

**18.225.040 Architectural standards.**

(1) Maximum Size. The maximum total size of all accessory structure(s) on any parcel shall be limited to 25 percent of the rear yard area, defined as the area from the closet point of the rear foundation to rear property line.

(2) Maximum Height.

(a) The maximum height of accessory structures shall be 20 feet. On property of at least one acre and zoned RR-22, R-1, or A-5, the maximum height shall be 25 feet.

(b) Accessory structures shall be limited to one story. Unfinished storage areas under the roof trusses may be permitted, but shall not include finished space or utilities such as plumbing or electrical not associated with mechanical equipment. On property of at least one acre and zoned RR-22, R-1, or A-5, a second story may be allowed; provided, that no residential dwelling or kitchen facilities are included, nor may the structure be rented or otherwise used as a separate dwelling.

(c) Height shall be measured from finished grade to the highest point on the structure.

(3) Exterior Materials and Design. Architectural standards, including general appearance, building materials, and color, shall be as follows:

(a) Accessory structures of 120 square feet or less shall be consistent in color and design with the main dwelling. Exposed plywood or particle board, corrugated metal, or similar materials are prohibited as exterior materials.

(b) Accessory structures greater than 120 square feet shall utilize only exterior building materials that are present on the main dwelling, excluding trim and non-architectural elements, structural materials, and prohibited materials. Colors shall be similar in tone and complementary to those used on the main dwelling. Wood or wood product siding, exposed plywood or particle board, corrugated metal, or similar materials are prohibited as exterior materials. Fiber-cement siding and aluminum or other metal siding may be substituted for vinyl siding if such siding is similar in color and appearance to the vinyl siding used on the main dwelling, as approved by the planning manager.

(c) Accessory structures greater than 1,200 square feet shall include a minimum of 25 percent of the exterior in masonry such as brick or stone same type, coloring, and/or style as on the main dwelling.

(i) On property of at least one acre and zoned RR-22, R-1, or A-5, split-face or honed block may be used in place of stucco or other materials, but may not be substituted for any required brick, stone or other masonry consistent with that used on the home.

(d) For accessory structures greater than 120 square feet where exterior materials on the main dwelling consist exclusively of masonry such as brick or stone, the exterior side of the accessory structure facing the front of the lot shall be entirely masonry of the same type and style on the main dwelling. For the remaining sides, the lower one-third of each side shall be masonry as used on the front elevation, and the remaining exterior may consist of stucco and/or vinyl or fiber-cement siding that is complementary to the main dwelling in color and design. [Ord. 12-26 § 1 (Exh. A); Ord. 11-15 § 1 (Exh. A).]

**18.225.050 Agricultural structures.**

(1) Agricultural Structures. Accessory structures constructed on parcels of at least one-half acre and used exclusively for agricultural use, defined as exclusively for the storage of farm animals and/or feed, as defined by ordinance, or of equipment used for commercial agricultural production on parcels of at least 20 acres, shall comply with the requirements of this chapter except as follows:

- (a) Agricultural structures must be designed such that the primary function of the structure is the keeping of farm animals and/or feed.
- (b) Agricultural structures shall be located a minimum of 10 feet from side and rear property lines, and, if located on a corner lot, shall comply with standard corner lot setback requirements.
- (c) Agricultural structures may not be located within 40 feet of any residential dwelling.
- (d) Maximum height of agricultural structures shall be 35 feet.
- (e) Agricultural structures may, on approval from the planning department, utilize such exterior building materials that are appropriate to the use, while complementary to the main dwelling and to the surrounding community. [Ord. 11-15 § 1 (Exh. A).]

**18.225.060 Carports/temporary vehicle storage.**

(1) Temporary Carports/Recreational Vehicle Covers. Covered carports and other such vehicle covers are permitted, with a minimum of three sides enclosed. Such structures shall meet the same setback, height, and coverage requirements as other accessory structures. However, carports may be placed directly adjacent to the main dwelling, provided the same side yard setbacks which apply to an attached garage are met.

(2) Such structures may only be used for parking or storage of vehicles and/or trailers.

(3) Carports must comply with any and all applicable requirements and standards of the International Building and Fire Codes.

(4) Storage containers, freight containers, box cars, and similar storage equipment are prohibited. Temporary storage containers may be used during a move, but may not be present on the property for more than 72 hours.

(5) Setbacks for temporary carports or other such structures are measured to the base of the support structure. [Ord. 12-26 § 1 (Exh. A); Ord. 11-15 § 1 (Exh. A).]

**18.225.070 Swimming pools.**

(1) Swimming pools shall have a minimum setback of five feet from all property lines, and must have a minimum separation of five feet from any other structure, excluding unenclosed mechanical equipment associated with the pool or other water features, and slides or similar play equipment. Setbacks are measured to water's edge.

(2) Any swimming pool shall be completely surrounded by a non-accessible wall or fence having a height of at least six feet in which there shall be no openings larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices. [Ord. 11-15 § 1 (Exh. A).]

**Exhibit D**

MDA Ordinance

See Attached



**RIVERTON CITY, UTAH**  
**ORDINANCE NO. 16-01**

**AN ORDINANCE AMENDING THE GENERAL PLAN AMENDMENT TO MIXED USE, APPROVING AND ADOPTING THE MASTER DEVELOPMENT AGREEMENT AND SPECIFIC DEVELOPMENT DISTRICT DOCUMENTS AS INCLUDED HEREIN, AND REZONING TO SAID SPECIFIC DEVELOPMENT DISTRICT APPROXIMATELY 550 ACRES LOCATED GENERALLY AT THE INTERSECTION OF THE MOUNTAIN VIEW CORRIDOR AND 13400 SOUTH AS DESCRIBED HEREIN, SUBURBAN LAND RESERVE, INC, APPLICANT**

**WHEREAS**, the Riverton City Planning Commission has received public input and made a recommendation regarding the above listed adoption of documents and amendments; and,

**WHEREAS**, the City Council has held a public hearing to consider said adoption; and,

**WHEREAS**, the Riverton City Council has determined that it is in the best interest of the public to adopt the Master Development Agreement, Specific Development District, General Plan amendment, Rezone, and all associated documents as described herein.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Riverton City, Utah as follows:

Section 1. The Master Development Agreement Specific Development District, and all associated documents and actions shall be, and hereby is, adopted as shown in Exhibit "A" attached hereto.

Section 2. This ordinance shall not take effect and the Mayor is not authorized to sign the Master Development Agreement with SLR until property needed for the first phase of construction within the Mountain View Place development project, as described by that certain Mountain View Place Development Agreement approved by the Riverton City Council on December 1, 2015, is purchased by CenterCal Properties, LLC. If needed for the closing of a transaction to purchase said property, the Mayor is authorized to sign and deliver original copies of this Master Development Agreement to closing.

Section 3. This ordinance is null and void if property needed for the first phase of construction within the Mountain View Place development project, as described by that certain Mountain View Place Development Agreement, is not purchased by CenterCal Properties, LLC on or before the date of December 31, 2019.

**PASSED AND ADOPTED** by the City Council of Riverton, Utah, on this 19<sup>th</sup> day of January 2016 by the following vote:

	YES	NO	ABSTAIN	ABSENT
Council Member Brent Johnson	✓	—	—	—
Council Member Trent Staggs	✓	—	—	—
Council Member Sheldon Stewart	✓	—	—	—
Council Member Tricia Tingey	✓	—	—	—
Council Member Paul Rayman	✓	—	—	—

**ATTEST:**

*Virginia Loader*  
Virginia Loader, Recorder



**RIVERTON CITY**

*Bill Applegarth*  
Bill Applegarth, Mayor

# **EXHIBIT "A"**


**CERTIFICATE OF POSTING**

I, Virginia Loader, the duly appointed and acting Recorder for Riverton City hereby certify that the foregoing Ordinance No. 16-01 was adopted by the Riverton City Council on the 19<sup>th</sup> day of January, 2016, and that after its passage copies were posted at the following locations:

1. City Hall
2. Riverton Library
3. Riverton City Website

Dated this 19<sup>th</sup> day of January, 2016



  
Virginia Loader, MMC  
Riverton City Recorder



## Issue Paper

Item No. B.1

<b>Presenter/Submitted By:</b>	Jason Lethbridge, Planning Manager	
<b>Subject:</b>  <u>GENERAL PLAN AMENDMENT, MASTER DEVELOPMENT AGREEMENT, AND SPECIFIC DEVELOPMENT DESIGNATION, APPROXIMATELY 543 ACRES LOCATED GENERALLY AT THE INTERSECTION OF THE MOUNTAIN VIEW CORRIDOR AND 13400 SOUTH, PROPOSED AMENDMENT TO MIXED USE UNDER THE GENERAL PLAN AND REZONE TO SPECIFIC DEVELOPMENT DISTRICT, WITH ADOPTION OF A MASTER DEVELOPMENT AGREEMENT AND SPECIFIC DEVELOPMENT DISTRICT ORDINANCE, SUBURBAN LAND RESERVE, INC, APPLICANT</u>	<b>Meeting Date:</b> January 19, 2016	
	<b>Fiscal Impact:</b> N/A	
	<b>Funding Source:</b> N/A	
<b>Background:</b>  Suburban Land Reserve, Inc., a real estate development company representing The Church of Jesus Christ of Latter-Day Saints, has submitted application for development of approximately 543 acres located generally on the western boundary of Riverton City between 13800 South and 12600 South. The property is described and shown on the included information below. The property is currently zoned Planned Commercial Center, R-3, and SD designations associated with the undeveloped Hamilton Farms Specific Plan, but the majority of the property has been farm land and thus is currently undeveloped. The application includes an amendment to the Riverton City General Plan Land Use Map, designating the property for "Mixed Use", a rezone of the property to a Specific Development designation, which includes development and design standards, and adoption of a Master Development Agreement for the project. The Planning Commission and City Council have previously reviewed and approved a separate development agreement for the CenterCal Project, which is part of the overall project area but will be governed by that agreement.		
<b>Recommendation:</b>  On January 7, 2016, the Planning Commission voted to recommend APPROVAL of this application, with the conditions outlined in the staff report.		
<b>Planning Commission Recommended Motion:</b>  "I move the City Council adopt <u>Ordinance No. 16-01</u> - For approximately 550 acres located generally at the intersection of the Mountain View Corridor and 13400 South as described herein, including the General Plan amendment to Mixed Use, the adoption of the Master Development Agreement and Specific Development District documents as included herein, and rezoning the described property to said Specific Development District, as shown in the attached Exhibits, with the conditions outlined in the Staff Report."		

**Exhibit E**

SDD

See Attached



# Specific Development District (SDD)

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Riverton City, UT | January 19,

# Specific Development District (SDD)

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## 1. Zoning Established and Intent of this Specific Development District (SDD)

- a. Under the authority of Chapter 18.125, this Specific Development District (SDD) is hereby established for the subject property defined in Exhibit A and incorporated herein by reference. Without limiting the generality of the foregoing, this SDD shall apply to the property referred to herein as CPA-3 unless and until a separate SDD is approved and becomes effective with respect to any portion of such CPA-3 property. In the event a separate SDD is approved and becomes effective with respect to any portion of such CPA-3 property, then this SDD shall not be applicable to any such portion. This SDD provides the design and land use framework as well as the process for the zoning and platting of the subject property, to establish Community Scale Plans, Block Scale Plans and Detail Plan/Plat Submittals for platting and building permits.
- b. The Master Framework Plan (MFP) attached hereto as Exhibit B and incorporated by reference is hereby established for the subject property to provide for the general neighborhood structure and uses permitted within that neighborhood structure.
- c. The MFP, along with the Master Development Agreement (MDA) for the subject property, provide the core elements for neighborhood design and development, and in conjunction with the MFP, provide for the orderly process for development of the property.
- d. Relationship to General Plan - The General Plan denotes the subject property as a mixture of uses including Regional Commercial, Office and varying densities of residential. This SDD provides for the efficient and sustainable assemblage of those uses into a neighborhood structure that enhances opportunities for sustained neighborhood integrity in changing market conditions. Good design principles assist in facilitating long term market responsiveness in order to preserve the integrity of adjacent neighborhoods and to enhance the value of the subject property as development occurs over time. This value shall be based on principles such as human scale, pedestrian connectivity, housing diversity and potential transit opportunities.
- e. The following standards and design elements of this SDD and those in the MDA, along with any other applicable provisions of the Riverton City Code as limited herein and therein, shall be submitted in applications for a Detail Plan/Plat Submittal and for final plat, which upon approval of the Planning Commission shall authorize the issuance of the necessary permits for development and construction.

## 2. Definitions - In general order of approval process:



- a. **Master Framework Plan (MFP)** establishes the primary street and drainage infrastructure as well as the Community Plan Areas (CPAs). The CPAs are utilized to demarcate which uses are permitted within a given area of the subject property.
- b. **Community Planning Areas (CPAs)** are the areas described and shown on Exhibit B - Master Framework Plan as a CPA-1, CPA-2, CPA-3, CPA-4 and CPA-5 that set forth different areas within this Specific Development District allowing for various building heights and land uses.
- c. **Master Development Agreement (MDA)** is that certain master development agreement entered into between the Master Developer and Riverton City, dated *24<sup>th</sup> of March 2017* which establishes the densities by residential unit and non-residential square footages within the subject property as well as the overall community space requirements to be implemented through design and development according to the MFP, Community Scale Plans (CSP), Block Scale Plans (BSPs) and Detail Plan/Plat (DPP) Submittals.
- d. **Community Scale Plan (CSP)** is a high level plan that establishes the boundaries of the applicable area being planned together with basic street networks and subdivision of the blocks and those elements set forth within this SDD. The CSP shall be developed in accordance with the MFP to provide a block pattern, phasing plan and an architectural design palette within the context of the respective CPAs of the MFP. The CSP can range in size from a full CPA to a small, single-user property. The CSP will also include the allocation of the portion of residential units and/or commercial square footage per the allotment established in the MDA. CSPs are submitted to the city informally for the city's review and comment as more fully described in the MDA. CSP areas can be planned and designed in phases including all or portions of a CPA.
- e. **Block Scale Plan (BSP)** is a plan setting for specific units or lots within all or a portion of the property described in a CSP, which plan shall also include those certain elements set forth within this SDD. A BSP shall be created in accordance with the CSP of which the applicable property is a part to establish the block pattern of the neighborhood, and to allocate the permitted densities within the one or multiple Block Scale Plans within the CSP. In accordance with the terms of the MDA CSPs and BSPs can be combined into one submittal and processed simultaneously if the required details and information is provided in the submittal. BSPs are submitted to the city informally for the city's review and comment as more fully described in the MDA. BSP areas can be planned and designed in phases including all or portions of a CPA.
- f. **Detail Plan/Plat (DPP) Submittal** is a plan which begins the engineering and design review process prior to building permit requests. The DPP Submittal shall follow the guidelines as established by the CSP and BSP and will determine final parameters of

development. DPPs are submitted to the city formally for the city's review, comment and approval as more fully described herein. DPP areas can be planned and designed in phases including all or portions of a CPA.

### 3. Relationship to Other Ordinances

- a. Development and design standards not addressed in this SDD or the MDA shall be governed by the Riverton City Code in accordance with the terms of the MDA. The provisions of this SDD and the associated MDA, when in conflict with the Riverton City Code Title 18, Land Use and Development as amended, shall take precedence over those ordinances in the Riverton City Code except as specifically noted herein.
- b. The platting process shall adhere to the Riverton City Code Chapter 17.10, Subdivision Processing and Approval Procedures as of the effective date of this SDD.

### 4. Master Framework Plan (MFP)

- a. The following elements of the MFP (Exhibit B) are hereby established:
  - i. The five (5) Community Plan Areas (CPA) within the corporate jurisdiction of Riverton City, each of which implement specific aspects of the vision for regional mixed-use destinations with significant employment, residential and commercial/retail uses. CPAs are used to identify and assign intensities, height standards and uses as set forth herein. Maximum densities for the entire subject property as described in the MDA ;
  - ii. Backbone Infrastructure network, allocating the necessary main road alignments, securing the ideal intersection locations, and establishing the crossing locations for major utility lines. This Backbone Infrastructure has been planned in coordination with Riverton City and align as it appears on Exhibit B;
  - iii. Light Rail Alignment (subject to final design), locating the preferred location and alignment within this SDD; and

- iv. Community Trails in preferred locations, within the major utility easements and along the Welby Jacobs Canal and Rose Creek Alignments, and subject to further design, engineering and access agreements.
- b. Administrative Adjustments are permitted within a range for the following, so that Riverton City Staff may consider variations to specific items as engineering and development projects are presented throughout the permitting and development process:
  - i. Minor shifts of Backbone Infrastructure shall be allowed up to 500 feet as long as essential intersections and overall connectivity are maintained; and
  - ii. Minor shifts of CPA boundaries shall be allowed up to 1,000 feet or 25% of area, whichever is greater, when Backbone Infrastructure, the Light Rail Alignment, the Welby Jacobs Canal, or Rose Creek are shifted.

## 5. Detail Plan/Plat Submittal

- a. Submission Process for detailed review includes submission of elements required for the Riverton City plat process.
- b. Required submission content of the Detail Plan/Plat Submittal to be submitted for review and approval by Riverton City include all items required for final plat approval as defined in the Riverton City Code (17.10.020) and:
  - I. Primary and Secondary Street Network Plan
  - II. Detailed utility plan
  - III. Detailed drainage and grading plan
  - IV. Additional engineering department requirements (as determined through review consultation with Riverton City)
  - V. Signage plan (nonresidential submittals only)
  - VI. Lighting plan (nonresidential submittals only)
  - VII. For multi-family and non-residential, architectural renderings and elevations (with detail as required or requested by Master Developer, any master design review committee, and Riverton City); provided, however, the submittal of such architectural renderings and elevations may be deferred and not included in the Detail Plan/Plat Submittal, in the

developer’s discretion, provided the Master Developer and any master design review committee shall have the right to review and approve such architectural renderings and elevations prior to any submittal of same to the City or Planning Commission and, thereafter, the Planning Commission shall have the right to review and approve such architectural renderings and elevations prior to the issuance of any building permit related thereto.

## 6. Uses Permitted

- a. The table in Exhibit C and incorporated by reference establishes the uses permitted within each CPA. The uses are categorized by general type in order to allow City Staff to determine the allocation of uses based on function, rather than specific types and to allow for the inclusion of innovative uses that may yet be identified that are consistent with the other permitted uses.
- b. To the extent a separate SDD is approved and becomes effective with respect to any portion of CPA-3, this Exhibit C shall not be applicable to any such portion.

## 7. Lot and Block Standards

### a. Lot Widths & Setbacks

- i. Minimum lot widths and setbacks shall be as follows:

Use Type	Front-yard Setback Range	Side-Yard	Rear-yard Setback
Single-family lots 45 feet or greater in width	10' Min; 40' Max 20' to garage	5' Min.	10' Min. if front-load garage; 3' to 4' or greater than 18' if rear-load garage
Single-family lots less than 45 feet in width (rear-load)	10' Min; 25' Max (Alley required for garage access)	5' Min.	3' to 4' or greater than 18'
Single-family lots fewer than 45 feet in width (front-load)	10' Min; 25' Max	5' Min.	10' Min.
Multi-family	Connector Street - 40' Max. Pedestrian Focused Street - 20' Max.	10' Min.	10' Min.
Non-Residential/ Mixed-Use	Connector Street - 100' Max. Pedestrian Focused Street - 20' Max	0' Min. ; 30' Min. if adjacent to single-family or duplex lot	0' Min. 30' Min. if adjacent to single-family or duplex lot

- ii. For development within the transition zones in CPA-1 and CPA-2 established height is shown in the Table below in Section 8, the side

and rear-yard setbacks of lots shall be at least the minimum respective dimensions established in the Western Springs Subdivision north of the property line of CPA-1 at the time of the adoption of the SDD.

b. Lot Character

- i. Staggered front yard setbacks - A variable front yard setback should be encouraged within each block.
- ii. Variable lot width - Providing variable lot widths within an individual product line is encouraged.
- iii. Corner lots - Buildings on corner lots should be designed to positively define and frame the public realm of both streets they front. Different frontage types can be used on each of the two street facing facades, the same frontage type can be used on each facade, or a frontage type can wrap around the corner from one facade to the other.
- iv. Lots fronting community space - When a lot is served by an alley it will have the option of being allowed to front onto a community space. (This standard shall override 17.15.020 [2] of the Riverton City Code which is hereby inapplicable to the subject property.)
- v. In order to promote a more walkable and mixed use format in site design and development, Riverton City Code 18.155.080, nonresidential fencing shall not apply to property governed by this SDD; the exception being, for development adjacent to any outparcels in the north portion of CPA-4, fencing shall be required for incompatible uses unless waived by the adjacent property owner.
- vi. Fencing materials for residential lots adjacent to other lots shall not be chain-link; if wood, they shall be finished framed panel wood.

c. Street Character

- i. Relationship to public realm - Buildings should be oriented to positively define and frame adjacent public streets, and/or public or common spaces, while promoting the collective form of neighborhoods by:
  - (a) Matching or complementing adjacent building setbacks;
  - (b) Matching or complementing adjacent building heights and massing;
  - (c) Completing the streetscape pattern of the street they front.

- ii. Relationship to neighboring homes - Houses should be designed to relate to their neighbors rather than as a stand-alone building. This design standard can be accomplished by, among other things:
  - (a) Matching existing building heights or exceeding them by only one story.
  - (b) Orienting the side yards in order to preserve the privacy of the outdoor spaces of both.
  - (c) Modulating side yard and rear yard volumes to provide as much distance as possible between the facades in order to preserve privacy of the outdoor spaces of both.
  - (d) Placing windows (with different sizes) in side and rear yards designed with care and sensitivity for the preservation of privacy between buildings.
- iii. Activating the street - Buildings should be designed with frontages that engage the street by providing direct access to the public realm (street or Community Space).
- iv. Terminated vistas - The massing of new buildings at street terminations should be designed to acknowledge, through their form, the centrality of their placement relative to the right of way. They should be either placed on the street's center line, or positioned in a manner that convincingly shows that they were not meant to be centered.
- v. Window and door size and placement - Windows and doorways should be designed to reflect the character and size of the rooms to which they belong. The composition of street facing elevations should organize these windows, doors, and the space between them into a clear and legible pattern appropriate to both the style of the building and the scale of the street it faces.
- vi. Front yard continuity - The front-yard landscape of new buildings should be continuous and coordinated with that of existing neighboring ones.

d. Block Character

1. Scale - Buildings should be scaled to respond to their context by sensitively and positively addressing the scale and massing of their adjacent neighbors.
2. Transitions - Higher-density projects need to respond to lower-density, existing buildings through compatible massing and thoughtfully designed side yard elevations.
3. Side and rear elevations - The rear and/or side elevations of new buildings that are visible from the public realm should be designed with equal care and quality as the front or principal façade.
4. Building entrances - Buildings should be entered directly and prominently from the street. Entrance ways and doorways should be clearly identifiable as prominent points of access into buildings.
5. Garage entrances - Garage entrances should be minimized when reasonably possible within the front elevation of buildings by varying garage orientation and setbacks based on product type, lot size and architectural style. The scale, shape, character, material, panel pattern, window type and color of the door shall correlate with the architectural style of the home. To incorporate the door into the collective design of the home the garage door shall be recessed as appropriate to the architectural style. Garage orientations include but are not limited to recessed, tuck under, flush, swing-in, split tandem, detached rear yard, side-entry, alley-loaded, etc. Garage options to accommodate larger cars, SUVs, commercial vehicles and storage area recommended.

## 8. Heights Allowed

- a. Maximum heights allowed and applicable transition requirements for adjacencies to certain edge or adjacent development conditions within each CPA shall be allowed as follows:

<b>Maximum Heights &amp; Transition Requirements</b>		
<b>Community Plan Area (CPA)</b>	<b>Maximum Height</b>	<b>Transition Requirements</b>
CPA-1	3 Stories	2 story maximum for any building adjacent to or within 250 feet of the existing neighborhood north of the subject property; 35 feet maximum for

		any lots adjacent to the north property line
CPA-2	No maximum	5 story maximum for any building adjacent to or within 150 feet of CPA-1
CPA-3	No maximum	
CPA-4	5 Stories	
CPA-5	5 Stories	

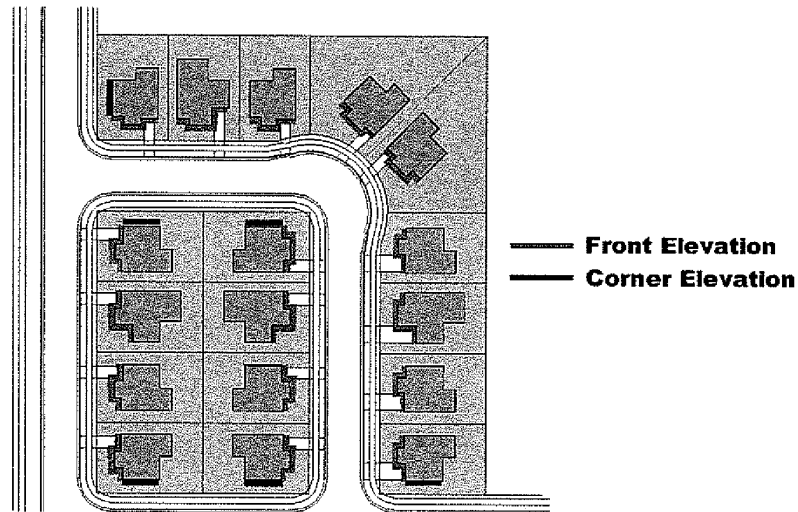
- b. There shall be no limitation of height for each story.

## 9. Building Design Standards

- a. General Requirements - These building design standards are intended to establish a coherent character and encourage enduring and attractive development through implementation of the following principles:
  - i. The design of buildings and their relationship to the street shall depend on the context of development.
  - ii. Buildings should be scaled to respond to their context by sensitively and positively addressing the scale and massing of their adjacent neighbors.
  - iii. Higher-density projects need to respond to lower-density and/or existing buildings through compatible massing and thoughtfully designed side yard elevations.
  - iv. Buildings should be oriented to positively define and frame adjacent public streets, and/or public or commons spaces, while promoting the collective form of neighborhoods.
  - v. Buildings should be designed with frontages that engage the street by providing direct access to the public realm.
  - vi. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
  - vii. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.
  - viii. Building masses shall be organized as simple and well-scaled volumes.
  - ix. Building masses and building facades shall be designed with simple, harmonious proportions.
  - x. Excessive roof breaks and overly complicated hipped or gabled roofs should be avoided.
  - xi. Materials shall be appropriate to the scale of the building and consistent with the character of the development.



- xii. Heavier (load bearing) materials shall be closer to the base of the building (i.e. finished wood above stucco or masonry, or stucco above masonry).
  - xiii. Change of materials shall occur naturally rather than indiscriminately.
  - xiv. Placement of materials shall occur horizontally (vertical placement tends to defy structural and visual logic).
  - xv. Color changes shall clarify, not clutter the building design.
- b. Key design principles will assist in establishing essential goals and ensure the preservation, sustainability, and visual quality of different development locations in the subject property. The design of buildings and their relationship to the street shall depend on the context of the development. Generally, buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:
- i. Utilize building elements and details to achieve a pedestrian-oriented public realm along pedestrian oriented streets.
  - ii. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
  - iii. Building facades shall include appropriate architectural details and ornament to create variety and interest.
  - iv. Community Space(s) shall be incorporated to provide usable public areas integral to the urban environment using Community Space types provided in Section 15.
- c. Façade zones are defined as front and corner lot elevations (or façades) visible from public streets (see diagram below). Specific architectural treatments as delineated below shall apply to façades within the façade zone.

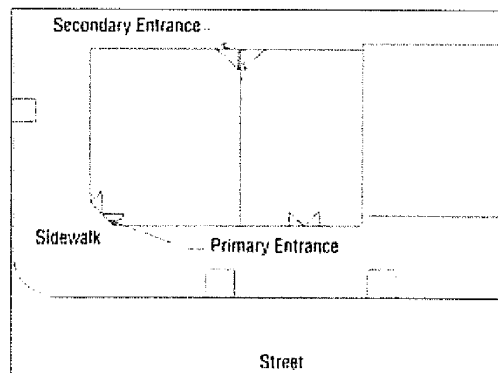


d. Specific to Non-Residential and Mixed-Use Buildings

i. Building Orientation as described below is applicable only to Pedestrian Focused Streets

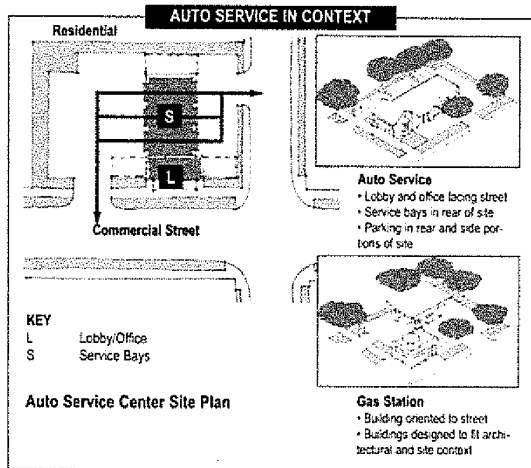
(a) On pedestrian focused streets, primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.

(b) On pedestrian focused streets, all primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.



*Required building orientation and location of primary entrances*

- ii. Design of Automobile Related Building Site Elements shall be required on any Pedestrian Focused Street by meeting the following criteria (only when permitted in the Schedule of Uses as set forth in the SDD)



Site concept plan for an auto service centers

- (a) Drive-through lanes for commercial uses shall be thoughtfully designed to minimize the impact of the drive through on the walkability of the adjacent streets and sidewalks.
- (b) No more than 50% of a lot's frontage along streets shall be occupied by gas pumps, canopies, and/or service bays.
- (c) Any buildings associated with any automobile related use shall also have a pedestrian entrance at a public sidewalk.
- (d) Outdoor storage and sales of vehicles shall be permitted with screening of outdoor storage adjacent to all non-commercial development.

- (e) All off-street loading, unloading, and trash pick-up areas shall be located along Secondary Streets or alleys where applicable. Any off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening. The Street Screen shall be made up of (i) the same material as the principal building or (ii) a living screen or (iii) a combination of the two.

iii. Architectural Features:

- (a) The following architectural features are encouraged for consideration, but not required:
- i. Arched doorways
  - ii. Decorative block or brick quoins
  - iii. Columns utilizing brick or other masonry as approved
  - iv. Keystones over doorways over doorways or windows
  - v. Decorative awnings, shutters, and other window treatments
  - vi. Brick accent walls
  - vii. Other features as approved by the planning commission

iv. Building Materials:

(a) A building's façade within façade zones shall be finished in one of the following materials:

- Masonry (brick, stone, stucco utilizing a two-step process, cast stone, glass, or glass block)
- Fiber-cementitious siding with at least a 25-year material warranty
- Split face concrete block or pre-cast concrete

(b) Building façade accent materials may consist of: finished wood, shake shingle, architectural metal panel, split-face concrete block, tile, EIFS or pre-cast concrete panels.

(c) Buildings shall be designed with architectural wall variations at least every 70 feet in linear width for walls along all streets.

(d) Development in CPA-3 is exempt from this Building Materials section.

e. Specific to Multi-Family Buildings

i. Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and others as appropriate. All building elements should be compatible with the architectural style, materials, colors, and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design of the overall building facade.

ii. Building Character

(a) Façades within façade zones shall be articulated to improve the street scene and aesthetics of the neighborhood. Façade Zones will be identified at the Detail Plan/Plat submittal.

(b) At least 25% of a building's façade zone shall incorporate the use of primary materials.

(c) Primary materials include:

- Masonry (brick, stone, stucco utilizing a two-step process, cast stone, glass, or glass block)
- Fiber-cementitious siding with at least a 25-year material warranty

- (d) Building façade accent materials may consist of: finished wood, shake shingle, architectural metal panel, split-face concrete block, tile, EIFS or pre-cast concrete panels.
  - (e) All other building facades shall be of a similar finish and color in order to blend with the Façade Zone requirements. Building materials for these facades may be any of the primary or accent façade materials listed above.
  - (f) Materials shall wrap outside corners; termination of materials shall occur at inside corners or continue for a minimum of at least 2’.
  - (g) The location and placement of façade materials shall be left to the discretion of the developer.
  - (h) Exterior wall surfaces shall not include fluorescent colors.
- f. Specific to Single-Family Residential Buildings
- i. Building Character
    - (a) Façades within façade zones shall be articulated to improve the street scene and aesthetics of the neighborhood. Façade Zones will be identified at the Detail Plan/Plat submittal.
    - (b) At least 25% of a building’s façade zone shall incorporate the use of primary materials.
    - (c) Primary materials include:
      - Masonry (brick, tile, stone, stucco utilizing a two-step process, cast stone, glass, or glass block)
      - Fiber-cementitious siding with at least a 25-year material warranty.
      - Poured in place concrete.
    - (d) Building façade accent materials may consist of: finished wood, shake shingle, architectural metal panel, split-face concrete block, tile, EIFS or pre-cast concrete panels.
    - (e) All other building facades shall be of a similar finish and color in order to blend with the Façade Zone requirements. Building materials for these facades may be any of the primary or accent façade materials listed above.
    - (f) Materials shall wrap outside corners; termination of materials shall occur at inside corners or continue for a minimum of at least 2’.

- (g) Material usage and mixing of materials shall be done sensitively, not to detract from the design of the home.
- (h) The location and placement of façade materials shall be left to the discretion of the developer.
- (i) Elevations should be composed according to an architectural logic with openings, attached architectural elements, and fixtures that relate to one another proportionally.
- (j) The selection of materials, window and door assemblies, colors, and finishes should result in a finely detailed and harmonious design.
- (k) Massing should work to emphasize house entries and deemphasize the garage.
- (l) Exterior wall surfaces shall not include fluorescent colors.

## 10. Street Connectivity and Design

- a. General Requirements - Streets must support the overall connectivity requirements for the development. They should balance all forms of mobility while maximizing convenience for residents and visitors. All streets and street layouts are subject to review and approval by Riverton City.
- b. The MFP designates the Backbone Infrastructure within the development. This section specifies the typical configuration of secondary streets, outside of the Backbone Infrastructure, within the development. The specifications address vehicular lane widths, parkway widths, R.O.W. widths, number of travel lanes, on-street parking, and pedestrian accommodation. The character of streets within the SDD planning area will vary based on their location. Standard city street cross-sections may be used but can be superseded by street sections assembled using EXHIBIT D - Street Types Matrix (Not applicable to Riverton City Backbone Infrastructure):
- c. Any proposed cross sections, using EXHIBIT D, must be in compliance with the Fire Code.
- d. All proposed streets, whether public or private, shall conform to the SDD Street Design Standards.
- e. All streets 80 feet wide or greater shall be given the option of a planted median, to be negotiated by agreement between the city and developer. (This standard shall override 12.20.040 [8] of the Riverton City Code which is hereby inapplicable to the subject property.)

- f. Primary and Secondary Street Network Criteria: The following priorities and outcomes shall guide the development of the primary and secondary street network and the implementation of this section and its technical guidance herein:
- i. Determine potential location(s) of Pedestrian Focused Streets. A Pedestrian Focused Street is defined as a thoroughfare type which prioritizes its design, relative to scale and mobility, to conform to a human being rather than the automobile. Human scale transportation (i.e. walking and biking) is better accommodated on Pedestrian Focused Streets as a result. Examples of streets which do not have a pedestrian focus would include 13200 South, 13400 South, 13800 South, 4050 West, and 4500 West.
  - ii. Neighborhoods shall aim to be connected to one another through a woven collector system that offers several external access points.
  - iii. Walking and cycling should be a convenient option of movement within the network in terms of safety and efficient movement from one location to another.
  - iv. Access to local commercial and business destinations from adjacent neighborhoods should generally be achieved through the primary and secondary street network as opposed to arterial roadways.
  - v. Alternate routes should be available for traffic congestion relief at peak times.
  - vi. The street types established in and networks encouraged by this section should balance efficient travel with appropriate speeds.
  - vii. Connecting streets should be assigned within a network in conjunction with an overall connectivity strategy, rather than just to link *ad hoc* elements of subdivisions.
  - viii. Roadways should follow natural features such as creek beds and topography as appropriate.
  - ix. Linkages between streets, alleys and trails should be purposeful and integrated into the transportation network.
- g. Primary and Secondary Street Network Plan: Based on the network criteria, a connectivity framework should be developed for each individual development project. This framework should accomplish the implementation goals by meeting the primary and secondary street network criteria. In order to illustrate a

project's connectivity, the development applicant will provide a "Primary and Secondary Street Network Plan". The Primary and Secondary Street Network Plan is a site-specific application of the broader network criteria. Its purpose is to establish the basic elements of the neighborhood describing access points as well as which locations within the neighborhood that will be aligned with connector streets or place-focused streets. Each Primary and Secondary Street Network Plan for each portion of the property must be reviewed and approved by Riverton City.

- h. The general elements of a Primary and Secondary Street Network Plan should include:
  - i. Streets within the project's proposed street network and development to be designated by street type
  - ii. Pedestrian Focused Streets shall be identified.
  - iii. Connections to the following:
    - 1. Backbone Infrastructure, key perimeter roadways and other major transportation corridors
    - 2. Adjacent neighborhoods or areas of dense development (existing or planned)
    - 3. Significant destination open spaces/parks
  - iv. Creation and location of significant gateways to major natural assets such as parks and natural features.

## 11. Streetscape Design

Streetscape standards shall apply to all streets and development within the subject property. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. Options for streetscape elements are referenced in EXHIBIT D.

- a. Street Furniture, Lighting, and Materials
  - i. Alley lighting shall be provided through the use of photo-voltaic cells on rear coach lights of each home backing an alley.
  - ii. The light standard selected shall be compatible with the design of the street and buildings. The City shall maintain the street lights; provided,

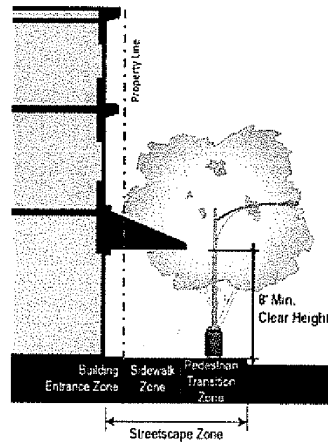


however, in the event any developer elects to use street lights that differ from current City standards, then the City shall not be required to maintain same unless agreed to by City.

- iii. All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of 5 feet. In no event shall the City be required to maintain any street furniture unless agreed to by the City.

b. Pedestrian Accommodation - Streetscape Zone

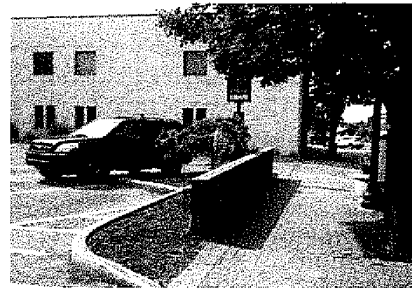
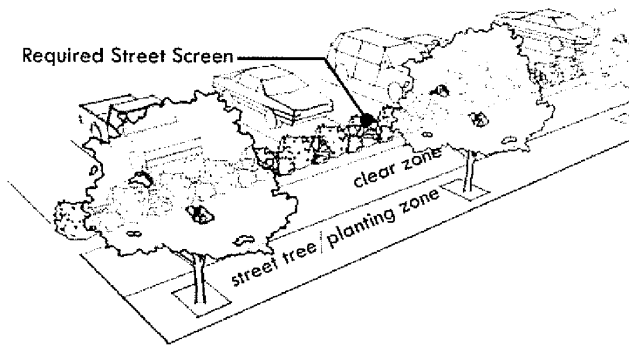
- i. Public sidewalks and/or trails are required along streets. A Streetscape Zone shall consist of a sidewalk zone and may also include a parkway/pedestrian transition zone.
- ii. **Parkway/Pedestrian Transition Zone:** The parkway/pedestrian transition zone is intended for the placement of street trees, where feasible, and street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
- iii. **Sidewalk Zone:** The sidewalk zone shall be hardscaped, shall be located adjacent to the parkway/pedestrian transition zone, and shall comply with ADA and Utah accessibility standards and shall be unobstructed by any permanent or nonpermanent element for the required minimum width and a minimum height of eight (8) feet. Awnings, signage and other similar overhangs shall be allowed within the sidewalk zone as long as it meets the unobstruction requirement.



*Streetscape Zone elements*

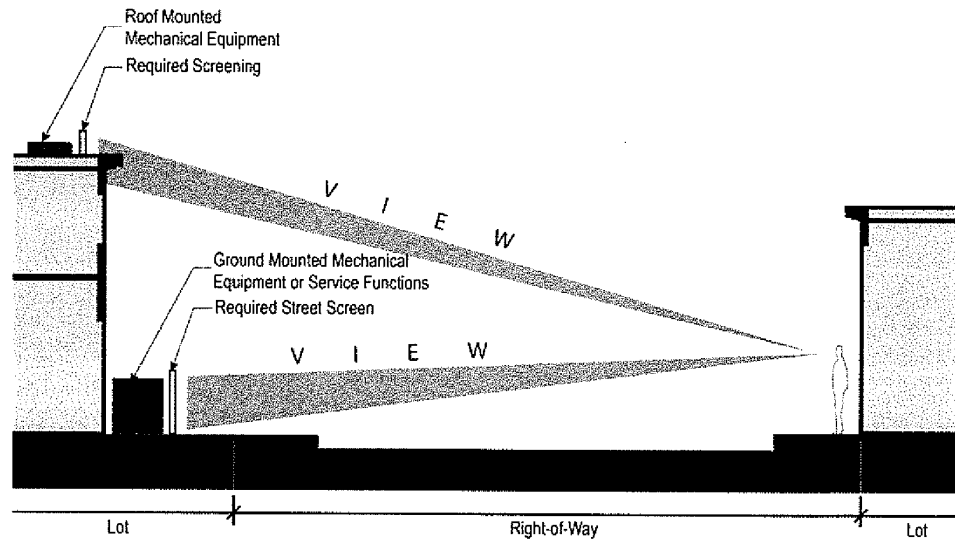
c. Screening Standards

- i. **Street Screen Required:** Any parking frontage facing a Pedestrian Focused Street shall be framed by a 3-foot high street screen along the street edge. When required, street screens shall be of one of the following:
  - (a) The same building material as the principal structure on the lot or
  - (b) A vegetative screen composed of shrubs planted to be opaque at maturity, or
  - (c) A combination of the two.
- ii. The required street screen shall be located at the minimum setback line along the corresponding frontage.
- iii. Street screens cannot block any city required sight triangles along a cross street or driveway.
- iv. Street screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.



*Required Street Screen*

- v. Screening of Ground Level or Roof Mounted Equipment: All ground level or roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street. The screening material used shall be the same as the primary exterior building material used.



*Required screening of roof and ground mounted equipment*

## 12. Easements

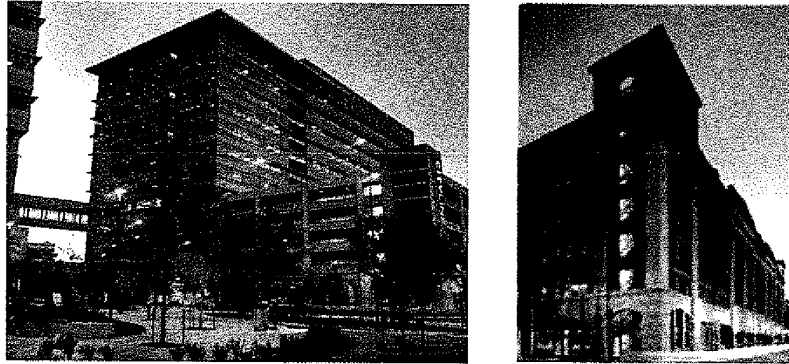
- a. Public utility easements shall be provided on every lot, including a 10-foot easement on front and rear property lines. Side yard easements shall consist of the following:
  - i. 5 foot easements on lots with detached residential product and less than 60 feet in width. (This standard shall override 17.20.020 [1] [a] of the Riverton City Code which is hereby inapplicable to the subject property.)
  - ii. 7 ½ foot easements on lots with detached residential product and 60 feet or greater in width
- b. For lots less than 30 feet and attached single-family lots, the public utility easements and drainage ways can be mitigated through mutually acceptable means with City Engineering Dept.
- c. When possible, locations on private property should be found for switchgear and transformer pads needed to serve that property. Such locations shall be either along Secondary Streets or at the side or rear of the property and screened from view of a person standing on the property line on the far side of any adjoining street as approved by the utility.

### 13. Parking

- a. Non-Residential parking shall require a parking standard ratio based on building square footages. In order to maintain the flexibility of transition of spaces over time, a consistent non-residential ratio of one (1) space per 350 square feet of enclosed non-residential space. (This standard shall override 18.145.040 and 18.145.120 of the Riverton City Code which is hereby inapplicable to the subject property.)
- b. Multi-family Residential parking requires 1.5 spaces per dwelling.
- c. Residential, other than Multi-family, requires 2 spaces per dwelling.
- d. Parking requirements may be reduced with a shared parking plan that is based on a parking and traffic analysis.
- e. Food truck parking and vending shall be permitted to vend on Pedestrian Focused Streets. (This standard shall override 10.10.060 of the Riverton City Code which is hereby inapplicable to the subject property.)
- f.

### 14. Parking Design

- a. Design of Surface Parking Lots
  - i. Surface parking shall be placed behind or to the side of the primary building.
- b. Design of Parking Structures
  - i. Where above ground structured parking is located at the perimeter of a building with frontage along a street; it shall be screened in such a way that cars on all parking levels are completely screened from pedestrian view from all adjacent public streets. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.
  - ii. When parking structures are located at corners, corner architectural elements shall be incorporated such as corner entrance, signage and glazing.
  - iii. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.



*Appropriate design of Parking Structures*

## 15. Community Space, Trails and Connectivity

- a. This section establishes the design standards of Community Space. These standards include general character, typical size, frontage requirements, and typical uses. (This section shall override 18.105 of the Riverton City Code which is hereby inapplicable to the subject property.)
- b. The following objectives shall be implemented in the design and construction of required community spaces and trails, which shall be designed according to these typologies and design standards:
  - i. Integrated into neighborhoods
  - ii. Activating the built environment in a way that promotes activities in key locations and promote economic vibrancy
  - iii. Accessible by walking and cycling
  - iv. Access to transit
  - v. Connecting adjacent neighborhoods
- c. These standards are used to coordinate the style of design appropriate to the context within each CPA. The following table establishes the Community Space type and their appropriate Community Plan Area:

	CPA-1	CPA-2	CPA-3	CPA-4	CPA-5	CPA-6	CPA-7
Square	X		N/A	X	X		
Plaza	X	X	N/A	X			
Multi-Use Trail	X	X	N/A	X	X	X	X
Pocket Park	X	X	N/A	X	X	X	X
Neighborhood Park	X		N/A		X	X	X
Green	X		N/A		X	X	X
Special Use	X	X	N/A	X	X	X	X
Community Garden	X		N/A		X	X	X
Waterway/Channel	X		N/A	X	X		
Parkway (Boulevard)	X	X	N/A	X	X	X	X
Paseo		X	N/A	X	X	X	X

# Square



A square is a public urban Community Space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square should have an urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square.

The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

## Typical Characteristics

### General Character

Formal Community Space

Spatially defined by buildings and tree-lined streets.

Open shelters, paths, lawns, and trees formally arranged

Walkways and plantings at all edges

Abundant seating opportunities

### Location and Size

0.25 - 4 acres

Minimum width - 25'

Minimum pervious cover - 60%

Minimum perimeter frontage on public right of way - 60%

Located at important intersections

### Typical Uses

Unstructured and passive recreation - no organized sports.

Community gathering

Occasional commercial and civic uses



# Plaza



A plaza is a public urban Community Space that offers abundant opportunities for civic gathering. Plazas add to the vibrancy of streets within the more urban zones and create formal Community Spaces available for civic purposes and commercial activity. Building frontages shall define these spaces.

The landscape should have a balance of hardscape and planting. Various types of seating should be provided from planter seat walls, to steps, to benches, to tables, and chairs. Trees should be provided for shade. They should be formally arranged and of appropriate scale. Plazas typically should be located at the intersection of important streets. A minimum of one public street frontage shall be required for plazas.

## Typical Characteristics

### General Character

Formal Community Space

A balance of hardscape and planting

Trees important for shade

Spatially defined by building frontages

### Location and Size

0.1 - 1 acre

Minimum width - 30'

Minimum pervious cover - 20%

Minimum perimeter frontage on public right of way - 25%

Located at important intersections, at vista termini, or at entrances to public/civic buildings

### Typical Uses

Commercial and civic uses

Formal and casual seating

Tables and chairs for outdoor dining

Retail and food kiosks

## Multi-Use Trail



A multi-use trail is a linear public urban Community Space that accommodates two or more users on the same, undivided trail. Trail users could include pedestrians, bicyclists, skaters, etc. A trail frequently provides an important place for active recreation and creates a connection to regional paths and biking trails.

Trails within greenways or neighborhood parks shall be naturally disposed with low impact paving materials so there is minimal impact to the existing creek bed and landscape.

Pedestrian amenities add to recreational opportunities, particularly in an urban setting. These include drinking fountains, scenic view posts, fitness stations, and directional signs, and may be spread along the trail or grouped in a trailhead area.

Trails shall align with any current City plans if identified as a section of that plan.

### Typical Characteristics

#### General Character

#### Multi-Use Trail in Neighborhood Park:

Naturally disposed landscape

Low impact paving

Trees lining trail for shade

Appropriately lit for safety

Formally disposed pedestrian furniture, landscaping and lighting

#### Multi-Use Trail along Roads:

Paved trail with frequent gathering spaces and regular landscaping.

### Standards

Min. Width 10 feet

### Typical Uses

Active and passive recreation

Casual seating

## Pocket Park

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Small and frequent, generally passive recreation that ensures walkable green space access for everyone. May contain specialized facilities that serve a concentrated or limited population or group such as tots, pets or senior citizens.

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### Typical Characteristics

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#### General Character

A small public park oriented towards local usage and incorporating a short trail, loop, and occasionally a playground.

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#### Location and Size

2,500 SF to 1.0 acre

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#### Service Area

¼ mile radius

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## Neighborhood Park

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The neighborhood park remains the basic unit of the park system and serves as the recreational and social focus of the neighborhood. The focus is on informal active and passive recreation. The park should be centrally located within the neighborhood. These parks are frequently developed adjacent to civic uses such as an elementary school.

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### Typical Characteristics

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#### General Character

A typical neighborhood park situated within a development and typically incorporating a playground or other active recreation facilities.

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#### Location and Size

3 to 10 acres

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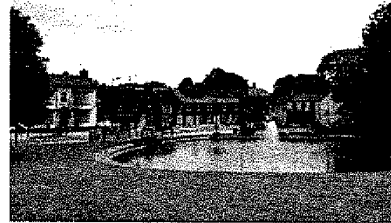
#### Service Area

¼ to ½ mile radius

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# Green



A Green is a public urban Community Space available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Open lawn areas shall encourage civic gathering. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the Green.

A Green shall be adjacent to a public right of way and be spatially defined by buildings which shall front onto and activate this space.

## Typical Characteristics

### General Character

#### Community Space

Spatially defined by street and building frontages and landscaping

Lawns, trees and shrubs naturally disposed

Open shelters and paths formally disposed

### Location and Size

0.25 - 4 acres

Minimum width - 25'

Minimum pervious cover - 80%

Minimum perimeter frontage on public right of way - 50%

### Typical Uses

Unstructured recreation

Casual seating

Commercial and civic uses

No organized sports

## Special Use



Covers a broad range of parks and recreation facilities oriented toward single-purpose use. Special uses generally fall into three categories: Historic/Cultural/Social Sites (ex. Historic downtown areas, performing arts parks, arboretums, ornamental gardens, indoor theaters, churches, public buildings and amphitheaters). Recreation facilities (i.e., either specialized or single-purpose facilities) fall into this category; for example, community centers, senior centers, hockey arenas, marinas, golf courses and aquatic parks. Frequently community buildings and recreational facilities are located within neighborhood parks and community parks.

### Typical Characteristics

#### General Character

Locations of significance for the development. This includes monument locations, park facilities or heritage sites.

#### Location and Size

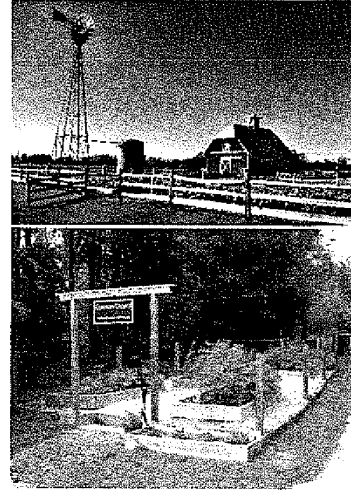
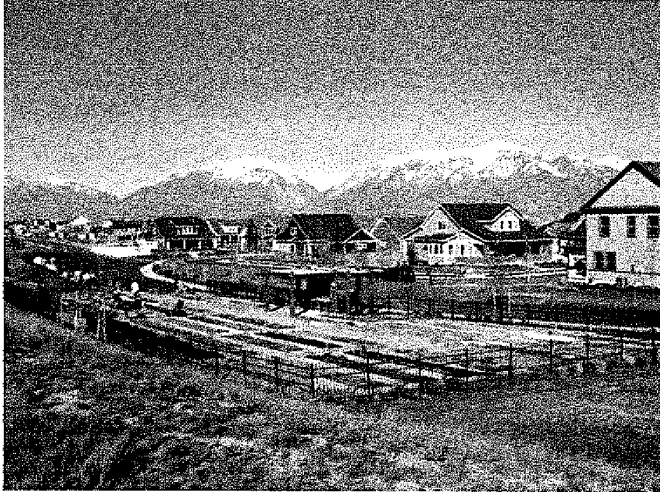
Varies

#### Service Area

Varies

## Community Garden

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Space programmed specifically for gardening. Located in the center of a neighborhood to provide convenient and safe access. Oftentimes included in pocket parks and neighborhood parks. They are a valued asset in urban areas where residential yards are rare.

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### Typical Characteristics

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#### General Character

Small public, urban Community Space responding to specific user groups and space available within a development

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#### Location and Size

Up to 1 acre

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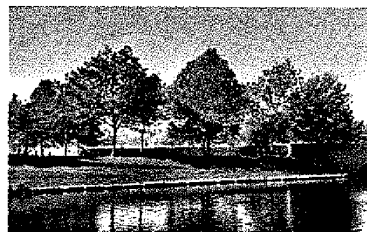
#### Service Area

1/8 to 1/4 mile radius

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## Waterway/Channel

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Linear space defined by a waterway. The space serves as a pedestrian connection, recreational opportunity, and property value creation (waterfront property). It can serve as a secondary connection to a greenway or parkway.

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### Typical Characteristics

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#### General Character

Trails along the waterway or channel can be for pedestrian or bicycle connectivity. Buildings can front the waterway or channel in order to frame the waterway or channel as an amenity for development.

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#### Location and Size

Typically less than 100 feet in width; length varies

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#### Service Area

Varies

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## Parkway (Boulevard)

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Urban streets that provide comfortable and safe pedestrian and cyclist connections. May include landscaped center median, large shade trees, on or off-street bikeways and seating.

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### Typical Characteristics

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#### General Character

Low growth vegetation or ground cover within a parkway strip along a road or within a median in a roadway

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#### Location and Size

Varies

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#### Service Area

Varies

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## Paseo

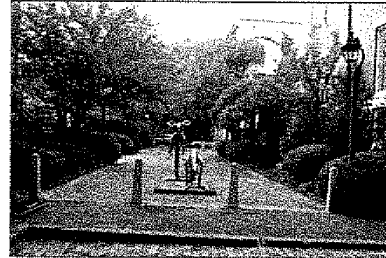


Pedestrian passages or paseos are linear public urban Community Spaces that connect one street to another at through-block locations. Pedestrian passages create intimate linkages through buildings at designated locations. These wide pathways provide direct pedestrian access to residential or other commercial addresses and create unique spaces for frontages to engage and enter off of. Pedestrian passages allow for social and commercial activity to spill into the public realm.

Pedestrian passages should consist of a hardscape pathway with pervious pavers activated by frequent entries and exterior stairways. The edges may simply be landscaped with minimal planting and potted plants. Shade is required for the success of the paseo.

### Typical

### Characteristics



### General Character

Hardscape pathway with pervious pavers

Defined by building frontages

Frequent side entries and frontages

Shade Required

Minimal planting and potted plants

Maintain the character of surrounding buildings

### Standards

Min. Width 15 feet

### Typical Uses

Pedestrian connection and access

Casual seating

EXHIBIT A - Metes & Bounds

NORTH WEST PIVOT PARCEL

164.857 ACRES

BEGINNING AT THE CENTER OF SECTION MONUMENT FOR SECTION 31, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE SOUTH89°31'03"EAST 508.33 FEET ALONG THE QUARTER SECTION LINE TO THE WEST LINE OF THE WELBY CANAL AS DEFINED IN DOCUMENT ENTRY NO. 7502870; THENCE ALONG SAID CANAL THE FOLLOWING COURSES AND DISTANCES: SOUTH0°35'01"EAST 48.08 FEET, SOUTH01°22'54"EAST 216.06 FEET, SOUTH04°03'53"WEST 43.06 FEET, SOUTH0°26'02"WEST 136.53 FEET, SOUTH03°42'25"EAST 48.61 FEET, SOUTH0°11'42"WEST 245.31 FEET, SOUTH01°21'22"EAST 333.34 FEET, SOUTH0°05'39"EAST 369.70 FEET, SOUTH07°12'16"EAST 97.74 FEET, SOUTH14°39'01"EAST 50.07 FEET, SOUTH22°05'46"EAST 51.77 FEET, SOUTH28°08'34"EAST 97.81 FEET, SOUTH22°52'37"EAST 94.43 FEET, SOUTH13°04'33"EAST 295.98 FEET, SOUTH11°27'03"EAST 493.10 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 13400 SOUTH STREET; THENCE NORTH89°48'35"WEST 826.64 FEET; THENCE NORTH89°48'47"WEST 1060.80 FEET TO THE PROPERTY CONVEYED TO THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE MOUNTAIN VIEW CORRIDOR; THENCE ALONG SAID LINE THE FOLLOWING COURSES AND DISTANCES: NORTH0°01'46"WEST 3.40 FEET, NORTH89°55'00"WEST 73.23 FEET, NORTH89°48'43"WEST 55.753 FEET, NORTH87°16'17"WEST 52.05 FEET, NORTH86°29'14"WEST 105.88 FEET, NORTH84°56'44"WEST 105.88 FEET, NORTH04°45'17"EAST 6.45 FEET, NORTH85°14'43"WEST 58.96 FEET, SOUTH04°45'17"WEST 6.45 FEET, NORTH86°20'14"WEST 78.08 FEET, NORTH87°26'08"WEST 78.08 FEET, NORTH88°28'05"WEST 68.72 FEET, NORTH89°26'15"WEST 69.14 FEET, NORTH89°55'04"WEST 90.78 FEET, NORTH78°39'45"WEST 230.08 FEET, NORTH89°55'32"WEST 30.84 FEET, NORTH02°16'04"EAST 619.80 FEET, NORTH11°47'26"EAST 238.89 FEET, NORTH03°48'01"WEST 588.90 FEET, NORTH21°41'43"WEST 321.97 FEET, NORTH13°52'13"WEST 797.10 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH89°31'13"EAST 2442.31 FEET ALONG SAID LINE TO THE POINT OF BEGINNING, CONTAINING 164.857 ACRES.

BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS S89°34'02"E BETWEEN THE SOUTHWEST CORNER AND THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

*Ck by JJB 27 Jan. 2015*

NORTH EAST PIVOT PARCEL

163.03 ACRES

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE NORTH0°21'31"EAST 1311.43 FEET ALONG THE WEST LINE OF SAID SECTION TO A 1/16TH LINE; THENCE SOUTH89°59'12"EAST ALONG SAID LINE 494.79 FEET TO THE WEST LINE OF THE BANGERTER HIGHWAY; THENCE ALONG SAID LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH0°03'43"WEST 544.14 FEET TO A RIGHT-OF-WAY MONUMENT, SOUTH0°03'43"WEST 2239.29 FEET TO A RIGHT-OF-WAY MONUMENT AND A POINT OF CURVATURE TO A 3379.27-FOOT RADIUS CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE FOR A DISTANCE OF 543.24 FEET, (CHORD BEARING AND DISTANCE = SOUTH11°17'58"EAST 542.65 FEET), SOUTH13°01'29"EAST 203.89 FEET TO A POINT OF CURVATURE TO THE LEFT (CHORD BEARING AND DISTANCE = NORTH22°44'34"EAST 404.26

FEET) TO THE NORTH SIDE OF 13400 SOUTH STREET; THENCE NORTH89°58'29"WEST 122.35 FEET ALONG SAID LINE TO THE RIGHT OF WAY MONUMENT; THENCE SOUTH0°00'00"EAST 0.97 FEET; THENCE NORTH89°39'57"WEST 235.41; THENCE SOUTH0°20'03"WEST 49.73 FEET TO THE SECTION LINE; THENCE NORTH89°48'52"WEST 59.07 FEET ALONG SAID LINE; THENCE NORTH0°05'06"EAST 57.16 FEET; THENCE SOUTH89°50'13"WEST 408.11 FEET; THENCE NORTH89°48'32"WEST 1350.79 FEET; THENCE LEAVING SAID STREET NORTH0°14'25"EAST 206.10 FEET; THENCE NORTH49°39'39"WEST 196.10 FEET; THENCE SOUTH89°50'20"WEST 343.41 FEET TO THE EASTERLY LINE OF THE WELBY CANAL PROPERTY AS DEFINED IN DOCUMENT ENTRY NO.7502870; THENCE ALONG SAID LINE NORTH11°27'03"WEST 166.60 FEET, NORTH13°04'33"WEST 300.93 FEET, NORTH22°52'37"WEST 100.95 FEET, NORTH28°08'234"WEST 97.47 FEET, NORTH22°05'46"WEST 45.93 FEET, NORTH14°39'01"WEST 43.62 FEET, NORTH07°12'16"WEST 91.44 FEET, NORTH0°05'39"WEST 367.17 FEET, NORTH01°21'22"WEST 333.22 FEET, NORTH0°11'42"EAST 246.33 FEET, NORTH03°42'25"WEST 48.51 FEET, NORTH0°26'02"EAST 133.17 FEET, NORTH04°03'53"EAST 43.84 FEET, NORTH01°22'54"WEST 218.07 FEET, NORTH0°35'01"WEST 46.81 FEET TO THE SECTION LINE; THENCE SOUTH89°31'03"EAST 2098.02 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING, CONTAINING 163.03 Acres

*Ck by JJB 27 Jan. 2015*

**SOUTH PIVOT PARCEL**

287.584 ACRES (Portion within Riverton-179.87 acres. Portion within Herriman-107.71 acres)

BEGINNING AT A POINT WHICH IS SOUTH 0°16'25" EAST 45.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, BASIS OF BEARING IS NORTH 89°48'47" WEST BETWEEN THE NORTH QUARTER CORNER OF SECTION 6 AND THE NORTHWEST CORNER OF SAID SECTION 6 AND RUNNING THENCE ALONG THE SOUTH LINE OF 13400 SOUTH STREET THE FOLLOWING COURSES AND DISTANCES: SOUTH 89°49'27" EAST 55.98 FEET, CURVE TO THE RIGHT, RADIUS = 2361.00 FEET, ARC = 56.04 FEET, CHORD BEARING AND DISTANCE = SOUTH 89°07'59" EAST 56.04 FEET, SOUTH 88°27'11" EAST 617.16 FEET, CURVE TO THE LEFT, RADIUS = 2439.00, ARC = 65.85, CHORD BEARING AND DISTANCE = SOUTH 89°13'36" EAST 65.85 FEET, NORTH 90°00'00" EAST 44.11 FEET TO THE WEST LINE OF THE PROVO RESERVOIR CANAL; THENCE ALONG SAID LINE SOUTH 0°02'54" EAST 34.90 FEET, SOUTH 04°42'22" WEST 427.97 FEET, SOUTH 06°07'09" WEST 19.62 FEET, SOUTH 04°56'39" WEST 116.10 FEET, SOUTH 01°31'26" WEST 114.94 FEET, SOUTH 03°33'13" EAST 85.79 FEET, SOUTH 04°49'22" EAST 397.90 FEET TO THE PROPERTY OWNED BY THE CITY OF RIVERTON, ENTRY NO. 10410754; THENCE ALONG SAID LINE SOUTH 81°24'06" WEST 20.23 FEET, SOUTH 08°35'54" EAST 78.27 FEET, SOUTH 22°22'32" EAST 296.56 FEET SOUTH 25°11'03" EAST 106.56 FEET SOUTH 20°04'29" EAST 100.35 FEET, SOUTH 05°15'41" EAST 107.69 FEET, SOUTH 0°24'02" WEST 525.27 FEET, SOUTH 06°59'42" EAST 109.21 FEET, SOUTH 25°34'15" EAST 112.81 FEET, SOUTH 89°50'58" EAST 24.20 FEET; THENCE LEAVING SAID PROPERTY AND FOLLOWING ALONG THE WEST RIGHT-OF-WAY LINE OF THE PROVO RESERVOIR CANAL SOUTH 33°11'55" EAST 131.19 FEET, CURVE TO THE RIGHT, ARC = 260.93 FEET, CHORD BEARING AND DISTANCE = SOUTH 06°16'53" EAST 256.68 FEET, RADIUS = 416.50 FEET, CURVE TO THE LEFT, ARC = 120.63 FEET, RADIUS = 316.50, CHORD BEARING AND DISTANCE = SOUTH 09°43'03" WEST 119.90 FEET, SOUTH 01°12'03" EAST 236.80 FEET, CURVE TO THE LEFT, ARC = 197.64 FEET, RADIUS = 416.50 FEET, CHORD BEARING AND DISTANCE = SOUTH 14°47'43" EAST 195.79 FEET, SOUTH 27°32'12" EAST 155.63 FEET, SOUTH 26°33'53" EAST 103.31 FEET, SOUTH 30°37'30" EAST 106.96 FEET, SOUTH 28°31'46" EAST 115.09 FEET, SOUTH 29°35'10" EAST 33.08 FEET; THENCE LEAVING SAID LINE SOUTH 89°59'44" WEST 1463.88 FEET, SOUTH 0°16'25" EAST 99.91 FEET ALONG THE QUARTER SECTION LINE; THENCE SOUTH 89°59'44" WEST 1322.09 FEET; THENCE NORTH 0°21'29" WEST 100.00 FEET; THENCE SOUTH 89°59'44" WEST 855.76

FEET TO THE EASTERLY LINE OF THE PROPERTY CONVEYED TO THE UTAH DEPARTMENT OF TRANSPORTATION; THENCE ALONG SAID LINE CURVE TO THE RIGHT, RADIUS = 4480.00 FEET, ARC = 276.40 FEET, CHORD BEARING AND DISTANCE = NORTH 02° 12'29" WEST 276.35 FEET, NORTH 0° 26'26" WEST 1625.088 FEET, NORTH 03° 20'26" EAST 400.51 FEET, CURVE TO THE LEFT, RADIUS = 15,241.00 FEET, ARC = 412.74 FEET, CHORD BEARING AND DISTANCE = NORTH 0° 20'07" EAST 412.73 FEET, NORTH 0° 26'26" WEST 943.66 FEET, NORTH 05° 55'18" EAST 257.76 FEET, NORTH 78° 43'37" EAST 195.01 FEET; THENCE SOUTH 89° 46'40" EAST 76.75 FEET; THENCE LEAVING SAID LINE SOUTH 0° 21'35" EAST 297.37 FEET; THENCE SOUTH 89° 48'47" EAST 540.65 FEET; THENCE NORTH 0° 21'38" WEST 92.98 FEET; THENCE SOUTH 89° 48'47" EAST 187.72 FEET; THENCE NORTH 0° 21'04" WEST 204.75 FEET TO THE SOUTHERLY LINE OF 13400 SOUTH STREET; THENCE ALONG SAID LINE SOUTH 89° 52'27" EAST 341.51 FEET; THENCE NORTH 0° 15'03" WEST 14.90 FEET THENCE SOUTH 89° 48'47" EAST 799.31 FEET TO THE POINT OF BEGINNING, CONTAINING 287.584 ACRES.

Less and excepting that portion of property located in Herriman City.

*Ck by JJB 27 Jan. 2015*

**DRAINAGE POND 13-ACRE PARCEL  
9.132 ACRES**

BEGINNING AT A POINT WHICH IS NORTH 89° 48'35" WEST 1326.43 FEET ALONG THE SECTION LINE AND SOUTH 0° 16'10" EAST 57.00 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE SOUTH 0° 16'10" EAST 388.85 FEET; THENCE NORTH 89° 48'35" WEST 10.80 FEET; THENCE SOUTH 0° 53'40" WEST 882.04 FEET; THENCE NORTH 89° 06'20" WEST 414.70 FEET TO THE EASTERLY LINE OF THE PROVO RESERVOIR CANAL; THENCE ALONG SAID LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 22° 37'25" WEST 17.77 FEET, NORTH 04° 35'30" WEST 554.80 FEET, NORTH 03° 51'05" EAST 695.26 FEET TO THE SOUTH LINE OF 13400 SOUTH STREET; THENCE ALONG SAID LINE NORTH 90° 00'00" EAST 86.66 FEET TO A POINT OF CURVATURE TO A 1270.00-FOOT RADIUS CURVE TO THE LEFT; THENCE EASTERLY ALONG SAID CURVE 72.95 FEET, (CHORD BEARING AND DISTANCE = NORTH 88° 21'11" EAST 72.94 FEET); THENCE SOUTH 89° 48'35" EAST 282.38 FEET TO THE POINT OF BEGINNING, CONTAINING 13.23 ACRES.

*Ck by JJB 27 Jan. 2015*

Less and excepting:

Parcel No. 0182:112J  
Project No. MP-0182(6)  
Affecting Tax ID. No. 33-06-200-048

A parcel of land, in fee for a drainage facility incident to the construction of a highway known as Project No. MP-0182(6), being part of an entire tract of property, situate in Lot 2 of Section 6, T. 4 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the easterly boundary of said entire tract at a point 1,316.99 ft. S. 89° 48'32" E. along the section line and 644.32 ft. S. 0° 11'28" W. from the North Quarter Corner of said Section 6; and running thence S. 0° 53'43" W. 236.05 ft. along said easterly boundary line; thence S. 44° 45'07" W. 212.44 ft.; thence S. 89° 45'07" W. 280.67 ft.; thence S. 4° 55'01" E. 258.08 ft.; thence S. 13° 18'18" E. 32.79 ft. to a point in the southerly boundary of said entire tract; thence N. 89° 06'17" W. 21.06 ft. along said southerly boundary

January 19, 2016

line to the southwest corner of said entire tract; thence along the westerly boundary line of said entire tract for the following three (3) courses 1) N. 22°51'44" W. 17.63 ft. 2) N. 4°29'48" W. 561.01 ft. 3) N. 4°22'31" E. 122.47 ft thence leaving said westerly boundary line S. 86°50'48" E. 385.09 ft; thence N. 89°45'07" E 82.31 ft. to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 178,496 square feet in area or 4.098 acres, more or less.

(Note: Rotate all bearings in the above description 0°14'53" clockwise to match the above said Right of Way Control Line.)

*Ck by JJB 2 Feb. 2015*

#### Legal Description for Jordan School District Property

#### **"AS SURVEYED" DESCRIPTIONS**

##### Parcel 27-31-200-023

Beginning at a point which is N00°20'55"E 618.25 feet along the Section Line from the East Quarter Corner of Section 31, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence N89°40'42"W 1327.95 feet; thence N00°19'18"E 613.33 feet to a fence corner; thence S89°53'52"E 1302.00 feet along a fence to a fence corner; thence N84°41'47"E 26.38 feet along a fence and its extension to the Section Line; thence S00°20'55"W 620.91 feet along the Section Line to the point of beginning.

Contains 18.78 Acres

*Ck by JJB 02 Sept 2015*

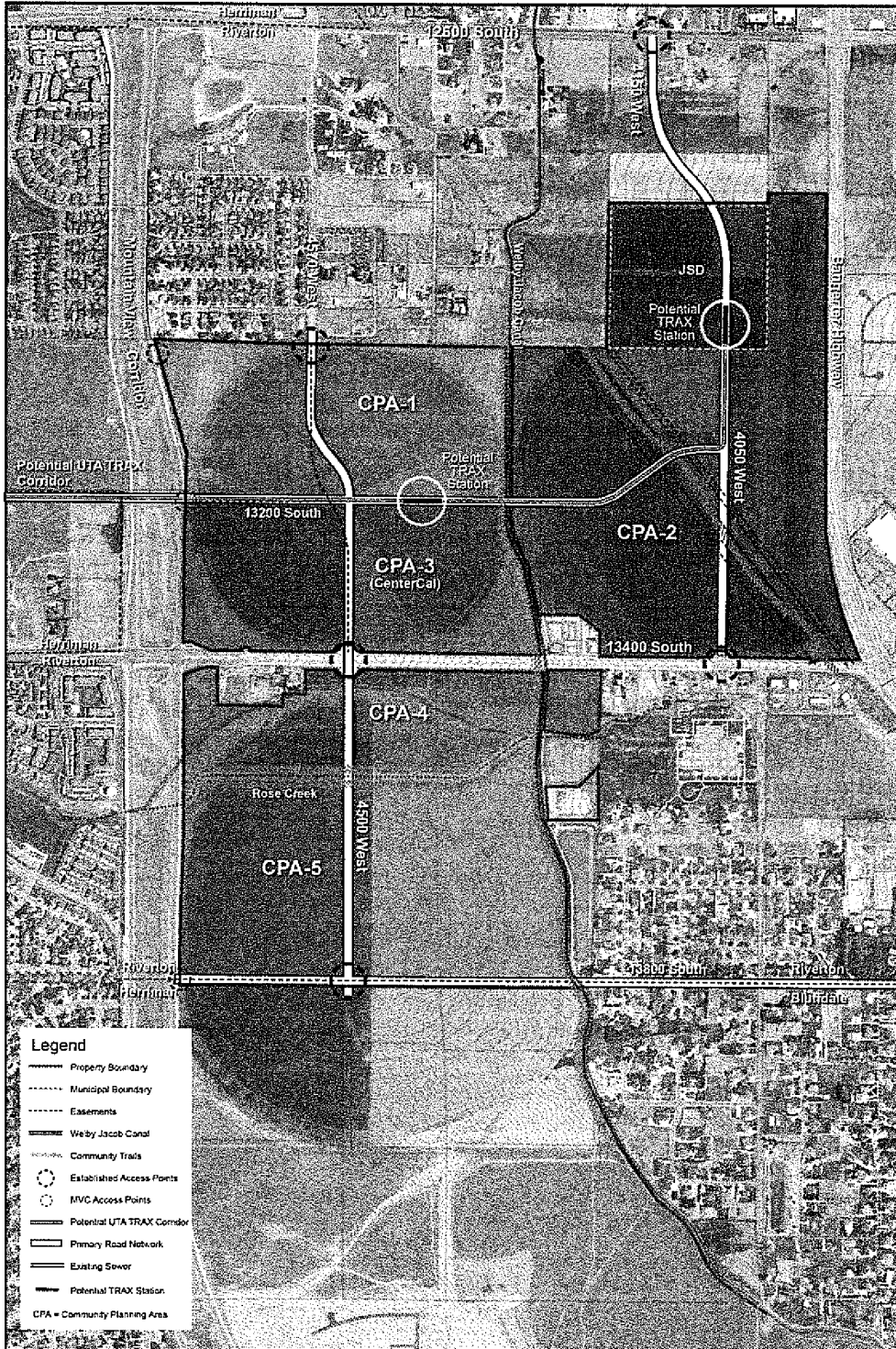
##### Parcel 27-31-200-024

Beginning at the East Quarter Corner of Section 31, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence N89°30'59"W 1327.66 feet along the Quarter Section Line; thence N0°19'18"E 614.50 feet; thence S89°40'42"E 1327.95 feet to the Section Line; thence S00°20'55"W 618.25 feet along the Section Line to the point of beginning.

Contains 18.79 Acres

*Ck by JJB 02 Sept 2015*

# EXHIBIT B - Master Framework



## EXHIBIT C - Schedule of Uses

P = Permitted, NP = Not Permitted, C = Conditional						
Land Use	Community Plan Areas	CPA-1*	CPA-2	CPA-3 **	CPA-4	CPA-5
<b>Non-Residential (Office, Retail, Sales and Service Uses)</b>						
Apparel alteration and shoe repair		P	P	P	P	P
Apparel and accessories retail and rental (apparel, accessories, tailoring, fur, shoes)		NP	P	NP	C	NP
Artists and related services		P	P	P	P	P
Auto parts retail		P	P	P	P	P
Auto dealership (new or used)		C	P	P	P	C
Auto dealership with ancillary repair services		C	P	P	P	C
Auto glass repair and retail		NP	C	NP	C	NP
Automobile repair and related services		NP	P	P	P	NP
Automotive dealership (new) - Sales and service center		NP	P	P	P	NP
Bakeries (including donut shops, delicatessens)		P	P	P	P	P
Banking services (banks, credit unions, etc.)		P	P	P	P	P
Beauty and barber services		P	P	P	P	P
Bed and breakfast		P	P	P	P	P
Books, stationery, art/hobby supplies retail		P	P	P	P	P
Bus passenger terminal		P	P	P	P	P
Business, professional and finance consulting		P	P	P	P	P
Car wash, auto or self-serve (unless auto car wash is part of a gasoline service station)		NP	C	C	C	NP
Car wash, automatic as part of a gasoline service station		NP	P	P	P	NP
Check cashing businesses		NP	NP	NP	NP	NP
Commercial and corporate offices		P	P	P	P	P
Construction services		P	P	P	P	P
Convention and other public assembly halls		C	C	C	C	C
Convenience store with gasoline service (max. 2 within 1,000 ft.)		C	P	P	P	C
Convenience store without gasoline service		C	P	P	P	C
Correctional institutions		NP	NP	NP	NP	NP
Counseling services		P	P	P	P	P
Credit reporting services (adjustment and collections)		P	P	P	P	P
Cultural activities (libraries, museums, art galleries, etc.)		C	C	C	C	C
Day care centers/preschool		P	P	P	P	P
Data processing services		P	P	P	P	P
Department store and general merchandise retail (including shopping centers)		C	P	P	P	C
Drinking establishments (bars, taverns, night clubs, brewery, winery)		NP	NP	NP	NP	NP
Drive-through windows		NP	P	P	P	NP
Drive-through windows for food services		NP	P	P	P	NP
Drug stores and pharmacies retail		P	P	P	P	P
Duplicating, mailing, and other office services		P	P	P	P	P
Educational services (primary, secondary, colleges, special training)		C	C	C	C	C
Electrical appliance repair and services		P	P	P	P	P
Electrical supplies (except appliances) retail		P	P	P	P	P
Electrical, gas, and water utility		C	C	C	C	C
Employment services		P	P	P	P	P
Engineering, architectural, and planning services		P	P	P	P	P
Fairgrounds, amusement parks, and sports assembly (arenas, race tracks, stadiums)		C	C	C	C	C
Farm and garden supply retail		P	P	P	P	P
Florists retail		P	P	P	P	P
Funeral parlor		NP	C	C	C	NP
Gasoline service stations (max. 2 within 1,000 ft.)		NP	P	P	P	NP
Gifts retail		P	P	P	P	P
Governmental services (executive, legislative, judicial, protective, postal)		C	C	C	C	C
Grocery stores retail		P	P	P	P	P
Hardware and supplies retail/home improvement		P	P	P	P	P
Heating and plumbing equipment retail		P	P	P	P	P
Historic and monument sites		C	C	C	C	C
Holding and investment services		P	P	P	P	P
Home furnishings and household appliances retail (furniture manufacturing prohibited)		P	P	P	P	P
Home improvement retail		P	P	P	P	P



P = Permitted, NP = Not Permitted, C = Conditional					
Community Plan Areas	CPA-1*	CPA-2	CPA-3**	CPA-4	CPA-5
Hospitals	C	P	P	P	C
Hotel	P	P	P	P	P
Insurance carriers, agents, brokers, and services	P	P	P	P	P
Interior decorators office with limited retail	P	P	P	P	P
Jewelry retail	P	P	P	P	P
Landscaping services	C	C	C	C	C
Laundering, dry cleaning, and dyeing services	P	P	P	P	P
Legal services	P	P	P	P	P
Mail and phone order houses	P	P	P	P	P
Medical clinics (Excluding Plasma Donation Centers)	P	P	P	P	P
Microfilming services	P	P	P	P	P
Motel	NP	C	C	C	NP
Motor vehicle services (taxi, auto rental, ambulance, parcel pickup and delivery)	P	P	P	P	P
Natural activities (planetariums, aquariums, botanical gardens, zoos, etc.)	C	C	C	C	C
News syndicate services	P	P	P	P	P
Nurseries (plants)	C	C	C	C	C
Office equipment, furniture, machines and supplies retail	P	P	P	P	P
Outlets, factory and direct sales, wholesale	NP	C	C	C	NP
Paint, glass, and wallpaper retail	P	P	P	P	P
Pawnshop	NP	NP	NP	NP	NP
Pets and supplies retail	P	P	P	P	P
Photographic supplies retail	P	P	P	P	P
Photography, portrait and commercial	P	P	P	P	P
Physicians, Dental, Other Professional Medical Offices, Out-Patient Treatment Centers (Excluding Plasma Donation Centers)	P	P	P	P	P
Playgrounds and other recreational grounds	C	C	C	C	C
Political, civic and veterans organizations	P	P	P	P	P
Printing and publishing services	P	P	P	P	P
Professional/medical offices	P	P	P	P	P
Public or private parks	P	P	P	P	P
Public/community uses	P	P	P	P	P
Recreation or fitness center/health club	P	P	P	P	P
Research and development services	P	P	P	P	P
Restaurants, drive-in or fast food	C	P	P	P	C
Restaurants, sit down	P	P	P	P	P
Sexually oriented businesses	NP	NP	NP	NP	NP
Sign graphics and production	NP	C	C	C	NP
Sports activities, private (golf courses, tennis courts, skating rinks, etc.)	C	P	P	P	C
Storage and warehousing	NP	C	NP	C	NP
Swimming pools, commercial	P	P	P	P	P
Telephone and radio communication office (billing and repair)	P	P	P	P	P
Theaters (drive-in)	NP	C	NP	C	NP
Theaters (motion picture)	C	P	P	P	C
Theaters (traditional - plays)	P	P	P	P	P
Tobacco and tobacco products retailer (Including 'Vapor' and 'Smoke Shops')	NP	NP	NP	NP	NP
Treatment centers, In Patient (behavioral, drug and alcohol, and sanitariums)	NP	C	C	C	NP
Veterinary and animal hospital services	C	P	P	P	C
Wedding reception center	P	P	P	P	P
<b>Residential</b>					
Single Family Detached Residential	P	P	P	P	P
Accessory Unit	NP	NP	NP	NP	NP
Multi-Unit Home	P	P	P	P	P
Single-family residential attached dwelling unit (Townhomes)/ Patio Home, Duplex	P	P	P	P	P
Multi-family Residential Ground floor	P	P	P	P	P
Multi-family Residential Upper floors	P	P	P	P	P
Home Occupations	P	P	P	P	P
<b>Other</b>					
Parking, structured	NP	P	P	P	NP

January 19, 2016

\* Permitted uses in CPA-1 within 250 feet of the north property line shall be limited single family detached residential

\*\* To the extent a separate SDD is approved and becomes effective with respect to any portion of CPA-3, this Exhibit C shall not be applicable to any such portion.

## EXHIBIT D - Street Type Matrix

MDG Base Street Types					
Street Type Street Purpose  Street Description	Collector			Local	
	Connector - Major  Connects arterials within a development, used for heavier traffic volume areas	Connector - Minor  Connects arterials within a development, used for normal connector traffic volumes	Pedestrian Focus  Ideal for a mixed-use center to serve pedestrians, bicycles and vehicles	Connector  Ideal within a neighborhood to support moderate traffic volumes and access to homes	Pedestrian Focus  Ideal for a walkable neighborhood with slow vehicle speeds
<b>Overall Right of Way</b>					
Right-of-Way Width (min)	74'	44'	43'	41'	49'
<b>Streetscape Zone</b>					
Overall Width Per Side (min)	13'	8'	11'	10'	11'
<b>Furnishing Sub-Zone</b>					
Width Minimum	8'	8'	5'	5'	5'
Landscaped or Hardscaped	Landscaped only	Landscaped only	Both permitted	Landscaped only	Both permitted
Pedestrian Scale Street Lighting	Optional	Optional	Required	Optional	Required
Street Trees	Optional	Optional	Required	Required	Required
<b>Sidewalk/Trail Sub-Zone</b>					
Sidewalks	Sidewalk to be provided on both sides if there is no trail, or if pedestrian safety requires	Sidewalk to be provided on both sides if there is no trail, or if pedestrian safety requires	Both sides required	Sidewalk to be provided on both sides if there is no trail, or if pedestrian safety requires	Both sides required
Sidewalk Width (min)	4'	4'	5'	4'	5'
Trails	Optional	Optional	Optional	Optional	Not Permitted outside travel way
Trail Width (min)	8' (if no sidewalk)	8' (if no sidewalk)	8' (in addition to required sidewalk)	8' (if no sidewalk)	N/A
<b>Travel Way</b>					
Overall Pavement Width (min)	48'	23'	21'	21'	27'
Number of Travel Lanes (max)	4	2	2	2	2-way yield
Lane Width Not Including Bike Lane (min-max)	11' - 12'	11' - 12'	10' - 11'	10' - 11'	N/A
<b>Parking</b>					
Parallel Parking	Not Permitted	Not Permitted	Optional	Optional	Allowed
Parallel Parking Width	N/A	N/A	8'	8'	8'
Angle Parking	Not Permitted	Not Permitted	Optional	Not Permitted	Optional
Reverse Angle Parking	Not Permitted	Not Permitted	Optional	Optional	Optional
<b>Bicycle Facilities</b>					
Bike Accommodation	Signage and Sharrow OR Bike Lane Required	Signage and Sharrow Required	Signage and Sharrow Required	Allowed	Allowed
Bike Lane Width Per Side (min)	5'			Separate Bike Lane Not Permitted	
Cycle Track	Optional			Separate Bike Lane Not Permitted	
<b>Median</b>					
Median	Optional	Optional	Optional	Optional	Not Permitted
Minimum Width	16'	16'	12'	6'	N/A
<b>Access to Public Space</b>					
Link to major park, open space, or public destination	Trail, bike lane or cycle track, or shared use sidewalk of 12 feet required, where feasible	Trail, or shared use sidewalk of 12 feet required, where feasible	Trail, bike lane or cycle track, or shared use sidewalk of 12 feet required, where feasible	Trail, bike lane or cycle track, or shared use sidewalk of 12 feet required, where feasible	Sidewalk required
<b>Intersections</b>					
Pedestrian enhanced crosswalks	Optional	Optional	Required	Optional	Required
Curb Return Radii	TBD	TBD	TBD	TBD	TBD



**Exhibit G**  
Fee Schedule

Master Developer and any and all Subdevelopers shall pay impact fees according to the attached table. In no event shall Master Developer or any Subdeveloper be required to pay any additional fees, charges, payments, or amounts of any kind, except as set forth on such table. For Residential Uses, the fees set forth on the attached table shall be in effect for a period of four (4) years from and after the date the first building permit for a residential unit is issued with respect to any portion of the Property, except the CenterCal Property; provided, however, in all events, the City shall have the right to revise the impact fees as set forth below in this paragraph after the date that is eight (8) years after the expiration of the date this MDA becomes effective under Section 33 above. For Non-Residential Uses, the fees set forth on the attached table shall be in effect for a period of four (4) years from and after the date the first building permit for any Non-Residential Space is issued with respect to any portion of the Property, except the CenterCal Property; provided, however, in all events, the City shall have the right to revise the impact fees as set forth below in this paragraph after the date that is eight (8) years after the expiration of the date this MDA becomes effective under Section 33 above. After the expiration of the time periods set forth above, the impact fees described on the attached table shall be adjusted to include any increase in such fees as required by the City from all developers of real property throughout the City. Notwithstanding the foregoing, in the event that at any time during the time periods set forth above, all or any of the City's impact fees are lowered or reduced below the amounts described on the attached table, then Master Developer and all Subdevelopers shall only be required to pay such reduced amounts with respect to such impact fees.

Exhibit G  
Riverton City Impact Fee Schedule  
March 9, 2017

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## Riverton City Impact Fee Schedule 3-9-2017

### Culinary Water Impact Fees 3-9-2017

Meter Size	Pipe Size Feet	Area of Pipe	3/4" Equivalents	Cost Per 3/4" Equivalent	Cost Per Meter
3/4"	0.063	0.003	1.00	\$1,747.75	\$1,747.75
1"	0.083	0.005	1.78	\$1,747.75	\$3,107.11
1 1/2"	0.125	0.012	4.00	\$1,747.75	\$6,991.00
2"	0.167	0.022	7.11	\$1,747.75	\$12,428.44
2 1/2"	0.208	0.034	11.11	\$1,747.75	\$19,419.44
3"	0.250	0.049	16.00	\$1,747.75	\$27,964.00
4"	0.333	0.087	28.44	\$1,747.75	\$49,713.78
6"	0.500	0.196	64.00	\$1,747.75	\$111,856.00
8"	0.667	0.349	113.78	\$1,747.75	\$198,855.11

### Secondary Water Impact Fees 3-9-2017

Meter Size	Pipe Size Feet	Area of Pipe	1" Equivalents	Cost Per 1" Equivalent	Cost Per Meter
1"	0.083	0.005	1.00	\$2,707.64	\$2,707.64
1 1/2"	0.125	0.012	2.25	\$2,707.64	\$6,092.19
2"	0.167	0.022	4.00	\$2,707.64	\$10,830.56
2 1/2"	0.208	0.034	6.25	\$2,707.64	\$16,922.75
3"	0.250	0.049	9.00	\$2,707.64	\$24,368.76
4"	0.333	0.087	16.00	\$2,707.64	\$43,322.24
6"	0.500	0.196	36.00	\$2,707.64	\$97,475.04
8"	0.667	0.349	64.00	\$2,707.64	\$173,288.96

### Road Impact Fees 3-9-2017

Land Use Category	ITE Code	Cost per Trip	Peak Hour	Adjustment	Trip Lengths	Impact
Single Family Residential (Unit)	210	\$1,029.90	1.01	1.00	1.74	\$1,809.95
Apartment Building (unit)	220	\$1,029.90	0.62	1.00	1.74	\$1,111.06
Condo / Townhouse (each dwelling unit)	230	\$1,029.90	0.52	1.00	1.74	\$931.85
Assisted Living (each dwelling unit)	254	\$1,029.90	0.22	1.00	1.74	\$394.25
<b>Land use/1000 Sq Ft</b>						
Warehousing (each 1000 sq. ft.)	150	\$1,029.90	0.32	1.00	2.71	\$893.13
Light Industrial (1K Sq Ft)	110	\$1,029.90	0.97	1.00	2.71	\$2,707.30
Manufacturing (each 1000 sq. ft.)	140	\$1,029.90	0.73	1.00	2.71	\$2,037.45
<b>Lodging</b>						
Hotel (per room)	310	\$1,029.90	0.59	1.00	1.59	\$966.15
Motel Lodging (each room)	320	\$1,029.90	0.47	1.00	1.59	\$769.64
<b>Recreational</b>						
Golf Course (per hole)	430	\$1,029.90	2.78	1.00	1.59	\$4,552.36
Multiplex Movie Theater (each seat)	444	\$1,029.90	0.08	1.00	1.59	\$131.00
Health/Fitness Club (each 1000 sq. ft.)	492	\$1,029.90	3.53	1.00	1.59	\$5,780.52
<b>Institutional</b>						
Elementary School (each 1000 sq. ft.)	520	\$1,029.90	1.21	1.00	1.7	\$2,118.50
Middle / Jr High School (each 1000 sq. ft.)	522	\$1,029.90	1.19	1.00	1.7	\$2,083.49
High School (each 1000 sq. ft.)	530	\$1,029.90	0.97	1.00	1.7	\$1,698.31
Church (each 1000 sq. ft.)	560	\$1,029.90	0.55	1.00	1.7	\$962.96
Day Care Center (each 1000 sq. ft.)	565	\$1,029.90	12.46	1.00	1.7	\$21,815.34
<b>Medical</b>						
Hospital (each 1000 sq. ft.)	610	\$1,029.90	1.14	1.00	1.59	\$1,866.80
Nursing Home (each 1000 sq. ft.)	620	\$1,029.90	0.74	1.00	1.59	\$1,211.78
Animal Hospital / Veterinary Clinic (each 1000 sq. ft.)	640	\$1,029.90	4.72	1.00	1.59	\$7,729.19
<b>Office</b>						
General Office Building (each 1000 sq. ft.)	710	\$1,029.90	1.49	1.00	1.59	\$2,439.94
Medical/Dental Office Building (each 1000 sq. ft.)	720	\$1,029.90	3.46	1.00	1.59	\$5,665.89
<b>Retail</b>						
Building Materials and Lumber (each 1000 sq. ft.)	812	\$1,029.90	4.49	0.74	1.59	\$5,440.89
Free-standing Discount Superstore (each 1000 sq. ft.)	813	\$1,029.90	4.61	0.72	1.59	\$5,435.33

Specialty Retail (each 1000 sq. ft.)	814	\$1,029.90	2.71	0.66	1.59	\$2,928.91
Garden Center / Nursery (each 1000 sq. ft.)	817	\$1,029.90	3.8	0.74	1.59	\$4,604.77
Shopping Center (each 1000 sq. ft.)	820	\$1,029.90	3.73	0.66	1.59	\$4,031.30
New Car Sales (each 1000 sq. ft.)	841	\$1,029.90	2.59	0.72	1.59	\$3,053.69
Automobile Parts Sales (each 1000 sq. ft.)	843	\$1,029.90	5.98	0.57	1.59	\$5,581.72
Tire Store (each 1000 sq. ft.)	848	\$1,029.90	4.15	0.72	1.59	\$4,892.97
Supermarket (1K Sq Ft)	850	\$1,029.90	10.5	0.64	1.59	\$11,004.28
Convenience Market - 24 hrs. (each 1000 sq. ft.)	851	\$1,029.90	52.41	0.39	1.59	\$33,471.17
Discount Club (each 1000 sq. ft.)	857	\$1,029.90	4.24	0.77	1.59	\$5,346.24
Department Store	875	\$1,029.90	1.78	0.66	1.59	\$1,923.78
Apparel Store (each 1000 sq. ft.)	876	\$1,029.90	3.83	0.66	1.59	\$4,139.38
Pharmacy/Drug Store no Drive-Thru (each 1000 sq. ft.)	880	\$1,029.90	8.42	0.47	1.59	\$6,480.40
Pharmacy/Drug Store with Drive-Thru (each 1000 sq. ft.)	881	\$1,029.90	10.35	0.51	1.59	\$8,643.76
Furniture Store (each 1000 sq. ft.)	890	\$1,029.90	0.45	0.47	1.59	\$346.34
<b>Services</b>						
Bank, Drive-Thru (each 1000 sq. ft.)	912	\$1,029.90	25.82	0.53	1.59	\$22,409.09
Restaurant - Quality (each 1000 sq. ft.)	931	\$1,029.90	7.49	0.56	1.59	\$6,868.50
High Turnover (sit down) Restaurant	932	\$1,029.90	11.15	0.57	1.59	\$10,407.39
Fast Food Restaurant	934	\$1,029.90	33.84	0.58	1.59	\$32,140.34
Quick Lubrication (each servicing positions)	941	\$1,029.90	5.19	0.50	1.59	\$4,249.42
Automobile Care Center (each 1000 sq. ft.)	942	\$1,029.90	3.38	0.72	1.59	\$3,985.12
Automobile Parts and Service Center (each 1000 sq. ft.)	943	\$1,029.90	4.46	0.57	1.59	\$4,162.96
Gas Station (each fueling position)	944	\$1,029.90	13.87	0.58	1.59	\$13,173.36
Gas Station with Convenience Mkt (each fueling position)	945	\$1,029.90	13.38	0.44	1.59	\$9,640.53
Self-Service Car Wash (each stall)	947	\$1,029.90	5.54	0.58	1.59	\$5,261.75

### Park Impact Fees 3-9-2017

Service Unit	Cost Per Unit
Single Family Household	\$5,199.00
Single Unit Multi Family	\$5,199.00

### Storm Water Impact Fees 3-9-2017

Service Area	Cost Per Acre
East of Bangarter	\$3,412.68
West of Bangarter	\$5,342.52



## **Exhibit H**

### Modified Code Provisions

The City acknowledges and agrees that this MDA is itself an ordinance amending the City's Vested Laws. To the extent there are any provisions of the City's Vested Laws, including the City's Vested Laws and/or the City's Future Laws, that are inconsistent with the terms and conditions of this MDA or the SDD, the terms of this MDA and the terms of the SDD shall control and govern, and such inconsistent provisions of the City's Vested Laws and/or the City's Future Laws shall be deemed modified and amended by this MDA and the SDD. Without limiting the foregoing, the City acknowledges that the certain provisions in the City's Vested Laws are amended by this MDA and the SDD as are specifically set forth in the SDD.