#### 10.10.060 SF Single Family Residential Zone

- A. Purpose: The purpose of this zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also pennit the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit uses that would be harmful to a single-family residential neighborhood.
- B. Permitted Uses: Uses permitted in this zone are as follows:
  - 1. Single Family dwelling with a minimum of 1250 sq ft, on the main level
  - 2. Accessory use and buildings; permitted simultaneously or after obtaining a building permit and construction and occupancy of a residential dwelling.
  - 3. Home gardens and trees, keeping of household dogs, cats and chickens (up to six (6) per lot). No roosters allowed.
  - 4. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information)
  - 5. Residential facility for the elderly (see AVLU 10.28 for supplementary information)
  - 6. Churches
  - 7. Group homes
  - 8. Home occupation
  - 9. Parks and playground

Any use not specifically allowed under permitted uses shall be prohibited.

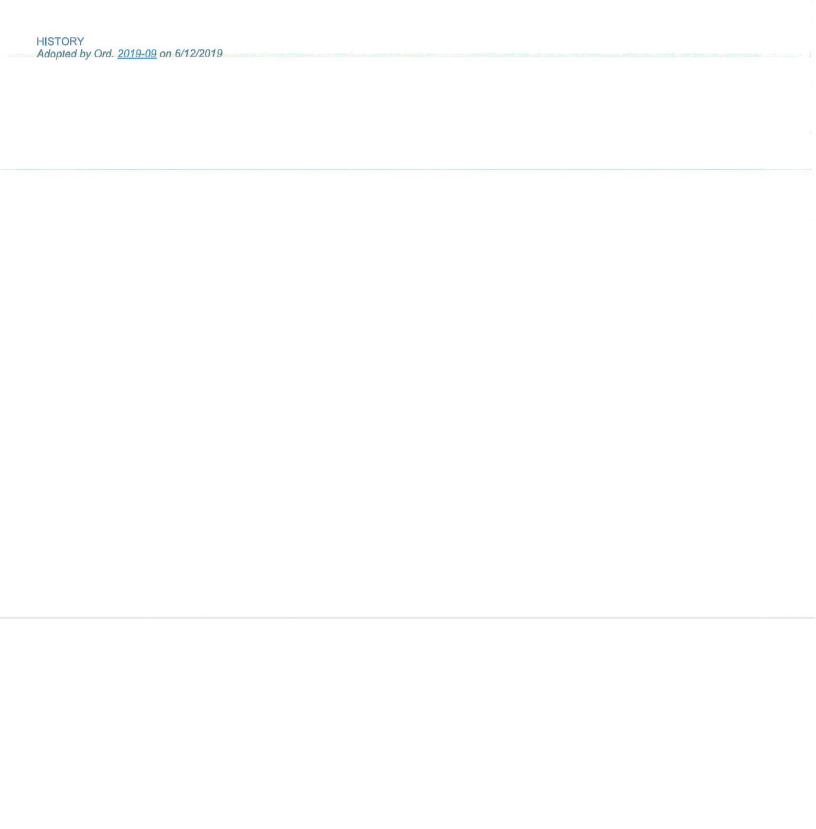
- C. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet.
- D. Area Width and Yard Regulations:

District	Area MINIM UM	Width in Feet	Yards in Feet			
			Front	Side	Rear	
SF25	10,000 sq. ft.	80	25	10	10	
SF50	20,000 sq. ft.	80	25	10	10	
SF-1.0	40,000 sq. ft.	80	25	10	10	
SF-2.5	2.5 acres	150	25	25	25	
SF-5.0	5.0 acres	200	25	25	25	
SF-10.0	10.0 acres	300	25	25	25	

#### E. Modifying Regulations:

- 1. Side Yards: The side yard setback on a "street side" yard shall be fifteen (15) feet
- 2. Private Garages and Accessory Buildings: Private garages and accessory buildings located at least 10' behind the main dwelling on lots less than ½ acre may have a side yard of three feet (3'), all others must be ten feet (10'), provided that all corner lots shall maintain fifteen feet (15') on the street side.
- 3. Prohibited Materials and Storage: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
- 4. Location of Required Parking: Required parking shall not be located in the front yard setback.
- 5. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
- 6. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
- 7. No industrial-looking buildings such as pre-engineered steel or pole barns allowed, unless specifically approved by the planning commission.

Any use not specifically allowed under permitted uses shall be prohibited.



# Section 10:28.260 ACCESSORY DWELLING UNITS FOR AN OWNER OR EMPLOYEE:

- A. An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.
- B. A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. The lot proposed for an accessory dwelling unit for an owner or employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.
- D. Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the zoning district in which they are located
- E. An accessory dwelling unit for an owner or employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections or meters shall be allowed for an accessory dwelling unit for an owner or employee. Unless required buy building code.
- F. An accessory dwelling unit for an owner or employee shall provide a minimum of two (2) off street parking spaces, located as determined necessary and appropriate for approval of the accessory dwelling unit for an owner or employee.
- G. The construction of an accessory dwelling unit for an owner or employee shall meet all requirements of the adopted building code, as applicable.
- H. The architectural style, building materials and building colors of an accessory dwelling unit for an owner or employee shall be found to be compatible and consistent with the architectural style, materials and color of the primary building.
- I. Mobile homes, travel trailers, boats or similar recreational vehicles shall not be used as an accessory dwelling unit for an owner or employee.
- J. The land use application approval for an accessory dwelling unit for an owner or employee shall be received before a building permit is issued.
- K. As a condition of approval required to establish an accessory dwelling unit for an owner or employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the accessory dwelling unit for an

owner or employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit for an owner or employee.

#### 10.28.270 GUESTHOUSES OR CASITAS:

The purpose and intent of requirements for allowing a *detached* guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances, and the building code are met
- B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. Setbacks: All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. Parking: All guesthouses or casitas shall provide a minimum of one-off street parking space.
- H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. Height and Size Restrictions: All guesthouses or casitas shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13')

#### 10.28.150 UTILITY REQUIRMENTS:

- A. In all areas of the town where a building permit is required, connection shall be made to public sewer, water, electrical and telephone services where these services are available. Electric companies shall not provide any electrical connection of any kind until first approved by the building official. All lots shall be served by a water supply approved by the Utah state department of environmental quality, or the southwest public health department in cases of less than fourteen (14) lots, and the county public works department. and *Big Plains Water and Sewer Special Service District*. A waste disposal system shall be approved by the southwest public health department, *Big Plains Water and Sewer Special Service District* and the town engineer prior to issuing any building permit.
- B. For all building lots not located in platted and recorded subdivisions, all applicable provisions of this (10.28.150) and title 11, shall apply to those lots and shall be required as a condition of obtaining a building permit and shall include, but not be limited to, the following:
  - 1. Water supply and development.
  - 2. Street improvements.
  - 3. Electrical and telephone connections.
  - 4. Fire hydrants and fire flow.
  - 5. Traffic control and directional signs.
  - 6. A site drainage plan.
  - 7. A "dry" sewer line may be required to be installed from the location of any septic tank proposed to be used, and shall be extended to the front property line for future connection to a sewer system

#### 10.28.200 DUMPING, STORING OR DISPOSAL:

- A. The use of land or lots for the dumping, storing or disposal of scrap iron, junk, rubbish or other refuse, old or junk cars, trucks or trailers, building materials, shipping containers, industrial waste or byproduct, shall be prohibited in every zoning district unless specifically approved for such use.
- B. Subject to Section 15:32, the dumping of dirt, sand, rock or other material excavated from the earth shall be permitted in any district; provided, that the surface of such dumped material is graded, leaving the ground surface in a condition suitable for other use permitted in the district; and provided further, that such fill does not increase the susceptibility of the ground to erosion, landslide, flooding or other dangerous condition. Concrete may be dumped as fill in excavations where it will be buried and not remain on the land surface.
- C. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on those premises or where an excavation permit has been issued by the town. (See also Section 15:32 of this title)
- D. No yard or other open space surrounding an existing building in a residential any zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of personal property, junk, or other unsightly items, such items must be stored inside approved garages, sheds or accessory buildings, unless specifically approved for such use.

# 10.28.240 LIMITATIONS ON HEIGHT, SIZES, USE AND LOCATION OF GARAGES AND OTHER ACCESSORY BUILDINGS IN RESIDENTIAL ZONES:

2- 6. In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, no metal buildings or industrial looking buildings may be built as a primary residence in any zone.

Add this section

for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas.

- K. Occupancy Without Compensation: Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.
- L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.
- M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.

#### N. Permits Required:

- (a) The use application approval for a guesthouse or casita shall be received before a building permit is issued.
- (b) The planning commission is authorized to approve an application for a guesthouse or casita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.
- O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

10.28.280 Time Restriction on Completion of the exterior of buildings. Any home owner and/or builder, building a home or building in the Town of Apple Valley, must ensure that the exterior of the home or building is completed within twelve (12) months from the issuance of a building permit.

Completed shall include, but are not limited to the following:

- a. Installation of a permanent roof, finished with such materials as tile, asphalt shingle, metal roofing or any other permanent roofing allowed by the building code.
- b. The installation of all windows, exterior doors including garage doors.
- c. Finishing of all soffits and fascia surfaces with their permanent finish.
- d. The exterior walls shall be finished with stucco (including color coat), brick, rock, siding or other permanent finishes allowed by building code. If the permanent finish includes a material that needs to be painted in order to be weather proof, such painting shall be required.

A short extension up to 90 days, for cause, may be granted by the Planning Commission.

### 10.28.290 Building Permit Expiration & Renewal

#### PERMIT EXPIRATION

When building permits are issued, they include a built-in expiration date, governed by the Building Code. The information below explains how long permits last and how they may be renewed.

The Building Code sets timeline requirements when building permits are issued. The work authorized by the permit must begin and demonstrate progress by certain dates, and all work must be completed within two years. From the day the permit is issued, it will expire if the work is not started within 180 days. To meet this requirement, the permittee must call for, and pass a valid inspection. If no inspection has been scheduled and passed within the first 180 days, the permit becomes null and void.

Once the work has started and the first required inspection has been passed, the permittee must show that the work is progressing by passing a valid inspection at least every 180 days (six months). If these progress requirements are not met the permit will expire. This applies regardless of when the first inspection took place within the first year of the life of the permit.

To renew an expired building permit that has received and passed at least one valid inspection, but has not exceeded the two-year mark:

- The plans cannot be changed, nor changes proposed.
- One-half of current permit fees are due upon renewal unless progress has been made (and approved) so that only a final inspection is needed, then one-quarter of current permit fees are due.

• If the two-year deadline to complete work has been exceeded and the work has received valid inspections, full current permit fees are due upon renewal.

When requesting a renewal of an expired permit, you must bring the full set of the original stamped, permitted plans, along with supporting documentation (such as truss and/or engineering calculations) and present them upon request.

No impact or hookup fees paid, will have to be re-paid if a building permit expire, unless such fees has changed, in which case the difference in fees must be paid, if higher.

## Section 10.28.300 Storm Water Mitigation & Detention Required

- 1. A plan for a storm water Detention area shall be provided on each lot or property of land where a building permit is requested, in order to retain excess water created by the construction of homes, accessory buildings, driveways etc. It shall be required as a condition of obtaining a building permit. Said Detention area shall be completed as a part of the building process prior to the issuance of an occupancy permit.
- 2. No ditch or canal located on the lot or property shall be allowed to be covered up or changed without adequate mitigation to allow for the continued flow of storm water through the property without the written permission of the Town.
- 3. The plans for the Storm Water Detention area shall be prepared by a licensed engineer and approved by the town prior to the issuance of a building permit.

#### **EXCEPTION TO STORM WATER DETENTION:**

The only exception to the above individual water detention area, shall be if the lot is located in a subdivision, wherein all storm water is being collected into a common detention facility(s) located within the subdivision. This facility must be one that has or will be engineered for such purposes and must be approved by the town. This detention area shall, at the option of the Town, either be owned and maintained by the Town or owned by a home owners association in the subdivision.

# ADDITIONAL REQUIREMENTS FOR LAND LOCATED OUTSIDE SUBDIVISIONS:

For all building lots not located in platted and recorded subdivisions, the above requirements shall still apply, with the additional requirements of:

- A. No ditch or canal located on the property shall be approved as suitable for the use of storm drainage detention water without the written permission of the Town. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivisions runoff water, and other water expected to reach such canal or ditch.
- B. In cases where existing canals or ditches cross from the property proposed to be built upon, across public roads or proposed public or private roads, specifications and grades for pipes or culverts must be approved by the Town, and must be paid for and installed by the property owner prior to occupancy.

C. All open ditches, canals, waterways, open reservoirs or bodies of water, and other features judged by the land use authority to be hazardous in nature, on crossing, or adjacent to property being built upon shall be fenced or closed from access in a manner satisfactory to and approved by the Town.

## 10.28.310 GRADING AND GRUBBING OF VACANT LOTS.

No Grading and grubbing of vacant lots shall be allowed prior to issuance of a building permit and shall be subject to title 11.08.130.

11.02.040

approval of the city council, the planning commission and the fire chief.

Street, Private: A right of way or easement in private ownership not dedicated or maintained as a public street.

Street, Residential: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

SUBDIVIDER: Any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.

#### SUBDIVISION: A. Includes:

- 1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
- 2. Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

#### B. Does not include:

- 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance:
- 2. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or
- 3. A recorded document executed by the owner of record, revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of this chapter. (Ord. 2008-32, 12-18-2008)

### 10-39-4: NECESSITY OF PLAT; EXEMPTION FROM PLAT REQUIREMENTS:

All subdivisions shall be required to prepare and receive approval of a preliminary and final plat in accordance with the provisions of this chapter, except as follows:

- A. A subdivision creating no more than one new lot may be approved by city staff without the necessity of preparing and filing a preliminary plat or final plat if:
  - 1. Notice is provided by city as required by this chapter.
  - 2. The proposed subdivision:
- a. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes.
- b. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.
  - c. Has been approved by the culinary water authority and sanitary sewer authority.

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- d. Is located in a zoned area, and conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- B. A lot or a parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if the lot or parcel:
  - 1. Meets the minimum size requirement of applicable zoning; and
  - 2. Is not used and will not be used for any nonagricultural purpose.
- C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements to the proposed lot has been reviewed and signed by members of the joint utility committee. No building permit will be issued for said lot until the approved improvements are constructed and accepted.
- D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be described by deed and upon approval of city staff, shall be recorded with the county recorder. (Ord. 2008-32, 12-18-2008)

#### **10-39-5: NOTICE REQUIREMENTS:**

- A. Notice Of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development: Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.
- B. Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement: The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:
- 1. Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;
  - 2. Mailing notice to each affected entity;
- 3. Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;
  - 4. Publishing notice in a newspaper of general circulation in the city; and
  - 5. Publishing notice on the Utah public notice website. (Ord. 2011-11, 12-15-2011)

#### 10-39-6: PRELIMINARY PLAT PROCESS:

All applications for preliminary plat approval shall be subject to the following:

- A. City and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
- B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
- C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
- D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to section 10-39-12 of this chapter, and required fee to planning department on or before deadline for submissions established by the city.
- E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.

Page 20FZ

10.28.320

## The following is a grading ordinance that was copied from the Town of Virgin.

#### 15-32 EXCAVATION AND GRADING PERMIT REQUIRED

15-32-1: PURPOSE:

15-32-2: APPLICABILITY:

15-32-3: **DEFINITIONS**:

15-32-4: GRADING DESIGN:

15-32-5: GRADING LIMITS:

15-32-6: GRADING CONSTRUCTION:

15-32-7: CUT AND FILL REQUIREMENTS:

15-32-8: REVEGETATION STANDARDS:

15-32-9: ADDITIONAL REQUIREMENTS:

15-32-10: GRADING PLAN:

15-32-11: PROCEDURE FOR PERMIT:

15-32-12: GRADING INSPECTIONS:

15-32-13: GRADING WITHOUT A PERMIT:

# 15-32-1: PURPOSE: 🗣 🖃

The standards and guidelines established in this section are intended to protect the public health, safety, general welfare, and aesthetics of the town by regulating grading (including initial clearing, and subsequent excavating or filling) on private and public land within the town. It establishes grading standards designed to:

- A. Regulate the development of potentially hazardous terrain;
- B. Conserve the visual character of grading sites and settings;
- C. Enhance the value of new development; and
- D. Conserve the value of properties near proposed grading activities. (Ord. 2006-10, 5-3-2006)

# 15-32-2: APPLICABILITY: 🗪 🖃

All grading (including initial clearing, brushing or grubbing, and subsequent excavating, cutting or filling) within the town shall be subject to the requirements of this chapter, with the exception of:

A. Grading for agricultural practices on land with less than ten percent (10%) gradient.

- B. Grading which totals less than five hundred (500) square feet of surface disturbance or thirty (30) cubic yards of excavation, whichever is more restrictive.
- C. Grading for the purposes of geotechnical testing which totals less than one thousand (1,000) square feet and does not encroach on thirty percent (30%) slopes.
- D. Routine clearing of vegetation debris or other improvements in natural drainages that do not alter the course, capacity, slope, base materials or dimensions of the drainage. (Ord. 2006-10, 5-3-2006)

# 15-32-3: DEFINITIONS: © 🖃

Terms used in this chapter shall use the definitions listed below. Where a term is used in this chapter that is not defined below, the definition in section <u>10-3</u> of this title shall apply.

CUT: The removal of soil, rock, or other materials by man.

CUT SLOPE: A slope created by cut activities.

DISTURBANCE: Any alteration of natural grades; relocation or degradation of soils, rocks, or other surface features; removal or trampling of vegetation by machinery or human activity; establishment of paths or trails; or other alteration of the natural surface conditions on a property.

FILL: The deposit of soil, rock, or other materials placed by man.

FILL SLOPE: A slope created by fill activities.

GRADING: The removal or alteration of soil, rocks, vegetation, or other natural features typical to preparation for road or structure construction, or leveling or clearing of land. As used in this chapter, grading shall be a generic term and shall include cut, fill, excavation and disturbance.

MICROTOPOGRAPHY: Areas of thirty percent (30%) or greater natural grade which:

- A. Measure less than six (6) vertical feet in height, and
- B. Are bounded at the top and bottom by slopes less than thirty percent (30%) natural grade which extend horizontally at least twenty feet (20') from both the top and bottom of the slope.

PERCENT GRADE: A measurement of the steepness of a slope, calculated by dividing the amount of vertical elevation change by the horizontal distance in which the elevation change occurs, multiplied by one hundred (100).

REVEGETATION: The placement, planting, cultivation, and continued care of native and/or drought tolerant vegetation on disturbed areas and slopes which re-creates, to the extent possible, vegetative conditions existing on the disturbed areas or slopes prior to the disturbance.

THIRTY PERCENT GRADE: Any one foot (1') elevation change in any three and one-third foot (3.33') horizontal direction. (Ord. 2006-10, 5-3-2006; amd. Ord. 2007-01, 1-10-2007)

15-32-4: GRADING DESIGN: © 🖃

Grading design should conform as much as possible to existing natural terrain. Grading should emphasize the natural environment over the built environment. Grading design should, to the extent feasible, avoid sharp transitions between natural and modified grades, use curves and undulating lines rather than straight lines, and demonstrate sensitivity to the natural environment. To help achieve these guidelines, grading design shall conform to the specific requirements below:

- A. The following significant natural features must be preserved during all grading and construction activities:
- 1. Rock ledges and outcrops greater than six feet (6') in height.
- 2. Boulders greater than ten feet (10') in diameter.
- 3. Native vegetation greater than six feet (6') in height. If preservation of such vegetation is not feasible, the vegetation may be removed. In such a case, two (2) replacement plants of the same or similar species, as approved by the DCD, must be planted elsewhere on the site. These replacement plants shall be in addition to any landscaping that may be required by the Town and by section 15-32-8 of this chapter.
  - B. All areas graded or disturbed for purposes other than agriculture, but not developed or otherwise improved shall be revegetated with a desert seed mix and drought tolerant, low water use vegetation in conformance with section 15-32-8 of this chapter. (Ord. 2006-10, 5-3-2006)

## 15-32-5: GRADING LIMITS: © 🗔

The horizontal extent of grading and associated disturbance shall not exceed the limits established below:

A. In all residential zones, grading and associated disturbance shall be limited to an area extending no more than the greater of either: 1) twenty feet (20') from any point of a proposed structure, or 2) ten feet (10') from any point of a patio, driveway, walkway, pool deck, or similar other improvement. In addition, there may be one single "stockpile" area on a property during construction activities

measuring no more than two hundred (200) square feet. The stockpile area must be accessed either from the street or other approved grading area. All areas within the grading limits but not developed or built upon, including the stockpile area, must be revegetated at the conclusion of construction pursuant to subsection 15-32-4 of this chapter. No grading or disturbance may extend beyond any lot line.

B. In all other zones, grading limits will be determined on a site by site basis by the Town. The criteria used to determine the grading limits shall include: the amount of existing disturbance on the site, the nature of the proposed use, the amount of existing natural vegetation on the property, and the presence of sensitive slopes on the property. In making this determination, the objective shall be to minimize grading as much as possible. (Ord. 2006-10, 5-3-2006)

### 15-32-6: GRADING CONSTRUCTION: © 🖃

Grading must conform to the following standards during the construction period:

- A. All natural features designated to be preserved pursuant to subsection <u>15-32-4</u>-A of this chapter and all areas outside of the approved grading limits identified on the grading plan shall be fenced or taped off to prevent accidental or incidental disturbance.
- B. The grading contractor or general contractor shall take measures to control dust generation and dust distribution from the site.
- C. The grading contractor or general contractor shall take measures to prevent mud, dirt, rocks, or other debris from being transported from the construction site onto adjacent streets, lanes, or other properties. If mud, dirt, rocks, or other debris are transported from the construction site onto adjacent streets, lanes, or other properties, the grading contractor or general contractor shall be responsible for cleaning and clearing the roadways or properties within twenty four (24) hours.
- D. Temporary drainage structures shall be placed on site to control runoff during the construction phase, as required by the town engineer. (Ord. 2006-10, 5-3-2006)

## 15-32-7: CUT AND FILL REQUIREMENTS: © 🖃

- A. Cut and fill slopes shall be limited to ten feet (10') in vertical distance from the toe of slope to the top of slope.
- B. The toe of any fill slope over four feet (4') in height shall be placed no closer to any lot line than a distance equal to the height of the fill slope. The area between the lot line and the toe of the fill slope shall be revegetated with a desert seed mix and

drought tolerant, low water use vegetation in conformance with section <u>15-32-8</u> of this chapter.

- C. Cut and fill slopes shall be stabilized as indicated below:
- 1. Slopes three to one (3:1) or less steep shall be revegetated with desert seed mix and drought tolerant, low water use vegetation (in conformance with section <u>15-32-8</u> of this chapter).
- 2. Slopes three to one (3:1) but less than two to one (2:1) shall be stabilized with a mix of desert seed mix and drought tolerant, low water use vegetation (in conformance with section 15-32-8 of this chapter) and variegated gravel and rocks. The gravel and rocks shall be placed to facilitate moisture and soil retention and to allow the vegetation to become established.
- 3. Slopes two to one (2:1) but less than 1.5 to one shall be stabilized with riprap. The riprap material shall be native to the area (or closely resemble native materials) and shall be spaced to accommodate drought tolerant, low water use vegetation and desert seed mix in conformance with section 15-32-8 of this chapter.
- 4. Slopes steeper than 1.5 to one and less than four feet (4') shall be stabilized with stacked rock walls. The rock wall material shall match the surrounding environment in color and appearance.
- 5. Slopes steeper than 1.5 to one and four feet (4') or greater in height shall require engineered stabilization. Plans and drawings of such proposed slopes, stamped by a registered professional engineer, shall be submitted to the planning commission for review as part of the grading plan. The planning commission shall approve the cut/fill slopes and stabilization after finding:
- a. The proposed cut and fill slopes do not present a safety hazard,
- b. The slopes are necessary to accomplish the proposed development,
- c. Adequate design features have been proposed and will be developed to prevent noticeable scarring of hillsides or properties, and
- d. The materials used for stabilization will match the surrounding environment in color and appearance.
  - D. Structural fill material placed under new construction and the compaction thereof shall conform to recommendations of the geotechnical report. Imported structural fill shall be free of boulders greater than twelve inches (12") in diameter and any detrimental organic material or refuse debris.

E. The use of gabion baskets to stabilize any cut or fill slope is not permitted. (Ord. 2006-10, 5-3-2006)

## 15-32-8: REVEGETATION STANDARDS: \* ==

- A. All vegetation used to fill the revegetation requirements of this chapter shall be drought tolerant and low water use. Vegetation must be native, naturalized, or compatible with the local environment. No invasive species shall be allowed. All vegetation shall be shown on the grading plan with locations, sizes, quantities, and type (i.e., tree, shrub, or seed mix) noted.
- B. Areas requiring revegetation shall be vegetated with the quantities described below. In determining quantities, fractions shall be rounded to the nearest whole number.
- 1. One pound of desert seed mix per two hundred fifty (250) square feet of required revegetation area (spread evenly and raked across the area); and
- 2. Five (5) shrubs (5 gallon size) per two hundred fifty (250) square feet of required revegetation area.
- 3. The planning commission may approve different required quantities if the applicant successfully demonstrates the revised quantities will produce more effective revegetation results.
  - C. It shall be the property owner's responsibility to water, nourish, and otherwise maintain the required vegetation until it becomes established. Any tree or shrub that dies within one year of its installation shall be replaced by the property owner with a tree or shrub of the same or similar species. Details regarding the method of irrigation shall be shown on the grading plan. (Ord. 2006-10, 5-3-2006)

## 15-32-9: ADDITIONAL REQUIREMENTS: © 🖃

- A. No grading, road building, excavating or other disturbance shall be permitted on slopes of thirty percent (30%) or greater natural grade except as specifically allowed below:
- 1. Excavation preparatory to the placement of a structure (but not a road or driveway) on thirty percent (30%) or greater natural grades shall be permitted if all the following requirements have been met:
- a. All areas disturbed but not built upon shall be restored to their original grade, backfilled tight around the base of the structure, and revegetated in accordance with section 15-32-8 of this chapter.

- b. The placement of the proposed structure on thirty percent (30%) or greater natural grades will noticeably reduce the visual impact the structure will have when viewed from both the HW-59 highway corridor and surrounding properties, as compared with a structure that would otherwise be built on the same lot or parcel avoiding all areas of thirty percent (30%) or greater natural grade.
- c. No fill is placed on thirty percent (30%) or greater natural grades.
- d. A licensed civil engineer has reviewed the excavation into the thirty percent (30%) or greater natural grades and has found the slopes surrounding the excavated area will not be structurally compromised as a result of the excavation.
- 2. Excavation and grading on microtopography shall be permitted if the grading conforms to all other standards of this chapter.
- 3. The town recognizes that the Commercial (C1 & C2) zones allows the most intense and dense development of any zone in the town. This zone is also the town's economic core. In order to allow the intensity and density of development allowed by the Commercial zones, and in order to give property owners flexibility and creativity in the design and construction of new development in the commercial zones, small topographic features in the commercial zones which do not add to the overall scenic vistas and panoramas of the town and which contain thirty percent (30%) or greater natural grades may be excavated or otherwise disturbed to accommodate new development provided:
- a. The topographic feature is isolated, and not part of a larger ridgeline or foothill, and
- b. The topographic feature is not more than twenty feet (20') in height from the highest point to the lowest point, and
- c. The topographic feature does not provide shielding or screening of existing or proposed buildings from HW 59, and
- d. The topographic feature does not have cultural or historical value, and
- e. The proposed development made possible by the excavation or disturbance of the topographic feature will significantly reduce the visual impact on adjacent properties compared to a similar development on the same property with the topographic feature in place, and
- f. The thirty percent (30%) natural grades do not extend across property boundaries, and
- g. At least two (2) members of the planning commission and two (2) members of the town council have made a site visit to the topographic feature and have determined that the topographic feature meets the criteria described in subsections A3a through A3f of this section.

a. The natural grades that existed prior to the modified grade being created measured less than thirty percent (30%) grade, or

## 15-32-10: GRADING PLAN: © 🖃

A grading plan shall be required before a grading permit can be issued. The grading plan shall be a part of the site analysis in all cases that require a site analysis. In instances not requiring a site analysis the planning commission shall review the grading plan and approve such if it conforms to the standards contained in this chapter. The grading plan shall be drawn to scale and shall include:

- A. Property boundaries.
- B. Accurate predevelopment contours in no greater than two foot (2') contour intervals (5 foot contours if the site is larger than 5 acres) shown as dashed lines.
- C. Post development contours shown as solid lines.
- D. Grading limits in conformance with section 15-32-5 of this chapter.
- E. Any areas of thirty percent (30%) or greater grade.
- F. Location, height, and slope of all cut and fill slopes.
- G. Engineered plans for slope stabilization if the project contains any cut or fill slopes steeper than 1.5 to one and greater than four feet (4') in height.
- H. Finished pad elevation of all proposed structures.
- I. Rock ledges, boulders, and native vegetation within the grading limits that will be preserved pursuant to subsection <u>15-32-4A</u> of this chapter.
- J. Areas requiring revegetation as well as quantities, locations, sizes and types of plants used to satisfy the revegetation requirements of section <u>15-32-8</u> of this chapter.
- K. Details regarding irrigation of vegetation used to fill the revegetation requirements of section <u>15-32-8</u> of this chapter.
- L. A note indicating all areas outside of the grading limits will be fenced or taped off during construction to prevent accidental or incidental disturbance of these areas.
- M. Color renderings, to scale, of any cut or fill slope over four feet (4') in height that will be visible from the valley floor or the HW-59 highway corridor. (Ord. 2006-10, 5-3-2006)

## 15-32-11: PROCEDURE FOR PERMIT: © 🖃

The following procedure is necessary before a grading permit may be issued:

- A. Application And Grading Plan: For projects requiring site analysis, the grading plan and application will be part of the site analysis required by chapter 15 of this title. For projects not requiring a site analysis, the applicant shall submit a grading plan meeting the requirement of section 15-32-10 of this chapter, together with an official application (available at the town office) and an application fee of not more than seventy five dollars (\$75.00).
- B. Review: The planning commission shall review the application and grading plan for conformance with the standards of this title and chapter. If the proposed grading complies with all applicable standards, the planning commission shall approve the application.
- C. Grading Fees Paid: Once the project has been approved, the applicant will pay the appropriate grading fee, based on the town's adopted fee schedule.
- D. Permit Issued: After the project has been approved by the planning commission and the appropriate fees have been paid, the Town staff shall issue a grading permit.
- E. Permit Expiration: A grading permit expires if the work authorized by the permit is not undertaken within one hundred eighty (180) days from the issuance of the permit, or if there is a hiatus of work on the project for more than one hundred eighty (180) days. (Ord. 2006-10, 5-3-2006)

## 15-32-12: GRADING INSPECTIONS: ©

The following inspections are required:

- A. Layout Inspection: Prior to the commencement of any grading the contractor shall install fencing and/or taping as required by subsection 15-32-6A of this chapter to show the layout of the grading. The Town staff must inspect and approve the fencing and/or taping before grading may commence.
- B. Grading Inspection: After the completion of grading activities, the Town staff shall inspect all grading for conformance with the approved grading plan. Should the grading be out of compliance with the approved plan, the responsible parties will be subject to penalties identified in section <u>15-32-13</u> of this chapter.
- C. Revegetation Inspection: After the completion of all grading activities and the completion of construction on buildings and structures (if applicable) the Town staff shall inspect the site for compliance with the revegetation standards of section 15-32-8 of this chapter. (Ord. 2006-10, 5-3-2006)

- 4. Trails intended for the use and enjoyment of the public and connecting to the town's trail network may be developed on thirty percent (30%) and greater slopes, if all of the following criteria are met:
- a. The trail must be a natural surface trail composed primarily of dirt, soil, rocks and other natural features native to the area where the trail is located. Natural materials similar to those native to the area may be imported to augment native materials.
- b. The trail must be a maximum of four feet (4') wide where it crosses the thirty percent (30%) and greater slopes.
- c. The trail must traverse the thirty percent (30%) and greater slopes such that the grade of the trail averages no more than ten percent (10%). Short sections of the trail (50 feet or less) may exceed ten percent (10%) grade as long as the average grade is ten percent (10%) or less.
- d. Switchbacks on thirty percent (30%) and greater slopes should be avoided if possible. Where switchbacks are used they should be designed to be sustainable with minimal maintenance.
- e. The trail must be designed such that water runs across and off of the trail, not along the trail alignment. Features such as three percent (3%) to five percent (5%) cross slopes and grade reversals shall be included in the trail design to ensure proper drainage.
- f. The trail must be on public property, or must be open to public use via trail easements.
- g. Trails should be located outside of thirty percent (30%) and greater slopes where possible.
- h. The planning commission must review all requests for trails on thirty percent (30%) and greater slopes. The commission will approve the trails on thirty percent (30%) and greater slopes only if all of the above criteria have been met. (Ord. 2012-05, 6-13-2012)
  - B. All grading preparatory to any flatwork (cement slabs, pavement, etc.) requires grading approval. For flatwork projects that do not meet the applicability criteria of section 15-32-2 of this chapter, the DCD shall review a sketch plan of the grading and grant approval for the grading and flatwork.
  - C. Slopes that measure thirty percent (30%) or greater in grade that are not natural grades may be modified or altered provided:
- 1. The modification or alteration does not encroach upon adjacent natural grades that measure thirty percent (30%) or greater, and
- 2. Either:

#### 11.08.010 Required Improvements

Conditions of this Code and the Town of Apple Valley Standards and Specifications, no final plat of a subdivision of land shall be recorded without having been signed by the Mayor certifying that all conditions of this Code have been met and that the bonds as required by this Code have been posted with the town.

All improvements required to be installed in the Town of Apple Valley along with the specifications for such improvements shall all be installed in accordance to the current Apple Valley Town and Big Plains Water and Sewer Special District Design Standards. The following are some of the required improvements, but refer to the Design Standards for a complete list of requirements;

HISTORY Adopted by Ord. <u>2005-11-0</u> on 10/1/2005 Repeated & Reenacted by Ord. <u>2018-14</u> on 10/17/2018 Adopted by Ord. <u>2019-09</u> on 6/12/2019

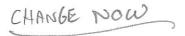
## 15-32-13: GRADING WITHOUT A PERMIT: © 🖃

It shall be unlawful for any person to engage in any grading activity which meets the applicability criteria of section <u>15-32-2</u> of this chapter without first obtaining the proper permit and approval.

- A. Failure to obtain the proper permit and approval prior to commencing any grading which meets the applicability criteria of section <u>15-32-2</u> of this chapter will result in fines commensurate with a class B misdemeanor.
- B. Grading not in compliance with an approved grading plan will also result in fines commensurate with a class B misdemeanor.
- C. When grading is done either without a permit or out of compliance with an approved grading plan, the party responsible for the grading will be required to obtain either a permit or a revised approval, as appropriate, for the grading before any further grading or construction may occur on the site. This requirement is in addition to any fine levied against the party pursuant to subsections A and B of this section.
- D. Any grading performed without a permit and which is not permitted by this chapter will be required to be mitigated, revegetated, and otherwise reclaimed as much as possible to its original state to the satisfaction of the town council at the expense of the party responsible for the grading, or the property owner if the responsible party cannot be identified. The town may, at its sole discretion, require the party responsible for the unlawful grading, or the property owner if the responsible party cannot be identified, to post a bond valued at twice the estimated cost of the restoration. The bond will be forfeited should the restoration not be completed in a time frame established by the town, but not to be less than one hundred eighty (180) days. (Ord. 2006-10, 5-3-2006)

## Section 15:33 Storm Water Mitigation & Detention Required

- A plan for a storm water Detention area shall be provided on each lot or property
  of land where a building permit is requested, in order to retain excess water
  created by the construction of homes, accessory buildings, driveways etc. It shall
  be required as a condition of obtaining a building permit. Said Detention area
  shall be completed as a part of the building process prior to the issuance of an
  occupancy permit.
- 2. No ditch or canal located on the lot or property shall be allowed to be covered up or changed without adequate mitigation to allow for the continued flow of storm water through the property without the written permission of the Town.
- 3. The plans for the Storm Water Detention area shall be prepared by a licensed engineer and approved by the town prior to the issuance of a building permit.



#### 11.08.040 Street Improvements

- A. Prior to start of any work on a subdivision the sub divider shall furnish to the Town Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the sub divider with the reasons for non-approval, and upon correction, shall be re-submitted in the same manner as required herein. Such plans and profiles shall include but are not limited to the following; (see Town Subdivision Design Standards):
  - 1. The designation of limits of work to be done.
  - 2. The location of the benchmark and its true elevation according to County datum, all profiles to be referred to that datum.
  - 3. Construction plans which include the details of curb and gutter (if applicable) and street cross sections, locations and elevations of manholes, catch basins and storm sewers, elevations and locations of fire hydrants and any other details necessary to simplify construction.
  - Adequate horizontal and vertical survey control shall be established as required by the engineer; sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
  - 5, Complete data for field layouts and office checking.
  - 6. On curb returns, at least two additional controls points of curvature, Control points shall be staked in the fields to insure drainage of intersections.
- B. Grades of all streets shall not be in excess of eight percent on major collector's streets or in excess of ten (10) percent on all other streets.
- C. All streets within the town shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

EXHIBIT A. TABLE 1 MINOR, MAJOR & ARTERIAL STREET DESIGN STANDARDS

Street Type	Maximum	Right of way	<b>Pavement Widths</b>	Number of lanes	Lane Widths	Shoulder Widths	Borrow Ditch
Minor Collector (100-200 Units)	10%	60'	34'	2	11'	2'	5'
Major Collector (201-600 Units)	10%	70'	44'	2	12'	2'	5'
Minor Arterial (6,000-20,000)	8%	90'	64'	5	11'	5'	5'
Major Arterial (20,000 Plus)	8%	106'	80'	5	12'	5'	5'

All Minor, Major and Arterial Streets shall be paved as per Apple Valley Town Design Standards, and shall be built as outlined in it and as per Exhibit A, Table 1 above.

Sidewalks may be required instead of Borrow Ditches as required by the Town Council.

EXHIBIT B. Table 1A RESIDENTIAL STREET STANDARDS

SIDEWILL

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Street Type	Maximum Grade	Right of way	Pavement Widths	Number of lanes	Land Widths	Shoulder Widths	Borrow Ditch
Residential Minimum (10 or less Units)	10%	41'	26'	2	11'	2'	5'
Residential Minimum Alternate	10%	49'	26'	2	11'	2'	5'
Residential Local (11-50 Units)	10%	45'	30'	2	10'	5'	5'
Residential Local Alternate	10%	53'	30'	2	10'	5'	5'
Residential Standard (51+ Units)	10%	52'	37'	2	11'	7.5	5'
Residential Standard Alternate	10%	60'	37'	2	11'	7.5	5'

In subdivision with Tacre or larger lots, curb and gutter may be replaced by borrow ditches, as required by the Town Council.

In subdivision with less than Lacre lots and in all commercially zoned areas of town and roads bordering such areas, curb & gutter shall be installed instead of borrow ditches and pavement shall be required.

- No intersections shall be closer than 150 feet, unless otherwise noted in the standards of the American Association of state highway and transportation official's manual for street and intersection design.
  - 2. If curbs and gutters are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
  - 3. If sidewalks are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
  - 4. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the engineer.
  - 5. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets, of not less than 25 feet.
  - 6. Local streets shall approach collector or arterial streets at as near ninety degrees as possible, not to exceed a fifteen degree variance.
- E. Street name signs, conforming to the design and specifications, and in the number necessary for proper identification of all streets, shall be provided for and installed by the developer.
- F. Traffic control signs including stop or yield right of way sign, shall be installed to ensure a smooth flow of traffic through the town.
- G. No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the land use code, on a dedicated street, improved to town standards, unless otherwise approved by the Town Council. On cul-de-sac street, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.
- H. Access to a major arterial street may be limited by one of the following means:

More