

CHAPTER 11

GENERAL DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT IN FOUNTAIN GREEN CITY

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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. 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.
- B. Fire Standpipes. Standpipes complying with UBC shall be required for ALL commercial buildings, regardless of the number of stories.
- C. Fire Hydrants. Fire hydrants shall be installed in accordance with Fountain Green City regulations.
- D. 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).
- E. 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.
- F. 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 effect all necessary repairs or reconstruction resulting from such damage.

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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.
- G. 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.
- H. 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				

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			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.
 - 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

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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. 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 to 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

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the street and installation of water, including necessary valves and hydrants, sewer, and electric power mains, street lights and 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 of 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 expense 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. Cutting of asphalt shall be made by sawing, unless otherwise approved by the City. 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 ¾ inch minus road base. Road base must extend three feet beyond the edge of the roadway.

C. 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 streets shall conform to the standards specified by this Chapter and this Ordinance.

D. 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 and fill slopes shall be no steeper than two feet horizontal to one foot vertical, except that 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 construction, 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 effect 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 on given easements is encouraged. The final plat shall note all easements.

11.18 OUTDOOR LIGHTING

Street lights 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 street lights installed in major subdivisions shall be down-lit.

11.19 COMPLETION OF ON- 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,

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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 re-establish 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.

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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 on-site 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.