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## **5. Chapter 5 ZONE DISTRICTS and REGULATIONS**

The regulations set forth in this chapter detail each of the Zone Districts and describe the various uses, both permitted and conditional allowed in each zone. Uses not expressly allowed as a permitted or conditional use are not allowed in the zone.

Any applicant desiring a use not expressly allowed must complete the provisions for a Code amendment in accordance with Section 1.5 herein. Additionally, if a determination of whether or not a particular use is allowed in a zone, the applicant will apply for a written determination from the Town Board. The Board will discuss the use at the next Board meeting with adequate time to fully discuss the proposed use and will provide the applicant with a written determination. In no case shall the Town Board approve a use which is clearly not allowed in that zone without following the correct amendment procedure found in Section 1.5 herein.

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## **5.1. Agriculture Zone**

The Agriculture Zone, also known and referred to as the A-1 zone, is established to provide areas where the growing of crops and the raising of livestock can be encouraged and supported within the Town. The A-1 zone is intended to protect agricultural uses from encroachment of urban development until such time as residential or commercial uses in such areas become necessary and desirable by the Town, if ever. Uses permitted in the A-1 zone, in addition to agricultural uses, should be incidental thereto and should not change the basic agricultural character of the zone. Clustering of homes is encouraged to maximize the amount of open and usable agricultural space. Conversion of the A-1 zone to zones allowing urban uses should be accomplished in an orderly and careful manner following the General Plan, while minimizing "leap-frog" development patterns in agricultural areas.

### **5.1.1. Permitted Uses**

The following characteristic uses of land, are permitted in the AG-1 zone:

1. Single-Family Dwellings - Detached.
2. Residential Accessory Structures.
3. Fruit and vegetable stands for the selling of farm products which are grown on the premise, not to exceed six hundred (600) sq. ft. in area and limited to one stand per lot.
4. Home Occupations as regulated by the business license procedures of the Town and this Code.
5. Agriculture activities (except animal specialties and exotic animals) and the following industries (which do not qualify as a Feed Yard as defined by the Board): dairy farm, poultry, fowl and game birds (accessory buildings shall be a minimum of two hundred (200) feet from any residential zone).
6. Household pets.
7. Nurseries (trees, flowers, shrubs, bedding plants, etc.).
8. Non-Commercial Storage Buildings.
9. Contractor's equipment storage yard as per regulations for such in this Code. Repair shops shall require a conditional use permit and shall be located at least two hundred (200) feet from any residential home.

### **5.1.2. Conditional Uses**

The Planning Commission may recommend the issuance Conditional Use Permit for the following uses of land in the A-1 zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended.
2. Nursery, primary and secondary educational schools.
3. Religious structures and activities.
4. Equestrian facilities, riding academies, schools and accompanying stables.
5. Kennels.

6. Accessory apartments (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home) not to exceed 1,000 sq. ft. and not to exceed the size of the main dwelling in total living area.
7. Welding, blacksmith, auto body repair, auto repair, and maintenance shops.
8. Coal and firewood yards.
9. Hospitals and clinics.
10. RV Park or Campground

**5.1.3. *Lot Area and Density***

Applicants for subdivision approval in the A-1 zone are entitled to one (1) unit per twenty (20) acres. Lots or parcels should be arranged in a manner that encourages the retention of open and usable agricultural land. Although clustering of lots is not required, if the applicant chooses not to cluster evidence and information as to why the lots or parcels will not be clustered should be provided to the Planning Commission. Lots or parcels created under the provisions of this code in the A-1 zone shall contain a minimum of twenty (20) acres. All areas not included in lots must be preserved as agricultural or open space.

Open and usable land created by the clustering of lots or parcels shall be clearly indicated on the subdivision plat and all recorded deeds of the subject property. Deed restrictions, donation of land to an approved land trust or the Town, or other development restrictions must be satisfactory to the Planning Commission and Town Board. Development on land designated as open and usable land will require, at a minimum, a plat amendment and possibly a zone change either of which may be denied by the Town.

**5.1.4. *Lot Frontage***

All lots developed for residential use in the A-1 zone shall abut along the right-of-way line of a public street for a minimum distance of three hundred and thirty (330) feet. No more than eight (12) homes may be constructed on a street with only one point of ingress or egress in the A-1 zone. All streets must be constructed in such a manner that emergency service vehicles can operate properly upon them and shall be constructed to Town Standard Engineering Specifications including required widths and right of way.

**5.1.5. *Prior Created Lots of Record***

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the adoption of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel or density requirements of this Chapter and are declared a non-conforming use under this Code.

**5.1.6. *One Dwelling Per Lot***

Not more than one (1) primary single-family dwelling may be placed upon a lot or parcel of land in the A-1 zone. One (1) secondary accessory apartment may be allowed.

**5.1.7. *Yard Requirements for Dwellings and Main Buildings***

The following yard setback requirements for dwellings and main buildings shall apply on all lots in the A-1 zone:

**5.1.7.1. Front Yard Set Back**

The minimum front yard setback for all buildings in the A-1 zone shall be thirty (30) feet from the right of way, including any deck more than eight (8) inches above the finished grade.

**5.1.7.2. Side Yard Set Back**

The minimum side yard setback for all buildings on interior lots in the A-1 zone shall be twelve (12) feet.

**5.1.7.3. Side Yard Set Back on Corner Lots**

The minimum side yard setback for all buildings on corner lots in the A-1 zone shall be twelve (12) feet on the side adjoining another lot and thirty (30) feet on the side adjoining the street.

**5.1.7.4. Rear Yard Setback**

The minimum rear yard for all buildings in the AG-1 zone shall be thirty (30) feet.

**5.1.7.5. Easements**

No dwelling, main building or street shall be located within a platted easement area of any kind.

**5.1.8. Yard Requirements for Accessory Buildings**

The following yard setback requirements for accessory buildings shall apply on lots in the A-1 zone:

**5.1.8.1. Front Yard Setback**

The minimum front yard setback for all accessory buildings in the A-1 zone shall be thirty (30) feet including any deck more than eight (8) inches above the finished grade.

**5.1.8.2. Side Yard Setback**

An accessory building may be located in a side yard no closer than eight (8) feet from the side property line and no closer than six (6) feet from the dwelling or main building, except that an accessory building may not be located in the required street side yard of a corner lot.

**5.1.8.3. Rear Yard Setback**

An accessory building may be located in a rear yard no closer than eight (8) feet from the dwelling or main building, or rear property lines.

**5.1.8.4. Animal Accessory Buildings**

Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of fifty (50) feet from any dwelling or proposed dwelling.

**5.1.8.5. Easements**

No permanent structure shall be located within a platted easement area of any kind.

**5.1.9. Projections into Yards**

The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this Code or other Town ordinances. No fence or wall, which is sight obscuring, shall exceed four (4) feet in the required front yard setback nor shall any fence exceed six (6) feet anywhere on the lot unless the applicant applies for and receives a Conditional Use Permit in accordance with Section 1.14 herein.

2. Landscape elements including trees, shrubs, agricultural crops and other plants in conformance with this Code or other Town ordinances.
3. Necessary appurtenances for utility service.

#### **5.1.10. Building Height**

No lot or parcel of land in the Agricultural Zone shall have a building which exceeds a height of thirty (30) feet, except that silos, windmills, and other agricultural related accessory structures not used for human occupancy may exceed thirty (30) feet in height. All structures over thirty (30) feet will require a Conditional Use Permit.

#### **5.1.11. Parking and Access**

Each lot or parcel on which a single family dwelling is located shall have on the same lot or parcel a minimum of two (2) off-street parking spaces.

#### **5.1.12. Trash and Waste Storage**

No used materials, wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open yard. All such materials must be screened from public streets and adjacent property and shall require a conditional use permit. No trash, hazardous materials, chemicals, or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public.

## **5.2. Residential Zones**

### **5.2.1. R-1 Residential Zone**

The R-1 Residential Zone is established to provide a residential environment within the Town which is characterized by attractively landscaped single family residential lots. The R-1 Zone is not intended to be an agricultural zone although limited animal rights are preserved and development is intended to occur at relatively low densities.

#### **5.2.1.1 Permitted Uses**

The following characteristic uses of land, are permitted in the R-1 Residential Zone:

1. Single family dwellings and Manufactured Homes, detached.
2. Residential accessory structures.
3. Home Occupations, as regulated by this Code (see Supplementary Regulations) and Town business license regulations, including child care of less than eight (8) children.
4. Parks, trails and other recreational facilities.
5. Household pets (limited to three (3) animals, more than three (3) may be allowed as a conditional use).
6. Typical domesticated farm animals, limited to 100 animal points per acre used exclusively for their care and keeping .

Horses, Cattles	40 points
Llamas, Sheep	20 points

Chickens 5 points

\*animals not specifically listed may be approved upon review by the Planning Commission. Any such use which is found to be a nuisance due to noise, odor, cleanliness or other health concern shall be required to obtain a conditional use permit.

#### **5.2.1.2 Conditional Uses**

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the R-1 Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended.
2. Nursery, primary, secondary and higher education, including child care in single family dwellings for eight (8) to sixteen (16) children.
3. Religious structures and related activities.
4. Large playgrounds and athletic areas.
5. Accessory apartments (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home) not to exceed 1,000 sq. ft. and not to exceed the size of the main dwelling in total living area.

#### **5.2.1.3 Lot Area, Density and Open Space**

The minimum area of any single lot or parcel is 20,000 sq. ft. Density calculation shall be calculated after the required easements and rights-of-way have been platted from the original acreage.

#### **5.2.1.4 Lot Frontage**

Each lot or parcel of land located in the R-1 zone shall abut along the right-of-way line of a public street for a minimum distance of ninety nine (99) feet, lots on a cul-de-sac shall abut the right-of-way for a minimum of 35 feet at the property line (flag-lots are prohibited). No more than twelve (12) homes may be constructed on a street with only one point of ingress or egress in the R-1 zone, with a maximum length of 600 feet for a permanent dead-end (1200 feet for temporary dead-ends). All streets must be constructed in such a manner that emergency service vehicles can operate properly upon them and shall be constructed to Town Standard Engineering Specifications including required widths and right of way

#### **5.2.1.5 Lots of Record**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared a Non-Conforming Use in accordance with Section 1.23 herein.

#### **5.2.1.6 One Dwelling Per Lot**

Not more than one (1) single-family dwelling may be placed on a lot or parcel in a residential zone.

**5.2.1.7 Yard Requirements - Dwellings and Main Buildings**

The following yard setback requirements shall apply on all lots in Residential Zones:

**a. Front Yard and Side Street Setback**

The minimum front yard and side street setback for all buildings in Residential Zones shall be thirty (30) feet from the property line or 60 feet from the centerline of the right-of-way, whichever is greater.

**b. Side Yard Setback**

The minimum side yard for all buildings on interior lots in the R-1 zone shall be twelve (12) feet.

**c. Rear Yard Setback**

The minimum rear yard for all buildings in Residential Zones shall be thirty (30) feet.

**5.2.1.8 Setback for Accessory Buildings**

An accessory building, allowed by this Code shall be located no closer than three (3) feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.

Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of forty (40) feet from any dwelling.

**5.2.1.9 Projections into Yards**

The following structures may be erected on or projected into any required yard:

- a. Fences and walls in conformance with this Code.
- b. Landscape elements including trees, shrubs, agricultural crops and other plants.
- c. Necessary appurtenances for utility service.

The structures listed below may project into a minimum front or rear yard not more than four (4) feet and into a minimum side yard not more than two (2) feet. See the Supplemental Regulations for more detailed regulations:

- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- b. Fireplace structures and bays, provided that they are not wider than ten (10) feet measured generally parallel to the wall of which they are a part.
- c. Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers.
- d. Planting boxes.

**5.2.1.10 Height and Building Location**

No lot or parcel of land in the Residential Zones shall have a building which exceeds a height of thirty (30) feet, measured from finished grade to the highest point on the roof line.

**5.2.1.11 Parking and Access**

Each residential dwelling unit is required to provide off-street parking for at least two (2) automobiles.

**5.2.1.12 Landscaping**

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with

suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

**5.2.1.13 Location of Boats, Trailers, Campers, and Motor Homes**

Boats, trailers, campers and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot in excess of twenty four (24) hours, except that a vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to fourteen (14) consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to (14) consecutive days per calendar quarter.

**5.2.1.14 Storage of Commercial Vehicles**

No trucks, motor vehicles or commercial trailers having a registered weight exceeding twelve thousand (12,000) pounds shall be stored or parked on any lot or parcel within the R-1 zone.

**5.2.1.15 Trash and Waste Storage**

No trash, used materials, wrecked, or non-operational, non-licensed or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All trash storage areas shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

**5.2.2 RA - Residential Agricultural Zone**

The RA Residential Agricultural Zone is established to provide areas where single family residential development and associated uses may be harmoniously integrated with agricultural pursuits. This zone is intended to allow the keeping of farm animals in conjunction with single-family dwelling units, yet retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces.

**5.2.3.1 Permitted Uses**

The following characteristic uses of land are permitted uses in the RA-1, Residential Agricultural Zone:

7. Single family dwellings and manufactured homes - detached.
8. Residential accessory structures.
9. Home Occupations, as regulated by this Code (see Supplementary Regulations) and Town business license regulations, including child care of eight (8) children other than members of the family residing in the dwelling.
10. Parks, trails and other recreational facilities.
11. Field and Seed Crops and related activities.
12. Orchards and Vineyards.
13. Typical domesticated farm animals, limited to 100 animal points per acre used exclusively for their care and keeping .

Horses, Cattles	40 points
Llamas, Sheep	20 points
Chickens	5 points

\*animals not specifically listed may be approved upon review by the Planning Commission.

14. Household pets.
15. Pasture and range land.

#### **5.2.3.2 Conditional Uses**

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the RA-1 Residential Zone in accordance with Section 1.14 herein:

1. Residential care facilities for elderly or handicapped persons subject to the conditions found in § 10-9-501 et. seq. and § 10-9-601 et. seq. of the Utah Code 1996, as amended.
2. Accessory apartments (above a garage or in a basement, not a separate dwelling such as a mobile home or manufactured home) not to exceed 1,000 sq. ft. and not to exceed the size of the main dwelling in total living area..
3. Nursery, primary, secondary and higher education, including child care in single family dwellings for eight (8) to sixteen (16) children.
4. Religious structures and related activities.
5. Large playgrounds and athletic areas.
6. Outdoor Commercial Recreation

#### **5.2.3.3 Minimum Lot Area/Density**

The minimum Lot size shall be five (5) acres.

#### **5.2.3.4 Lot Frontage**

The minimum lot frontage shall be two hundred (200) feet. No more than eight (8) dwelling units may be constructed on a street with only one point of ingress and egress in the RA zone, with a maximum length of 800 feet for a permanent dead-end street.

#### **5.2.3.5 Lots of Record**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this Code shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Code and are declared a Non-Conforming Use in accordance with Section 1.23 herein.

#### **5.2.3.6 Yard Requirements - Dwellings and Main Buildings**

The following yard setback requirements shall apply on all lots in the RA Zone:

##### **a. Front Yard and Side Street Setback**

The minimum front yard and side street setback shall be thirty-five (35) feet from the front property line or sixty-five (65) feet from the centerline of the right-of-way, whichever distance is greater.

**b. Side Yard Setback**

The minimum side yard for all buildings on interior lots in the RA zone shall be twelve (12) feet.

**c. Rear Yard Setback**

The minimum rear yard for all buildings in the RA Zone shall be thirty (30) feet from property line.

**5.2.3.7 Setback for Accessory Buildings**

- a. An accessory building, allowed by this Code shall be located no closer than three (3) feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.
- b. Accessory buildings used for the housing or shelter of livestock shall be located a minimum distance of forty (40) feet from any dwelling.

**5.2.3.8 Projections into Yards**

The following structures may be erected on or projected into any required yard:

- a. Fences and walls in conformance with this Code.
- b. Landscape elements including trees, shrubs, agricultural crops and other plants.
- c. Necessary appurtenances for utility service.

The structures listed below may project into a minimum front or rear yard not more than four (4) feet and into a minimum side yard not more than two (2) feet. See the Supplemental Regulations for more detailed regulations:

- a. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- b. Fireplace structures and bays, provided that they are not wider than ten (10) feet measured generally parallel to the wall of which they are a part.
- c. Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers.
- d. Planting boxes not exceeding twenty four (24) inches in height.

**5.2.3.9 Height and Building Location**

Building shall be limited to a height of thirty (30) feet, measured from finished grade to the highest point on the roof line. Heights between thirty and forty feet may be approved by conditional use permit.

**5.2.3.10 Parking and Access**

Each residential dwelling unit is required to provide off-street parking for at least two (2) automobiles.

**5.2.3.11 Landscaping**

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

**5.2.3.12 Location of Boats, Trailers, Campers, and Motor Homes**

Boats, trailers, campers and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot in excess of twenty four (24) hours, except

that a vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to fourteen (14) consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to (14) consecutive days per calendar quarter.

#### **5.2.3.13 Trash and Waste Storage**

No trash, used materials, wrecked, or non-operational, unlicensed or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All trash storage areas shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

### **5.3. Commercial**

The Commercial Zone, hereinafter also referred to as the C-1 Zone, is established to encourage commercial and retail development. Businesses that provide services directly to the residents of Wallsburg will be highly encouraged. Transportation and other concerns may limit the types of businesses approved in the C-1 Zone. The provisions contained herein should be used to encourage greater integrity and aesthetic improvements as these areas are developed and improved. Integrated and coordinated landscaping, parking, ingress, egress, signing and building design should be encouraged. New construction should be in harmony with the characteristics of the surrounding developed commercial and residential areas. The uses characteristic of this zone will be small retail and service stores and shops. Parking must conform to Section 3.28 herein and is encouraged to be located behind the building.

Special approval procedures, landscaping requirements and design guidelines are applicable in the C-1 Zone. These regulations can be found in Chapter 7 herein.

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.

#### **5.3.1 Permitted Uses**

The following general use categories are permitted uses in the C-1 zone:

1. Office buildings, commercial and retail shops smaller than twenty thousand (20,000) square feet.
2. Barber shops and hair salons.
3. Restaurants and other eating establishments, except that drive through restaurants and similar fast food businesses require a Conditional Use Permit in accordance with Section 1.14 herein.
4. Banks and other financial institutions.
5. Gas stations, except that any repair shops require a Conditional Use Permit in accordance with Section 1.14 herein.
6. Trails and recreational facilities.
7. Contractor's equipment storage yard as per regulations for such in this Code. Repair shops shall require a conditional use permit.

**5.3.2 Conditional Uses**

The following general use categories require a Conditional Use Permit in the C-1 zone in accordance with Section 1.14 herein:

1. Retail grocery stores larger than twenty thousand (20,000) square feet.
2. Office buildings, commercial and Retail stores larger than twenty thousand (20,000) square feet.
3. Drive through restaurants and fast food businesses.
4. Auto repair shops, welding, and blacksmiths shops.
5. Hospitals and clinics.
6. Schools and other educational institutions.
7. Single family dwellings with lot size and setbacks to be set as conditions.
8. Rental Storage Sheds.

**5.3.3 Permitted Accessory Uses**

Accessory uses and structures are permitted in the C-1 Zone provided they are incidental to, and do not alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily incidental to a principal use or structure permitted in the C-1 Zone.
2. Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period.

**5.3.4 Lot Area**

There shall be no minimum lot area requirements in the C-1 Zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization. Lot area requirements shall be determined by the Planning Commission.

**5.3.5 Lot Width**

There shall be no requirements for lot width, provided all requirements of necessary parking regulations can be satisfied.

**5.3.6 Lot Frontage**

Each lot or parcel of land in the C-1 zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

**5.3.7 Setback Requirements**

The following setback requirements shall apply in the C-1 Zone:

1. Each structure in the C-1 Zone shall be located at least thirty (30) feet from any public street, provided however, that no parking stalls or structures shall be located closer than thirty (30) feet from any public street right of way.

2. Each structure in the C-1 Zone shall be located at least thirty (30) feet from the nearest building or parcel.
3. Each structure in the C-1 Zone shall be located at least thirty (30) feet from the rear property line in order to allow enough room for deliveries.

**5.3.8 Building Height**

Buildings in the C-1 Zone should not exceed forty (40) feet. Any building design of over forty (40) feet in height shall be a conditional use to ensure adequate fire protection. No building in the C-1 Zone shall exceed fifty (50) feet from the finished grade to the tallest portion of the building.

**5.3.9 Parking, Loading, and Access**

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback.

**5.3.10 Signs**

All signs erected in the C-1 Zone shall be in conformance with the sign provisions of Section 3.19 of this Code.

**5.3.11 Trash and Waste Storage**

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the C-1 Zone with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

**5.3.12 Storage Developments**

All storage doors and entrances, and parking in storage developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed and approved by the Wasatch Fire District. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished. Provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices, lock combinations, and the like.

All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. The rear sides of buildings which provide adequate security may satisfy this requirement.

## **5.4. Public Facilities Zone**

### **5.4.1. Purpose and Objectives**

The Public Facilities (P-F) Zone is established to provide areas for the location and establishment of facilities which are maintained for public or quasi-public use. The P-F Zone should be created in areas which are suitable and compatible with neighboring zones, possibly providing “buffer” areas where appropriate.

### **5.4.2. Permitted and Conditional Uses**

Those general uses or categories of uses listed below may be conducted in the P-F Zone as limited herein.

#### **5.4.2.1. Permitted Uses**

The following general uses of land are permitted in the P-F Zone:

1. Automobile parking
2. Cemeteries
3. Government-executive, legislative & judicial functions
4. Protective functions
5. Postal services
6. Schools and Educational Services
7. Miscellaneous service organization
8. Cultural activities and nature exhibitions
9. Public assembly

#### **5.4.2.2. Conditional Uses**

The following general use categories require a Conditional Use Permit in the P-F Zone in accordance with Section 1.14 herein:

1. Railroad, or other rapid transit
2. Motor vehicle transportation
3. Aircraft transportation
4. Communications
5. Public Utilities
6. Hospitals
7. Operations centers
8. Correctional institutions
9. Military bases and reservations
10. Amusements
11. Recreational activities
12. Parks
13. Other cultural, entertainment & recreational activities

### **5.4.3. Lot Area**

The minimum area of a lot or parcel in the P-F Zone shall be determined by the uses and structures intended and the requirements of this chapter pertaining to setbacks, access, parking and landscaping.

### **5.4.4. Lot Width**

Each lot or parcel of land in the P-F Zone shall have, at the front setback line, a minimum width of 100 feet.

**5.4.5. Lot Frontage**

Each lot or parcel of land in the P-F Zone shall abut along the right-of-way line of a public street a minimum distance of 50 feet.

**5.4.6. Prior Created Lots**

Lots or parcels of land in the P-F Zone which legally existed or were created by a preliminary or final plat approval prior to the application of this zone shall not be denied a building permit solely for the reason of non-conformance with the parcel requirements of this chapter.

**5.4.7. Setback Requirements**

The following setback requirements shall apply in the P-F Zone:

1. Front Yard. The minimum front yard for all lots in the P-F Zone shall be 30 feet. The minimum front yard shall be landscaped and shall not be used for vehicle parking.
2. Side Yards-interior lots. No side yard is required on interior lots in the P-F Zone, except that the minimum side yard which is adjacent to a residential zone or structure shall be 20 feet.
3. Side Yards-corner lots. No side yard is required on the side of a corner lot which is adjacent to another lot in the P-F Zone. The minimum street side yard of a corner lot in the P-F Zone shall be 20 feet. The minimum street side yard shall be landscaped and shall not be used for vehicle parking.
4. Rear Yard. The minimum rear yard for all lots in the P-F Zone shall be 20 feet. The minimum rear yard may be used for vehicle parking or access.
5. Property line construction. All buildings located closer than 5 feet from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot.

**5.4.8. Projections into Yards**

The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with Town codes or ordinances.
2. Landscape elements including trees, shrubs, and other plants.
3. Necessary appurtenances for utility services.

The structures listed below may project into a minimum front or rear yard not more than 4 feet and into a minimum side yard not more than 2 feet.

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
2. Fireplace structures and bays, provided that they are not wider than 8 feet measured generally parallel to the wall of which they are a part.
3. Stairways, ramps, balconies, door stoops, fire escapes, awnings, canopies and patio covers.

**5.4.9. Building Height**

No lot or parcel of land in the P-F Zone shall have a building which exceeds a height of 30 feet unless a Conditional Use Permit has been granted in accordance with Section 1.14 of this Code.

#### **5.4.10. Building Separation**

All buildings in the P-F Zone shall have a minimum separation of 20 feet.

#### **5.4.11. Parking and Access**

Each lot or parcel of land in the P-F Zone shall have sufficient, marked parking spaces to meet requirements of this section as well as the parking regulations of Chapter 3 of this Code. Parking spaces and accesses to public streets shall be paved with concreted or asphaltic cement. Notwithstanding minimum landscaping and yard requirements of 5.4.7., parking areas and accesses located in front and street side setback areas shall be accented with landscaped islands in appropriate locations to mitigate the negative effects of large paved surfaces and to control traffic circulation. Planting of shade trees is encouraged in parking areas to reduce heat, wind, noise and glare. Concrete curb walls shall be used around parking areas and driveways. All public street accesses shall be located a minimum of 50 feet from other driveways or streets. One-way driveways shall have a minimum width of 12 feet. Two-way driveways and all driveways on developments of 1 acre or larger in size shall have a minimum width of 20 feet. Concrete or masonry walkways shall be required for access to buildings and parking areas.

#### **5.4.12. Landscaping**

The required front and side yard areas of lots in the P-F Zone shall be planted with shrubs and trees, as well as other plant materials and ground cover, including evergreen species. No landscape materials shall exceed 3 feet in height in a clear vision zone. In addition to any required front or side yard landscaping, at least 2% of each lot or parcel in the P-F Zone shall be landscaped with berms, trees, shrubs, ground cover or other landscape elements. All landscaping in the P-F Zone shall be installed and properly maintained according to an approved landscape plan.

#### **5.4.13. Site Plan Review**

Developments in the P-F Zone shall be designed according to the requirements of this Section of the Code. A site plan shall be submitted for review by the Planning Commission prior to the issuance of a building permit. All signs, fences, walls, lighting, parking, access, architecture and landscaping will be reviewed by the Planning Commission at the time of site plan review.

#### **5.4.14. Other Requirements**

##### **5.4.14.1. Trash containers and utility fixtures**

All trash dumpsters and containers, utility fixtures, power transformers and other appurtenances in developments in the P-F Zone shall be screened with a sight obscuring fence, wall or landscaping feature as approved by the Planning Commission.

##### **5.4.14.2. Fences and walls**

Fences and walls in the P-F Zone may be constructed after first obtaining approval of the Planning Commission. Said fences or walls shall not exceed 4 feet in height in front yards and 6 feet in side and rear yards. Sight obscuring fences, wall and shrubs shall not exceed 3 feet in a clear vision zone. A masonry fence is required adjacent to other zoning districts unless the Planning Commission determines that a satisfactory barrier or open space presently exists.

#### **5.4.15. Reversion of Zoning**

If a building permit has not been issued and construction commenced within 1 year of the establishment of the P-F one on a project that required re-zoning to the P-F Zone, the Town Board, by resolution, may at any time thereafter direct the Town Planner to initiate a re-zoning action to revert the P-F Zone to its original zone or any other appropriate zone. For purposes of this section, commencement of construction shall be deemed to be the installation of footings and

foundation of one main building as set forth on the approved site plan for the proposed development.

## **5.5. Light Industrial Zone**

### **5.5.1. Purpose and Objectives**

The Light Industrial (LI-1) Zone is established to provide areas for the location and establishment of mining sites and light industrial operations which, because of their nature of operation, are not appropriate near residential areas.

### **5.5.2. Permitted and Conditional Uses**

Those general uses or categories of uses listed below may be conducted in the LI-1 Zone as limited herein.

#### **5.5.2.1. Permitted Uses**

The following general uses of land are permitted in the LI-1 Zone:

1. Office, equipment storage, and other non-residential structures that are accessory to a conditionally permitted business.
2. Agriculture activities (except animal specialties and exotic animals) and the following industries (which do not qualify as a Feed Yard as defined by this code): dairy farm, poultry, fowl and game birds (accessory buildings shall be a minimum of two hundred (200) feet from any residential zone).
3. Contractor's equipment storage yard in accordance with this Code.

#### **5.5.2.2. Conditional Uses**

The Planning Commission may recommend the issuance of a Conditional Use Permit for the following uses of land in the LI-1 Zone in accordance with Section 1.14 of this Code.

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1. Public utilities.
2. A hunting preserve or a shotgun, pistol or rifle shooting range (plus incidental accessory structures) subject to the applicant submitting a site plan and providing adequate evidence of safe setbacks, location, layout, noise reduction, and continuing management.
3. Welding, blacksmith, auto body repair, and maintenance shops.
4. Sawmills

### **5.5.3. Lot Area**

There shall be no minimum lot area requirements in the LI-1 Zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization. Lot area requirements shall be determined by Town Planner and may be appealed to the Planning Commission.

#### **5.5.4. Lot Width**

There shall be no minimum requirements for lot width, provided all requirements of necessary parking regulations can be satisfied.

#### **5.5.5. Lot Frontage**

Each lot or parcel of land in the LI-1 Zone shall have frontage on a public street for a minimum distance of thirty-five feet.

#### **5.5.6. Setback Requirements**

The following setback requirements shall apply in the LI-1 Zone:

1. Each structure in the LI-1 Zone shall be located at least thirty (30) feet from any public street, provided however, that no parking stalls or structures shall be located no closer than thirty (30) feet from any public street right-of-way.
2. Each structure in the LI-1 Zone shall be located at least thirty (30) feet from the nearest building or parcel.
3. Each parcel in the LI-1 Zone shall be located at least thirty (30) feet from the rear property line.

#### **5.5.7. Building Height**

Buildings in the LI-1 Zone shall not exceed thirty (30) feet. Any building or structure design of over thirty (30) feet in height shall be a conditional use to ensure adequate fire protection. No building in the LI-1 Zone shall exceed fifty (50) feet from the finished grade to the tallest portion of the building.

#### **5.5.8. Parking, Loading, and Access**

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback.

#### **5.5.9. Signs**

All signs erected in the LI-1 Zone shall be in conformance with the sign provisions of Section 3.28 of this Code.

#### **5.5.10. Trash and Waste Storage**

No trash, used materials, wrecked or non-operational or abandoned vehicles or equipments shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the LI-1 Zone with a sight obscuring fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and hidden from the public street or adjoining residential areas view by appropriate fencing or landscaping features and place in a rear area of the min building or use if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

### ***5.5.11. Other Requirements***

#### ***5.5.11.1. Flammable Materials***

The yards around buildings shall be kept free of debris, refuse weeds and other flammable material which may constitute a fire hazard. Must be stored in approved containers meeting all applicable state fire and health codes.

#### ***5.5.11.2. Critical Angle of Repose***

No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil, as determined by the City Engineer.

#### ***5.5.11.3. Topsoil***

All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to cover at least seventy-five (75) percent of exposed surface from view.

## ***5.6. Sensitive Lands Overlay Zone***

### ***5.6.1. Purpose and Objectives***

The purpose of this Chapter is to provide for safe, orderly and beneficial development of areas characterized by diversity of physiographic conditions and shown on the Official Environmentally Sensitive Area Maps as Environmentally Sensitive Areas; to limit alteration of topography and reduce encroachment upon, or alteration of, such areas.

Physiographic conditions can be considered to include, but are not limited to, slope of the land, natural drainage ways, wetlands, soil characteristics, potential landslide areas, and natural and wildlife habitats.

### ***5.6.2. Regulations***

The type of regulation applicable to the land depends upon the classification in which the land is placed, as provided in 5.6.5 those regulations conflict with other regulations of the Wallsburg Town Ordinances, the more stringent of the two regulations shall govern.

### ***5.6.3. Definitions***

The following terms are hereby defined as they apply to this Chapter:

A. **Architect** - An architect licensed by the State.

B. **Buildable area** - That portion of an existing or proposed lot that is free of building restrictions. For the purpose of this ordinance, a buildable area does not contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as Floodplain Area, or any land that is greater than thirty percent slope.

C. **Development** - Alteration of the land surface by:

1. Grading, filling, cutting or other earth-moving activity involving more than fifty cubic yards on any lot;

2. The removal of three or more living trees of over six inch caliper or the removal of five percent of the total number of living (or dead trees) over six inch caliper, whichever is greater, on any lot within any one calendar year,
3. Construction of a building, road, driveway, parking area, or other structure;
4. Culverting of any stream.

D. **Engineer** - A registered professional engineer licensed by the State.

E. **Environmentally Sensitive Area** . An area shown on the Official Environmentally Sensitive Area Map and classified under SECTION 5.

F. **Floodway Channel** - The floodway channel as defined in the Flood Insurance Study for *Wallsburg*, published by the Federal Emergency Management Agency.

G. **Gully** - A drainage incision, commonly caused by erosion, which does not experience regular or seasonal stream flow, but does act as a channel for runoff during periods of high rainfall.

H. **Riparian** - An area associated with a natural water course including its wildlife and vegetation.

I. **Wildfire** . An area subject to potential damage from fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire.

#### ***5.6.4. Approval and Permit Required***

A. A Environmentally Sensitive Area Permit is required for any development, proposed on a site within or including lands defined in SECTION 5 as an Environmentally Sensitive Area, and identified as Floodplain Corridor Land, Riparian Preserve, Erosive and Slope Failure land, or Severe Constraint land.

B. If the proposed development is involved in a Site Plan Review, or approval of a planned unit development, Conditional Use Permit, subdivision, partition, or other regulatory process, the review shall be conducted simultaneously with the regulatory process and no additional fee shall be charged.

C. If a development is exclusive of any other regulatory process, as noted in Subsection B, then the Environmentally Sensitive Area Review may be processed by the planning staff.

D. Information Required. The following information shall be required for any development requiring a Environmentally Sensitive Area Review:

1. A site plan containing the following:
  - a. Project name, and name of the developer
  - b. Vicinity map.
  - c. Scale (the scale shall be at least one inch equals fifty feet or larger).
  - d. North arrow.
  - e. Date of submittal
  - f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
  - g. Lot layout with dimensions for all lot lines.
  - h. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
  - i. Location and size of all public utilities within the proposed development.
  - j. Location of drainage ways or public utility easements in and adjacent to the proposed development.

- k. A topographic map of the site at a contour interval of five feet or less.
  - l. Location of all parking areas and spaces, ingress and egress on the site, and onsite circulation.
  - m. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than six inches; natural drainages or creeks on the site, and outcroppings of rocks, boulders, etc. In forested areas, it is necessary to identify only those trees which will be affected or removed by the proposed development. Indicate any contemplated modifications to a natural feature.
  - n. The proposed method of erosion control, water runoff control, and tree protection for the development.
  - o. Building envelopes for all existing and proposed new parcels that contain only buildable area, as defined by this Chapter.
2. Additional plans and studies as required in Sections 5.6.7, 5.6.8, 5.6.9 and 5.6.10 of this Chapter.
- E. Criteria for approval. An Environmentally Sensitive Area Permit shall be issued by the Town Board when the Applicant demonstrates the following:
- 1. That the development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
  - 2. That the development is in compliance with the requirements of this chapter and all other applicable Wallsburg Ordinances.
- F. The Planning Director or Planning Commission has the power to amend plans to include any or all of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:
- 1. Require the retention of trees, rocks, ponds, watercourses and other natural features.
  - 2. Require plan revision or modification to mitigate possible negative or irreversible effect upon the topography or natural features that the proposed development may cause.
- G. The Planning Director or Planning Commission may deny the Environmentally Sensitive Area Permit if, in its opinion:
- 1. The proposed development will have a detrimental effect on the lands regulated and protected by this Chapter.
  - 2. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.

### ***5.6.5. Land Classifications***

The following factors shall be used to determine the classifications of various lands and their constraints to building and development on them:

- A. Floodplain Corridor Lands - Lands with potential stream flow and flood hazard. The following lands are classified as Floodplain Corridor lands:
- 1. All land contained within the 100-year floodplain as defined by the Federal Emergency Management Agency, in maps adopted by *<Flood Hazard Ordinance section>* of the Wallsburg Municipal Ordinance.
  - 2. All land within the area defined as Floodplain Corridor land in maps adopted by the Wallsburg as provided for in SECTION 6.
  - 3. All lands which have physical or historical evidence of flooding in the historical past.
  - 4. All areas within twenty feet (horizontal distance) of any creek designated for Riparian

Preservation in SECTION 5(B) and depicted as such on maps adopted by the Council as provided for in SECTION 6.

B. Riparian Preservation Areas - The lands shown on the official maps as Riparian Areas, These areas are identified as 75 feet from the stream centerline for streams draining a basin of greater than 1 square mile, and 25 feet from streams that drain areas of one square mile or less. It also includes any areas identified as wetlands or riparian in a Federal Section 404 Permit Process.

C. Erosive and Slope Failure Lands - Lands with potential erosion hazards. Erosive Lands and Slope Failure Lands are lands that are subject to damage from erosion and slope failure, or defined as erosion and slope failure lands on the Environmentally Sensitive Area Overlay map and have a slope of fifteen percent or greater.

D. Wildfire Lands - Lands with potential of wildfire, as defined on the Environmentally Sensitive Area Overlay map.

E. Severe Constraint Lands - Lands with severe development limitations which generally limit normal development. The following lands are classified as Severe Constraint Lands:

1. All areas which are within the floodway channels, as defined in the *Wallsburg* Flood Protection Ordinance.
2. All lands with a slope greater than thirty percent.

F. Classifications Cumulative. The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel.

### ***5.6.6. Official Maps***

A. *Wallsburg* shall adopt official overlay zoning maps denoting the above identified areas. Substantial amendments of these maps shall require *Wallsburg* approval.

B. Minor amendments of the maps to correct mapping errors when the amendments are intended to reflect more accurately the mapping criteria contained in this ordinance or in the findings of the Council in adopting an official map may be processed following the minor map amendment procedure contained in this ordinance.

C. Map as Reference to Text

1. The text provisions of this ordinance shall be used to determine whether applications to allow development in Environmentally Sensitive Areas are subject to the requirements of this ordinance.
2. Applicants are required to provide the Planning Department with a delineation of the Environmentally Sensitive Areas on the subject property as part of the application. An application shall not be considered complete until this delineation is submitted.
3. An applicant may identify and delineate Environmentally Sensitive Areas by gathering and reviewing information other than the Environmentally Sensitive Areas Map, such as FEMA maps, aerial photographs, Section 404 permit delineation, and other significant evidence.
4. The specific delineation of the Environmentally Sensitive Area will be determined as part of the permit by the Planning Director based on the best available data.

### ***5.6.7. Development Standards for Floodplain Corridor Lands***

For all land use actions which could result in development of the Floodplain Corridor, the following is required in addition to any requirements of *<FEMA Flood Hazard Ordinance>* :

A. Standards for fill in Floodplain Corridor lands:

1. Fill shall be designed as required by the *<building code>*, where applicable.

2. The toe of the fill shall be kept at least ten feet outside of floodway channels, as defined in this chapter.
  3. The amount of fill in the Floodplain Corridor shall be kept to a minimum. Fill and other material imported from off the lot that could displace floodwater shall be limited to the following:
    - a. Poured concrete and other materials necessary to build permitted structures on the lot.
    - b. Aggregate base and paving materials.
    - c. Plants and other landscaping material.
    - d. A total of fifty cubic yards of other imported fill material, or three hundred cubic yards per acre, whichever is greater. These amounts are the maximum cumulative fill that can be imported onto the site, regardless of the number of permits issued.
    - e. The above limits on fill shall be measured from *<date of adoption>*, and shall not exceed the above amounts.
  4. If additional fill is necessary beyond the permitted amounts in (3) above, then fill materials must be obtained on the lot from cutting or excavation only to the extent necessary to create an elevated site for permitted development. All additional fill material shall be obtained from the portion of the lot in the Floodplain Corridor.
  5. Adequate drainage shall be provided for the stability of the fill.
  6. Fill to raise elevations for a building site shall be located as close to the outside edge of the Floodplain Corridor as feasible.
- B. Culverting or bridging of any waterway or creek identified on the official maps adopted pursuant to SECTION 6 must be designed by an engineer. Stream crossings shall be designed to the standards contained in the *<Flood Hazard Ordinance>* or where no floodway has been identified, to pass a 100-year flood without any increase in the upstream flood height elevation. The engineer shall consider in the design the probability that the culvert will be blocked by debris in a severe flood, and accommodate expected overflow. Fill for culverting and bridging shall be kept to the minimum necessary, but is exempt from the limitations in section (A) above. Culverting or bridging of streams identified as Riparian Preservation is subject to the requirements of SECTION 8.
- C. Non-residential structures shall be flood-proofed to the standards in *<Flood Hazard Ordinance>* to one foot above the elevation contained in the maps adopted by *<Flood Hazard Ordinance>*, or up to the elevation contained in the official maps adopted by SECTION 6, whichever height is greater. Where no specific elevations exist, buildings shall be elevated to three feet above the stream channel on all drainage ways identified on the official maps.
- D. No new residential structures are permitted in the Floodplain Corridor, except as permitted in E and F below. All residential structures shall be elevated so that the lowest habitable floor shall be raised to one foot above the elevation contained in the maps adopted in *<Flood Hazard Ordinance>*, or to the elevation contained in the official maps adopted by SECTION 6, whichever height is greater. Where no specific elevations exist, buildings shall be elevated to three feet above the stream channel on all drainage ways identified on the official maps.
- E. The elevation of the finished lowest habitable floor shall be certified to the Wallsburg Town Board by an engineer or surveyor prior to issuance of a certificate of occupancy for the structure.
- F. All lots modified by lot line adjustments or new lots created from lots which contain Floodplain Corridor land must contain a building envelope on all lot(s) which contain(s) buildable area of a sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This section shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.
- G. Basements.
1. Habitable basements are not permitted for new residential structures or additions located within the Floodplain Corridor.
  2. Non-habitable basements, used for storage, parking, and similar uses are permitted for

residential structures but must be flood-proofed to the standards of <FEMA Flood Hazard Ordinance>.

3. Development of habitable basements of existing non-residential structures that are at or below the flood elevations contained in the official maps shall be permitted in the *Wallsburg* Historic Interest Area, as defined in the *Wallsburg* Comprehensive Plan.

4. No new habitable basements lower than two feet below the floodplain corridor elevations shall be permitted on any existing or new non-residential structure outside the historic interest area.

5. Habitable basements shall not be used for sleeping quarters.

H. Storage of petroleum products, pesticides, or other hazardous or toxic chemicals is not permitted in Floodplain Corridor lands.

I. Fences constructed within twenty feet of any Riparian Preservation Creek designated by this ordinance shall be limited to wire or electric fence, or similar fence that would not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing.

J. Decks and structures other than buildings, if constructed on Floodplain Corridor Lands and at or below the levels specified in Paragraphs (C) and (D) of the section, shall be floodproofed to the standards contained in <FEMA Flood Hazard Ordinance>.

K. Local streets and utility connections to developments in and adjacent to the Floodplain Corridor shall be located outside of the Floodplain Corridor, except for crossing the Corridor in the shortest possible distance.

### ***5.6.8. Development Standards for Riparian Preservation Lands***

All development in areas identified for Riparian Preservation, as defined in SECTION 5, shall comply with the following standards:

A. Development shall be subject to all Development Standards for Floodplain Corridor Lands (SECTION 7)

B. Within these areas in addition to the standards for Undeveloped Floodplains, no land disturbing activity is allowed except as permitted in this section.

C. Permitted Uses

1. Up to ten percent of the area may be disturbed for private yard structures including but not limited to: storage sheds, gardens, yards, trails, and clearings, except no disturbance is permitted for Section 404 identified areas.

2. Repair, replacement or improvement of utility facilities where:

a. The disturbed portion of the Riparian Preservation lands is restored; and

b. Non-native vegetation is removed from the Riparian Preservation lands and replaced with vegetation from the *Wallsburg* Native Plant List.

3. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in the Riparian Preserve lands where the disturbed portion of the area is restored using native vegetative cover.

4. Stream, wetland, riparian and upland enhancement or restoration projects;

5. Farming practices and farm uses, excluding buildings and structures, and the pasturing of livestock within 25 feet of the stream.

6. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.

7. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or *Wallsburg* ordinance.

### **5.6.9. Development Standards for Erosive and Slope Failure Lands**

A. All development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of fifty percent or more shall comply with the following standards:

1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative community within a one year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.
2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.
3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.

B. Cuts and Fills.

1. In addition, any cuts and/or fills greater than two hundred fifty cubic yards must be designed by an engineer to comply with *<building code>*. Such cuts and/or fills shall be designed in such a manner that they will be stable for the use intended.
2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall declare to the *Wallsburg*, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the plans approved.
3. Nothing in this section shall abridge the *Wallsburg*'s right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.

C. Any development that is proposed in Erosive and Slope Failure Lands must be shown on a master site plan at the time the final plan or plat is filed. All development must comply with the master site plan. Any improvements necessary for the implementation of the master plan (e.g., storm drains, gutters, etc.), which involve two or more parcels of land must be constructed by the applicant prior to any development occurring on the parcels.

D. All structures in Erosive and Slope Failure Lands shall have foundations that have been designed by an engineer or architect.

E. All newly created lots or lots modified by a lot line adjustment must include a building envelope on all lots that contains a buildable area of sufficient size to accommodate the uses permitted in the underlying zone without including erosive and slope failure land, unless the division or lot line adjustment is for open space or conservation purposes.

### **5.6.10. Development Standards for Wildfire Lands**

A. Requirements for Subdivisions, or Planned Developments,

1. A Fire Prevention and Control Plan shall be required with the submission of any application for plan approval of a Planned Unit Development or preliminary plat of a subdivision, which contain areas designated Wildfire Hazard areas.
2. The Planning Director shall forward the Fire Prevention and Control Plan to the Fire Chief within three days of the receipt of a completed application. The Fire Chief shall review the Fire Prevention and Control Plan, and submit a written report to the Planning Director no less than seven days before the scheduled hearing. The Fire Chief's report shall be a part of the record of the Planning Action.
3. The Fire Prevention and Control Plan shall include the following items:
  - a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and

topography.

b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation.

c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees.

d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown.

e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section.

f. Roads and driveways sufficient for emergency vehicle access and fire suppression activities, including the slope of all roads and driveways within the Wildfire Lands area.

4. Criterion for Approval. The hearing authority shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.

5. The hearing authority may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:

a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning.

b. Clearing of sufficient vegetation to reduce fuel load.

c. Removal of all dead and dying trees.

d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.

6. The Fire Prevention and Control Plan shall be implemented during the public improvements required of a subdivision or Performance Standards Development, and shall be considered part of the subdivider's obligations for land development. The Plan shall be implemented prior to the issuance of any building permit for structures to be located on lots created by partitions and for subdivisions or Performance Standards developments not requiring public improvements. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan, and the Plan shall not be considered fully implemented until the Fire Chief has given written notice to the Planning Director that the Plan was completed as approved by the hearing authority.

7. In subdivisions or planned unit developments, provisions for the maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development, and the *Wallsburg* shall be named as a beneficiary of such covenants, conditions and restrictions.

#### B. Requirements for construction of all structures.

1. All new construction and any construction expanding the size of an existing structure, shall have a "fuel break" as defined below.

a. A "fuel break" is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion control or aesthetic purposes, the fuel break may be planted in slowburning species. Fuel breaks do not involve stripping the ground of all native vegetation.

b. Primary Fuel Break - A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each

ten percent increase in slope over ten percent

c. Secondary Fuel Break - A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner during construction. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.

2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the Building Ordinance. All re-roofing of existing structures in the Wildfire Lands area shall be done under approval of a zoning permit. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the *Wallsburg's* building ordinance.

C. Fuel breaks in areas which are also Erosive or Slope Failure Lands shall be included in the erosion control measures outlined in SECTION 9.

### ***5.6.11. Development Standards for Sever Constrained Lands***

A. Severe Constraint Lands are extremely sensitive to development, grading, filling, or vegetation removal and, whenever possible, alternative development should be considered.

B. Development of floodways is not permitted except for bridges and road crossings. Such crossings shall be designed to pass the one hundred year flood without raising the upstream flood height more than six inches.

C. New structures are not allowed on Severe Constraints Lands.

D. Other development of land or approval for a planning action shall be allowed only when the following study has been accomplished. An engineering geologic study approved by the *Wallsburg's* Public Works Director and Planning Director establishes that the site is stable for the proposed use and development. The study shall include the following:

1. Index map.
2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.
3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
5. Suitability of site for proposed development from a geologic standpoint.
6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
7. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
8. Signature and registration number of the engineer and/or geologist.
9. Additional information or analyses as necessary to evaluate the site.

### ***5.6.12. Conservation Subdivision Design***

Wallsburg has determined that the preservation of open space and environmentally sensitive lands to be a top priority. Therefore, an alternative Conservation Subdivision Ordinance (Chapter 8 of this Title), has

been adopted to encourage the preservation of these lands and maintain property rights. When development of land containing environmentally sensitive lands is proposed, usage of the Conservation Subdivision Ordinance should be strongly considered.