

FOUNTAIN GREEN CITY GENERAL PLAN AND LAND USE ORDINANCES

TABLE OF CONTENTS

FOUNTAIN GREEN CITY GENERAL PLAN AND LAND USE ORDINANCES..	1
TABLE OF CONTENTS	1
CHAPTER 1 GENERAL PROVISIONS	6
1.1 LEGISLATIVE INTENT	7
1.2 SCOPE AND APPLICATIONS	7
1.4 HOW TO USE THIS CHAPTER.....	8
1.6 INTERPRETATION.....	11
1.8 EXACTIONS.....	12
1.9 TRANSITIONAL PROVISIONS	13
CHAPTER 2 DEFINITIONS	15
CHAPTER 3 ADMINISTRATION AND ENFORCEMENT	31
3.1 AMENDMENTS TO THE ZONING CODE OR MAP	31
3.2 REVIEWING BODIES.....	33
3.3 APPLICANT ENTITLED TO FUNDAMENTAL FAIRNESS IN REVIEW PROCESS.....	34
3.4 FEE SCHEDULE FOR PERMITS.	35
3.5 ALLOWED USE REVIEW.....	35
3.6 CONDITIONAL USE REVIEW.....	39
3.7 SIGN PERMIT REVIEW	40
3.8 TELECOMMUNICATIONS	48
3.9 NOTICE	48
3.10 TERMINATION OF PROJECTS FOR INACTION.....	49
3.11 PENALTIES.....	49
3.12 GENERAL ENFORCEMENT AUTHORITY.....	50
3.13 NOTICE OF VIOLATION	50
3.14 SERVICE OF NOTICES	51
3.15 REMEDIATION PROCESS	51
3.16 FINE RECOVERY PROCESS.....	51
3.17 LICENSING	52
3.18 APPEALS AND RECONSIDERATION PROCESS.....	52
3.19 CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.....	54
3.20 NOTICE MATRIX.....	55

CHAPTER 4 PLANNING COMMISSION.....	58
4.1 ESTABLISHMENT OF THE PLANNING COMMISSION	58
4.2 APPOINTMENT-TERM	58
4.3 POWERS AND DUTIES	59
4.4 ORGANIZATION	60
4.5 CONFORMANCE WITH GENERAL PLAN	60
CHAPTER 5 APPEAL AUTHORITY	62
ORDINANCE 10172024	62
A. Organization:	62
B. Powers and Duties:.....	62
C. Variances:	62
2 Appeals:	63
3 Review and Public Hearing Procedures:	64
4 Final Decision:.....	64
CHAPTER 6 ANNEXATION.....	66
CHAPTER 7 ZONE DISTRICTS AND STANDARDS	67
7.1 ZONING DISTRICTS.....	67
7.1-1 ZONING DISTRICTS ESTABLISHED	67
7.2 RESIDENTIAL AGRICULTURE (RA) ZONE.....	68
7.2-1 PURPOSE.....	68
7.2-2 USE TABLE.....	68
7.2-3 DEVELOPMENT STANDARDS.....	69
7.2-4 FENCING	74
7.2-5 PERFORMANCE STANDARDS	75
7.2-6 PARKING	75
7.2-7 CONDITIONAL USE STANDARDS OF REVIEW	76
7.2-9 SIGNS	81
7.2-9 RELATED PROVISIONS	82
7.3 BUSINESS COMMERCIAL (BC) ZONE.....	82
7.3-1 PURPOSE.....	82
7.3-2 USE TABLE.....	83
7.3-3 DEVELOPMENT STANDARDS.....	86
7.3-4 PROJECT AND PLOT PLAN APPROVAL	88
7.3-5 FENCING	89
7.3-6 PERFORMANCE STANDARDS	89
7.3-7 PARKING	91

7.3-8	CONDITIONAL USE STANDARDS OF REVIEW	91
7.3-9	SIGNS	98
7.3-10	RELATED PROVISIONS	99
7.4	PUBLIC FACILITIES (PF) ZONE.....	101
7.4-1	PURPOSE.....	101
7.4-2	USE TABLE.....	101
7.4-3	DEVELOPMENT STANDARDS.....	102
7.4-4	PROJECT AND PLOT PLAN APPROVAL	103
7.4-5	FENCING	104
7.4-6	PERFORMANCE STANDARDS	105
7.4-7	CONDITIONAL USE STANDARDS OF REVIEW	105
7.4-8	SIGNS	106
7.4-9	RELATED PROVISIONS	107
7.5	SENSITIVE LANDS (SL) ZONE.....	109
7.5-1	PURPOSE.....	109
7.5-2	USE TABLE.....	109
7.5-3	DEVELOPMENT STANDARDS.....	111
7.5-4	PROJECT AND PLOT PLAN APPROVAL	115
7.5-5	FENCING	116
7.5-6	PERFORMANCE STANDARDS	117
7.5-7	PARKING	117
7.5-8	CONDITIONAL USE STANDARDS OF REVIEW	118
7.5-9	SIGNS	121
7.5-10	RELATED PROVISIONS.....	122
CHAPTER 8 NONCONFORMING USES AND NONCOMPLYING STRUCTURES		123
8.1	PURPOSE.....	123
8.2	DETERMINATION OF NONCONFORMING STATUS	123
8.3	AUTHORITY TO CONTINUE	123
8.4	ABANDONMENT OR LOSS OF NONCONFORMING USE	123
8.5	MOVING, ENLARGING, OR ALTERING NONCONFORMING USES	124
8.6	NONCOMPLYING STRUCTURES	124
8.7	ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY	125
8.8	APPEALS	125
CHAPTER 9 GROUP HOMES.....		126
9.1	PURPOSE.....	126
9.2	REQUIREMENTS.....	127

9.3 DESIGN.....	129
9.4 FEES AND FINANCIAL CAPABILITY.....	130
9.5 EXEMPTIONS.....	130
9.6 STANDARDS AND CONDITIONS.....	130
9.7 LICENSES, PERMITS, CERTIFICATIONS, AND COMPLIANCE.....	131
9.8 PROCEDURE.....	135
9.9 SEVERABILITY.....	135
9.10 RELATED PROVISIONS.....	136
CHAPTER 10 SUBDIVISIONS	137
10-1-101 PURPOSE.....	138
10-1-102 DEFINITIONS.....	138
10-1-103 AUTHORITY TO IMPOSE CONDITIONS.....	140
10-1-104 CONSIDERATIONS.....	140
10-1-105 SUBDIVISION STANDARDS AND PROCEDURE.....	141
10-1-106 PRELIMINARY PLAT FILING AND REVIEW.....	142
10-1-107 PRELIMINARY AND SUBDIVISION IMPROVEMENT PLAN CONTENTS.....	145
10-1-108 PRELIMINARY PLAT AND SUBDIVISION IMPROVEMENT PLAN APPROVAL.....	146
10-1-109 DURATION OF PRELIMINARY PLAT AND SUBDIVISION IMPROVEMENT PLAN APPROVAL.....	147
10-1-110 FINAL PLAT FILING AND REVIEW.....	147
10-1-111 FINAL PLAT CONTENTS.....	150
10-1-112 FINAL PLAT APPROVAL AND RECORDATION.....	152
10-1-113 SUBDIVISION EXEMPTION—SIMPLE LOT SUBDIVISION.....	153
10-1-114 SIMPLE LOT SUBDIVISION REVIEW AND APPROVAL PROCESS.....	156
10-1-115 STREET REQUIREMENTS.....	158
10-1-116 STREET AND UTILITY IMPROVEMENTS REQUIREMENTS.....	159
10-1-117 BLOCKS.....	160
10-1-118 LOTS.....	161
10-1-119 DEDICATIONS OF PARKS, SCHOOL SITES, OTHER PUBLIC SPACES.....	161
10-1-120 EASEMENTS.....	162
10-1-121 EASEMENTS AND PERMITS.....	163
10-1-122 COMPLETION OF IMPROVEMENTS IN PLATTED SUBDIVISION.....	163
10-1-123 STANDARD DETAILS.....	164
10-1-124 FEES.....	164
10-1-125 APPEALS.....	164
CHAPTER 11 GENERAL DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT IN FOUNTAIN GREEN CITY.....	167

11.1 GOVERNING PROVISIONS	168
11.2 LOT STANDARDS.....	168
11.3 DEVELOPMENT DESIGN AND LAYOUT	169
11.4 CONSTRUCTION ON SLOPES EXCEEDING 25%.....	170
11.5 LANDSCAPING.....	170
11.6 BUILDINGS	170
11.7 ROADS.....	172
11.8 PRIVATE ROAD MAINTENANCE	178
11.9 STREET NAMES.....	178
11.10 CUTS, FILLS, AND RETAINING WALLS	179
11.11 MEASURING CUT AND FILL HEIGHTS.....	179
11.12 MAXIMUM SLOPE GRADES.....	179
11.13 RETAINING WALLS.....	179
11.14 ENGINEERING/GEOLOGIC ANALYSIS.....	180
11.15 RE-VEGETATION	180
11.16 BUILDING SETBACKS FROM WATER WAYS AND FLOOD HAZARD AREAS.....	180
11.17 UTILITIES	180
11.18 OUTDOOR LIGHTING	181
11.19 COMPLETION OF ON-SITE AND OFF-SITE IMPROVEMENTS PRIOR TO APPROVAL OF PLATS OR ISSUANCE OF BUILDING PERMITS.....	181
11.20 SECURITY FOR COMPLETION	182
11.21 AMOUNT OF SECURITY.....	183
11.22 TERM OF SECURITY/PROOF OF LICENSING.....	183
11.23 FORM OF ASSURANCE	183
11.24 PAYMENT OF INTEREST	184
11.25 RELEASE OF FUNDS.....	184
11.26 MODIFICATION OF PLANS.....	184
11.27 PHASED PROJECTS	184
11.28 FEES, ENFORCEMENT, PERMITS AND PENALTIES.....	184
11.29 CITY CULINARY WATER SUPPLY	186
11.30 CITY WATER AVAILABILITY REQUIREMENTS FOR FIRE FIGHTING.....	187
11.31 RESIDENTIAL AND NON-RESIDENTIAL DISTRIBUTED SOLAR ENERGY SYSTEMS	188
11.32 ACCESSORY DWELLING UNITS	190
11.33 SHORT-TERM RENTALS.....	193
GLOSSARY.....	197



GENERAL PLAN 2008..... 208

- A. PURPOSE AND SCOPE..... 208
- B. METHODOLOGY..... 210
- C. STATEMENT OF MISSION AND PURPOSE..... 210
- D. VISION STATEMENT FOR THE FOUNTAIN GREEN CITY GENERAL PLAN 211
- E. GENERAL PLAN ELEMENTS 214
 - 1. Land Use Element 214
 - 2. Transportation and Circulation Element..... 220
 - 3. Environmental Element 224
 - 4. Economic Element 224
 - 5. Rehabilitation and Conservation Element 224
 - 6. Public Services and Facilities Element 224

APPENDIX I PREVIOUS FOUNTAIN GREEN CITY GENERAL PLAN 235

- GENERAL PROVISIONS..... 238
 - STATEMENT OF MISSION AND PURPOSE..... 238
 - PREFACE..... 239
 - INTRODUCTION 240

APPENDIX II FOUNTAIN GREEN CITY PLANNING COMMISSION SURVEY SPRING 1994 245

- SURVEY QUESTIONS 245

**APPENDIX III FOUNTAIN GREEN CITY PLANNING COMMISSION SURVEY MARCH 2007
247**

- RESULTS 247

APPENDIX IV FOUNTAIN GREEN CITY POPULATION ESTIMATES..... 251

APPENDIX V ASSOCIATION OF GOVERNMENTS..... 251

PLANNING AND ZONING FEE SCHEDULE (THROUGH DECEMBER 31, 2024)252

- Water Fees..... 252
- Water Rates 252
- Sewer Rates 253
- Additional fees that may apply..... 253

Chapter 1 General Provisions

- 1.1 LEGISLATIVE INTENT**
- 1.2 SCOPE AND APPLICATION**
- 1.3 ZONING MAP**

- 1.4 HOW TO USE THIS CHAPTER**
- 1.5 CONFLICTING PROVISIONS**
- 1.6 INTERPRETATION**
- 1.7 CREATION OF VESTED RIGHTS**
- 1.8 EXACTIONS**
- 1.9 TRANSITIONAL PROVISIONS**

1.1 LEGISLATIVE INTENT

This Chapter is intended to:

- A. Support the goals of the Fountain Green General Plan;
- B. Protect and promote public safety, health, and general welfare by providing adequate lighting, clean air, water and sewage control, and fire protection;
- C. Protect private property rights;
- D. Promote coordinated development, effective use of land, and site planning;
- E. Preserve the character and stability of neighborhoods and conserve property values by encouraging the most appropriate uses of land within zoning districts;
- F. Prevent substandard development, waste, inefficient use of land and resources, and danger and congestion in travel and transportation;
- G. Ensure equal opportunity in housing to people with disabilities and elderly;
- H. Foster convenient, compatible and efficient relationships among land uses;
- I. Require the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system;
- J. Regulate and control the division of land;
- K. Protect life and property in areas subject to floods and other natural disasters;
- L. Promote prosperity, peace and good order of the City and its present and future inhabitants and businesses, and
- M. Protect the Environment.

1.2 SCOPE AND APPLICATIONS

The provisions of this Chapter apply to all land and uses of land within the City. This Chapter became effective on February 18, 2008, and may be amended from time to time. A lot annexed

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and zoned that does not meet the minimum lot standards of this Chapter, may be used notwithstanding such requirements, if such lot was otherwise validly created subject to Sanpete County buffer zone requirements for Fountain Green City.

This ordinance has been designed to protect and promote the rural character of Fountain Green City, which is strongly valued by its residents. Prospective future residents should be advised that the prevalent lifestyle in Fountain Green City might not be agreeable to all tastes.

In establishing the zones, the boundaries thereof, and the regulations and restrictions applicable to each of the zones, due and careful consideration was given, among other things, to the suitability of the land for uses to the character of the zone and encouraging the most appropriate use of the land throughout the City.

1.3 ZONING MAP

The boundaries of the zoning districts are set forth on a map entitled “Zoning District Map of the City of Fountain Green, Utah” and is hereby adopted as part of this section. This map shall be maintained in the office of the City Recorder and made available for public review and inspection. Any changes made to the map shall be made as provided in subsection (B) below.

- A. Unless otherwise expressly defined on the zoning map, zoning district boundary lines are lot lines, section lines, City limit lines and the northern and eastern edges of the zoning lines as depicted on the zoning map. If uncertainty remains as to the boundary of a zoning district after application of the provisions of this subsection, the Planning Commission will interpret and determine the district boundary.
- B. All amendments to the zoning map shall be made by ordinance. The City shall, within a reasonable time after adoption of any such amendment, place the amendment on the zoning map.
- C. A Federal Emergency Management Agency (FEMA) Special Flood Plain Map is available at the City Hall. Any properties within the FEMA Special Flood Plain have more restrictive minimum requirements before development or building on the property is allowed with a conditional use permit.

1.4 HOW TO USE THIS CHAPTER

A general description of the land use regulations follows. This description is intended to provide the reader with some guidance using the terms of Chapter 1 and is not a substitute for the standards, criteria, and procedures contained in this Chapter.

- A. **ZONING MAP.** Prior to considering the development of land, an applicant should refer to the official zoning map to determine which base zoning and overlay districts correspond to the subject property. The official zoning map is available from the City Recorder.
- B. **ZONING DISTRICT CHAPTER.** Once the applicant has identified the applicable zoning district, the applicant should refer to that section of Chapter 7, which corresponds to the

applicable zoning district(s). Definitions are also found in Chapter 2. The applicant should next refer to the site development and design requirements within the zoning district chapter to determine if the property is adequate in size to accommodate the proposed project. The site development and design standards will determine the building setbacks from the property lines, minimum lot area (if any), minimum open space (if any), maximum height, density, parking requirements for buildings and uses on the property, etc.

- C. **USE STANDARDS.** The applicant should then refer to the use table for the zoning district. The applicant should first determine if the desired use is allowed in the zoning district. If the proposed use is allowed as a conditional use, the applicant must apply for and obtain a conditional use permit. Finally, if the use is an existing legal use that is no longer allowed in the zoning district, and there is a proposal to change or modify a structure associated with the use, the applicant must apply for and obtain a variance from the Board of Adjustment.
- D. **VARIANCES/REZONES.** If the applicant cannot meet the standards described in subsection 2, above, the applicant should determine whether there are alternative development options or any exceptions to the general rules that may accommodate the project. If the project does not meet standards and other development alternatives are not possible, then there are two methods available to attempt to vary the standards: the variance process and a petition for rezone.
1. The variance process is generally used for existing development, or development of an existing, validly created lot. The Board of Adjustment shall issue a variance upon the applicant's demonstration that the application meets each variance standard detailed in Chapter 5.
 2. A petition for rezone is a request to change the development standards for the property in question. The process for requesting a rezone is detailed in Chapter 3. Rezones are discretionary legislative acts.
- E. **SUBDIVISION OF LAND.** If the applicant would like to subdivide a piece of property, merge a number of different parcels into one parcel, or re-subdivide, the applicant may need to go through the subdivision process (Chapters 10 and 11). The purpose of the subdivision process is to ensure that proposed building sites are appropriate for development; to obtain an accurate and permanent record of the separate interests of land that are created by subdivisions of land; to apportion the costs of public services and facilities serving the subdivision; to provide assurances to future buyers of land that the subdivider owns the land to be sold; to provide legal and physical access to each lot; and to provide for maintenance of improvements, utilities, and amenities. There are a number of divisions of land to which the subdivision regulations do not apply. The applicant should review these exceptions to determine if the project will be required to complete the subdivision process. There is also an abbreviated process for projects that only require relocation of a lot line between two lots within an existing subdivision. See Chapter 10.
- F. **MEANINGS AND INTENT.** All provisions, terms, phrases, and expressions contained in this Chapter shall be construed according to Section 1.

- G. HEADINGS, ILLUSTRATIONS, AND TEXT. In case of any difference of meaning or implication between the text of this Chapter and any heading, drawing, table, figure, or illustration, the text shall control.
- H. LISTS AND EXAMPLES. Unless otherwise specifically indicated, lists of items or examples that use terms such as “including”, “such as”, or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- I. COMPUTATION OF TIME. References to days are calendar days. Exclude the first day and include the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day shall be excluded.
- J. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS, AND DOCUMENTS. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
- K. TECHNICAL AND NON-TECHNICAL TERMS. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- L. PUBLIC OFFICIALS AND AGENCIES. All public officials, bodies, and agencies to which references are made are those of the City of Fountain Green unless otherwise indicated.
- M. MANDATORY AND DISCRETIONARY TERMS. The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms.
- N. CONJUNCTIONS. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
1. “And” indicates that all connected items, conditions, provisions, or events apply, and
 2. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.
- O. TENSES AND PLURALS. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

1.5 CONFLICTING PROVISIONS

This Chapter is written to harmonize with federal, Utah State and City laws. To the extent a provision of this Chapter conflicts with a federal, Utah State, local law, or private contract the following rules apply:

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- A. **CONFLICT WITH STATE OR FEDERAL REGULATIONS.** If the provisions of this Chapter are inconsistent with those of the State of Utah or the federal government, the more restrictive provision will control, to the extent permitted by law.
- B. **CONFLICT WITH OTHER CITY REGULATIONS.** If the provisions of this Chapter are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the City, the more restrictive provision will control.
- C. **CONFLICT WITH PRIVATE AGREEMENTS.** It is not the intent of this Chapter to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Chapter impose a greater restriction than imposed by a private agreement, the provisions of this Chapter will control. If the provisions of a private agreement impose a greater restriction than this Chapter, the provisions of the private agreement will control. The City shall not be responsible for monitoring or enforcing private agreements.

1.6 INTERPRETATION

The Fountain Green City Planning Commission shall have the power to interpret the provisions of this Chapter, provided that the City shall consult with the City Attorney concerning legal issues. The interpretations shall be consistent with the rules of statutory construction and with the rules of conflicting provisions and shall be consistent over time until changed, in writing, by the City Council. Such interpretations shall be entitled the weight accorded to administrative interpretations by the courts.

1.7 CREATION OF VESTED RIGHTS

The City may alter certain private property rights by amending this Chapter from time to time as provided for in Chapter 3.

- A. **HOW RIGHTS VEST.** Certain private property rights shall become fixed at law, and may not be altered for a period of time, upon an applicant's:
 1. Submission of a complete application to develop property that is consistent with this Chapter; and
 2. Payment of all applicable permit fees.
 3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- B. **WHAT RIGHTS VEST.** The applicant's rights vest under this Chapter in those rights for which the applicant has applied. For example, if the applicant has applied for a subdivision, and has "vested rights" pursuant to subsection A. above, the applicant's rights vest under the subdivision ordinance, and the applicant is entitled to the benefit of the subdivision

ordinance in effect at the time of vesting. An applicant's vested rights under the subdivision ordinance, however, do not vest the applicant under an adopted building, fire, or plumbing code, because the applicant has not submitted a complete application for the applicable permit, nor paid applicable fees. Applications shall not vest if:

1. Revisions to this Chapter are pending at the time of application which would prohibit or further condition the approval sought; or
 2. There exists a compelling and countervailing health, safety, or welfare reason.
- C. **PRESERVATION OF VESTED RIGHTS/COMPLIANCE WITH CONDITIONS OF APPROVAL.** An applicant with vested rights must comply with and maintain all conditions of final approval to preserve the vested rights. An applicant's failure to meet or maintain conditions of approval constitutes the applicant's knowing and willful waiver of the applicant's vested rights.
- D. **APPLICABILITY OF ORDINANCES THAT ARE GENERAL IN NATURE.** The establishment of a vested right shall not preclude the application of City ordinances or regulations that are general in nature, applicable to all property subject to land use regulation, and necessary to preserve the health, safety, or welfare of the community.
- E. **REQUIREMENTS TO BE APPLIED.** Fountain Green City shall not impose on a holder of an issued land use permit a requirement that is not expressed:
1. In the land use permit or in documents on which the land use permit is based; or
 2. In the City's ordinances.
- F. **CERTIFICATE OF OCCUPANCY NOT TO BE WITHHELD.** Fountain Green City will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
1. In the building permit or in documents on which the building permit is based; or
 2. In the City's ordinances.
- G. **REASONABLE DILIGENCE.** The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

1.8 EXACTIONS

The city may impose an exaction or exactions on proposed land use development if:

- A. An essential nexus exists between a legitimate governmental interest and each exaction; and

- B. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

1.9 TRANSITIONAL PROVISIONS

- A. VIOLATIONS CONTINUE. Any violation of the previous Zoning Ordinance will continue to be a violation under this Chapter and will be subject to penalties and enforcement under Chapter 3, unless the use, development, construction, or other activity complies with the provisions of this Chapter.
- B. LEGAL NONCONFORMITIES. Any legal nonconformity under the previous Zoning Ordinance or created by the adoption of this Chapter will be a legal nonconformity under this Chapter. If a legal nonconforming use or structure under the previous Zoning Ordinance becomes conforming because of the adoption of this Chapter, then the nonconformity expires. A legal nonconforming use will become an illegal nonconforming use if the use lapses for 12 consecutive months.
- C. APPROVED PROJECTS AND EXISTING LOTS. The provisions of this Chapter shall affect approved projects and existing lots as follows:
 - 1. Use permits, variances, architectural or design approvals, subdivided lots, and subdivision maps, which are valid on February 18, 2008 shall remain valid until their expiration date. Projects with valid approvals or permits may be constructed as approved, provided that the permit or project approval is valid and has not lapsed. Any change in the use or occupation of s

2. uch land shall be made in accordance with the amended provisions of this Chapter.
 3. No provision of this Chapter shall require any change in the plans, construction, or designated use of any structure for which a buildingapplewebdata://706aa444-5acd-43dc-83ca-18e2fcd7f82b/5ce4897.htm permit has been issued prior to February 18, 2008.
- D. VESTED RIGHTS/APPLICATIONS IN PROGRESS/REAPPLICATION. An applicant with rights vested before February 18, 2008, and pending approval on February 18, 2008, may opt for review wholly under the terms of the previous Zoning Ordinance or under this Chapter. Any re-application for a permit that has expired must comply with the standards in effect at the time of re-application. Projects for which no application has been submitted and accepted as complete prior to February 18, 2008, shall be subject to all requirements and standards of this Chapter.

CHAPTER 2 DEFINITIONS

Chapter 2. DEFINITIONS. For the purpose of this code, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". Words that are not included herein but are defined in the nationally recognized, state adopted, international building code, shall have the meaning as defined within said uniform building code. Chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any chapter or section herein.

AASHTO: The American Association of State Highway and Transportation Officials, which provided guidelines for sight distance and other transportation-related standards.

Abandon/Abandoned. Means a use that has been discontinued for a minimum period of one year or a building, structure, sign, or other object that remains vacant or unused for a minimum period of one year.

Accessory dwelling unit. An Accessory Dwelling Unit (ADU) is a subordinate residential dwelling unit, with its own food preparation, sleeping, and sanitation facilities, meant for one additional single family located in a separate dwelling unit on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached accessory building. A mobile home (as defined in UTAH CODE ANN. 57-16-3, as amended) or other portable structure does not qualify as an ADU, nor may an ADU be located within a mobile home or other portable structure.

Adult-Oriented Businesses. Adult-oriented business means any or all of the following or any portions of the following: adult bookstore, adult video store, adult novelty store, adult motion picture theater, adult theater, and tattoo parlors. See Chapter 7.3 - BC Zone

Affected Entity. A county, municipality, independent special district under Utah Title 17A, Chapter 2, Independent Special Districts, local district under Utah Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) the entity has filed with the municipality a request for notice during the same calendar year

Alley. A public thoroughfare less than 26 feet wide.

Animal Unit(s). A method to calculate number and types of animals allowed in the several zones.

Appeal Authority. The Fountain Green City Board of Adjustment is designated by ordinance to decide an appeal of a decision of a land use application or a variance. See Chapter 3.18.

Assisted Living Center/Facility. Residences that provide for semi-independent living as provided under and controlled by State Law. See Chapter 9.

Auxiliary Building. A structure not for human habitation – Including stick-built sheds, "Tuff" sheds, shipping containers, Quonset huts, tarp-covered carports, etc. (portable or not). Auxiliary buildings less than 200 square feet need to meet setback requirements, but are not required to have anchors, footings, or a foundation. Auxiliary buildings 200 square feet or more are required to have footings, a foundation, or appropriate anchors as well as meeting setback requirements.

Bed and Breakfast. A building where, for compensation, meals and lodging are provided for not more than 15 persons. A residential building in which not fewer than two but not more than five rooms are rented out by the day, offering overnight lodging, and where one meal shall be provided to overnight paying guests.

Board of Adjustment. Designated by ordinance to be the Appeal Authority. See Chapter 5.

Bond, Public Assurance. A one-year guarantee to the City that all public improvements have been installed to City specifications and will operate properly.

Breezeway. A covered walkway connecting two buildings no less than 8' wide.

Building. A structure at least partially enclosed with "walls" and a "roof" (including geodesic domes, Quonset huts, carports, and other odd-shaped structures). Any roofed structures attached to the main structure are considered as part of the building (porch, patio, deck, bay window, etc.).

Building Area. The portion of a lot that is within the envelope formed by the required yards or setbacks, within which a structure can be located.

Building Code. The International Building Code, as adopted by the City.

Building Height. The vertical distance from the existing grade to the highest point of the cornice of a flat roof or to the deck line of a mansard roof or to the midpoint of the highest gable of a pitch or hip roof. The maximum height of any building within City limits must not be more than 28' as measured at the ridgeline of the roof and 21 feet at the lowest point of the eaves.

Building Inspector. Sanpete County official who is designated to inspect a building under construction and upon completion.

Child Care Center. The provision of childcare for business for eight or fewer children, including the provider's children who are under the age of 12, within a dwelling unit.

Child Care Facility. The provision of childcare for business for nine or more children including the provider's children who are under the age of 12 years old.

Church. A building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the State of Utah.

Clear Vision Area Restriction. An area outlined by the sight triangle where solid fencing or vegetation is restricted to a height of 3 feet and hanging no lower than 8 feet where all structures or other items that would obstruct vision are prohibited.

Commission. The Planning Commission of Fountain Green City.

Complete Application. A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

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

Congregate Living Facility. A residence in which three or more persons unrelated to the owner or provider reside, including but not limited to youth homes, residential facilities for the disabled, or residential facilities for the elderly.

Constitutional Taking. Final action by the City to physically take or exact private real property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

Council. Members of the City Council of Fountain Green.

County. The area of Sanpete County.

Culinary Water Authority. The Fountain Green City Council with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cultural, Civic Buildings. A building primarily used for the public display of art, cultural or community events, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room.

Dedication. The setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

Detached ADU. An ADU located in an accessory building on the property and not attached to or within the principal dwelling unit.

Development. The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating or filling of such property. This definition includes construction activity.

Disability. Means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance. See Chapter 9.

District. A portion of the area of Fountain Green City, Utah shown on a zoning map (attached to this ordinance) and given a zone classification as set forth in this ordinance.

Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, recreational vehicles, sheep camps, and bed and breakfasts.

Dwelling Unit. A portion of a building designated as the residence of one family or individual with suitable approved provisions for eating, sleeping, cooking, and sanitation.

Dwelling Unit, Manufactured/Modular. A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, when erected on site, is 960 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Building Code. A Manufactured Dwelling Unit shall be identified as real property on the property assessment rolls of Sanpete County.

Elderly Person. A person who is 62 years old or older, and who desires or needs to live with other elderly persons in a group setting, who may or may not be capable of living independently.

Enforcement. See Chapter 3.

Escrow. A deposit of cash with the City or in an approved, federally insured financial institution designating the City as beneficiary, or alternate security in lieu of cash held to ensure a guarantee.

Exaction. The act of exacting fees, rewards, or contributions levied with severity or injustice.

Family. A single housekeeping group of people with stable, rather than transient living arrangements, or a householder caring for a reasonable number of children with no more than four unrelated individuals. For groups of greater than four unrelated persons to constitute a "family", the group would have the burden of proving to the Fountain Green City Planning Commission that they meet the criteria set forth in the zoning regulations to show that they are a "functionally equivalent family". The factors which must be considered by the Planning Commission are whether the group: 1) shares the entire house, 2) lives and cooks together as a single housekeeping unit, 3) shares expenses for food, rent, utilities, or other household expenses, and 4) is permanent and stable.

Fence, Wildlife. Open fencing is allowed at a height of 6 feet or higher when a need is shown to protect animals from entering or leaving an area.

Final Action. The latter of the final vote or the approved, written decision on a matter.

Final Plat. A recordable Subdivision or condominium map.

Fire Lane. The National Fire Protection Association describes a fire lane as the distance between a building and its nearest property line, other building, etc... A Fire Lane should allow for the access of a fire truck.

Garage/Yard Sale. A sale of personal belongings in a residential zone, which sale is conducted by a bona fide resident of the premises.

General Plan. The document that Fountain Green City has adopted sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Sections 10-9-301 and 10-9-302 of the Utah Code.

Governing Body. The City Council of Fountain Green City.

Group Home. "Group home" means a profit or non-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter may also provide some combination of personal care, social, or counseling services, and transportation. Group homes include congregate facilities for all persons. Assisted Living, Elderly, Persons with a Disability.

Health Care Center (Convalescent Center). A publicly or privately operated facility, other than a hospital, intended for the long-term, in-patient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.

Health Department. The Utah State or local health agency having jurisdiction.

Home Occupation. An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display other than that provided in Fountain Green City Ordinance with relation to signs, no stock in trade, no person employed other than members of the family residing on the premises.

House. A building for human occupation including any covered/roofed porch/patio, bay windows, etc. attached to the main structure.

HUD Code. The federal manufactured housing construction and safety standards act. This act was passed in 1974 and became effective June 15, 1976.

Impact Fee. As determined by the Fountain Green City Council and Mayor.

Inaction. An application is inactive and subject to denial on the basis of inactivity if, through the act or omission solely of the applicant and not of the City:

- (a) More than six months has passed since a request for additional information was made by the City without a response from the applicant;
- (b) Upon notice the applicant is more than 60 days in default of the payment of any fee assessed by resolution, or has not paid the fee under protest;
- (c) The applicant has stated an intent to abandon the project; and
- (d) The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

Industrial (or Research) Development. A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Internal ADU. An Internal Accessory Dwelling Unit (IADU) is an ADU created within the footprint of a primary dwelling unit.

Kennel. Any owner(s) of a building or land owning, keeping, harboring, or maintaining 4 or more dogs over the age of 6 months with a limit of 8 dogs shall be considered operating a kennel and shall be required to pay an annual kennel license fee. Any owner(s) of a building or land owning, keeping, harboring, or maintaining more than 8 dogs over the age of 6 months shall be considered operating a commercial kennel and shall be required to maintain an annual commercial kennel license, obtain a conditional use permit from animal control officer, as well as maintain a current Fountain Green City business license. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

Land Use Application. An application required by a municipality's land use ordinance.

Land Use Authority. A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application (City Council and delegated powers to the Planning Commission).

Land Use Ordinance. A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Legislative Body. The Fountain Green City Council.

Lot. A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street.

Corner Lot. A lot situated at the intersection of two streets, the interior angle of such intersection does not exceed 135°. A corner lot fronts two streets.

Lot Coverage. The percentage of the total site area covered by structures or impervious paving other than those accepted in this ordinance.

Lot Depth. The distance between the front and rear lot lines measured in the main direction of the side lot line. Must be ≥ 100 feet for a building lot.

Lot Width. The distance between two side lot lines. A minimum of 90 feet is required for a building lot. "Frontage".

Manufacturing. Research and development facilities, testing laboratories, and facilities for the production, fabrication, processing, or assembly of goods and products.

Light Manufacturing. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment entirely within an enclosed structure and imposing a nearly negligible impact upon the surrounding environment by noise, vibration, smoke, dust, or pollutants.

Medical Clinic. See Professional Building.

Mobile Home. A detached single-family dwelling unit of not less than 30' in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other work. Pre-sectionalized, modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes, and only authorized in mobile home parks.

Mobile Home Park. A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of subdivisions.

Noncomplying Structure. A structure that legally existed before its current zoning designation and because of a zoning change does not conform to the zoning district's development standards.

Nonconforming Sign or Sign Structure. A sign or sign structure or portion thereof lawfully existing prior to May 31, 2005 which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

Nonconforming Use. The use of a lot or parcel that legally existed on the lot or parcel before its current zoning designation; has been maintained continuously for the preceding twelve months; and does not conform with the zoning regulations that now govern the land.

Non-Owner-Occupied Dwelling. A home that is not occupied by the owner at least 51% of the time during the duration of 1 year.

Non-Owner Occupied Dwelling. An absentee owner who rents out his/her property.

Open Space. Space reserved in parks, courts, playgrounds, golf courses, and other similar open areas and those areas reserved to meet the density requirements of planned unit development.

Owner occupancy. The case in which a property's owner of record makes such owner's legal residence at the site for at least 200 days per calendar year, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

Owner Occupied Dwelling. A home that is occupied by the owner at least 51% of the time during the duration of 1 year.

Parcel. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

Parking Area. An un-enclosed area or lot other than a street used or designed for parking or storage of an automobile or other vehicles of occupants of a dwelling or business with a minimum of 9'x18' allowed for each vehicle.

Person. An individual, corporation, partnership, or incorporated association of individuals such as a club.

Person with a Disability. A person who:

- (a) Has a severe, chronic disability that is attributable to mental or physical impairments, that is likely to continue indefinitely, and that results in a substantial functional limitation in three or more of the following areas of major life activity:

1. capacity for independent living;
2. economic self-sufficiency;
3. learning;
4. mobility;
5. receptive and expressive language;
6. self-care;
7. self-direction; and

(b) Requires special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Planning Commission. The Fountain Green City Planning Commission.

Plat. A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code §10-9-804.

Preliminary Plat. The preliminary drawings of a proposed subdivision, specifying the layout, uses, and restrictions.

Primary dwelling. A single-family dwelling that is occupied as the primary residence of the owner of record.

Professional Building. A place intended for the conduct of a recognized learned profession. Such uses include offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices, massage therapist, and similar uses). Other professions so defined would include, but not be limited to, accountants, architects, engineers, and lawyers. Definition does not allow for in-patient care facilities or adult-oriented businesses.

Property. Any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

Frontage. That part of a parcel or lot, which abuts a street. The minimum frontage required for a building lot is 90’.

Public Facilities. Those improved properties owned by the municipality, the public, or other political subdivisions.

Public Hearing. A hearing at which members of the public are provided with a reasonable opportunity to comment on the subject of the hearing.

Public Meeting. A meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.

Public Improvement. Any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the City may ultimately assume responsibility, or which may affect a City improvement.

Public Services. Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

Public Street. A street, including the entire right-of-way, which has been dedicated to and accepted by the City of Fountain Green or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

Public Utility Stations. A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements.

Reasonable Notice. The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three public places within the jurisdiction and notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction and if actual legal notice of the hearing or meeting is given by mail. See Chapter 3.

Recreational Vehicle. A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer, and a van.

Recreational Vehicle Park (Travel Trailer Park). Any area or tract of land or separately designated section where lots are rented to one or more owners or users of recreational vehicles for a temporary time.

Renter. A single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

Residence. See Dwelling.

Residential Facility for Persons with a Disability. A facility that is occupied by eight or less unrelated persons with disabilities on a 24-hour per day basis in a family-type arrangement under

the supervision of a house family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah Department of Human Services - Division of Services for People with Disabilities or Health and is operated by or under contract with that department. Such facilities shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in 62A-1-16 UCA.

Residential Short-Term Rental (STR). Any dwelling or portion thereof that is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than 30 consecutive days. Bed and Breakfasts, campgrounds, hotels, and motels are not considered STR.

Residential Support. Arranging for or providing the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support.

Residential Treatment Center. A 24-hour group living environment for three to nine individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions or impairments. For the purposes of this section, Residential Treatment Center shall not include facilities for comprehensive substance abuse treatment or domestic violence treatment as defined in 62A-1-16 UCA

Resource Family Home. A home licensed to provide services to a child in the custody of the state and includes a foster care home and a legal risk home.

Right-of-Way. An area of land that is legally described in a registered deed for the provision of public access.

Road Classification. The streets, highways, roads, and rights-of-way designated on the Transportation Master Plan.

Sanitary Sewer Authority. The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

School. An educational facility operated by a public, private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profitmaking or nonprofit organization. This definition shall not include commercial schools.

Seasonal Commercial Use. Includes uses such as Farmers' Markets where produce or other items are sold for less than 4 months during the year.

Secure Treatment. 24-hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.

Senior Citizen Center. A government sponsored public building, other than a church or school, serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

Setback. The required minimum distance between a building or structure and the closest of the following:

- (a) Property Line; or
- (b) Platted Street; or
- (c) Existing curb or edge of a street or other building.

Short-Term Rental. Any dwelling or portion thereof that is used for accommodations or lodging of guests, paying a fee or other compensation for a period of twenty-nine or fewer consecutive days. Meals are not provided. The owner does not live in the home while renting it. Example: a vacation rental home. NOTE! Including a definition for short-term rentals does not mean that the Land Use Ordinance will allow them! **If a use is not listed in the Use Table, it is not allowed.**

Sight Triangle Specified areas along intersection approach legs and across their included corners that are cleared of obstructions that may block a driver's view of potentially conflicting vehicles. (re. Clear Vision Restriction). Dimensions of the triangle are based on the design speeds of the intersecting roadways and type of traffic control used at the intersection (Ref: AASHTO). Please refer to Fountain Green City's Planning and Zoning Ordinances Section 11.7(B).

Sign. Any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, or product which are visible from any public way. Sign shall also include the sign structure supports, lighting system and any attachments, ornaments or other features intended to draw the attention of observers.

A-FRAME / SANDWICH SIGN. Temporary and/or moveable sign constructed with two (2) sides attached at the top so as to allow a sign to stand in an upright position.

AWNING. A shelter, cover, or roofed structure placed as to extend outward from the building with supports extending back to the building and supported by the building.

ABANDONED SIGN. A sign, including all structural, support elements or components, which is located on a property, premises or structure which becomes vacant or unoccupied for a period of one hundred eighty (180) days or more.

BANNER. A flexible sign supported by two (2) or more points and hung on a building or otherwise suspended down or along its face, or across a public street.

BILLBOARD. Any freestanding sign or affixed graphic or visual representation, including any lighted or unlighted drawn, printed, painted, electric, led, digital, or mechanical representation designed or intended to advertise or direct attention to a business, product, service, organization, idea or cause which is not sold, offered, or existing on the property whereupon the sign is located.

NAMEPLATE SIGN. A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

PROJECTING SIGN. A sign which extends out from a building face, wall, or structure so that the sign face is perpendicular or at an angle to the building face, wall, or structure.

SUSPENDED SIGN. A sign attached to and located below any permanent eaves, roof, canopy, or awning and not mounted to a wall.

WALL OR WALL MOUNTED. A sign attached to, or painted on, and parallel to a building or wall.

Single Family Dwelling/Residence. Any residence (including manufactured and modular homes) with a main level living area of not less than 24 feet in width and not less than 960 square feet in area, in which a traditional or functional family lives. **No more than 4 of the people may be unrelated.**

Slope. The level of inclination of land from the horizontal plane is determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure to a percentage value.

Solid Type Fence. A fence that is closed sufficiently to block the view of traffic, as determined by the City.

Store, Retail, and Service. Commercial establishment selling foods and/or services except Adult-Oriented businesses.

Stream. A naturally fed watercourse, that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

Street. A private or public right-of-way, highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easements, and other ways.

Street, Collector. A street that provides for a high volume of traffic movement between major arterials and local streets, and direct access to abutting property. Usual ADT range is 1,000-3,000 vehicles.

Street, Public. A street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee. A public thoroughfare, which affords primary means of access to abutting property and has a right-of-way that exceeds 26 feet in width. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Structure. Anything constructed, the use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building" and "Auxiliary Building 200 square feet or more".

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, site, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. "Subdivision" does not include:

- (a) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
- (b) A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - 1. No new lot is created; and
 - 2. The adjustment does not result in a violation of applicable zoning ordinances; or
 - 3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
- (c) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under State law as to the unsubdivided parcel of property or subject the unsubdivided parcel to the subdivision ordinance.

Subdivision Plat. The final map or drawing, on which the applicant's plan of subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County Recorder for filing.

Survey Map. A graphic illustration of a survey of land prepared in accordance with state laws and recorded in the owner's name.

Telecommunications Facility. A telecommunications facility of less than 35 feet in height consisting of antenna, equipment shelters, and related structures used for transmitting and/or receiving telecommunications and/or radio stations.

Temporary. Any structure without permanent anchors or a foundation measuring 200 square feet or more that is used for 6 months or less. This applies to shipping containers, "Tuff" Sheds, tarp covered carports, etc.

Travel Trailer. (See Recreational Vehicle.)

Transportation Plan. As adopted by the City Council, the designation of each existing and planned street and right-of-way, and those located on approved and filed plats, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street and right-of-way is based upon its location in the respective zoning district of the City, its present and estimated future traffic volume and its relative importance and function.

Travel Park. (See Recreational Vehicle Park.)

Unincorporated. The area outside of the incorporated boundaries of cities and towns

Use. The activities occurring on a lot or parcel of land for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied, including all accessory uses.

Variance. A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure. This is a modification granted by the Board of Adjustment to a development standard with a finding of hardship. See Chapter 5.

Youth Home. A 24-hour group living environment for no more than six persons under the age of 18, unrelated to an owner or operator that offers room, board, or specialized services to residents. Youth Home may include facilities for the following: resource family home, child placement, or residential support as defined in Chapter 62A UCA. Youth Home shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day

treatment, comprehensive mental health treatment, youth program, comprehensive substance abuse treatment, or domestic violence treatment as defined in 62A UCA. See Chapter 9.

Zones. A portion of the incorporated territory of Fountain Green City exclusive of streets, alleys, and other public ways, which has been given a zone designation which provides for certain uses of the land, premises, and buildings and within which certain yards and open spaces are required and certain height and other limitations are established for buildings; all as set forth and specified in this title.

- (a) Residential/Agriculture
- (b) Business/Commercial
- (c) Sensitive Lands
- (d) Public Facilities

Zoning Map. The map adopted by the City Council pursuant to law showing the streets, zoning districts, and City boundaries; and any amendments or additions thereto resulting from the approval of rezones, subdivision or annexation plats and the subsequent filing of such approved plats.

CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

- 3.1 AMENDMENTS TO THE ZONING CODE OR MAP**
- 3.2 REVIEWING BODIES**
- 3.3 APPLICANT ENTITLED TO FUNDAMENTAL FAIRNESS IN REVIEW PROCESS**
- 3.4 FEE SCHEDULE FOR PERMITS.**
- 3.5 ALLOWED USE REVIEW.**
- 3.6 CONDITIONAL USE REVIEW**
- 3.7 SIGN PERMIT REVIEW**
- 3.8 TELECOMMUNICATIONS**
- 3.9 NOTICE**
- 3.10 TERMINATION OF PROJECTS FOR INACTION**
- 3.11 PENALTIES**
- 3.12 GENERAL ENFORCEMENT AUTHORITY**
- 3.13 NOTICE OF VIOLATION**
- 3.14 SERVICE OF NOTICES**
- 3.15 REMEDIATION PROCESS**
- 3.16 FINE RECOVERY PROCESS**
- 3.17 LICENSING**
- 3.18 APPEALS AND RECONSIDERATION PROCESS**
- 3.19 CONSTITUTIONAL TAKINGS REVIEW AND APPEAL**
- 3.20 NOTICE MATRIX**

3.1 AMENDMENTS TO THE ZONING CODE OR MAP

Amendments to this chapter shall be made in the following manner:

- A. **APPLICATION.** An applicant must file a written request for amendment with the Planning Commission. The City Council, Planning Commission, or owner /applicant may initiate an amendment as provided below. An owner/applicant shall pay the filing fee prescribed by resolution, and shall file an application, which shall include, without limitation:
 - 1. The legal description of all property included;
 - 2. Common address if available; and
 - 3. A written statement addressing the criteria required for approval pursuant to Section 3-1E.

- B. **HEARINGS BEFORE PLANNING COMMISSION.** The Planning Commission, a Land Use Authority, shall hold a public hearing on all amendments to this chapter or to the Land Use Zoning Map. The commission shall cause a notice, including a description of the property for which the zoning amendment is requested, a brief explanation of the

proposed zoning, and the date, place, and time of the public hearing, to be prepared as provided in Section 3-9 below. The purpose of the notice is to reasonably inform the general public, surrounding property owners, and governmental jurisdictions of the application. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the application.

- C. **ACTION BY PLANNING COMMISSION.** Following the public hearing, the Planning Commission shall adopt a written recommendation to the City Council, advising the Council to approve, disapprove, or modify the proposal. If the Planning Commission fails to take action within 60 days of the close of the public hearing, the City Council shall consider the matter forwarded from the Planning Commission with a negative recommendation.
- D. **HEARING BEFORE CITY COUNCIL.** The City Council may hold a public hearing on all proposed amendments to this chapter or Land Use Zoning Map forwarded from the Planning Commission. Notice of the public hearing shall be provided in accordance with Section 3-1B.
- E. **CRITERIA/REQUIRED FINDINGS.** The City's land use zoning is the result of a detailed and comprehensive review and determination of the City's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the City, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the Planning Commission may recommend, and the City Council may grant, a rezoning application only if it determines, in written findings, that the rezoning is consistent with the policies and goals of the Fountain Green City General Plan and that the applicant has demonstrated the following:
1. The proposed rezoning is necessary either to comply with the Fountain Green City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of adoption of the Fountain Green City General Plan; or
 2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage; or
 3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.
- F. **TEMPORARY OR EMERGENCY ZONING.** The City Council may enact an ordinance, without a public hearing or Planning Commission recommendation, which establishes temporary zoning regulations for any part or all of the area within the City if the:

1. City Council makes a written finding of compelling, countervailing public interest; or
2. The area is not zoned.

Temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval. The City Council shall establish a period of limited effect for the ordinance, which period may not exceed 6 months.

3.2 REVIEWING BODIES

The Appeal Authority (AA), the Planning Commission (PC), and the City Council (CC) each have the following primary authority to review Applications for compliance with this Chapter:

Table 3.2 REVIEWING BODIES
A- Appeal, D- Decision, R- Review

Type of Review	PC	CC	AA
Building Permit for Residential-Agriculture (RA) Zone	D		A
Building Permit for Business-Commercial (BC), Public Facilities (PF) and Sensitive Lands (SL) Zones	R	D	A
Allowed Use Appeal	R	D	A
Conditional Use	R	D	A
Noncomplying Use or Structure	D		A
Subdivision Adoption or Amendment	R	D	A
Zoning Map or Ordinance Adoption or Amendment	R	D	
General Plan	R	D	
Variance			A

- A. All structures greater than or equal to 200 square feet on the ground floor (with or without utilities) require a building permit approved by the Planning Commission or recommended by the Planning Commission to the City Council for approval before installation. This applies to houses, barns, sheds, shipping containers, carports, etc.

Final copy approved by Fountain Green City Council February 18, 2008. Minor changes 3.6 F and G April 19, 2012. 3.20 Amended October 18, 2012. Amended section 3.15 January 19, 2023. Amended sections 3.2 & 3.15 March 16, 2023. Revise section 3.6 G January 18, 2024. Revise section 3.6 F & G January 16, 2025. Updated & Revised Jan 22, 2026.

Although structures less than 200 square feet on the ground floor without utilities do not require a building permit, they must meet all setbacks and City Ordinance requirements.

- B. No building permit shall be valid for any structure unless the permit for the proposed structure has been submitted to and approved by the Planning Commission or City Council.
- C. No new use shall be valid on any property unless the use is allowed in the zone, or unless a conditional use permit has been properly issued for the use.
- D. No subdivision map shall be recorded unless all conditions of subdivision approval have been satisfied or otherwise secured.
- E. The Planning Commission reviews allowed uses, administrative lot line adjustments, modifications of noncomplying structures, and conditional uses and the Planning Commission issues building permits in the Residential-Agriculture zone. The City Council issues building permits in the Business-Commercial, Public Facilities, and Sensitive Lands Zones.
- F. The Planning Commission reviews, holds a public hearing if required, and forwards a recommendation to the City Council regarding each application for conditional use permits, initial zoning, rezoning, and amendments to this Chapter.
- G. The Appeal Authority hears all requests for variances.
- H. The Appeal Authority shall hear all appeals.

3.3 APPLICANT ENTITLED TO FUNDAMENTAL FAIRNESS IN REVIEW PROCESS

Each applicant is entitled to a timely written decision and to timely judicial review of each decision made by a Land Use Authority.

- A. **REQUEST FOR DETERMINATION OF COMPLETE APPLICATION.** Fountain Green City shall, in not more than 45 days, determine whether an application is complete for the purposes of subsequent, substantive land use authority review. Fountain Green City will diligently evaluate whether all objective ordinance-based application criteria have been met, and if application fees have been paid, the applicant may in writing request that Fountain Green City provide a written determination either that the application is:
 - 1. Complete for the purposes of allowing subsequent, substantive land use authority review; or
 - 2. Deficient with respect to a specific, objective, ordinance-based application requirement.

Within 30 days of receipt of an applicant's request under this section, Fountain Green City shall either:

3. Mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criteria, and stating that the application must be supplemented by specific additional information identified in the notice; or
4. Accept the application as complete for the purposes of further substantive processing by the land use authority.

B. REQUEST FOR FINAL ACTION ON A COMPLETE APPLICATION. Each land use authority shall substantively review the application considered complete under Subsection A and shall approve or deny each application with reasonable diligence.

1. The land use authority shall consider the application. The applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.
2. The land use authority shall take final action, approving or denying the application within 45 days of the written request. If the land use authority denies an application processed as outlined above or if the applicant has requested a written decision on the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.
3. If the land use authority fails to comply within the 45-day period, the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action. Subject to Utah State Code (Section 10-9a-509) nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable ordinances and regulations of the city.

3.4 FEE SCHEDULE FOR PERMITS.

A schedule of fees for all permits required by this Ordinance shall be established by resolution by the City Council and shall be revised as needed by the City Council.

3.5 ALLOWED USE REVIEW.

A. PLAN REVIEW PROCESS. The following process, and those outlined in Chapter 10, applies to all applications for new development.

- B. INITIAL CONTACT. An applicant for new development shall contact the Planning Commission to discuss the scope and purpose of the proposed development and the requirements of this Ordinance, including the following:
1. An allowed use within the zone;
 2. Complies with all applicable development requirements of the zone, including building height, setback, front, side, and rear yards, and lot coverage;
 3. Respects lot lines of a legally subdivided lot;
 4. Complies with the parking requirements for the zone.
 5. Conforms with applicable design guidelines, if any, for the zone;
 6. Can adequately be serviced by roads, existing or proposed utility systems or lines; and
 7. Pertains to land on which proof of ownership is verified.
- C. PRELIMINARY REVIEW. The applicant shall provide the Planning Commission with the following:
1. A statement of intended use;
 2. Drawings in sufficient detail to allow staff to review the proposal for compliance with this Ordinance;
 3. The serial number for the parcel;
 4. A vicinity map to orient the parcel to its surrounding infrastructure;
 5. Project identification (project name, location, developer and developer's address and contact information);
 6. Concept drawings shall be either 8½ inch x 11 inch or 11inch x 17 inch and shall include the following:
 - a) Location and height of existing and proposed structures within the proposed development and location of existing structures within 100 feet of the proposed development;
 - b) Location of fire hydrants and street lights within 250 feet of the proposed development;

- c) Property lines and dimensions indicating total site area, parking and driveway area, gross area of all buildings and structures, area of proposed landscaping indicated as a percentage of lot coverage by landscaping;
- d) North arrow indicator;
- e) Proposed buildings, parking areas, drive-aisle widths, road or driveway lengths and landscaped areas. Indicate number, layout, and size of proposed parking spaces;
- f) Locations of access, curb cuts, gutters, sidewalks and proposed driveways as well as proposed traffic and pedestrian circulation patterns;
- g) Public improvements and dedications;
- h) Location and design of proposed walls, landscaping, and exterior lighting;
- i) Phasing plan, if any;
- j) Description and hours of intended uses; and
- k) Payment of the application fee set by fee resolution.

D. RESIDENTIAL SITE PLAN REVIEW. The site plan drawings shall include:

1. Dated drawings prepared on a 8 ½ inch x 11 inch to 22 inch x 34 inch format;
2. Indicated scale shall be no less than 1 inch = 50 feet;
3. Name of project/development, physical address, property serial number(s), owner's name and developer's name;
4. Property dimensions;
5. North arrow indicator;
6. Total site area in acres;
7. Parking and driveway area, access(es) into project;
8. Location, size and eave height (21 feet maximum) of new buildings, structures, and auxiliary building(s) including all setback minimum distances;

9. Location and size of existing buildings and structures including all setback minimum distances;
10. All existing sewer mains, water mains, fire hydrants, and electric lines;
11. Intended uses of all buildings and structures;
12. Fence heights, materials, and location; and
13. Any further information related to the specific site development as requested by Fountain Green City Officials.

E. COMMERCIAL SITE PLAN REVIEW. (Not a Subdivision) The site plan drawings shall include:

1. Dated drawings prepared on a 22 inch x 34 inch format;
2. Indicated scale shall be no less than 1 inch = 50 feet;
3. Name of project/development, physical address, property serial number(s), owner's name and developer's name;
4. Property dimensions;
5. North arrow indicator;
6. Total site area in acres;
7. Parking and driveway location, size and access(es) into project;
8. Location, size and eave height (21 feet maximum) of new buildings, structures, and auxiliary building(s) including all setback minimum distances;
9. Location and size of existing buildings and structures including all setback minimum distances;
10. Distances to off-site structures;
11. Landscaped area (indicate percentage of total site area to be landscaped); landscape/planting plan – type, initial and estimated mature sizes;
12. All existing and proposed sewer mains, water mains, fire hydrants, and electric lines;

13. Building elevations with proposed materials of construction for new construction or exterior modifications of existing buildings;
14. Provide existing and proposed utility and lighting information;
15. Proposed signs and lighting for signs;
16. Proposed and existing fences, walls, hedges, screening; and
17. Any further information related to the specific site development as requested by Fountain Green City Officials.

F. **BUILDING PERMIT.** Upon approval of the building and site plan drawings, and payment of all applicable fees, and compliance with the International Building Code, the Planning Commission or City Council, as appropriate, shall issue a building permit to the applicant. A permit shall also be required in order to move any building or structure from one lot to another.

G. **INSPECTIONS.** The Fountain Green City designated official shall inspect the project during construction through its completion to verify conformance with approved plans.

H. **REJECTED USES.** If an application does not meet the criteria set forth above, the Commission shall notify the applicant stating specifically which criteria have not been satisfied.

If an application for a development approval, permit, or license is denied for failure to meet the requirements of this ordinance, an application for all or part of the same property shall not be considered until all requirements are met unless the prior denial was based upon a mistake of fact, or on a motion duly passed by the Council to act immediately and identifying a valid public purpose.

I. **DISCLAIMER.** No permit shall be valid if any of the criteria listed in this section has not been met.

3.6 CONDITIONAL USE REVIEW

There are certain uses that, because of unique characteristics or the potential for detrimental impacts, may not be compatible in some areas of a zone or may be compatible only if certain conditions are imposed. The Planning Commission will evaluate all conditional use permit applications. The Planning Commission shall review all applications for a conditional use permit according to the following procedure:

A. **DEVELOPMENT REVIEW COMMITTEE.** If determined necessary by the Planning Commission, an applicant shall attend a pre-application conference with the Planning Commission and other city staff or departments to discuss the proposed improvements

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associated with the conditional use and the conditions that the staff would recommend to mitigate proposed adverse impacts. This meeting will allow any other City Departments to provide comments on the application.

- B. THE APPLICATION. An applicant must pay all appropriate fees upon approval of a complete application.
- C. PUBLIC HEARING. Upon receipt of a complete application, the Planning Commission shall provide reasonable notice if required by Section 3-9. The Planning Commission may conduct a public hearing on the conditional use permit application and shall either approve, deny, or modify and approve the application.
- D. STANDARDS FOR REVIEW. The City shall not issue a conditional use permit unless the Planning Commission, in consideration of all other conditional uses granted, concludes that the application complies with the standards of review specific to the zone in which the use is proposed.
- E. TRANSFERABILITY. A conditional use permit runs with the land.
- F. EXPIRATION. Conditional use permits expire one year after the month of approval by the City Council and Mayor. When any provision of the Conditional Use Permit is utilized, the other portions and conditions related thereto become immediately operative and shall be strictly enforced. Utilization shall be construed to mean any degree of commencement of the use or uses for which the Conditional Use Permit was granted.
- G. REVOCATION. A Conditional Use Application approved under this Chapter may be revoked by the City Council if any approval requirements are not met or if the permit is used to violate any law or Ordinance. The City shall notify the permit holder by certified mail of any violation or deficiency in meeting approval requirements. If no attempt to correct the violation is made within ten (10) business days after notification, the City Council may revoke a conditional use approval if: (1) one of more conditions of approval have not been met; (2) the approval was obtained fraudulently; (3) the approved use has ceased for at least six consecutive calendar months; or (4) the permit is used to violate any law or Ordinance. If an amendment to the conditions of the permit is requested, the Applicant must submit a new Application to the City for approval by the Planning Commission and City Council, as applicable, in accordance with this Chapter. Any person aggrieved by a decision of the Planning Commission or City Council regarding a Conditional Use Application may appeal such decision as provided by Chapter 5 (Appeal Authority) herein.
- H. APPEALS. Appeals must be made pursuant to Section 3-18 herein.

3.7 SIGN PERMIT REVIEW

The Mayor and City Council of Fountain Green City declare that the purpose and intent of this chapter is to enact reasonable regulations governing the erection and maintenance of signs within Fountain Green City, Sanpete County, State of Utah, in order to enhance the appearance of Fountain Green City and thereby to safeguard and enhance property values throughout Fountain Green. This chapter shall be interpreted in accordance with this general purpose and intention and regulates to the maximum extent allowed by law.

- A. EXCEPTIONS. Except as provided in this chapter, no sign, permanent or temporary, shall be established, erected, located, raised, moved, reconstructed, extended, enlarged or altered, without a permit from the Fountain Green City Planning Commission, issued in compliance with the terms of this chapter. The following signs are not regulated by this code:
1. Signs of a governmental nature for the control of traffic and other regulatory purposes such as street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety;
 2. Signs which are associated with public and quasi-public organization functions, and which are clearly of a temporary nature;
 3. Signs on the interior portion of any building;
 4. Signs advertising yard sales, missing, open houses, election campaigns or school, church or community functions of a short, temporary or limited duration are exempt;
 5. Flags, emblems, or insignias of any nation or political subdivision;
 6. Signs not exceeding six square feet in area and bearing only property numbers, postal box numbers or names of occupants of premises, or other noncommercial signage;
 7. Legal notices, identification information, or directional signs erected by governmental bodies;
 8. Commemorative plaques of recognized historical agencies, or identification emblems or symbols of religious orders, provided that no such plaque, symbol, or identification emblem exceeds six square feet in area, and such plaque, symbol or emblem is placed flat against a building; and
 9. Existing signage, which has been previously approved, shall not be required to comply with this chapter insofar as the initial installation is concerned. All other requirements are applicable.

10. Commercial/advertising. Menus displayed on the exterior of Premises or on an a-frame/sandwich board occupied by restaurants or food trucks shall be attached to the structure or securely anchored to the ground or using sufficient weight to withstand the wind.
11. Construction/service signs. One temporary non-illuminated sign per service or construction project site to be removed within 5 days after the project ends.

- B. **NONCONFORMING SIGNS.** A nonconforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this chapter. Alterations shall not be interpreted to include changing the text or copy of off-premises advertising signs, theater signs, outdoor bulletin, or other similar signs which are designed to accommodate changeable copy.
- C. **ABATEMENT.** The non-conforming sign provisions of this chapter shall not be applicable to prohibited signs.
- D. **PERMITS.** Except as provided in this code, it is unlawful to display, erect, relocate, or alter any sign without first submitting a sign permit application to the Planning Commission and obtaining the sign permit. When a Fountain Green City sign permit has been issued, it is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Planning Commission. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Planning Commission. The application for a sign permit shall be made by the owner (or tenant with owner permission) of the property on which the sign is to be located, or his/her authorized agent, or a licensed sign contractor and shall be accompanied by the following plans and other information:
1. The name, address and telephone number of the owner or persons entitled to possession of the sign or control of the same and of the sign contractor or erector;
 2. The location by street address of the proposed sign structure;
 3. A site plan and elevation drawings of the proposed sign, caption of the proposed sign, and elevations of building facades if the application is for a wall sign. The site plan shall include the proposed location of the sign in relation to the face of the building or to the boundaries of the lot on which it is situated;
 4. Plans for freestanding signs requiring a building permit shall indicate the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used, stamped by a professional engineer licensed in the State of Utah; and

5. Application for, and required information for such application, and electrical permit for all electric signs if the person building the sign is to make the electrical connection.

E. EXEMPT SIGN CHANGES. The following changes do not require a sign permit:

1. The changing of the advertising copy or message of signs specifically designed for the use of replaceable copy;
2. Electrical maintenance, repainting, or cleaning maintenance of a sign;
3. The repair of a sign;
4. Real estate signs no larger than six square feet;
5. Nameplate signs.

F. TRAFFIC HAZARDS. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision; or at any location where by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal device, or make use of words, phrases, symbols or characters in such manner as to interfere with, mislead, or confuse vehicle operators.

1. At intersecting streets and within the clear view area, there shall be no signs allowed, unless a sign is less than three feet in height as measured from the average grade of the intersecting streets.
2. For signs over pedestrian ways, the clearance between the ground and the bottom of any projecting or ground sign shall not be less than eight feet.
3. For signs over driveways for vehicular traffic, the minimum clearance shall be 14 feet.
4. For signs more than three feet in height and having less than an eight-foot clearance, the front setback shall be the same as for buildings in that zoning district. In no case shall the front setback be less than 18 inches from the front property line as measured from the leading edge of the sign.

G. SIGNS OVER PUBLIC PROPERTY. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. This restriction shall include, but not be limited to, handbills, posters, advertisements, or notices that are fastened, placed, posted, painted, or attached in any way upon any curbstone, lamp post, telephone pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street. No projecting sign attached to

a building shall project over public property more than four feet and in no case be closer than four feet to curb line or edge of street, whichever is more restrictive. Ground signs must be setback at least 18 inches from any public right-of-way.

H. PROHIBITED SIGNS.

1. **ABANDONED SIGNS.** Abandoned signs, including all structural and support elements.
2. **BILLBOARDS.** Billboards, outdoor advertising and off-premises signs (see definition of Billboards) are prohibited in all zones.
3. **CHANGEABLE SIGNS.** Electronically or electrically controlled "time and temperature", message center, reader board or other signs on which copy or sign panels are changed manually or electronically is prohibited, except service station signs, theaters, restaurants, and official 'Fountain Green Welcome Signs'.
4. **INTENSELY LIGHTED SIGNS, BEACONS AND SEARCHLIGHTS.** Lighted beacons, searchlights, other lights or lighted devices which attract attention to a property are prohibited. Intensely lit or exposed luminary sources such as exposed bulbs or tubes shall be prohibited. Exposed neon signs shall be prohibited, except for those allowed by this chapter.
5. **MISCELLANEOUS SIGNS AND POSTERS.** The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures, except to identify a residence or residence structure by means of posting the name of occupant or structure, and the street address, are prohibited unless specifically permitted by this chapter. Miscellaneous signs may be permitted on a temporary basis, in certain locations, with prior written approval of the Planning Commission.
6. **MOVING, ANIMATED, OR WIND-DRIVEN SIGNS.** No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination or intensity of illumination, including changeable signs, signs that rotate, move or assume any motion constituting a non-stationary or non-fixed condition. Arm-flailing tube men, also known as air dancers, are colorful inflatables commonly used as attention-grabbing devices in advertising and promotion and are therefore not considered signs.
7. **REFLECTIVE SIGNS.** Signs made wholly or partially of highly reflective material.
8. **SCULPTURE.** Sculpture, statues, fountains or other art or decorative articles made of plastic or vinyl, with or without advertising copy, which by reason of height, size, color or nature serve primarily to attract attention to an establishment, organization or enterprise rather than to serve a primarily decorative or landscaping function.
9. Signs which bear or contain statements, words or pictures of an obscene or pornographic character (as defined by the U.S. Supreme Court in *Miller vs. California*, 413 U.S. 15, 24 (1973), and anything that demeans or otherwise degrades religions, races or ethnic groups, or any other protected group.

10. Signs which emit audible sound, odor or visible matter.
 11. Signs which, because of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
 12. Signs, except as may be required by law, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape.
 13. Signs, including political signs, attached, maintained, painted, printed or otherwise affixed to any curb, sidewalk, post, pole, hydrant, bridge, bench, tree or other surface on public property or over or across any street or public thoroughfare, except by a duly authorized public employee or as required or permitted by law.
- I. **MINIMUM SIGN STANDARDS.** All signs must conform to building, structural, and electrical codes as well as regulations of the town. All signs shall be subject to the following minimum requirements:
1. **SETBACKS.** Signs less than 3 feet in height may be placed within the clear view triangle. No sign greater than 3 feet in height may be placed where it obstructs the clear view area. Signs more than 3 feet in height must have a front setback of at least 18 inches from the front property line as measured from leading edge of sign. Signs shall also meet clear view requirements as detailed in sign definitions. No sign shall interfere with emergency vehicle access.
 2. **MATERIALS.** Signs, unless otherwise stated in the following sections of this chapter, may be constructed of painted, stained or carved wood, brick or stone; or metal which is painted or otherwise treated to prevent reflective glare. Wood signs shall be solid wood, except that painted signs may be of MDO surfaced plywood or equivalent. Ordinary plywood, cardboard, plastic, or materials that do not have adequate longevity are prohibited, unless for temporary signs.
 3. **COLOR.** Exceedingly brilliant, luminescent, or fluorescent colors are prohibited. Colors should repeat those of the facade or compliment them. In general, dark backgrounds with light letters are more legible. Too many colors can overwhelm the sign's communication function and create a distracting, garish visual element rather than an integral part of the texture of the street.
 4. **ILLUMINATION.** Signs may be unlighted or lighted. Light sources for lighted signs shall be placed to illuminate only the sign surface and shall not be visible beyond the premises. Special care shall be taken in the design of external sign lighting to ensure that the light source is not visible to neighboring properties or motor vehicle traffic.

- J. SIGN STANDARDS FOR ALL ZONES EXCEPT BUSINESS/COMMERCIAL: One low profile identification sign is allowed for each subdivision, home occupation business, agricultural business or the like. Signs shall be either freestanding, attached to a building wall or attached to a wall or fence announcing the site entrance.
1. SUBDIVISION COMMON ENTRANCE sign shall not exceed 20 square feet for each subdivision entrance and shall be located a minimum of 6 feet from the public right of way.
 2. ALL OTHER FREESTANDING MONUMENT signs shall not exceed 8 square feet and shall be located a minimum of 6 feet from the public right of way.
 3. SIGNS MOUNTED FLAT against the building, entrance wall, or fence shall not exceed 8 square feet in area, nor 8 feet in height; nor shall they extend out more than 12 inches from wall or fence. No sign shall extend above the wall, fence, or roofline.
 4. SPECIAL EVENT SIGNS: off-premise event advertising signs, not exceeding 8 square feet in area, that are painted on windows, attached to windows or walls, or affixed to a maximum of one a-frame or sandwich board, provided that said signs are posted only during said event or no more than 7 days prior to said event and are removed no more than 7 days after an event. (this may be included in the event permitting process.)
- K. SIGN STANDARDS FOR BUSINESS/COMMERCIAL - PERMIT REQUIRED: Each duly licensed business on its own parcel shall be allowed one primary sign and one secondary sign. In the event that the primary sign is freestanding, the secondary sign shall be building mounted. In the event that the primary sign is building mounted, the secondary sign may be freestanding or building mounted on a building frontage other than that upon which the primary sign is located. In the event the building is 100 feet or more from sr-132, primary and secondary signs may both be freestanding monument signs.
1. FREESTANDING MONUMENT SIGNS. A freestanding monument sign and the corresponding support structures shall be designed to complement the building architecture and the surrounding areas, and shall comply with the following height, area, material, and color requirements. No freestanding monument sign shall exceed 6 feet in height or extend beyond the roofline or parapet wall at the highest point, whichever is less.

Primary sign is not to exceed 40 square feet in area; secondary signs do not exceed 20 square feet. Freestanding monument signs shall be of a non-reflective surface, and made of weatherproof wood, stone, or metal.

2. BUILDING MOUNTED SIGNS. Signs mounted on the building shall be integrated into the building and designed so that architectural features and expression of the building are not obscured. Signs mounted to the building include wall signs, awning signs, projecting signs, and suspended signs. A building mounted primary sign for business/commercial district shall:
 - a. Have a maximum area of 40 square feet.
 - b. Shall not extend beyond the roofline or parapet wall at the highest point, nor extend beyond a maximum of 15 feet in height.
 - c. If mounted flat to a wall, shall be permanently attached and not extend more than 12 inches from said wall.
 - d. If projecting, shall not extend from the building face a distance greater than 6 feet, and no projecting sign shall extend over public property a distance greater than 12 inches.
 - e. Shall maintain a minimum 8-foot clearance between the lowest point of the sign and the grade immediately below.

3. In the instance of a building set back from the road by more than 100 feet, the Planning Commission may allow installation of a wall mounted primary sign up to but not exceeding 5 percent of the total area of the wall on which it will be mounted.

4. A building mounted secondary sign for the Business/Commercial district shall:
 - a. Have a maximum sign area of 20 square feet.
 - b. Not extending beyond the roofline or parapet wall at the highest point, nor extending beyond a maximum of 15 feet in height.
 - c. If mounted flat to wall, be permanently attached and shall not extend more than 12 inches from said wall.
 - d. If projecting, not extend from the building face a distance greater than 6 feet, and no projecting sign shall extend over public property a distance greater than 12 inches.
 - e. If projecting sign, awning sign or suspended sign, shall maintain a minimum 8-foot clearance between the lowest point of the sign and the grade immediately below.

3.8 TELECOMMUNICATIONS

All telecommunications regulations apply to both commercial and private low power radio services and facilities, such as cellular or Personal Communications Systems (PCS) and paging systems.

- A. **TELECOMMUNICATIONS SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the telecommunications facility application and are subject to review by the Planning Commission.
- B. **REMOVAL.** The Fountain Green City designated official is empowered to require an unmaintained or abandoned low-power radio services antenna to be removed from the building or premise when that antenna has not been repaired or put into use by the owner, the person having control, or the person receiving the benefit of the structure within 30 calendar days after notice is given to the owner, the person having control, or the person receiving the benefit of the structure.
- C. **ABANDONMENT.** The applicant, or applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused telecommunications facilities within 12 months of abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposing of the tower, including court costs and reasonable attorney fees.

3.9 NOTICE

The Fountain Green City shall provide notice of all public hearings that are required by this Chapter.

- A. **PUBLIC HEARING REQUIREMENTS.** Reasonable notice of all public hearings and meetings shall contain a description of the property, with a brief explanation of the proposed use, and the date, place, and time of the public hearing, which notice shall be:
 - 1. Posted in at least three public places in the City. In addition, proposed annexations, rezones, and major subdivision applications may be posted on the City website; and

2. When required either published in or submitted to a newspaper of general circulation within the City at least ten days before the date of the hearing; and
- B. NOTICE TO AFFECTED ENTITIES. When required by law, Fountain Green City shall provide notice by first class mail to Affected Entities as defined in section 3-20 Notice Matrix.
- C. PURPOSE OF NOTICE. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of an application for zoning commercial or industrial development or a proposed modification to the General Plan. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the zoning application. If at or prior to the public hearing an omission or defect in the mailed notice is brought to the attention of the Planning Commission, it shall determine whether the omission or defect impairs or has impaired a surrounding property owner's ability to participate in the public hearing, upon which finding it shall continue the hearing on the application for zoning for at least 14 days. Any omission or defect in the mailed notice that is not brought to the Planning Commission's attention or that the commission finds did not impair a surrounding property owner's ability to participate in the hearing shall not affect the validity of the zoning proceedings.
- D. EFFECT OF NOTICE. Proof that notice was given pursuant to subsection A above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice shall be deemed to have been adequate and proper.

3.10 TERMINATION OF PROJECTS FOR INACTION

Applicants must move their projects either to approval or denial in a reasonably expeditious manner. Upon 14-day written notice to the applicant, the City may formally deny an application, which remains inactive for 180 days. Delays occasioned by the City shall not constitute cause for terminating an application. An applicant may appeal the denial of a project for inaction to the appeal authority in the same manner as any other appeal. The Planning Commission may reinstate, subject to conditions, or may deny reinstatement. If reinstatement is denied, the application is formally denied.

3.11 PENALTIES

Any person, firm, partnership, or corporation, and the principals or agents thereof violating or causing the violation of this Chapter, or a permit issued pursuant to this Chapter, shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment as provided for by Utah State law.

- A. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.
- B. Residents within the City or owners of property within the City may file a civil action to enjoin the continuation of a violation of this code affecting their interests.

3.12 GENERAL ENFORCEMENT AUTHORITY

Whenever Fountain Green City finds that a violation of this code or applicable State codes has occurred or continues to exist, the procedure outlined below shall be followed. Fountain Green City has the authority and power necessary to gain compliance with the provisions of the violated ordinance or statute. These powers include the power to issue notices of violation, to issue misdemeanor citations, to abate violations existing on public or private property, and to use any other remedies available under the City ordinances and applicable State codes.

3.13 NOTICE OF VIOLATION

Whenever Fountain Green City determines that a violation of the ordinances or statutes addressed by this chapter has occurred or continues to exist, it shall serve a Notice of Violation upon the alleged violator by one of the methods described in Section 3-14 below. Said notice shall include the following information:

- A. The name of the property owner;
- B. The street address, date, and approximate time at which the violations were observed;
- C. Number and title of all Ordinance sections violated, and a description of the condition of the property that violates the stated sections;
- D. The violator's attendance is required at the next regularly scheduled Planning Commission meeting to address each violation and possible remediation;
- E. An explanation of the consequences should the responsible person(s) fail to comply with the terms and deadlines stated in the Notice of Violation, which may include, but are not limited to, civil penalties (fines), revocation of permits, withholding of future municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies; and
- F. The signature of the Mayor or designated official.

More than one notice of violation may be issued against the same responsible person(s) if the notices encompass different dates or different violations. At the Planning Commission meeting, remedial measures will be discussed as well as consequences for failure to comply.

3.14 SERVICE OF NOTICES

Whenever a notice is required to be given under the provisions of this Chapter the notice shall be served by at least one of the following methods.

- A. Service directly to the owner(s) or responsible person(s); or if not practical,
- B. Service by first class mail, postage prepaid, to the last known address of the owner(s) or responsible person(s); or if not practical,
- C. Service by posting the notice conspicuously on, or in front of the property, and in two other public places. The form of posted notice shall be as described in Section 3-13 above.

The failure of the owner(s) or responsible person(s) to actually receive any notice served in accordance with this Chapter shall not affect the validity of any proceedings taken under this Chapter.

3.15 REMEDIATION PROCESS

Upon service of a Notice of Violation, the responsible person(s) may choose one, and only one, of the following courses of action within a 30-day grace period:

- A. Correct the violation as determined upon inspection by the Fountain Green City Ordinance Enforcement Officer, and all applicable fines and citations shall be dismissed;
- B. Submit a written request for a hearing before the Appeal Authority to contest the violation (see Chapter 5 for the process);
- C. Submit a written request to the Planning Commission for an extension of up to 30 additional days for correcting the violation; or
- D. Fail to correct the violation, to request a hearing, or to request an extension. This option shall result in daily accrual of fines, beginning at five o'clock p.m. of the thirtieth day. Violations of the City Land Use Ordinances is a Class B Misdemeanor. The right to a hearing or extension is forfeited immediately upon expiration of the 30-day grace period.
- E. Penalties established in other parts of the City's Ordinances are exempt from this remediation process.

3.16 FINE RECOVERY PROCESS

Correction of a violation shall not excuse the responsible person(s) from payment of any fines already accrued. The Fountain Green City Recorder shall give the City Council written notification of any fines which have not been paid within 14 days of the first day fines were assessed. The Fountain Green City Council may act to pursue recovery by any legal means, including but not limited to:

- A. Establishing a tax lien against real property owned by the responsible person(s); or
 - B. Obtaining a writ of execution on personal property owned by the responsible person(s);
- or
- C. Obtaining a writ of garnishment on the paychecks, financial accounts and other income or financial assets of the responsible person(s).

3.17 LICENSING

Licenses or permits issued in violation of this Chapter, or based on fraudulent information, are null and void.

3.18 APPEALS AND RECONSIDERATION PROCESS

The applicant, staff, or any other person withstanding to challenge a decision administering or interpreting this Chapter may appeal the decision as follows:

- A. ZONING CODE INTERPRETATION AND ADMINISTRATION. All Fountain Green City decisions which interpret or administer this Chapter, may be appealed to the Appeal Authority within 30 days of final action.
- B. APPEAL AUTHORITY. Appeal of decisions by the Appeal Authority must be filed within 30 days of the final Appeal Authority decision.
- C. STANDING TO APPEAL. The following persons have standing to appeal a final action:
 1. Any person who submitted written comment or testified on a proposal before the Planning Commission;
 2. The owner of any property within 300 feet of the boundary of the subject site;
 3. Any City official, Board, or Commission having jurisdiction over the matter; and
 4. The owner of the subject property.

- D. **FORM OF APPEALS.** Appeals must be filed with the City Recorder and must be by letter or petition, with the name, address, and telephone number of the petitioner; his or her relationship to the project or subject property; and a comprehensive statement of the reasons for the appeal, including the specific provisions of law that are alleged to be violated by the action taken.
- E. **WRITTEN FINDINGS REQUIRED.** The Appeal Authority shall prepare detailed written findings of fact, which explain the circumstances of the Board's decision and conclusions of law in support of its decision.
- F. **ACTION ON APPEALS TO A CITY BODY.** The City shall comply with the following standards for all appeals under this Chapter:
1. The City, in consultation with the appellant, shall set a date for the appeal;
 2. The City shall notify the property owner of the appeal date;
 3. The Appeal Authority hearing the appeal shall consider the written appeal, final action and all other pertinent information from the appellant and the City.
 4. The Appeal Authority hearing the appeal may affirm, reverse, or affirm in part and reverse in part any properly appealed decision or may remand the matter with directions for specific areas of review or clarification. Appellate review is limited to consideration of only those matters raised in the written appeal and the staff's responses thereto; and
 5. The Appeal Authority shall prepare written findings for review and approval within 30 working days of the appellate decision.
- G. **NOTICE.** Notice of all appeals shall be given by:
1. By mailing courtesy notice ten days prior to the hearing to the applicant and all parties who requested mailed courtesy notice for the original action.
- H. **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon call-up, or appeal, any approval granted by the Planning Commission will be suspended until the reviewing body has taken final action on the appeal.
- I. **APPEAL FROM THE APPEAL AUTHORITY OR CITY COUNCIL.** The applicant or any person aggrieved by City action on the project may appeal from the final action of the Appeal Authority or City Council to a court of competent jurisdiction within 30 days of that final action. The decision shall stand, and those affected by the decision may act in reliance on it unless and until a court enters an interlocutory or final order modifying or suspending the decision.

- J. FINALITY OF ACTION. Final action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law on the matter in question.

3.19 CONSTITUTIONAL TAKINGS REVIEW AND APPEAL

To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the City Council and all Commissions and the Appeal Authority shall adhere to the following before authorizing the seizure or exaction of property:

- A. TAKINGS REVIEW PROCEDURE. Prior to any proposed action to exact or seize property, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection B below. Upon identifying a possible constitutional taking, the City Attorney shall, in confidential and protected writing, inform the Council, Commission or Appeal Authority of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for the failure to follow the recommendation of the City Attorney.
- B. TAKINGS GUIDELINES. The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.
- C. APPEAL. Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the City may appeal the City's decision to the Takings Appeal Board within 30 days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the Appeal within 14 calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection B herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The decision of the Takings Appeal Board rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.
- D. TAKINGS APPEAL BOARD. There is hereby created a three-member. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission, or the Appeal Authority that took the initial action. The Mayor shall appoint three to serve on the Takings Appeal Board. If, at any time, three

Final copy approved by Fountain Green City Council February 18, 2008. Minor changes 3.6 F and G April 19, 2012. 3.20 Amended October 18, 2012. Amended section 3.15 January 19, 2023. Amended sections 3.2 & 3.15 March 16, 2023. Revise section 3.6 G January 18, 2024. Revise section 3.6 F & G January 16, 2025. Updated & Revised Jan 22, 2026.

members cannot meet to satisfy the time requirements stated in subsection C above, the Mayor shall appoint a member or sufficient members to fill the vacancies.

3.20 NOTICE MATRIX

Table 3.20 Notice matrix

Land Use Decision	Time	Notice Type
Preparation, Adoption or Amendments of General Plan	A. Upon inception of the initial process to generally plan or the process for any comprehensive Plan amendment	A. For all municipalities: 1. Notice mailed or emailed to: Affected Entities For municipalities within a 1 st or 2 nd class county: 1. LOCAL AOG 2. State Planning Coordinator (GOPB Office) 3. Automated Geographic Reference Center (AGRC)
	B. 10 days prior to first public hearing	B. Published in paper and posted in 3 public places or on website
	C. 24 hours notice of each public meeting	C. Posted in 3 public places or on website
Adoption or Amendments of Land Use Ordinance	A. 10 days prior to first public hearing	A. Published in paper and posted in 3 public places or on website and mailed at least 10 days before the public hearing to each property owner whose land is directly affected by the land use ordinance change and each adjacent property owner within the parameters specified by municipal ordinance.
	B. 24 hours notice of each public meeting	B. Posted in 3 public places or on website.

Final copy approved by Fountain Green City Council February 18, 2008. Minor changes 3.6 F and G April 19, 2012. 3.20 Amended October 18, 2012. Amended section 3.15 January 19, 2023. Amended sections 3.2 & 3.15 March 16, 2023. Revise section 3.6 G January 18, 2024. Revise section 3.6 F & G January 16, 2025. Updated & Revised Jan 22, 2026.

Annexation Policy Plan	A. 14 days prior to first public meeting	A. Notice mailed or emailed to: Affected Entities.
	B. 14 days prior to first public hearing	B. Notice mailed or emailed to: 1. Affected Entities 2. Published in paper 3. Posted in 3 public places or on website
	C. 30 days after adoption	C. Copy to County
Appeal of Permit Decision	30 days	Notice must be given to the applicant. Ten-day minimum if local ordinance does not supersede.
Acquisition / Disposition of Public Property	14 days prior to first public hearing	Notice mailed or emailed to: 1. Affected Entities 2. Published in paper 3. Posted in 3 public places or on website.

Land Use Decision	Time	Notice Type
Conditional Use Permit	See Land Use Application	
Land Use Application		Notify the applicant of the date, time, and place of each public hearing and public meeting and of any final action on a pending application.
Nonconforming Uses/Non-complying Structures	See Land Use Application	
Subdivision Plat Approval or Amendment and for approval of a multiple-unit residential or	10 days prior to public hearing	Notice mailed or emailed to: 1. Affected Entities. If multi-unit residential, commercial, or industrial subdivision 2. (a) to the record owner of each parcel within specified parameters of that property; or (b) posted, on the property to give notice to passers-by.

Final copy approved by Fountain Green City Council February 18, 2008. Minor changes 3.6 F and G April 19, 2012. 3.20 Amended October 18, 2012. Amended section 3.15 January 19, 2023. Amended sections 3.2 & 3.15 March 16, 2023. Revise section 3.6 G January 18, 2024. Revise section 3.6 F & G January 16, 2025. Updated & Revised Jan 22, 2026.

commercial or industrial development.		
Vacating or Changing a Subdivision Plat	All notices required for subdivision approval, plus 4 consecutive weeks prior to public hearing.	Published in local newspaper once a week for 4 consecutive weeks; if no paper posted in 3 public places for 3 weeks.
Vacating or Altering a Road or Alley	All notices required for subdivision approval, plus, 4 consecutive weeks prior to public hearing.	Published in local newspaper once a week for 4 consecutive weeks; if no paper posted in 3 public places for 3 weeks.
Variances	See Land Use Application	

Notes:

- A. Fountain Green City may require more than the minimum notice. Challenge to proper notice must be taken within 30 days of the meeting or action, otherwise notice is considered adequate and proper.
- B. At the City's option notice required hereunder may also be posted on the City's website.

CHAPTER 4 PLANNING COMMISSION

4.1 ESTABLISHMENT OF THE PLANNING COMMISSION

4.2 APPOINTMENT—TERM

4.3 POWERS AND DUTIES

4.4 ORGANIZATION

4.5 CONFORMANCE WITH GENERAL PLAN

4.1 ESTABLISHMENT OF THE PLANNING COMMISSION

There is created a Planning Commission to be composed of seven voting and two alternate members. Members of the Planning Commission shall be appointed by the Mayor with the advice and consent of the City Council. The ex-officio member of the Planning Commission shall be appointed from among members of the City Council by the Mayor with the advice and consent of the City Council. The ex-officio member of the Planning Commission shall not be a voting member of the Planning Commission. When alternate members are utilized in order to form a quorum, they are voting members.

The Planning Commission shall consist of seven residents of Fountain Green City. At least four of these seven members shall hold no other public office or position within the City. Members shall be selected without respect to political affiliations.

The members of the Planning Commission shall serve without compensation, but the City Council shall provide for the reimbursement of the members of the Planning Commission for reasonable expenses incurred in performing their duties as members of the Planning Commission. A secretary for the Planning Commission may be appointed by the Mayor with the advice and consent of the City Council. Pay is on an hourly basis to carry out duties as assigned by the Planning Commission.

4.2 APPOINTMENT-TERM

The term of office of the members of the Planning Commission, with the exception of the ex-officio member, shall be five years, at which time their term will be reviewed and may be renewed if the member is willing to continue, or their replacement appointed, by the Mayor with the advice and consent of the City Council. Appointments shall be made at the beginning of the calendar year. A Planning Commission member may resign at any time.

Vacancies in the Planning Commission occurring for any reason other than the expiration of a term of office shall be filled through appointment by the Mayor with the advice and consent of the City Council. Members appointed to fill such vacancies shall serve for the remainder of the unexpired term. The ex-officio member shall serve at the pleasure of the City Council, or until his or her term as a councilperson has expired, at which time a successor shall be appointed from among the members of the City Council by the Mayor, with the advice and consent of the City Council. Any member may be re-appointed for an additional term.

There is no limit to the number of terms a member may serve. Upon a majority vote in a public meeting, the City Council may remove from office any member of the Planning Commission for misconduct or non-performance of duty. In September of each year the Mayor and City Council will review any upcoming vacancies in the Planning Commission and/or issues of misconduct or non-performance; and to extend current appointments or appoint new members as needed. Issues of misconduct will be verified and dealt with in a timely manner by the City Council and Mayor. Unexcused absence from three regular meetings of the Planning Commission in one calendar year shall constitute non-performance of duty.

The Planning Commission shall elect from among its members a Chairperson, whose term shall be one year. Any member may be re-elected for an additional term as Chairperson. There is no limit to the number of terms a member may serve as Chairperson. If for any reason, the position of Chairperson is vacated before the elected member's term has expired, the Planning Commission shall elect from among its members a successor, who shall serve for the remainder of the unexpired term.

4.3 POWERS AND DUTIES

The Planning Commission shall:

- A. Prepare and recommend a general plan and amendments to the general plan to the City Council;
- B. Prepare and recommend to the City Council, zoning ordinances and maps, and amendments to zoning ordinances and maps, which conform to the provisions of the general plan adopted by the City Council;
- C. Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the City Council;
- D. Recommend approval or denial of building permits;
- E. Prepare and recommend to the City Council, subdivision regulations and amendments to those regulations, which conform to the provisions of the general plan adopted by the City Council;
- F. Recommend approval or denial of subdivision applications;
- G. Advise the City Council on matters as the City Council directs and hears, or decides any matters that the City Council designates and as otherwise authorized by state law;
- H. Assist the City Council with the creation of an Appeal Authority for the Fountain Green City;

- I. Review non-conforming uses or non-complying structures applications;
- J. Conduct such public hearings as are required by law or as may be deemed necessary by the Planning Commission.
- K. The Planning Commission has the power and authority to employ experts and a staff, and to pay such expenses as may be reasonable and necessary for carrying out the duties of the Planning Commission, but not in excess of such sums as may be appropriated by the City Council and/or which may be placed at the disposal of the Planning Commission by gift or otherwise.
- L. Hear and decide any matters that the City Council designates, including the approval or denial of conditional use permits and review of non-conforming uses and structures; and building plans; and
- M. Exercises other powers that are necessary to enable it to perform its function, or that are delegated to it by the City Council.

4.4 ORGANIZATION

The Planning Commission may adopt such rules that it deems necessary for the conduct of its proceedings. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the recorder/clerk, which shall be the office of the Planning Commission, and shall be a public record.

- A. MEETINGS. The Planning Commission shall meet monthly and at such times as the Planning Commission may determine necessary. Meetings shall be held at the Fountain Green City offices or at such other reasonable location(s) within Fountain Green City as the Planning Commission may adjourn from time to time. Meetings shall be held in accordance with the provisions of Section 52-4-1 UCA (1953 edition), as amended (UCA), entitled "Open and public meetings", or any successor statute enacted in its place.
- B. QUORUM. Four members of the Planning Commission shall constitute a quorum. An alternate member may be counted as part of the membership for a quorum. A majority of the members present at a meeting at which a quorum is present shall be required for any action. No less than three yes votes are required for passage of any action.

4.5 CONFORMANCE WITH GENERAL PLAN

Upon adoption of the general plan by the City Council, thereafter, no street, park or other public way, ground, place or space; no public building or structure; and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to the general plan, and shall have been submitted to and approved by the

Planning Commission. Intent to demolish business and/or residential structures (not including auxiliary buildings) must be submitted to and approved by the Planning Commission. All necessary State permits must be presented to the Planning Commission for review. In the case of disapproval, the Planning Commission shall communicate its reasons to the City Council, which may, by a vote of not less than a majority of its entire membership, overrule such disapproval.

CHAPTER 5 APPEAL AUTHORITY

FOUNTAIN GREEN CITY, UTAH

ORDINANCE 10172024

AN ORDINANCE FOR FOUNTAIN GREEN CITY AMENDING CHAPTER 5 OF THE FOUNTAIN GREEN LAND USE CODE CREATING AN APPEAL AUTHORITY CODE

WHEREAS, Fountain Green City is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Fountain Green City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Fountain Green City Council finds it is in the public interest for the municipality to adopt an Appeal Authority Ordinance for the City of Fountain Green and the adoption of this ordinance will serve that purpose; and

WHEREAS, the Fountain Green City Council finds the public safety, health, and welfare of the City of Fountain Green will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Fountain Green City Council hereby ordains that an Appeal Authority Ordinance is established and adopted as follows: In order to provide for just and fair treatment in the administration of local land use ordinances, and to ensure that substantial justice is done, there is hereby created an Appeal Authority to exercise the powers and duties provided by this section.

A. Organization:

The Appeal Authority shall be appointed by the mayor with the consent of the City Council.

B. Powers and Duties:

The Appeal Authority shall hear and decide:

- a. Appeals from decisions applying the land use ordinance made by the Land Use Authority as designated by the City Council;
- b. Variances from the terms of the land use ordinance.

C. Variances:

Any person or entity desiring a waiver or modification of the requirements of this ordinance as applied to a parcel of property that he owns, leases, or in which he holds some authority for a variance from the terms of the ordinance:

- a. The Appeal Authority may grant a variance only if all of the following five conditions are satisfied:
 - i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances:

- ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone:
- iv. the variance will not substantially affect the general plan and will not be contrary to the public interest;
- v. the spirit of the land use ordinance is observed and substantial justice done
- b. In determining whether or not enforcement of this ordinance would cause unreasonable hardship under paragraph C, a, i. The Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
 - i. is located on or associated with the property for which the variance is sought; and
 - ii. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- c. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under paragraph C,a, i, the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic
- d. In determining whether or not there are special circumstances attached to the property under paragraph B,b., the appeal authority may find that special circumstances exist only if the special circumstances:
 - i. relate to the hardship complained of; and
 - ii. deprive the property of privileges granted to other properties in the same zone.
- e. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- f. Variances run with the land.
- g. The Appeal Authority may not grant a use variance; ie, change allowance uses for that particular zone, such as changing the use from residential to commercial, etc.
- h. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
 - i. mitigate any harmful affects of the variance; or
 - ii. serve the purpose of the standard or requirement that is waived or modified.
(Utah code 5 10-9a-702)
- i. The applicant shall bear all the costs incurred in the Appeal process.

2 Appeals:

Appeals from decisions made by the Land Use Authority in administering or interpreting this ordinance shall be processed and reviewed in accordance with this section.

- a. The applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within 10 days, appeal that decision by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of this ordinance.
- b. The appellant has the burden of proving that the land use authority erred.

- c. The Appeal Authority shall respect the due process rights of each of the participants.
- d. Only those decisions in which the Land Use Authority has applied the land use ordinance to a particular application, person, or parcel may be appealed to the Appeal Authority.
(Utah code 10-9a-703; 705; 706 (2); 707 (4))

3 Review and Public Hearing Procedures:

Completed applications for both variances and appeals will be reviewed by the Land Use Authority and shall forward a recommendation to the Appeal Authority for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings." The Appeal Authority shall hold at least one (1) public meeting on the application. Prior to the meeting, notice shall be given in accordance with State Law. Where a variance will affect the location of a building or structure; i.e. setbacks, etc., any affected utilities must also be notified in writing at least 7 days before the meeting, including Natural Gas, Power, or other utility which requires minimum spacing from buildings, structures, etc. Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

- a. The Appeal Authority shall consider the recommendation of the Land Use Authority together with information provided by the applicant, and any statements made at the public meeting both for and against the application. The Appeal Authority may approve, approve with conditions, or deny the application.

4 Final Decision:

A decision of an appeal authority is final and takes effect on the date when the appeal authority issues a written decision, or within 30 days of the decision by appeal authority; whichever is sooner. (Utah Code 5 10-9a-708)

PREVIOUS APPEAL AUTHORITY AND BOARD OF ADJUSTMENTS CODE REPEALED

This ordinance shall supersede and replace any and all prior ordinances, resolutions, or regulations governing an appeal authority and board of adjustments within the Town. All previous ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SAVING CLAUSE

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Fountain Green City.

EFFECTIVE DATE

The provisions of this ordinance shall become effective when passed and approved by the Fountain Green City Council and after any required posting and/or publication has been accomplished according to law.

**PASSED AND APPROVED by the FOUNTAIN GREEN CITY COUNCIL this 17
day of October, 2024
FOUNTAIN GREEN CITY:**

Mark Coombs

Mark Coombs, Mayor **ROLL**

CALL VOTE:

Council Member Kim Johnson

Yes No

Council Member Kerry Farnsworth

Yes No

Council Member Rod Hansen

Yes No

Council Member Jacob Littlefield

Yes No

Council Member Alyson Strait (Absent)

Yes No

ATTEST:

Michelle Walker

Michelle Walker, Recorder

CHAPTER 6 ANNEXATION
(UNDER CONSTRUCTION)

CHAPTER 7 ZONE DISTRICTS AND STANDARDS

7.1 ZONING DISTRICTS

7.1-1 ZONING DISTRICTS ESTABLISHED

The Fountain Green City Council, upon recommendation by the Planning Commission, shall have the authority to divide Fountain Green City into zoning districts.

Within each of these districts, the Fountain Green City Council, upon recommendation by the Planning Commission, may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

The Fountain Green City Council shall ensure that the regulations are uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

The designated zoning districts within Fountain Green City are: Residential - Agriculture (RA); Business - Commercial (BC); Public Facilities (PF); and Sensitive Lands (SL).

7.2 RESIDENTIAL AGRICULTURE (RA) ZONE

- 7.2-1 PURPOSE**
- 7.2-2 USE TABLE**
- 7.2-3 DEVELOPMENT STANDARDS**
- 7.2-4 FENCING**
- 7.2-5 PERFORMANCE STANDARDS**
- 7.2-6 PARKING**
- 7.2-7 CONDITIONAL USE STANDARDS OF REVIEW**
- 7.2-8 SIGNS**
- 7.2-9 RELATED PROVISIONS**

7.2-1 PURPOSE

This zone is intended to allow the keeping of a limited number of farm animals, poultry, and small animals in conjunction with single-family dwellings to an extent consistent with, and in proportion to, the amount of land area provided for this purpose.

7.2-2 USE TABLE

If a use is not specifically designated, then it is prohibited.

Table 7.2-2 USES

Type	Allowed	Conditional Use	Business/Special License/Permit or Home Occupation
Accessory Structure, unoccupied	√		
Accessory Structure, animals, or poultry	√		
Agriculture	√		
Bed and Breakfast		√	√

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Child Care for Business: Center: 8 children or less Facility: 9 children or more		√ √	√ √
Single Family Dwelling/Residence	√		
Farm Animals/Livestock	√		
Fence, Agriculture	√		
Fence, Electric	√		
Group Home: Assisted Living Facility Elderly People with Disabilities Youth		√ √ √ √	√ √ √ √
Home Occupation		√	√
Household Pets	√		
Internal Accessory Dwelling Unit (IADU)			√
Manufactured Home	√		
Modular Home	√		
Pet Boarding, Breeding, Training, &/or Grooming		√	√
Pet Kennels, Commercial		√	√
Pet Kennels, Private	√		
Preschool		√	√
Public/Rights of Way	√		
Public Utility Stations		√	
RV Occupancy	√	√	
Schools, Private-Quasi Public		√	√
Seasonal Commercial Use	√		
Short-Term Rentals			√
Solar Panels	√		
Swimming Pools (Residential)		√	
Subdivisions	√		
Temporary Buildings	√		

7.2-3 DEVELOPMENT STANDARDS

Table 7.2-3a MINIMUM LOT AND DEVELOPMENT STANDARDS

Lot	Area	Lot Frontage	Depth	Setbacks (measured from the foundation/footings)	Eave Height
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CHAPTER 7 ZONE DISTRICTS AND STANDARDS

Single Family Dwelling	0.455 acre 19,820 feet ²	90 feet	100 feet	<u>Front:</u> 25 feet <u>Rear:</u> 25 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet.	21 feet max
Auxiliary Building on a Residential Lot	See above.		100 feet	Auxiliary buildings (sheds) must be situated no closer to the front street right-of-way than 25 feet. Auxiliary building setbacks are 6 feet from property lines not bounding a street right-of-way where they remain 25 feet. Side and rear setbacks for buildings greater than 200 Square feet may be as close as 2 feet if a fire wall is used. The roofs of these buildings must be such that snow and rain drain onto the building owner's property. No restrictions on minimum distances between auxiliary buildings (or auxiliary buildings and a primary residence) on an individual property. Temporary buildings must meet all setback requirements as for any auxiliary building.	21 feet max
Public Utility Stations	0.455 acre or pre-existing smaller lot	90 feet	100 feet	<u>Front:</u> 25 feet <u>Rear:</u> 25 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet	50 feet

- A. Erection of only one principal structure, which is the residence on the lot.
- B. Lot Coverage. All buildings, including accessory buildings and structures, shall cover not more than forty (40%) percent of the area of the lot or parcel of land.
- C. Access. All structures shall be on a lot adjacent to a public street or with access to an approved private street and shall be so located on lots as to provide safe and convenient access for fire protection.

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- D. If the building site is in the FEMA Special Flood Plain, FEMA mitigation requirements must be met in addition to Sensitive Land conditional use requirements.
- E. Limitations on the Keeping and Maintenance of Animals and Fowl. See Fountain Green City Animal Control Ordinance Chapter 13-20-0-00 and the following requirements.
 1. Large, animal operations in the Fountain Green City and its buffer zone that are subject to Region 8 Federal CAFO (confined animal feeding operations) regulations which direct animal waste management to control water pollution, should comply with such regulations. While dust, animal manure, odor, noise, and other factors are part and parcel with agricultural activities, viable commercial enterprises can reasonably be expected to control animal wastes, disease, flies, rodents and other pests.
 2. Smaller, animal operations in Fountain Green City and its buffer zone not under CAFO regulations are expected to use good husbandry practices to control animal wastes, water pollution, disease, flies, rodents and other pests, and nuisances (animals leaving property). In order to accomplish this, smaller operations will be subject to animal unit (AU) limits. Animal unit limits will not apply to transient farming operations of less than 90 days duration for such things as lambing, layover in transport to winter or summer pasture range, etc. A description of animal units is given in the table below.

Table 7.2-3b ANIMAL UNITS (AUs) DEFINED

Animal type	AUs	Relative AUs
Horses, mules, donkeys, zebras (Equines)	1	1 horse
Beef cattle, dairy cows (Bovines)	1	1 cow
Hogs and pigs or swine (Porcines)	0.5	2 pigs
Sheep (Ovines), Goats (Caprines), Llamas (Camelids)	0.2	5 sheep
Turkeys, Geese, and Ducks	0.04	25 turkeys
Chickens and Rabbits	0.01	100 chickens

Other animals not listed in this table will have AUs determined by the Planning Commission on a case-by-case basis.

Immature offspring of animals will be assigned 1/2 the AU value of an adult. For equines and bovines, offspring up to two years of age will be 0.5 AU. For porcines,

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offspring up to one year old will be 0.25 AU. For ovines, caprines, and camelids, offspring up to one year old will be 0.1 AU. For poultry and rabbits, offspring up to six months of age will be one-half of the adult AU. For turkeys, geese, and ducks this will be 0.02 AU and for chickens and rabbits, 0.005 AU.

Animal units will be assigned to property incrementally based on one AU per 6,000 square feet of land uncovered by any building. Half of an AU can be awarded for 3,000 square feet of land uncovered by any building for lots greater than 0.5 acre. See the following table.

Table 7.2-3c NUMBER OF ANIMAL UNITS (AUs) BY LOT SIZE AND UNCOVERED SQUARE FOOTAGE

Acreage	Uncovered square footage calculations		AUs	Acreage	Uncovered square footage calculations		AUs
0.25	10,890 <u>-6,000</u> 4,890	6,000 sq ft ÷ 6,000 sq ft/AU = 1 AU	1	1.50	65,340 <u>-63,000</u> 2,340	63,000 sq ft ÷ 6,000 sq ft/AU = 10.5 AU	10.5
0.33	14,375 <u>-12,000</u> 2,375	12,000 sq ft ÷ 6,000 sq ft/AU = 2 AU	2	1.67	72,745 <u>-69,000</u> 3,745	69,000 sq ft ÷ 6,000 sq ft/AU = 11.5 AU	11.5
0.50	21,780 <u>-18,000</u> 3,780	18,000 sq ft ÷ 6,000 sq ft/AU = 3 AU	3	2.0	87,120 <u>-84,000</u> 3,120	84,000 sq ft ÷ 6,000 sq ft/AU = 14 AU	14
0.67	29,185 <u>-27,000</u> 2,185	27,000sq ft ÷ 6,000 sq ft/AU = 4.5 AU	4.5	2.5	108,900 <u>-104,000</u> 4,900	104,000 sq ft÷ 6,000 sqft/AU = 17 AU	17
0.75	32,670 <u>-30,000</u> 2,670	30,000 sq ft ÷ 6,000 sq ft/AU = 5 AU	5	3.0	130,680 <u>-127,000</u> 3,680	127,000 sq ft÷ 6,000 sq ft/AU = 21 AU	21
1.0	43,560 <u>-39,000</u> 4,560	39,000 sq ft ÷ 6,000 sq ft/AU = 6.5 AU	6.5	3.5	152,460 <u>-148,000</u> 4,460	148,000 sq ft÷ 6,000 sq ft/AU = 24.5 AU	24.5
1.25	54,450 <u>-51,000</u> 3,450	51,000 sq ft ÷ 6,000 sq ft/AU = 8.5 AU	8.5	4.0	174,240 <u>-172,000</u> 2,240	172,000 sq ft÷ 6,000 sq ft/AU = 28.5 AU	28.5
1.33	56,605 <u>-54,000</u> 2,605	54,000 sq ft ÷ 6,000 sq ft/AU = 9 AU	9	4.2 1 city block	182,952 <u>-180,000</u> 2,952	180,000 sq ft÷ 6,000 sq ft/AU = 30 AU	30

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If a mix of animals are present on a given property, their individual AUs are totaled and should be less than or equal to the AUs limits given in the above table.

If additional AUs are desired for a given property, then conditional use permits may be granted with appropriate conditions (USDA, Utah State Extension Service or other legitimate animal husbandry recommendations) to control for additional animal wastes, water pollution, disease susceptibility, pests and nuisance problems, etc.

If complaints arise which are found to have merit, it will be the burden of landowner/land user to show proof of compliance with the above AU directive or conditional use permit as well as demonstrate reasonable efforts to control animal wastes, water pollution, disease, flies, rodents and other pests, and nuisances.

3. The keeping, as pets, of wild, exotic, or dangerous animals, poultry, or creatures capable of transmitting disease or inflicting harm shall not be permitted within the corporate limits of Fountain Green City. "Wild, exotic, or dangerous" means any animal which is not commonly domesticated in the State of Utah, or which is not native to North America (excepting some species of birds, such as parrots and tropical fish), or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health, or property, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for such things as rabies and distemper. Those animals shall include, but are not limited to:
 - a. Alligators and crocodiles;
 - b. All bears, including grizzly bears, brown bears, and black bears;
 - c. Birds of prey (except for those licensed for falconry or hawking);
 - d. All non-domesticated cats, including cheetahs, cougars, bobcats, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
 - e. All non-domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo and part dingo;
 - f. Porcupines;

- g. All subhuman primates (such as monkeys, chimpanzees, apes, gibbons, orangutans, lemurs, etc.)
- h. All raccoons, including eastern raccoons and ring-tailed cats;
- i. Skunks (unless domesticated and surgically altered to eliminate scent glands);
- j. Venomous snakes or lizards;
- k. All weasels, martins, wolverines, badgers, otters, ermine, mink, and mongoose.

- 4. Pets shall, at all times, be properly sheltered and restrained upon any approved lot or parcel of land.
- 5. Any commercial or agricultural enterprise utilizing any animals in subsection 3 above or other animals that might be considered as belonging to subsection 3 by the Planning Commission will require a conditional use permit.

F. Public Utility Stations. In any residential zone, public utility stations shall meet the following requirements:

- 1. Each station shall be the primary structure located on a lot not less than 2,000 square feet in area.
- 2. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
- 3. Each station shall be provided with setbacks on each of the four sides of the structure not less than five feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear setbacks should equal those required for a single-family residence in the same zone.

7.2-4 FENCING

Table 7.2-4 FENCING

Clear Vision	Setbacks	Height	Wildlife/Large Animal	Electric	Corner Lot
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Restriction					
See Chapter 11.7B	Measured from the center of the approaching lane at street intersections	Max 3 feet for non-agricultural use	not permitted	not permitted	permitted
		Max 7 feet for agriculture use	permitted	permitted	permitted

A. FENCES. Fences in residential areas shall comply with the following:

1. Solid fences within the sight lines of property lines at street intersections shall be less than or equal to 3 feet in height.
2. Solid fences outside of the sight lines may be up to seven feet in height.
3. Hedges and shrubs will be considered to be the same as solid fences.
4. Trees within the sight lines shall be pruned so that the branches are no lower than 8 feet to maintain clear vision along sight lines. Shrubs and hedges shall be less than or equal to 3 feet in height.
5. Netted, chain link, or other agricultural fencing that provides clear vision within the sight lines can be more than 3 feet in height.

7.2-5 PERFORMANCE STANDARDS

The operation of any use permitted in this district is subject to the following standards of performance:

- A. Nuisances. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration, or other similar feature to the premises upon which they are located.
- B. Lighting. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

7.2-6 PARKING

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Each off-street parking space is to be a minimum of 9 ft by 18 ft.

7.2-6 PARKING TABLE

Uses	Parking Requirement
Bed and Breakfast	1 space per on-duty employee and 1 space for each room rented
Child Care Facility/Center	1 space per on-duty employee and 1 space for pick up and drop off per 6 children
Dwelling, Single Family	2 spaces per residential dwelling on the same lot or parcel
Group Home	1 space per 2 bedrooms plus 1 space per employee per shift, and visiting spaces as determined by conditional use permit.
Preschool, Private and Quasi Public Schools	Determined by conditional use permit.
Preschool, Private and Quasi Public Schools and Public Utility Stations	Determined by conditional use permit.

7.2-7 CONDITIONAL USE STANDARDS OF REVIEW

The City shall not issue a conditional use permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. GENERAL REVIEW CRITERIA: An applicant for a conditional use in the zone must demonstrate:
 1. The application complies with all applicable provisions of this chapter, state, and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, and traffic circulation;
 3. The use is not detrimental to the public health, safety, and welfare;

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4. The use is consistent with the Fountain Green City General Plan;
 5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 6. There is sufficient utility capacity;
 7. There is sufficient emergency vehicle access;
 8. The location and design of off-street parking as well as compliance with off-street parking standards;
 9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 10. That exterior lighting complies with the lighting standards of the zone; and
 11. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and are appropriate to the topography of the site.
- B. SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES. In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny, or conditionally approve an application for each of the following conditional uses:
1. Pet Boarding, Breeding, Training, and Grooming.
 - a) Half acre or larger lot required. A limited and reasonable number of adult dogs or adult cats, together with their offspring up to three months of age or similar numbers of other small pets, may be maintained per 0.455-acre parcel or lot. See Fountain Green City Animal Control Ordinance Chapter 13-20-0-00.
 - b) One acre or larger lot required. Boarding, breeding, training and grooming of horses or other large animals may be permitted on one-acre parcel or lot.
 - c) Compliance with State and County Board of Health Regulations. No provision herein shall be construed as authorizing the keeping of an animal or animals, or poultry, in violation of Sanpete County or Utah State Division of Health regulations; or keeping of an animal or animals or poultry, capable of inflicting harm, or endangering the health and safety of any person, or despoiling the environment (air quality, and surface or well waters) of any property or adjoining property.

2. Childcare Facility/Center. Each application for a childcare facility, center, or home occupation must include and comply with:
 - a) Proof of application for state childcare license (if state childcare license denied a conditional use permit will also be denied);
 - b) Compliance with state, federal, and local law;
 - c) A design that does not include a front yard playground;
 - d) Parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center);
 - e) Childcare providers as a home occupation may not exceed six children, 12 years of age or younger, including the provider's own children at any given time;
 - f) Childcare providers as a home occupation may not provide services for more than two infants under the age of two at any given time.

3. Seasonal Commercial Uses. Includes uses such as Farmers' Markets where produce or other items are sold for less than 4 months during the year.
 - a) The seasonal commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and applicable fire codes.
 - b) Adequate parking is provided to serve the commercial use that does not create parking shortage for other existing uses on site or adjoining properties.
 - c) The use does not cause noise, light, or other nuisances which adversely impact surrounding property uses.

4. Home Occupation. The intent of Fountain Green City is to encourage a majority of business activities to be conducted in the Business and Commercial Zone. However, business activities may be conducted within or immediately adjacent to a residence on a limited basis if such activities comply with the following criteria:
 - a) All home occupations should be secondary and incidental to the residential use.
 - b) The Home Occupation shall be conducted wholly within the residential lot.
 - c) Is limited to the on-site employment of family members.
 - d) The Home Occupation shall not alter the residential character or appearance of the dwelling or neighborhood; shall be conducted wholly

within the residence or approved structure on the premises and shall not occupy any area within the garage, unless the garage still functions for parking, or two off-street parking spaces for residential use are still available.

- e) Commodities may be sold. However, it is the intent that such sales be limited to items produced on the premises, or items that are incidental to the service provided.
 - f) Shall not generate business-related vehicular traffic in excess of 16 vehicles per day.
 - g) Shall not include identifying signage in excess of a six square-foot nameplate, attached to the dwelling.
 - h) Shall be enclosed within a structure in complete conformity with international building codes.
 - i) Shall not cause a demand for municipal services in excess of that associated with normal residential use.
 - j) Home Occupation Permits shall be valid for one year and may be renewed annually provided there have been no substantiated violations, unresolved complaints, or detrimental characteristics which may, in the judgment of the Planning Commission, require termination of said Permit as approved by Fountain Green City;
 - k) Mortuary, animal hospital, clinic, hospital, RV service, junkyard, auto or ATV/motorcycle repair service, or adult-oriented business, medical, dental, and related health professional offices are specifically excluded as home occupations due to health and sanitation risks from the disposal of waste materials and other deleterious effects on residential quality of the neighborhood.
 - l) The activities of the occupation shall not involve the unreasonable use of combustible or toxic material, which would pose an increased hazard to the area, nor shall the activities produce noise, smoke, glare, odor, dust, flashing light, or similar conditions that would decrease the residential quality of the neighborhood.
5. RV Occupancy. Occupancy of any recreational vehicle is by conditional use or short-term visitation only.
- a) Occupancy of a recreational vehicle shall not be permitted in Fountain Green City except in an approved RV Park or temporarily on private

residential property for visitation purposes not to exceed 30 days in any 90 day period.

- b) Property owners with an approved building permit for home construction may request a conditional use permit through the Planning Commission to the City Council to temporarily occupy an RV on private property during active on-site construction for a period not to exceed 1 year.
 - c) No RV occupancy allowed on City street rights-of-way.
 - d) No RV occupancy in the line-of-sight triangles at street intersections.
6. Swimming Pools (residential).
- a) Any property with a pool must have a primary residence on the property as well.
 - b) A 12 foot setback from all property lines and the eaves of other buildings is required.
 - c) A fence or wall is required and must be at least 6 feet high with no openings that would allow a 4 inch diameter sphere to pass through it. Gates must also be the same height as the accompanying fence and equipped with self-closing and self-latching devices mounted on the inside of the gate at a minimum of 5 feet above the ground.
 - d) Any direct connection for drainage of a pool to the sewer system of the City is prohibited.
 - e) There must be a 12 foot setback between the exterior of the barrier and any permanent structures that could be used to climb the barrier. If structure or equipment (such as pumps, filters, and heaters) are on the inside of the barrier, the setback should be at least 2 feet from the edge of the pool and 2 feet from the inside of the barrier and satisfy all other setback requirements.
 - f) The pool side of the required barrier shall be at least 12 feet from the water's edge.
 - g) Any natural topography used to form a barrier must meet the same requirements as those for a fence or wall barrier.

- h) Pools must not be located within the front yard of residences. Corner lots may use a secondary front yard if all other setback requirements are met.
- i) The State has adopted the International Swimming Pool and Spa code (ISPSC) under Section 15A-2-103. Fountain Green City likewise adopts this statute.
- j) On-ground (above ground) pools must have walls at least 48 inches above grade for the entire perimeter of the pool and meet the requirements of the manufacturer to serve as a barrier.
 - 1) Ladders or steps used as access to the pool must be capable of being secured, locked, or removed to prevent access except where they are surrounded by a barrier.

7.2-9 SIGNS

If a sign type is not specifically designated below, then it is prohibited.

Table 7.2-8 SIGNS

Sign type	Allowed	Conditional	Max. Area	Max. Height	General Restrictions
Construction	√		32 square feet	8 feet	Installation height 8 feet maximum.
Name Plate	√		6 square feet	2 feet	
Real Estate	√		9 square feet	3 feet	
				Illumination: 24 hour continuous illumination of	

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				signs is prohibited in this zone.	
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7.2-9 RELATED PROVISIONS

Licensing – See City Ordinances.

Chapter 2 Definitions

Chapter 3 Administration and Enforcement

Chapter 6 Annexation

Chapter 8 Nonconforming Uses and Noncomplying Structures

Chapter 9 Group Homes

Chapter 10 Subdivisions

Chapter 11 General Design Standards for Fountain Green City

7.3 BUSINESS COMMERCIAL (BC) ZONE

7.3-1 PURPOSE

7.3-2 USE TABLE

7.3-3 DEVELOPMENT STANDARDS

7.3-4 PROJECT AND PLOT PLAN APPROVAL

7.3-5 FENCING

7.3-6 PERFORMANCE STANDARDS

7.3-7 PARKING

7.3-8 CONDITIONAL USE STANDARDS OF REVIEW

7.3-9 SIGNS

7.3-10 RELATED PROVISIONS

7.3-1 PURPOSE

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This zone is established to provide land within Fountain Green City primarily for the accommodation of business and commercial uses. Land parcels in this zone are, and should be, adjacent, contiguous, or proximate to major arterial roadways within Fountain Green City and to existing commercial areas. Provisions herein are intended to encourage greater integrity and aesthetic improvements as business and commercial areas are redeveloped, expanded, and improved. Integrated and coordinated building design, landscaping, parking, ingress, and signing are encouraged through the use of project plan approval procedures.

7.3-2 USE TABLE

If a use is not specifically designated, then it is prohibited. Permitted uses characteristic of this zone include a wide range of professional buildings, light industry or manufacturing, retail and service stores, restaurants, and shops. Residential homes are permitted. Mobile dwelling and recreational vehicle (RV) parks shall be considered as conditional uses under the provisions of Chapter 7 of this Ordinance.

Table 7.3-2 USES

Type	Allowed	Conditional Use	Business/Special License/Permit
Auxiliary Structure, unoccupied	√		
Auxiliary Structure, animals or poultry	√*		
Adult-oriented Businesses		√	√
Bed and Breakfast		√	√
<u>Child Care for Business</u> Center: 8 children or less Facility: 9 children or more	√ √		√ √
Civic Club		√	√
Single Family Dwelling/Residence	√		

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CHAPTER 7 ZONE DISTRICTS AND STANDARDS

Farm Animals/Livestock	√		
Fence, Agriculture	√		
Fence, Electric	√		
<u>Group Home</u>			
Assisted Living Facility		√	√
Elderly		√	√
People with		√	√
Disabilities		√	√
Youth			
Health Care Center	√		√
Home Occupation for residential dwelling only		√	√
Household Pets	√		
Intermittent Commercial Use		√	√
Internal Accessory Dwelling Unit (IADU)			√
Light Manufacturing	√		√
Manufactured Home	√		
Mobile Home Park		√	√
Modular Home	√		
Office, Business	√		√
Office, Government	√		
Pet Boarding, Breeding, Training, and/or Grooming		√	√
Pet Kennel, Commercial		√	√
Pet Kennel, Private	√		
Pre-School	√		
Professional Buildings	√		√
Public Services	√		
Public-Rights of Way	√		
Public Utility Stations		√	
Recreational Vehicle Park		√	√

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CHAPTER 7 ZONE DISTRICTS AND STANDARDS

Repair Shops, Gasoline Stations, Auto Dealerships and Autobody Shops	√		√
Retail and Service Stores <u>except</u> Adult-oriented Businesses	√		√
Restaurants and Shops	√		√
RV Occupancy		√	
Short-Term rentals			√
Solar Panels	√		
Seasonal Commercial Use	√		
Storage Units		√	√
Subdivisions, Commercial	√		√
Subdivisions, Residential	√		
Swimming Pool (Commercial)		√	√
Swimming Pool (Residential)		√	
Temporary Building	√		

*Animals and poultry are subject to the animal units and other regulations concerning the keeping of animals found in Chapter 7.2 Residential-Agriculture Zone Standards.

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7.3-3 DEVELOPMENT STANDARDS

Table 7.3-3 MINIMUM LOT AND DEVELOPMENT STANDARDS

Lot	Area	Lot Frontage	Depth	Setbacks (measured from the foundation/footings)	Eave Height
Business or Business residential Combined	No minimum lot area requirements except as may be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.	35 feet	100 feet	<u>Front:</u> 0 feet from Center Street to 100 South on State Street, and 25 feet for the rest of the BC zone. Rear and side setbacks, access and parking areas shall be dictated by off-street parking requirements. Fire lanes must be at least 12 feet wide where required (see Chapter 2)	21 foot max
Office, Government or Public Services	No minimum lot area requirements except as may be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization	90 feet.	100 feet.	<u>Front:</u> 12 feet <u>Rear:</u> 12 feet <u>Side setbacks:</u> 12 feet unless property fronts a city street right-of-way, where it is 10 feet Fire lanes must be at least 12 feet wide where required (see Chapter 2)	21 foot max
Residential Dwelling only Single Family	Minimum lot size is 0.455 acre.	90 feet	100 feet	<u>Front and Rear Setbacks:</u> 25 feet <u>Side setbacks:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet.	21 foot max

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Lot	Area	Lot Frontage	Depth	Setbacks (measured from the foundation/footings)	Eave Height
Auxiliary Building	See above.	90 feet	100 feet	<p>Auxiliary buildings (sheds) must be situated no closer to the front street right-of-way than 25 feet. Auxiliary building setbacks are 6 feet from property lines not bounding a street right-of-way where they remain 25 feet. Side and rear setbacks for buildings greater than 200 square feet may be as close as 2 feet if a fire wall is used.</p> <p>The roofs of these buildings must be such that snow and rain drain onto the building owner's property.</p> <p>No restrictions on minimum distances between auxiliary building (or auxiliary buildings and a primary residence) on an individual property</p> <p>Fire lanes must be 12 feet between auxiliary buildings and any single-family dwelling.</p> <p>Temporary buildings must meet all setback requirements as for any auxiliary building.</p>	21 feet max
Public Utility Stations		90 feet	100 feet	<p><u>Front:</u> 25 feet <u>Rear:</u> 12 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet</p>	50 feet

- A. Erection of more than one principal structure on the lot shall not be permitted.
- B. LOT COVERAGE. Except for residential-only dwellings, there shall be no minimum lot area requirements in the BC zone except as may be dictated by off street parking requirements (See Chapter 7.3-7 Parking.) adequate circulation, and appropriate site utilization.

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- C. ACCESS. All structures shall be on a lot adjacent to a public street or with access to an approved private right-of-way. The Utah State Department of Transportation requires permission for access to State Road 132 (State Street).
- D. If the building site is in the FEMA Special Flood Plain, FEMA mitigation requirements must be met in addition to Sensitive Land conditional use requirements.
- E. PUBLIC UTILITY STATIONS. In any residential zone public utility stations shall meet the following requirements:
- 1) Each station shall be the primary structure located on a lot not less than 2,000 square feet in area.
 - 2) Each station shall be located on a lot that has adequate access from a street, alley, or easement.
 - 3) Each station shall be provided with a yard on each of the four sides of the building or structures not less than five feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear setbacks should equal those required for a single-family residence in the same zone.

7.3-4 PROJECT AND PLOT PLAN APPROVAL

Prior to the construction of any building or structure in this zone, a project and plot plan shall first be submitted to and approved by the Fountain Green City Planning Commission and, thereafter, by the City Council.

- A. If the building site is in the FEMA Special Flood Plain, FEMA mitigation requirements must be met in addition to Sensitive Land conditional use requirements.
- B. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information:
1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines;
 2. The location of all parking spaces, driveways, loading and dock areas, and points of vehicular ingress and egress;
 3. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, and hedges;

4. Signs, and decorative materials;
5. Preliminary elevations of all buildings showing the general appearance and type of external materials; and
6. No wall, fence, or opaque hedge or screening material higher than four feet shall be installed or maintained within a required front yard in a BC zone. A chain link fence or decorative masonry wall at least six feet in height shall be erected along all property lines which lie adjacent to a Residential Agriculture Zone.

7.3-5 FENCING

A sight-obscuring fence or decorative masonry wall at least six feet in height shall be erected along all property lines which lie adjacent to a Residential Agricultural Zone.

Table 7.3-5 FENCING

Clear Vision Restriction	Setbacks	Height	Wildlife/Large Animal	Electric	Corner Lot
See Chapter 11.7 B	Measured from the center of the approaching lane at street intersections	Max 3 feet for non-agriculture use	not permitted	not permitted	permitted
		Max 7 feet for agriculture use	permitted	permitted	permitted

Consider the condition of an 8-ft high fence around a swimming pool.

7.3-6 PERFORMANCE STANDARDS

The operation of any use permitted in this district is subject to the following standards of performance:

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- A. Nuisances. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration, or other similar feature to the premises upon which they are located.
- B. Lighting. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

7.3-7 PARKING

Each off-street parking space is to be a minimum of 9 ft by 18 ft.

Table 7.3-7 PARKING

Uses	Parking Requirement
Bed and Breakfast	1 space per on-duty employee and 1 space for each room rented
Child Care Facility/Center	1 space per on-duty employee and 1 space for pick up and drop off per 6 children
Dwelling, Single Family	2 spaces per residential dwelling on the same lot or parcel (average 167 square feet per space)
Group Home	1 space per 2 bedrooms plus 1 space per employee per shift, and visitor parking spaces as determined by conditional use permit.
Health Care Center	5 spaces per 1,000 square feet and 1 space for each on-duty employee
Office, Business, Government	3 spaces per 1,000 square feet and 1 space for each on-duty employee
Office, Professional	3 spaces per 1,000 square feet and 1 space for each on-duty employee
Public Services and Public Utility	3 spaces per 1,000 square feet and 1 space for each on-duty employee
Retail Sales Establishment and all other permitted uses	5 spaces per 1,000 square feet and 1 space for each on-duty employee

7.3-8 CONDITIONAL USE STANDARDS OF REVIEW

The City shall not issue a conditional use permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. GENERAL REVIEW CRITERIA: An applicant for a conditional use in the zone must demonstrate:

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1. The application complies with all applicable provisions of this chapter, state and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
 3. The use is not detrimental to the public health, safety and welfare;
 4. The use is consistent with the Fountain Green City General Plan as amended;
 5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 6. There is sufficient utility capacity;
 7. There is sufficient emergency vehicle access;
 8. The location and design of off-street parking as well as compliance with off-street parking standards;
 9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 10. That exterior lighting complies with the lighting standards of the zone;
 11. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and are appropriate to the topography of the site.
- B. SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES. In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny, or conditionally approve an application for each of the following conditional uses:
1. Pet Boarding, Breeding, Training, and Grooming.
 - a) Half acre or larger lot required. A limited and reasonable number of adult dogs or adult cats, together with their offspring up to three months of age or similar numbers of other small pets, may be maintained 0.455-acre parcel or lot. See Fountain Green City Animal Control Ordinance Chapter 13-20-0-00.
 - b) One acre or larger lot required. Boarding, breeding, training, and grooming of horses or other large animals may be permitted on one-acre parcel or lot.
 - c) Compliance with State and County Board of Health Regulations. No provision herein shall be construed as authorizing the keeping of an

animal or animals, or poultry, in violation of Sanpete County or Utah State Division of Health regulations; or keeping of an animal or animals or poultry, capable of inflicting harm, or endangering the health and safety of any person, or despoiling the environment (air quality and surface or well waters) of any property or adjoining property.

2. Mobile Dwelling Parks. A Mobile Dwelling Park shall be:
 - a) Located on a minimum of 4.12 acres;
 - b) Subject to State Board of Health requirements (density no greater than 6 units per acre);
 - c) Subject to the site plan and development standards required in this zone;
 - d) Sewer impact fees will be determined based on maximum occupancy; and
 - e) Water usage requirements will determine the number of irrigation water shares to be tendered to Fountain Green City.
3. Each manufactured dwelling unit shall meet contemporary electrical, plumbing, structural, and appearance standards before being located within an approved mobile dwelling park.
4. Manufactured or modular units, new or used, which are damaged; are altered or modified at the discretion of an owner; which contain aluminum branch circuit wiring; or which fail to meet minimum code requirements, shall not be located in an existing or new mobile dwelling park in Fountain Green City.

C. RECREATIONAL VEHICLE PARKS (RVP) STANDARDS AND REQUIREMENTS.

1. The property upon which an RVP is approved shall be and remain in one ownership;
2. An RVP shall be located on a minimum of 2 acres and a maximum of 4.12 acres;
3. The RVP shall contain not more than an average of 18 recreational vehicles per acre;
4. Only one recreational vehicle shall be placed on each designated space.
5. An RVP shall comply with:
 - a) all plat, plot plan, and site development requirements of this zone; and

- b) the Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations of the Utah State Division of Health;
6. Any spaces in an RVP shall not:
- a) be used by any one vehicle for a period greater than 30 days;
 - b) be used by any specific vehicle for a period of 30 days where that vehicle had been in residence in the RVP within the previous 30 days; or
 - c) be used by any individual or family for a permanent residence.
7. Occupancy of a recreational vehicle shall not be permitted in Fountain Green City except in an approved RVP or temporarily on private residential property for visitation purposes not to exceed 30 days in any 90 day period;
8. Sewer impact fees will be determined based on maximum occupancy; and
9. Water usage requirements will determine the number of irrigation water shares to be tendered to Fountain Green City.
- D. Child Care Facility/Center. Each application for a childcare facility, center or home occupation must include and comply with:
- 1. Proof of application for state childcare license;
 - 2. Compliance with state, federal and local law;
 - 3. A design that does not include a front yard playground;
 - 4. Parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center);
 - 5. Childcare providers as a home occupation may not exceed six children, 12 years or age or younger, including the provider's own children at any given time;
 - 6. Childcare providers as a home occupation may not provide services for more than two infants under the age of two at any given time.
- E. Intermittent Commercial Uses. The occasional use of dwellings, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for commercial purposes may be allowed upon receiving a conditional use permit and provided the provisions of this section are complied with.

The following standards shall apply to all intermittent commercial uses in addition to any conditions the Planning Commission deems necessary and desirable to protect public health, safety, and general welfare.

- 1. The display and sales of merchandise should be contained primarily within a building;

2. The building proposed for the intermittent commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes;
 3. A business license from the City is required to conduct an intermittent commercial use;
 4. Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site, or adjoining properties; and
 5. The use does not cause noise, light, or other nuisances which adversely impacts surrounding property uses.
- F. Seasonal Commercial Use. These uses are commercial activities that meet for less than 4 months during the year, such as Farmers Markets.
1. The seasonal commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable fire codes;
 2. Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site, or adjoining properties; and
 3. The use does not cause noise, light, or other nuisances which adversely impact surrounding property uses.
- G. Home Occupation in residential-only dwellings. The intent of Fountain Green City is to encourage a majority of business activities to be conducted in the Business and Commercial Zone. However, business activities may be conducted within or immediately adjacent to a residence on a limited basis if such activities comply with the following criteria:
1. All home occupations should be secondary and incidental to the residential use;
 2. The Home Occupation shall be conducted wholly within the residence or approved structure on the premises and shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of vehicle in excess of 12,000 pounds gross vehicle weight. Only one vehicle may be used in association with the Home Occupation and shall be stored on the premises;
 3. Is limited to the on-site employment of family members;
 4. The Home Occupation shall not alter the residential character or appearance of the dwelling or neighborhood; shall be conducted wholly within the residence or approved structure on the premises and shall not occupy any area within the garage, unless the garage still functions for parking, or two off-street parking spaces for residential use are still available;

5. Commodities may be sold. However, it is the intent that such sales be limited to items produced on the premises, or items that are incidental to the service provided;
 6. Shall not generate business-related vehicular traffic in excess of 16 vehicles per day;
 7. Shall not include identifying signage in excess of a six square-foot nameplate, attached to the dwelling;
 8. Shall be enclosed within a structure in complete conformity with international building codes;
 9. Shall not cause a demand for municipal services in excess of that associated with normal residential use;
 10. Home Occupation Permits shall be valid for one year and may be renewed annually provided there have been no substantiated violations, unresolved complaints, or detrimental characteristics which may, in the judgment of the Planning Commission, require termination of said Permit as approved by Fountain Green City;
 11. Mortuary, animal hospital, clinic, hospital, RV service, junkyard, auto or ATV/motorcycle repair service, or adult-oriented business, medical, dental, and related health professional offices are specifically excluded as home occupations due to health and sanitation risks from the disposal of waste materials and other deleterious effects on residential quality of the neighborhood; and
 12. The activities of the home occupation shall not involve the unreasonable use of combustible or toxic material, which would pose an increased hazard to the area, nor shall the activities produce noise or smoke, glare, odor, dust, flashing light or similar conditions that would decrease the residential quality of the neighborhood.
- H. Adult-oriented Businesses. An application for the above use may be approved upon a finding that the proposed use complies with all the following standards:
1. The on-site activities of said use cannot be within 1,000 feet of schools, churches, and public facilities;
 2. No outside storage nor public display of erotic and/or prurient materials visible to passers-by is permitted;
 3. The activities of the adult-oriented business shall not involve the unreasonable use of combustible or toxic material, which would pose an increased hazard to the area, nor shall the activities produce noise or smoke, glare, odor, dust,

flashing light or similar conditions that would decrease the quality and property values of the business commercial zone;

4. Signage shall be limited to one attached, non-illuminated identification sign, not larger than two square feet in surface area, which does not specify the goods or services provided by the business use, shall be permitted;
 5. A site plan drawn to scale showing the location of the structure, its relationship to dwellings on the same and adjacent properties within 1,000 feet, and provisions for safe vehicular access and adequate off-street parking shall be submitted with the application; and
 6. A public hearing before the Planning Commission is required for each application unless a signed affidavit in support of the adult-oriented business being proposed is provided to the City from each property owner within 1,000 feet.
- I. Swimming Pools (residential).
1. Any property with a pool must have a primary residence on the property as well.
 2. A 12 foot setback from all property lines and the eaves of other buildings is required.
 3. A fence or wall is required and must be at least 6 feet high with no openings that would allow a 4 inch diameter sphere to pass through it. Gates must also be the same height as the accompanying fence and equipped with self-closing and self-latching devices mounted on the inside of the gate at a minimum of 5 feet above the ground.
 4. Any direct connection for drainage of a pool to the sewer system of the City is prohibited.
 5. There must be a 12 foot setback between the exterior of the barrier and any permanent structures that could be used to climb the barrier. If structure or equipment (such as pumps, filters, and heaters) are on the inside of the barrier, the setback should be at least 2 feet from the edge of the pool and 2 feet from the inside of the barrier and satisfy all other setback requirements.
 6. The pool side of the required barrier shall be at least 12 feet from the water's edge.
 7. Any natural topography used to form a barrier must meet the same requirements as those for a fence or wall barrier.
 8. Pools must not be located within the front yard of residences. Corner lots may use a secondary front yard if all other setback requirements are met.

- 9. The State has adopted the International Swimming Pool and Spa code (ISPSC) under Section 15A-2-103. Fountain Green City likewise adopts this statute.
- 10. On-ground (above ground) pools must have walls at least 48 inches above grade for the entire perimeter of the pool and meet the requirements of the manufacturer to serve as a barrier.
 - a) Ladders or steps used as access to the pool must be capable of being secured, locked, or removed to prevent access except where they are surrounded by a barrier.
- J. Short-Term Rentals in Business or Business-Residential Combined Dwellings. Non-owner occupied STRs within the “historic” business district are allowed, but throughout the rest of the BC Zone only owner-occupied STRs are allowed.

7.3-9 SIGNS

- A. Business or commercial signs must be visible from the traveled portion of the streets within the designated Business-Commercial Zone. These signs must be located on the site of the commercial or business enterprise where there is at least one principal building for that business or commercial enterprise.
- B. If a sign type is not specifically designated below, then it is prohibited.

Table 7.3-9 SIGNS

Sign type	Allowed	Conditional	Max. Area	Max. Height	General Restrictions
Banner Sign	√		48 square feet	3 feet	Installation height and location to be reviewed by the Planning Commission for safety and visibility. Maximum height allowed is 28 feet. One sign only.

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Construction	√		32 square feet	8 feet	Installation height 8 feet maximum. One sign only.
Flat or Wall Sign	√		none	none	Low intensity light fixtures only. No neon lights permitted. More than two signs will require a conditional use permit.
Monument Sign	√		48 square feet	8 feet	Two signs per business. Low intensity light fixtures only. No neon lights permitted. Installation height to be reviewed by the Planning Commission for safety and visibility. Maximum height allowed is 28 feet.
Name Plate	√		6 square feet	2 feet	One sign per business.
Real Estate	√		9 square feet	3 feet	One sign per lot.

7.3-10 RELATED PROVISIONS

Licensing – See City Ordinances.

Chapter 2 Definitions

Chapter 3 Administration and Enforcement

Chapter 6 Annexation

Chapter 8 Nonconforming Uses and Noncomplying Structures

Chapter 9 Group Homes

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Chapter 10 Subdivisions

Chapter 11 General Design Standards for Fountain Green City

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7.4 PUBLIC FACILITIES (PF) ZONE

- 7.4-1 PURPOSE**
- 7.4-2 USE TABLE**
- 7.4-3 DEVELOPMENT STANDARDS**
- 7.4-4 PROJECT AND PLOT PLAN APPROVAL**
- 7.4-5 FENCING**
- 7.4-6 PERFORMANCE STANDARDS**
- 7.4-7 CONDITIONAL USE STANDARDS OF REVIEW**
- 7.4-8 SIGNS**
- 7.4-9 RELATED PROVISIONS**

7.4-1 PURPOSE

This zone provides recognition of the location and establishment of facilities which are maintained in public and quasi-public ownership, and which may utilize relatively large areas of land. Permitted uses in this zone include churches, public buildings, utility stations, parks, schools, and city shops and equipment storage areas.

7.4-2 USE TABLE

If a use is not specifically designated, then it is prohibited.

Table 7.4.2 USES

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Auxiliary Structures	√			
Church	√			
Municipal Buildings	√			

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Parks	√			
Public Buildings	√			
Public Rights-of-Way	√			
Temporary Buildings	√			
Temporary Use		√		√
Utility Station			√	

7.4-3 DEVELOPMENT STANDARDS

Table 7.4-3 MINIMUM LOT AND DEVELOPMENT STANDARDS

Lot	Area	Lot Frontage	Depth	Setbacks (measured from the foundation/footings)	Eave Height
Public Facilities	0.455 acre	90 feet	100 feet	<u>Front:</u> 25 feet <u>Rear:</u> 12 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet.	21 foot max
Public Utilities	0.455 acre or pre-existing smaller lot	90 feet	100 feet	<u>Front:</u> 25 feet <u>Rear:</u> 12 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet.	50 foot max
Utility Stations	0.455 acre or pre-existing smaller lot	90 feet	100 feet	<u>Front:</u> 25 feet <u>Rear:</u> 12 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet.	50 foot max
Auxiliary Structures	0.455 acre	90 feet	100 feet	<u>Front:</u> 25 ft <u>Rear:</u> 12 ft <u>Side:</u> 12 ft unless property fronts on a city street right-	21 foot max

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				of-way where it remains 25 feet.	
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A. PARKING.

1. Adequate off-street parking will be determined after consideration of use and access by the Planning Commission. Setbacks and frontages should match the surrounding buildings and zones.
2. The parking area shall be paved with asphalt, concrete, or improved with gravel and shall be maintained so as to eliminate dust or mud and shall be graded and drained to dispose of surface water.
3. All structures which are required by provisions of the International Building Code to have adaptations, which assist access by persons with disabilities, shall provide off-street parking persons with disabilities. Parking spaces for persons with disabilities shall be designed, set aside, and identified with signs for use by individuals with physical disabilities.

B. Access. All structures shall be on a lot adjacent to a public street or with access to an approved private street of 24 foot minimum width and shall be so located on lots as to provide safe and convenient access for fire protection.

7.4-4 PROJECT AND PLOT PLAN APPROVAL

A. Project and Plot Plan Approval. Prior to the construction of any building or structure in the PF zone, a project and plot plan shall first be submitted to and approved by the Fountain Green City Planning Commission and, thereafter, by the City Council.

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines;
2. The location of all parking spaces, driveways, loading and dock areas, and points of vehicular ingress and egress;
3. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, signs, and decorative materials; and
4. Preliminary elevations of all buildings showing the general appearance and type of external materials.

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B. GENERAL REVIEW CRITERIA: Any application in the PF zone must demonstrate that:

1. The application complies with all applicable provisions of this chapter, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety, and welfare;
4. The use is consistent with the Fountain Green City General Plan as amended;
5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. There is sufficient utility capacity;
7. There is sufficient emergency vehicle access;
8. The location and design of off-street parking as well as compliance with off-street parking standards;
9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Exterior lighting complies with the lighting standards of the zone; and
11. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.

7.4-5 FENCING

- A. A sight-obscuring fence or decorative masonry wall at least six feet in height shall be erected along all property lines which abut a Residential Agricultural Zone property.
- B. No wall, fence, or opaque hedge or screening material higher than three feet shall be installed or maintained within a required front yard in a PF zone.

Table 7.4-5 FENCING

Clear Vision Restriction	Setbacks	Height
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See chapter 11.7 B	Any street corner (measured from the center of the approaching lane at street intersections)	Max 3 feet within the sight line of any street corner
	Elsewhere	Max 7 feet

7.4-6 PERFORMANCE STANDARDS

The operation of any use permitted in this district is subject to the following standards of performance:

- A. NUISANCES. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration, or other similar feature to the premises upon which they are located.
- B. LIGHTING. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

7.4-7 CONDITIONAL USE STANDARDS OF REVIEW

The City shall not issue a conditional use permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the general standards applicable to all conditional uses, as well as the specific standards for the use.

A. SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES. In addition to the foregoing, the Planning Commission must evaluate the applicant’s compliance with each of the following criteria when considering whether to approve, deny, or conditionally approve an application for each of the following conditional uses:

1. Temporary Uses. The occasional use of public facilities, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for private commercial purposes may be allowed upon receiving an administrative conditional use permit and provided the provisions of this section are complied with. The following standards shall apply to all temporary uses in addition to any conditions the City deems necessary and desirable to protect the public health, safety, and general welfare.

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2. The display and sales of merchandise should be contained within a building or designated defined area.
3. The building proposed for the temporary use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes.
4. A business license from the City is required to conduct a private commercial use.
5. Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site.
6. The use does not cause noise, light, or glare which adversely impacts surrounding uses.

7.4-8 SIGNS

If a sign type is not specifically designated below, then it is prohibited.

All signs erected in the PF zone shall be in conformance with the sign provisions of the BC zone.

Table 7.4-8 SIGNS

Sign type	Allowed	Conditional	Max. Area	Max. Height	General Restrictions
Banner Sign	√		48 square feet	3 feet	Installation height and location to be reviewed by Planning Commission for safety and visibility. Maximum installation height allowed is 25 feet
Construction	√		32 square feet	8 feet	Installation height 8 feet maximum.
Flat or Wall Sign	√		none	none	Low intensity light fixtures only. One sign per building.

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Monument Sign	√		48 square feet	8 feet	One sign per 500 feet of frontage. Two signs per business. Low intensity light fixtures only. No neon lights permitted. Installation height to be reviewed by the Planning Commission for safety and visibility. Maximum installation height allowed is 28 feet.
Name Plate	√		6 square feet	2 feet	
Real Estate	√		9 square feet	3 feet	
					Illumination: 24-hour continuous illumination of signs is prohibited in this zone.

7.4-9 RELATED PROVISIONS

Licensing – See City Ordinances.

Chapter 2 Definitions

Chapter 3 Administration and Enforcement

Chapter 6 Annexation

Chapter 8 Nonconforming Uses and Noncomplying Structures

Chapter 9 Group Homes

Chapter 10 Subdivisions

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Chapter 11 General Design Standards for Fountain Green City

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7.5 SENSITIVE LANDS (SL) ZONE

- 7.5-1 PURPOSE**
- 7.5-2 USE TABLE**
- 7.5-3 DEVELOPMENT STANDARDS**
- 7.5-4 PROJECT AND PLOT PLAN APPROVAL**
- 7.5-5 FENCING**
- 7.5-6 PERFORMANCE STANDARDS**
- 7.5-7 PARKING**
- 7.5-8 CONDITIONAL USE STANDARDS OF REVIEW**
- 7.5-9 SIGNS**
- 7.5-10 RELATED PROVISIONS**

7.5-1 PURPOSE

This zone is established to protect and to regulate existing or proposed uses of environmentally sensitive lands within and adjacent to Fountain Green City. Notwithstanding any other provision of this Chapter, it shall be unlawful to grade, fill, or excavate any land in any manner, which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition. It shall also be unlawful to erect any structure which will not be reasonably safe for use as a human habitation or animal shelter because of surface water, ground waters, or a high water table, expansive or collapsible soils, proximity to a potential or actual landslide, proximity to a known flood plain, or steep slopes, or to any other unsafe condition. All land uses within this zone deemed to be environmentally sensitive or hazardous by the Planning Commission shall be considered on a conditional basis only, and only in accordance with stringent standards specified in this Chapter and the Fountain Green City General Plan. Conditions described on reports or maps issued by the U.S. and Utah Geological Surveys, U.S. Fish and Wildlife Service, Utah Division of Wildlife Resources, U.S. Natural Resources Conservation Service, and Utah Division of Water Quality or maintained by Fountain Green City, together with explanatory information or materials appurtenant thereto, shall be presumed to exist.

7.5-2 USE TABLE

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If a use is not specifically designated, then it is prohibited.

Table 7.5-2 USE

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License or Home Occupation
Auxiliary Structure, unoccupied (no animals or poultry)			√	
Auxiliary Structure, occupied (with animals or poultry)			√	
Agriculture	√			
Bed and Breakfast			√	√
Child Care for Business Center: 8 children or less Facility: 9 children or more			√ √	√ √
Single Family Dwelling/Residence			√	
Farm Animals/Livestock	√			
Fence, Agriculture	√			
Fence, Electric	√			
Home Occupation			√	√
Household Pets	√			
Manufactured Home			√	
Modular Home			√	
Pet Boarding, Breeding, Training, &/or Grooming			√	√
Pet Kennel, Commercial			√	√
Pet Kennel, Private	√			
Pre-School			√	√
Public-Rights of Way	√			

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RV Occupancy			√	
Seasonal Commercial Use			√	
Short-Term Rentals				√
Solar Panels	√			
Temporary Buildings	√			
Temporary Outdoor Use		√		
Utility Station			√	

7.5-3 DEVELOPMENT STANDARDS

Table 7.5-3a MINIMUM LOT AND DEVELOPMENT STANDARDS

Lot	Area	Lot Frontage	Depth	Setbacks (measured from the foundation/footings)	Eave Height
Single Family Dwelling	0.455 acre 19,820 feet ²	90 feet	100 feet	<p><u>Front:</u> 25 feet <u>Rear:</u> 25 feet <u>Side:</u> 12 feet unless property fronts on a city street right-of-way where it remains 25 feet</p>	21 feet max
Auxiliary Building	See above.	90 feet	100 feet	<p>Auxiliary buildings (sheds) must be situated no closer to the front street right-of-way than 25 feet. Auxiliary building setbacks are 6 feet from property lines not bounding a street right-of-way where they remain 25 feet. Side and rear setbacks for buildings greater than 200 square feet may be as close as 2 feet if a fire wall is used.</p> <p>The roofs of these buildings must be such that snow and rain drain onto the building owner's property.</p> <p>No restrictions on minimum distances between auxiliary buildings (or auxiliary buildings and a primary residence) on an individual property.</p> <p>Temporary buildings must meet all setback requirements as for any auxiliary building.</p>	21 feet max

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- A. Erection of only one principal structure which is the residence on the lot.
- B. LOT COVERAGE. All buildings, including accessory buildings and structures, shall cover not more than forty (40%) percent of the area of the lot or parcel of land.
- C. ACCESS. All structures shall be on a lot adjacent to a public street or with access to an approved private street and shall be so located on lots as to provide safe and convenient access for fire protection.
- D. Limitations on the Keeping and Maintenance of Animals and Fowl.

See Fountain Green City Animal Control Ordinance Chapter 13-20-0-00 and the following requirements.

1. Large, animal operations in the Fountain Green City and its buffer zone that are subject to Region 8 Federal CAFO (confined animal feeding operations) regulations which direct animal waste management to control water pollution should comply with such regulations. While dust, animal manure, odor, noise, and other factors are part and parcel with agricultural activities, viable commercial enterprises can reasonably be expected to control animal wastes, disease, flies, rodents, and other pests.
2. Smaller, animal operations in Fountain Green City and its buffer zone not under CAFO regulations are expected to use good husbandry practices to control animal wastes, water pollution, disease, flies, rodents and other pests, and nuisances (animals leaving property). In order to accomplish this, smaller operations will be subject to animal unit (AU) limits. Animal unit limits will not apply to transient farming operations of less than 90 days duration for such things as lambing, layover in transport to winter or summer pasture range, etc. A description of animal units is given in the table below.

Table 7.5-3b ANIMAL UNITS (AUs) DEFINED

Animal type	AUs	Relative AUs
Horses, mules, donkeys, zebras (Equines)	1	1 horse
Beef cattle, dairy cows (Bovines)	1	1 cow
Hogs and pigs or swine (Porcines)	0.5	2 pigs
Sheep (Ovines), Goats (Caprines), Llamas (Camelids)	0.2	5 sheep
Turkeys, Geese and Ducks	0.04	25 turkeys
Chickens and Rabbits	0.01	100 chickens

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Other animals not listed in this table will have AUs determined by the Planning Commission on a case by case basis.

Immature offspring of animals will be assigned 1/2 the AU value of an adult. For equines and bovines, offspring up to two years of age will be 0.5 AU. For porcines, offspring up to one year old will be 0.25 AU. For ovines, caprines and camelids, offspring up to one year old will be 0.1 AU. For poultry and rabbits, offspring up to six months of age will be one-half of the adult AU. For turkeys, geese and ducks this will be 0.02 AU and for chickens and rabbits, 0.005 AU.

In keeping with the sensitive nature of the land in this zone, animal units will be assigned to property incrementally based on one AU per 12,000 square feet of land uncovered by any building. Half of an AU can be awarded for 6,000 square feet of land uncovered by any building for lots greater than 0.5 acre. See the following table.

Table 7.5-3c NUMBER OF ANIMAL UNITS (AUs) BY LOT SIZE AND UNCOVERED SQUARE FOOTAGE

Acreage	Uncovered square footage calculations		AUs	Acreage	Uncovered square footage calculations		AUs
0.25	10,890 <u>-6,000</u> 4,890	6,000 sq ft ÷ 12,000 sq ft/AU = 0.5 AU	0.5	1.50	65,340 <u>-63,000</u> 2,340	63,000 sq ft ÷ 12,000 sq ft/AU = 5.25 AU	5.25
0.33	14,375 <u>-12,000</u> 2,375	12,000 sq ft ÷ 12,000 sq ft/AU = 1 AU	1	1.67	72,745 <u>-69,000</u> 3,745	69,000 sq ft ÷ 12,000 sq ft/AU = 5.75 AU	5.75
0.50	21,780 <u>-18,000</u> 3,780	18,000 sq ft ÷ 12,000 sq ft/AU = 1.5 AU	1.5	2.0	87,120 <u>-84,000</u> 3,120	84,000 sq ft ÷ 12,000 sq ft/AU = 7 AU	7
0.67	29,185 <u>-27,000</u> 2,185	27,000sq ft ÷ 12,000 sq ft/AU = 2.25 AU	2.25	2.5	108,900 <u>-104,000</u> 4,900	104,000 sq ft ÷ 12,000 sqft/AU = 8.7 AU	8.7
0.75	32,670 <u>-30,000</u> 2,670	30,000 sq ft ÷ 12,000 sq ft/AU = 2.5 AU	2.5	3.0	130,680 <u>-127,000</u> 3,680	127,000 sq ft ÷ 12,000 sq ft/AU = 10.6 AU	10.6

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1.0	43,560 <u>-39,000</u> 4,560	39,000 sq ft ÷ 12,000 sq ft/AU = 3.25 AU	3.25	3.5	152,460 <u>-148,000</u> 4,460	148,000 sq ft ÷ 12,000 sq ft/AU = 12.3 AU	12.3
1.25	54,450 <u>-51,000</u> 3,450	51,000 sq ft ÷ 12,000 sq ft/AU = 4.25 AU	4.25	4.0	174,240 <u>-172,000</u> 2,240	172,000 sq ft ÷ 12,000 sq ft/AU = 14.3 AU	14.3
1.33	56,605 <u>-54,000</u> 2,605	54,000 sq ft ÷ 12,000 sq ft/AU = 4.5 AU	4.5	4.2 1 city block	182,952 <u>-180,000</u> 2,952	180,000 sq ft ÷ 12,000 sq ft/AU = 15 AU	15

If a mix of animals are present on a given property, their individual AUs are totaled and should be less than or equal to the AUs limits given in the above table.

If additional AUs are desired for a given property, then conditional use permits may be granted with appropriate conditions (USDA, Utah State Extension Service or other legitimate animal husbandry recommendations) to control for additional animal wastes, water pollution, disease susceptibility, pests and nuisance problems, etc.

If complaints arise which are found to have merit, it will be the burden of landowner/land user to show proof of compliance with the above AU directive or conditional use permit as well as demonstrate reasonable efforts to control animal wastes, water pollution, disease, flies, rodents and other pests, and nuisances.

3. The keeping, as pets, of wild, exotic, or dangerous animals, poultry, or creatures capable of transmitting disease or inflicting harm shall not be permitted within the corporate limits of Fountain Green City. "Wild, exotic, or dangerous" means any animal which is not commonly domesticated in the State of Utah, or which is not native to North America (excepting some species of birds, such as parrots and tropical fish), or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature, or other characteristics, would constitute an unreasonable danger to human life, health, or property, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for such things as rabies and distemper. Those animals shall include, but are not limited to:
 - a) Alligators and crocodiles;
 - b) All bears, including grizzly bears, brown bears, and black bears;
 - c) Birds of prey (except for those licensed for falconry or hawking);

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- d) All non-domesticated cats, including cheetahs, cougars, bobcats, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
 - e) All non-domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo and part dingo;
 - f) Porcupines;
 - g) All subhuman primates (such as monkeys, chimpanzees, apes, gibbons, orangutans, lemurs, etc.)
 - h) All raccoons, including eastern raccoons and ring-tailed cats;
 - i) Skunks (unless domesticated and surgically altered to eliminate scent glands);
 - j) Venomous snakes or lizards;
 - k) All weasels, martins, wolverines, badgers, otters, ermine, mink, and mongoose.
4. Pets shall, at all times, be properly sheltered and restrained upon any approved lot or parcel of land.
 5. Any commercial or agricultural enterprise utilizing any animals in subsection 3 above or other animals that might be considered as belonging to subsection 3 by the Planning Commission will require a conditional use permit.

E. PUBLIC UTILITY STATIONS. In any residential zone, public utility stations shall meet the following requirements:

1. Each station shall be the primary structure located on a lot not less than 2,000 square feet in area.
2. Each station shall be located on a lot that has adequate access from a street, alley, or easement.
3. Each station shall be provided with setbacks on each of the four sides of the structure not less than five feet in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear setbacks should equal those required for a single-family residence in the same zone.

7.5-4 PROJECT AND PLOT PLAN APPROVAL

- A. Prior to the construction of any building or structure on any property or lot in the Sensitive Land (SL) zone, a Letter of Certification and Report by a registered

professional engineer is required. It shall be unlawful to grade, fill, or excavate any land or to erect any structure in this Zone without first obtaining a Letter of Certification and Environmental Report from a Utah-licensed, Professional Engineer (PE) which addresses each of the geotechnical elements enumerated within this Chapter. Said Report and Certification shall establish beyond reasonable doubt in the minds of a majority of the members of the Fountain Green City Planning Commission and City Council that the proposed use of land may safely occur. Otherwise, the proposed use of land within the Sensitive Lands Zone shall be denied. Either or both public bodies may request that additional geologic, hydrologic, wildlife habitat, or environmental information, or testing data, be submitted prior to the approval or denial of the proposed conditional use.

B. In conjunction with or after obtaining a Letter of Certification and Environmental Report, the project and plot plan shall be submitted to and approved by the Fountain Green City Planning Commission and, thereafter, by the City Council. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines;
2. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
3. A landscaping plan showing the location, and types of all planting materials to be used together with the location of fences, walls, hedges, and signs;
4. Preliminary elevations of all buildings showing the general appearance.

C. If the building site is in the FEMA Special Flood Plain, FEMA mitigation requirements must be met in addition to Sensitive Land conditional use requirements.

7.5-5 FENCING

Table 7.5-5 FENCING

Clear Vision Restriction	Setbacks	Height	Wildlife/Large Animal	Electric	Corner Lot
	Measured from the	Max 3 feet for non-	not permitted	not permitted	permitted

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See Chapter 11.7 B	center of the approaching lane at street intersections.	agriculture use			
		Max 7 feet for agriculture use	permitted	permitted	permitted

A. FENCES.

Fences in residential areas shall comply with the following:

1. Solid fences within the 50-foot sight lines of street intersections and driveways shall be less than or equal to 3 feet in height.
2. Solid fences outside of the 50-foot sight lines may be up to seven feet in height.
3. Hedges and shrubs will be considered to be the same as solid fences.
4. Trees within the 50-foot sight lines shall be pruned so that the branches are no lower than 7 ½ feet to maintain clear vision along sight lines. Shrubs and hedges shall be less than or equal to 3 feet in height.
5. Netted, chain link, or other agricultural fencing that provides clear vision within 50 foot sight lines can be more than 3 feet in height.

7.5-6 PERFORMANCE STANDARDS

The operation of any use permitted in this district is subject to the following standards of performance:

- A. **NUISANCES.** All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration, or other similar feature to the premises upon which they are located.
- B. **LIGHTING.** Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

7.5-7 PARKING

Each off-street parking space is to be a minimum of 9 feet by 18 feet.

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Table 7.5-7 PARKING

USES	PARKING REQUIREMENT
Bed and Breakfast	1 space per on-duty employee and 1 space for each room rented
Dwelling – Single Family	2 spaces per residential dwelling on the same lot or parcel
Public Utility Stations	Determined by conditional use permit.

7.5-8 CONDITIONAL USE STANDARDS OF REVIEW

The City shall not issue a conditional use permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. **GENERAL REVIEW CRITERIA:** An applicant for a conditional use in the zone must demonstrate:
1. The application complies with all applicable provisions of this chapter, state and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, and traffic circulation;
 3. The use is not detrimental to the public health, safety, and welfare;
 4. The use is consistent with the Fountain Green City General Plan;
 5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 6. There is sufficient utility capacity;
 7. There is sufficient emergency vehicle access;
 8. The location and design of off-street parking as well as compliance with off-street parking standards;
 9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 10. That exterior lighting complies with the lighting standards of the zone; and

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11. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and are appropriate to the topography of the site.
- B. SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES. In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to recommend approval, deny, or recommend conditional approval of an application to the City Council for each of the following conditional uses:
1. Pet Boarding, Breeding, Training, and Grooming.
 - a) Half acre or larger lot required. A limited and reasonable number of adult dogs or adult cats, together with their offspring up to three months of age or similar numbers of other small pets, may be maintained per 0.455-acre parcel or lot. See Fountain Green City Animal Control Ordinance Chapter 13-20-0-00.
 - b) One acre or larger lot required. Boarding, breeding, training, and grooming of horses or other large animals may be permitted on one-acre parcel or lot.
 - c) Compliance with State and County Board of Health Regulations. No provision herein shall be construed as authorizing the keeping of an animal or animals, or poultry, in violation of Sanpete County or Utah State Division of Health regulations; or keeping of an animal or animals or poultry, capable of inflicting harm, or endangering the health and safety of any person, or despoiling the environment (air quality, and surface or well waters) of any property or adjoining property.
 2. Seasonal Commercial Uses. Includes uses such as Farmers' Markets where produce or other items are sold for less than 4 months during the year.
 - a) Seasonal commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and applicable fire codes.
 - b) Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site or adjoining properties.
 - c) The use does not cause noise, light, or other nuisances which adversely impact surrounding property uses.
 3. Home Occupation. The intent of Fountain Green City is to encourage a majority of business activities to be conducted in the Business and Commercial Zone.

However, business activities may be conducted within or immediately adjacent to a residence on a limited basis if such activities comply with the following criteria:

- a) All home occupations should be secondary and incidental to residential use.
- b) The Home Occupation shall be conducted wholly within the residential lot.
- c) Is limited to the on-site employment of family members.
- d) The Home Occupation shall not alter the residential character or appearance of the dwelling or neighborhood; shall be conducted wholly within the residence or approved structure on the premises and shall not occupy any area within the garage, unless the garage still functions for parking, or two off-street parking spaces for residential use are still available.
- e) Commodities may be sold. However, it is the intent that such sales be limited to items produced on the premises, or items that are incidental to the service provided.
- f) Shall not generate business-related vehicular traffic in excess of 16 vehicles per day.
- g) Shall not include identifying signage in excess of a six square-foot nameplate, attached to the dwelling.
- h) Shall be enclosed within a structure in complete conformity with international building codes.
- i) Shall not cause a demand for municipal services in excess of that associated with normal residential use.
- j) Home Occupation Permits shall be valid for one year and may be renewed annually provided there have been no substantiated violations, unresolved complaints, or detrimental characteristics which may, in the judgment of the Planning Commission, require termination of said Permit as approved by Fountain Green City;
- k) Mortuary, animal hospital, clinic, hospital, RV service, junkyard, auto or ATV/motorcycle repair service, or adult-oriented business, medical, dental, and related health professional offices are specifically excluded as home occupations due to health and sanitation risks from the disposal

of waste materials and other deleterious effects on residential quality of the neighborhood.

- l) The activities of the occupation shall not involve the unreasonable use of combustible or toxic material, which would pose an increased hazard to the area, nor shall the activities produce noise or smoke, glare, odor, dust, flashing light, or similar conditions that would decrease the residential quality of the neighborhood.
4. RV Occupancy. Occupancy of any recreational vehicle is by conditional use or short-term visitation only.
- a) Occupancy of a recreational vehicle shall not be permitted in Fountain Green City except in an approved RVP or temporarily on private residential property for visitation purposes not to exceed 30 days in any 90 day period.
 - b) Property owners with an approved building permit for home construction may request a conditional use permit through the Planning Commission to the City Council to temporarily occupy an RV on private property during active on-site construction for a period not to exceed 1 year.
 - c) No RV occupancy allowed on City Street rights-of-way.
 - d) No RV occupancy in the line-of-sight triangles at street intersections.

7.5-9 SIGNS

If a sign type is not specifically designated below, then it is prohibited.

Table 7.5-9 SIGNS

Sign type	Allowed	Conditional	Max. Area	Max. Height	General Restrictions
Construction	√		32 square feet	8 feet	Installation height 8 foot maximum.
Name Plate	√		6 square feet	2 feet	
Real Estate	√		9 square feet	3 feet	

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					<p>Illumination: 24 hour continuous illumination of signs is prohibited in this zone.</p>
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7.5-10 RELATED PROVISIONS

Licensing – See City Ordinances.

Chapter 2 Definitions

Chapter 3 Administration and Enforcement

Chapter 6 Annexation

Chapter 8 Nonconforming Uses and Noncomplying Structures

Chapter 9 Group Homes

Chapter 10 Subdivisions

Chapter 11 General Design Standards for Fountain Green City

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Chapter 8 Nonconforming Uses And Noncomplying Structures

8.1 PURPOSE

8.2 DETERMINATION OF NONCONFORMING STATUS

8.3 AUTHORITY TO CONTINUE

8.4 ABANDONMENT OR LOSS OF NONCONFORMING USE

8.5 MOVING, ENLARGING, OR ALTERING NONCONFORMING USES

8.6 NONCOMPLYING STRUCTURES

8.7 ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY

8.8 APPEALS

8.1 PURPOSE

This chapter regulates the continued existence of nonconforming uses and noncomplying structures as defined in Chapter 2. While nonconforming uses, noncomplying structures, and improvements may continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by this code. In addition, applications are reviewed to ensure that they are reducing the degree of nonconformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

8.2 DETERMINATION OF NONCONFORMING STATUS

- A. BURDEN ON OWNER TO ESTABLISH LEGALITY. The owner bears the burden of establishing that any nonconforming use or nonconforming structure lawfully exists.
- B. DETERMINATION OF STATUS. The Planning Commission shall determine the nonconforming or noncomplying status of properties. Any decision of the Planning Commission may be appealed within 30 calendar days of the decision to the Appeal Authority.

8.3 AUTHORITY TO CONTINUE

- A. CONTINUATION OF NONCONFORMING USE. A lawful nonconforming use may continue subject to the standards and limitations of this chapter.
- B. CONTINUATION OF NONCOMPLYING STRUCTURE. A noncomplying structure that was lawfully constructed with a permit prior to a contrary change in this code may be used and maintained, subject to the standards and limitations of this chapter.

8.4 ABANDONMENT OR LOSS OF NONCONFORMING USE

- A. **ABANDONMENT OF NONCONFORMING USE.** A nonconforming use that is discontinued for a continuous period of 12 months is presumed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use of the building, structure, or land must conform to the regulations for the zoning district in which it is located.
- B. **REBUTTABLE PRESUMPTION OF ABANDONMENT.** The presumption of abandonment may be rebutted upon showing that during such period:
1. Any period of discontinued use was caused by governmental actions or an act of God without any contributing fault by the owner and the owner did not intend to discontinue the use; or
 2. The owner can demonstrate no abandonment of the use.

8.5 MOVING, ENLARGING, OR ALTERING NONCONFORMING USES

No nonconforming use may be moved, enlarged, altered, or occupy additional land, except as provided in this chapter.

- A. **ENLARGEMENT.** A nonconforming use may not be enlarged, expanded, or extended to occupy all or a part of another structure or site that it did not occupy on the date on which the use became nonconforming. A nonconforming use may be extended through the same building or structure provided no structural alteration of the building or structure is proposed or made for the purpose of the extension and the parking demand is not increased.
- B. **EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE.** Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided there is no expansion of the area of the nonconforming use.
- C. **RELOCATION OF BUILDING OR STRUCTURE.** A building or structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the building or structure is moved.
- D. **CHANGE OF NONCONFORMING USE TO A CONFORMING USE.** Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed back to a nonconforming use.

8.6 NONCOMPLYING STRUCTURES

No noncomplying structure may be moved, enlarged, or altered, except in the manner provided in this chapter or unless required by law.

- A. **REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.** Any noncomplying structure may be repaired, maintained, altered, or enlarged, provided that such repair,

maintenance, alteration, or enlargement shall neither create any new noncompliance nor shall increase the degree of the existing noncompliance of all or any part of such structure.

- B. MOVING. A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zone in which it will be located.

8.7 ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY

The owner may complete normal maintenance and incidental repair on a complying structure that contains a nonconforming use or on a noncomplying structure. This chapter shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Building Official who declares such structure to be unsafe and orders its restoration to a safe condition.

8.8 APPEALS

Appeal from a Planning Commission decision made pursuant to this chapter shall be made to the Appeal Authority. Any person filing an appeal for review of any decision made under the terms of this chapter shall file such appeal within 30 days after the date of the Planning Commission's final decision.

Chapter 9 Group Homes

9.1 PURPOSE

9.2 REQUIREMENTS

9.3 DESIGN

9.4 FEES AND FINANCIAL CAPABILITY

9.5 EXEMPTIONS

9.6 STANDARDS AND CONDITIONS

9.7 LICENSES, PERMITS, CERTIFICATIONS, AND COMPLIANCE

9.8 PROCEDURE

9.9 SEVERABILITY

9.10 RELATED PROVISIONS

9.1 PURPOSE

To allow for the continuation of low-density residential neighborhoods and to not encourage an over-concentration of congregate living facilities that tends to create an “institutional” rather than a “residential” atmosphere in the applicable neighborhoods, this chapter will:

- A. Distinguish between facilities providing residential services to people with disabilities or to the elderly, and other congregate living facilities, such as youth homes;
- B. Avoid the institutionalization of residential neighborhoods and create an environment that will facilitate the “mainstreaming” of persons with disabilities and/or elderly persons into a “normalized” residential environment;
- C. Provide an opportunity for congregate living facilities to be located within the City;
- D. Establish zoning uses, standards, and practices which will not have the effect of discriminating against congregate living arrangements of unrelated people with disabilities or the elderly;
- E. Enact a separation requirement of at least one-half mile that is necessary to provide the adequate mixture of residential housing types to meet the needs of maintaining a “normalized” residential environment, while still providing adequate alternatives for the establishment of such housing throughout the community.
- F. In Fountain Green City in 2010, there were 358 homes and approximately 1,000 residents giving an average residential density of less than 3.3 people per home. By allowing 8 residents in each residential facility for the elderly and 8 residents in each residential facility for people with disabilities, the city is able to provide essential services such as water and sewer and police protection without compromising those same services for all city residents. The city allows 6

residents in each youth home.

Police protection is limited to one full-time employee and county sheriff assistance in emergencies.

9.2 REQUIREMENTS

- A. **RESIDENTIAL FACILITY FOR PEOPLE WITH DISABILITIES** is defined as a facility that is occupied on a 24-hour per day basis in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah Department of Human Services – Division of Services for People with Disabilities and is operated by or under contract with that department. Such facilities are not Residential Treatment Facilities and shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in Utah Code Title 62A.
1. A residential facility for persons with a disability requires a conditional use permit and is permitted only in the Business-Commercial and Residential-Agricultural zones which permit residential development without special conditions, subject to specific requirements of the Land Use (Zoning) Ordinance. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. Any alterations must be reviewed and recommended by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes, and requirements for facilities of this type.
 2. A residential facility for persons with a disability is subject to the Fountain Green Land Use (Zoning) Ordinance, the standards contained herein, and the exemptions below.
 3. A residential facility for persons with a disability shall not have any structural or landscaping alterations that would change the structure's residential character.
 4. A residential facility for persons with a disability shall be limited to 8 persons unrelated to the owner or provider.
 5. A residential facility for persons with a disability shall not be located within a radius of one-half mile of another existing congregate living facility inside or outside of Fountain Green City limits.

- B. RESIDENTIAL FACILITY FOR THE ELDERLY is defined as a facility that is occupied on a 24-hour per day basis in a family-type arrangement under the supervision of a house family or manager, and appropriate licensing Department of the State of Utah and is operated by or under contract with that department. A residential facility for the elderly is not a residential treatment facility and shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in Utah Code Title 62A.
1. A residential facility for the elderly requires a conditional use permit and is permitted only in the Business-Commercial and Residential-Agricultural zones which permit residential development without special conditions, subject to specific requirements of the Land Use (Zoning) Ordinance. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. Any alterations must be reviewed and recommended by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.
 2. A residential facility for the elderly is subject to the Fountain Green Land Use (Zoning) Ordinance, the standards contained herein, and the exemptions below.
 3. A residential facility for the elderly shall not have any structural or landscaping alterations that would change the structure's residential character.
 4. A residential facility for the elderly shall be limited to 12 persons unrelated to the owner or provider.
 5. A residential facility for the elderly shall not be located within a radius of one-half mile of another existing congregate living facility inside or outside of Fountain Green City limits.
- C. YOUTH HOME is defined as a facility that is occupied on a 24-hour per day basis in a family-type (group-living) arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of and is licensed by the appropriate licensing Department of the State of Utah and is operated by or under contract with that department. A youth home, furthermore, will house at least three, but not more than six persons under the age of 18, unrelated to an owner or provider that offers room, board, or

specialized services to residents. Youth homes may include facilities for the following: resource family home, child placement, or residential support as defined in Utah Code Title 62A. Such facilities are not Residential Treatment Facilities and shall not include facilities of the following: secure treatment, inpatient treatment, residential treatment, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in Utah Code Title 62A.

1. A youth home requires a conditional use permit and is permitted only in the Business-Commercial and Residential-Agricultural zones which permit residential development without special conditions, subject to specific requirements of the Land Use (Zoning) Ordinance. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. Any alterations must be reviewed and recommended by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.
2. A youth home is subject to the Fountain Green Land Use (Zoning) Ordinance, the standards contained herein, and the exemptions below.
3. A youth home shall not have any structural or landscaping alterations that would change the structure's residential character.
4. Youth homes shall be limited to six persons under the age of 18 who are unrelated to the owner or provider of the youth home.
5. A youth home shall not be located within a radius of one-half mile of another existing congregate living facility inside or outside of Fountain Green City limits.

9.3 DESIGN

- A. Any conversion of buildings or new construction of a congregate living facility shall require that the development standards of Fountain Green City Land Use (Zoning) Ordinance are met.
- B. Any conversion of existing buildings or uses to a congregate living facility must provide at least 60% of the area as open green space or playground and at least two parking spaces per residential unit and adequate off-street parking spaces for the staff and visitors of the facility as recommended by the Planning Commission. The City Council may reduce the parking requirement as part of

the conditional use approval upon a finding that less parking will meet the needs of the public and the proposed program.

- C. The Planning Commission and City Council shall consider the general plan, protection of permitted uses in underlying zones, and the aesthetics of any proposed building in making its recommendations and/or approval to any congregate living facility.

9.4 FEES AND FINANCIAL CAPABILITY

- A. The applicant for a permit or license to operate a congregate living facility shall pay the applicable license and permit fees as set by the City Council. Applicant shall also provide proof of financial capability to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by any facility staff member, or facility resident, or visitors to the facility. Proof of financial capability may take the form of insurance, bonds, or financial reserves. Proof of financial capability shall be resubmitted to the City annually or sooner if significantly changed.

9.5 EXEMPTIONS

- A. No congregate living facility shall include facilities which house persons being treated for alcoholism or drug abuse, persons who have committed violent crimes, or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in an adult correctional facility.

9.6 STANDARDS AND CONDITIONS

- A. **CONDITIONS.** The Fountain Green City Planning Commission and/or City Council may apply conditions upon a conditional use permit to operate a youth home or a residential facility for persons with a disability or a residential facility for the elderly it deems to be in harmony with the General Plan and in the best interests of the health, safety, and welfare of the City, including but not limited to the following conditions.
 1. A community impact study shall be provided by the applicant as part of the application for the conditional use permit. This study shall specifically describe the programs provided and evaluate the impact of the congregate living facility on local schools, the City's economy and resources, the tax revenue of the City, the City's infrastructure including sewer concerns, public safety and law enforcement, traffic, aesthetics, tourism, medical services, public transportation, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed within the same building to be used as a congregate living facility.

2. The Fountain Green City business license application shall include the following:
 - a. Proof of cleared background (Department of Criminal Investigations) checks for all staff that will have direct contact with consumers;
 - b. Written job descriptions including specific duties and responsibilities and the minimum level of education, training, and work experience required;
 - c. Business plan;
 - d. References including educational background, training, and relative experience of the manager of the facility.
3. The facility shall have 24-hour per day supervision by trained and qualified personnel, with daytime ratios of at least one supervisor to four residents and evening ratios of at least one supervisor to six residents.
4. The facility shall provide 24-hour supervision of the residents by an adult of the same sex and at least ten years older than the oldest youth resident.
5. The number of residents in the facility shall not increase above the number allowed.
6. Facility shall report to the City within the first week of each month all incidents required to be reported to the Department of Human Services.
7. Facility shall report to the proper law enforcement agency immediately and to the City within 24 hours, any escape, violent incident, or crime occurring at the facility.

9.7 LICENSES, PERMITS, CERTIFICATIONS, AND COMPLIANCE

- A. Business License Required. To operate a residential facility for persons with disabilities, as licensed by the Department of Human Services, Division of Services for Persons with Disabilities, or to operate a residential facility for the elderly, as licensed by the State of Utah Department of Human Services, the owner or provider shall be required to maintain a valid business license with Fountain Green City.
- B. Residential Facility for Persons with a Disability; State of Utah Department of Human Services, Utah Division of Services for People with Disabilities License or Certification Required. Applicants must verify, with

documentation to the Planning Commission and City Council, compliance with all applicable requirements, regulations, and standards of the State of Utah Department of Human Services governing the licensing and operation of residential facilities for persons with a disability. At the time of application for a permit and/or business license to establish a residential facility for persons with a disability or within 60 days following approval of a residential facility for persons with a disability by the Fountain Green City Council, the applicant shall provide to the Fountain Green City Recorder evidence that the facility is licensed or certified by the Department of Human Services, Division of Services For People with Disabilities or the City shall not issue any business license required to operate a residential facility for persons with a disability until such evidence is provided. Failure to provide such evidence shall also be grounds for the City to initiate proceedings to revoke any valid City approvals for a residential facility for persons with a disability.

- C. Residential Facility for the Elderly; State of Utah Department of Human Services License or Certification Required. Applicants must verify, with documentation to the Planning Commission and City Council, compliance with all applicable requirements, regulations and standards of the State of Utah Department of Human Services governing the licensing and operation of residential facilities for the elderly. At the time of application for a permit and/or business license to establish a residential facility for the elderly or within 60 days following approval of a residential facility for the elderly by the Fountain Green City Council, the applicant shall provide to the Fountain Green City Recorder evidence that the facility is licensed or certified by the Department of Human Services or the City shall not issue any business license required to operate a residential facility for the elderly until such evidence is provided. Failure to provide such evidence shall also be grounds for the City to initiate proceedings to revoke any valid City approvals for a residential facility for the elderly.
- D. Youth Home; State of Utah Department of Human Services License or Certification Required. Applicants must verify, with documentation to the Planning Commission and City Council, compliance with all applicable requirements, regulations and standards of the State of Utah Department of Human Services governing the licensing and operation of youth homes. At the time of application for a permit and/or business license to establish a youth home or within 60 days following approval of a youth home by the Fountain Green City Council the applicant shall provide to the Fountain Green City Recorder evidence that the facility is licensed or certified by the appropriate department of the State of Utah or the City shall not issue any business license required to operate a youth home until such evidence is provided. Failure to provide such evidence shall also be grounds for the City to initiate proceedings to revoke any valid City approvals for a youth home.

E. Continued Licensure or Certification Requirements of the State of Utah.

1. Operation of a residential facility for persons with a disability requires continues compliance, without interruption, with the Licensure Department of Human Services, Division of Services for People with Disabilities. The responsibility to certify or license programs or owners or providers which operate residential facilities for persons with a disability, as well as require and monitor the provision of adequate services to consumers residing in these facilities shall rest with the Department of Human Services, Division of Services for People with Disabilities.
2. Operation of a residential facility for the elderly requires continued compliance, without interruption, with the State Department of Human Services. The responsibility to license programs or entities which operate residential facilities for the elderly, as well as to monitor the provision of adequate services to persons residing in those facilities shall rest with the Department of Human Services as provided in Utah Code.
3. Operation of a residential facility for youth requires continued compliance, without interruption, with the State Department of Human Services. The responsibility to license programs or entities which operate youth homes, as well as to monitor the provision of adequate services to persons residing in those facilities shall rest with the Department of Human Services as provided in Utah Code Section 62A-2.

F. Special Provisions for Congregate Living Facilities.

1. A permit to operate a congregate living facility as regulated by this section shall be;
 - a. Subject to a nontransferable business license; and
 - b. Terminated if at any time it is demonstrated to the City Council, that:
 1. The structure is devoted to a use other than the City approved use; or
 2. The structure fails to comply with the requirements of this section; or

3. The program has failed to operate in accordance with the requirements of this section; or
 4. The applicant has not obtained and maintained, without interruption, all licenses from the State of Utah required to operate. Annual proof of such compliance must be provided to the City. If the license issued by the State of Utah expires, the City business license will automatically become void and the facility must close.
 - c. Application for reinstatement of a City permit or business license must be made to the City Council and will be subject to approval by that body.
2. A congregate living facility shall be occupied on a 24-hour basis by no more than the maximum number allowed by the International Building Code for egress requirements which shall total to include all supervisors, staff, and residents. Visitors shall not be present for more than 12 hours at a time.
 3. Any conditional use permit for a congregate living facility shall be for the specified number of individuals as noted in F(2) above for the egress requirements.

G. License Nontransferable.

1. Conditional use permits granted to congregate living facilities shall expire upon the expiration, revocation, or surrender of any City business license, State of Utah license, or other regulatory license of the facility.
2. A Fountain Green City business license to operate a residential facility for persons with a disability, as authorized by this chapter, is nontransferable and shall only be valid to the owner or provider identified on a valid City business license permit authorizing the operator of a residential facility for persons with a disability and identified as the owner or provider as licensed or certified by the Department of Human Services, Division of Services For People with Disabilities.
3. A Fountain Green City business license to operate a residential facility for the elderly, as authorized by this chapter, is nontransferable and shall only be valid to the owner or provider identified on a valid City business license permit authorizing the operation of a residential facility for the elderly and identified as the

owner or provider as licensed or certified by the appropriate division of the State of Utah as required by this section.

4. A Fountain Green City business license to operate a youth home, as authorized by this chapter, is nontransferable and shall only be valid to the owner or provider identified on a valid City business license permit authorizing the operation of a youth home and identified as the owner or provider as licensed or certified by the appropriate division of the State of Utah as required by this section.

9.8 PROCEDURE

- A. Checklists. Anyone desiring to procure a Fountain Green City permit and/or license to operate a residential facility for people with disabilities or the elderly, or a youth home, shall begin the process by completing the Congregate Living Facility Checklist (Appendix A), consulting with the Fountain Green City Recorder when necessary. When the checklist has been reviewed and deemed complete by the City Recorder, the applicant may be placed on the agenda of the next regular meeting of the Planning Commission.
- B. Planning Commission Recommendation. The Planning Commission will hear the applicant's proposal, review the checklist, and all required documentation, and determine whether or not it is in harmony with the Fountain Green City General Plan and in compliance with the Fountain Green City Land Use (Zoning) Ordinance and State and City standards for granting a conditional use permit. The Planning Commission shall then make its findings and recommendation to the City Council, including any specific conditions to be placed on the permit, in writing.
- C. City Council Approval. Once the Planning Commission has forwarded formal written recommendations to the City Council the applicant may be placed on the agenda of a regular City Council meeting. The Council may then approve, modify and approve, or deny the conditional use permit.
- D. Business License. If the City Council approves a conditional use permit for a congregate living facility the applicant may then supply the necessary documentation and request a business license to operate the facility.

9.9 SEVERABILITY

If any portion of this ordinance is held to be unconstitutional, invalid, or unenforceable, the remainder of this ordinance shall be deemed severable and shall not be affected and this ordinance shall remain valid.

APPENDIX A: CONGREGATE LIVING FACILITY CHECKLIST

A. Before an applicant may be placed on the agenda of the Planning Commission, the City Recorder must verify that all of the following documentation has been received by the City:

1. Written verification of Department of Criminal Investigations clearance for the facility's operator and any other persons who are to have direct contact with minors or vulnerable adults in a congregate living facility.
2. Concept plan for the facility.
3. Documented proof of ownership of the land, or a valid lease where the facility is to be located.
4. A letter of intent from the Utah Department of Human Services to license the facility.
5. If incorporated, the applicant must provide proof of active corporation status, including corporation ownership, from the Utah Department of Commerce.
6. Copies from the appropriate licensing department of the state of any written complaints, including employee grievances, against the applicant or facility applying for a business license.
7. Where appropriate, supply documents which comply with Human Services Core Standards R501-2-6 and R501-2-7 (what must be available for public inspection).
8. Eligibility and/or intake policy outlining the reasons a facility would consider accepting new consumers.

9.10 RELATED PROVISIONS

Licensing – See City Ordinances.

Chapter 2 Definitions

Chapter 3 Administration and Enforcement

Chapter 7 Zoning Districts

Chapter 8 Nonconforming Uses and Noncomplying Structures

Chapter 10 Subdivisions

Chapter 11 General Design Standards for Fountain Green City

CHAPTER 10 SUBDIVISIONS

FOUNTAIN GREEN CITY

ORDINANCE NO. 2024-12-19

AN ORDINANCE AMENDING CHAPTER 10 OF THE FOUNTAIN GREEN CITY MUNICIPAL CODE AND ESTABLISHING PROCEDURES FOR APPROVAL AND DEVELOPMENT STANDARDS FOR A SUBDIVISION ORDINANCE FOR FOUNTAIN GREEN CITY

WHEREAS, Fountain Green City is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Fountain Green City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the City may enact and amend ordinances regarding land use for the purposes outlined in Utah Code Ann. S 10-9a-102; and

WHEREAS, a public hearing concerning the proposed amendments to the Subdivision Ordinance was held before the City Planning Commission, after proper notice, on December 12, 2024 and before the City Council, after proper notice, on December 19, 2024; and

WHEREAS, the City Council, after receiving a recommendation from the Town Planning Commission, and receiving public comment, determined that it is appropriate to amend Chapter 10 of the Fountain Green Municipal Code (the "Subdivision Ordinance") and such amendment will further the health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN GREEN, SANPETE COUNTY, UTAH, AS FOLLOWS:

Section 10-1-101 Purpose

Section 10-1-102 Definitions

Section 10-1-103 Authority to Impose Conditions

Section 10-1-104 Considerations

Section 10-1-105 Subdivision Standards and Procedure

Section 10-1-106 Preliminary Plat Filing and Review

Section 10-1-107 Preliminary and Subdivision Improvement Plan Contents

Section 10-1-108 Preliminary Plat and Subdivision Improvement Plan Approval

Section 10-1-109 Duration of Preliminary Plat and Subdivision Improvement Plan Approval

- Section 10-1-110 Final Plat Filing and Review**
- Section 10-1-111 Final Plat Contents**
- Section 10-1-112 Final Plat Approval and Recordation**
- Section 10-1-113 Subdivision Exemption—Simple Lot Subdivision**
- Section 10-1-114 Simple Lot Subdivision Review and Approval Process**
- Section 10-1-115 Street Requirements**
- Section 10-1-116 Street and Utility Improvements Requirements**
- Section 10-1-117 Blocks**
- Section 10-1-118 Lots**
- Section 10-1-119 Dedications of Parks, School Sites, Other Public Spaces**
- Section 10-1-120 Easements**
- Section 10-1-121 Easements and Permits**
- Section 10-1-122 Completion of Improvements in Platted Subdivision**
- Section 10-1-123 Standard Details**
- Section 10-1-124 Fees**
- Section 10-1-125 Appeals**

10-1-101 PURPOSE

The purposes of this chapter are:

1. To promote the health, safety, and general welfare and preserve the quality of life of the residents in the City of Fountain Green.
2. To ensure the efficient and orderly development of land within the City of Fountain Green.
3. To avoid poorly planned development that:
 - a. Does not comply with the Fountain Green General Plan or Fountain Green City Ordinances;
 - b. Cannot be adequately served by existing utilities, infrastructure, or services; and
 - c. May be dangerous or unsafe.
4. To provide for:
 - a. Design standards for and construction of public improvement's, facilities, and utilities;
 - b. Access to public rights-of-way, including, but not limited to, easements; and
 - c. The dedication of land deemed subdivision;

10-1-102 DEFINITIONS

The following words and phrases used in this chapter shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context. Unless the context clearly indicates to the contrary, words used in the plural number include the singular and vice versa.

Administrative Land Use Authority: Means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission. It does not include a municipal legislative body or a member of a municipal legislative body. For a Final Plat it does not include a Planning Commission.

Applicant: An individual, group of individuals, or entity submitting an application for a subdivision. An applicant shall demonstrate either ownership or authorization to represent the owner, in writing, of all properties included in the subdivision.

Half Streets: These are proposed streets with half the required right-of-way width for its functional classification, located on the bounding edge of a parcel proposed for development, in any subdivision.

Open Space: Common Useable Open Space shall be defined as planned common outdoor improved landscaped areas suitable for relaxation and recreation. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.

Planning Commission: The term "planning commission" means the Fountain Green City Planning Commission, unless another planning commission is specifically named.

Property: The word "property" means any tract, lot, parcel, or several of the same collected together for purposes of subdividing.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application; (ii) the municipality's review of that subdivision land use application; (iii) the municipality's response to that subdivision land use application, in accordance with this section; and (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

Simple Lot Subdivision: A residential metes and bounds division of land by means of a record of survey as outlined in this Title and Utah State Code 10-9a-605(1).

Subdivider: The word "subdivider" means an individual or entity having record title in any tract, lot, or parcel of land to be subdivided; or an agent of such individual or entity when such individual or entity has provided written consent and acknowledgement for such agent to act in behalf of the owner and has outlined the scope of agent authority.

Subdivision: The word "subdivision" is defined as the division of property into two or more parts for the purpose, whether immediate or future, of sale or of building development; provided, that if any one person within one calendar year divides any property into four or fewer lots, such land shall be deemed a simple lot subdivision within the meaning of this chapter. A subdivision shall include a bona fide division or partition of agricultural land in parcels of more than one acre for other than developmental purposes, if such division or petition meets the requirements of Utah Code Ann. §10-9a-605(2), as amended.

Subdivision Improvement Plans: Means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

Subdivision Ordinance Review: Means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

Subdivision Plan Review: Means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

10-1-103 AUTHORITY TO IMPOSE CONDITIONS

This chapter is designed to inform the subdivider and the public of the requirements for obtaining subdivision plat approval. Because each parcel of real property is unique and has its own set of circumstances, and because there are some aspects of subdivision development that cannot easily be articulated, it is not possible to cover every possible condition. Therefore, the planning commission has the authority to impose exactions upon a subdivider which are roughly proportional to the impact of the development in addition to the standards and requirements contained herein, including but not limited to exactions regarding water.

10-1-104 CONSIDERATIONS

1. The Fountain Green General Plan shall guide the use of all land within the boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision should conform to the greatest extent possible to the land uses shown and the objectives established in the General Plan.
2. The subdivider shall make application as provided herein and prepare a plat consistent with the standards and requirements contained herein and any other standards adopted by the City and shall pay for the design, construction, and inspection of the required public improvements. The City shall process the plat in accordance with the regulations set forth herein. The subdivider shall not alter or remove any vegetation from the proposed subdivision site or engage in any site development until they have obtained the necessary approvals contained in this Chapter. In cases where standards contained herein conflict with any other standards adopted by the City, the stricter standard shall apply.

10-1-105 SUBDIVISION STANDARDS AND PROCEDURE

Subdivision Standard:

1. Except for authorized divisions of land through a record of survey, no person shall subdivide any tract of land which is located wholly or in part within the corporate limits of Fountain Green City, nor shall any person sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision of a large tract of land nor shall any person record any deed conveying such a parcel of land or any interest therein, unless he or she shall first obtain approval of a final plat, which shall be recorded before such sale or exchange or purchase is effected, and which shall be in accordance with all of the requirements of this chapter. Failure to follow the requirements herein will result in an illegal subdivision.

Pre-Application Meeting

1. An applicant for a subdivision may request a pre-application meeting with the City. At this meeting, the City will provide information on accessing applicable land use ordinances, a complete list of standards required for the project, preliminary and final application checklists, and feedback on the concept plan.
2. With regard to a pre-application meeting, the following shall apply:
 - a. The applicant shall submit a concept plan for staff review
 - b. The municipality shall, within fifteen (15) business days after the request, schedule the meeting to review the concept plan and give initial feedback
 - c. At the pre-application meeting, the City shall provide or have made available on the municipal website the following:
 - i. Copies of applicable land use regulations
 - ii. A complete list of standards required for the project
 - iii. Preliminary and Final Plat checklist
 - d. Pre-application review of a concept plan does not create any vested rights and feedback on the concept plan does not grant or infer any official standing or approval. The applicant is responsible to adhere to the ordinance.
3. The Concept Plan shall include the following:
 - a. The general location of the subdivision and the property boundaries of the proposed subdivision area, showing:
 - i. overall project acreage
 - ii. the general layout of the proposed subdivision and its relationship to the adjacent properties
 - iii. the location, size, width, and frontage of each proposed lot

- iv. the location, width and general configuration of proposed roads in the subdivision
- v. waterways located within or near the proposed subdivision
- b. Topographic contours from available data, e.g. USGS maps, if located on a slope
- c. Brief written statement or oral presentation in sufficient detail that the intent of the subdivider is clear to those who review the proposals.
 - i. Current and proposed zoning
 - ii. Proposed use of the property
 - iii. Manner for complying with the improvement guarantee, irrigation system, and any other public improvements
- d. Feasibility:
 - i. Review of available water resources and water and sewer connections
- e. Any phasing plan, if applicable

10-1-106 PRELIMINARY PLAT FILING AND REVIEW

This chapter outlines the process to submit and review preliminary plans and the accompanying subdivision improvement plan. The intention is for the definitions and process for application, review, and approval to follow Utah State Code 10-9a-601, et seq.

1. **Prior Approvals:** If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to submittal of the preliminary plan application.
 - a. For the legislative approval, the City Council may grant an approval contingent on completion of the subdivision process within a given time frame.
2. **Optional Pre-Application Meeting:** Prior to filing a Preliminary Plan, the applicant may request a Pre-Application Meeting to review the Concept Plan with applicable City staff or representatives, as outlined above.
3. **Application Provided:** The City shall provide, or have available on the City website, each of the following:
 - a. The Preliminary Plan application
 - b. The owner's affidavit
 - c. A breakdown of application fees
 - d. A copy of the applicable land use ordinance
 - e. Complete list of standards required for the project
 - f. Preliminary Plan drawings checklists
4. **Submittal:** To apply for Preliminary Plan approval, applicants must follow instructions on the form provided by the City and submit all required materials, including:
 - a. Complete Preliminary Plan application
 - b. Owner's affidavit
 - c. An electronic copy of all plans in a PDF format

- d. Preliminary and Subdivision Improvement Plan drawings
 - e. Payment of all Preliminary Plan fees
 - f. All other required details, specifications, information, permits, will-serve letters, and other information as detailed in Fountain Green City Code, City development standards, and any regulations by other applicable jurisdictions.
5. Check for Completeness: The City will review the submission for completeness.
 - a. If the submittal includes all materials, the City receives the submittal and starts the first review cycle.
 - b. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.
 6. Water Conveyance Facilities: If the location is within one hundred (100) feet of a water conveyance facility within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - a. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.
 - b. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b
 7. Utilities: Fountain Green City will submit the preliminary plat to designated representatives of public utilities and/or facilities for review and verification of proposed utility locations and impacts to existing utility facilities.
 8. City Review Time Frame: Within forty (40) days the City shall complete a review of the preliminary plan and subdivision improvement plan, except as follows:
 - a. Geological Hazard Areas: The review cycle dates do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
 - b. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial development, or other multifamily development.
 9. Determination of Corrections Required: After review, the City will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response. This marks the end of the respective review cycle.

- a. **Application Requires Corrections:** If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 - b. **Additional Information Required:** The City may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements.
 - c. **Application Meets All Standards:** If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
10. **Application Expiration:** An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
11. **Resubmittal:** After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
12. **Check for Completeness:** The City shall review the resubmittal to ensure the applicant has responded to each item logged in the index of requested modifications or additions.
- a. If the response does not address each item, the City shall return the submittal to the applicant.
 - b. **New Review Cycle:** An applicant's complete resubmittal shall constitute a new review cycle.
13. **City Review of Resubmittal**
- a. **Time Frame:** The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - i. If the applicant responded within forty (40) days, the City has forty (40) days to complete the second review cycle.
 - ii. If the applicant responded after forty (40) days, the City has sixty (60) days to complete the second review cycle.
 - iii. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
 - b. **Land Uses:** The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
 - c. **New Corrections:** If the City neglected to include a required change or correction in the initial review process, the modification or correction can only be imposed on

- subsequent reviews if it is necessary to protect public health and safety or to enforce state or federal law.
- d. Determination of Corrections Required: At the end of the City's review, the City shall make a determination of corrections required, if any, as outlined in subsection 9 of this Ordinance Section 10-1-106.
14. Fourth Review Cycle: An application for Preliminary Plan and Subdivision Improvement Plan approval shall not exceed four (4) review cycles.
- a. Fourth Review: If, after the fourth (4) review cycle the application is found to not meet all required corrections, the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications.
- i. Appeal: The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
15. Application Ready for Approval: If the City determines that the resubmittal is now complete and meets all codes, standards, and specifications, the resubmittal shall be forwarded to the Administrative Land Use Authority to complete the review.
- a. If the City finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant.
- i. This shall be provided to the applicant up until the fourth review cycle, at which point the application shall be forward to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specification. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.
16. Dispute of Determination: If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
- a. Subdivision Improvement Plan Dispute: For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
- b. Preliminary Plan Dispute: For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the City Council.

10-1-107 PRELIMINARY AND SUBDIVISION IMPROVEMENT PLAN CONTENTS

1. Each Preliminary Plan and Subdivision Improvement Plan shall be accompanied by:
- a. completed application form
- b. a filing fee in the amount established in the fee schedule by the City Council
- c. a current title report showing clear ownership of all property within the subdivision along with any encumbrances

- d. will-serve letters for any utility companies intended to provide services to the properties.
 - e. any site-specific requirements, such as hazard mitigation, soils reports, and UDOT approvals
2. In addition to the contents listed herein, the City Council may authorize a checklist of all submittal requirements. Each Preliminary Plan and Subdivision Improvement Plan shall contain all required items included on the checklist, which if adopted, is an appendix to the Fountain Green City Code.
 3. Preliminary Plat Drawings, Minimum Contents: The preliminary plat shall be drawn to a scale not smaller than fifty (50) feet to the inch, and shall show:
 - a. A legal description of the subdivision which shall be located in a title block in the lower right corner of the plat and shall include the subdivision name and the location including the section, Township and range.
 - b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's ownership. In such case, a sketch of the prospective future street system of the un-platted parts shall be submitted; and the street system of the party submitted shall be considered in the light of adjustments and connections with the future street system of the larger area;
 - c. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
 - d. Contour map at appropriate intervals;
 - e. Building setback lines and numbering sequence;
 - f. Public utility easements;
 - g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, water courses, utility lines, exceptional topography and structures within the proposed subdivision and within a two hundred-foot (200') perimeter of the subdivision;
 - h. Existing storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto;
 - i. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the public;
 - j. North point, scale and date;
 - k. Plans or written statements regarding the width and type of proposed pavement; location, size and type of proposed sanitary septic disposal facilities; proposed water mains and hydrants and other proposed utilities; proposed stormwater drainage facilities and other proposed improvements; planting and parks; and any grading of individual lots;
 - l. Verification of culinary water availability; and
 - m. Vicinity map.

10-1-108 PRELIMINARY PLAT AND SUBDIVISION IMPROVEMENT PLAN APPROVAL

1. **Administrative Land Use Authority:** For approval of a Preliminary Plat and Subdivision Improvement Plan the Administrative Land Use Authority shall be the Planning Commission.
2. **Public Hearing:** The Planning Commission shall conduct a public hearing. a. Public notice shall be sent to all properties within 300 feet of the proposed subdivision.
3. **Approval:** If the Administrative Land Use Authority finds the applicant has completed all requirements addressed during review, and the proposed plat and subdivision improvement plan comply with the requirements of this Title and all adopted standards and specifications, then it shall approve the Preliminary Plan and Subdivision Improvement Plan.
4. **Corrections Required:** The Administrative Land Use Authority shall remand the application back to the applicant for a new review cycle, unless the applicant has already completed four (4) review cycles, if the Administrative Land Use Authority finds that either:
 - a. The applicant has not completed all requirements as outlined in the review index, or
 - b. The application does not address all requirements, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.
5. **Denial:** The Administrative Land Use Authority shall deny the application if either:
 - a. The applicant is unwilling to make required corrections or provide required information.
 - b. The application has completed the fourth (4) review cycle and the applicant has failed to meet the stated requirements.

10-1-109 DURATION OF PRELIMINARY PLAT AND SUBDIVISION IMPROVEMENT PLAN APPROVAL

1. Approval of the Preliminary Plan by the City shall be valid for a period of twelve (12) months after approval.
 - a. If an applicant has not submitted a complete application for Final Plat approval within twelve (12) months, the Preliminary Plan and Subdivision Improvement Plan approval is deemed to have lapsed.
 - b. For a Preliminary Plan with multiple phases, the Plan remains active provided a Final Plat is recorded at least every 24 months. If a Final Plat has not been recorded within the 24-month period, the Preliminary Plan must again be submitted to the City for re-approval.

10-1-110 FINAL PLAT FILING AND REVIEW

1. **Time Frame:** Within twelve (12) months after approval of the Preliminary Plan and Subdivision Improvement Plan the applicant shall make a complete Final Plat submittal,

otherwise the prior application approval shall lapse and the applicant will have to seek reapproval.

2. **Pre-Application Meeting:** An applicant may request a pre-application meeting. If so, the City and the applicant shall follow the provisions of Fountain Green City Code 10-1-105 before proceeding to the next step.
3. **Application Provided:** The City shall provide, or have available on the City website, each of the following:
 - a. The Final Plat application
 - b. The owner's affidavit
 - c. A breakdown of application fees
 - d. A copy of the applicable land use ordinance
 - e. Complete list of standards required for the project
 - f. An electronic copy of all plans in PDF format
4. **Application is made by following instructions on the form provided by the City and submitting all required materials, including the following:**
 - a. A (PDF) file of the plat.
 - b. All fees for the Final Plat application are due upon filing the application.
 - c. All other information required on the Final Plat Checklist and necessary to determine compliance with this code and all applicable regulations.
5. **Check for Completeness:** The City checks the submittal for completeness.
 - a. If the submittal includes all materials, the City receives the submittal and starts the review.
 - b. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the City has made a determination that the application is complete.
6. **City Review Time Frame:** After a determination that the application submittal is complete, the City begins its review. The City has a thirty (30) day review window to conduct its review and provide comments to the applicant.
 - a. **Land Uses:** The review cycle number of days only applies to single family, two family, and townhome development. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
7. **Water Conveyance Facilities:** If the location is within one hundred (100) feet of a water conveyance facility, within twenty (20) calendar days after receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility: access, maintenance, protection, safety, and any other issues related.
 - a. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the City may provide comments to the applicant before this twenty (20) day window is

- complete, the Administrative Land Use Authority shall not grant approval until after at least twenty (20) days after the day on which the City mailed notice to the Water Conveyance Facility.
- b. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
8. Utilities: Fountain Green City will submit the plat for review to designated representatives of public utilities and/or facilities for review and verification of proposed utility locations and impacts to existing utility facilities.
 9. Attorney Review: During review, the City Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:
 - a. There is a current title report from a licensed title company showing that the person or entity dedicating the property described on the Final Plat is the title owner as shown on the records of the County Recorder's Office.
 - b. The performance bond, escrow deposit, letter of credit, or trust deed with the City is in appropriate form and signed by the necessary parties.
 - c. That the subdivision does not, in the attorney's opinion, violate any ordinance of the City or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto.
 10. Determination of Corrections Required: Within the review window specified in Subsection (6) the City shall complete a review of the Final Plat and all submittal contents and provide a response to the applicant. The City shall determine whether the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response.
 - a. Application Requires Corrections: If the application is found to require corrections, the City must be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 - b. Additional Information Required: The City may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications.
 - c. Application Meets All Standards: If the applicant is found to meet all codes, standards, and specifications, the application is forwarded to the Administrative Land Use Authority for review and approval.
 11. Application Expiration: An application is expired if the applicant does not respond to a request for corrections by submitting a complete resubmittal within twelve (12) months.
 12. Resubmittal: If corrections were required, the applicant shall provide a resubmittal. The resubmittal shall include a written explanation in response to each of the municipality's

review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.

13. Check for Completeness: The City shall check the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the City shall return the submittal to the applicant.
14. Time Frame to Review: If the resubmittal is complete, the City shall review the application and provide written comments within the applicable review window, as outlined in subsection (6).
 - a. Land Uses: The review cycle number of days only applies to single family, two family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or other multifamily development.
15. Determination of Corrections Required: At the end of the City's review, the City shall make a determination of corrections required, if any, and take action as outlined in subsection (9).
16. Dispute of Determination: If, on the fourth and final review, the City fails to respond within forty (40) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - a. Advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.
 - i. The appeal authority shall be the City Council.

10-1-111 FINAL PLAT CONTENTS

1. Upon the planning commission's approval of the preliminary plat, the subdivider shall prepare and submit a final plat with dimensions of twenty-four inches by thirty-six inches (24" x 36"). The final plat shall include:
 - a. Subdivision name, approved by the planning commission and the general location of the subdivision, in bold letters at the top of the sheet;
 - b. A north point and scale of the drawing and the date;
 - c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines;
 - d. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also, the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the City. All proposed streets shall be named or numbered consecutively under a definite system approved by the City. All proposed

- streets shall be named or numbered in accordance with and conform with the adopted street naming and numbering system of the City;
- e. True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat and shown by appropriate symbol. Basis of bearings shall be clearly stated.
 - f. Total dimensions of all lines including lengths, bearings, radii, chords, internal angles and location of points of curvaton.
 - g. The dedication to the public of all streets included in the subdivision. Street monuments shall be installed by the surveyor as designated on the plat and as required by Sanpete County.
 - h. Vicinity map.
 - i. The location, names and existing widths of adjacent streets.
 - j. The names and numbers of adjacent subdivisions, and the names of owners of adjacent un-platted land.
 - k. The boundaries of areas subject to flooding or storm water overflow as determined by the City approved civil engineer.
 - l. Location and size of septic tanks/drain fields, water mains and any other private or public utility.
 - m. Indication of needed storm drain facilities with location, size and outlets of the drainage system, if applicable.
 - n. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
 - i. Description of land to be included in subdivision,
 - ii. Registered professional engineer and/or land surveyor's "certificate of survey,"
 - iii. Owner's dedication which shall warrant and defend and save the City harmless against any easements or other encumbrances on the dedicated streets which will interfere with the City's use, maintenance, and operation of the streets,
 - iv. Notary public's acknowledgment,
 - v. Planning Commission's certificate of approval,
 - vi. The certificate of acceptance from the engineer chosen by the City,
 - vii. City Council's certificate of acceptance,
 - viii. City Clerk's certificate of attest;
 - o. A three-inch-by-three-inch space in the lower right-hand corner of the drawing for recording information shall be provided unless a standard approved subdivision plat form is used.
2. The subdivider shall furnish a complete set of profiles of all streets existing and proposed within the subdivision at the time of submission of the final plat.
 - a. The subdivider shall be required to install such street improvements as the City shall require to meet standards adopted by the City and to conform with surrounding areas, including but not limited to street grading and surfacing, as well as street drainage and drainage structures, water mains, monuments, street name signs, and fire hydrants, including hydrant and valve boxes, all such improvements must comply with American Public Works Association (APWA) standards, or adopted Fountain Green City

construction standards, whichever is more stringent, and be under supervision of the City water superintendent or City engineer, inclusive of street area.

10-1-112 FINAL PLAT APPROVAL AND RECORDATION

1. Ready for Final Approval: Once all reviewing City staff have found the Final Plat to be in conformity, the plat will be submitted to the Administrative Land use Authority for approval.
2. Land Use Authority: For Final Plat approval, the Administrative Land Use Authority shall be a board or individual appointed by the City. The Administrative Land Use Authority may not be the City Council or Planning Commission and no public hearing shall be held.
3. Approval: The Administrative Land Use Authority shall approve the Final Plat if it finds:
 - a. The proposed plat complies with the requirements of City Code, Utah State Code, and all other applicable policies and regulations,
 - b. The plat has been approved by all regulatory bodies, such as a culinary water authority, sanitary sewer authority, or County Health Department, as applicable,
4. Denial: The Administrative Land Use Authority may deny or remand the proposed Final Plat if:
 - a. the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
 - b. The applicant is unwilling to make required corrections or provide required information.
5. Appeal: Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.
6. Signing the Plat: If approved, each owner of record of land within the approved subdivision, the Planning Commission Chair, Mayor, and City Engineer shall sign the Final Plat. Utility providers shall be given the opportunity to sign the plat, but are not required to do so.
7. Subdivider Posts Performance Guarantee: Upon approval by the Administrative Land Use Authority, the subdivider shall proceed to post or make arrangements suitable to the City for posting a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of Fountain Green City Code.
 - a. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.
8. Correcting mistakes at Recordation: The City Engineer may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer finds the proposed modifications are in line with the intent of the approval and do not jeopardize the interest of the City or adjoining property owners.

- a. The types of minor amendments contemplated in this section include legal description mistakes, surveyor errors—such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.
9. Recording: Following approval, the City shall deposit the Final Plat, bearing all official approvals, in the office of the Sanpete County Recorder for recording.
 - a. Only the City may record Final Plats.
 - b. The Final Plat must be recorded within one (1) year of approval. If the Final Plat is not recorded within one (1) year of plat approval, the approval expires and the plat must be resubmitted.
 - c. Upon the recording of the plat, the owner may thereafter proceed to convey title to the lots as described by the plat.
 10. Releases Of Performance Guarantees: All partial and final releases of performance guarantees shall be approved by action of the City in accordance with Fountain Green City Code. The granting of the final release by the City Council shall constitute the acceptance of the improvements by the City.
 11. Submit to Utah Geospatial Resource Center (UGRC): Within 30 days after approving a final plat under this section, a municipality shall submit to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency service database:
 - a. an electronic copy of the approved final plat; or
 - b. preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

10-1-113 SUBDIVISION EXEMPTION—SIMPLE LOT SUBDIVISION

1. Purpose. Utah State Code provides an exemption from many subdivision requirements for subdivisions with ten (10) or fewer lots. The City of Fountain Green utilizes this simple lot subdivision process and has elected to allow for simple lot subdivisions with ten (10) or fewer lots. The intent is to provide a process that is as quick and simple as possible. In this process, an applicant divides property through a metes and bounds record of survey.
2. Applicability. A simple lot subdivision shall have ten (10) or fewer lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and Final Plat subdivision process.
3. Required Conditions. To qualify for simple lot subdivision approval, the proposed simple lot subdivision shall:
 - a. Be located entirely within the original platted block system of fountain Green City,
 - b. Be for single-family dwellings, and any associated accessory apartment,
 - c. Be located on property zoned for such use,

- d. Does not contain more than four hundred twenty-nine (429) feet of undeveloped lot frontage being proposed to be split,
 - e. Contain ten (10) or fewer lots,
 - f. Not contain any legislative approval, such as a zone change or text amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision request,
 - g. Not be traversed by the mapped lines of a proposed street as shown in the General Plan unless the City has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires, and
 - h. Does not require the installation of any municipal infrastructure that would normally be required of a subdivision, and
 - i. Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.
4. Filing a Simple Lot Subdivision Record of Survey. The subdivider of a simple lot subdivision shall:
- a. File an application with the City on a form prescribed by the City,
 - b. May provide an electronic PDF of the record of survey showing the land to be subdivided, properly and accurately drawn to scale and with sufficient additional information to determine the boundaries of the proposed subdivision,
 - c. the record of survey shall be certified as to the accuracy by a licensed land surveyor.
5. Submittal Contents. An applicant shall submit an application to the City for a simple lot subdivision that includes, at a minimum, each of the following:
- a. A statement containing the zone, lot size, lot width, lot depth, and amount of frontage along a public street for each proposed lot.
 - b. Simple lot subdivisions shall not be approved until the applicant provides a plot plan that indicates the proposed utility plan hookups for each proposed lot.
 - c. Approval by the culinary water and sanitary sewer authority.
 - d. County Health Department approval for any septic system, if permitted.
 - e. The name of the applicant or authorized agent and contact information.
 - f. A title report showing ownership by the applicant and any and all encumbrances that may affect the property.
 - g. A property address and parcel number of all properties included in the application
 - h. A metes and bounds description of the property proposed to be split.
 - i. A subdivision name is optional. If a subdivision name is desired, it needs to be reviewed by the Office of the Sanpete County Recorder to ensure that the name does not conflict with any existing subdivision and the name is acceptable to their Office.
 - j. A record of survey map, showing each new lot, which includes the following details:
 - i. the location of survey by quarter section and Township and range,

- ii. the date of survey,
 - iii. the scale of drawing and north point,
 - iv. the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including Township and range, or to identified monuments within a recorded subdivision,
 - v. all measured bearings, angles, and distances separately indicated from those of record,
 - vi. a written boundary description of property surveyed,
 - vii. all monuments set and their relation to older monuments found,
 - viii. a detailed description of monuments found and monuments set, indicated separately,
 - ix. the surveyor's seal or stamp,
 - x. the surveyor's business name and address, and
 - xi. a written narrative that explains and identifies:
 - 1. the purpose of the survey,
 - 2. the basis on which the lines were established; and
 - 3. the found monuments and deed elements that controlled the established or reestablished lines.
 - xii. If the narrative is a separate document, it shall contain:
 - 1. the location of the survey by quarter section and by Township and range,
 - 2. the date of the survey,
 - 3. the surveyor's stamp or seal, and
 - 4. the surveyor's business name and address.
 - xiii. The map and narrative shall be referenced to each other if they are separate documents.
 - xiv. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
6. Site Specific Contents. The following documents shall accompany the Record of Survey if and when deemed necessary by the City Engineer:
- a. Soils Report. The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR or existing soils, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a Civil Engineer licensed in the state of Utah. The report shall include a minimum groundwater height factor for a peak month in a wet year for the lowest buildable floor elevation. The lowest buildable floor elevation shall be a minimum of three (3) feet above the highest groundwater level in a wet year. Foundation drains shall be required depending on the recommendations based on the GeoTech report.
 - b. Storm Water Plan. The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.

- c. Wetland Delineation Study. If there are potential wetlands in a development the applicant may be required by the Army Corps of Engineers to submit a wetlands delineation by a qualified wetlands scientist. This delineation may need to be reviewed by a qualified wetlands scientist hired by the City. All costs for the delineation and review shall be borne by the applicant.
- d. Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.

10-1-114 SIMPLE LOT SUBDIVISION REVIEW AND APPROVAL PROCESS

Review and Approval Process. The intent is to provide timely review and approval of all complete applications, as follows:

1. Optional Pre-Application Meeting: An applicant may request to meet with City staff and representatives prior to submittal to review the application and requirements.
2. Preliminary Review: The applicant shall submit the application and all required contents.
 - a. The City will check for completeness. If the application is found to not include all required materials, the application shall be returned to the applicant until all required contents are included.
 - b. Once the application is determined to be complete, the City shall begin an administrative review.
3. Administrative Review: The City will review the application to determine whether it meets all applicable requirements. Fundamental questions include:
 - a. Have all required conditions been met and are all submittal contents included and accurate?
 - b. Does the application meet all requirements of this code? Common review items include lot size and width, minimum required frontage along a public street, utility connections, and public right of way improvements.
 - c. Are any lots located in a hazard area (such as a FEMA flood plain), and if so, do the lots meet the applicable requirements of the jurisdiction regulating the hazard?
 - d. If each of the requirements are met, the project shall be forwarded to the Planning Commission for recommendation of approval or denial by the Administrative Land Use Authority.
4. Planning Commission Review:
 - a. Public hearing: The Planning Commission shall hold a public hearing. A public notice shall be sent to all properties within 300 feet of the property, notifying the property owners of the time and place of the public hearing and the nature of the request.
 - b. Decision: If the proposed simple lot subdivision meets all requirements, the Planning Commission shall recommend approval of the application to the Administrative Land Use Authority. If the applicant is unable or unwilling to meet all applicable requirements,

the Planning Commission shall recommend denial of the application to the Administrative Land Use Authority.

5. Final Plat Approval and Recordation

- a. Ready for Final Approval: Once all reviewing City staff have found the Final Plat to be in conformity, the plat will be submitted to the Administrative Land use Authority for approval.
- b. Land Use Authority: For Final Plat approval, the Administrative Land Use Authority shall be a board or individual appointed by the City. The Administrative Land Use Authority may not be the City Council or Planning Commission and no public hearing shall be held.
- c. Approval: The Administrative Land Use Authority shall approve the Final Plat if it finds:
 - i The proposed plat complies with the requirements of City Code, Utah State Code, and all other applicable policies and regulations,
 - ii The plat has been approved by all regulatory bodies, such as a culinary water authority, sanitary sewer authority, or County Health Department, as applicable,
- d. Denial: The Administrative Land Use Authority may deny or remand the proposed Final Plat if:
 - i the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.
 - ii The applicant is unwilling to make required corrections or provide required information.

6. Appeal: Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

7. Signing the Plat: If approved, each owner of record of land within the approved subdivision, the Planning Commission Chair, Mayor, and City Engineer shall sign the Final Plat. Utility providers shall be given the opportunity to sign the plat, but are not required to do so.

8. Subdivider Posts Performance Guarantee: Upon approval by the Administrative Land Use Authority, the subdivider shall proceed to post or make arrangements suitable to the City for posting a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of Fountain Green City Code.

- a. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.

9. Correcting mistakes at Recordation: The City Engineer may approve minor modifications to approved Final Plats before the Final Plat is recorded if the Engineer finds the proposed

modifications are in line with the intent of the approval and do not jeopardize the interest of the City or adjoining property owners.

- a. The types of minor amendments contemplated in this section include legal description mistakes, surveyor errors—such as tie in description mistakes, typos, and items agreed to that should have been included in writing on the Final Plat. Any substantive change requires reapproval.

10. Recording the Record of Survey.

- a. After the Administrative Land Use Authority has approved the simple lot subdivision request, the City shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the City Recorder, specify the name of the subdivision if applicable, the number of lots, and the date of City approval.
- b. The applicant shall provide a check sufficient to cover the recording fees.
- c. Within one (1) year of approval, the Record of Survey, with the accompanying written certificate of approval, shall be recorded in the Office of the Sanpete County Recorder.

11. Expiration.

- a. Expiration of Application: If a record of survey application is not completed within one (1) years of submittal, the application is deemed to have lapsed and the applicant will need to submit a new application.
- b. Expiration of Final Approval: If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.

10-1-115 STREET REQUIREMENTS

1. The alignment and width of all extended through streets shall be preserved unless unusual topographical conditions make a modification advisable.
2. Where a large subdivision abuts upon a major thoroughfare, the City Council may require access streets, which are streets that are parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic, to be included in the street plan.
3. Street width is to be measured from lot line to lot line. Except for a residential street, as defined and outlined in Utah Code 10-9a-533, the minimum width of streets, unless otherwise expressly permitted by the City Council, so measured, shall be for all streets, sixty-six (66) feet. The requirement for pavement shall be at least 24 feet.
4. All dead-end streets must, unless otherwise expressly permitted by the City council, provide at their terminus a turnaround with a radius of at least fifty (50) feet, and shall provide adequate means of drainage.

5. Between reverse curves a tangent of at least one hundred (100) feet shall be required unless in the opinion of the City engineer such is not necessary.
6. Streets shall intersect each other as near as possible at right angles.
7. Minimum street grades of 0.3 percent will be required with the maximum grade being seven percent for secondary and major streets and ten (10) percent for all streets. Where the observance of this standard is impossible, the City council shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or, in the opinion of the council, the best subdivision of the land is thereby secured.
8. Where street lines within a block deflect from each other at any one point more than ten (10) degrees, there shall be a connecting curve. The radius of the curve for the inner street line should be not less than three hundred fifty (350) feet for all streets.
9. New street names shall not duplicate those already existing. A street obviously a continuation of another already in existence and named should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the City council.
10. All streets within the City limits will be required to be dedicated for public use. No subdivision shall have private streets. The dedication of half streets is prohibited.
11. No subdivision for residential development shall be approved except in a residential district.

10-1-116 STREET AND UTILITY IMPROVEMENTS REQUIREMENTS

1. The subdivider shall be required to install such street and utility improvements as the City Council shall require to conform with surrounding area, including street grading and surfacing, as well as street drainage and drainage structures, water mains, monuments, street name signs, and fire hydrants including hydrant and valve boxes, all such improvements to be installed under the specifications and supervision of the City water superintendent or City engineer inclusive of street area. Such improvements shall be considered in the calculation under section 10-1-116(2).
2. Residential Subdivisions Street Lighting Requirements. This is an area within any Residential Zone, which is characterized by few pedestrians at night. Streets are designed primarily for access to residential property. The following street lighting requirements shall be required with respect to any residential subdivision:
 - a. Lighting Requirements. Each residential subdivision developed in Fountain Green City shall have adequate street lighting. The applicant, and/or developer, shall work with

- Rocky Mountain Power to install street lights at intersections and other locations shown in accordance with these standards, and other standards as determined by Rocky Mountain Power.
- b. Streetlight. City & Country style light head on 16-foot pole, provided and installed by Rocky Mountain Power upon receipt of a deposit by subdivider.
 - c. Locations and Spacing. All residential street lights shall be installed within the utility easement street right-of-way.
 - d. At least one streetlight shall be required in the bulb section of a cul-de-sac and installed at the property line between lots.
 - e. One streetlight shall be required at each intersection of a street along or in a subdivision.
 - f. When two streets form a "T-type" intersection, a streetlight must be placed at the center of the "T," opposite the road, and at the closest property line between lots.
 - g. Streetlights shall be installed no closer than 200 feet apart in residential areas. On straight roadways, install street lights alternately on each side of the road close to the nearest property line between lots.
 - h. Streetlights shall be located at each intersection and not to exceed 550 feet in distance, located in the utility easement and at the nearest property line between lots as close as possible to 550 feet, but not less than 200 feet, on alternating sides of the street.
 - i. Fountain Green City shall approve the street light locations during the subdivision improvement plan review process.
 - j. No exterior lighting may glare into; or upon, the neighboring properties or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets.
 - k. Streetlights must have appropriate illumination at intersections; illumination intensity, electrical specifications, and code requirements as determined by Rocky Mountain Power.
 - l. Streetlights alternate sides of the street, when applicable.
 - m. Streetlights are required in any curve or change of direction.
3. Residential Subdivisions Construction Standards Requirements. The following construction standards requirements shall be required with respect to any residential subdivision:
- a. All streets and culinary water system improvements will be required to meet Fountain Green City's Construction Standards and approved by the engineer chosen by the City.
 - b. In cases where residential property will be in common ownership within the subdivision or a homeowner's association is necessary and advisable, the subdivider shall pay the City's cost in retaining an attorney who practices or specializes in homeowner association law to review and offer recommendation regarding the sufficiency of the subdivider's homeowner association documents on behalf of the City.

10-1-117 BLOCKS

Reference Chapter 11.7 (General Design Standards for Construction and Development in Fountain Green City) of the Fountain Green City Land Use Ordinances.

10-1-118 LOTS

1. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.
2. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance, if any, then in effect for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.
3. Side lines of lots shall be approximately at right angles, or radial to the street line.
4. All remnants of lots below minimum size left over after subdividing a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
5. Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single ownership before approval of the final plat, and such transfer certified to the planning commission by the recorder.
6. Minimum Lot Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the zoning ordinance in which the lot is located.
7. Corner Lots. Reference the Fountain Green City Land Use Ordinances:
 - a. Chapter 7 (Zone Districts and Standards) for setback requirements,
 - b. Chapter 11 (General Design Standards for Construction & Development in Fountain Green City)
 1. section 2 (Lot Standards), and
 2. section 7B (Sight Triangle Standards for clear vision requirements).

10-1-119 DEDICATIONS OF PARKS, SCHOOL SITES, OTHER PUBLIC SPACES

1. All streets within the subdivision must be dedicated to the City for public use.

2. The City may require off-street parking areas within the retail center of a new subdivision and specify requirements for maintenance of the same.
3. Where natural or scenic features and/or historic community assets exist, such locations are to be safeguarded either by dedication to a public or private agency by the subdivider.
4. Dedication of all other open space within the subdivision will be required in accordance with the plans of the City council relating to parks, recreational centers and other public uses.
5. Subdivisions with 20 residential units and larger must comply with the following requirements regarding open space:
 - a. Open space shall be provided at a minimum of ½ acre per every 20 residential units with a maximum requirement of 2 acres total. No requirement in this section shall preclude open space in excess of the minimum requirements. Open space shall be exclusive of any required setback areas.
 - b. Considerations for xeriscape, recreational open space may be considered. In the case of proposals concerning xeriscape, recreational open spaces, the subdivider is required to submit the plans to the Planning Commission for their approval. Such areas must allow for recreational opportunities, including as examples, and not by way of limitation, picnic areas, pavilions, walking/biking paths, pickleball courts, tennis courts, basketball courts, and volleyball courts. In reviewing such plans, the City will weigh the benefit of the xeriscape, recreational open space versus the maintenance costs.
 - c. The minimum amount of open space shall be provided in the preliminary plan of the development.
 - d. Open space shall be separated from streets, service and parking areas by a fence (refer to Fountain Green City Code for fencing details).
 - e. Upon consideration of the designed and fully developed open space, including but not limited to the amenities provided within the open space, the number of residences served, access, parking, and whether such is in the best interest of the City, the City may, in its discretion, after request by the subdivider, accept ownership and maintenance of the open space.
6. When tracts to be subdivided are less than forty (40) acres, public space dedicated may be combined with dedications from adjoining tracts in order to receive usable recreational areas without resulting hardships on the subdivider of a small tract.

10-1-120 EASEMENTS

All utilities shall be designed and constructed within deeded street right of ways, unless otherwise approved by Fountain Green City. Where exceptions are granted to design and install utilities outside of platted street right of ways, easements shall be provided to Fountain Green City to accommodate construction and maintenance of any such utilities.

10-1-121 EASEMENTS AND PERMITS

The building inspector shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this chapter. No City officer shall grant any permit, license, or certificate for the use of any building or land if such use would be in violation of this chapter.

10-1-122 COMPLETION OF IMPROVEMENTS IN PLATTED SUBDIVISION

1. Completion of Improvements and Security:
 - a. Policy: In order to protect buyers against purchasing property on which the site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished site improvements, such as erosion, flooding and blowing dust, it is the policy of the City that no plat will be approved within the City limits unless and until the subdivider has provided adequate security for the benefit of the City and the public to ensure completion of the site improvements in full compliance with the approved plans within two (2) years from the date of plat approval.
 - b. Detailed Site Plans: A detailed site plan showing the location and nature of all on-site and off-site improvements shall be submitted to the building inspector prior to final plat approval. These plans shall be examined by the City engineer and shall be approved by him or her if he or she determines them to be in accordance with the requirements of this chapter and City ordinances.
 - c. Construction According to Approved Plans: No construction shall commence until City approval of site plans, the City's receipt of adequate security, and approval of final plat.

2. Amount of Security: The amount of the security to be posted by the developer is to be determined by the City and shall be equal to one hundred percent (100%) of the amount reasonably estimated by the City Engineer as being necessary to complete remaining on and off-site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the City Engineer, the developer may prove lower construction cost by providing binding contracts between the developer and the contractor or subcontractor appropriate to perform the required work at a stated, fixed price. A full performance bond, ensuring performance by the subcontractor or contractor, must support these contracts. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be one hundred percent (100%) of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

3. Release of bond: Such bond shall not be released until the improvements have been accepted by the City, upon recommendation of the City engineer. However, the City shall provide for partial release of the bond upon the completion of a specific category of public improvements.

10-1-123 STANDARD DETAILS

The Fountain Green City Standard Details is incorporated herein by reference as part of this Ordinance and shall remain on file in the City office. Development is required to meet the requirements in such details.

10-1-124 FEES

Subdivision approval within the City shall be subject to the following fees established by the legislative body.

1. Preliminary Plat Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the City for the expense of checking and reviewing such preliminary subdivision plats.
2. Plat Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the City for the expense of checking and reviewing such final subdivision plats. As part of recording the subdivision, the developer shall also pay the normal fee for recording a subdivision in Sanpete County as established by the Sanpete County Recorder.
3. Non-Plat Subdivision Application Fee: The legislative body shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the City for the review of such application.
4. Inspection Fee: At the time of filing the final plat, the developer will deposit with the City an inspection fee consisting of three percent (3%) of the estimated cost of improvements, as approved by the City. The City will draw on this deposit to pay the costs of inspection services for the subdivision. After final approval of all subdivision improvements, the City will return to the developer any unused portion of the inspection fee. In the event that inspection costs exceed the subdivision fee deposit, the developer will pay to the City the additional inspection costs.

10-1-125 APPEALS

1. Any party aggrieved by a decision of the Planning Commission may appeal such decision to the City Council. Such action shall be taken within 30 days from the date of the Planning Commission hearing wherein the subdivision was reviewed, or as outlined herein. The notice of the appeal shall specify the grounds of the appeal and all previous actions of the planning commission related thereto. Upon receipt of the appeal, the City Council will set a date for consideration of the appeal at a regularly scheduled meeting.

2. The decision of the City Council shall be final as to the administrative action taken by the City. Such a decision may affirm or reverse the decision of the Planning Commission in whole or in part. Appeals of any City Council decision shall be to the District Court.

Saving Clause

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Fountain Green City.

CHAPTER 10 SUBDIVISIONS

The provisions of this ordinance shall become effective when passed and approved by the Fountain Green City Council and after any required posting and/or publication has been accomplished according to law.

PASSED AND APPROVED by the FOUNTAIN GREEN CITY COUNCIL
this 19th day of December 2024

FOUNTAIN GREEN CITY:



Mark Coombs, Mayor

ROLL CALL VOTE:

Council Member Kim Johnson

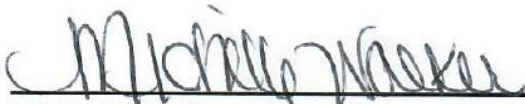
Council Member Kerry Farnsworth

Council Member Rod Hansen

Council Member Jacob Littlefield

Council Member Alyson Strait

ATTEST:



Michelle Walker, Recorder

CHAPTER 11 GENERAL DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT IN FOUNTAIN GREEN CITY

- 11.1 GOVERNING PROVISIONS**
- 11.2 LOT STANDARDS**
- 11.3 DEVELOPMENT DESIGN AND LAYOUT**
- 11.4 CONSTRUCTION ON SLOPES EXCEEDING 25%**
- 11.5 LANDSCAPING**
- 11.6 BUILDINGS**
- 11.7 ROADS**
- 11.8 PRIVATE ROAD MAINTENANCE**
- 11.9 STREET NAMES**
- 11.10 CUTS, FILLS AND RETAINING WALLS**
- 11.11 MEASURING CUT AND FILL HEIGHTS**
- 11.12 MAXIMUM SLOPE GRADES**
- 11.13 RETAINING WALLS**
- 11.14 ENGINEERING/GEOLOGIC ANALYSIS**
- 11.15 RE-VEGETATION**
- 11.16 BUILDING SETBACKS FROM WATER WAYS AND FLOOD HAZARD AREAS**
- 11.17 UTILITIES**
- 11.18 OUTDOOR LIGHTING**
- 11.19 COMPLETION OF ON- AND OFF-SITE IMPROVEMENTS PRIOR TO APPROVAL OF PLATS OR ISSUANCE OF BUILDING PERMITS**
- 11.20 SECURITY FOR COMPLETION**
- 11.21 AMOUNT OF SECURITY**
- 11.22 TERM OF SECURITY/PROOF OF LICENSING**
- 11.23 FORM OF ASSURANCE**
- 11.24 PAYMENT OF INTEREST**
- 11.25 RELEASE OF FUNDS**
- 11.26 MODIFICATION OF PLANS**
- 11.27 PHASED PROJECTS**
- 11.28 FEES, ENFORCEMENT, PERMITS AND PENALTIES**
- 11.29 CITY CULINARY WATER SUPPLY**
- 11.30 CITY WATER AVAILABILITY REQUIREMENTS FOR FIRE-FIGHTING**
- 11.31 RESIDENTIAL AND NON-RESIDENTIAL DISTRIBUTED SOLAR**

ENERGY SYSTEMS**11.32 ACCESSORY DWELLING UNITS****11.1 GOVERNING PROVISIONS**

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in the Fountain Green Land Use Ordinance. The current edition of the American Public Works Association (APWA) Manual of Standard Specifications will also govern construction of infrastructure in Fountain Green.

11.2 LOT STANDARDS

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards hereinafter required. Private streets shall be permitted only as recommended by the Planning Commission. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permit shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the Planning Commission.
- D. The side lines of all lots, so far as possible, shall be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots or potential corner lots for residential use shall be planned to meet the required front setback requirements of both streets.
- F. A City boundary line shall not divide a lot. Each such boundary line shall be made on a lot line.
- G. Subdivision lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum lot size and setbacks, parking, or other requirements of the Fountain Green City Land Use Ordinance for a lot or building may

be sold or leased away from such lot or building for the purpose of installing any kind of structure.

- J. No subdivided lot may be changed except as provided by lot line adjustments or subdivision plat changes as permitted in Chapter 10.

11.3 DEVELOPMENT DESIGN AND LAYOUT

- A. The design of the major subdivision development shall avoid or fully mitigate hazardous site conditions. (unstable slopes, geologic faults, or flood potential, etc.).
- B. Drainage from individual lots in a major subdivision development shall be coordinated with the general storm drainage pattern for the area and shall avoid conveying to adjacent lots runoff flows higher than historic patterns. Post-development flows shall be based on a 10-year, 24-hour design storm if water is to be detained on site and released at a rate not exceeding the historic flow.
- C. All lots in a major subdivision development should have reasonable access to open space, trails, park land, or recreation facilities that are set aside for either development use or use by the general public.
- D. Access to public trails and open space abutting the property in a major subdivision development shall be provided.
- E. Utility extensions required for current and future development shall be provided. All utility extensions shall be designed in conformance with the applicable city utility system master plan. Extensions of utility systems that do not have a completed master plan shall be reviewed for size and capacity by the City Engineering Consultant and/or the City Public Works Director. The developer/contractor shall perform all testing and shall furnish all materials, equipment, and labor necessary to complete this work as required. The developer shall also pay for all expenses to accomplish all requirements. The developer/contractor is responsible for the proper function and maintenance of completed water and sewer utility systems for two years. Responsibility and maintenance of such utility systems will be transferred after the second year to the City upon satisfactorily passing inspection by the City Public Works Director.
 - 1. Sewer – All sewer mains need to be flushed, air-tested, and videoed. A copy of the video shall be given to the City. For more details refer to the specifications and contract documents for the Fountain Green City Wastewater Treatment Improvements Project, 1998.
 - 2. Water – All water mains need to be disinfected, flushed, pressure-tested, and bacteria samples taken for bacteriological analysis to determine the effectiveness

of disinfection. For more details refer to the specifications and contract documents for Fountain Green City Culinary Water Improvements Project, 1993.

- F. Maintenance of common facilities in a major subdivision development must be accomplished through either covenants and a homeowner's association, a separate maintenance agreement, or some other perpetual agreement.
- G. The layout of lots in a major subdivision development should provide desirable settings for structures by making use of natural contours, maintaining views, affording privacy, and protection from wind, noise, and vehicular traffic.
- H. Development design in a major subdivision development should provide for efficiency in the installation and provision of all public and private utilities and services.
- I. All costs associated with matters requiring City engineering approval or consultations shall be covered by the developer/contractor.

11.4 CONSTRUCTION ON SLOPES EXCEEDING 25%

To protect and maintain the rural atmosphere and majestic views of the mountains surrounding Fountain Green, lots or buildings proposed on slopes exceeding 25% are prohibited.

11.5 LANDSCAPING

- A. The design of major subdivision developments and placement of buildings should preserve the natural terrain, drainage, existing topsoil, tree groupings, large individual trees, and large rocks where possible and practical.
- B. Drought resistant plants and landscapes are encouraged.

11.6 BUILDINGS

- A. All buildings greater than 200 square feet must conform to the International Building Code (IBC). Information about the IBC requirements is available from the Sanpete County Building Inspectors office.
- B. Primary residences are single family dwelling units with a minimum width of 24 feet and a minimum of 960 square feet for the main floor living area or a secondary floor.
- C. Fire Standpipes. Standpipes complying with IBC shall be required for ALL commercial buildings, regardless of the number of stories.

- D. Fire Hydrants. Fire hydrants shall be installed in accordance with Fountain Green City regulations.
- E. Provisions for Persons with Disabilities. Provisions for persons with physical disabilities shall be provided in all new commercial, common, and public buildings as required by the Americans with Disabilities Act (ADA).
- F. Construction Debris Removal. Any building construction on sites shall provide debris removal sufficient to facilitate the regular clean up and removal of construction debris from the site. Each site shall be cleaned, and all construction debris contained until removed on a weekly basis. Failure to comply with this Ordinance, by allowing debris to accumulate on the premises, may result in the suspension of building permits, fines, or such other appropriate penalties as the City Council shall direct.
- G. Excavation and Back Fill for Trenches for the Installation of Storm Sewer and Irrigation Pipes, and Sanitary Sewer, Gas, Telephone, Power, Cable TV, and Water Lines within the City.
1. To ensure trench safety, all construction shall be done in accordance with the provisions of the Utah State Industrial Commission and OSHA regulations. Trenches shall not be left open at any time unless guarded with adequate barricades, warning lights and signs. When required, excavation shall be braced and shored to support the walls of the excavation to eliminate sliding and settling, and as may be required to protect the workers, the work in progress, and existing utilities and improvements. All such sheeting, bracing, and shoring shall comply with the requirements in the above cited regulations. Any injury or damage resulting from lack of adequate bracing and shoring shall be the responsibility of the developer/contractor, who shall at his own expense affect all necessary repairs or reconstruction resulting from such damage.
 2. Excavation areas are to be dewatered. Any water that flows into any excavation during the process of work shall be removed. Any quick condition occurring in the soil within the trenching area shall be dried to an acceptable condition or the soil removed and replaced with acceptable material.
 3. Any excavated material shall not endanger the work and shall not obstruct streets, sidewalks, and driveways. Gutters and irrigation ditches shall also be kept clear of all excavated material.
 4. All excavated material not suitable for back fill, as determined by the City shall be immediately removed from the site by the developer/contractor.
- H. Structures without Permanent Footings. Structures without permanent footings including free-standing roofs, carports, shipping containers, and like buildings must be appropriately anchored, and must comply with current setback requirements. A permit is required.

- I. Dust Abatement. Keep construction and lot preparation dust at a minimum as determined by the Fountain Green City Staff.

11.7 ROADS

A. Street Standards.

- 1. New streets in approved subdivisions shall conform with the width of street rights-of-way established in Fountain Green City and shall be a minimum of 66 feet in width. Specifically, existing street rights-of-way widths shall be extended as follows:

TABLE 11.7 RIGHT-OF-WAY WIDTH

66 feet		82.5 feet		99 feet	
700 N					
600 N					
500 N					
400 N					
300 N					
	200 E			200 N	
	100 E			100 N	
		Center			
		100 S*			100 W
200 S**					200 W***
300 S					300 W
			400 W	400 S	
500 S			500 W		
600 S			600 W		
700 S	700 W				
	800 W				
			900 W		
			1000 W		

- 2. Lanes are roads with rights-of-way less than 66 feet in width. Only lanes currently existing and as designated below are allowed in the City. Extension of these lanes will not be permitted unless extension rights-of-way are 66 feet or greater in width.

Final copy approved by Fountain Green City Council February 18, 2008. Minor changes to 11.3E April 19, 2012. Amended 11.6A and 11.19/20 October 18, 2012. Amended 11.6A September 27, 2018, Subsection 11.31 added October 10, 2019. Subsection 11.32 added July 21, 2022. Added subsection 11.6 A and corrected 11.6 C January 18, 2024. Add section 11.7 new B August 15, 2024. Section 11.33 added June 19, 2025.

- a. 100 South *west of 600 West is 45 feet in width.
 - b. 200 South **east of State Street (State Hwy 132) is 31 feet in width.
 - c. 50 East coming off State Hwy 132 as it bends east from 400 South is 33 feet in width.
 - d. 30 West going south from 400 South is 33 feet in width.
 - e. 100 West going south from 400 South is 36 feet in width.
 - f. 150 West going south from 400 South is 36 feet in width.
 - g. 200 West ***going south from 400 South is 31 feet in width.
 - h. 250 West going south from 400 South is 31 feet in width.
3. Roads shall be designed to provide emergency access and egress for residents, occupants and emergency equipment providing width, curve radii, and strength for emergency and maintenance vehicles used by or available to the City.
 4. Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows:
 - a. for residential streets: 48 feet or conform to the above street widths, whichever is greater;
 - b. for collector streets: 66 feet, or conform to the above street widths, whichever is greater;
 - c. for arterial streets: 80 feet, or conform to the above street widths, whichever is greater.
 5. The installation of curbs and curb cuts, gutters, and sidewalks shall be constructed according to the APWA standards and as designated in each zoning district and may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may be required as conditions of building or use permit approval.
 6. Cul-de-sacs (dead-end streets) shall be used only where unusual topography or drainage conditions exist which make other designs undesirable. Each cul-de-sac, if warranted, shall have a minimum dedicated width of 66 feet and shall have a maximum length of 400 feet, and shall be terminated by a turn-around of not less than a 50-foot radius and with an asphalt surface in accordance with subsection B-1 below. Surface water shall drain away from the turn-around, except where surface water cannot be drained along the street away from the turn-around due to the grade. Driveways, fire hydrants, and all other obstructions at such turnaround areas shall be designed in such a way as to provide an area for piling snow. Catch basins, drain lines, and drainage easements shall be provided in the major subdivision

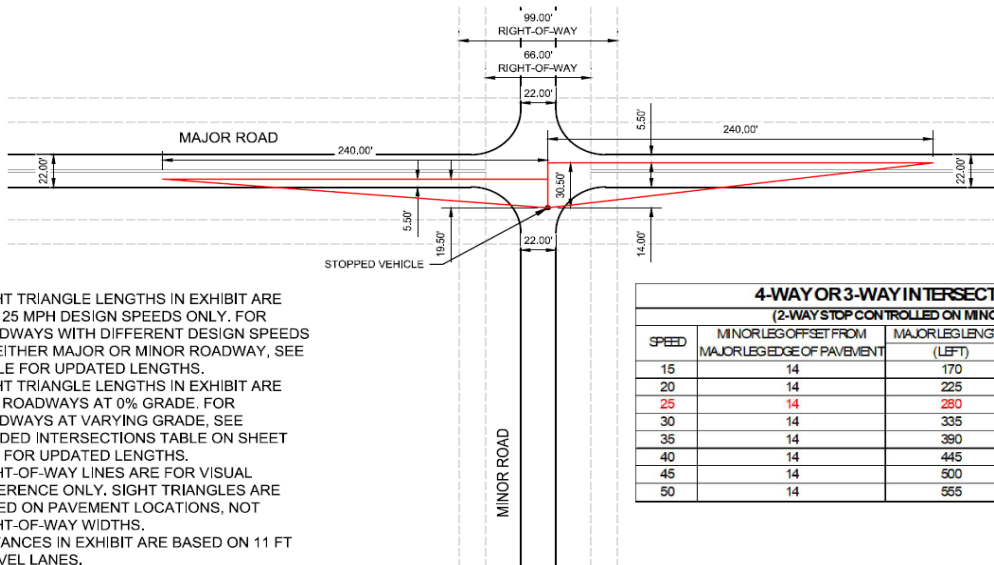
design where necessary. Temporary dead-end streets, intended as access to future development parcels, shall be a minimum of one lot depth in length (or as determined by the Planning Commission) and shall meet all of the other requirements for permanent dead-end streets set forth above.

7. Streets shall intersect each other as nearly as possible at right angles. Local streets shall approach collector and arterial streets at an angle of not less than 80 degrees. Off-sets in street alignment between 10 feet and 120 feet shall be prohibited.
8. Where the potential traffic impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning topography or neat layout, or at the request of the city, the developer/contractor of a major subdivision may be required to prepare a detailed engineering traffic study of the road system.
9. Where a road does not extend to the boundary of the development and its continuation is not required, its terminus should be no closer than 20 feet from the boundary.
10. Strips of land reserved to control or restrict access to perimeter or stubbed roads in a major subdivision shall be utilized only where the reserve strip is deeded to and accepted by the City.
11. Lawful right of vehicular access must be demonstrated before the City will issue a building permit.
12. Grades of streets, intersections, and switchbacks shall be a maximum of 8%. For roadways of 8% grade, the applicant shall stake the center line and both edges in the field for inspection by the City Engineering Consultant to assure full compliance with this section. Where the Mayor, in consultation with an engineer, determines that a steeper grade would be acceptable because of unusual land conditions, and in order to get the best development of the land, a steeper grade may be approved with the concurrence of the Planning Commission and the City Council.

B. Sight Triangle Standards

1. At the intersection of two streets, the sight triangle shall be determined in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines for stopping sight distance (SSD) and intersection sight distance (ISD). The specific dimensions will depend on the speed limits and geometric conditions of the intersecting roads.
2. At the intersection of a street and a driveway, the sight triangle shall also be determined in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines for stopping sight distance (SSD) and intersection sight distance (ISD). The specific dimensions will depend on the speed limits and geometric conditions of the street and driveway.
3. Requirements for Sight Triangles

- a. Within the sight triangle, no structure, fence, wall, hedge, sign, or other obstruction shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of 3 feet and 8 feet above the grade of the adjacent street.
- b. Trees, shrubs, and other plants within the sight triangle shall be trimmed to allow clear visibility between the heights of 3 feet and 8 feet above the grade of the adjacent street.
- c. Utility poles and traffic control devices shall be exempt from these height restrictions but shall be placed in a manner that minimizes visual obstructions within the sight triangle.
- d. Two-Way Stop Controlled Intersection

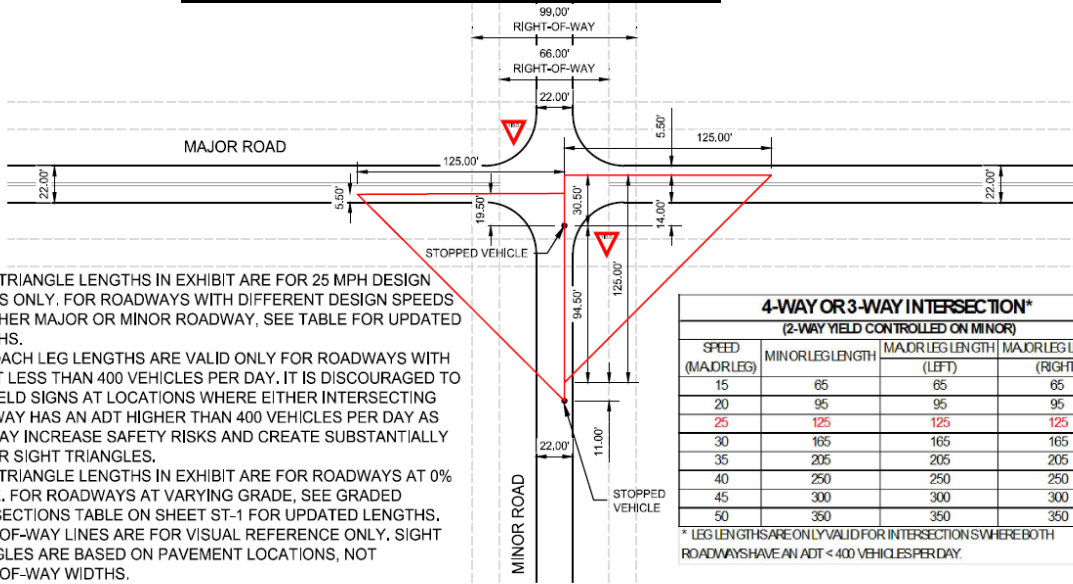


NOTES:

1. SIGHT TRIANGLE LENGTHS IN EXHIBIT ARE FOR 25 MPH DESIGN SPEEDS ONLY. FOR ROADWAYS WITH DIFFERENT DESIGN SPEEDS ON EITHER MAJOR OR MINOR ROADWAY, SEE TABLE FOR UPDATED LENGTHS.
2. SIGHT TRIANGLE LENGTHS IN EXHIBIT ARE FOR ROADWAYS AT 0% GRADE. FOR ROADWAYS AT VARYING GRADE, SEE GRADED INTERSECTIONS TABLE ON SHEET ST-1 FOR UPDATED LENGTHS.
3. RIGHT-OF-WAY LINES ARE FOR VISUAL REFERENCE ONLY. SIGHT TRIANGLES ARE BASED ON PAVEMENT LOCATIONS, NOT RIGHT-OF-WAY WIDTHS.
4. DISTANCES IN EXHIBIT ARE BASED ON 11 FT TRAVEL LANES.

4-WAY OR 3-WAY INTERSECTION (2-WAY STOP CONTROLLED ON MINOR)			
SPEED	MINOR LEG OFFSET FROM MAJOR LEG EDGE OF PAVEMENT	MAJOR LEG LENGTH (LEFT)	MAJOR LEG LENGTH (RIGHT)
15	14	170	145
20	14	225	195
25	14	280	240
30	14	335	290
35	14	390	335
40	14	445	385
45	14	500	430
50	14	555	480

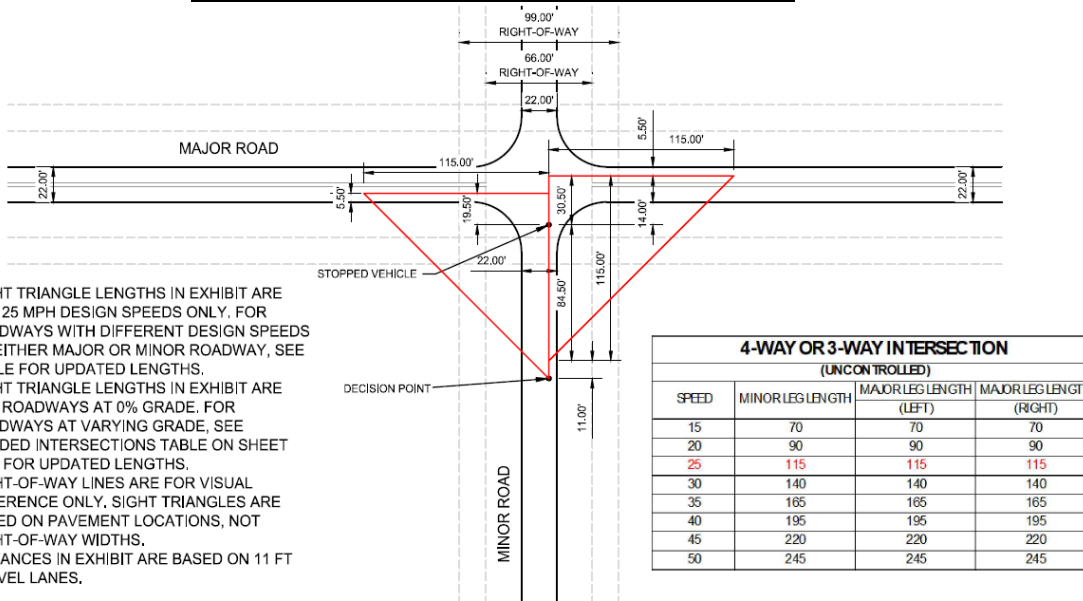
e. Two-Way Yield Controlled Intersection



NOTES:

1. SIGHT TRIANGLE LENGTHS IN EXHIBIT ARE FOR 25 MPH DESIGN SPEEDS ONLY. FOR ROADWAYS WITH DIFFERENT DESIGN SPEEDS ON EITHER MAJOR OR MINOR ROADWAY, SEE TABLE FOR UPDATED LENGTHS.
2. APPROACH LEG LENGTHS ARE VALID ONLY FOR ROADWAYS WITH AN ADT LESS THAN 400 VEHICLES PER DAY. IT IS DISCOURAGED TO USE YIELD SIGNS AT LOCATIONS WHERE EITHER INTERSECTING ROADWAY HAS AN ADT HIGHER THAN 400 VEHICLES PER DAY AS THIS MAY INCREASE SAFETY RISKS AND CREATE SUBSTANTIALLY LARGER SIGHT TRIANGLES.
3. SIGHT TRIANGLE LENGTHS IN EXHIBIT ARE FOR ROADWAYS AT 0% GRADE. FOR ROADWAYS AT VARYING GRADE, SEE GRADED INTERSECTIONS TABLE ON SHEET ST-1 FOR UPDATED LENGTHS.
4. RIGHT-OF-WAY LINES ARE FOR VISUAL REFERENCE ONLY. SIGHT TRIANGLES ARE BASED ON PAVEMENT LOCATIONS, NOT RIGHT-OF-WAY WIDTHS.
5. DISTANCES IN EXHIBIT ARE BASED ON 11 FT TRAVEL LANES.

f. Unsignalized/Uncontrolled Intersection



NOTES:

1. SIGHT TRIANGLE LENGTHS IN EXHIBIT ARE FOR 25 MPH DESIGN SPEEDS ONLY. FOR ROADWAYS WITH DIFFERENT DESIGN SPEEDS ON EITHER MAJOR OR MINOR ROADWAY, SEE TABLE FOR UPDATED LENGTHS.
2. SIGHT TRIANGLE LENGTHS IN EXHIBIT ARE FOR ROADWAYS AT 0% GRADE. FOR ROADWAYS AT VARYING GRADE, SEE GRADED INTERSECTIONS TABLE ON SHEET ST-1 FOR UPDATED LENGTHS.
3. RIGHT-OF-WAY LINES ARE FOR VISUAL REFERENCE ONLY. SIGHT TRIANGLES ARE BASED ON PAVEMENT LOCATIONS, NOT RIGHT-OF-WAY WIDTHS.
4. DISTANCES IN EXHIBIT ARE BASED ON 11 FT TRAVEL LANES.

4. Enforcement

- a. The City shall have the authority to enforce this ordinance, and any violation may result in fines, the requirement to remove or trim obstructions, or modify non-compliant fences, and other penalties as deemed necessary.
- b. Property owners are responsible for maintaining clear sight triangles on their property.

Final copy approved by Fountain Green City Council February 18, 2008. Minor changes to 11.3E April 19, 2012. Amended 11.6A and 11.19/20 October 18, 2012. Amended 11.6A September 27, 2018, Subsection 11.31 added October 10, 2019. Subsection 11.32 added July 21, 2022. Added subsection 11.6 A and corrected 11.6 C January 18, 2024. Add section 11.7 new B August 15, 2024. Section 11.33 added June 19, 2025.

ii. Variances

- a. In cases where strict compliance with this ordinance may cause undue hardship or where unique circumstances exist, property owners may apply for a variance. The City Council shall review and decide on variance applications based on safety considerations and AASHTO guidelines.

iii. Severability

- a. If any provision of this ordinance is found to be invalid by a court of competent jurisdiction,

C. Street Improvements.

1. Specifications for the design of street sub-base, base, asphalt hard surfacing, curb, gutters, sidewalks, and drainage courses shall be in accordance with specifications determined by a Utah licensed and bonded civil engineer. Such improvements in a major subdivision shall be maintained and repaired for three years by the developer/contractor before the responsibility and maintenance of such streets will be transferred to the City upon satisfactorily passing inspection by the City Public Works Director and the engineer contracted by the developer/contractor.
2. The full width of all streets within a major subdivision shall be dedicated; all underground utilities shall be installed; and the roadway shall be paved with asphalt as noted in section (2)(a) above.
3. It is unlawful for the developer of any parcel of ground within Fountain Green City, for residential, commercial, or public facilities purposes, to build on the parcel without the simultaneous improvement of the adjacent streets, which streets provide public access to the developed property. Such improvements include development of the street and installation of water, including necessary valves and hydrants, sewer, electric power mains, streetlights, street signage, and curb and curb cuts, gutter, sidewalk, and street paving for the full lot frontage, where required, shall be considered a necessary part and condition precedent to final inspection and occupancy of the building(s). No building permits shall be issued on any major subdivision lots until all the improvements required have either been installed or appropriate bonds and guarantees have been tendered to the City.
4. After hard surfacing has been installed and the street has been accepted by Fountain Green City, the contractor must attempt to bore, missile, or push under the roadway, even if only ½ of the road will be undisturbed. All expenses in compacting and resurfacing shall be borne by the responsible party.
5. Where an excavation is made in a paved street, the asphalt surface shall be cut on each side of the trench to provide a vertical joint in the surface. The cutting of

asphalt shall be made by sawing unless otherwise approved by the City. The new asphalt shall be at least 3 inches thick.

6. Backfill materials shall be approved by the City. When necessary to dig a trench in the City roadway, all material excavated must be exported and replaced with $\frac{3}{4}$ inch minus road base. The road base must extend three feet beyond the edge of the roadway.

D. Extension of Existing Streets.

1. The arrangement and design of streets in any new subdivision shall make provision for the continuation and extension of existing streets in adjoining areas (or for their proper protection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary and approved by the Planning Commission and the City Council. Proposed streets shall be extended by dedication to the boundary of each adjoining property.
2. All improvements within or upon the streets shall conform to the standards specified by this Chapter and this Ordinance.

E. Block Standards. In keeping with existing standards, the blocks shall be square and contain 4.24 acres.

11.8 PRIVATE ROAD MAINTENANCE

A means of perpetual maintenance must be demonstrated to the satisfaction of the Planning Commission before a private road may be approved.

11.9 STREET NAMES

- A. Each street that is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street it shall be surveyed, opened, widened, or improved and given the same name.
- B. The names of newly created streets shall not duplicate or nearly duplicate the names of any streets in the City or in adjacent areas of the County.
- C. Any named street shall also have the proper compass direction coordinate as approved by the City.
- D. Developers/contractors are encouraged to do an investigation of local history regarding the names and references to geological and historical figures located in the major

subdivision and wherever possible incorporate the historical names and references into the names and designations of streets.

11.10 CUTS, FILLS, AND RETAINING WALLS

Because of the dramatic visual impact of cuts, fills, and retaining walls in a desert environment such as Fountain Green and the public safety factors that may arise with significant cuts and fills in unsuitable soils, design plans for cuts, fills, and retaining walls shall conform to the following criteria and other applicable sections of this Chapter.

- A. No cuts or fills will be allowed on slopes with grades exceeding 25%.
- B. Unretained cuts that exceed 2:1 slope shall not exceed three feet in height.
- C. Unretained fills may not exceed 12 feet in height pursuant to Section 11.11 (Measuring Cut/Fill Heights).
- D. No single retaining wall or retaining system may exceed 12 feet in height and/or 40 feet in length; retaining systems less than 12 feet may exceed 40 feet.
- E. Up to three terraced cuts may be created under a terraced cuts retaining system, so long as each wall is separated by a minimum six-foot setback (measured from face to face) for visual relief and re-vegetation. The total maximum height for cuts retained under a terraced retaining system shall not exceed 18 feet.

11.11 MEASURING CUT AND FILL HEIGHTS

Cuts and/or fills shall be measured vertically from the natural grade at the lowest point of disturbance to natural grade at the highest point of disturbance.

11.12 MAXIMUM SLOPE GRADES

Unretained cut end fill slopes shall be no steeper than two feet horizontal to one foot vertical, except those cuts in bedrock materials, the stability of which is verified by a geologist and/or soils engineer, or civil engineer with demonstrated expertise, may be steeper as approved by the City Public Works Director and/or City Engineering Consultant.

11.13 RETAINING WALLS

All retaining walls and/or approved retaining systems shall be constructed to blend into and enhance the natural environment and must be approved by the City before excavation permits shall be granted.

11.14 ENGINEERING/GEOLOGIC ANALYSIS

An engineering geological report shall be prepared by a registered geologist or engineer at the preliminary plan stage of the subdivision to demonstrate that the hillside above any proposed cut will remain stable after the proposed cut/fill and retaining system, if any, has been completed.

11.15 RE-VEGETATION

- A. All cut and fill slopes must be naturalized and re-vegetated within one year after the start of construction.
- B. Unretained cuts and fills should be naturalized by rounding edges, placing boulders in natural fashion, and planting native plants, including trees, brush, and ground cover, to match surrounding areas. A landscape/re-vegetation plan shall be submitted to the Planning Commission for review with the cut/fill design plans.

11.16 BUILDING SETBACKS FROM WATER WAYS AND FLOOD HAZARD AREAS

- A. No building, either residential or commercial, shall be permitted within 6 vertical feet and 125 horizontal feet, whichever is greater, of the existing flow line of any river, creek, stream, or other waterway, measured at right angles to the center line of the drainage course or within any discernible floodplain, except upon the granting of a conditional use permit for such development. The vertical calculation specified herein shall be applied to the elevation of the top of a building's foundation wall.
- B. Show the location of the 100-year flood plain as designated by the Federal Emergency Management Agency (FEMA).

11.17 UTILITIES

- A. Construction. For all new major subdivisions, all utility connections and lines for sewer (storm or sanitary), water, gas, irrigation, power, telephone, cable TV, or fiber optic cable shall be installed underground. For all other new constructions, all utility connections

shall be installed in the same manner as those of surrounding constructions. Before any installations are covered, material and service must be inspected and approved by the applicable Inspector.

1. To ensure trench safety, all construction shall be done in accordance with the provisions of the Utah State Industrial Commission and OSHA regulations. Trenches shall not be left open at any time unless guarded with adequate barricades, warning lights, and signs. When required, excavation shall be braced and shored to support the walls of the excavation to eliminate sliding and settling, and as may be required to protect the workers, the work in progress, and existing utilities and improvements. All such sheeting, bracing, and shoring shall comply with the requirements in the above cited regulations. Any injury or damage resulting from lack of adequate bracing and shoring shall be the responsibility of the developer/contractor, who shall at his own expense affect all necessary repairs or reconstruction resulting from such damage.
 2. Excavation areas are to be dewatered. Any water that flows into any excavation during the process of work shall be removed. Any quick condition occurring in the soil within the trenching area shall be dried to an acceptable condition or the soil removed and replaced with acceptable material.
 3. Any excavated material shall not endanger the work and shall not obstruct streets, sidewalks, and driveways. Gutters and irrigation ditches shall also be kept clear of all excavated material.
 4. All excavated material not suitable for back fill, as determined by the City shall be immediately removed from the site by the developer/contractor.
- B. Easements. All utilities shall be placed within public road rights-of-way or specific rights-of-way or easements free of legal encumbrances. Multiple use of given easements is encouraged. The final plat shall note all easements.

11.18 OUTDOOR LIGHTING

Streetlights shall be required as decided by the Planning Commission and City Council. To help preserve the rural nature of Fountain Green City and reduce the light pollution of the night sky, new streetlights installed in major subdivisions shall be down-lit.

11.19 COMPLETION OF ON-SITE AND OFF-SITE IMPROVEMENTS PRIOR TO APPROVAL OF PLATS OR ISSUANCE OF BUILDING PERMITS

In order to protect buyers of subdivision lots in Fountain Green City against purchasing property on which the site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished site improvements such as erosion, flooding, and blowing dust, it is the policy of Fountain Green City that no plat will be approved and that no building permit will be issued on any building project within the City limits unless and until the site improvement work is completed or the developer of the property has provided adequate security to assure timely completion of the improvements when weather permits.

- A. Detailed Site Plans. A detailed site plan showing the location and nature of drainage work, grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways shall be submitted to the Planning Commission prior to issuance of a permit. Site improvements shall be completed pursuant to this Chapter and as shown in the detailed site plan.
- B. Construction According to Approved Plans. No plat will be approved, and no certificate of occupancy will be issued, unless that project and all required site improvements have been constructed in accordance with the plans approved by the building inspector and on which the building permit is issued.

11.20 SECURITY FOR COMPLETION

In the event that buildings on the property are completed before other required on-site improvements are completed, and the site improvements cannot be completed simultaneously with the completion of the building due to weather or other conditions beyond the control of the developer (excluding financial inability to perform); or as it relates to subdivisions, in order to record a final plat prior to completion of off-site improvements, the City may grant final plat approval or issue the certificate of occupancy for all or part of the project prior to the completion of site improvements provided that all of the following conditions are met:

- A. The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those buildings, and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished and the building inspector determines that occupancy of the buildings, or portions thereof, prior to completion of required on and off site improvements, is safe, and that access for emergency vehicles is adequate with the site improvements unfinished.
- B. In regard to subdivisions, the building inspector approves all final construction plans, a development agreement has been approved by the City Attorney and executed by the owner/developer and; the developer posts adequate security for the benefit of Fountain

Green City and the public to insure completion of the site improvements in full compliance with the approved plans within two years from the date of plat approval (if required) or one year from the date of issuance of the certificate of occupancy, whichever occurs first.

11.21 AMOUNT OF SECURITY

The amount of the security to be posted by the developer shall be determined by the City Council and shall be equal to 100% of the amount reasonably estimated by the City Engineering Consultant as being necessary to complete remaining on and off site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the City Engineering Consultant, the developer may prove lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. A full performance bond, insuring performance by the subcontractor or contractor, must support these contracts. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 100% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract. The amount of security required for single-family homes shall be the reasonable estimated cost of construction of any retainage and drainage and the estimated cost of landscaping to the extent necessary to hold soil in place.

11.22 TERM OF SECURITY/PROOF OF LICENSING

All public improvements such as utilities and roads required under this Chapter shall be installed by a contractor or subcontractors licensed by the State of Utah. Such license is for the work to be performed, and the contractor and subcontractors must provide copies of their licenses to the City Public Works Director and/or City Engineering Consultant.

11.23 FORM OF ASSURANCE

A security arrangement shall be one of the following types as dictated by the City:

- A. A bond with a surety company licensed to do business in the State of Utah;
- B. An irrevocable letter of credit with a federally insured financial institution;
- C. A cashier's check made payable only to the City; or

- D. A trust or escrow account with a federally insured financial institution designating the City as beneficiary.

11.24 PAYMENT OF INTEREST

Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer/contractor and not to the City. The City shall not be required to pay interest to the developer/contractor on any escrow for this purpose.

11.25 RELEASE OF FUNDS

Fountain Green City shall relinquish funds held or security posted for the purpose of paying for site improvement work performed according to the plans as that work is completed. The City shall release funds equal to the actual cost of performing the work as the work progresses minus ten percent. Upon satisfactory completion of all required site improvement work as determined by the City Engineering Consultant and/or City Public Works Director, all funds shall be immediately released to the developer/contractor.

11.26 MODIFICATION OF PLANS

A developer may request modifications to plans covering site improvement work by submitting revised plans to the City for review and action and final action. If the modification of the plans increases the cost of required site improvements, the developer, to cover the increased costs, must provide additional security.

11.27 PHASED PROJECTS

Site improvements applicable to each phase of a phased project or development shall be completed or security for completion provided as each phase is constructed and either platted or occupied.

11.28 FEES, ENFORCEMENT, PERMITS AND PENALTIES

A. FEES. Fees are made by resolution of the Fountain Green City Council and Mayor. The fees may be changed at will. Ask for fee schedule and information at the Fountain Green City Hall.

B. PERMITS. Application for permits include those for

1. Zone Change,
2. Minor and Agricultural Subdivisions,
3. Major Subdivisions,
4. Building/Remodeling Homes,
5. Auxiliary Buildings,
6. Setback Measurements,
7. Variances,
8. Conditional Uses, and
9. Amendments to preceding applications.

Permit applications are required. These are available at the Fountain Green City Hall. Fees may be charged for permits granting these applications.

C. IMPACT FEES. Impact fees are charged for new sewer and water hook-ups, or to reestablish abandoned connections. The fees are determined by study of actual costs for existing city infrastructure and approved by the City Council and Mayor.

D. PENALTIES.

1. Building Violations:

- a. No Permit – red-tagged so no work is permitted until permit secured. May be subject to a fine as determined by the City Council and Mayor.
- b. Unauthorized major changes to structure not included in building permit – red-tagged so no work is permitted until a building permit amendment is obtained. May be subject to a fine as determined by the City Council and Mayor.

2. Building Code Violations – red-tagged and under direction of County Building Inspector.

3. Conditional Use Permit Violation – loss of Conditional Use and may be subject to a fine as determined by the City Council and Mayor.

4. Setback Violations – red-tagged and corrected with setback measurement permit and may be subject to a fine as determined by the City Council and Mayor. The

violator must get a permit and may have to remove the building or parts thereof to comply with setback regulations.

5. Zoning Violations – red-tagged and corrected with appropriate amendment fee and may be subject to a fine as determined by the City Council and Mayor.

E. ENFORCEMENT

1. Violations will be observed by Planning Commission members, City Council, Mayor, City staff, or if violations observed and reported by private citizens, these will be confirmed by the Planning Commission members, City Council, Mayor, or City staff. The City Recorder will
 - a. send a letter of violation with a request that the violator meet with the Planning Commission at their next regularly scheduled meeting, and
 - b. request the County Building Inspector to red-tag the project in violation. If offenders fail to appear at the next, or the following Planning Commission meeting, or if offenders refuse to adhere to the Fountain Green City land use ordinances, the City Marshal will be sent to issue a citation for a misdemeanor offense. The fine will be set by the City Council and Mayor and subject to the Justice of the Peace findings in the case.

No development shall be allowed that exceeds the City's capabilities to provide culinary water, fire protection, sewage services, and public safety.

11.29 CITY CULINARY WATER SUPPLY

- A. Fountain Green City has adopted the Utah State Code Water Quality Standards. An annual report on water quality called the "Sanitary Survey" is required for each Culinary Water Supplier in the state of Utah. Rated in this annual report are physical facilities dealing with new water sources, surface water diversion structures and impoundments, well sources, spring sources, storage, distribution system, and quantity requirements (for fire-fighting, etc), as well as water source protection, health and safety (quality) of the culinary water where mineral, organic and biological contaminants are measured and monitored, and water treatment, installation and repair of water lines with subsequent sanitation, security, operator certification, cross connection control, etc. Fountain Green City has a current Drinking Water Source Protection Ordinance. The city public works director supervises and/or carries out all of the above requirements. The county building inspectors also are to inspect for cross-connection problems. The Big Springs source is under Fountain Green Irrigation Company control with input from the city. There are no well sources used by the city for culinary water. The annual report or sanitary survey is either published in the Mt. Pleasant Pyramid or mailed to Fountain Green City residents.

- B. All residences, businesses, public facilities, etc. shall be required to have their culinary water supplied by the Fountain Green City culinary water system.

11.30 CITY WATER AVAILABILITY REQUIREMENTS FOR FIRE FIGHTING

A. Fire Flow and Line Size Standards

1. All fire flow and line size standards shall conform to the international fire code.
2. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer/contractor's expense and certified by a licensed engineer.
3. Water distribution lines in all subdivisions shall be a minimum of eight inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
4. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of 1,000 feet.
5. Previously approved subdivisions:
 - a. All new water storage, new water lines, and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current requirements.
 - b. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.

B. Fire Hydrant specifications:

1. All fire hydrants shall have one 4.5 inch and two 2.5 inch outlets with NH threads.
2. A six-inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.
3. All fire hydrants shall be properly thrust blocked with poured in-place concrete against undisturbed or compacted soil. Rocks and other materials are not

acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the City Council.

4. All hydrants shall be five to six feet from the property line. In all cases hydrants shall have a five-foot elliptical radius of unobstructed clearance to adjacent obstacles.
5. The lowest hydrant water outlet shall not be less than 18 inches nor more than 30 inches above the final ground level.

C. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed 500 feet from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public rights-of way and will be owned and maintained by the city.
3. Dead-end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead-end street, at the discretion of the City.

11.31 RESIDENTIAL AND NON-RESIDENTIAL DISTRIBUTED SOLAR ENERGY SYSTEMS

A. PURPOSE

1. An ordinance to amend the zoning ordinance of Fountain Green City, by adding a new section to permit solar energy systems as an accessory use to permitted, conditional, and special exception uses in any zoning district. This ordinance aims to promote the accommodation of distributed, on-site residential and non-residential solar energy systems installed to reduce onsite energy consumption and associated equipment, as well as adequate access to sunlight necessary for such systems. This ordinance does not address utility-scale solar energy systems, intended for the sale of electricity to utilities, industries, and/or businesses.
2. This ordinance permits, as an accessory use, solar energy systems, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.
3. A solar energy system shall be permitted in any zoning district as an accessory use, subject to specific criteria as set forth below. Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

B. APPLICABILITY

1. This ordinance applies to all distributed solar systems installed and constructed after the effective date of this Ordinance. For purposes of this Ordinance, "solar energy system" means a distributed solar energy system as defined herein.
2. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
3. All solar energy systems shall be designed, erected, and installed in accordance with applicable local, state, utility, and national codes, regulations, and standards.

C. SAFETY AND INSPECTIONS

1. The design of the solar energy system shall conform to applicable local, state, and national solar codes and standards. A building permit reviewed by department staff shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).
2. The solar energy system shall comply with all applicable Fountain Green City Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
3. Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by Fountain Green City.
4. Any connection to the public utility grid must be approved by the appropriate public utility.
5. If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations relating to hazardous waste disposal along with any other applicable laws and regulations.
6. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

Restrictions on Solar Prohibitions

In accordance with Utah Code 57-13 and Utah Code 10-9a-610, Fountain Green City and the Fountain Green City Zoning Commission maintains and reserves the right to refuse any plat or subdivision plan if deed restrictions, covenants, or other agreements running with the land

prohibit or have the effect of prohibiting reasonably sited and designed solar collectors or other renewable resource devices.

All other portions, parts, and provisions of the Zoning Ordinance of Fountain Green City, as heretofore enacted and amended, shall remain in force and effect.

11.32 ACCESSORY DWELLING UNITS

A. PURPOSE

The purposes of the ADU standards of this chapter are to:

1. Establish and maintain standards required for residential occupancy through the creation of a regulatory process for ADUs;
2. Preserve the character of single-family neighborhoods through adequate standards governing ADUs; and
3. Comply with UTAH CODE ANN. 10-9a-530, which designates internal ADUs as permitted uses in single-family residential zones and imposes limitations on the extent that municipalities may regulate ADUs.

B. ALLOWED LOCATIONS

1. IADUs are permitted in primary residential dwellings under owner occupancy on lots containing more than 6,000 square feet located in the city's Residential-Agricultural (RA) Zone and Business Commercial (BC) Zone, subject to the approval process detailed in this chapter. IADUs are prohibited on any lot containing 6,000 or fewer square feet, or on lots where the primary dwelling is served by a failing septic tank.
2. Detached ADUs are prohibited within the city.

C. APPROVAL PROCESS

An IADU may be allowed, with a license, upon the city's receipt of a full, notarized copy of the affidavit required by this chapter, proof of filing of said affidavit with the county, and compliance with all other applicable requirements of this chapter. Licenses for compliant IADUs are to be reviewed annually for continued compliance with applicable requirements of this chapter. IADUs shall comply with all other applicable building permits, zoning code, fire code and building code requirements.

D. DEVELOPMENT STANDARDS

1. The property's record owner (including titleholders and contract purchasers) must occupy either the primary dwelling unit or the approved IADU as such owner's permanent residence. An application for an IADU permit shall include evidence of owner occupancy in the form of the affidavit required in this chapter and such other verification(s) as the city reasonably may require. A conditional use permit for exception to owner-occupancy requirements for a dwelling with an accessory dwelling unit may be obtained when:
 - a. The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;
 - b. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
 - c. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical, or voluntary service.
2. Neither the primary dwelling unit nor the IADU shall be condominiumized or sold separately.
3. IADUs shall not be used as short-term rentals.
4. Only one IADU may be created per lot or property.
5. Each IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
6. Each IADU must provide areas for eating, sleeping, and sanitation facilities separate from the principal dwelling unit.
7. The occupants of an accessory dwelling unit shall be limited by one of the following family categories:
 - a. One person living alone; or
 - b. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship, or foster children; or

- c. Up to four (4) unrelated persons living as a single housekeeping unit.
8. A new single-family structure built with an attached IADU shall have a separate, accessible entrance or stairway on the side or rear of the building.
9. An IADU constructed within a pre-existing structure may use existing entrances on any side of the structure.
 - a. Dwellings with two (2) front doors side by side may not be used to provide separate entrances for each unit with the exception of dwellings where the second door provides direct access to the dwelling basement. The purpose of this requirement is to preserve the single-family residential appearance of the building.
10. An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been determined during an inspection by the fire department.
11. IADUs shall have interior occupancy separation doors where it connects to the primary dwelling.
12. The design and size of the IADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new IADU is proposed in an existing home, the entire IADU shall comply with all other applicable building permits, zoning code, fire code and building code requirements.
13. The installation of separate utility meters for an IADU is prohibited.
14. Each IADU shall require one off-street parking space in addition to required parking for the primary dwelling unit. In no case shall fewer than three total off-street parking stalls be provided for any property with an IADU. The additional required parking space shall not be located behind or in front of one of the required parking spaces for the primary dwelling (i.e., tandem parking is prohibited).
15. Any parking spaces contained within a garage or carport shall be replaced if an IADU is created within the garage or carport.
16. An IADU may not be created within a mobile home as defined in UTAH CODE ANN. 57-16-3, as amended.
17. The single-family dwelling and IADU shall have unique addresses.

E. AFFIDAVIT

All applications for IADU permits shall include a notarized affidavit, signed by the record owner of the property, and recorded at the county, that includes a description of the primary dwelling unit; a statement that the primary dwelling unit contains an internal accessory dwelling unit; and a statement that the IADU may only be used in accordance with the city's land use regulations. Both a full, notarized copy of the affidavit, and proof of filing with the county shall be included with each IADU application. Change in ownership of the primary dwelling shall require a new IADU license and signed affidavit.

F. TERMINATION

If the primary dwelling's record owner changes and is not accompanied by a new IADU application, or if the primary dwelling's record owner is no longer permanently residing in the primary dwelling, then the IADU shall be immediately vacated and shall no longer be used as an IADU. The city may revoke, or may choose to deny license renewal, to any property or persons with unresolved violations of this code arising from or related to operation of an ADU.

11.33 SHORT-TERM RENTALS

A. PURPOSE

To provide regulations and design standards for residential short-term rentals (STR) related to dwellings or portions thereof within Residential/Agriculture (RA), Business/Commercial (BC), and Sensitive Lands (SL) zones of Fountain Green City. These standards seek to allow for STRs while also protecting the safety and general welfare of Fountain Green residents and preserving the rural character of Fountain Green neighborhoods.

B. ALLOWED LOCATIONS

STRs are only allowed in owner-occupied dwellings within all zones except for the “historic” business district. Non-owner occupied STRs within the “historic” business district are allowed.

C. APPROVAL PROCESS

1. Property owners must obtain a business license from Fountain Green City to operate STR which requires a completed STR license application, and all fees paid.
2. To be issued a STR business license, applicants must complete an application that includes:
 - a. Proof of ownership by presenting at least 2 government issued identification documents listing the address of the property as the address of the owner. Fee title owner may be an individual or trustor of a family trust that possesses 51% or more ownership of the proposed STR.
 - b. A detailed written description with drawings or photographs of the property that identifies the use of each room of the dwelling and defines the portions of the dwelling to be used for a STR shall be provided. Only one (1) designated STR area is allowed per property.
 - c. A signed affidavit sworn before a notary public stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per year (not required to be consecutive days).
 - d. Contact information of responsible party for the property who will be available during the entire rental period and can physically respond to concerns at the STR location within 30 minutes.
 - e. A detailed written description and/or a drawing/photograph of a parking plan must be provided to ensure that all occupants of the home and STR can be always accommodated on off-street parking spaces.
 - f. STR dwellings must pass a building and fire safety inspection that will be conducted by the Fire Chief annually.
 - g. The applicant shall provide an owner imposed maximum renter occupancy not to exceed the capacity of the STR space.

D. DEVELOPMENT STANDARDS

1. OCCUPANCY DURING RENTAL PERIOD:

- a. STR in Non-Owner Occupied Dwellings is prohibited. The “historic” business district allows both owner and non-owner occupied STR.
- b. Specific designation of sleeping rooms will be established at the time of the safety inspection.

- c. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
- d. A property shall not be exclusively rented as an STR for more than 182 nights per year.
- e. The owner may reside in Owner Occupied Dwellings while the STR portion of the dwelling is occupied by a renter.
- f. The property shall be rented for not less than one (1) night.
- g. Guests staying at a STR must be provided with off-street parking.

2. URGENT RESPONSE:

The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within 30 minutes of any legitimate complaint.

3. PROPERTY MAINTENANCE AND NOISE & NUISANCE CONTROL:

- a. Structures shall be properly maintained and kept in good repair. Grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood.
- b. Required parking areas and access to parking areas shall be always maintained and available for use.
- c. Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall.
- d. Owners shall ensure that renters adhere to the city's nuisance standards contained in the Fountain Green ordinances (Chapter 7.5-6).

4. NOTICING AND POSTING REQUIREMENTS

- a. Noticing and Posting Requirements. A renter informational packet must be maintained in a highly visible place within the dwelling or STR area, and must include all of the following:
 - 1. City issued STR business license.
 - 2. 24/7 owner, or a designated representative, contact information.

3. Parking requirements, including site map of approved designated parking areas.
4. Maximum occupancy.
5. The noise ordinance of the City of Fountain Green.
6. Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
7. Contact information for the local Police and Fire.
8. Other relevant information related to other regulations or conditions (ATV rules, dog ordinances).

E. AFFIDAVIT

A signed affidavit sworn before a notary public stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per year.

F. TERMINATION

If the primary dwelling's record owner changes and is not accompanied by a new STR application, or if the primary dwelling's record owner is no longer permanently residing in the primary dwelling, then the STR shall be immediately vacated and shall no longer be used as an STR. The City may revoke, or may choose to deny license renewal, to any property or persons with unresolved violations of this code arising from or related to operation of an STR.

Glossary

Antenna, Drive Test. A temporary antenna, which is used for field-testing of telecommunications signals and possible locations but does not provide telecommunications to customers.

Antenna, Freestanding. An antenna mounted on the roof or wall of or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flagpole or other vertical support.

Antenna, Roof Mounted. An antenna or series of individual antennas mounted on the roof of a building.

Antenna, Temporary. An antenna used for a time period of less than 30 days.

Antenna, Wall Mounted. An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

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

Dry-Cleaning Establishment. An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics and patron-operated dry-cleaning machines associated with Laundromats.

Elderly Care. A long-term care residential facility for the elderly. The term does not include a health care facility.

Equipment Shelter. A structure used to house equipment for telecommunications facilities.

Fireworks Sales/Stand. The temporary display and sale of legally allowed fireworks. This use requires a business license and a temporary permit issued from the Fountain Green City Fire Chief or his/her designee after the business has had a satisfactory fire inspection.

Flood Insurance Rate Map (FIRM). An official map of a community on which the United States Federal Emergency Management Agency has delineated areas of flood hazard.

Flood Plain, 100 Year. An area where a peak flow magnitude has about a 1 percent chance of being equaled or exceeded in any year. The area is based on statistical analysis of stream flow records available for the watershed area analysis of rainfall and runoff characteristics in the general region of the watershed. A flood would have an average frequency of occurrence of about one in 100 years.

Floor Area, Gross. The area of a building, including all enclosed areas designed for human occupation. Gross floor area does not include unenclosed porches, balconies, patios and decks, vent shafts, courtyards, or garages, with a minimum floor area of 960 square feet.

Floor Area, Net Leasable. Gross floor area excluding common hallways, mechanical and storage areas, and restrooms.

Floor Area Ratio (FAR). The maximum allowed gross floor area divided by the area of the Lot or Parcel.

Gated Community. A subdivision or residential area where primary access is regulated through a gated entry point.

Grade.

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

Grade, Finished. The finished grade of a site after reconfiguring grades according to an approved regrading plan related to building permit activity.

Grade, Natural. The elevation of the surface of the ground, which has been created through the action of natural forces and has not resulted from manmade cuts, fills, excavation, grading or similar earth moving processes. The topographic maps of Fountain Green City shall be the primary, though not exclusive, reference for determination of natural grade. Natural grade shall be determined in every instance where necessary by the city engineer.

General Merchandise Sales and Related Services. Stores, department stores, or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers, or lumber.

Heavy/Farm Equipment Sales. Vehicles or equipment in excess of one ton used in farming, construction, or other related services.

Historic Building. Any building, which is recommended as such by the city historic preservation commission to the state historic preservation officer as meeting the following standards:

- a. The building is associated with events that have made a significant contribution to the broad patterns of our history; or
- b. The building is associated with the lives of persons significant in our past; or
- c. The building embodies distinctive characteristics of type, period or method of construction, whether it represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- d. The building has yielded or may be likely to yield information important in prehistory or history.

Hospital. An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for in-patients, and including as related facilities, laboratories, out-patient departments, training facilities, and staff offices, but not including clinics or health care centers.

Itinerant Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.

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

Laundromat. An establishment in which patrons wash, dry, or dry-clean clothing and other fabrics in coin-operated, self-service machines.

Leasable, Gross. Total area including hallways, mechanical equipment room and common bathrooms.

Leasable, Net. Total area excluding hallways, mechanical equipment room and common bathrooms.

Liquor Store. A retail sales store authorized by the Utah State Liquor Commission to sell packaged alcoholic beverages for off-premises consumption.

Local Jurisdiction. Fountain Green City.

Master Planned Development (MPD). A form of development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in each zone chapter of this code. The MPD generally includes a number of housing units; a mix of building types and land uses; clustered buildings designed to integrate one with another and to complement the surrounding land uses; significant open space; flexible in interior setbacks, heights, and density; and valued community amenities.

Mental Health Center. A publicly-or-privately-operated facility, intended for the diagnosis and treatment of mental or emotional disorders.

Mixed Use, Commercial. Development which incorporates a mix of uses, including retail commercial, and/or offices and residential.

Mixed Use, Horizontal. Commercial and residential uses which are within close proximity to each other and designed in a “village” manner, but not necessarily within the same building structures.

Mixed Use, Vertical. Commercial and residential uses, which are within the same building structure.

Mobile Home Park Plumbing System. The park sewer and water supply systems within the park property.

Mobile Home Service Building. A building which is not a mobile home which houses separate toilet and bathing facilities for men and women and which may also have laundry facilities, flushing-rim sink, and other facilities as may be required by the ordinances of the City of Fountain Green.

Mobile Home Park Sewage System. Any pipe or line not built into the mobile home, which is used for the disposal of human waste.

Model Home. A dwelling unit used initially for display or marketing purposes, with a certificate of occupancy, which typifies the units that will be constructed.

Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site, and which meets the IBC.

Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes that are natural drainage channels as determined by the building inspector.

Nonconforming Status Structure.

Ordinary High Water Mark. The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means, which consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be found, the top of the channel bank shall be substituted. In braided channels,

the ordinary high-water mark or substitute shall be measured so as to include the entire stream feature.

Outdoor Recreation, Park or Playground (Public or Private). An area free of buildings except for rest rooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

Outdoor Recreational Uses. Recreational activities involving off highway vehicles and similar motorized vehicles for recreational use and horse arenas, equestrian parks and equine activity, including but not limited to equine shows, fairs, competitions, performances, racing or sales that involve any breed of equines and any equine disciplines, boarding or training equines and teaching persons equestrian skills.

Personal Services. Establishments primarily involved in providing personal grooming and related services. This definition shall include barbershops, beauty parlors, tailors, massage services, but not laundries or dry cleaners.

Preschool. The education or teaching of children including kindergarten preparation, music lessons, etc.

Recreational and Manufactured Home Standard. A standard adopted by the American National Standards Institute or the national fire protection association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act, 1974, as amended.

Religious, Educational Institute. A 28 U.S.C. 501(c)(3) non-profit organization engaged in teaching, community programs, or spiritual endeavors, which qualifies as a tax-exempt religious institution under Title 28 of the U.S. Code.

Repair Services, Small Appliance or Equipment. An establishment for the repair of household or other small appliances or equipment and at which no such appliances or their parts are stored out-of-doors.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any right-of-way, or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

Satellite Receiving Station. Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbital based uses. This definition includes but is not limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae.

Shopping Center, Neighborhood. A planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.

Shopping Center, Community (Retail Business). A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket.

Sign. Any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, or product which are visible from any public way. Sign shall also include the sign structure supports, lighting system and any attachments, ornaments or other features intended to draw the attention of observers.

- a. **A-frame sign**. A sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position. Usually temporary and/or moveable.
- b. **Alteration, Sign**. "Alteration" means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or change in position.
- c. **Animated Sign**. A sign, which includes motion or rotation of any part by mechanical, or artificial means, or subdued color changes.
- d. **Awning Sign**. A sign painted, printed or placed on any portion of a cloth or fabric covering.
- e. **Banner Sign**. A sign made of fabric or any non-rigid material with no enclosing framework. A type of temporary sign
- f. **Billboard Sign**. An off-premise advertising sign.
- g. **Campaign Sign**. A temporary sign used by candidates running for political and elected offices and signs with political purposes.
- h. **Flashing Sign**. A sign, which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light.
- i. **Flat Sign**. A sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches (24") from such wall with messages of copy on the face side only.
- j. **Floodlighted or Externally Lighted Sign**. A sign made legible in the absence of daylight by devices, which reflect or project light upon it.

- k. **Illuminated Sign**. A sign, which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes.
- l. **Mobile Changeable Copy Sign**. A sign mounted on a trailer or frame, lighted, or unlighted, with changeable lettering.
- m. **Monument Sign**. A sign six feet or less in height which is flush to the ground.
- n. **Name Plate Sign**. A sign indicating the name or names of person(s) legally occupying the premises.
- o. **Overhanging sign**. A sign, which projects twelve inches or more beyond any portion of the roof of a building.
- p. **Pole Sign**. A sign affixed in or upon the ground supported by one or more structural members, with air space between the ground and the bottom of the sign face.
- q. **Real Estate Sign**. A sign offering homes, apartments, condominiums, lots, land parcels, etc. for sale, lease, or rent.
- r. **Roof Sign**. A sign, which is erected partly or wholly on the roof of the building.
- s. **Sign Area**. The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than ten (10) degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shape shall be computed as one-half of the total surface area.
- t. **Sign Maintenance**. The upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said sign.
- u. **Sign Setback**. The minimum distance that any portion of a sign or sign structure shall be from any street property line.
- v. **Sign Structure**. Anything constructed or erected supporting a sign, which requires locations on or below the ground or attached to something having location on or below the ground.
- w. **Snipe Sign**. A temporary sign or poster, which is attached to the supports for another sign, a public utility pole, tree, fence, etc.

- x. **Temporary Sign**. Any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a short period of time.

Significant Vegetation. Includes all large trees six inches in diameter or greater measured four and one-half feet above the ground, all groves of small trees, and all clumps of oak or maple covering an area 50 sq. ft. or more measured at the drip line.

Site Development Standards. Regulations unique to each zone concerning standards for Development including, but not limited to lot areas, setbacks and building height. Chapter 11.

Sketch Plat. A sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

Small Engine Repair. An establishment engaged in the repair and maintenance of small engines with an engine displacement size no greater than 2000 cc. This includes but is not limited to: motorcycles, OHV's, ATV's, home and garden tools and equipment, outboard motor watercraft (engine removed), snowmobiles, chainsaws, and other similar small engines.

Solicitors. A solicitor is any person who goes upon the premises of any business or private residence, not having been invited by the occupant thereof for the purpose of selling, offering for sale, or taking orders for merchandise or services door-to-door within the City. Merchandise shall include goods, food, wares, photographs, and subscriptions to any kind of publication, tickets, coupons, or receipts representing value.

Special District. An entity established under the authority of Utah Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Stealth Telecommunications Facility. A telecommunications facility, which is disguised as another object or otherwise concealed from public view.

Storage Land Sea Shipping Containers. Any trailer commonly described as a storage container or storage unit, including, but not limited to semi-trailers, cargo trailers and any other similar unit with a storage space of greater than 120 square feet. Chapter 11.

Story. A habitable level within a building serving to define the building height. Basements that emerge less than 4 ft from grade or attics not exceeding 4 ft at the kick wall shall not constitute an additional story.

Street, Access. A street that serves a small number of dwellings and usually does not allow for through traffic. The usual ADT (average daily traffic) range is 0-250 vehicles.

Street, Arterial. A street which provides for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances,

exits, and curb use and also provides access to highways. Maximum ADT is 3,000+ vehicles. Example: State Street and 400 South. See General Plan.

Street, Collector. A street that provides for high volume movement between major arterials and local streets, and direct access to abutting properties. The usual ADT range is 1,000 to 3,000 vehicles. Example: 500 West, 100 North, and 200 North. See General Plan.

Street, Local. A street that provides for direct access to abutting land and for local traffic movements.

Street, Private. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more lots.

Street, Public. A street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee. A public thoroughfare, which affords principle means of access to abutting property and has a right-of-way that exceeds 26 feet in width. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street, Subcollector. A street which conveys traffic to more dwellings and includes through traffic between access streets and collectors. The usual ADT range is 250-1,000 vehicles.

Streetscape. The distinguishing characteristics of a particular street including paving materials, adjacent space on both sides of the street, landscaping, retaining walls, sidewalks, building facades, lighting, medians, street furniture and signs.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders and floor joists or roof joists.

Structure, Pre-existing. A structure, which was legally constructed prior to September 1995.

Structure, Subgrade. Any structure which:

- a. Is located primarily below natural grade;
- b. Does not extend more than two and one-half feet (2½'), at any point, above natural grade;
- c. Is completely covered with a minimum of six inches (6") of soil capable of supporting vegetation on its horizontal surface where required by the landscaping provisions of the respective zone in which it is located;
- d. Is decoratively finished on any vertical surface not completely covered with soil;
- e. When within a required front or street side yard, is located entirely beneath a finish grade which:

1. Does not exceed a 25% slope; and
2. Does not extend more than two and one-half feet above natural grade at any point; and
3. Is the same as the natural grade along any property line

Subdivision, Agricultural. See Chapter 10.4.

Subdivision, Commercial. Any subdivision dedicated to business/commercial uses only.

Subdivision, Major. All subdivisions of ten or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the General Plan, official zoning map, streets master plan, or these regulations.

Subdivision, Minor. Any subdivision containing less than ten lots that may require the recording of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the General Plan, official zoning map streets master plan, or these regulations.

Subdivision, Simple Lot. Any subdivision containing not more than three lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Land Use Map, streets master plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt from the plat requirement.

Subdivision, Residential. Any subdivision dedicated to single family dwellings only. See Chapter 10.

Surplus, Second Hand Store. An establishment that sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus, and other heavy equipment.

Technical Necessity. A particular design, placement, construction or location of a telecommunications facility that is technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

Temporary Outdoor Use. A use, activity, vending cart, special event, or commercial use outside that is not permanent in nature and after a 72-hour time period ceases or is removed.

Temporary Use. A use, activity or special event that is not permanent in nature and after a designated time period ceases or is removed.

Theater, Concert Hall. A building or amphitheater used primarily for the presentation of live stage productions or performances.

Transfer Station. A facility designed for the transfer and transport of solid waste.

Use, Pre-existing. A use, which validly existed prior to September 1995 and has not been abandoned for more than six months.

Vending Cart. A small wheeled, non-motorized vehicle from which to sell food and/or merchandise for immediate consumption or use.

Warehouse Storage Units. A building in which goods, merchandise, or equipment are stored for eventual distribution, or for which storage space is rented.

Welding Machine Shop. A building or structure where pieces of metal are welded.

Youth Program. A nonresidential program, designed to provide behavioral, substance abuse or mental health services to minors that:

- a. Serves either adjudicated or non-adjudicated youth;
- b. Charges a fee for its services;
- c. May or may not provide host homes or other arrangements for overnight accommodation of the youth;
- d. May or may not provide all or part of its services in the outdoors;
- e. May or may not limit or censor access to parents or guardians; and
- f. Prohibits or restricts a minor's ability to leave the program at any time of his own free will.

A "Youth Program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

GENERAL PLAN 2008

A. PURPOSE AND SCOPE

The "Municipal Land Use Development and Management Act" adopted by the State Legislature states that municipal officials are authorized to:

1. Provide for the present and future needs of the municipality;
2. Plan for the growth and development of land;
3. Provide for health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, recreation, education, and cultural opportunities;
4. Reduce the waste of physical, financial, or human resources;
5. Provide for the efficient and economical use, conservation and production of natural resources;
6. Encourage the conservation of energy and use of renewable energy resources where reasonably feasible;
7. Protect urban development, and
8. Protect air quality.

The legislature goes on to state that municipalities may determine the comprehensiveness, extent and format of the General Plan.

The legislature also gives municipal officials guidance as to what elements may be included in a General Plan.

A Land Use element showing: 1) the general distribution of land, and 2) standards of population density and building intensity for lands used for:

- a. Housing;
- b. Business;
- c. Industry;
- d. Agriculture;
- e. Recreation;
- f. Public buildings and grounds;
- g. Open space, and

h. Other appropriate categories.

A Transportation and Circulation element showing general location and extent of:

- a. Arterial, collector and local streets;
- b. Mass transit, and
- c. Other modes of transportation.

An Environmental element that addresses:

- a. Protection, conservation, development and use of natural resources, and
- b. Environmentally sensitive area protection and reclamation.

A Public Services and Facilities element showing plans for:

- a. Sewage disposal;
- b. Waste disposal;
- c. Drainage;
- d. Local utilities;
- e. Rights-of—way and easements;
- f. Public safety, and
- g. Other public services.

A Rehabilitation and Conservation element providing for:

- a. Historic preservation, and
- b. Redevelopment potential.

An Economic element composed of:

- a. Revenue and expenditure reports;
- b. Revenue sources;
- c. Base industries;
- d. Market area;

- e. Employment, and
- f. Retail sales.

Recommendations for Implementation.

Other elements with recommendations for implementation as deemed necessary.

These elements should be used as a guide for when development requests are reviewed by the Planning Commission and City Council: The General Plan provides a stable basis of policy upon which elected and appointed officials can rely.

A General Plan cannot remain static. Just as a community population base changes, so should the General Plan reflect such changes. The document should be reviewed annually by the Planning Commission to assure that necessary changes are reflected. Complete revisions should be undertaken every five years.

B. METHODOLOGY

Each element of the General Plan is divided into three sections: 1) Current Status, 2) Planning Assumptions, and 3) Policy Statements. The Current Status section outlines the status of the community at the present time. The Planning Assumptions section describes the assumptions made by municipal officials as they were looking toward the future of the community. The Policy Statements section relates those strategies which Fountain Green City officials hope to pursue to desired outcomes to be accomplished. The necessary background information and reports which provide the basis for the General Plan are included as appendices.

C. STATEMENT OF MISSION AND PURPOSE

We honor Constitutional principles which safeguard the right and control of private property in keeping with lawful uses and established land use and development standards within Fountain Green City.

We acknowledge value and resolve to both preserve and advance the unique physical attributes, heritage and history of Fountain Green City.

We recognize our legal and statutory trust as elected and appointed public officials and desire to discharge our responsibilities equitably and fairly in addressing important issues which are common to the interests of Fountain Green City property owners and residents as a whole.

We believe that the general health, safety, and welfare of all citizens of Fountain Green City and adjacent areas, including the property each owns, occupies, or controls, will be enhanced through adherence to and implementation of provisions contained in this General Plan.

We encourage all residents and property owners in Fountain Green City and adjacent areas to read and to understand the purposes and provisions of this General Plan and to be active participants in helping to make our community and area a more beautiful and wholesome place in which to live.

Fountain Green City Mayor and City Council
Fountain Green City Planning Commission

D VISION STATEMENT FOR THE FOUNTAIN GREEN CITY GENERAL PLAN

Today's citizens of Fountain Green City appreciate the historical values of neighborliness, cooperation, hard work, and celebration of the Mormon pioneer heritage with its associated rural agricultural lifestyle. We want to actively maintain these values in Fountain Green's future. We expect some growth as others of like mind and character seek for the more peaceful, less crowded, slower-paced rural lifestyle that is hopefully healthier and safer. However, Fountain Green does not have a strong business commercial base so that infrastructure costs will have to be borne by those building new homes. So far this has been met with impact fees for water and sewer, but in the future these fees may need to be increased. Other impact fees for road construction, parks, etc. may also need to be imposed.

According to the Cox Decree (1903), Fountain Green City has a year-round water right to one (1) cubic foot per second (cfs) of Big Springs water which currently supplies the city culinary water. The Fountain Green Irrigation Company has a 44 cfs water right (from which the city water right is subtracted) for the watershed drainages around Fountain Green including the Big Springs. The irrigation water right runs from March 15 to November 15 each year. The Big Springs has historically produced from 3 to over 20 cfs of water. In drought years the water flow has been from 3 to 4 cfs. The city is in the process of drilling a well with an additional water right of some 190 acre feet (One cfs is about 720 acre feet of water.) to cover this contingency. This water right conversion must be permitted by the State Water Engineer. This additional water right would meet a 3% growth rate in new homes built over the next 5 years with the current culinary water storage distribution system. However, to meet fire protection requirements, the present two water-storage tanks with 400,000 gallons total capacity border on inadequate. Fountain Green City has accepted funding by the Community Impact Board (CIB) in the form of a 50%-grant-50%loan to build a million-gallon storage tank. In addition, the city distribution system will be divided into three pressure zones to better serve residential needs and to meet fire hydrant flow requirements with fire hydrants added to meet the state requirement of one every 500 feet. The oldest tank (150,000 gallon capacity) will be removed. Water rates will be raised to pay off the interest-free loan. The city expects to use water impact fees to finance future water right acquisitions to meet ongoing growth needs. The three sewer lagoons are reaching capacity. Fountain Green City is exploring whether an aeration system will permit it to handle the additional wastes generated by new residences. Sewer impact fees may be used for this.

With little business and commercial sales tax and other income, city services and infrastructure are maintained by a relatively small property tax, some utility taxes, but mostly by water rate charges. The city cannot support a dense population. All building

lots from 1995 and beyond are to be a minimum of one-half acre each. This size contributes to the open space and rural atmosphere of the city. [In the March 2007 Fountain Green City Planning Commission survey, 96% of respondents wanted Fountain Green to remain rural and 73% favored lot sizes of one-half acre or larger.] There are some 345 homes in Fountain Green City limits. Buildable lots within city limits could result in some 300 more homes. Buildable lots outside city limits, particularly to the north and west of the city (with the new culinary water system in place) would approach 600 buildable lots. During drought years all of the water from Big Springs could conceivably be taken up by 900 homes. This would threaten the survival of neighboring farms and ranches as well as agricultural pursuits within the city. If growth is not properly regulated and limited, agriculture may cease to exist and the cherished rural ambience would disappear. Residents lacking irrigation shares are anxious for the city to explore options for additional water to irrigate home lots separately from culinary water. However, with limited water resources, this will be in competition with existing agricultural uses.

Fountain Green City, like most cities in Sanpete County and other cities established in Utah by Mormon pioneers during the mid to late 1880's, was built on a modified Zion Plat introduced by Joseph Smith in Missouri and Illinois and applied in Utah by Brigham Young. In the Zion Plat, the cities were to occupy one square mile or 640 acres. City public facilities such as schools, city hall, parks, etc. and churches and businesses were to occupy the central 40 acres to be within easy walking distance from the residential homes built on the remaining blocks. These were divided into one acre lots so that large gardens and orchards could be cultivated, and some livestock kept. Farms and ranches marched around the city limits. Fountain Green City expects that any new subdivisions within current city limits, or within the county-specified buffer zone outside city limits, would comply with the present form of the Zion Plat in the city by extending street widths as they are now, and with perpendicular street intersections, and minimum one-half acre lots.

The original settlement was called "Uintah Springs" after the Big Springs about one mile west. George W. Johnson and his son Amos, and Albert Pettie and his son Heber surveyed the settlement in 1859. When the first post office was established in January 1860, the settlement became known as Fountain Green. It became incorporated as a town on May 22, 1885 and as a city in 1910. Agriculture was the primary occupation of most Fountain Green residents for more than 100 years. Sheep ranching for wool and meat was dominant with some beef and dairy cattle husbandry along with forage production (alfalfa and pasture) and wheat. Home gardens were large and there were some fruit tree orchards. One of the wealthiest little cities per capita in the 1880's, the Great Depression caused serious inroads into the sheep industry. Population continued a long, slow decline into the 1980's as agricultural jobs waned and young people moved away for better employment opportunities.

Although a few residents still carry out agriculture as their primary occupation, most are employed in the mining industry, in teaching, in government jobs, or in businesses located mostly in Juab, Utah and Salt Lake counties. As older residents have died, their children, grandchildren, or other relatives, or increasingly, those with no historical connection to Fountain Green have moved into the city reversing the decline in population. These people seem to be attracted to slower-paced, family-oriented lifestyle

where there is less noise, congestion, and perhaps fewer problems, and where you can really see the stars and planets at night. Many of these people want to keep some livestock, raise gardens, and tend fruit trees. However, some of these people and some long-time residents still do not understand that unleashed or unpened dogs often run livestock, even attacking and killing them, or attacking people. But, a number of these new residents have volunteered for community service such as Lamb Day participation which celebrates the pioneer heritage and sheep-raising industry of Fountain Green, EMTs and ambulance drivers, volunteer fire fighters, City Council and Planning Commission members.

The fire station is too small to house all of its fire engines. A new fire station needs to be built, either on the same block as the city hall building or by the medical clinic. This would permit the old fire station to house the city marshal office, EMT ambulance, Lamb Days parade float with incidental storage. The volunteer firemen have been saving fire-fighting payments to make a significant deposit towards the new building with the hope of CIB or other grants to assist in meeting the building costs. The park seems adequate for the expected growth at present; however, the school is at capacity. [The March 2007 survey indicated that 71% of respondents would like the city marshal to reside within city limits, and 64% of respondents felt it to be important that a medical doctor be at the medical clinic during business hours.] Fountain Green City should investigate purchasing additional land for cemetery expansion.

If volunteerism dwindles, property taxes and other revenue streams will have to be developed to pay for the law enforcement, firefighting, EMT and other services required by the increases in population. This will have a serious impact on retirees with fixed incomes. Currently the business-commercial district is on State Street (Highway 132). It might be expanded to 400 South and the road to Wales. Light industry could be encouraged to come to Fountain Green; however, water may be a limiting factor to light industry. Current businesses might pick up with an increased population, if the people would patronize them, but this would cover very little of the population service costs. For better or worse, with the decline of agriculture and with limited resources, Fountain Green appears to be limited to a bedroom community status. Some talk was considered in annexation of 1500 feet north and west and 500 feet east and south to increase the number of residential lots within city limits as well as planning for an industrial park. The Planning Commission recommends that a feasibility study be completed before committing the city to such a large and potentially costly action.

In the March 2007 survey where 350 surveys were passed out to residences by the two Boy Scout troops in Fountain Green City, 88 surveys were returned. The major concerns identified were:

1. Retaining the rural look and traditional attitudes of the community;
2. Retaining minimum half-acre residential lot size;
3. Animal rights;
4. Water for increased housing;

5. In-city irrigation water for all;
6. Increased access to EMT and ambulance service, and
7. Increased hours of operation for the Fountain Green Medical Clinic.

Concern was also expressed concerning city marshal response time to emergencies when an officer lives outside city limits.

In the year 2015, FOUNTAIN GREEN CITY will be a community of between 1,050 and 1,150 persons where:

1. An upgraded water system with three pressure zones and a new one-million-gallon tank are expected to be in place;
2. There will be ongoing acquisition of water rights;
3. A feasibility study of sewer ponds aeration to determine the number of new houses to be built should be completed;
4. The animal units change in the land use ordinance should allow all property owners to have at least some animals of some kinds with numbers depending on property size and zone, and there should be better enforcement of Fountain Green City leash law;
5. More complete plans and financing for location and construction of new facility for fire station will be considered;
6. With the upgrade of the old fire station for EMT equipment and ambulance storage, and for Miss Lamb Days parade float storage, and
7. The improvement in lighting for the city park will be studied.

In-city irrigation water for all involves property rights of those currently owning water shares versus those who want to obtain water rights to irrigation. This will involve a discussion between the city and the Fountain Green Irrigation Company. As the city is limited in its financial resources, this problem will not likely be resolved soon.

Again, the days and hours of the medical clinic being open are going to be determined by population usage and profitability. The city granted a 99-year lease to Central Valley Medical Center to establish a medical clinic on city property with a contract on staffing and services. The city needs to find its copy of the contract to review compliance. Lately, the clinic has been open five days a week plus one evening with lab and X-ray services and a physician.

E. GENERAL PLAN ELEMENTS

1. Land Use Element

a. Current Status

Fountain Green City residents are proud of their community and most reside in Fountain Green as a matter of choice. Citizens appreciate the rural atmosphere. They also generally enjoy what may be described as an open and friendly social environment where neighbors tend to be cognizant of the activities, interests, and needs of others. Citizens value the pioneer heritage and seem to defer to development patterns and standards established during the City's early history.

Land use and density decisions over the last 50 years in Fountain Green City have tended to reinforce the City's traditional characteristics. These include the following:

- 1) Residential-Agricultural lands feature the construction of single family dwellings with sufficient open space to accommodate the production of gardens, fruit trees, and the keeping of limited numbers of farm animals, predominantly sheep, cows, and horses, and some poultry;
- 2) Commercial development remains concentrated along Utah State Highway 132, located principally toward the east side of the City, but with Residential-Agricultural lots prevailing;
- 3) Light industrial and manufacturing uses were recommended to be constructed principally in the south and southeast portions of the City;
- 4) There are a limited number of farming operations headquartered in city limits with farms around the periphery of Fountain Green City;
- 5) Recreation is limited to soccer and baseball (softball) fields at the city park and the Fountain Green Elementary School grounds and use of the gyms in the city hall and school. There is also the recently restored Fountain Green City dance hall and theater, The city park also is reserved for picnics, barbecues, music (including bands) and dance presentations. It is here that the bulk of the Lamb Days celebration is conducted. Additional forms of recreation involve accessing the open spaces under USDA Forest Service and Interior Department BLM lands bordering private property surrounding the city.
- 6) Affordable housing is a complex issue. In Fountain Green City, prices for half-acre lots are mostly below those of quarter and third acre lots in surrounding cities such as Ephraim and Nephi. Costs of building new homes may be the same or higher than in these cities. According to the Association of Governments (SCAOG) Consolidated Plan 2008 One Year Action Plan on page 14 is:

"The long term need for affordable housing is to increase the median family and per capita income of the area. The average median family income over the entire Central Utah region is \$3,260 per month. Following Federal guidelines for affordable housing a person should only spend thirty percent of their income towards housing. This equates to \$978 per month. The average mortgage payment in the Six County area is approximately \$1 ,594 with

utilities, insurance, and taxes. This equates to roughly forty nine percent of wages being spent for housing in the Six County area." Programs such as CROWN, Self Help and Down Payment Assistance currently have sufficient funds to meet demands for this type of housing. Resources for HOME Rehab are currently adequate to meet demands throughout the next year. However, the weatherization program has a continual waiting list of approximately 100 homes or one and a half to two years waiting period."

and on page 1 is:

"From the evaluation, the low median family and per-capita income of the area is the largest contributing factor to affordable housing. Wages are simply not keeping parity with escalating land prices and building costs. This also applies the increasing needs for home rehabilitation. Resources through the Self Help and CROWN programs are being utilized. They have helped a limited number obtain home ownership. Likewise, the regional Weatherization and HOME programs continue to provide assistance to families in need of housing rehabilitation and heat efficiency. Unfortunately, available resources are not keeping up with demand. The Region needs economic development that creates higher paying employment. Additional resources are also needed to augment the current programs administered by the SCAOG."

and on page 3 is:

"An evaluation of current needs identified the low median family and per capita incomes of the area as a major concern. The median family income is only 77% of the State and 78% of the nation. The need to expand or retain existing business or create new industry that provides family sustaining employment was reiterated by those participating in the survey. Thirty four of forty nine communities ranked economic development as their second priority category. Eleven of sixteen economic development professionals, service providers, and citizens completing the survey listed economic development as their top priority. Nearly all respondents to the survey blamed the lack of "good paying jobs" as a major contributor to the housing shortage and need for community services. It is believed that until employment opportunities that pay family sustaining wages can be developed in the Region, a housing shortage will continue and community assistance needs will increase. Communities also feel that business and industries are needed to enhance the tax base necessary to meet capital improvement needs. A regional goal is to maintain an economic development professional in each of the six counties. By so doing, local officials are better prepared to take advantage of potential business and industrial development. Because of the low median family and per capita income level of

the area, the Region is listing economic development as an area of regional focus."

Fountain Green City is mostly a bedroom community where residents travel to surrounding counties to obtain employment. Per capita and median incomes are in the range cited above. These are the real limits to affordable housing.

b. Planning Assumptions

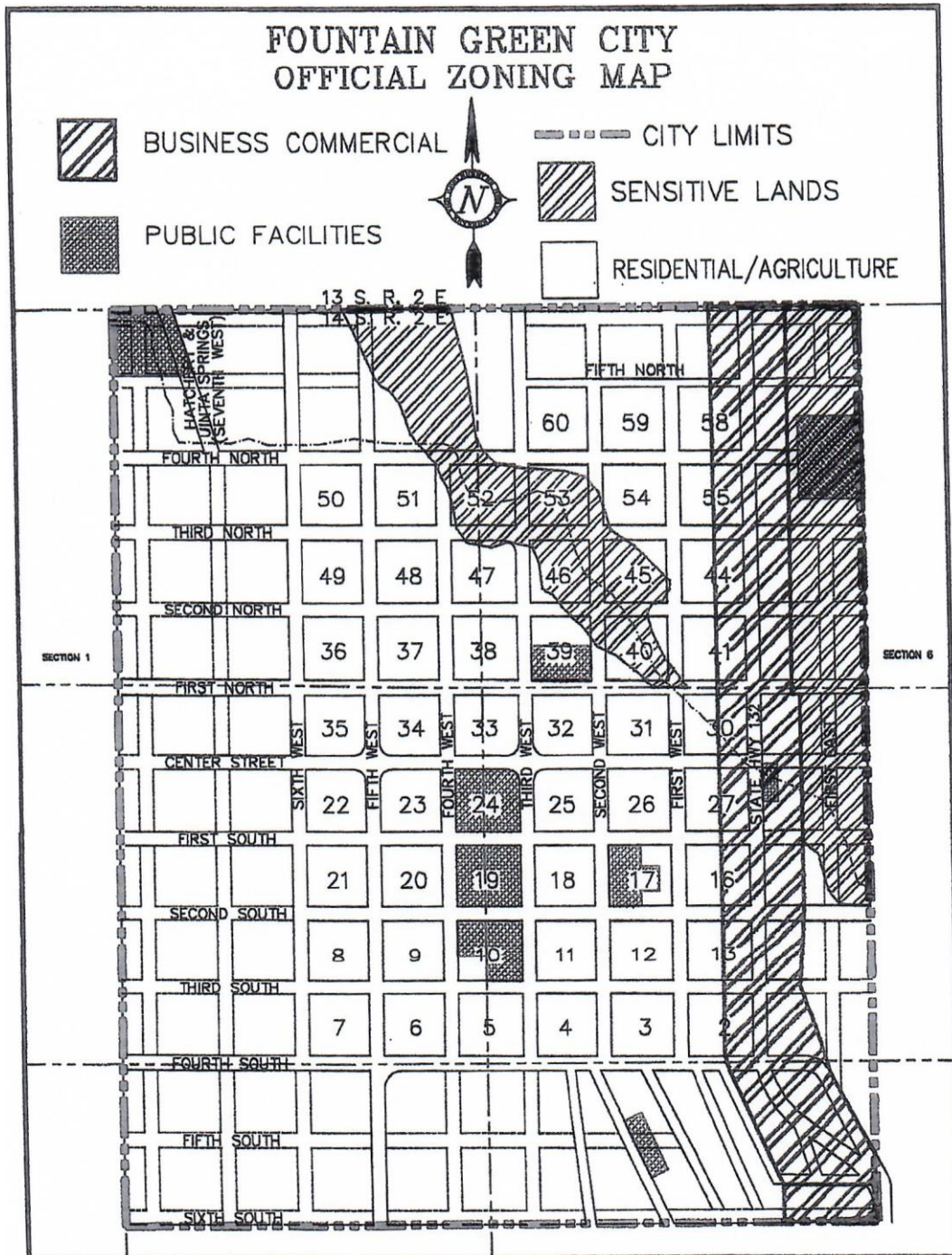
The March 2007 survey of residents confirmed an early survey in spring 1994 where the majority favored the minimum lot size to be 0.50 acre, retention of the pioneer heritage and rural traditions, and the agricultural pursuits of keeping livestock, gardening, raising animals, growing orchards, etc. While a lower population density fits in with the desired rural lifestyle, it is also dictated by the limited water resources available to the community.

c. Policy Statements

1. Low-density development of vacant lots within the City continues to be favored before extension of residential areas outside city limits to preserve open spaces and the rural environment;
2. Updated and effective ordinances continue to be seen as a way to "assure quality of construction and protection of property values within the City.
3. To do this Fountain Green City officials after appropriate input by its residents and property owners have established four zones which are Residential-Agricultural (RA), Business-Commercial (BC), Public Facilities (PF), and Sensitive Lands (SL).
4. The RA zone is intended to allow the keeping of a limited number of farm animals, poultry, and small animals in conjunction with single-family dwellings (residences) to an extent consistent with, and in proportion to, the amount of land area provided for this purpose as directed by the animal units table and related instructions. Minimum lot size is 0.50 acre.
5. The BC zone is established to provide land within Fountain Green City primarily for the accommodation of business and commercial uses. Land parcels in this zone are, and should be, adjacent, contiguous, or proximate to major arterial roadways within Fountain Green City and to existing commercial areas. Provisions herein are intended to encourage greater integrity and aesthetic improvements as business and commercial areas are redeveloped, expanded, and improved. Integrated and coordinated building design, landscaping, parking, ingress, and signing are encouraged through the use of project plan approval procedures. No minimum lot area requirements exist for businesses except as may be dictated by off-street parking requirements, adequate circulation and appropriate site utilization. However, many residences exist in the BC zone which are permitted as if in the RA zone with a minimum lot size of 0.50 acre and the same animal rights.

¹Fountain green Development Plan, Undated, approximately 1982.

6. The PF zone provides recognition of the location and establishment of facilities which are maintained in public or quasi-public ownership and which may utilize relatively large areas of land. Permitted uses in this zone include churches, public buildings, utility stations, parks, schools, and city shops and equipment storage areas.
7. The SL zone is established to protect and to regulate existing or proposed uses of environmentally sensitive lands within and adjacent to Fountain Green City. Notwithstanding any other provision of the Land Use Ordinance, it shall be unlawful to grade, fill, or excavate any land in any manner, which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition. It shall also be unlawful to erect any structure which will not be reasonably safe for use as a human habitation or animal shelter because of surface water, ground waters, or a high-water table, expansive or collapsible soils, proximity to a potential or actual landslide, proximity to a known flood plain, or steep slopes, or to any other unsafe condition. All land uses within this zone deemed to be environmentally sensitive or hazardous by the Planning Commission shall be considered on a conditional basis only, and only in accordance with stringent standards specified in the Land Use Ordinance and the Fountain Green City General Plan. Conditions described on reports or maps issued by the U.S. and Utah Geological Surveys, U.S. Fish and Wildlife Service, Utah Division of Wildlife Resources, U.S. Natural Resources Conservation Service, and Utah Division of Water Quality or maintained by Fountain Green City, together with explanatory information or materials appurtenant thereto, shall be presumed to exist,
8. Fountain Green City has limited administrative resources to deal with affordable housing. Much of its work is accomplished through volunteer efforts. For now, the 0.5-acre or larger lot size and low-density population are the key factors in keeping housing costs down. Limited water supplies discussed later on will keep population density low as well.



2. Transportation and Circulation Element

a. Current Status

Fountain Green City streets are for the most part modeled after the Zion Plat with square blocks with 4.2 acres and streets of varying widths as described below. Existing street rights-of-way widths are as follows: for 200, 300, 500, 600, and 700 South Streets; for 100 South; for 400 South; 82.5 feet for Center Street; 66 feet for 300, 400, 500, 600, and 700 North Streets; 99-feet 100 and 200 North; 66 feet for 700 and 800 West Streets; 82.5 feet for 400, 500, 600, 900 and 1000* west Streets; 99 feet for 100, 200, and 300 West Streets, and for 100 and 200 East Streets. Street intersections are mostly perpendicular. Problems exist below 400 South where blocks are not square, and streets do not intersect in a perpendicular manner. There are also questions of city ownership of street rights-of-way. Street widths are less than the minimum 66 feet. Some street rights-of-way have been taken from the city by quit claim deeds filed by individual Fountain Green City residents with the Sanpete County. There is no mass transit serving Fountain Green City. Transportation is by personal vehicle including cars, light trucks, agricultural and commercial trucks, agricultural tractors, and ATVs. The ATVs continue to generate controversy on their safe usage and regulation.

b. Planning Assumptions

Part of the retention of the pioneer heritage includes retaining the Zion Plat with its square blocks. Angled streets and cul-de-sacs are not encouraged. Wide streets are preferred as matching the rural, pioneer character of Mormon towns established in the mid 19th century. Both wide roads and perpendicular intersections are safer for pedestrian and vehicular traffic. Where possible for traffic flow and safety, cul-de-sacs will be replaced where new development permits extension of roads as described above. An entrepreneur has approached the city for funds to obtain a matching grant to help fund transportation for the indigent and elderly to medical and related facilities in Sanpete County.

c. Policy Statements

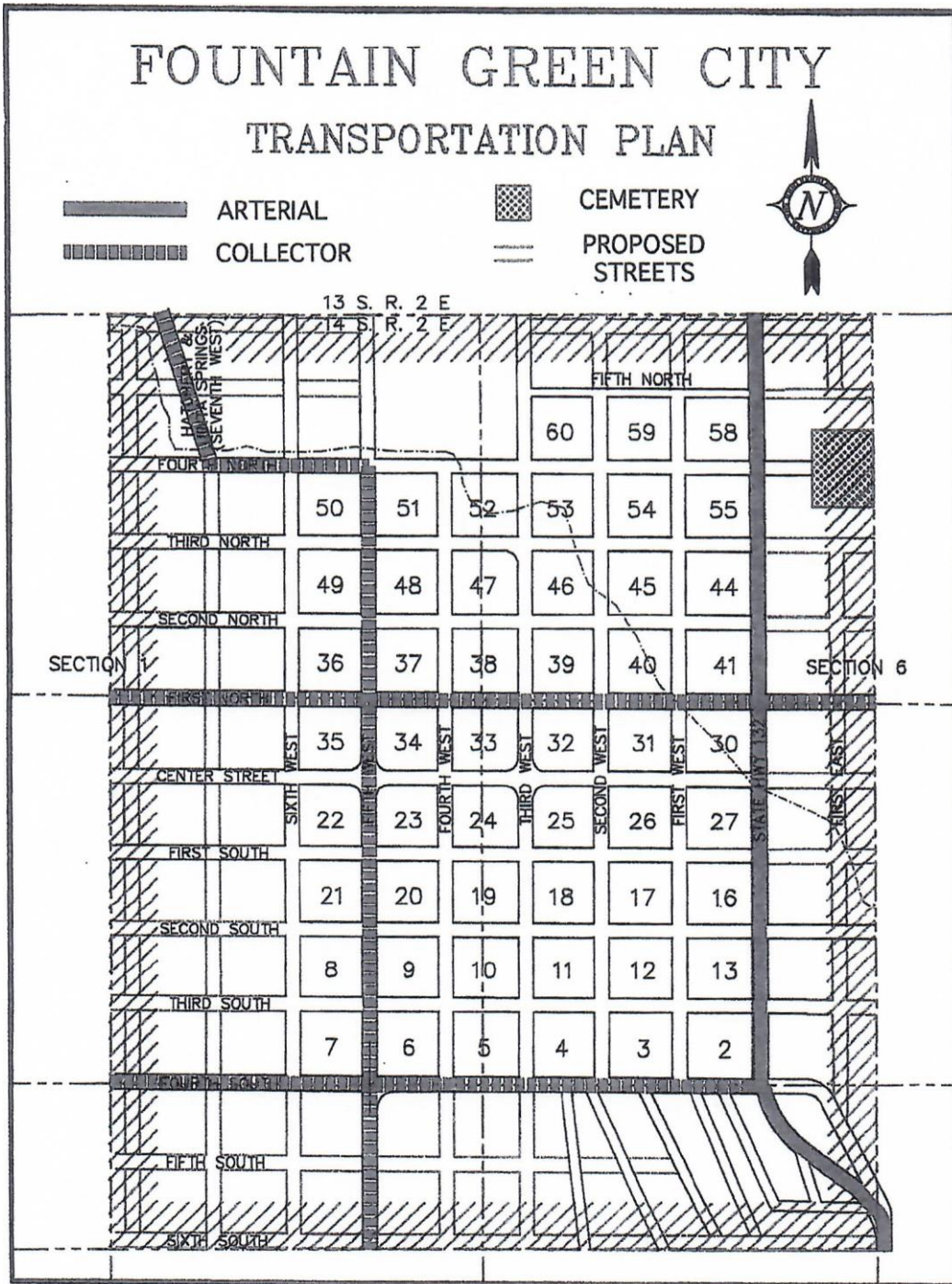
- 1) New streets in approved subdivisions shall conform with the width of street rights of way established in Fountain Green City, and shall be a minimum of 66 feet in width. Specifically, existing street rights-of-way widths shall be extended as follows: 66. feet for 200, 300, 500, 600, and 700 South Streets; 82.5 feet for 100 south; 99 feet for 400 South; 82.5 feet for Center Street; 66 feet for 300, 400, 500, 600, and 700 North Streets; 99 feet 100 and 200 North; 66 feet for 700 and 800 West Streets; 82.5-feet for 400, 500, 600, 900 and 1000* West Streets; 99 feet for 100, 200, and 300 West Streets, and 66-feet for 100 and 200 East Streets.

*900 West will most likely be 880 West south of 100 North, and 1000 West will most likely be 970 West north of 100 North for several reasons. The new water system will require an easement next to where the approximate roadway south

of 100 North would lie. This street 880 West is part of a private drive. Homes and other buildings would shift this street further west to 970 West going north from 100 North.

- 2) Roads shall be designed to provide emergency access and egress for residents, occupants and emergency equipment providing width, curve radii and strength for emergency and maintenance vehicles used by or available to the City.
- 3) Minimum width of roadway wherever curb and gutters are installed (face to face of curb) shall be as follows:
 - a. for residential streets: 48 feet or conform to the above street widths, whichever is greater;
 - b. for collector streets: 66 feet, or conform to the above street widths, whichever is greater;
 - c. for arterial streets: 80 feet, or conform to the above street widths, whichever is greater.
- 4) The installation of curbs and curb cuts, gutters, and sidewalks shall be constructed according to the APWA (American Public Works Association) standards and as designated in each zoning district and may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may be required as conditions of building or use permit approval.
- 5) Cul-de-sacs (dead-end streets) shall be used only where unusual topography or drainage conditions exist which make other designs undesirable. Each cul-de-sac, if warranted, shall have a minimum dedicated width of 66 feet and shall have a maximum length of 400 feet, and shall be terminated by a turn-around of not less than a 50-foot radius and with an asphalt surface in accordance with subsection 2) a) below. Surface water shall drain away from the turn-around, except where surface water cannot be drained along the street away from the turn-around due to the grade. Driveways, fire hydrants and all other obstructions at such turnaround areas shall be designed in such a way as to provide an area for piling snow. Catch basins, drain lines, and drainage easements shall be provided in the major subdivision design where necessary. Temporary dead-end streets, intended as access to future development parcels, shall be a minimum of one lot depth in length (or as determined by the Planning Commission) and shall meet all of the other requirements for permanent dead-end streets set forth above.

- 6) Streets shall intersect each other as nearly as possible at right angles. Local streets shall approach collector and arterial streets at an angle of not less than 80 degrees. Off-sets in street alignment between 10 feet and 120 feet shall be prohibited.
- 7) Where the potential traffic impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning topography or neat layout, or at the request of the city, the developer/contractor of a major subdivision may be required to prepare a detailed engineering traffic study of the road system.
- 8) Where a road does not extend to the boundary of the development and its continuation is not required, its terminus should be no closer than 20 feet from the boundary.
- 9) Strips of land reserved to control or restrict access to perimeter or stubbed roads in a major subdivision shall be utilized only where the reserve strip is deeded to and accepted by the City.
- 10) Lawful right of vehicular access must be demonstrated before the City will issue a building permit.
- 11) Grades of streets, intersections, and switchbacks shall be a maximum of 8%. For roadways of grade, the applicant shall stake the center line and both edges in the field for inspection by the City Engineering Consultant to assure full compliance with this section. Where the Mayor, in consultation with an engineer, determines that a steeper grade would be acceptable because of unusual land conditions, and in order to get the best development of the land, a steeper grade may be approved with the concurrence of the Planning Commission and the City Council.



3. Environmental Element

See Sensitive Lands zone under the Land Use Element above.

4. Economic Element

See Business-Commercial zone under the Land Use Element above.

5. Rehabilitation and Conservation Element

1. Current Status

Historic preservation is encouraged where private and public funds are available and the costs can reasonably be borne by the limited population of Fountain Green City. Several outstanding examples include the restored Bishop's Storehouse on State Highway 132 and Center Street where the Daughters of the Utah Pioneers have their meetings, and farther south on the same block, are the restored Rasmussen's Dance Hall and Theater. Several older homes have had limited restoration completed by their owners. Others are in a dilapidated state and may not be restorable.

2. Planning Assumptions

Restoration projects involving city funding will be considered on a case-by-case basis where a significant portion of Fountain Green City residents will have reasonable access and use of the restored buildings.

3. Policy Statements

See Planning Assumptions above.

6. Public Services and Facilities Element**a. Current Status**

1) Culinary Water System and Fire Hydrants

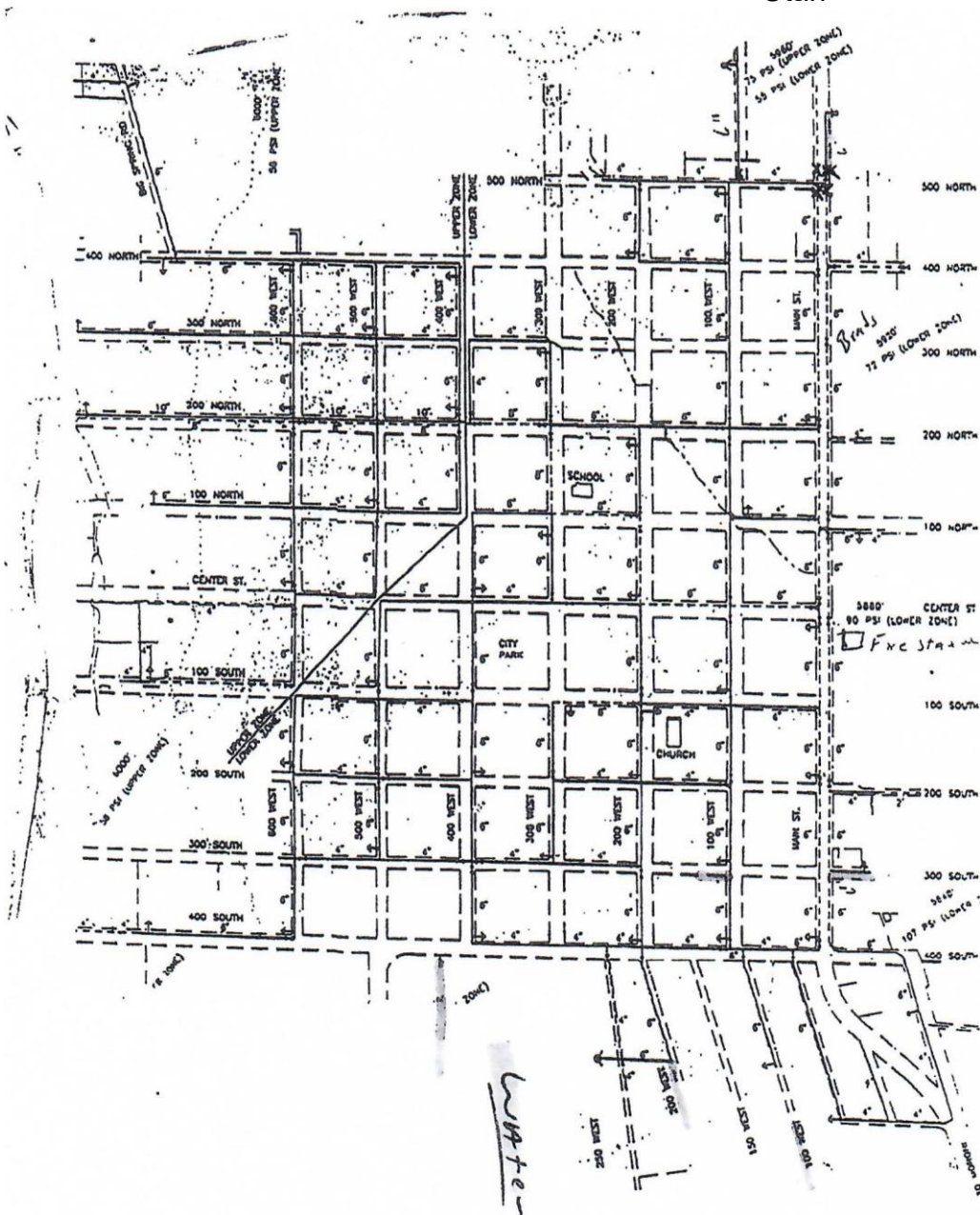
- a) Fountain Green City has adopted the Utah State Code Water Quality Standards. An annual report on water quality called the "Sanitary Survey" is required for each Culinary Water Supplier in the state of Utah. Rated in this annual report are physical facilities dealing with new water sources, surface water diversion structures and impoundments, well sources, spring sources, storage, distribution system, and quantity requirements (for fire-fighting, etc), as well as water source protection, health and safety (quality) of the culinary

water where mineral, organic and biological contaminants are measured and monitored, and water treatment, installation and repair of water lines with subsequent sanitation, security, operator certification, cross-connection control, etc. Fountain Green City has a current Drinking Water Source Protection Ordinance. The city public works director supervises and/or carries out all of the above requirements. The county building inspectors also are to inspect for cross-connection problems. The Big Springs source is under Fountain Green Irrigation Company control with input from the city. There are no well sources used by the city for culinary water. The annual report or sanitary survey is either published in the Mt. Pleasant Pyramid or mailed to Fountain Green City residents.

- b) All residences, businesses, public facilities, etc. shall be required to have their culinary water supplied by the Fountain Green City culinary water system.
- c) Not all fire flow and line size standards currently conform to the international fire code. There is an ongoing plan to replace and upgrade the water system as money becomes available.
- d) Currently, the water source, water storage and water delivery system are engineered and installed to provide the required fire flow during times of peak water with the exception of usage during Lamb Days. Water distribution lines are not the minimum eight inches in diameter, The new culinary water system upgrade will add or replace older lines to meet this eight-inch standard where needed to meet engineered water flows.
- e) Water systems are looped where possible and valves are generally spaced such that a break in any one length of main will put no more than one block, or maybe two blocks out of service during repairs.
- f) Fire hydrant specifications are currently:
 - i. All fire hydrants shall have one 4.5-inch and two 2.5-inch outlets with NH threads.
 - ii. A six-inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.

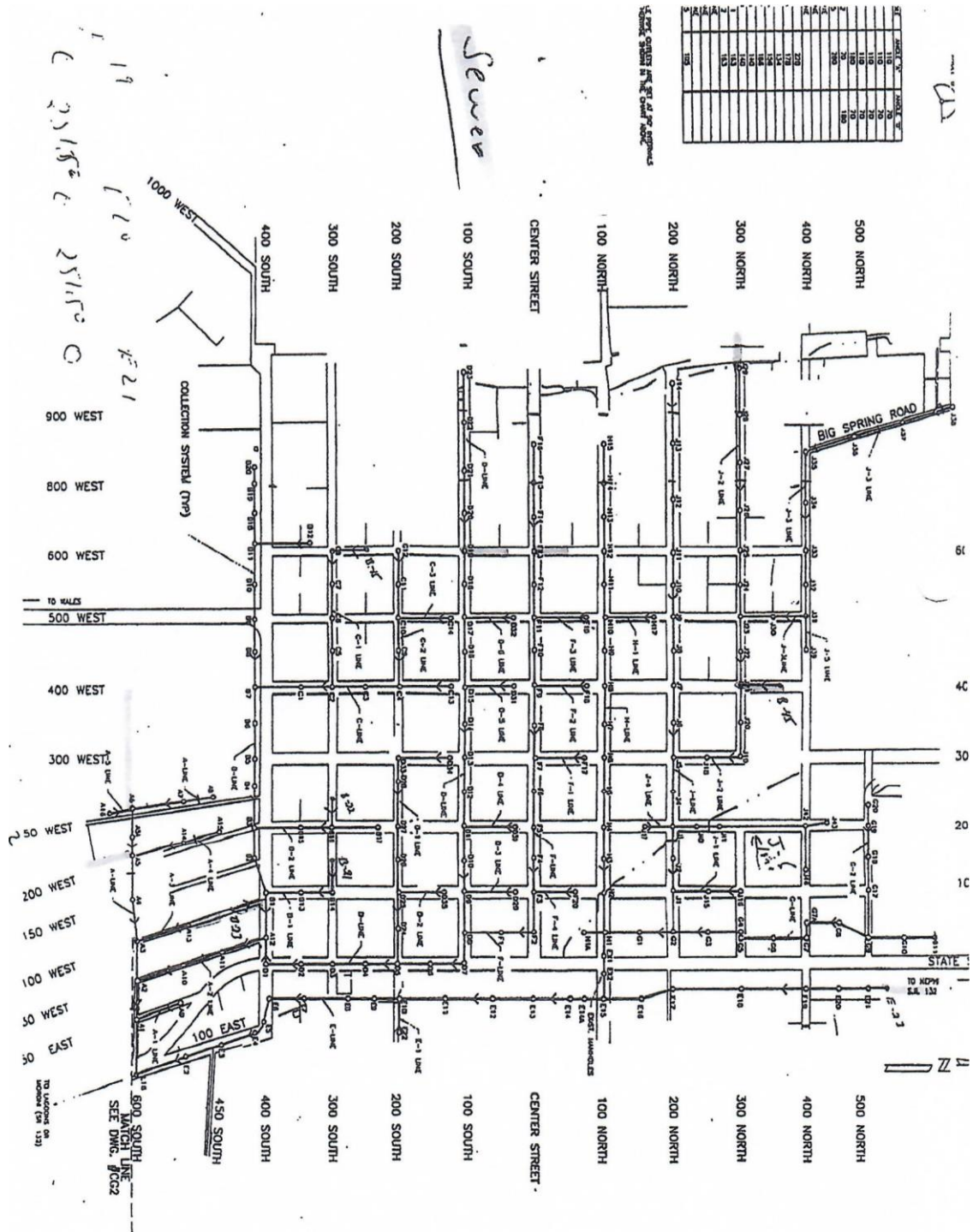
- iii. All fire hydrants shall be properly thrust blocked with poured in-place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the City Council.
 - iv. All hydrants shall be five to six feet from the property line. In all cases hydrants shall have a five-foot elliptical radius of unobstructed clearance to adjacent obstacles.
 - v. The lowest hydrant water outlet shall not be less than 18 inches nor more than 30 inches above the final ground level.
- g) Fire hydrant spacing and location:
- i) Fire hydrant spacing and location does not meet the state fire code with hydrants mostly 1,000 feet apart. However, part of the culinary water system is to include the addition of new hydrants to bring the spacing to 500 feet.
 - ii) Fire hydrants are to be installed on dedicated easements or public rights-of-way and will be owned and maintained by the city. Some are currently not so located. Again, this is to be corrected with the upcoming upgrade of the culinary water system.
 - iii) Dead-end streets where unavoidable in the water system have a hydrant or flushing valve installed at the end of each dead-end street.

Utah



2) Sewer System

There are three surface evaporation sewage lagoons with rubber liners. Effluent is treated by chlorination to eliminate any remaining pathogens. Influent is treated by a grinder to break up waste and increase its surface area to enhance biotic and abiotic digestion of sewage wastes. Sewage lines use gravity flow to channel influent to the grinder and ponds.



3) Drainage System

The sewer system lines assist in subsoil moisture drainage. Borrow pits to each side of the streets function to remove surface water. There is a drainage pit at the south end of the city which handles much of the surface water. However, State Highway 132 conveys significant amounts of water down its gutters. After a major fire north

Fountain Green Planning Commission revision and update of General Plan July 4, 2009.

and east of Fountain Green City two years ago, two major flood events have occurred on this highway. New culverts and deepening of drainage ditches have / reduced this flood threat.

4) Local Utility

The Fountain Green Irrigation Company is the only local utility in the city. It has a network of underground pipelines to supply irrigation water to shareholders.

5) Public Utilities

These utilities include gas, power, telephone, microwave and cell-phone transmitters, cable and satellite TV. These are regulated by federal, state and city ordinances and in the Public Utilities section of the Land Use Ordinance. Most power lines and cable TV lines and some telephone lines are aerial supported by poles. 8The gas lines and fiber optic telephone lines are buried. Microwave or cell-phone towers are also regulated in the Public Utilities section mentioned above.

6) Rights-of-way and Easements

The rights-of-way and easements for city water and sewer are mostly in hand. For the streets, particularly south of 400 South, most are not in city control. There are also some portions of individual streets in the rest of the city where the rights-of-way or easements have been taken by individual residents filing quit-claim deeds.

The irrigation company controls its own easements as do the public utility companies.

7) Public Safety

a) There is one city marshal with an office in city hall. The officer takes his vehicle home. In large events at the city park, additional security is hired to assist the officer. In emergencies, the Sanpete County Sheriff's office can dispatch deputies to assist the city marshal or act in his absence. Likewise, the Utah Highway Patrol can dispatch officers to Fountain Green City at need.

b) Fountain Green City has an active volunteer fire department. The two fire engines and equipment are

housed in a building on State Highway 132 near the middle of town. There is a siren at city hall to summon volunteer firefighters to any emergency.

- c) There is a small group of volunteer EMTs. Sometimes the ambulance is stored in the same building as the fire engines.
- d) Central Valley Medical Clinic in Nephi (Juab County) maintains a medical clinic in Fountain Green City that is regularly staffed with medical personnel and a small lab. The land is owned by Fountain Green City and tendered to the medical clinic on a 99-year lease.

b. Planning Assumptions

1) Culinary Water System and Fire Hydrants

- a) Fountain Green City will continue to abide by the Utah State Code Water Quality Standards. The Big Springs source is under Fountain Green Irrigation Company control with input from the city including its Drinking Water Source Protection Ordinance. Although there are no well sources used by the city for culinary water, the city is in the process of purchasing water shares in order to drill well for culinary water. The State of Utah requires that the city have at least two sources of culinary water. The annual report or sanitary survey will continue to be published in either the Mt. Pleasant Pyramid or mailed to Fountain Green City residents.
- b) Fountain Green City will continue to require that all residences, businesses, public facilities, etc. have their culinary water supplied by the Fountain Green City culinary water system.
- c) There will continue to be an ongoing plan to replace and upgrade the water system as money becomes available to meet international fire code fire flow and line size standards.
- d) The water source, water storage and water delivery system will be engineered and installed to provide the required fire flow during times of peak water with the exception of Lamb Days usage. Water distribution lines that are not the minimum eight inches in diameter will be replaced during the upgrade to meet engineered water flows, or as economically

and practically feasible. Water systems will be looped where possible and valves are generally spaced such that a break in any one length of main will put no more than one block, or maybe two blocks out of service during repairs.

- e) Fire hydrant specifications will remain as currently specified until code changes. At that point in time, fire hydrants will be replaced as soon as practically and economically feasible.
- f) Fire hydrant spacing and location will be brought into compliance with state fire code with hydrant spacing to be at 500 feet. Dead-end streets in the water system have a hydrant or flushing valve installed at their ends.

2) Sewer System

Addition of a fourth surface evaporation sewage lagoon may be too costly. Installation of an aeration system may prove to be more economical. No other changes in operation are expected.

3) Drainage System

Maintenance of borrow pits, culverts and drainage ditches to facilitate storm water removal will continue.

4) Local Utility

The Fountain Green Irrigation Company will continue to operate according to state law and shareholder demands.

5) Public Utilities

These utilities will continue to operate as regulated by federal, state and city ordinances including the Public Utilities section of the Land Use Ordinance. In new subdivisions power lines and cable TV lines and telephone lines are to be buried.

6) Rights-of-way and Easements

The city will continue to secure rights-of-way and easements for city water and sewer, and for city streets as practically and economically feasible. The irrigation company and other public utility companies will continue to exert efforts to control their easements and rights-of-way.

7) Public Safety

- a) City finances will likely determine that there will be only one city. In large events at the city park, additional security will be hired to assist the officer. In emergencies, the Sanpete County Sheriff's office should be able to dispatch deputies to assist the city marshal or act in his absence. Likewise, the Utah Highway Patrol should be able to dispatch officers to Fountain Green City at need. However, youth homes with the potential need for additional 24/7 security will need to be strictly limited for public safety of Fountain Green City residents.
- b) Fountain Green City will continue to have an active volunteer fire department. However, space is limited at the current fire station. There should be plans in place to site and build a new fire station on either property next to city hall or next to the medical clinic.
- c) Hopefully, there will continue to be enough volunteer EMTs. With a new fire station, the ambulance could be stored at the current fire station along with the Miss Lamb Days parade float.
- d) With its 99-year lease, the Central Valley Medical Clinic in Nephi (Juab County) should continue to maintain a medical clinic in Fountain Green City that is regularly staffed with medical personnel and a small lab.

c. Policy Statements

1) Culinary Water System and Fire Hydrant

See Planning Assumptions above.

2) Sewer System

See Planning Assumptions above.

3) Drainage System

See Planning Assumptions above.

4) Local Utility

See Planning Assumptions above.

5) Public Utilities

See Planning Assumptions above.

6) Rights-of-way and Easements

See Planning Assumptions above.

7) Public safety

See Planning Assumptions above.

APPENDIX I PREVIOUS FOUNTAIN GREEN CITY GENERAL PLAN

PREVIOUS FOUNTAIN GREEN CITY GENERAL PLAN FOUNTAIN GREEN CITY GENERAL PLAN

Adopted
September 1995

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Scott R. Collard
Mark Coombs
Rowen J. Monsen
Dan L. Naylor
Lewis V. Rasmussen

Maureen Lund, City Recorder

Fountain Green City Planning Commission

Shelith E. Jacobson, Chairman
Lewis V. Rasmussen, Vice Chairman
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V. Brad Aagard
Jerry L. Beck
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Victor J. Rasmussen
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FOUNTAIN GREEN CITY GENERAL PLAN
TABLE OF CONTENTS

GENERAL PROVISIONS

- Statement of Mission and Purpose
- Preface
- Introduction
 - (A) Historical Sketch of Fountain Green City
 - (B) Contemporary Development
 - (C) Geography and Natural Environment
 - (D) Policy and Management Issues

CHAPTER 1 GENERAL PLAN

- 1.1 General Plan – Definitions
- 1.2 Purpose
- 1.3 Plan Areas and Plan Preparation
- 1.4 Plan Elements
 - 1.4(a) Land Use Element
 - 1.4(b) Circulation Element
 - 1.4(c) Environmental Element
 - 1.4(d) Public Services and Facilities Element
 - 1.4(e) Rehabilitation, Redevelopment and Conservation Element
 - 1.4(f) Economic Element
 - 1.4(g) Implementation Element
- 1.5 Plan Adoption
- 1.6 Amendment of General Plan
- 1.7 Effect of General Plan on Public Uses
- 1.8 Effect of Official Maps

CHAPTER 2 ZONING ORDINANCE

- 2.1 General Zoning Powers
- 2.2 Preparation and Adoption
- 2.3 Amendments and Rezoning
- 2.4 Temporary Regulations
- 2.5 Zoning Districts
- 2.6 Zoning of Annexed Territory
- 2.7 Conditional Uses
- 2.8 Nonconforming Uses and Structures

CHAPTER 3 RESIDENTIAL FACILITIES FOR ELDERLY

- 3.1 Residential Facilities for Elderly Persons
- 3.2 Ordinances Governing Elderly Residential Facilities

3.3 Elderly Residential Facilities in Residential (RA) Zone

CHAPTER 4 RESIDENTIAL FACILITIES FOR HANDICAPPED

- 4.1 Residential Facilities for Handicapped Persons
- 4.2 Ordinances Governing Handicapped Residential Facilities
- 4.3 Handicapped Residential Facilities in Residential (RA) Zone

CHAPTER 5 BOARD OF ADJUSTMENT

- 5.1 Appointment - Term - Vacancy
- 5.2 Organization - Procedures
- 5.3 Powers and Duties
- 5.4 Appeals
- 5.5 Routine and Uncontested Matters
- 5.6 Special Exceptions
- 5.7 Variances
- 5.8 District Court Review of Board of Adjustment Decisions

CHAPTER 6 SUBDIVISION

- 6.1 Enactment of Subdivision Ordinance .
- 6.2 Preparation and Adoption
- 6.3 Amendment to Subdivision Ordinance
- 6.4 Maps and Plats Required
- 6.5 Subdivision Approval Procedure
- 6.6 Exemptions from Plat Requirement
- 6.7 Water Requirement
- 6.8 Dedication of Streets
- 6.9 Vacating or Changing a Subdivision Plat
- 6.10 Notice of Hearing for Plat Change
- 6.11 Grounds for Vacating or Changing a Plat
- 6.12 Penalties

CHAPTER 7 APPEALS and ENFORCEMENT

- 7.1 Appeals
- 7.2 Enforcement
- 7.3 Penalties

CHAPTER 8 SUPPLEMENTARY REGULATIONS

- 8.1 Solar Energy Access
- 8.2 Off-Street Parking Requirements
- 8.3 Sign Regulations
- 8.4 Home Occupations
- 8.5 Penalties

CHAPTER 9 CUSTOM BUILT, MANUFACTURED, MODULAR, and MOBILE DWELLING UNITS and RECREATION VEHICLE PARKS

- 9.1 Manufactured Dwelling Units
- 9.2 Permit Required
- 9.3 Mobile Dwelling Parks - Establishment - Standards
- 9.4 Recreation Vehicle Parks - Establishment - Standards
- 9.5 Enforcement
- 9.6 Penalties

CHAPTER 10 UNIFORM BUILDING and STATE CODES ADOPTED

- 10.1 Uniform Building Code
- 10.2 National Electrical Code
- 10.3 Uniform Plumbing Code
- 10.4 Uniform Fire Code
- 10.5 Uniform Code for Abatement of Dangerous Buildings
- 10.6 Utah Uniform Building Standards Act
- 10.7 Code Interpretation for Restoration and Preservation of Historic Structures

GENERAL PROVISIONS

STATEMENT OF MISSION AND PURPOSE

- We honor Constitutional principles which safeguard the right and control of private property in keeping with lawful uses and established land use and development standards within Fountain Green City;
- We acknowledge, value, and resolve to both preserve and advance the unique physical heritage and history of Fountain Green City;
- We recognize our legal and statutory trust as elected and appointed public officials and desire to discharge our responsibilities equitably and fairly in addressing important issues which are common to the interests of Fountain Green City property owners and residents as a whole;
- We believe that the general health, safety, and welfare of all citizens of Fountain Green City and adjacent areas, including the property each owns, occupies, or controls, will be enhanced through adherence to and implementation of provisions contained in this General Plan;
- We encourage all residents and property owners in Fountain Green City and adjacent areas to read and to understand the purposes and provisions of this General Plan and to be active participants in helping to make our community and area a more beautiful and wholesome place in which to live.

Fountain Green City Mayor and City Council

Fountain Green City Planning Commission

PREFACE

This document is prepared in accordance with the Utah Code, Title 10 Chapter 9 MUNICIPAL LAND USE DEVELOPMENT AND MANAGEMENT and is the foundation document for an ongoing planning process in Fountain Green City. This document does not reflect the end of planning effort, but rather a contemporary beginning.

This GENERAL PLAN represents the effort of many citizens, including the elected and appointed officials of Fountain Green City. All have united to identify the most critical issues facing Fountain Green City; to define the consensus of residents pertaining to those issues; to develop reasoned priorities for dealing with those issues; and to implement appropriate management approaches designed to address the City's present and future concerns.

Under the direction of the Fountain Green City Mayor and City Council, in keeping with policies and procedures prescribed by State law, the Planning Commission has prepared, reviewed, and recommended the adoption of this GENERAL PLAN. The Planning Commission has also recommended that the City Council adopt current zoning ordinances and maps, and subdivision regulations, including amendments to said ordinances and regulations, designed to implement provisions of this PLAN.

This GENERAL PLAN is intended to accomplish the purposes prescribed by law; specifically, to provide for and to protect:

- present and future needs of Fountain Green City Corporation;
- growth and development of the lands within and adjacent to Fountain Green City;
- The health, general welfare, safety, and related needs of the residents of Fountain Green City and adjacent area;
- The efficient and economical use, conservations and production of the supply of: food and water, drainage, sanitary, and other facilities and resources of Fountain Green City and adjacent area;
- The use of energy conservation and solar and renewable energy resources within Fountain Green City and adjacent area;
- Air quality in Fountain Green City and adjacent area.

Planning in general is a process of acknowledging the past, responding to the present and preparing for the future. This PLAN reflects a resolve of the current residents of Fountain Green City, their response to the community's heritage, their desire to enrich and enhance Fountain Green City's living environment, and their commitment to develop an improved community for those who will inhabit Fountain Green City in the future.

INTRODUCTION

A. Historical Sketch of Fountain Green

Originally founded by Mormon Pioneers, a settlement first called "Uintah Springs" was surveyed by George W. Johnson, his son, Amos, Albert Pettie, and his son, Heber in July 1859. The name "Fountain Green" was officially adopted when the first post office was established in January 1860. Fountain Green City was incorporated as a Town on May 22, 1885 and as a City in 1910. The original town site consisted of 20 blocks of 4.2 acres each.¹

The main economic base in Fountain Green City's early years was agriculture, predominantly sheep and cattle and dairying. Some economic diversity was provided by light industry, by the Fountain Green Fish Hatchery, and by basic commercial and retail services.

Sheep ranching was perhaps the most highly favored industry in early Fountain Green. Many of the community's founding families relied upon the sheep industry and wool production for their livelihood. Fountain Green was, at one time, referred to unofficially as the "wool capital" of Utah. Although diminished in numbers, sheep ranching and agriculture still provides the principal income for many Fountain Green families.

The annual summer celebration, "Lamb Day" attracts numerous visitors to Fountain Green every July for the Lamb Day Parade, lamb judging, recreational activities, closed-pit barbecue, musical program, dance, and the popular lamb sandwiches.

Provisions of this General Plan are conceived and drafted with deference to the unique pioneer heritage of Fountain Green City. This deference is represented in the predominant sentiment of Community leaders and citizens to maintain identical distances (length and width) of established city blocks in extending the existing grid system as further development of streets and residential areas is proposed within or adjacent to Fountain Green City.

(B) Contemporary Growth and Development of Fountain Green City

Residents of Fountain Green receive electric power from Pacificorp (formerly Utah Power and Light). The "Big Springs Electric Company" was incorporated in 1902. The first hydro-electric plant was completed and electric lights first burned in Fountain Green in 1903. Although irrigation water was first

¹ These...Our Fathers. A Centennial History of Sanpete County 1849 to 1947. Arranged and Published by Daughters of the Utah Pioneers of Sanpete County, Utah, 1947. (Springville, Utah: Art City Publishing Company), pp. 226-227.

installed in 1960, culinary water was provided by individual wells until the first city-wide culinary water system was completed in 1913.

The first major installations of curb, gutter, and sidewalk came in 1917 with the widening of State Highway 132, the principal roadway which serves the community from northerly and southerly directions. This major roadway also links Fountain Green with Juab County northwesterly and with other communities located to the south and east in central Utah.

Given the limited number of non-agricultural and professional jobs, a majority of Fountain Green residents continue to rely upon employment in surrounding communities, including other Sanpete County Communities such as Ephraim, Mt. Pleasant, and Moroni. Other Fountain Green residents work in Nephi City, Juab and Millard Counties, and the urban areas of Utah and Salt Lake Counties.

The population of Fountain Green increased steadily through the early decades of the 1900's, reaching a high of approximately 1600 in the 1950's. Although there was some out-migration during the late 1950's, the population remained relatively stable during the 1960's and 1970's.

As was projected in the 1980's, Fountain Green began experiencing population growth related to increased mining, recreation, tourism, and recreational land development activities in Juab, Sanpete, and Carbon Counties. Anticipated development of water resources in these counties of Utah will also contribute to population growth in Fountain Green and surrounding areas through the remainder of the 1990's. Other socio-economic factors could also impact the current and future growth of Fountain Green and other central Utah communities.

Regarded by many as a pristine "safe haven", the communities of central Utah, including Fountain Green, are increasingly impacted by new residents seeking a rural, family-oriented lifestyle unfettered by the social problems associated with more heavily populated and congested urban areas within the State, as well as regionally, and nationally.

(C) The Geography and Natural Environment of Fountain Green City

Fountain Green City is located near the geographic center of Utah, approximately 102 miles south of Salt Lake City, the capital and largest city in Utah. Fountain Green is situated in a high mountain valley at an elevation of approximately 6,000 feet and has four distinct seasons of the year. It is bounded on the west and north by majestic mountains comprising portions of the Uintah National Forest and on the east by, undulating cedar hills. The Sanpete Valley extends predominately southward from Fountain Green City.

The surface geology of Sanpete Valley where Fountain Green is located is composed primarily of younger, relatively thin deposits of alluvium and colluvium.

The central community is constructed on slight gradients of these alluvium deposits and is well drained. A spring of substantial size (named Big Spring) and predictably stable flow provides both the culinary (chlorinated) and pressurized irrigation waters for Fountain Green City. Overflow from the spring flows through the center of Fountain Green City, ultimately draining southward into the Sanpitch River drainage system.

Although some areas of Fountain Green City are prone to high water tables in high precipitation years, there is minimal, if any exposure to flooding. No portion of Fountain Green City is located within a designated 100-year flood plain area.

Because of rising topography to the west of the City toward the mountains, and, due to unique subsurface geology and hydrology, selected areas within Fountain Green City are classified as being environmentally sensitive. Before approving development within sensitive areas, Fountain Green City officials may request technical information and assistance from the State Geological Survey and the Utah Division of Wildlife Resources in identifying and responding to specific environmental and streambed habitat conditions which may be impacted from proposed development of lands within these specific

The nearest known fault areas are in the mountains located in Juab County approximately 12 miles west of Fountain Green. With a limited number of isolated exceptions, sensitive geological features are not endemic to Fountain Green City. Most lands within or proximate to the City can likely accommodate residential development(s) with few, if any, restrictions.

Fountain Green City has a semi-arid climate characterized by low to moderate humidity and wide temperature ranges. The mean maximum temperature in July is 88 degrees Fahrenheit and the mean low temperature in January is 12 degrees Fahrenheit. Precipitation ranges from 16 to 20 inches annually with the preponderance of precipitation falling as snow during the winter months. The growing season averages 150 consecutive days free from frost.

D. Policy and Management Issues in the Growth and Development of Fountain Green City

Fountain Green residents are proud of their community and most reside in the Community as a matter of choice. Citizens favor the clean, fresh air and the rural atmosphere. They also favor generally what may be described as an open and friendly social environment where neighbors tend to be cognizant of the activities, interests, and needs of others. Citizens

value their pioneer heritage and seem to defer to development patterns and Standards established during the City's early history.

Land use and density decisions over the recent history of Fountain Green (25-50 years) have inclined toward the City's traditional characteristics. These include the following:

1. Residential lands feature the construction of single-family dwellings with sufficient open space to accommodate the production of gardens, fruit trees, and the keeping of limited numbers of farm animals, predominantly sheep, cows, and horses;
2. Light industrial and manufacturing uses were recommended to be constructed principally in the south and southeast portions of the City;
3. Commercial development was concentrated along Utah State Highway 132, located principally toward the east side of the City;
4. Low-density development of vacant lots within the City was favored before extension of residential areas was sanctioned;
5. Updated and effective ordinances were admonished as a way to "assure quality of construction and protection of property values within the City."²

Fountain Green City officials, property owners, and residents are conscious of and committed to community standards which promote a rural lifestyle while maintaining cleanliness and orderliness. Specific goals and objectives, which pertain to established citizen preferences for the elements of land use, housing, transportation, community facilities, historic preservation, and economic development, are contained within Chapter One of this General Plan.

Residents of Fountain Green favor reasoned and purposeful development of lands within and proximate to the community. They want development to occur in ways that correspond with standards established by this General Plan and by Fountain Green City's Zoning and Subdivision Ordinances.

Additionally, it is recommended that approval of residential or commercial development by either Sanpete County or Fountain Green City be consistent with documented natural conditions, which may indicate actual or potential exposure to natural hazards. Conditions specified at the time of approval will, in selected instances, include disclaimers specifically aimed at mitigating the

² Fountain Green Development Plan, Undated, approximately 1982.

liability of Fountain Green City officials in the event of the loss of life or property caused by accidental events or natural disasters.

Provisions within this General Plan also affirm that land development and management, including the economy thereof, the protection of life and property, and the general health, safety, and welfare of residents within and adjacent to Fountain Green City will be assured only when there is equitable and mutual participation in community services which are planned, financed, and provided equitably for the common good in compliance with standards established by this General Plan.

APPENDIX II FOUNTAIN GREEN CITY PLANNING COMMISSION SURVEY SPRING 1994

SURVEY QUESTIONS

157 HOUSEHOLDS RESPONDED

1. Family size: Total number of persons in your family? Adults ____; Pre-school ____; Grade School ____; Middle School ____; High School ____.
2. What are your plans regarding your tenure in Fountain Green? a. Temporary 1; b. 1 to 4 years 8; c. 5 to 9 years 3; d. 10 years to life 145.
3. Do you have employment? a. Local 35; b. Within a radius of 5 to 10 miles 23; c. 11 to 15 miles 22; d. 16 to 60 miles 24; e. In excess of 60 miles 20; No response 33.
 - a. If your spouse has employment, indicate what radius of miles they travel: ____
4. Basic Needs: Regarding your needs for medical; grocery shopping; clothing; hardware; etc. Are they met : a. local 8; b. Within 15 mile radius 58; c. In excess of 15 mile radius 87; No response 40.
 - a. If local, are services and supplies adequate? Yes 31; No 42; No response 84.
5. Would you prefer the future Fountain Green to be: a. Rural 146; b. Urban 10; No response 1.
6. Should the growth of the community be limited or unlimited? A. limited 117; b. unlimited 34; No response 6.
7. Would you recommend zoning the city for commercial, residential, manufactured homes, agriculture-residential, mobile home parks etc. Yes 68; No 67; No response 22.
8. What size of building lots do you recommend: a. Less than ½ acre 35; b. ½ acre to 1 acre 106; c. Larger than one acre 16.
9. Would you prefer to have building lots include keeping of livestock on the property? Yes 120; No 37. If your answer is yes, what size lot would be adequate for this privilege? a. At least ½ acre 46; b. ¾ acre 9; c. 1 acre 41; d. More than one acre 17; No response 7.
10. Should commercial businesses be restricted to a specific area? Yes 75; No 79; No response 3.
11. Are you concerned about pollution, i.e. odor, noise, air, soil, water, etc.? Yes 78%
12. What improvements do you feel should have priority in the City? a. sidewalks 4; b. roads 143; c. curb and gutter 9; d. other ____.

13. With the variation of our water supply i.e. the big Springs which varies from year to year with a low of 3 to a high of 20 plus second feet, would you consider this to be a limitation on the amount of growth of the city? Yes 140; No 14; No response 3.
14. Regarding manufactured home, i.e. modular homes – single and double wide etc. Should there be restrictions within the city as to the placement and location of those home, i.e. specific areas zoned for these types of homes? Yes 68; No 82; No response 7.
15. What minimum lot size would be your recommendation as to the placement of a manufactured home?
 - a. Less than ½ acre 40;
 - b. Minimum of ½ acre 76;
 - c. More than ½ acre 30; No response 11.
16. Please indicate on the attached map, the block in which you are presently living.
17. Other comments: Concerns not covered in the survey questions, and other recommendations.

Fountain Green, Utah

GENERAL PLAN

APPENDIX III FOUNTAIN GREEN CITY PLANNING COMMISSION SURVEY MARCH 2007

RESULTS

Please fill out these anonymous Survey Questions to help the Planning commission update the Fountain Green City General Plan to meet requirements of the Utah State Legislature -March 2007 88 returned.

1. Family size? Total number of persons in your family 262. Total number of adults 179. Pre-kindergarten 26. Grade School 33. Middles School 5. High School 12.
2. What are your plans regarding your length of stay in Fountain Green? Temporary 1. 1 to 4 years 2. 5 to 9 years 2. 10 years to life 82.
3. Employment
 - a. Are you employed or retired? Retired 32. Is your employment full or part time? Full 52. Part 4
 - b. Is your place of employment: Local 21. Within 15 miles 11. Within 30 miles 8. Within 60 miles 4. Within 120 miles 3. Greater than 120 miles 3.
 - c. Are any other household member employed or retired? Full-time 26. Part-time 16. Is your place of employment local 8. Within 15 miles 18. Within 30 miles 11. Within 60 miles 8. Within 120 miles 2. Greater than 120 miles 1.
4. How far do you have to travel to meet the following basic needs and services?

Service:	Local	Within 15 miles	Within 30 miles	Within 60 miles	Within 120 miles	Greater than 120 miles
Groceries	0	33	43	12	0	0
Clothing	0	3	23	51	2	0
Hardware/Building	0	41	21	20	0	0
Medical	10	45	14	11	3	0
Pharmacy	0	54	22	5	0	0
Fuel/mechanic	27	26	14	4	1	0
Hospital		X				
Library			X			
Haircuts				X		
Entertainment				X		
Animal Feed/Grain				X		

Medical Center					X	
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Fountain Green city, like most of cities in Sanpete County and other cities in the state of Utah, was built on the Zion Plat format introduced by Joseph Smith and applied by Brigham Young. In the Zion Plat the cities were to occupy one (1) square mile with city public facilities, churches, schools, parks and businesses in the central 40 acres. The remaining blocks were for the residential homes on the one 91) acre lots so that large gardens and orchards could be cultivated, and some livestock kept. Farms surrounded the city limits.

- 5. Would you prefer to see Fountain Green remain rural or urban? Rural 80. Urban 3. Write in Apartments.
- 6. Currently, the minimal building lot legally described after 1995 is one-half (1/2) acre. Should Fountain Green city allow for smaller lots scattered throughout the city? Yes 12. No 34. Or smaller lots restricted to one or more specific zones in the city? Yes 69. Or should Fountain Green retain its current one-half size acre or larger lot sized? Yes 6. No 26.
- 7. So you favor the keeping of livestock on residential lots? Yes 79. No 6. In order to do so, the minimum practical size would be one-half (1/2) acre. Further comments? SL zone more limited, smaller lots more limited, limits 10 (swine).

Fountain Green city has one (1) cubic foot per second (cfs) water right to Big Springs which supplies the city culinary water. The Big Springs has historically produced from 3 to over 20 cfs of water. In drought years the water flow has been from 3 to 4 cfs. The city is in the process of drilling a well with an additional water right of some 190 acre feet (One big Springs cfs is about 720 acre feet of water.) to cover this contingency. This water right conversion must be permitted by the State Water Engineer. This additional water right should meet a 3% growth rate in new homes built over the next 5 years. However, to meet fire protection requirements, the present two water storage tanks with 400,000 gallons total capacity border on inadequate. Fountain Green City should seek grants, and loans if necessary, to build a million gallon storage tank. The city expects to use water impact fees to finance future water right acquisitions to meet growth needs. The three sewer lagoons are already at capacity. Very shortly Fountain Green city will have to put in an aeration system to handle the additional wastes generated by new residences.

- 8. Should the growth of fountain Green by limited or unlimited? Limited 59. Unlimited 26. Limited by Further Comments: Controlled. Limited by resources (water) 10.
- 9. Currently, there are four zones in Fountain Green city: residential/agricultural (RA), business/commercial (BC), sensitive lands (SL), and public facilities (PF). The RA zone permits agriculture uses and the building of residences (houses). The BC zone permits business and

commercial enterprises and the building of residences. The SL zone is for restricting building in the stream and associated wetlands and any annexed land. The PF zone is for schools, churches, city hall, etc. Does Fountain Green need more or fewer zones. More 3. Fewer 5. No 72.

10. Currently, the Fountain Green city BC zone is restricted to State Highway 132 (State Street).

a. Should this zone be expanded or kept the same? Expanded 19. Kept the Same 58.

Additional comments: Center, South, East, 200North, North, 400 South, 2 blocks West and East.

b. Should Fountain Green City pursue annexation with the intent of developing and industrial park? Yes 10. No 67. With the intent of adding more residential building lots to the city? Yes 20. No 54.

11. Are you concerned about pollution? Air 34. Water 44. Soil 28. Odor 30. Animal Waste 24. Sound 36. Visual (Billboards, dilapidated structures) 42. Industrial Waste 22. Additional Comments: Recycle. Business next to City Hall. Junky yards, Noisy Park Dances. Barking dogs. ATVs and dirt bikes. Rights of Ways. Junk Cars. Turkey sheds.

Fountain Green city has a low property tax assessment on residents to pay for needed city services. A small amount of revenue is generated by sales tax and certain other utility taxes. The bulk of income for city services is financed through the water rate. A number of city functions are carried out by volunteers enabling fountain Green to enjoy more services that would otherwise be possible. The EMT/Ambulance Service and the Volunteer Fire Department are both in serious need of additional volunteers.

12. What improvements need to be made in Fountain Green city?

Improvement	Number of people rating it #1	
Curb and Gutter	3.6	
EMT/Ambulance Service	1.7	
Fire Fighting	1.8	
Roads	2.9	
Sidewalks	3.4	
Other		

Additional Responses: Water/in-city irrigation for all. Crosswalks on State. Decrease speed limit on State. Pave 400 North (250 W – 400 W. Pave cemetery. Replace missing yield signs. 4-way stops. Yield signs.

13. See questions below:

- a. Are you willing to volunteer services to help with city needs and improvements? Yes 66.
No 17.
- b. Are you willing to pay higher taxes and/or water rates to finance city improvements? Yes 38.
No 40.

14. Should the City Marshall be required to live within city limits to reduce response time to emergency calls? Yes 60. No 24. Additional comments: Neighborhood Watch.

15. Should the days that the medical clinic is open be increased? Yes 29. No 35. Should service hours be increased? Yes 24. No 38. Should a medical doctor always be present during the hours the medical clinic is open? Yes 44. No 25.

Members of the two Fountain Green Boy Scout troops will be delivering and picking up this survey. If you desire, you may return the survey directly to Fountain Green city Hall in the office or via the drop box.

Lagoon water for irrigation?

FOUNTAIN GREEN, UTAH

GENERAL PLAN

APPENDIX IV FOUNTAIN GREEN CITY POPULATION ESTIMATES

FROM SIX COUNTY ASSOCIATION OF GOVERNMENTS (SCAOG)
 2007 SUBCOUNTY POPULATION ETIMATES AND
 2008 BASELINE SIX COUNTY POPULATION PROJECTION 2000-2060

Fountain Green City	Census:	Base:	2000	2001	2002	2003	2004	2005	2006	2007
	945	945	942	935	932	936	932	930	931	954

	Population					Percentage of County Population				
Fountain Green City	Census 2000	2006	2010	2020	2030	Census 2000	2006	2010	2020	2030
	945	939	1,003	1,147	1,314	4.2%	3.6%	3.6%	3.6%	3.6%

Data extracted from 2007_Subcounty_Pop_Est_.xls August 14, 2008 and 2060_projections.xls September 16, 2008 from Six county Association of Governments (SCAOG).

The U.S. Census has consistently undercounted fountain Green city residents. In Fountain Green city there are 345 homes. In Sanpete County the average family size is 3.68 according to the SCAOG Family Size.doc December 15, 2004. This translates to an expected 1,268 residents. In 2009 we are most likely close to 1,050.

APPENDIX V ASSOCIATION OF GOVERNMENTS

(SCAOG)

CONSOLIDATED PLAN

2008 ONE YEAR ACTION PLAN

Prepared December 21, 2007

From FINAL_2008_One_Year_Action_Plan.doc available at the SCAOG website.

<http://www.sixcounty.com>

PLANNING AND ZONING FEE SCHEDULE (THROUGH DECEMBER 31, 2024)

The numbers below are estimated costs, per application, subject to adjustment based on the actual situation.

Water Fees

Refundable Deposit*

Regular Line	\$1,000.00*
Main Line	\$1,500.00*
(see refund explanation provided below)	

Sewer Hook-up & Usage

Impact fee	\$1,771.50
Monthly fee	\$39.75 (\$18.75 if qualifying senior citizen)

Water hook-up & Usage

¾ Inch line*

Impact fee	\$2,000.00 + \$203.00 for meter
Monthly fee	\$39.75 (\$34.25 if qualifying senior citizen)

1 Inch line*

Impact fee	\$2000.00 + \$322.00 for meter
Monthly fee	\$39.75 (\$34.25 if qualifying senior citizen)

* A combined water and sewer installation will receive half of the refundable deposit (\$500.00 for regular lines and \$750.00 for main lines) following installation by an authorized contractor and proper clean-up of the area. The remaining half of the deposit will be returned after one year of service if no problems have developed.

Water Rates

<u>Section 1. Water Rates:</u>		All water rates or user fees historically charged, for water service, are hereby ratified and confirmed. As of July 1 2023, the monthly water user rates shall be as follows:
NON-SENIOR CITIZEN RESIDENTS:	Monthly Base Rate:	\$39.75 for 6,000 gallons
	Overage Rates:	\$1.50 per ,1000 gallons from 6,001 – 20,000 gallons
		\$1.75 per 1,000 from 20,001 – 40,000 gallons
		\$2.00 per 1,000 gallons from 40,001 gallons and up
SENIOR CITIZEN RESIDENTS:	Monthly Base Rate:	\$34.25 for 6,000 gallons
	Overage Rates:	\$1.50 per ,1000 gallons from 6,001 – 20,000 gallons
		\$1.75 per 1,000 from 20,001 – 40,000 gallons

PLANNING AND ZONING FEE SCHEDULE (THROUGH DECEMBER 31, 2024)

		\$2.00 per 1,000 gallons from 40,001 gallons and up
NON-RESIDENTS AND BUSINESSES:	Monthly Base Rate:	\$42.75 for 6,000 gallons
		\$1.50 per ,1000 gallons from 6,001 – 20,000 gallons
		\$1.75 per 1,000 from 20,001 – 40,000 gallons
		\$2.00 per 1,000 gallons from 40,001 gallons and up

Sewer Rates

Section 2: Sewer Rates:		
NON-SENIOR CITIZEN RESIDENTS:	Monthly Base Rate:	\$30.75
SENIOR CITIZEN RESIDENTS:	Monthly Base Rate:	\$18.75
BUSINESSES:	Monthly Base Rate:	\$30.75

** Both the Water and Sewer rates will increase \$.25 each year until the year 2028. At that time the Mayor and City Council will review both funds.**

Additional fees that may apply.

<u>City Fire and County Landfill cost</u>	
Monthly fee	\$10.00
<u>Private Garbage Collection cost:</u>	
Monthly fee	\$11.00
<u>Building Permit Application cost:</u>	
Fountain Green City	\$20.00 for accessory building. \$75.00 for house.
Sanpete County:	\$ amount varies based on structure’s valuation
<u>Setback Verification cost</u>	
Fountain Green City:	\$10 for accessory building less than 200 square feet without utilities. This is for a set back verification only, no building permit.
Sanpete County:	No charge & no inspections