

CHAPTER 7
CONDITIONAL USES

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7.1. GENERAL

1. **PURPOSE AND INTENT.** The purpose of this chapter and the intent of East Carbon City in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of East Carbon City. This chapter accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the zoning district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that zoning district due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally unsuitable in a given zoning district is an important goal of this chapter, it is also recognized that

constraints on governmental decision making are a legal imperative. This chapter, therefore, also provides a framework of standards within which those governmental decisions must be made.

2. **CONDITIONAL USE PERMIT REQUIRED.** A conditional use permit shall be required for all uses listed as conditional uses in this Code and any proposed uses not contemplated herein. Requirements may also be imposed upon permitted uses to the extent the requirement is consistent with 7.1.1 above.
 1. For the following types of conditional uses, final plan or plat approval shall constitute the conditional use permit:
 1. Subdivisions. Minor subdivision consisting of a one (1) lot subdivision may be approved and processed in accordance with the terms of this Code administratively.
 2. Planned unit developments.
 3. Recreation vehicle parks.
 2. For all other types of conditional or permitted uses, final plan or plat approval, a specific conditional use permit or list of Land Code compliance requirements will be issued for the particular use as appropriate or as provided for in this code.
 3. Valid conditional use permits issued by East Carbon City are considered attached to the property. Minor developments or information (name change) requiring amendment to the previously issued conditional use permit may be completed administratively, or at the direction of the Zoning Administrator. Other

substitute amendments may require additional review by the Planning and Zoning Commission

4. REVOCATION OF PERMIT.

1. In the event any person holding a conditional use permit pursuant to this section violates the terms of the permit or violates the requirements of a permitted use, or conducts or carries on said site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the property of the said permittee, a temporary suspension may be made effective immediately upon notification by the Zoning Administrator.
2. No conditional use permit shall be permanently revoked or suspended until review and approval of the revocation or suspension is completed by both the Planning and Zoning Commission and the City Council. The permittee shall be notified in writing of such review and said notification shall state:
 1. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
 2. The time and place such review is to be held. Such notice shall be served by certified mail or personal service on the permittee at least 5 days prior to the date set for the review. At any such review hearing the permittee shall be given an opportunity to be heard, and may call witnesses and present evidence on his/her behalf. Upon conclusion of such review the City Council shall

determine whether or not the permit should be suspended or revoked.

3. The Planning and Zoning Commission may hold a preliminary review hearing to consider its recommendations to the City Council for revocation or suspension of permits, which may already have been temporarily suspended, at the next regularly scheduled meeting of the Planning and Zoning Commission.
4. **NON-TRANSFERABLE.** Conditional use permits are non-transferable; however, they do attach to the property and may be assumed by subsequent property owners or users upon written notice of concurrence with all existing conditions of approval.
5. **EXPIRATION OF PERMIT.** Every conditional use permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within 1 year, or is not completed within 2 years from date of issue; except that the Planning and Zoning Commission may, if the permit holder presents satisfactory evidence that special circumstances or unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time, in up to one year intervals, if written application is made and approved before the expiration of the permit.
6. **GROUND FOR DENIAL OF A CONDITIONAL USE PERMIT APPLICATION.** The following shall constitute grounds for denial of a conditional use permit application:
 1. Under circumstances of the particular case, the proposed use will be

detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity and there is no practical means available to the applicant to effectively mitigate said detrimental effects.

2. The applicant cannot or does not give the Planning and Zoning Commission reasonable assurance that conditions-imposed incident to issuance of a conditional use permit will be complied with.
 3. Unsatisfactory past performance.
 4. Requested conditional use is not permissible under the provisions of this code.
 5. Failure to complete all application requirements and/or pay all required fees.
- 7. ISSUANCE OF CONDITIONAL USE PERMIT TO BE DEPENDENT ON AFFIRMATIVE FINDINGS.**
Conditional uses may be approved by the Planning and Zoning Commission upon recommendation of the Zoning Administrator, in locations permitting such uses in this Code. Before approval is granted, a report to the Planning and Zoning Commission by the Zoning Administrator shall find that the proposed development will meet the requirements of this Code.
- 8. VARIANCES FROM DESIGN AND IMPROVEMENT STANDARDS.**
Where, in the opinion of the Planning and Zoning Commission, the literal enforcement of the design and improvement standards in this Code would result in an unreasonable utilization of land and water or undue hardship due to unique circumstances, variances may be issued from one or

more of the design and improvement standards according to the following procedure:

1. Application for a variance shall be made to the Planning and Zoning Commission and shall include:
 1. A description of the land to be developed.
 2. An identification of the Code provision from which the variance is requested.
 3. A description of the peculiar physical conditions pertaining to the land in question and which do not pertain to other lands in the general area.
 4. A description of the hardships which will accrue to the detriment of the property owner if the requested variance is not granted.
 5. A non-refundable variance review fee, payable to East Carbon City, in accordance with the currently applicable fee schedule as adopted by resolution of the City Council.
 6. Exception: The Planning Commission may consider and approve through issuance of a Conditional Use Permit alternate design and construction standards and requirements for special and unique pre-existing circumstances such as narrow or non-conforming streets.
2. The City Council, shall hold a public hearing, if requested or required, before granting the variance. Notice of said public hearing shall be given by at least one publication in a newspaper of general circulation in East Carbon

City. The hearing shall be held no later than 30 calendar days from receipt of the application and no less than 10 calendar days from the publication of notice.

3. Subsequent to the public hearing, and within 15 calendar days, or the next regularly scheduled council meeting whichever comes first the City Council, or identified appeal authority, shall approve or deny the request for a variance. A variance shall be granted only if the City Council makes a finding upon the record submitted to it that the issuance of a variance will be in the interest of the public safety, health or welfare of the City and the proposed development substantially complies with the City's General Plan and adopted zoning ordinance.
4. A record of all correspondence, recommendations, submissions, and official action regarding all variance applications shall be maintained by East Carbon City as a public record, consistent with records retention law.
9. **GENERAL INSPECTION.** Following the issuance of a conditional use permit by the City Council, the Zoning Administrator, City Engineer or Building Inspector, shall inspect such use to ensure that development is undertaken and completed in compliance with the conditional use permit.
10. **CONSTRUCTION SHALL MEET OR EXCEED THE CITY'S IMPROVEMENT STANDARDS.** Construction standards, including drawings, details, calculations, tables, charts, references and regulations may be adopted by resolution by the City Council, and when done so shall constitute minimum land development standards supplementing this Code.

Additional standards may be required by conditional use permit.

11. **CONFLICTING PROVISIONS.** Where specific requirements are made or exemptions allowed under other sections of this Code, those requirements or exemptions shall prevail over the land development standards supplementing this Code.
12. **IMPROVEMENT CONSTRUCTION TO BE OBLIGATION OF DEVELOPER.** Public improvements required by this Code shall be constructed at the expense of the developer and shall comply with the land development standards supplementing this Code. Public infrastructure shall be considered dedicated to the public with final approval of the conditional use permit.
13. **COMMENCEMENT OF CONSTRUCTION.** Site improvement or grading of any proposed development site prior to Preliminary Design Plan approval by the Planning and Zoning Commission is prohibited, unless specifically enumerated by the Planning and Zoning Commission in the concept approval stage.

7.2. PERFORMANCE STANDARDS FOR CONDITIONAL USES.

Applicants for conditional use permits shall meet all specific requirements made in this Code. In addition, the Planning and Zoning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, General Plan proposals and neighborhood needs, performance, and administration. More specifically, the Planning and Zoning Commission may require:

1. CONDITIONS RELATING TO SAFETY FOR PERSONS AND PROPERTY.

1. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
2. The relocation, covering or fencing of canals, irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
3. Increased or decreased setback distances from lot lines where the Planning and Zoning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this Code.
4. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including but not limited to geologically hazardous areas, flood plains, washes, fault zones, rock fall and landslide areas.
5. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
6. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
7. Construction of curbs, gutters, drainage culverts, sidewalks, streets,

fire hydrants, street lighting, traffic control and traffic signals.

8. Reduction of permitted street grades for winter and storm conditions, or exposure.
9. Fences shall not create visual sight distance nor other safety hazards. Backing movements, passing vehicles, sidewalk traffic, small children, bicycles, etc. shall be considered in the location of fences. If so, directed by the Planning Commission, fences shall be constructed of a design style, quality or material that mitigates land use impacts or promotes consistency within an area or neighborhood.

2. CONDITIONS RELATING TO HEALTH AND SANITATION.

1. A guarantee of sufficient water to serve the intended land use, to provide fire protection and a water delivery system meeting standards adopted by the City Council.
2. A waste water disposal system and a solid waste disposal system meeting standards adopted by the City Council.
3. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing users in the zoning district and to provide for an orderly development of land in East Carbon City.

3. ENVIRONMENTAL CONCERNS.

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wetlands, ground water, wildlife and plant life.
2. Processes for the control, elimination, or prevention of land,

- water, air or light pollution; the prevention of soil erosion; and the control of objectionable odors and sounds.
3. The planting of ground cover or other required surfacing to prevent dust and erosion.
 4. Restructuring of the land and planting of the same as directed by the Planning and Zoning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.
4. **CONDITIONS RELATING TO COMPLIANCE WITH INTENT OF GENERAL PLAN AND CHARACTERISTICS OF VICINITY (OR NEIGHBORHOOD)**
1. The removal of structures, debris, or plant materials, incompatible with the intended characteristics of the zoning district outlined in this Code.
 2. The screening of yards or other areas as protection from obnoxious land uses and activities.
 3. Landscaping to ensure compatibility with the intended characteristics of the zoning district as outlined in this Code.
 4. Limitations or controls on 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.
 5. The relocation of proposed or existing structures as necessary to provide for future streets in the transportation and circulation element of the East Carbon City General Plan and Transportation

- Master Plan, adequate sight distances for general safety, or similar problems.
6. Provision for or construction of on or off-site recreational facilities necessary to satisfy needs of the conditional use.
 7. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.
 8. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the zoning district from the proposed conditional use.
 9. Conservation of values - community, neighborhood and property values.
 10. The character of the neighborhood and aesthetics of the streetscape shall be considered in the location, design and style and construction material of fences and in determining the reduction of any front yard for fencing purposes.
 11. Individual structures and properties comprised of an individual unit of ownership shall have individual and independent utility connections. All individually owned residential or commercial properties must be individually connected to utilities including water, sewer, electricity and natural gas unless otherwise approved by both the East Carbon City Engineer and the Zoning Administrator.
5. **CONDITIONS RELATING TO PERFORMANCE**

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:
 1. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for 2 years, whichever period of time is shorter.
 2. Unless there is substantial and positive development action under a conditional use permit within a period of one year of its issuance, said permit shall expire. The Planning and Zoning Commission and City Council may grant an extension at one-year intervals, when deemed in the public interest.
2. The work may be guaranteed by filing a surety bond or other valuable assurance in favor of and acceptable to East Carbon City in an amount to be determined by the Public Works Director or City Engineer or City Council. The amount of said surety bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and reviewed by and concurred with the City's Engineer as necessary to assure compliance with all conditions.
3. Specific short and long-range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.
6. ENERGY CONSERVATION CONCERNS
 1. Solar orientation of buildings and uses.
 2. Use of renewable energy sources.
 3. Efficiency of exterior lighting
 4. Shading and protection of important buildings and paving (parking lots etc.), landscaping and trees, location of buildings and screens.
 5. Effective use of vestibules.
 6. Wind screening.
 7. Circulation (travel) efficiency.
 8. Efficiency of storm water removal and erosion control.
 9. Maintenance and efficiency for off-site improvements to be maintained by the public;
 10. Maintenance and efficiency for on-site improvements to be maintained by users, occupants and owners, etc.
7. PUBLIC HEARINGS. A public hearing may be held when deemed by the Planning and Zoning Commission or City Council to be in the public interest. However, in the following instances the holding of a public hearing shall be mandatory:
 1. The Planning and Zoning Commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the zoning district.
 2. The Planning and Zoning Commission determines that increases in miscellaneous traffic, light, odor, or environmental pollution generated by the proposed use may significantly change the intended characteristics of the zoning district as outlined in this Code.
 3. The Planning and Zoning Commission determines that the

architectural design of the proposed use varies significantly from the architectural characteristics of the zoning district (as outlined in this Code) in which such use is proposed.

7.3. STANDARDS FOR CONDITIONAL USE DEVELOPMENTS.

When applicable, the following general standards shall apply to all conditional use developments within East Carbon City, unless waived or limited in application of the development standard for good and sufficient reasons by the Planning and Zoning Commission:

1. The development shall be in single, group or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
2. Landscaping, fencing, and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning and Zoning Commission for approval, together with other required plans for the development.
3. The size, location, design and nature of signs, if any, and the intensity and direction of lighting or floodlighting shall be detailed in the application.
4. A grading and drainage plan shall be submitted to the Planning and Zoning Commission with the application in compliance with the East Carbon City Drainage Design Criteria.
5. A planting / landscaping plan showing the proposed tree, shrubbery, and lawn plantings shall be prepared for the entire site to be developed, including especially the yards and parkways which abut upon

or are within the right-of-way of public streets.

6. It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the conditional use development.
7. All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the Building Official and which are in compliance with applicable local and state law.
8. In order to insure that the development will be constructed to completion in accordance with approved plans, the Planning and Zoning Commission shall require the developer to post a surety bond or mortgage or other valuable assurance acceptable to the City Council in an amount equal to the estimated cost, plus 10%, of constructing all required landscaping, fencing, street lighting, drainage, irrigation, road improvements, pedestrian ways, bike paths, curbs and gutters, hard surfacing, drinking water and sewer lines, fire protection, and traffic control and signals, as shown on the final site plan. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the Building Official. Final determination of the amount of the surety bond or other assurance shall be approved and directed by the City Council.
 1. The duration of the bond or other assurance shall be for one or more years from the date of approval of the development by the City Council. An extension of time for completion may be granted by the City Council upon application by the developers, provided such application is

submitted at least 60 days prior to the expiration of the surety bond or other assurance and provided the issuer of the bond is willing to extend the time of the assurance. Said assurance shall not expire prior to completion of the project and approval of release by the City Council.

2. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within one year from the date of approval and approved extensions of the development by the City Council or to pay all liens in connection therewith, the City Council may declare the surety bond or other assurance forfeited and East Carbon City shall install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.
3. In the event there is a development requiring a Conditional Use Permit with the stipulation that a street right-of-way be dedicated and certain improvements be completed within the right-of-way in front or adjacent to the development, then the improvement may be guaranteed by one of two options:
 1. Complete the agreement and post a surety for a guarantee and record the plat, thus allowing developer the ability to sell platted parcels and apply for a building permit to construct a building, prior to completing the improvements in the right of way. However, in no case may the house receive an occupancy permit prior to the completion of

the improvements in the right-of-way. The duration of the surety shall not expire prior to the completion of the improvements.

2. Complete the agreement without submitting a surety for a guarantee and without recording the plat, thus allowing the developer the ability to complete the improvements without the expense of a surety for a guarantee. However, the developer shall not be allowed to sell any parcels or receive apply for a valid building permit issued by East Carbon City until all of the improvements are complete, a 10% one-year guarantee is posted and the plat has been recorded. This would not apply to all conditional uses, particularly where it does not involve a street dedication and/or street improvements.
4. The developer shall be responsible for the quality of all materials installed and workmanship. At the completion of the work, or not less than 10 days prior to the release date of the surety bond or other assurance, the City's Engineer shall make a preliminary inspection of the improvements made and submit a report to the City Council setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the City Council shall release the surety bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable minimum standards, standards required by conditional use permit, or durability or if any outstanding

liens are not paid, the City Council may declare the developer in default.

9. In the event that the land contained within a development is traversed by a proposed major street, water line, sewer line, or drainage channel shown in the General Plan or Transportation Master Plan, or described in a general plan element or map, said development shall be designed in accordance therewith. The right-of-way across the development for such transportation and circulation elements, or other right-of-way shall be deeded to the City or dedicated to the public.
10. Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and un-crowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off-street parking space or driveways shall generally be planted / landscaped into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent automatic irrigation systems shall be installed when required by the Planning and Zoning Commission to provide for maintenance of planted areas.
11. Details of plans, plats, and documents to be submitted showing the size of land, size of water lines, drainage lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of materials and improvements, protection from adverse influences, lighting, landscaping, off-street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the Planning and Zoning Commission.

12. The development shall meet all standards and requirements of this Code and all requirements of applicable ordinances, and Utah law.
13. The development shall be in keeping with the general character of the zoning district within which it is to be located.
14. The Planning and Zoning Commission (may require) expects that details, drawings, plats and plans for the development be prepared by a qualified professional team, licensed engineers, architects and surveyors. In all cases, it is recommended that professional design and other assistance be obtained early in the project program. It is the intent of East Carbon City that the developer solves all the problems and addressed all issues before approval is given and construction begins.
15. 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 controlled drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
16. All structures required by this Code to have building permits and all uses required to have use permits shall be inspected by the a Building Official in accordance with procedures established by the most recent edition of the International Building Code, as adopted by East Carbon City and this Code; provided, however, that no building permit for such structures or use permits shall be issued until the Planning Commission, or the Zoning Administrator if authorized by the Planning and Zoning Commission and City Council, has issued a conditional use permit for the building site or use or

have determined that a conditional use permit is not required by this Code.

17. All development occurring within 100 feet of a canal must notify the owner or operator of the canal of the development as required by State law (HB 298, 2010)

7.4. PLANNED UNIT DEVELOPMENTS - SPECIAL REQUIREMENTS

1. **PURPOSE.** The purpose of planned unit development is to permit flexibility in land use and to allow diversification in the interrelationships of various uses and structures with their sites and thus offers an alternative method to the traditional type of development. The application of planned unit development concepts is intended to encourage neighborhoods, housing, design, open space, and facilities compatible with the present living environment in East Carbon City as described by the General Plan, while at the same time insuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project. In exchange for the additional services provided by the developer in a planned unit development, this chapter will allow for increased intensity of buildings and more flexible uses of the land.
2. **CONDOMINIUMS TO BE DEVELOPED AS PLANNED UNIT DEVELOPMENT.** Where, in the opinion of the Planning and Zoning Commission, the unique features of a condominium project (i.e., ownership, financing, topography, types of land uses, etc.) require more flexibility in design solutions in order to protect the public interest, the proposed condominium project shall comply with

the provisions of this chapter. Any conflicting provision of another ordinance adopted by East Carbon City may be waived by the Planning and Zoning Commission with the approval of the City Council when the performance standards of the City are achieved.

3. **PLANNED UNIT DEVELOPMENTS TO MEET USE LIMITATIONS OF ZONING DISTRICTS WHEREIN LOCATED.** No conditional use permit for a planned unit development shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located, including planned unit developments in planned districts, and meet the density and other limitations of such districts, except as such requirements may be lawfully modified (variance approved) as provided by this chapter or by zoning district regulations. Compliance with the regulations of this Code in no sense excuses the development from the applicable requirements of the subdivision regulations, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.
4. **REQUIRED CONDITIONS.**
 1. No planned unit development shall have an area less than that approved by the Planning and Zoning Commission as adequate for the proposed development.
 2. The Planning and Zoning Commission shall require such arrangements of structures and open spaces as necessary to assure that adjacent properties will not be adversely affected. In particular:
 1. Where feasible, buildings of the lowest height and the least

intensity of buildings and uses shall be arranged around the boundaries of the development.

2. Lot area, width, yard, height, set back, and coverage requirements shall be determined by approval of the preliminary design plan.
3. Where feasible, buildings or landscaping shall not unreasonably prohibit the free flow of air or direct exposure to sunlight, specifically in regard to solar heating and/or cooling structures by solar energy systems.
4. The development will be planned so as to provide solar access to all of the residential units, unless specifically waived by the Planning and Zoning Commission.
3. All plans must be prepared by a qualified professional team, licensed engineer, architect or land surveyor.
4. Ownership of private open space reservations shall be established in a manner acceptable to the City Council and made a part of the conditions of the plan approval.
5. **OPEN SPACE REQUIREMENTS.** Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 1. Dedication of the land to East Carbon City as a public park or parkway system, including a certificate of title insurance; or
 2. Granting to East Carbon City a permanent and perpetual open space easement on and over the said private open spaces to guarantee that the open space remains perpetually

in recreational or park use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws which are satisfactory to the City Council and enforceable by the City Council; or

3. Granting to East Carbon City a permanent and perpetual open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the City Council; or by
4. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

7.5. MANUFACTURED/ MODULAR / MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS SPECIAL REQUIREMENTS

1. **PURPOSE AND INTENT.** The purpose and intent of this section is:
 1. To permit variety and flexibility in land development for residential purposes by allowing the use of manufactured /modular/mobile homes and recreational vehicles under certain conditions.
 2. To require that mobile home and recreational vehicle developments will be of such character as to promote the objectives and purposes of this Code; to protect the integrity and characteristics of the zoning

district contiguous to those in which manufactured / mobile home parks are located; and to protect other land use values contiguous to or near mobile home or recreational vehicle developments.

2. LOCATION.

1. No mobile home shall be located anywhere within the corporate boundaries of East Carbon City except in a licensed mobile home park or approved mobile home subdivision, or as temporary living quarters or office by conditional use permit. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be permitted for a period not exceeding 24 hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas. Approved manufactured or modular homes may be exempt from this requirement. Manufactured and modular homes may be allowed in traditional residential subdivisions that are specifically approved by conditional use for such homes.
2. Recreational coaches which do not include facilities necessary to be manufactured / mobile homes as defined in this Code, shall not be used at any place within the corporate boundaries of East Carbon City, at any time, for living quarters except in designated camping areas or recreational coach parks.
3. Recreational coaches which are unoccupied for living space may be stored on a private residential lot or larger parcel of land, provided they do not violate any required setbacks for front or side yards.

3. STANDARDS AND REQUIREMENTS FOR ALL MANUFACTURED / MODULAR/ MOBILE HOME PARKS, RECREATIONAL VEHICLE PARKS, AND MANUFACTURED/MODULAR / MOBILE HOME SUBDIVISIONS.

1. The Planning and Zoning Commission shall review the proposed development plan to determine its compliance with all portions of the City's General Plan and, among other things, shall attempt to make sure that such development will constitute an environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this Code may be required if necessary for local conditions of health, safety, and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
2. The Planning and Zoning Commission shall not approve any application for a manufactured /modular/ mobile home park, recreational vehicle park, or manufactured /modular/ mobile home subdivision conditional use permit if the developer cannot provide required water supplies and facilities, fire protection, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot assure that the development will be completed within 12 months, or if the Planning and Zoning Commission or City Council determines there would be unusual danger of flood, wind, fire or other hazard, or if the proposed development would be of such

character or in such a location that it would:

1. Create excessive costs for public services and facilities.
 2. Endanger the health or safety of the public.
 3. Unreasonably hurt or destroy the environment.
 4. Cause excessive air or water pollution, or soil erosion or,
 5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
3. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
1. The area shall be in single ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 2. A strip of land at least 15 feet wide surrounding the entire park shall be left unoccupied by manufactured /modular/ mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add-ons, and shall be planted and maintained in lawn, shrubs, trees, and an irrigation /sprinkler system, with an approved durable sight obscuring permanent wall or fence designed to afford privacy to the development.
 3. All storage and solid waste receptacles outside the confines of any manufactured/modular / mobile home or recreational vehicle shall be housed in a

closed, view obscuring structure compatible in design and construction to the manufactured /modular/ mobile homes, and to any service buildings within the development; all patios, carports, garages, and other add-ons shall be compatible in design and construction with the manufactured /modular/ mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the Zoning Administrator. In manufactured /modular/ mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a north-south direction to the greatest extent possible. This is to promote solar orientation of the units.

4. In addition to meeting the above requirements and conditions, and conforming to the other laws of East Carbon City, all manufactured /modular/ mobile home parks, recreational vehicle parks, and manufactured /modular/ mobile home subdivisions shall also conform to all applicable Utah State regulations. In the event of any conflict between said regulations and this chapter, this chapter shall take precedence where its regulations are stricter, and the provisions of the state regulations shall take precedence where such regulations are stricter.
5. Every manufactured/modular / mobile home park, recreational vehicle park, and mobile home subdivision shall provide

underground or overhead utility service to every mobile home stand or lot as required by the Planning and Zoning Commission, including but not limited to water, sewer, electricity, natural gas, telephone, and TV.

4. **COMPLIANCE WITH OTHER REGULATIONS.** Any manufactured/modular / mobile home or recreational vehicle located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations, and building, plumbing, electrical, fire prevention, and all other codes and requirements applicable to a structure or building erected within the zoning district in which said mobile home or recreational vehicle is located.

5. **GUARANTEES**

1. For manufactured /modular/ mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the Planning and Zoning Commission and City Council 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 shall be in the form of a surety bond, or a cash deposit, in the sum to be determined by the Planning and Zoning Commission, which form must be approved by the City Council and the City Attorney. The basis for providing assurance of compliance will be a management plan developed by the applicant and approved by the Planning and Zoning Commission and City Council that will outline standards of

operation, remedies for failure to comply with those standards and a single responsible person or entity for its administration and dealing with East Carbon City.

2. In any case, when a manufactured/modular / mobile home park or recreational vehicle 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.
3. Prerequisite to the operation of any manufactured/modular / mobile home park or recreational vehicle park in East Carbon City shall be the obtaining of an annual business license from East Carbon City.
4. In the event a manufactured /modular/ mobile home or recreational vehicle park is not completed according to approved plans, or operated and maintained according to the approved management plan, the annual business license may be denied or revoked. The manufactured /modular/ mobile homes or recreational vehicles and associated property and facilities shall be removed, and all services discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.
5. The premises on which any manufactured /modular/ mobile home is located, used, or occupied shall be maintained in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste,

weeds, inoperative vehicles, or other unsightly material thereon shall constitute a public nuisance and a violation of this Code.

6. Reasonable guarantees to assure compliance with this requirement will be required of the developer and/or owner as a requirement of conditional use permit approval and ultimately the issuance of the annual City Business License.

6. **ADDITIONAL REQUIREMENTS FOR MANUFACTURED / MOBILE HOME PARKS.** In addition to the requirements for manufactured /modular/ mobile home parks outlined above in this section, mobile home parks shall meet the following requirements:

1. The number of manufactured / mobile homes shall be limited to 10 units per acre and may be limited to fewer units, depending on manufactured /modular/ 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 the visitors thereto.
2. No home or add-on shall be located closer than 10 feet from the nearest portion of any other home or add-on. All such homes and add-ons shall be set back at least 10 feet from road curbs or walks. If a manufactured /modular/ mobile home's tongue

remains attached, it shall be set back a minimum of 6 feet from road curbs or walks. All manufactured /modular/ mobile homes, storage buildings, service buildings, garages, carports, or other add-ons, etc., shall be set back at least 15 feet from any boundary of the manufactured /modular/ mobile home park, road curb or walks.

3. Off-street parking shall be provided at the rate of 2 parking spaces per manufactured /modular/ mobile home space, and each such parking space shall have a minimum width of 10 feet and minimum depth of 20 feet. In no case shall the parking space be located farther than one 100 feet from the manufactured /modular/ mobile home space it is designed to serve.
4. A security compound for storage of vehicles, boats and other large items shall be provided equivalent to a minimum of 300 square feet of paved area per manufactured /modular/ mobile home space, as approved by the Planning and Zoning Commission.
5. One-story bulk storage areas shall be provided within a manufactured /modular/ mobile home park equivalent to 60 square feet per manufactured /modular/ mobile home space. The area designated for said bulk storage shall be improved, fenced, landscaped, and screened as approved by the Planning and Zoning Commission.
6. Not less than 10% of the gross land area shall be set aside for the joint use and enjoyment of occupants in a park-like setting with both active and passive recreational accommodations. The land covered

by vehicular roadways, sidewalks, off-street parking, storage and required setbacks shall not be construed or included as part of this 10% common area; provided, however, that in initial stages of development or special smaller developments the minimum area shall be not less than 1/2 acre or 10%, whichever is greater.

7. Yard lighting with a minimum of 0.2-foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways at each space.
8. All areas not covered by manufactured /modular/ mobile homes or recreational vehicles, hard surfacing, or buildings shall be landscaped as approved by the Planning and Zoning Commission, and such landscaping shall be permanently maintained.
9. All off-street parking spaces and driveways shall be hard surfaced before the adjacent spaces may be occupied.
10. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 1. **ONE-WAY TRAFFIC:** A minimum of 15 feet in width plus extra width as necessary for maneuvering mobile homes.
 2. **TWO-WAY TRAFFIC:** A minimum of 30 feet in width.
 3. **ENTRANCE ROADWAYS:** A minimum of 36 feet in width.
 4. **ROADWAYS:** All roadways shall be hard surfaced and bordered by 24 inch rolled

gutters or an approved equivalent.

5. **SIDEWALKS:** 36-inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning and Zoning Commission.
6. **ACCESS:** Each park shall have at least 2 accesses to public streets, unless more than one access is prohibited by a responsible public agency or immovable obstacle.
11. Within 45 days of occupancy, each manufactured /modular/ mobile home shall be skirted, or if shields are used, they are to be anchored, fireproof, and well-painted. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities must be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
12. The manufactured /modular/ mobile home park shall:
 1. Be in keeping with the general character of the zoning district in which it is to be located.
 2. Be located on a parcel of land 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.
 3. Have at least 25 spaces completed, ready for occupancy, or an approved financing plan for construction and phase

completion, together with approved security to assure compliance, before first occupancy is permitted.

4. A laundry for convenience of park occupants, but not for the general public, may be included in manufactured /modular/ mobile home parks.
13. No manufactured /modular/ mobile home space shall be rented for a period of less than 30 days, and occupancy shall be by written lease. Leases shall be made available for inspection by the officials of East Carbon City upon demand, to review compliance with these occupancy requirements.
14. Access shall be provided to each manufactured /modular/ 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 as required by Utah State regulations. Uses 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.
7. **ADDITIONAL REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS.** In addition to the requirements for recreational vehicle parks outlined above in this section, recreational vehicle parks shall meet the following requirements:
 1. Recreational vehicle parks shall generally be located:
 1. Adjacent to or in close proximity to a collector, major traffic artery or highway.

2. Near adequate shopping facilities.
3. Within or adjacent to an existing or planned a mobile home park.
2. Not less than 10% of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of the 10% common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special smaller developments the minimum area shall not be less than 1/2 acre or 10%, whichever is greater.
3. All areas not covered by recreational vehicles, hard surfacing, or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning and Zoning Commission.
4. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 1. **ONE-WAY TRAFFIC:** A minimum of 15 feet in width plus extra width as necessary for maneuvering recreational vehicles.
 2. **TWO-WAY TRAFFIC:** A minimum of 30 feet in width.
 3. **ENTRANCE ROADWAYS:** Minimum of 36 feet in width.
 4. **ROADWAYS:** Roadways shall be hard surfaced bordered by 24 inch rolled gutters or an approved equivalent.
 5. **ACCESS:** Each recreational vehicle park shall have at least 2

accesses to public streets, unless more than one is prohibited by a responsible public agency or immovable obstacle.

5. No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than 90 days consecutively, nor shall such space be leased to any one individual for a period longer than 90 days in any one calendar year.
6. Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
7. Recreational vehicles 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 use or a conditional use.
8. Recreational vehicles may be parked in an approved and licensed mobile home park provided that:
 1. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes;
 2. The recreational vehicle use area shall have direct access to a collector or arterial street; and
 3. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning and Zoning Commission.
9. Recreational vehicle parks may be approved by the City Council in locations permitting such use in this Code. Before such approval is given, a report to the City Council by the Planning and Zoning Commission

shall be submitted with findings that the proposed development will:

1. Be placed on a parcel of land of not less than 5 acres, or within a mobile home park, unless modified by a planned unit development plan.
2. Before first occupancy, have at least 25 spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.

7.6. LANDFILLS, GRADING EXCAVATIONS, BACKFILLING AND COMPACTION - SPECIAL REQUIREMENTS

1. **PURPOSE AND INTENT.** This section is adopted to promote public safety and the general public welfare; to protect property against loss from erosion, earth movement, rock fall, landslide, subsidence, collapse, cave-in, dust and flooding; to maintain a superior community environment; to provide for the continued orderly growth of East Carbon City; and to insure the maximum preservation of the natural scenic character of major portions of East Carbon City by establishing minimum standards and requirements relating to land grading, excavations, and fills, and procedures by which these standards and requirements may be enforced. It is intended that this section be administered with the foregoing purposes in mind and specifically in an attempt to:
 1. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize

- problems of drainage, erosion, earth movement and similar hazards.
2. Ensure the public lands and places, water courses, streets, and all other lands in East Carbon City are protected from erosion, earth movement and drainage hazards.
 3. Ensure that the planning, design and construction of all development will be done in a manner which provides maximum safety and human enjoyment and except where specifically intended otherwise, makes such construction as unobtrusive in the natural terrain as possible. Complete a geotechnical report evaluating existing conditions, develop recommendations for earthwork activity and identify precautions.
 4. Insure, where practicable, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other hazards and to aid in preservation of the natural scenic qualities of East Carbon City.
8. PERMIT REQUIRED - EXCEPTIONS.
1. No person shall commence or perform any grading or excavation, including those in gravel pits and rock quarries, in excess of the limits specified below without first obtaining a conditional use permit for such grading or excavation. Call before they dig (Blue Stakes)
 2. In this section, all references to conditional use permit shall mean a conditional use permit for grading, backfilling or excavation. (See also Chapter 18 of the International Building Code, Soils & Foundations).
3. A conditional use permit shall be required in all cases where development comes under any one or more of the following provisions unless such work is otherwise exempted elsewhere in this chapter:
 1. Excavation, fill or any combination thereof exceeding 5,000 cubic yards. Excavation or fill within a known mapped 100-year floodplain.
 2. Fill exceeding 10 feet in vertical depth at its deepest point measured from the adjacent undisturbed ground surface.
 3. An excavation exceeding 5 feet in vertical depth at its deepest point.
 4. An excavation, fill or combination thereof exceeding an area of five acres.
 5. Vegetation removal from an area in excess of five acres.
 4. A conditional use permit shall not be required in the following cases:
 1. Excavations below finished grade for which a building permit is required and has been issued by East Carbon City, including, but not limited to, the following:
 1. septic tanks and drain-fields,
 2. tanks,
 3. vaults,
 4. tunnels,
 5. equipment basements,
 6. swimming pools,
 7. cellars, or
 8. footings for buildings or structures.

2. Excavation or removal of vegetation within property owned by public utility companies or within public utility easements by public utility companies.
3. Removal of vegetation as a part of the work authorized by an approved building permit.
4. Tilling of soil or cutting of vegetation for agricultural or fire protection purposes.
5. Commercial quarries operating with valid conditional use permits and/or in appropriate industrial zones as provided for in this Code.
6. Engineered interior fills or surcharge on the property with respect to industrial development.
7. Items not covered by this chapter which are exempted from required permits by this Code and the building code of East Carbon City.
8. Grading and/or excavation done pursuant to an approved final development or subdivision plan.
9. **RESPONSIBILITY.** Failure of the City Officials to observe or recognize, excavation or fill work, hazardous or unsightly conditions, or to recommend denial of the conditional use permit, or of the Planning and Zoning Commission to deny said permit, shall not relieve the permittee from making application for a permit and from responsibility for appropriately doing the work or damages resulting there from.
10. **RETENTION OF PLANS.** Plans, specifications and reports, for all excavation or fill work and conditional

use permit applications, shall be retained by the property owner.

11. INSPECTIONS.

1. The Building Inspector shall make the inspections hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with this section. Where it is found by inspection that conditions are not substantially as stated or shown in the conditional use permit application, the inspector may stop further work until and unless approval is obtained for a revised grading plan conforming to the existing conditions.
2. Plans for grading work, approved by the Planning and Zoning Commission, shall be maintained at the site during the progress of the grading.
3. In order to obtain inspections, the permittee shall notify East Carbon City at least 48 hours before said inspection is to be made.

12. STANDARDS AND SPECIFIC REQUIREMENTS.

1. **APPLICABILITY.** All grading and excavation shall comply with the requirements set forth in this chapter in addition to other requirements of this Code.
2. **HOURS OF OPERATION.** All grading and excavation in or contiguous to residential neighborhoods shall be carried on between the hours of 7:00 a.m. to 7:00 p.m., 7 days a week. The Zoning Administrator, City Engineer or Building inspector may waive this requirement if it is shown that restricting the hours of operation would unduly interfere with the

development of the property and it is shown that other properties or neighborhood values would not be adversely affected.

5. **DUST AND DIRT CONTROL.** All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed, or contained to prevent clouds of dust and the deposit of dust on neighboring properties or streets; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on street or other property outside of the site. Tracking of mud and debris by the wheels or tracks of vehicles and equipment will be prevented by setting up an area (drain rock pad) on site for the vehicles and equipment to drive over to loosen mud and debris. Failure to control dust and dirt may result in suspension or revocation of conditional use permit(s) and/or building permit(s).
6. **SLOPES.** The Zoning Administrator, City Engineer or Building Inspector may require the percent of slope of a cut or fill to be reduced if it is found that the cut or fill is subject to unusual or excessive erosion, caving or sliding, or if other conditions make such requirements necessary for stability. Steeper slopes may be permitted where the material being cut is unusually stable.
7. **FILL MATERIAL.** All fill, except in publicly approved refuse disposal or other landfill operations, shall be earth, rock, or other inert materials free from organic material, metal, asphalt, petroleum products, toxins

or other hazardous materials, except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture retention and plant growth.

8. **DRAINAGE.** Drainage analysis, reports, and plans, when required, must comply with the East Carbon City Drainage Criteria. Adequate provisions shall be made to prevent any surface waters from damaging any excavation or any portion of a fill and adversely impacting adjacent properties. Discharges shall comply, when required, with the requirements of the Utah Department of Environmental Quality. Drainage structures shall be constructed or installed as necessary to prevent erosion damage or to prevent saturation of the fill or natural material, at the foot of or behind cut slopes and walls.
9. **FINISHED CUTS AND SLOPES.** The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. Exposed slopes of any cut or fill shall be protected by erosion control and approved planting, crib walls, retaining walls, fabrics or walls and planting, terracing, or a combination thereof.
10. **BACKFILL.** Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site shall be back-filled in lifts and compacted to the level of the surrounding grade.
11. **COMPACTION OF FILLS.** Unless otherwise directed by the Zoning Administrator, City Engineer or Building Inspector, all fills governed by this Code intended to support buildings, structures, or where otherwise required to be compacted

for stability, shall be compacted, inspected and tested in accordance with the following provisions unless otherwise dictated by a geotechnical/soils report:

1. The natural ground surface shall be prepared by removal of: vegetation and, if necessary, shall be graded to a series of terraces.
2. The fill shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted by “sheepsfoot” roller compactor (after each layer is spread) or other acceptable method approved by the City Engineer.
3. The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.
4. The fill material after compaction shall have an average dry density of not less than 95% of maximum dry density and a minimum of 90% in all portions of the fill requiring compaction as determined by the AASHTO Soil Compaction Test Method T99-57 or T180-57, or other acceptable testing method.
5. A written report of the compaction, showing location, boundaries and depth of test holes, materials used, moisture conditions, recommended soil-bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the State of Utah shall be submitted to the Zoning Administrator, Building Inspector or City’s Engineer.

6. The Zoning Administrator, City Engineer or Building Inspector may require additional tests or information if, in their opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above-listed requirements that in their opinion are unnecessary to further the purpose of this Code.

12. EROSION CONTROL AND LANDSCAPING. All cut and fill surfaces created by grading except for firebreak purposes shall be planted with a ground cover that is compatible with the natural ground covers in East Carbon City. Topsoil is to be stockpiled during rough grading and used on cut and fill slopes. When slopes too steep to support continuous ground cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous ground cover, but may instead be screened with vines and plantings. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings.

1. No open pits or trenches shall be permissible to exist at any time that they are not being worked on. All open pits and trenches shall be filled or properly covered to prevent human or animals from falling.

13. FILLING FOR AGRICULTURAL AND FIRE PROTECTION PURPOSES. Filling of the ground for agricultural or fire protection purposes shall be accomplished with such practices as will prevent erosion

and damage to natural drainage channels.

14. FINAL INSPECTION. If upon final inspection of any grading it is found that the work authorized by the conditional use permit has been satisfactorily completed in accordance with the requirements of this Code and any other requirements imposed, the Zoning Administrator, City Engineer or Building Inspector shall so record in the record.

1. The Zoning Administrator, City Engineer or Building Inspector shall have the authority to revoke any conditional use permit whenever it is found that the work covered by the certificate has been materially extended or altered without prior approval, or that any planting, retaining walls, cribbing, drainage structures, or other protective devices as shown on the approved plans and specifications submitted with the application for a permit have not been maintained in good order and repair. Said revocation shall remain until the problems and non conformance are corrected.

15. PROHIBITED ACTIVITIES.

1. The provisions of this chapter shall not be construed as permitting the removal of topsoil solely for resale, or of permitting quarrying of any site within the limits of East Carbon City unless in a zoning district allowing such activities.

2. This chapter shall also not be construed as authorizing any person to maintain a private or public nuisance upon his or her property, and compliance with the provisions of this chapter

shall not be a defense in any action to abate such nuisance.

3. Filling the 100-year floodway.

7.7. SUBDIVISIONS (LAND DEVELOPMENT) - SPECIAL REQUIREMENTS

1. SCOPE OF SECTION

1. No person shall subdivide or otherwise develop any tract of land which is located wholly or in part within East Carbon City, except in compliance with this Code, and with the development regulations adopted by the City Council of East Carbon City.

2. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a development of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such development has been created pursuant to and in accordance with the provisions of this Code and local regulations;

1. provided that this Code shall not apply to any lot or lots forming a part of a development created and recorded according to then applicable law prior to the effective date of this Code, except as specifically provided in this Code.

3. This Code shall apply, however, to lots created prior to adoption of this Code and not in compliance with then applicable law.

4. No lot within a development created and recorded prior to the effective date of this Code or approved by the

Planning and Zoning Commission and City Council and recorded in the County Recorder's office under the provisions of this Code shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any non-conforming lot, without first obtaining the approval of the Planning and Zoning Commission and the City Council.

- 5. Restricted lots are prohibited unless flood plain and geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the Planning and Zoning Commission.

13. **INTENT AND PURPOSE.** The purpose of this section and the intent of East Carbon City in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of East Carbon City.

- 1. This section will accomplish this purpose by:
 - 1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all developments.
 - 2. Assisting in the implementation of the objectives, policies, and programs of the General Plan by ensuring that all proposed developments, together with provisions for their design and improvement, are consistent with the General Plan, Transportation Master Plan and all applicable specific plans.

- 2. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural water courses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.
- 3. Preserving and protecting the special environmental quality and aesthetic character of all hillside, flood plains and mountainous areas; preventing detrimental impacts to the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a development to the slope of the natural terrain.
- 4. Encouraging the clustering of housing and building developments where subdivisions or other developments are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space.
- 5. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
- 6. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used.

7. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles.
8. Ensuring adequate access to each building site.
9. Providing sidewalks, pedestrian-ways, bike paths, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments.
10. Providing adequate systems of water supply, sanitary sewage disposal and collection, storm drainage, street lighting, fire protection and other utilities needed for public health, safety, and convenience.
11. Providing adequate sites for public facilities needed to serve residents of new developments.
12. Ensuring that costs of providing land for streets, alleys, pedestrian-ways, bike paths, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the property owner and/or developer(s). Maintenance of street, alley and pedestrian ways, paths, easements and other rights of way fronting or abutting a parcel are the maintenance responsibility of the fronting or abutting property owner.
13. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions, from being developed for any use or in any manner tending to create an increased detriment to the

public health, safety, or welfare and burden on the City.

14. Ensuring that, insofar as possible, land is developed in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the General Plan and Transportation Master Plan, and provide access for solar and other renewable energy sources to the maximum extent possible, and encourage energy and water conservation through design, layout, "siting" and other techniques.
15. Preserving and protecting to the maximum extent possible, solar access to structures and encourage and promote/ require energy conservation and the use of renewable energy sources.
16. Providing space for parking bays. (off-street parking as needed)
17. Providing space for bike paths and jogging trails.

14. MAPS AND PLATS REQUIRED

1. Whenever any lands are laid out and platted, the owner of those lands shall cause an accurate map or plat to be made of them that sets forth and describes:
 1. all the parcels of land laid out and platted, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes;
 2. all blocks and lots intended for sale, by number, with their precise length, width bearing and distance; and

3. all existing easements and right-of-ways.
2. The owner of the land shall acknowledge the map or plat before a person authorized by law to acknowledge conveyances of real estate.
 1. The surveyor making the map or plat shall certify the same.
 2. Each utility company shall acknowledge the map or plat by the signature of its executive officer.
 3. The City Council and Mayor shall approve the map or plat as provided by law.
3. After the plat map has been acknowledged, certified, approved, and a receipt received for the payment all taxes due and payable, the owner of the land shall file and record it in the Carbon County Recorder's office in the county in which the lands platted and laid out are situated.

15. SUBDIVISION APPROVAL PROCEDURE

1. No one may file or record a plat of a subdivision of land or lot line adjustment or change, situated within the municipal boundaries of East Carbon City, in the County Recorder's office unless:
 1. it has been recommended for final approval by the East Carbon City Planning and Zoning Commission or Zoning Administrator; or
 1. it is a minor 1 lot subdivision or lot line adjustment completed in accordance with the terms of this Code and

processed administratively; and,

2. a lot line adjustment only for a real property transaction may be completed by completion of a lot line boundary adjustment agreement or by completion of a new plat indicating the lot line boundary adjustment as directed or approved by the Zoning Administrator; and,
 2. approved by the City Council; and
 3. approved by the mayor and other officers that the City Council designates in an ordinance; and
 4. the approvals are entered in writing on the boundary adjustment agreement or plat by the mayor or by other officers designated in the ordinance.
 5. Final boundary adjustment agreement or plat signatures of approval include: Mayor-with attest, County Recorder, City Engineer, City Attorney, Planning Commission Chair or Zoning Administrator-with attest, preparer of the plat prior to presentation for recording.

16. EXEMPTIONS FROM PLAT

REQUIREMENT. Any land divided for any purpose into 2 or more parts after the passage of this Code shall be subject to the provisions and regulations of this Code, except:

1. In subdivisions of less than 10 lots, land may be sold by metes and bounds, without the necessity of recording a plat if:

1. a recommendation has been received by the planning commission;
2. the deed contains a stamp or other mark indicating that the subdivision has been approved by:
 1. the legislative body; or
 2. other officers that the legislative body designates in an ordinance.
3. the subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan and Transportation Master Plan and does not require the dedication of any land for street or other public purposes; and
4. if the subdivision is located in a zoned area, each lot on the subdivision meets the frontage, width, and area requirements of the zoning district in which it is located or has been granted a variance from those requirements by the Appeal Authority
5. Municipalities under the council-mayor form of government shall comply with Section 10-3-121 9.5, (Utah Statutes)

17. DEDICATION OF STREETS

1. Maps and plats, when made, acknowledged, filed, and recorded according to procedures specified in this part, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in East Carbon City for the public for the uses named or intended in those maps or plats.
2. The dedication established by this section does not impose liability

upon East Carbon City for streets and other public places that are dedicated in this manner but unimproved.

18. RECORDING FINAL PLAT. The City Council shall supervise, at the direction of the owner, the recording of the Final Plat or Map with the Carbon County Recorder, which is to be done within 10 calendar days of the completed approval of the Final Plat by the City Council; the owner shall pay the expense of such recording, unless agreed upon otherwise. Failure of an owner to properly record a plat with the Carbon County Recorder may subject the project / subdivision to re-processing and the imposition of additional fees.

19. VACATING OR CHANGING A SUBDIVISION PLAT.

1. The City Council of East Carbon City may with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.
 1. If a petition is filed, the responsible body or officer shall hold the public hearing within 45 days after it is filed if:
 1. the plat change includes the vacation of a public street or alley;
 2. any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or
 3. a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

2. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the City Council to have the plat, or any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
3. A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 1. the name and address of all owners of record of the land contained in the entire plat;
 2. the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
 3. the signature of each of those owners who consents to the petition.
4. Petitions that lack the consent of all owners referred to in Subsection 7.7.8.3 above may not be scheduled for consideration at a public hearing before the City Council until the notice required by this part is given.
 1. The petitioner shall pay the cost of the notice.
5. When the responsible body or officer proposes to vacate, alter or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.
6. Petitions to adjust lot lines between adjacent properties may be executed, per Utah State Code, upon the recordation of an appropriate deed if:

1. no new dwelling lot or housing unit results from the lot line adjustment;
2. the adjacent property owners' consent to the lot line adjustment;
3. the lot line adjustment does not result in remnant land that did not previously exist; and
4. the adjustment does not result in violation of current and applicable zoning requirements.

20. NOTICE OF HEARING FOR PLAT CHANGE

1. The responsible body or officer shall give notice of the proposed plat change by mailing the notice to all owners of record referred to in Section 7.7.8, addressed to their mailing addresses appearing on the rolls of the Carbon County Assessor.
 1. the responsible body or officer shall ensure that the notice includes:
 1. a statement that anyone objecting to the proposed plat change must file a written objection to the change within 10 days of the date of the notice;
 2. a statement that if no written objections are received by the responsible body or officer within the time limit, no public hearing will be held; and
 3. the date, place, and time when a hearing will be held, if one is required to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all the

landowners as required by Section 7.7.8.

2. If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:
 1. mailing notice as required in Subsection 7.7.9.1; and either:
 1. publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in East Carbon City in which the land subject to the petition is located; or
 2. if there is no newspaper of general circulation in East Carbon City, post the notice four consecutive weeks before the hearing in three public places in Price.

21. GROUNDS FOR VACATING OR CHANGING A PLAT

1. Within 30 days after the public hearing required by this part, the responsible body or officer shall consider the petition.
 1. If the responsible body or officer is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and there is good cause for the vacation, alteration, or amendment, the City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
 2. The responsible body or officer may approve the vacation, alteration, or amendment by ordinance, amended plat,

administrative order, or deed containing the stamp or mark indicating approval by the responsible body or officer.

2. The responsible body or officer shall ensure that the vacation, alteration, or amendment is recorded in the office of County Recorder in which the land is located.
3. An aggrieved party may appeal the responsible bodies or officer's decision to the District Court, in and for Carbon County, Utah, as provided in Section 10-9-1001 (Utah Code Annotated 1953, as amended)

22. RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES

1. The City Council, in order to protect and ensure access to sunlight for solar energy devices, may adopt regulations governing legislative subdivision development plans that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and setback requirements, street and building orientation and width requirements, height and location of vegetation, with respect to property boundary lines, and other permissible forms of land use controls,
2. The City Council may refuse to approve or renew any plat or subdivision plan, or dedication of any street or other land, if the deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat of subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, or other energy devices based on renewable resources from

being installed on buildings erected on lots or parcels covered by the plat or subdivision.

23. DESIGN STANDARDS.

1. All developments shall comply with the following standards unless a variance from one or more provisions of this section is approved by the City Council in accordance with the variance procedure of this Code.

2. GENERAL STANDARDS:

1. The design of a development shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.
2. Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be developed until the hazards have been eliminated or will be eliminated or mitigated by the proposed development and construction plans.

3. LOTS

1. No single lot shall be divided by a municipal or county boundary line.
2. A lot shall not be divided by a road, alley, or other lot.
3. No wedge-shaped lot shall be less than 30 feet in width at the front property line, or the lot frontage required in the zoning district, whichever is larger.
4. Side lot lines shall be at right angles or radial to street lines,

except were justified by the developer and approved by the Planning and Zoning Commission.

5. All residential lots in developments shall front on a public street, or on a private street approved by the Planning and Zoning Commission and the City Council of East Carbon City. Required frontage shall not be considered to be provided if vehicular access across the street-line is prohibited. Double frontage lots are allowed on corners. Triple frontage is prohibited unless approved by the Planning and Zoning Commission (does not include frontage on an alley).

6. Corner lots shall be so designed as to provide for the same quality and size of building area as interior lots by such enlargement as necessary to accommodate the increased required front setbacks and yards. The Planning and Zoning Commission may, when no adverse impact to health, safety or welfare of residents is demonstrated, approve an exception on corner lot front yard setbacks to accommodate reasonable and planned development.

4. STREET REQUIREMENTS

1. The street layout shall conform to the General Plan and Transportation Master Plan of East Carbon City.
2. Minor streets shall be laid out to discourage through traffic.
3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and

new streets must be provided where needed to connect to existing stub streets in adjacent developments. Not more than 8 lots shall front on a stub street, except where an approved temporary cul-de-sac turnaround is provided. Stub streets shall not slope downhill without a means for drainage to escape.

4. Intersections of minor streets with collector arterial streets shall be kept to the minimum.
5. Minimum right-of-way widths for public streets shall be determined by the City Council for various categories of streets, but shall in no case be less than the following:
 1. Arterial 100 feet
 2. Collector Arterial: 80 feet
 3. Collector Street: 66 feet
 4. Local (minor) Street: 60 feet
6. Minimum right-of-way widths for private streets shall be the same as for public streets of the same use category, unless a different width is specifically approved. The appropriate use category for a private street shall be determined by the Planning and Zoning Commission before a building or use permit is approved along such private street.
7. Public streets shall have pavement roadway widths not less than the following:
 1. Arterial: 75 feet
 2. Collector Arterial: 55 feet
 3. Collector Street: 41 feet

4. Local (minor) Street or Frontage Road: 35 feet

8. Minimum improved roadway widths for private streets shall be the same as for public streets of the same use category, unless a different width is specifically approved.
9. Where no curbs are required to be installed, a minimum of 6-foot shoulders shall be provided on each side of the street, not to exceed a 2:1 slope.
10. No half-streets are permitted unless approved by the Planning and Zoning Commission and City Council.
11. Dead-end or including stub streets, shall be permitted or required by the Planning and Zoning Commission only to provide future access to adjoining property, except for dead-end street systems in cluster developments, in planned unit developments, condominium developments, or similar special projects or in older sections. Said street shall not drain downhill with no outlet. The end of said dead end or stub streets shall be barricaded with fence, jersey barricades or large rock boulders with red diamond shape reflective signs.
12. Permanent cul-de-sac on streets serving no more than 26 lots, and not more than 600 feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turn-around of 55 feet radius or more, and the top back of curb radius shall be 45 feet or more. Cul-de-sac streets intended to be

- only temporary must also satisfy the above requirements.
13. No more than 4 streets shall enter an intersection.
 1. Roundabouts shall only be constructed with the specific approval of a conditional use permit by the East Carbon City Planning and Zoning Commission and East Carbon City Council and shall not serve more than 4 streets.
 14. Streets shall intersect at 90 degrees, except where otherwise approved as necessary by the Planning and Zoning Commission.
 15. The center lines of 2 subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the center lines shall be offset at least 150 feet.
5. **STREET NUMBERING (NAMES).** Street number shall be numbered based on the adopted grid system. Streets may also be named but there shall be no duplication of street names within the City or County. All street names must be approved by the Planning and Zoning Commission and shall be given to the County Recorder and County Building Official for review and recommendation prior to the approval of proposed street names by the Planning and Zoning Commission.
6. **CURVATURE AND ALIGNMENT** To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum center lines radii for minor streets shall be one hundred 150 feet

- and all other streets shall be 300 feet. On collector and arterial streets, a minimum tangent of 100 feet shall be required between a curve and street intersection. A minimum tangent of 100 feet shall be required between reverse curves and shall be designed to provide minimum sight distances of 200 feet for minor streets and 300 feet for all other streets, except that vertical curves for collector and arterial streets shall be as determined by the current specifications of AASHTO.
7. **FRONTAGE ON MAJOR HIGHWAYS.** Where a residential development abuts a major highway, frontage roads may be required.
 8. **ROADBED CONSTRUCTION STANDARDS FOR PAVED ROADWAYS FOR PUBLIC STREETS.** Minimum roadbed grading and paving for minor, collector, and arterial streets shall be established by the City Council, unless recommended otherwise by a geotechnical report.
 9. **STREET GRADES.** All street grades shall be designed as follows:
 1. Arterial and collector streets shall be limited to a maximum grade of 10%. Sustained grades shall be limited to 7%.
 2. Minor streets shall be limited to a maximum grade of 12%. Sustained grades shall be limited to 9%.
 3. Cul-de-sacs shall not have a negative grade without adequately planned water drainage. All cul-de-sacs shall terminate with a grade not to exceed 3% for the last 100 feet of traveled surface.

4. Street intersections shall have a vertical alignment such that the grade shall not exceed 3% for a minimum distance of 50 feet each way from the centerline of the intersection.
5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than 600 feet.
6. All changes in vertical alignment shall be made by vertical curves with minimum length of 50 feet for local (minor) streets and 100 feet for collector and arterial streets.
7. Streets in mountainous terrain or on steep hillsides shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter, and that development can be adequately accessed by emergency services.

10. SIDEWALKS, CURBS AND GUTTERS.

1. Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, unless approved otherwise by the Planning and Zoning Commission and City Council. Sidewalks, curbs and gutters may be required by the City Council on existing streets bordering the development.
2. Sidewalks, curbs, gutters and driveway approaches, in the public right of way, shall be constructed of concrete.

Decorative epoxy, acrylic or painted concrete or stamped concrete is not allowed. Sidewalks in commercial zones may be decorative as approved by conditional use permit.

3. Park strips shall be installed at a minimum width of 5 feet, unless otherwise approved the Planning and Zoning Commission.
4. Park or plant strips may be landscaped with grass, trees, flowers, bushes and/or rocks or paver bricks. Solid concrete or asphalt pavement is not allowed. Vegetative hedges and trees with low-hanging branches are not allowed.
5. Trees in the park or planting strips shall be of a variety that when full grown will not heave or otherwise negatively impact the sidewalk.
6. Sidewalks may be placed against the top back of curb providing the sidewalk is 6 feet wide unless restricted by pre-existing conditions.

11. BLOCK STANDARDS. Block lengths shall be reasonable as approved by the Planning and Zoning Commission, and in total design shall provide for convenient access and circulation for emergency vehicles.

12. PEDESTRIAN CROSS-WALKS. Where blocks exceed 600 feet in length, pedestrian rights-of-way of not less than 10 feet in width may be required by the Planning and Zoning Commission through blocks where needed for adequate pedestrian circulation. Sidewalk improvements of no less than 4 feet in width shall

be placed within the rights-of-way, when required by the Planning and Zoning Commission.

13. **LOT SIZE STANDARDS.** All lots shall conform to area requirements of any existing zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning and Zoning Commission and set by conditional use permit.

14. **EASEMENT STANDARDS.**

1. Whenever practical, minimum 10-foot-wide utility easements shall be placed along front lot lines. Easements shall follow rear and side lot lines only as an exception, with width to be determined.
2. Where front-line easements are required, a minimum of 10 feet shall be allocated as a utility easement. Perimeter easements shall be not less than 15 feet in width, extending throughout the peripheral area of the development, if required by the Planning Commission.
3. All easements shall be designed so as to provide efficient installation of utilities. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

15. **UTILITIES TO BE**

UNDERGROUND. Unless the Planning and Zoning Commission

and City Council determine, upon application by the developer, and recommendation of the City's Engineer, that it is not feasible to do so, all power lines, telephone lines, and other utility lines shall be placed underground by the developer. The pattern or cross-section of utility placement will be as approved.

16. **ALLEYS.** The Planning and Zoning Commission may approve service or secondary access to the interior of blocks were deemed to be in the public interest, in which case such alleys must be indicated in the Preliminary Design Plans and on the Final Plat. Alleys must be labeled as either public or private. Alleys are not considered public streets. Maintenance of all public or private alleys is the responsibility of the fronting, abutting or adjacent property owner.

17. **SANITARY SEWAGE DISPOSAL GENERAL REQUIREMENTS.**

1. Except as otherwise provided below, the developer shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the development. The sewerage system shall meet the minimum standards and requirements of East Carbon City, the Health Department, and the Price River Water Improvement District. A sewer system capacity study shall be completed by the developer as required to determine availability of downstream sewer pipeline condition, capacity and special sewerage treatment requirements.
2. Septic tanks and/or sealed vaults may be approved only when an

existing sanitary sewer system is more than 1/2 mile from the boundary of the development and shall be disapproved in any case unless approved in writing by the Building Official and the Health Department. In order to determine the adequacy of the soil and geology involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the Natural Resources Conservation Service Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of these data will be reviewed by the Health Department and the Building Official, in addition to any other information available to them, for recommendations to the Planning and Zoning Commission. The following requirements shall be met:

1. Land altered, or filled with non-earth materials within the last 10 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
2. Each developed lot to be served by an on-site soil absorption sewerage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of 8 feet from the surface of the ground impermeable bedrock, and a minimum depth of 6 feet from the

surface of the ground to the groundwater surface (based on annual high-water level). Each site must also be at least 1,500 feet from any shallow water supply well and 300 feet from any stream or water course, and at least 50 feet from any dwelling or property line.

3. Soils having a percolation rate slower than or faster than standards allowed by the Building Official or the Health Department shall not be divided into building sites to be served by soil absorption sewage disposal systems.
4. Land rated as having severe limitations for septic tank absorption fields as defined by the local county soil survey, U.S. Department of Agriculture, Natural Resources Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
5. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall have additional on-site investigations made,

including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet Building Official and Utah State Division of Health standards and regulations. In addition, the Building Official and Department of Health shall find that the proposed corrective measures have overcome or will overcome the severe soil limitations.

6. Other applicable standards adopted by the City Council and local and State Division of Health.
7. Septic systems and drain fields will not be allowed on topography, cliffs and terrain that is elevated above the surrounding area where additional development can occur.

18. SANITARY SEWER MAINS, LATERALS, AND HOUSE CONNECTIONS - FUTURE.
Where local, county and regional master or general plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the Planning and Zoning Commission may require the installation and capping of sanitary sewer mains and house connections by the developer, in addition to the installation of temporary individual on-lot sanitary disposal systems by the developer or lot purchaser. Whenever individual on-lot sanitary sewage disposal

systems are proposed, the developer shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such development that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of 8 inches in diameter. Larger size sewer mains will be installed as recommended by sewer study.

19. TEST PROCEDURES. Test of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with local and State health requirements. As-built drawings will be submitted along with installation and testing reports. The City's approval will be required before putting the system in service.

20. WATER IN SUFFICIENT QUANTITY TO BE OBLIGATION OF DEVELOPER.

1. The procurement of water, as required by the City Council, shall be by purchase of water rights, water shares, exchange, or service agreement, and shall be the responsibility of the developer. There shall be water available for use in the development in an amount sufficient to meet minimum flows of 250 gallons per person per day plus outside irrigation

and minimum static pressures of 50 pounds per square inch (psi) with a fire flow requirements of 1000 gal per minute. The minimum pressure and flow may be increased based on project impact. There shall be adequate water resources, treatment, storage, transmission and distribution to service the project.

2. In no event shall the quantity of water provided by the developer be less than that required to meet minimum fire flow standards.

21. CULINARY WATER SYSTEM.

The culinary water delivery system shall extend to the property line of every lot and shall be capable of delivering the flows and pressures as required. All water mains shall be a minimum of 8 inches in diameter, unless required to be larger based on a water system study. Plan and profiles design drawing will be submitted. As-built drawings will be submitted along with installation and testing reports. The City's approval will be required before putting the system in service.

22. IRRIGATION SYSTEMS (INCLUDING DRAINAGE FACILITIES).

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within 100 feet of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat. An easement for the irrigation route shall be required.
2. In all developments, irrigation systems shall be underground

with clean-outs of a type and in such amounts as may be deemed acceptable by the City Engineer.

3. All pressure irrigation systems in or within 100 feet of a proposed development shall be identified and otherwise color coded (purple) as to pipe and valve color to meet local and State standards and regulations and to prevent cross-connections and contamination.

23. PERMIT REQUIRED. A conditional use permit shall be required prior to the construction of any development. Final plan approval shall constitute such conditional use permit for any development.

24. STORM DRAINAGE AND FLOOD PLAINS

1. Complete drainage systems for the entire development area shall be designed by an engineer licensed in the State of Utah and qualified to perform such work, and shall be shown on a drawing and shall be in compliance with the East Carbon City Drainage Design Criteria. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.
2. The drainage and flood plain systems shall be designed to:
 1. Permit the unimpeded flow of natural water courses.

2. Ensure adequate drainage of all low points.
3. Ensure compliance with development in designated flood plains in accordance with the National Flood Insurance Program, Rate Maps, City Flood Plain Ordinance and in other areas of suspected flooding.
 1. Construction of buildings shall not be permitted in a known or formally designated floodway.
 2. Building construction may occur in that portion of the designated flood plain (flood fringe) where the return frequency is 100-years, *provided* all usable floor space is constructed above the designated maximum probable base flood elevation.
 3. Where flow velocities in a flood plain are generally determined to be under 5 feet per second and maximum flood depth will not exceed 3 feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted. Warning signs shall be posted and maintained.
 4. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, non-cased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
5. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated flood plain constitute an encroachment and must be approved by the Planning Commission before accomplishment.
4. The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and “upstream” from the development itself, as well as its effects on lands downstream.
5. All proposed surface drainage structures shall be indicated on the plans.
6. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans, to include on-site detention.

3. Analysis and Design Criteria.

1. The rational method is to be employed for watersheds less than or equal to 10 acres. Peak rate and volume calculations are to be based on the 50-year 1 hour storm for the storm drainage network. Use an intensity of 1.10 inches per hour for 1 hour or other local reliable precipitation data.
2. The Natural Resource Conservation Service (NRCS) method is to be used on watersheds larger than 10 acres. Peak rate and volume calculations are to be based on the 100-year 24-hour storm event with a type 2 distribution for the storm drainage network.
3. Post development conditions shall not exceed predevelopment conditions. Check for the 5, 10-, 25-, 50- and 100-year storms and related flood routing. Delineate the watersheds for each catch basin and inlet. Design the storm sewer pipe network for the 50-year 1 hour storm. Evaluate the effects of the 100-year storm. Runoff and flooding shall be contained within the streets and storm sewer pipeline network.
4. Storm water detention basins, inlets and outlets shall be designed for the 100-year storm event.
5. Each lot will be developed and built upon such that there is a positive grade away from

all structures. Property owners shall be responsible for controlling drainage runoff that is generated onsite and impacts from offsite runoff. Onsite detention shall be developed as necessary. Discharge of runoff from onsite shall be directed towards approved street and natural drainage ways.

6. Structures on lots shall not be built with basement garage driveways or basement stair accesses that directly connect to the street.
7. Evaluation of potential pollution, contamination and construction site discharge through storm water runoff from the facilities or features of the development. The results of the evaluation may require source control, pre-treatment and pollution prevention practices to be implemented to control polluted storm water runoff. Prepare and submit a 'Storm Water Pollution Protection Plan' according to local and/or State regulations.
8. On-site drainage shall not negatively impact adjacent properties or development. Alteration to existing water routes or channels shall not impact adjacent properties or development. Work within mapped flood plain areas will require a stream channel alteration permit through the State of Utah.
9. All necessary permits shall be obtained from applicable

local, state, and federal
agencies (i.e., State Engineer,
US Army Corps of
Engineers, State Division of
Health etc.)