

## TOWN OF HIDEOUT, UTAH

Ordinance No. 2020-11

### **AN ORDINANCE PROVIDING FOR TECHNICAL CORRECTIONS TO THE FOLLOWING PROVISIONS OF THE TOWN CODE RELATING TO LAND USE: TITLE 3; TITLE 10; TITLE 11; AND TITLE 12**

WHEREAS, on July 23, 2020, the Town of Hideout passed Ordinance 2020-06 which made certain changes to the land use Provisions of the Town Code pursuant to the authority granted to it under the Municipal Land Use, Development, and Management Act, Utah Code § 10-9a-101, et seq. (“**LUDMA**”);

WHEREAS, the Town Council has determined that the revisions to the Town Code passed in Ordinance 2020-06 contained certain technical errors with which the Town Council wishes to correct and update;

WHEREAS, pursuant to LUDMA, the Town’s Planning Commission held hearings, after appropriate notice, to discuss revisions to Title 3, Title 10, Title 11, and Title 12 of the Town Code and on July 16, 2020 the Planning Commission recommended that such changes be adopted;

WHEREAS, pursuant to LUDMA, the Town Council held hearings, after appropriate notice, to review the recommendations of the Planning Commission and discuss revisions to Title 3, Title 10, Title 11, and Title 12 of the Town Code and on July 23, 2020 the Town Council adopted Ordinance 2020-06;

WHEREAS, due to a clerical error, an earlier version of the exhibits were attached to Ordinance 2020-06 and did not reflect the amendments the Town Council discussed or intended and included inaccurate internal references to other provisions of the Code and inaccurate references to zone names;

WHEREAS, there is an internal conflict in the Code between Section 5.04.075 Noise and proposed 10.04.32 Hours of Operation, therefore 10.04.32 is being amended to match the requirements of 5.04.75 so that construction work is only permitted between 7:00 am to 7:00 pm Monday through Friday; or 8:00 am to 7:00 pm on any Saturday, Sunday or federal holiday; WHEREAS, pursuant to LUDMA, the Town Council held a hearing on November 12, 2020, after appropriate notice, to remedy this clerical error, the internal conflict, and reflect the amendments as discussed and intended to the Town Code as shown on **Exhibit A**, **Exhibit B**, **Exhibit C**, and **Exhibit D**; and

WHEREAS, the Town Council finds good cause for amending Title 3, Title 10, Title 11, and Title 12 of the Town's Code, on the terms and conditions set forth below and that such amendments will benefit the public interest.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hideout, Utah, as follows:

**Section 1 – Recitals Incorporated.** The foregoing recitals are hereby incorporated into this Ordinance as findings of fact.

**Section 2 – Amendments to Town Code.** The terms and conditions of Title 3, Title 10, Title 11, and Title 12 of the Town Code are hereby amended as shown on **Exhibit A, Exhibit B, Exhibit C and Exhibit D.**


**Section 3 – Not a Rezone or Zoning Map Amendment.** Nothing in this Ordinance shall be deemed to be a zoning map amendment, as provided in Section 205(4) of LUDMA. This Ordinance does not change the zoning of any property within the Town, nor the zoning standards applicable to any property within the Town.

**Section 4 – Clerk to Update Code.** Immediately after the effective date, the Town Clerk is hereby directed to update the official version of the Town Code to reflect the changes identified herein.

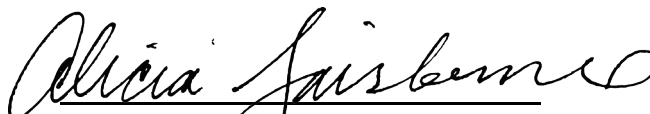
**Section 5 – Effective Date.** This Ordinance will be effective upon publication.

WHEREFORE, Ordinance 2020-11 has been **Passed** and **Adopted** by the Town of Hideout.

**TOWN OF HIDEOUT**

  
Philip Rubin, Mayor

Attest:

  
Alicia Fairbourne, Town Clerk



**EXHIBIT A**  
**(Revisions to Title 3)**

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## **3 PLANNING COMMISSION AND BOARD OF ADJUSTMENT**

### **3.02 PLANNING COMMISSION**

#### **3.02.02 CREATION**

- A. Composition; Appointment: Pursuant to the provisions of Utah Code, there is hereby created a planning commission for Hideout. The planning commission shall consist of five (5) members, to be appointed by the mayor, with the advice and consent of the council. Initially, the members shall be appointed with one (1) member having their term expire January 1, 2010, and two (2) members having their terms expire January 1, 2012. Thereafter, every even numbered year, in the month of January, the mayor, with the advice and consent of the council, shall appoint members of said commission, for a term of four (4) years. The terms shall be staggered in such a manner that no more than three (3) terms expire in a given year. All terms expire on January 1 in the applicable year.
- B. Term: Each member of the planning commission shall serve until the expiration of the term for which they are appointed or until their successor is appointed and qualified. At the expiration of each term, new appointments shall be promptly made in the same manner as original appointment as provided in this section.
- C. Vacancy: Any vacancy occurring during an unexpired term, due to death, resignation or removal from office shall be promptly filled by the mayor, with the advice and consent of the council, for the unexpired portion of the term.
- D. Alternates: Two (2) alternate members of the planning commission may be selected in the same manner and for the same length of time as a regular member. The alternate member may sit in for a full time member of the commission, at the request of the chairperson, when the full time member is not able to be in attendance. The alternate may only vote at such time as they are acting for the full time member.

#### **3.02.04 QUALIFICATIONS**

Members of the planning commission must qualify by taking, subscribing and filing with the clerk the oath of office required by section 10, article IV of the constitution of Utah.

#### **3.02.06 REMOVAL FROM COMMISSION**

The council may remove any member of the planning commission, with or without cause, upon written notice.

#### **3.02.08 COMPENSATION**

The council may fix per diem compensation for the members of the planning commission, based upon necessary and reasonable expenses and on meetings actually attended.

#### **3.02.10 POWERS AND DUTIES**

The planning commission shall have such powers and functions and shall perform such duties as prescribed by Utah Code Title 10-9a, and any further amendments of or supplements to which may hereafter be enacted, and shall also have such powers and functions and perform such other duties in connection with the planning and zoning of the town as may hereafter be prescribed by any ordinance.



### **3.02.12 COOPERATION WITH COUNTY**

The planning commission, in the exercise of its powers and the discharge of its duties, shall seek to cooperate with any planning commission or other official body of the county having similar powers and duties.

### **3.02.14 RECORD OF PROCEEDINGS**

The planning commission shall keep a public record of its proceedings, which shall be filed in the office of the clerk.

### **3.02.16 RULES AND REGULATIONS**

The planning commission shall submit to the council rules and regulations subject to the provisions of the laws of the state and the planning and zoning ordinances of the town, to provide for the regulation of its procedure and the conduct of its duties, and may submit amendments to such rules from time to time to the council.

### **3.02.18 NOTICE REQUIREMENTS**

- A. If any citizen or applicant desires to have an item placed on the agenda for the regular meeting of the Planning Commission, a description of the agenda item must be delivered to the Town Clerk no later than 10:00 a.m. fifteen (15) calendar days prior to the Planning Commission's regularly scheduled meeting. All supporting content (electronic or otherwise), if any, must be submitted to the Town Clerk no later than 10:00 a.m. seven (7) calendar days prior to the date of the regularly scheduled Planning Commission meeting. If agenda items or materials supporting such agenda items are delivered after the time set forth in this section, such agenda items will be placed on the agenda for the following regular meeting of the Planning Commission.
- B. This section makes no changes to any Land Use application schedule or deadlines outlined within existing Town Code or within any duly adopted Master Development Agreement. Those schedules and/or deadlines must be completed prior to any affected item being placed upon the agenda as outlined above.

## **3.04 BOARD OF ADJUSTMENT**

### **3.04.02 APPOINTMENT, TERM, VACANCY**

1. In order to provide for just and fair treatment in the administration of Land Use, and to ensure that substantial justice is done, the Town of Hideout shall appoint a Board of Adjustment to exercise the powers and duties provided in this chapter.
2. Membership; Appointment:
  - a. The Board of Adjustment shall consist of three (3) members and whatever alternate members that the Mayor considers appropriate.
  - b. The Mayor shall appoint the members and alternate members with the advice and consent of the Hideout Legislative Body for a term of three (3) years.
  - c. The Mayor shall appoint members of the Board of Adjustment to terms so that the term of one member expires each year.
  - d. No member of the Board of Adjustment shall be allowed to serve for more than two (2) consecutive terms.
3. Alternate Members:



- a. No more than two (2) alternate members may sit at any meeting of the Board of Adjustment at one time.
  - b. The Town Council shall make rules establishing a procedure for alternate members to serve in the absence of members of the Board of Adjustment.
4. Removal:
- a. The Mayor may remove any member of the Board of Adjustment with or without cause.
5. Vacancies:
- a. The Mayor, with the advice and consent of the Town Council, shall Fill any vacancy.
  - b. The person appointed shall serve for the unexpired term of the member or alternate member whose Office is vacant.

#### **3.04.04 ORGANIZATION AND PROCEDURES**

1. Elect Chairperson; Adopt Rules: The Board of Adjustment shall:
  - a. Organize and elect a Chairperson; and
  - b. Adopt rules that comply with any ordinance adopted by the town council.
2. Meetings: The Board of Adjustment shall meet at the call of the Chairperson and at any other times that the Board of Adjustment determines.
3. Administer Oaths; Compel Attendance: The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
4. Open Meetings; Records, Minutes:
  - a. All meetings of the Board of Adjustment shall comply with the requirements of Utah Code Annotated title 52, chapter 4, open and public meetings.
  - b. The Board of Adjustment shall:
    - i. Keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact; and
    - ii. Keep records of its examinations and other official actions.
  - c. The Board of Adjustment may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.
  - d. The Board of Adjustment shall file its records in the Office of the Board of Adjustment.
  - e. All records in the Office of the Board of Adjustment are public records.
5. Voting: The concurring vote of two (2) members of the Board of Adjustment is necessary to reverse or modify any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellat.
6. Decisions, When Effective: Decisions of the Board of Adjustment become effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.

#### **3.04.06 POWERS AND DUTIES**

1. Generally: The Board of Adjustment shall hear and decide:
  - a. Appeals from zoning decisions applying the zoning ordinance;
  - b. Variances from the terms of the zoning ordinance.
2. Nonconforming Uses: The Board of Adjustment may make determinations regarding the existence, Expansion or modification of nonconforming uses as delegated to them by the Town Council.

#### **3.04.08 APPEALS**

Appeals to the Board of Adjustment shall be made as follows:



1. Any person or entity (including a Town department or elected official) affected by an administrative decision applying the Land Use Ordinance may appeal that decision to the Board of Adjustment by alleging that there is an error in any order, requirement, decision, or determination by an official.
2. Notice of Appeal and all supporting documents shall be filed within thirty (30) days of decision or action taken by the official. Notice of Appeal shall be filed with the Town Planner.
3. Notice of Appeals shall state the administrative order, requirement, decision or determination from which the person or entity appeals and shall specify the grounds for the appeal and circumstances related thereto. Any filings shall include copies of any documentary evidence or written arguments intended to be presented to the Board of Adjustment. A written appeal failing to specify grounds of appeal may be summarily dismissed by the Board of Adjustment, with or without prejudice. The brief should address all issues to be brought before the Board of Adjustment. Any new issues not addressed in the brief that are put forth at the hearing, shall be grounds to continue the matter to allow for adequate time to respond to the new issues.
4. Within five (5) business days of receipt of a Notice of Appeal, the applicant will be informed of a date for the hearing before the Board of Adjustment, which shall be no sooner than thirty (30) days thereafter, and no later than seventy five (75) days thereafter.
5. The official responsible for the administrative decision being appealed shall refer to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken, at least seven (7) days prior to the hearing.
6. Appeal Stays Action. An appeal stays all proceedings unless the Town Planner certifies to the Board of Adjustment that a stay would cause imminent peril to life or property, or irreparable harm.
7. Burden of Proof. The person or entity making the appeal has the burden of proving that an error has been made.
8. Actions of Board of Adjustment. In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, condition, decision or determination as ought to be made. The majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination applying the Land Use Ordinance.
9. Appeal of Decision of Board of Adjustment. Any person or entity aggrieved by a decision of the Board of Adjustment may petition the district court for a review of the decision as permitted by Utah State Law.

#### **3.04.10 ROUTINE AND UNCONTESTED MATTERS**

1. Unless prohibited by state statute, the Town Planner is hereby authorized to decide certain matters, as designated by the Board of Adjustment, that are consistent with the guidelines established by this Title and state law and the rules adopted by the Board of Adjustment. Pursuant to that authority, the zoning administrator may decide all cases which are routine in nature, uncontested, that do not impact the character of the neighborhood, are primarily brought about by recent changes in the zoning ordinance or town initiated Development or construction that has resulted in the creation of nonconforming Structures or uses. The specific types of decisions the Town Planner is authorized to make shall include:
  - a. The determination of a nonconforming use which can be verified by substantial evidence. "Substantial evidence", for the purpose of this section, shall mean official documents, including any written correspondence, receipts, permits or documents issued by a public body or agency thereof, etc., that may establish the truth of the matter asserted by the applicant;





- b. Consider additions or alterations to existing Buildings and Structures, which are nonconforming as to height, area or Yard regulations; providing, that the addition follows the existing wall lines and no additional Dwelling Units are added to the Building or Structure;
  - c. Change in the status of a nonconforming use to a less intense use than that immediately preceding the proposed use;
  - d. Final review and approval on plans where the board has required that a final plat be submitted for special approval, showing that all requirements imposed by the board in granting the original approval have been complied with; and
  - e. The granting of a Variance in the very limited instance wherein the applicant and the town are in complete agreement regarding all issues, and that the spirit and intent of this Title is satisfied and that all criteria required statutorily for a Variance has also been satisfied.
2. Notice Requirements: The notice requirements established by this title, that are required before a hearing on a Variance, must still be satisfied by the Town Planner. However, in lieu of giving notice of a time, date and place of a hearing, the Town Planner's notice shall provide for a time frame within which all interested parties may submit their input to the Town Planner. All responses received pursuant to the notice shall become a permanent part of the file.
  3. Appeal: A decision of the Town Planner may be appealed to the Board of Adjustment as provided for in this chapter.

### **3.04.12 VARIANCES**

1. Authorized: Any person or entity desiring a waiver or modification of the land use requirements as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the board of adjustment for a Variance from the land use requirements.
2. Applications. Applications for Variance shall be filed with the Town of Hideout Offices. Applications shall contain the following information:
  - a. A description of the requested Variance together with a designation of that section of the Town Code from which relief is being requested;
  - b. An accurate Plot plan, if appropriate, indicating the manner in which the Variance will be applied and its effect upon adjacent properties; and
  - c. A filing fee as established by ordinance.
3. Public Hearing. Upon receipt of a complete application as determined by the Town Planner, a public hearing shall be set with the Board of Adjustment for the next available meeting date.
4. Burden of Proof. The applicant for a Variance shall bear the burden of proving that all of the foregoing conditions are satisfied as determined by the Town Planer.
5. Findings Required. The Board of Adjustment may authorize Variances from the requirements of this Title, only when those Variances serve the public interest, and are consistent with State law. In addition, the Board of Adjustment may not grant use Variances. The majority vote of the members of the Board of Adjustment shall be necessary to grant a Variance.
6. Requirements for Granting a Variance. The Board of Adjustment may grant a Variance only if all of the following conditions are met:
  - a. Literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinance;
  - b. There are special circumstances attached to the property that do not generally apply to other properties in the same districts;



- c. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
  - d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest; and
  - e. The spirit of the Land Use Ordinance is observed, and substantial justice done.
7. Unreasonable Hardship. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under 6(a), above, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:
- a. Is located on or associated with the property for which the Variance is sought; and
  - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
    - i. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under Section 6(a), above, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed.
    - ii. In determining whether or not there are special circumstances attached to the property under Section 3.04.12(6), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same district.
8. Meeting Conditions. The applicant shall bear the burden of proving that all of the conditions justifying a Variance have been met.
9. Variance Applicability. Variances run with the land.
10. Use Variance. The Board of Adjustment and any other body may not grant use Variances.
11. Additional Requirements. In granting a Variance, the Board of Adjustment may impose additional requirements on the applicant that will:
- a. Mitigate any harmful effects of the Variance; or
  - b. Serve the purpose of the standard or requirement that is waived or modified.

#### **3.04.14 DISTRICT COURT REVIEW OF BOARD DECISION**

Any person adversely affected by any decision of a Board of Adjustment may petition the district court for a review of the decision as provided by state law.



**EXHIBIT B**  
**(Revisions to Title 10)**

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FINAL



**10 BUILDING AND DEVELOPMENT STANDARDS**

**10.02 BUILDING CODE**

**10.02.02 INTERNATIONAL BUILDING CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the International Building Code, as published by the International Code Council, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code, is hereby referred to and adopted as the building code for Town of Hideout, together with the additions, insertions and changes specifically set forth in this chapter.

**10.02.04 INTERNATIONAL RESIDENTIAL CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the International Residential Code, as published by the International Code Council, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code, is hereby referred to and adopted as the residential code for Town of Hideout, together with the additions, insertions and changes specifically set forth in this chapter.

**10.02.06 NATIONAL ELECTRICAL CODE ADOPTED**

The most recent edition, or if different, the most recent edition adopted by the State of Utah, of the National Electrical Code, as developed by the national electrical code committee of the American National Standards Institute (ANSI), sponsored by the National Fire Protection Association (NFPA), is hereby adopted as the electrical code for Town of Hideout.

**10.02.08 INTERNATIONAL PLUMBING CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the International Plumbing Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code, is hereby referred to and adopted as the plumbing code for Town of Hideout, together with the additions, insertions and changes specifically set forth in this chapter.



#### **10.02.10 INTERNATIONAL MECHANICAL CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the International Mechanical Code, as published by the International Code Council, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code, is hereby referred to and adopted as the mechanical code for Town of Hideout, together with the additions, insertions and changes specifically set forth in this chapter.

#### **10.02.12 INTERNATIONAL FIRE CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the International Fire Code, as published by the International Code Council, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the town and providing for the issuance of permits for hazardous uses or operations, and each and all of the regulations, provisions, penalties, conditions and terms of said fire code, is hereby referred to and adopted as the fire code for the Town, together with the additions, insertions and changes specifically set forth in this chapter.

#### **10.02.14 INTERNATIONAL FUEL GAS CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the International Fuel Gas Code, as published by the International Code Council, regulating and governing fuel and gas systems and gas fired appliances; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code, is hereby referred to and adopted as the fuel gas code for Town of Hideout, together with the additions, insertions and changes specifically set forth in this chapter.

#### **10.02.16 UBC ABATEMENT OF DANGEROUS BUILDINGS CODE ADOPTED**

The most recent edition, or, if different, the most recent edition adopted by the State of Utah, of the UBC Abatement of Dangerous Buildings Code is hereby adopted as the abatement of dangerous buildings code for Town of Hideout.

#### **10.02.20 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED**

The most recent edition, or if different, the most recent edition adopted by the State of Utah, of the International Energy Conservation Code is hereby adopted as the energy conservation code for Town of Hideout.

### **10.04 BUILDING AND CONSTRUCTION REGULATIONS**

#### **10.04.02 LICENSE TO CONFORM**

All departments, officials, and employees of the Town of Hideout that are vested with a duty or authority to issue permits and licenses shall do so in conformance with the provisions of this Title. No permit or license for a use, building, or purpose shall be issued where the same would be in conflict with the provisions of this Title. A permit or license, if issued in conflict with the provisions of this Title, shall be null and void.





#### **10.04.04 BUILDING PERMITS REQUIRED**

1. No building or structure shall be constructed, reconstructed, altered or moved, except after the issuance of a permit for the same by the Building Official, unless exempted by State Law or as outlined in the adopted codes.
2. Local building permits are not required for Federal buildings, State buildings, and School District buildings as defined in State and Federal statutes. County and Town buildings constructed within the Town boundaries are required to obtain a building permit.
3. Building permits are required as defined by the National Electrical Code and the International Codes adopted for buildings, residential, plumbing, mechanical, fire, and fuel gas.
4. A homeowner may be subject to a Class C Misdemeanor if work requiring a permit is performed without first securing the permit(s) required. Each day work requiring a permit is performed without a permit shall be deemed a separate violation.
5. Anyone who received payment or equivalent value to perform work requiring a permit may be subject to a Class C Misdemeanor if the work is performed without first securing the permit(s) required. Each day work requiring a permit is performed without a permit shall be deemed a separate violation.
6. The Building Official or Town Engineer may require that any construction, development, or other work performed without a permit be removed, repaired, remediated, or replaced.

#### **10.04.06 COMPLIANCE WITH LAND USE REGULATIONS REQUIRED**

1. Permits shall not be granted for the construction, reconstruction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use of any land, building, or structure if such construction, alteration, moving, or change in use violates any of the provisions of the Town Code.
2. No sewer service line and/or wastewater treatment facility, no water service line and/or water facility, or electrical utilities shall be installed to serve such premises if such use violates this Title.

#### **10.04.08 PERMIT APPLICATION PACKAGE**

1. A building permit shall be secured from the Building Official through submittal of an application package that contains an application form accompanied by construction documents (i.e. plot plans, specifications, calculations) which must state the specific nature of the construction or alterations to be made. The construction documents must be verified by the person who will perform or be in charge of the construction or alteration.
2. Plot plans must be drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, and existing buildings on adjacent property and such other information as may be deemed necessary by the Building Inspector or the Town Planner for the enforcement of this Title.
3. Construction documents for all commercial projects, renovations, remodels, tenant finishes, and additions shall be prepared by a registered design professional. A registered design professional is anyone legally engaged and licensed to provide building design work.
4. When property boundaries are unclear or undetermined, a complete and accurate legal description of the property, which is the subject of the application, together with a certified survey of the property showing any conflict with adjoining property, overlaps or discrepancies between the legal description, and any existing fence lines.



#### **10.04.10 PERMIT APPLICATION FEES**

Any application for a building permit shall not be considered complete or accepted until the applicant has submitted a complete application, including payment of all fees as set by resolution of the Town Council. Fees paid shall be non-refundable. Payment of the appropriate fee is no guarantee that the proposal will be approved. No construction activity may commence until all fees have been paid in full to the Town. If a builder is delinquent more than 60 days, construction activity may be stopped by the Town until such fees are paid in full.

#### **10.04.12 REVIEW OF PERMIT APPLICATION PACKAGE AND ISSUANCE OF PERMIT**

1. The Building Inspector or designee shall review the application for permit to determine whether the proposed construction or alteration conforms to the Town Code and Town Standards. On receipt of an approved plan, the Town shall issue a permit to the applicant together with a set of the approved construction documents.
2. If the application for permit is denied, a written statement will be provided to the applicant of the reasoning. The applicant will have right to appeal the decision of the Building Inspector as outlined in the Town Code.
3. If the application for permit is approved, the Town shall issue a permit to the applicant together with one set of approved construction documents. One set of approved construction documents will be retained by the Building Official.

#### **10.04.14 EXPIRATION OF BUILDING PERMITS**

A building permit shall expire if construction is not begun within one year (1) from the date the building permit was issued. A building permit shall expire if construction is not completed and a Certificate of Occupancy and Land Use Compliance obtained within two (2) years from the date the building permit was issued. The Building Official may, for good cause shown, extend the expiration date for a period of time not to exceed one (1) additional year. Inactivity on a building site exceeding 180 days will be grounds for a permit to expire.

#### **10.04.16 PERMIT REVOCATION**

The Town Engineer, Building Official or Building Inspector may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in a violation of the Town Code, Town Standards, or any ordinance of the Town of Hideout. If such violation remains uncured for more than five (5) days; the permit holder will receive written notice of such violation.

#### **10.04.20 CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE**

1. Unlawful to Occupy. It shall be unlawful to use or occupy, or to permit the use or occupancy of any building or premises until a Certificate of Occupancy and Land Use Compliance shall have been issued for the premises and/or building by the Town of Hideout. It shall also be unlawful to occupy any building which has greater intensity of use or different occupancy than provided for specifically in the Certificate of Occupancy and Land Use Compliance.
2. Issuance of Certificates. A Certificate of Occupancy and Land Use Compliance is required to be issued by the Building Official of the Town of Hideout at the time a building is completed, and final inspection granted by the Building Inspector. In addition, a new certificate shall be required at any time the occupancy of the building changes to a more intensive use or that the number of



occupants in an apartment building or multiple residential building increases more than five percent (5%) above the number declared in the previously-issued certificate.

3. Information Required on Certificates. The following information shall be made a part of any application for a Certificate of Occupancy and Land Use Compliance issued by the Building Official.

a. Residential Certificates.

- i. The number of residential units in the building or buildings. (If there is more than one building, the number of units should be listed separately for each building).
- ii. Number of families residing or anticipated to live in the building.
- iii. The number of legal off-street parking spaces sized to conform to this Title and being provided on the premises.
- iv. A signed certification of the property owner of the building or premises, or his authorized agent, stating that the information contained in the application is accurate and that the stated conditions will be maintained on the premises.
- v. A notice directed to the owner of the building or premises that any change in the intensity of use of the building or premises, or an increase of more than five percent (5%) in the number of occupants in an apartment building or multiple residential building, will require the issuance of a new certificate.

b. Commercial, Industrial, and Institutional Certificates.

- i. The proposed maximum number of employees on the premises.
- ii. The number of off-street parking spaces sized to conform to this Title and provided for employees on the site.
- iii. The number of off-street parking spaces sized to conform to this Title and provided for customers or visitors.
- iv. The number and type of restroom facilities provided.
- v. The square foot area within the building used for each separate type of occupancy.
- vi. A signed certificate by the owner of the building or premises or his authorized agent stating that the information and conditions set forth in the application are true and will be maintained upon the site in this condition.
- vii. A notice directed to the owner of the premises that a change in intensity of use of more than five percent increase in the intended occupancy of the building will require the issuance of a new certificate.

#### **10.04.22 VARIATION FROM APPROVED PLAN PROHIBITED**

Building permits or Certificates of Occupancy and Land Use Compliance, issued on the basis of plans and specifications approved by the Building Inspector, authorizes only the use, arrangement, and construction set forth in the approved application, plans and specifications and no other use, arrangement, or construction. No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the Building Official and the Town Planner.

#### **10.04.24 NUISANCE**

The Town of Hideout may avail itself of all remedies available at law or in equity to abate any nuisance or public nuisance. Without limiting the foregoing, the Town Engineer, Building Official, or Building inspector may revoke a permit issued for any construction or development activity, if such activity constitutes, or is deemed to constitute or contribute to, a nuisance. The Town of Hideout may fine a



person causing or contributing to a nuisance the amount of \$500.00 per day for each day the nuisance exists until abated. Each of the following acts is hereby declared to be a nuisance and may be abated in as such, provided that the following is not intended to be an exhaustive list of nuisances:

1. Any act which constitutes a nuisance or public nuisance under state law;
2. Engaging in a use or activity that is not permitted in the zone where the use or activity is located;
3. The occupation of any building or structure for which a Certificate of Occupancy and Land Use Compliance has not been issued;
4. The occupation or use of a building or structure with a greater density or intensity of use than is permitted in the Certificate of Occupancy and Land Use Compliance.

#### **10.04.26 TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED**

1. All construction sites shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. It shall be unlawful to permit accumulated debris, litter or trash on a construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing. There are no landfills or dumping areas within the Town of Hideout, and it shall be unlawful to dump trash or construction debris within the Town limits.
2. All construction sites shall have a portable toilet placed on the site prior to the start of work on the site.
3. The dumpster and the portable toilet shall not be placed in any right of way on the work site.
4. There shall be no dumping of material or stockpiling of soil on any platted lot without a Building Permit.

#### **10.04.28 LIMITS OF DISTURBANCE**

1. It is the policy of the Town of Hideout to require construction activity on buildings to occur entirely within the Limits of Disturbance (LOD), including the storage of materials, equipment, supplies, temporary offices, tools and also accumulation and disposition of construction related refuse. The right of way of the lot is to be kept clear from any type of obstruction.
2. The purpose of the Limits of Disturbance regulations is to preserve existing vegetation on building sites and adjacent sites thereby minimizing the water demands of new landscaping while reducing the visual and ecological impact of development.
3. Submitted plans for construction shall show where LOD fences will be installed and indicate the location of the right of way. The plans shall contain a Storm Water Management Plan or Storm Water Pollution Prevention Plan which identifies drainage areas and planned Best Management Practices (BMPs) to control erosion and off-site migration of soils, such as silt fences, wattles, etc.
4. Wattles, silt fences, etc. must be installed correctly in order to manage the drainage on the lot. Gutters shall have gravel bags {silt sacks, wattles) to protect storm drains and keep them clean.



From October 31 to April 15, silt sacks shall be placed in storm drain boxes instead of the gutters to allow for snow plowing.

5. Driveways shall be graveled to keep the mud on the lot instead of the street. It shall be the responsibility of the Contractor to clean any mud or dirt from the streets surrounding the work site daily.
6. All new construction requires the LOD boundaries to be established prior to the commencement of any construction activities, including grading, excavation, etc., even if such activities are otherwise permitted. However, the size, location and specific requirements regarding the LOD can vary between subdivisions and should be carefully researched prior to submitting plans for review. The recorded subdivision plat and the any applicable home owners association guidelines shall govern the boundary of the LOD. In those cases where disturbance beyond what is required for construction would be allowed, then the Town Engineer shall establish the LOD which is permitted for construction and grading. Projects that have been approved through the Town's Planning Commission and Town Council shall be governed by the recorded plats for such projects and the plans and any requirements which the approved plat was based on.
7. Once the Limits of Disturbance are approved, it is the Contractors responsibility to Install the LOD boundary fencing. The Town Engineer may establish standards for fencing to be installed at the LOD boundary. Prior to issuance of any building permits, the LOD fencing must be in place, inspected and approved by the Building Official.
8. Upon completion of construction activity and no later than thirty (30) days after such completion (as determined by the Building Official), the fencing must be removed and the area landscaped in accordance with Landscaping Guidelines defined in this Title.
9. Any violation of this section may be punished as a Class C Misdemeanor. Each day a violation of this section persists may be punished as a separate violation.

#### **10.04.30      PARKING**

1. Parking for contractors and subs shall be all on the same side of the street. No vehicles or work trailers, etc. shall be allowed on the street overnight. All debris and trash along parking areas shall be the responsibility of the Contractor. When necessary for snow removal activities during winter storms, street parking may be prohibited or parked vehicles may be required to moved to accommodate snowplows or other snow removal activities.
2. Cranes, concrete pumps and similar equipment and material deliveries that cannot be placed within the approved area because of space or access limitations on the site, shall not block traffic lanes on the streets without first having given the Town office forty-eight (48) hours written notice of intent to block the street and having received written permission to block the street from the Town office. The notice of intent shall indicate date and duration of the blockage, the location and a traffic control plan. The Contractor will have the responsibility of implementing and maintaining the traffic control plan. Lane closures under this section shall not be allowed during winter storms or for a duration longer than 10 hours or after dark. Any material that is stored on the road right of way is subject to this section and also for material that is left within the road right of way beyond ten (10) hours an excavation permit for an extended lane closure is required.



3. It shall be the responsibility of the contractor to become familiar with the Town Code and ordinances concerning parking regulations.
4. Track Hoes, skid steers, utility trailers, etc, shall be kept on the lot, not on the street. There is no parking on any other lot except the lot being built on.

#### **10.04.32 HOURS OF OPERATION**

1. It shall be unlawful for any person to perform, or cause to be performed, any construction work on any work site outside of the hours of 7:00 am to 7:00 pm Monday through Friday; or outside of the hours of 8:00 am to 7:00 pm on any Saturday, Sunday or federal holiday.
2. It shall also be unlawful to move construction equipment and/or construction trailers during those same hours.
3. The Town office may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations.

#### **10.04.34 SIGNAGE**

1. Any signs erected on the lot shall be in accordance with HMC 12.22 outlining sign regulations.
2. A permit board shall be erected on the lot upon which the building permit shall be posted. The permit shall include permit number, name of General Contractor with contact information and street address of property being built on. The Contractor shall keep the posted lot number sign in place until work is complete. The sign size shall be two feet by three feet (2'x3') and shall not exceed a letter type of four inches (4").

#### **10.04.36 ROADS CUTS/EXTENDED DURATION LAND CLOSURE**

1. If a road cut, in a road that has been dedicated and accepted by the Town, is required the Contractor shall obtain a road cut permit from the Town.
2. If an extended lane closure is required for reasons other than a road cut the Contractor shall follow the same procedures as required for a road cut permit except that the excavation bond shall not be required. The Town will consider requests for an extended lane closure on a case by case basis and reserves the right to deny any request that the Town deems to be not in the best interest of the Town.

### **10.06 DEVELOPMENT STANDARDS**

#### **10.06.02 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Landscaping requirements within each zone shall adhere to the following standards:

1. Landscaping shall follow criteria established in Section 10.08.36 in this Title.
2. New plant materials should be located in a way that respects existing planting patterns. Trees, shrubs, and ground cover are usually found in groups of similar species. New planting should follow the patterns characteristic to the Site and should, as much as possible, harmonize with them.
3. The existing landscape, vegetation and topography are to be considered when siting **structures** and designing outdoor spaces.



4. The preservation of natural vegetation or planting of new native vegetation is strongly encouraged for all residential and commercial properties and shall make up no less than 50% of a property's total landscape area (exclusive of building footprint and paved areas).
5. These plants must achieve 75% coverage within two (2) years as determined by an aerial analysis and in accordance with an inspection by the Town Planner.
6. Gravel/rock/rock mulch/decorative rock/sand is not permitted as a primary groundcover and is only permitted for small walking paths, small sitting areas/patios, borders, and/or as an accent feature in a garden. In no case shall gravel/rock/rock mulch/decorative rock/sand exceed twenty-five percent (25%) coverage of the total yard area (not including building footprint and driveway) of any property.
7. Naturally colored bark mulch may be used as a base ground cover in which to plant shrubs, trees, perennials, annuals, etc. These plantings must achieve at least sixty percent (60%) coverage of the barked area within two (2) years, and plant size and spacing shall not be less than twenty-five percent (25%) coverage at time of planting.
8. The Landscaping of all Street rights-of-way contiguous with the proposed Development site not used for Street pavement, curbs, gutters, sidewalks, or Driveways shall be required in addition to the On-Site landscaped areas required herein.
9. Pavement such as asphalt with a concrete or paver border, concrete, or other materials may not cover greater than twenty-five percent (25%) of any Lot's total landscape area (exclusive of the building footprint). This includes driveways, parking pads, walkways, porches and patios.
10. Community Gardens may count toward a Landscaping and/or Open Space requirement for Multiple Family Residential Developments.
11. A minimum fifteen-foot-wide landscape buffer shall be required along those property lines of a site developed for Multiple Family Dwellings, commercial, or industrial uses when such property lines are contiguous with any residential Development or residential zoning district; except that no such landscape buffers shall be required for Multiple Family Dwellings contiguous with other Multiple Family Dwellings or a Multiple Family zoning district. The area of this landscape buffer shall not be used to satisfy the landscape area requirements of this Section.
12. The landscape buffer areas shall be improved with a minimum of one (1) screening tree spaced at each ten-foot interval (staggered configuration) of the property boundary being screened.
13. Parking Lot Landscaping. Five percent (5%) of the gross parking surface area shall be of dispersed interior Landscaping, designed so as to reduce the "heat island" effect and to enhance the aesthetics of a parking area. A Development with single drive aisle between a building and property boundary may include the required Landscaping on the perimeter of the drive aisle toward this requirement.
14. Natural vegetation is permitted for passive Open Space areas. Active Open Space areas may use introduced vegetation for park areas, walking areas, play fields, etc.
15. All landscape improvements (landscape materials, irrigation system, landscape buffers, etc.) shall be installed and paid for by the Developer on the site in accordance with the approved Final Landscape Plan prior to the issuance of a certificate of occupancy for the building or use.
16. Automated irrigation systems are required.
17. The Homeowners Association shall maintain all Common Areas and facilities.

#### **10.06.04 OPEN SPACE AND PUBLIC SPACE GENERAL REQUIREMENTS**

Open Space and Public Space requirements within each zone shall adhere to the following requirements:



1. Unless approved by the Town Council, the following shall not count toward Open Space Requirement calculations:
  - a. Detention/retention basins and other stormwater infrastructure.
  - b. Lots and Lot setbacks.
  - c. Roads and sidewalks.
  - d. Parking and drive aisles.
2. Public Space may be counted towards the Open Space Requirement calculation.
3. Open Space shall follow criteria established in Section 10.08.32 in this Title.
4. Land shall be reserved, and improvements installed for Public Space following the criteria established in Section 10.08.34 in this Title.
5. Any public trails and Public Spaces shall be either be dedicated to the Town of Hideout or a Public Access Easement dedicated to the Town. Once the improvements associated with Public Trails or Public Spaces are complete according to Town Standards and the Town of Hideout accepts the dedication, the Town of Hideout shall thereafter assume the responsibility of maintaining such public trails or Public Spaces.

#### **10.06.06 CONVEYANCE OF OPEN SPACE**

1. Open Space shall be conveyed as follows:
  - a. If the Town Council determines that a conveyance to the Town will benefit the public, to the Town of Hideout once any infrastructure and improvements have been constructed to Town Standards and approved by the Building Official. Any conveyance to the Town shall be in a form approved by the Town Attorney. If the Town determines not to accept a conveyance, the Town may require a public access easement over the Open Space and any Public Trails thereon.
  - b. If the Town Council determines that conveyance to the Town will not benefit the public, the Open Space must be conveyed to either:
    - i. A homeowner’s association organized for the Subdivision in which the Cluster Development; or
    - ii. To a nonprofit organization whose principal purpose is the conservation of lands similar to Open Space, provided the conveyance to such a nonprofit organization must be approved by the Town Council.
2. In any case, where the Open Space is conveyed pursuant to subparagraph (1)(b), above, a deed restriction enforceable by the Town shall be recorded that provides that the Open Space shall:
  - a. Be kept in the authorized condition(s); and
  - b. Not be developed for Structures, Buildings, Accessory Structures, roadways, or other purposes which are inconsistent with Open Space.

### **10.08 DESIGN STANDARDS**

#### **10.08.02 PURPOSE**

The establishment of the Hideout Design Standards is to achieve development that can work in unison with the surroundings to maximize the beauty, enjoyment and long-term stability and accomplish the following purposes:

1. To preserve and protect the natural beauty of the Hideout; and
2. To establish regulations by which development may take place; and
3. To conform to and to advance the Town of Hideout General Plan.





#### **10.08.04 APPLICATION OF STANDARDS**

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere within the Town Code. The current edition of the construction specifications for the Town of Hideout will also govern construction of infrastructure in the Town of Hideout.

#### **10.08.06 GENERAL STANDARDS**

1. The design and development of Subdivisions shall preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil, existing vegetation, and viewsheds.
2. The design of buildings should, insofar as possible, blend into the natural beauty of Hideout. See Section 10.08.08 – Building Design Standards for more information.
3. Monotony Clause – to mitigate the issues associated with monotony of design for single-family or townhouse (two-family) structures located within a neighborhood; the following standards apply:
  - a. Minor Subdivisions (5 lots or less) shall not have any two (2) structures with the same elevation. The differentiation of each structure shall be a combination of unique roof lines, garage stepbacks, entry/porch location and canopy, fenestration, building materials, and colors.
  - b. Major Subdivisions (6 lots or more) shall not have greater than twenty (20%) of the structures with the same elevation and, in no case, shall any two (2) similar structures be located adjacent to each other or directly across the street. The differentiation of each structure shall be a combination of unique roof lines, garage stepbacks, entry/porch location and canopy, fenestration, building materials, and colors.
4. Land subject to natural hazards such as flooding, wildfire, falling rock, landslides, and avalanches shall be considered unsuitable for any occupancy that may impair the health, safety, or welfare of the inhabitants. Such land shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the Subdivision and construction plans in accordance with the Town Code. Where such hazardous conditions are adjacent to lands proposed for Subdivision, the proposal may be denied unless potentially hazardous conditions are appropriately mitigated per the Town Code.
5. The Applicant or builder shall comply with landscape requirements of approval, maintain vacant lots, keep sidewalks clear and roads swept, and implement best management practices, including revegetation of disturbed sites, as needed, to reduce erosion, sedimentation, and noxious weed proliferation during Subdivision construction and until the lots are sold.
6. Maintenance of Common Areas must be accomplished through either covenants and a Homeowners Association, a separate maintenance agreement, or some other perpetual agreement.

#### **10.08.08 BUILDING DESIGN STANDARDS**

Unless an exception is specifically approved by the Town Council based on a showing of good cause, the following design standards shall apply to all buildings constructed within the Town of Hideout.

##### **10.08.08.01 ROOF SLOPES**

Roof slopes should be between 3/12 and 8/12. Flat roofs, up to a maximum of 30% of a structure's overall roof area, may be integrated into a residential structure.



#### **10.08.08.02 ROOF FORMS**

Variation in roof forms and ridgelines is required to provide added visual interest and serve to break down massing. Varying versus repetitive reforms are encouraged. Major roof forms shall predominantly run parallel to the street so that the building's roof materials are visually pronounced. Gable end should be located on the side elevations where they are less visible. Variations in roofing materials and colors will be encouraged to provide added interest.

Roof types are permitted as follows:

- a. Partial hip roof
- b. Gable roof
- c. Full hip roof
- d. Flat roof in the case of Mountain Modern

The following roof types are not permitted:

- a. Curvilinear
- b. Gambrel
- c. Barrel Vault
- d. Conic
- e. Fake Mansard
- f. Domed
- g. Mansard

#### **10.08.08.03 ROOF OVERHANGS**

Roofs should overhang walls a minimum of 18 inches, roof overhangs less than these required minimums need committee approval. Roof overhangs must be contained entirely within the owner's property. Roof overhangs should not be boxed in.

#### **10.08.08.04 ROOF SURFACING MATERIALS**

It is important that different roof materials blend.

Because of fire danger, wood surfaces may not be used on any building roof.

Finishes without metal coatings or other finishes can be used.

- a. Natural rusted metal
- b. Zinc
- c. Copper that will oxidize and turn bronze
- d. Tern

The following metals can be used for roof surfacing if the Planning Commission approves the color and finish.

- a. Aluminum
- b. Steel

These different masonry tiles can be used as surfacing material with colors approved by The Planning Commission.

- a. Ceramic tiles
- b. Slate
- c. Concrete tiles



Architectural grade asphalt - composition shingles are allowed but must not be reflective. All roof flashing colors must be harmonious with upper walls and roof. All types of barrel or S tiles, asphalt rolled roofing, or reflective metal surfaces is prohibited.

#### **10.08.08.05 ROOF APPURTENANCES**

Roof appurtenances, such as dormers and other articulation of the roof, must create interest. Their location on the roof is critical in keeping the lines simple and the overall look refined.

- a. Dormers can be shed, gable or hip, but should be complementary to the other roof forms.
- b. Skylights must be placed flush against the roof and contained within the roof field. Bubble-shaped skylights are prohibited.
- c. Chimneys mad of stone, wood, and stucco are permitted. Exposed metal chimneys are not permitted.
- d. Exposed flashing color and material should be consistent with the building colors so as not to stand out.
- e. All pipe penetrations are to be painted to match flashings or roof.

#### **10.08.08.06 EXTERIOR WALL MATERIALS**

The siding materials considered most typical of the mountain environment are wood siding, glulam materials, natural stones and stucco. These principal materials shall be incorporated into each building design consistent with the design objectives in the architectural design.

Walls can be surfaced with the following materials.

- a. Stone - natural stone only
- b. Stucco - warm, earth tone colors
  - 1) Installed to a minimum distance of four (4) feet above finished grade.
- c. Stained natural wood siding, wood shingles, or painted wood siding
  - 1) Installed to a minimum distance of four (4) feet above finished grade.
- d. Steel, 20 gauge or thicker natural rust finish

Walls cannot be surfaced with the following materials

- a. Plastic or vinyl siding
- b. Aluminum siding
- c. Ceramic tile
- d. Simulated stone or brick
- e. Asphalt or hardboard siding
- f. Hardie-board siding
- g. Brick

#### **10.08.08.07 NUMBER OF WALL MATERIALS**

Walls can be surfaced with up to three (3) different materials. No more than 3 materials are permitted, unless specifically approved by the Planning Commission through a variance. The Planning Commission will not approve plans with fewer than two (2) materials.

#### **10.08.08.08 COLOR PALETTE AND TEXTURE**

- a. The predominant tones shall be colors which are warm earthy tones or a muted natural color.



- b. Light to dark shades of wood are appropriate.
- c. The colors found in the mountain forest, the meadow grasses, and hillside vegetation are appropriate.
- d. Mountain flower colors are appropriate accents. But accents should not be glaring and should not detract from the overall design.
- e. Uniform color and texture for walls should not be discouraged, but should be used judiciously as an architectural element

#### **10.08.08.09 OPENINGS**

Doors, porches and window openings are a necessary component of the building's appearance and form. Openings should conform and seem incidental.

Openings to the wall surface should be designed with singularity in mind. Vertical and horizontal bands of openings are discouraged.

Rectangular wall openings are preferred.

#### **10.08.08.10 WINDOWS**

Windows may be constructed of, vinyl, or aluminum. Exterior metal covered wood windows are preferred with approved coated finish colors. White vinyl windows are not to be used.

#### **10.08.08.11 GARAGE DOORS**

Garage doors should be comprised of wood (or wood grained metal) with allowances for glass inserts within a garage door; glass not to exceed 33% coverage. Other types of metal garage doors are discouraged and must be approved by the Town Planner for circumstances specifically warranting such material. White doors will not be permitted.

#### **10.08.08.12 BALCONY AND DECKS**

Decks and balconies should be designed to accentuate and be simple in design. The use of long vertical or horizontal bands of balcony space are discouraged. Deck columns should have stone bases when supports run to the ground. Eco-friendly materials such as Trex may be used with the Planning Commission approval.

#### **10.08.08.13 BUILDING ARTICULATION**

All single family and commercial structures shall have a minimum 3'-0" offset along the front and rear facades (such break should be located within the middle 70% of each façade). For attached townhouses, the offset shall vary from 3'-0" and 7'-0" between each unit.

#### **10.08.08.14 FIRE SPRINKLERS**

All buildings constructed or modified within Hideout shall be required to install fire sprinklers. Fire sprinklers shall be installed in accordance with applicable building codes.

### **10.08.10 LOT DESIGN**

1. The minimum area and dimensions of all lots shall conform to the requirements of the zone classification in which the lot is located.
2. The layout of lots should make use of natural contours, maintaining views, affording privacy, and enhancing protection from wind, noise and vehicular traffic.



3. All lots should have reasonable access or proximity to Open Space, trails, and Public Space that are set aside for either development use or use by the general public.
4. All lots or parcels created by a Subdivision shall have direct access with frontage on a road improved to standards required.
5. Land dedicated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots.
6. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Building Permits to build on all lots in compliance with the International Building Code and in providing reasonable driveway access to buildings on such lots from an approved road.
7. Corner lots for residential use shall be planned wider than interior lots in order to permit conformance with the required front setback requirements for both roads.
8. No single lot shall be divided by the Town or County boundary line. Each such boundary line shall be made on a lot line.
9. Fencing is not permitted on any lot in the Town unless specifically approved by the Town Planner. If approved for health and safety reasons, no fence shall be located within the front yard or the side yards unless located behind the front façade of the house back toward the rear lot line. No fencing shall be approved that is higher than 6'-0" and all fencing must be constructed of metal or wood materials. Fencing will be required in areas where there is a Health and Safety concern (such as a steep embankment or other hazard).
10. All Subdivisions shall result in the creation of lots that are developable and capable of being built upon. A Subdivision shall not create lots which would be unbuildable under the Town Standards due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for Open Space, Public Space, private utility or public purpose as determined by the Planning Commission and Town Council.

### **10.08.12 ADOPTION OF LOCAL STREET PLAN**

The Town Council may adopt and maintain a local Street plan, which will provide long-range planning for local neighborhood Streets. This process is intended to ensure that property within a given area can be adequately developed and serviced. Elements of this plan shall show the proposed Streets layout, Lots, and other features including street width, existing utilities and water courses in relation to the existing and planned Street within the Development. The plan shall be prepared at a scale of not smaller than one-inch equals four hundred feet. Upon recommendation by the Planning Commission, local Street plan shall be submitted to the Town Council for adoption. The Developer shall coordinate with the Town Engineer and Town Planner in developing the local Street plan.

### **10.08.14 ROADS AND ROAD REQUIREMENTS**

#### **10.08.14.1 ROAD GRADE AND MINIMUM WIDTH**

1. The minimum allowed grade for all roadways is one-half percent (0.5%).
2. The maximum allowed grade for all local roadways is 10% (and 8% for all collectors). Council may allow local roadway slopes of up to 12% for lengths not exceeding 500 feet. For roadways



greater than 10%, the applicant shall demonstrate a technical infeasibility to construct the roadway at or below 10% standard.

3. Unless otherwise specifically provided for in this Code, the minimum width for all new roadways within the Town is 26 feet of pavement (exclusive of curb and gutter).

#### **10.08.14.2 UTILITY LOCATIONS**

Utilities in the road will be located as shown in typical sections in this chapter.

#### **10.08.14.3 GENERAL ROAD DESIGN STANDARDS**

Roads shall be designed at a minimum in accordance with AASHTO design criteria and per street cross sections shown in Section 10.08.14.5 of this Title. The roadway design standards shall be the same for publicly owned and all privately owned roadways. The standards shall be applicable to new developments in The Town of Hideout.

1. **Major Collector (75 Foot ROW)**

To be used where the potential of traffic at build out is greater than 8000 AADT requiring two 12' travel lanes, and 5' asphalt shoulders for bike/emergency lanes. Drainage is to be controlled with a drainage swale or curb and gutter. In areas where the profile grade is steeper than 5% the drainage swale must be lined with an approved fabric or rip rap. There will be no private residential access allowed except for very specific exceptions for existing buildable lots bordering a 75' town right of way in circumstances where the applicant has proven safety concerns can be adequately mitigated. These exceptions can only be approved by the Mayor and Town Engineer. There will be no on-street parking. A right-of-way of 18' is established behind the back of the curb. This allows for the potential of two meandering five-foot (5') walkways on each side of the road. The Town Council may approve a deviation from the standard section for this type of roadway for specific alignments.

2. **Minor Collector (66 Foot ROW)**

To be used where the potential of traffic at build out is between 2000 and 8000 AADT. Roadway to have two 11' driving lanes with 5' asphalt shoulders for bike/emergency lanes. Drainage to be controlled with a drainage swale or curb and gutter. In areas where the profile grade is steeper than 5% the drainage swale must be lined with an approved fabric or rip rap. There will be no private resident access allowed except for very specific exceptions for existing properties bordering a 61' town right-of-way. A right-of-way of 18' is established behind the back of the curb. Right-of-way allows for two five-foot (5') walkways on each side of the road. Exceptions to be approved by the Mayor or Town Engineer. There will be no on street parking.

3. **Neighborhood Road (51-Foot ROW)**

This is the *minimum allowed right-of-way* and road standard designed for all non-collecting neighborhood roads throughout the Town of Hideout without specific Town Council exception. Potential traffic is less than 1000 AADT. Drainage to be controlled by either a drainage swale or curb and gutter. There are to be 10' travel lanes and 3' asphalt shoulders for bike/emergency lanes. A 10' right-of-way shall be dedicated behind the back of the curb and gutter. Exceptions to be approved by the Mayor or Town Engineer. There will be no on-street parking except where asphalt exceeds 32'.



4. **Arterial Roadways (106 Foot ROW)**

One Hundred and Six Foot (106') width Roads shall be designed at a minimum in accordance with AASHTO design criteria and per street cross section between the property line and the drainage swale.: To be used where the potential of traffic at build out is greater than 8000 ADT requiring a minimum of 3 driving lanes (including the turn lane) and 5' asphalt shoulders for bike/emergency lane. Drainage to be controlled with a drainage swale, no curb and gutter. In areas where the profile grade is steeper than 5% the drainage swale must be lined with an approved fabric or rip rap. There will be no private resident access allowed. There will be no on street parking allowed. Larger rights-of-way allow for two meandering ten-foot (10') asphalt paths on each side of the road. 1. The town council may approve an alternate section for construction depending on location and site-specific needs.

5. **Mountain Road**

This road standard is designed for connective road traffic through mountainous terrain. It is not to allow frontage for any residential use. Potential traffic is less than 1000 AADT. Drainage to be controlled with a drainage swale, no curb and gutter. In areas where the profile grade is steeper than 5% the drainage swale must be lined with an approved fabric or rip rap. No driveway access is allowed. The Town may not plow an unpaved mountain road may not be plowed in the winter. Emergency services may not be available in areas accessed on Mountain Roads when there is snow on the road

6. **Emergency access / fire road**

Only to be used in legally non-conforming subdivisions or lots of record and must be expressly approved by the Town Engineer and the town council on a case by case basis where the applicant has proven and the Town Council finds health, safety, and welfare of the road and the public will not be negatively impacted. The Fire/ Emergency Road may not be used as a secondary access. A fire/emergency road must have controlled access on each end point to prevent ordinary daily traffic.

7. **Alley Way**

In some circumstances, alleys can be used to enhance the pedestrian experience by removing driveways, garage openings, loading docks, garbage containers, utility services and other drive activities from the front of buildings. Alleys shall be used on a limited basis and will be private with public access and public utility easements. By utilizing alleys, some utilities, loading docks, dumpsters and other service needs are kept to the back of the buildings and away from the pedestrian amenities. Alleys are not intended as a tool to avoid having a public street or private pedestrian plaza that meets the standards of a public street at the front of the buildings. The use of alleys must be approved by the Town of Hideout Council, the Town Engineer, and also the Wasatch County Fire District.

- a) **Definition:** "Alley" means a public access privately maintained within a block primarily intended for service and access to abutting property by vehicles and not designed for general travel and only allowed when units have frontage on a road or pedestrian plaza built to the applicable Town standard.



b) **General Conditions:** Alley or access may be permitted under the following conditions. If all conditions are not met, then the use of alleys is prohibited.

- 1) Building access must be available from a public street or private street/plaza built to the public standard as well as the alley.
- 2) Alleys or Lanes are built to specific standards.

c) **Water and Sewer:** Water and sewer utilities shall be in the street unless approved by the Town Engineer. If underground wet utilities, sanitary sewer, waterlines, storm drains, etc. are installed in alleys, they shall be constructed prior to the surfacing of the alley and per Town of Hideout Standards.

If utilities are constructed within the alley then connections for all underground utilities and sanitary sewers shall be laid prior to the asphalt or concrete to avert the necessity for disturbing the alley improvements, when service connections thereto are made.

d) **Alleys:** Alleys constructed of concrete will be 20' wide with an inverted crown and a centerline drainage collection system. Alleys constructed of concrete shall have a minimum pavement section of 8 inches of PCC over 6 inches of base rock, placed over geotextile fabric, or approved per geotechnical recommendations and approved by the Mayor or the Town Engineer for H<sup>2</sup>O loading.

Asphalt construction may only be used with a concrete water way for drainage at the center of the alley. A minimum of 3" of asphalt over 9" of road base will be required. In conditions where asphalt construction is used, concrete ribbon curbing will be required outside the 20' width of the asphalt section to protect the edge of the asphalt.

Said curbing shall be 2' wide for a total drivable surface of 24'. If the natural soils have a CBR under 20, then a thicker section will be required as determined by the developer's geotechnical engineer, with approval of the Town Engineer.

The applicant must show all private improvements and how they will impact the alley, including garages or other structures, stairs, vaults, fences, walls, driveways, parking lots, walkways, or other improvements.

The applicant must indicate existing drainage patterns and show private drainage inlets, outlets, and pipes beyond the alley right-of-way that will be impacted by the alley construction.

- 1) **Joint Pattern:** The PCC pavement shall be placed full width in one pour, with no longitudinal joints. The alley design shall include a transverse joint pattern, shown on the plans, so that the joints are spaced to create panel lengths that are 0.75 to 1.25 times the alley width. The joint pattern will be coordinated to intersect with utility features such as poles, manholes, and catch basins.
- 2) **Alley Approaches:** The alley approaches shall be constructed as commercial driveways in all respects, except that the structural section will be increased to 10





inches, or shall match the alley pavement structure for which it provides access, or as approved per geotechnical recommendations by the Mayor or the Town Engineer for H-20 loading, whichever is greater. Alley approaches with a standard curb return shall not be used without approval of the Town Engineer.

- e) **Alley Length:** Alleys shall be continuous from street to street wherever possible. If an alley is not through and longer than 150 feet, then a turnaround must be provided to accommodate a fire truck, or such additional standards as may be required by the fire code.
- f) **Alley Parking:** No person shall park a vehicle within an "alley" except during the necessary and expeditious loading and unloading of merchandise. No parking signs are required at 100-foot intervals. The alley must remain open at all times.
- g) **Alley Setbacks:** Alley garage setbacks in residential uses shall be 20 feet or greater as measured from the edge of the alley paving. Alley's leading to parking structures or to commercial/hospitality uses such as hotels or retail shall have a minimum setback of 4 feet as measured from the edge of the alley paving. The four-foot setback shall remain open and unobstructed. If an alley exceeds 150 feet and is adjacent to buildings exceeding 30 feet, then the alley must have 26 feet of hard surface for fire truck downriggers. Parking garage structures shall have a side yard setback of no less than 15 ft.
- h) **Alley Snow Storage:** An additional area of 15% of the alley paved area must be set aside for snow storage. A snow storage plan exhibit must be submitted as part of the alley plan to show that the required amount of snow storage has been provided.

**10.08.14.4 ROADWAY SECTION**

- 1. **Road Section:** Prior to preliminary approval of a development, the developer must provide a geotechnical, and geological review performed by a licensed geotechnical engineer and professional geologist. The review must address onsite soil conditions and make recommendations for a typical road section for the project. The reviewer must take into consideration the amount of full build out traffic ADT's based on an approved traffic control plan. The town has minimum section requirements as shown below.
- 2. **Roadway Excavation:** For new road construction, the entire road platform, including cut and fill areas, must be cleared of all vegetation, topsoil, organic material, and soft clays. If the geotechnical engineer classifies the sub grade soils to be collapsible, further actions may be necessary to prepare the sub grade based on the geotechnical engineer's recommendation. The Town of Hideout engineer has the option to require additional sub grade preparation and section materials above and beyond the geotechnical review engineer's recommendation.
- 3. **Sub Grade:** Minimum Sub Grade preparation will meet the requirements of the table below:

AASHTO soil Classification	Requirement
All A-1, A-2, A-3 and A-4 classifications	Native sub-grade shall be scarified to a minimum depth of 12 inches. Loosened material shall be moistened and



compacted to at least 95% of maximum dry density based on ASTM D1557.

All A-5 to A-7 classifications

Over-excavate and replace 12 inches of depth with a soil classifying as AASHTO A-1 through A-4. New material shall be moistened and compacted to at least 95% of maximum dry density based on ASTM D1557.

4. **Road Base and Asphalt:** The values in the following table are minimum thicknesses based on the roadway classifications. A geotechnical analysis and pavement design report is necessary to qualify these minimums, or these values may be increased due to further investigation based on local conditions. The Town Engineer may also require additional thickness or cross section improvements in addition to these minimums:

Roadway Classification	Requirement
Major Collector	5" Hot Mix Asphalt, 10" State-spec Base Course.
Minor Collector	4" Hot Mix Asphalt, 9" State-spec Base Course.
Neighborhood Roads	3" Hot Mix Asphalt, 8" State-spec Base Course.

5. **Excavation Through an Existing Street:** This section covers any trench excavation through an existing road and is anticipated to be used mainly to install utilities across existing roads. If possible, the preferred method for installing utilities under existing paved roads is to have them bored.
- Any excavation work in a town road (including the right of way) requires a permit.
  - A traffic control plan meeting the MUTCD guidelines is required and must be approved by the Town Engineer. Minimal traffic impact including full road width or lane closures is required on existing roads.
  - Material removed by the excavation is not to be used as backfill for any portion of the trench under the road paved section unless it meets an A-1 granular requirement.
  - Pipe bedding to conform to the specific utility companies' requirement, including the dry utility companies (communication, electric, and gas), and Town standards for water sewer and storm drain piping.
  - The remaining trench to be filled with select A-1-A granular product up to the existing road section.
  - The top of the trench will have a minimum of 4" of asphalt placed in 2 lifts over road base to match the existing section or 8" minimum. Trench work shall be scheduled so that the trench can be completed including asphalt within a minimum of 2 days. Trenches left unpaved for longer than 2 days require specific approval in writing from the Town Engineer.
  - Any work within an existing road requires inspection from the town to be scheduled by the contractor completing the work.



## 6. Roadway Design Tables:

Roadway Functional Classification								
	Arterial	Major Collector	Major Local	Major Local with Swale	Agricultural Seasonal Road	Fire Emergency	Mountain Road	Shared Driveway
ROW Width	106'	75'	66'	60'	60'	60'	60'	60'
Average Daily Trips	> 8000	> 8000	8,000-2,001	2,000-0	< 500	Emergency Only	< 200	< 200
Single Family Units	< 800	< 800	< 500	< 200	150-0	0	Minimal	1-3
Pavement Width	46'	44'	37'	30'	24'	16'	24	20
Side cut/fill slopes	3:1 up to 5 feet high and 2:1 above 5 feet					2:1	2:1	2:1
Horizontal Design Elements								
	Arterial	Major Collector	Major Local	Major Local with Swale	Agricultural Seasonal Road	Fire Emergency	Mountain Road	Shared Driveway
Minimum mid block centerline curve	Varies with V and superelevation				100'	60'	75'	60'
Minimum tangent distance between reverse centerline curves	Varies with V and superelevation				50'	40'	50'	40'
Maximum cul-de-sac length <sup>3</sup>	Not Allowed				The lesser of 1,300' or 30 dwelling units			
Cul-de-sac travelway turnaround diameter	Not Allowed				80'	80'	80'	80'
Maximum superelevation	6%	6%	6%	6%	N/A			
Vertical Design Elements								
	Arterial	Major Collector	Major Local	Major Local with Swale	Agricultural Seasonal Road	Fire Emergency	Mountain Road	Shared Driveway
Minimum crest vertical curve K value <sup>5</sup>	Varies with speed limit				19	19	19	19
Minimum sag vertical curve K value <sup>5</sup>	Varies with speed limit				37	37	37	37
Minimum length of vertical curve	Per traffic engineer	3*V	120'	80'	60'	50'	60'	60'
Minimum centerline grade <sup>4</sup>	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Maximum grade in cul-de-	Not Allowed				5%	5%	5%	5%
Maximum centerline grade across designated	4%	4%	4%	5%	5%	5%	5%	5%
Maximum grade break without vertical curve	0.50%	0.50%	0.50%	1%	2%	2%	2%	2%

Intersections								
	Arterial	Major Collector	Major Local	Major Local with Swale	Agricultural Seasonal Road	Fire Emergency	Mountain Road	Shared Driveway
Minimum angle of intersection	80°	80°	70°	60°	60°	50°	50°	50°
Minimum offset between intersection	Study required	Study required	150'	125'	125'	125'	125'	125'
Maximum centerline offset	0'	5'	5'	5'	5'	5'	5'	5'
Maximum centerline grade across intersections <sup>6</sup>	4%	4%	4%	5%	5%	5%	5%	5%
Minimum corner radius (edge of travelway)	30'	30'	30'	25'	25'	25'	25'	25'
Pavement Component Minimum Thickness								
	Arterial	Major Collector	Major Local	Major Local with Swale	Agricultural Seasonal Road	Fire Emergency	Mountain Road	Shared Driveway
Asphaltic Concrete	Per geotechnical report, 4" minimum			3"	3"	3"	3"	3"
Road Base	8" minimum			8"	8"	8"	8"	8"
Subbase	Per geotechnical report							



**Notes:**

1. Roads shall be designed at a minimum in accordance with AASHTO design criteria.
2. See Section 10.08.16 of this chapter for sidewalk requirements.
3. The length of a cul-de-sac is measured along the centerline from the intersection to the center of the turnaround.
4. Physical terrain may require exceptions to the maximum grade. See section 10.08.10 for further discussion.
5. Design speed for vertical curves shall be 5 miles per hour greater than the anticipated speed limit.
6. Grade must extend at least 100 feet beyond the edge of the traveled way of the outside lane of the intersecting street.
7. A geotechnical report including pavement design shall be submitted. The thickness of 1 or more of the pavement components shall be increased as needed to achieve the required strength as specified in the geotechnical report approved by the Town Engineer.
8. The primary street of an intersection shall not exceed the maximum centerline grades as allowed for each of the roadway functional classifications. Stop-controlled secondary intersecting grades must not exceed the reduced approach values as given in this table. The intersection centerline approach grades of the secondary or intersecting street must exceed at least 100 feet beyond the edge of the paved traveled way of the outside lane of the primary through street before exceeding these values.

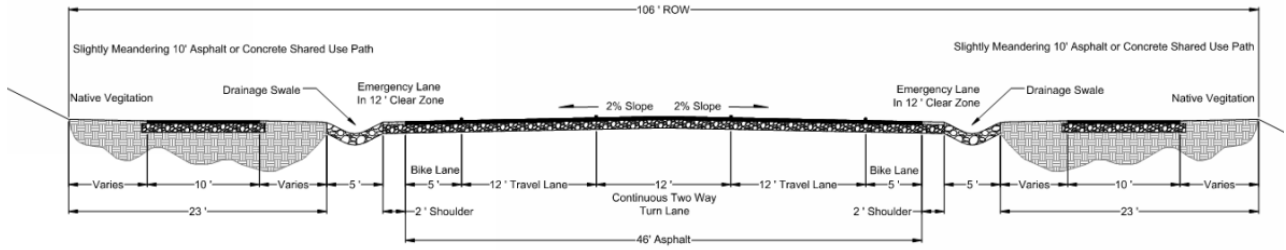
**10.08.14.5 STANDARD CROSS SECTIONS**

1. All disturbed surfaces shall be covered with 6 inches of topsoil and seeded.
2. Lane striping as per cross section including the required bike lane painting.
3. Shoulder will be constructed with compacted road base.
4. The subtle meandering shared use path will have 3 inches of asphalt over 9 inches of road base. Road will have a minimum of four inches (4") of asphalt.
5. Permanent erosion control mat\* or minimum 6" thick rip rap required in drainage swale for road slopes greater than 5%. Permanent mats shall have ground cover of 74% or greater and a ultraviolet stabilization of 1,000 hours.



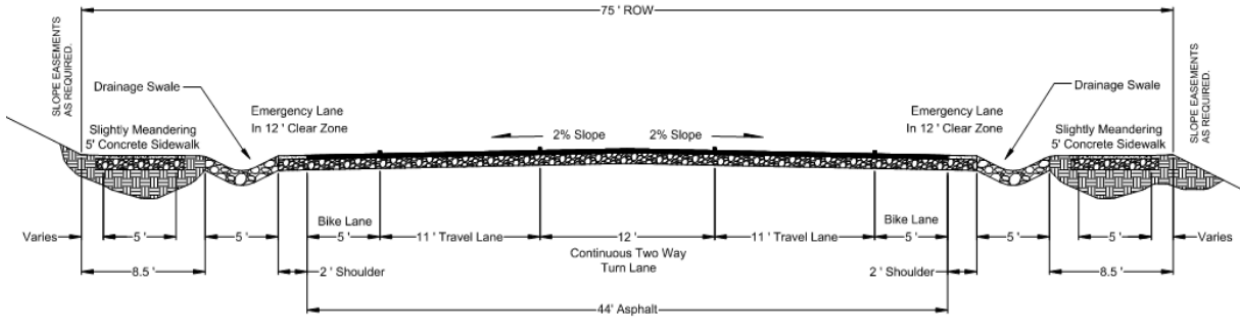
### 106' Arterial Cross Section

Figure 1



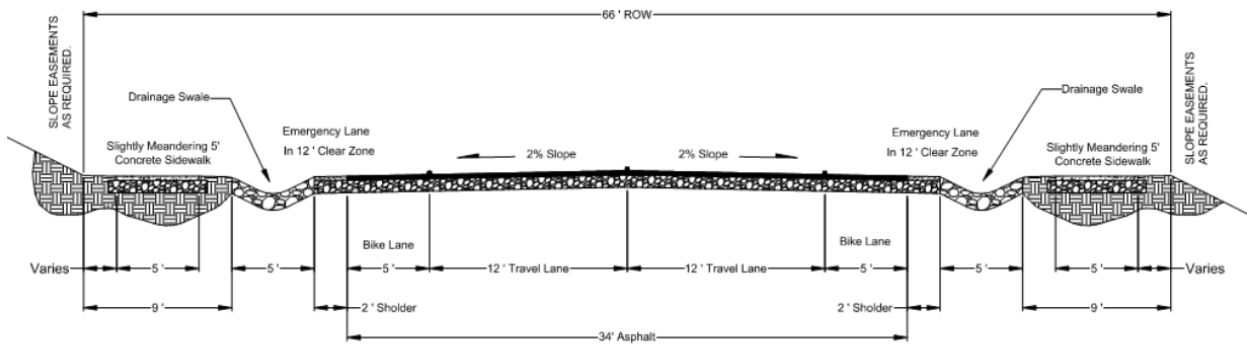
### 75' Major Collector Cross Section

Figure 2



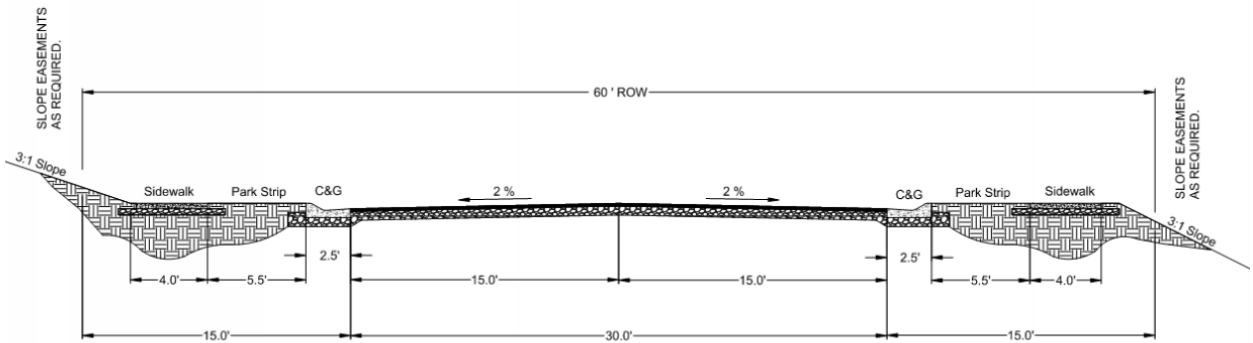
### 66' Minor Collector Cross Section

Figure 3



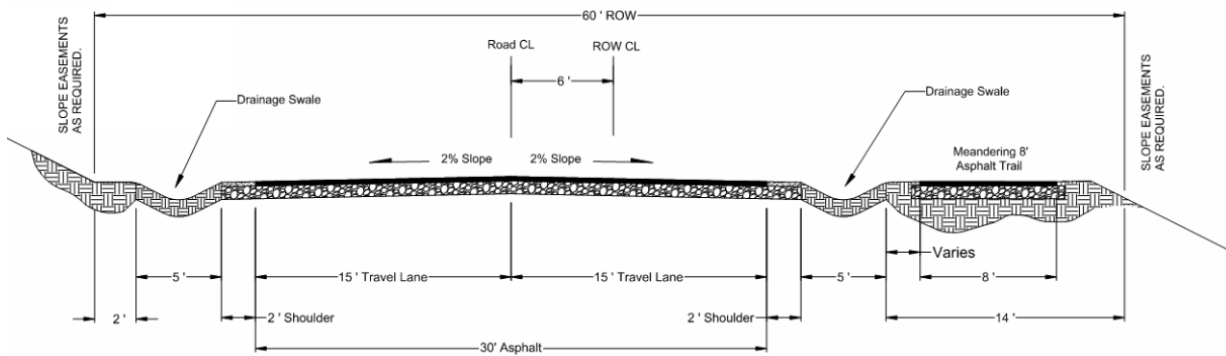
### 60' Major Local Cross Section

Figure 4



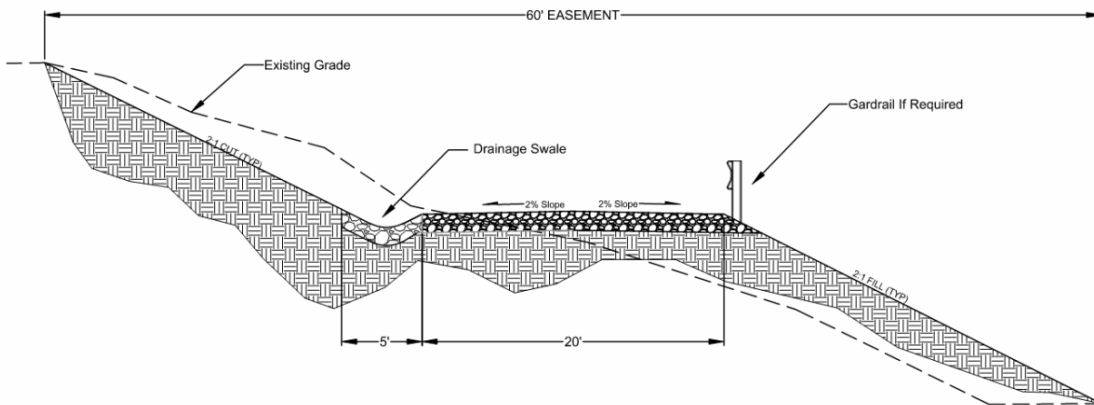
### 60' Major Local with Swales Cross Section

Figure 5

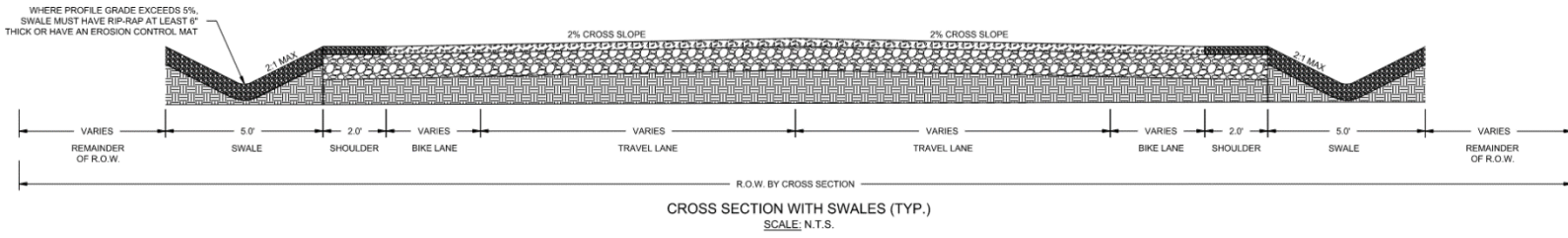


### Fire / Emergency Road

Figure 7



## Typical Cross Section with Swales



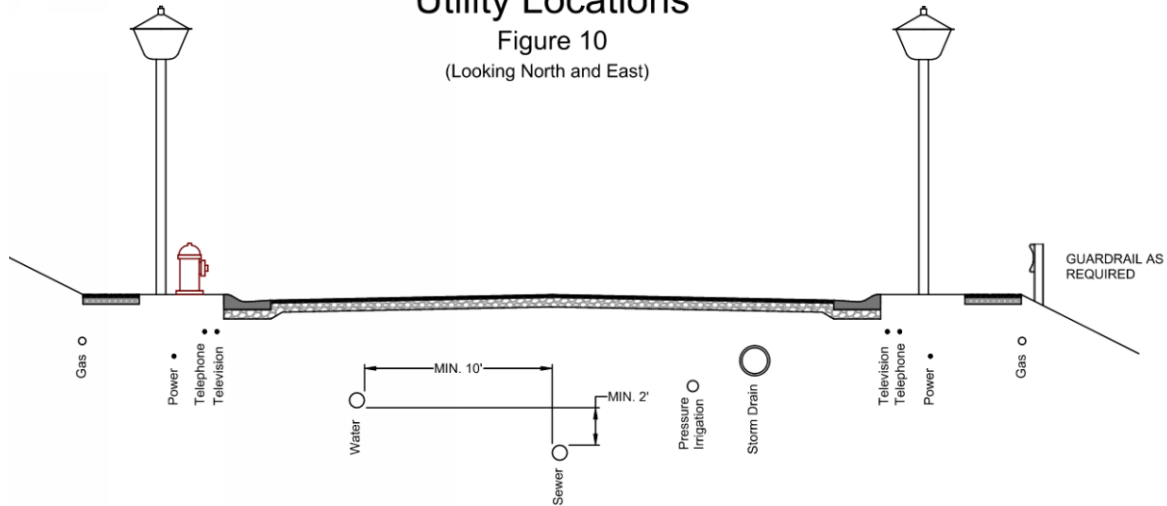
**Figure 6**

### Permanent Erosion Control Mat Specifications:

<b>Thickness</b>	0.4 inches
<b>Ground Cover Factor</b>	74 percent
<b>Tensile Strength</b>	170 X 125 pound/foot
<b>Tensile Elongation</b>	50 percent maximum
<b>Ultraviolet Stabilization 1,000 hrs</b>	80 percent

## Utility Locations

Figure 10  
(Looking North and East)



The Town Council may adopt Town construction standards and specifications for roadways and cross sections. Where the provisions of this section impose different restrictions than those required in the Town construction standards and specifications, the provisions of the Town construction standards and specifications shall prevail.



1. **Roads.** Planned roads within a development shall always be kept open to the public, unless special approval is granted by the Town Council to allow a gated community.
2. **Cul-De-Sacs.** A publicly dedicated Cul-de-sac shall have a right-of way width of at least sixty (60) feet; shall have a length of not in excess of eight hundred (800) feet; shall be terminated by a right-of-way turnaround of not less than ninety-six (96) feet in diameter; and shall be identified as such by appropriate signage within twenty (20) feet of the entrance thereof, measured from the frontage road Property line.
3. **Easements.** Public Utility Easements of not less than ten (10) feet on rear lot lines, side lines, and front lines will be required to serve utility companies for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along Property lines where necessary for surface overflow or for the extension of sewer mains or similar utilities.
4. **Intersections.** Roads shall intersect each other as near as possible at right angles. Minor roads shall approach the arterial or collector roads at an angle of not less than eighty degrees for a distance of at least one hundred feet. Offsets across roads in road alignment between ten (10) feet and one hundred fifty (150) feet shall be prohibited.
5. **Curbs.** Curbs at all intersections shall be rounded with curves having a minimum radius of twenty-five (25) feet. Property lines at road intersections shall be rounded with a curve where necessary.
6. **Street Names.** New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. All road designations shall be approved by the Planning Commission and Wasatch County Information Systems Department. Street names shall be signed and said signing shall be discernable from the road.
7. **Dedications.** All roads shall be dedicated for public use. Private roads shall be permitted only as recommended by the Planning Commission and approved by the Town Council.
8. **Bridges and Culverts.** All bridges and culverts shall be constructed to support HS-20 / HL-93 loading requirements in accordance with DOT and ASHTO standards.
9. **Relation to Adjoining Road System.** The arrangement of roads in new Subdivisions shall make provision for the continuation of the existing roads in adjoining areas for their proper protection (where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width). Where the Planning Commission determines that it is necessary for the orderly development of the community and health and safety concerns to provide for road access to adjoining Property in order to provide an orderly development of a road system, proposed roads shall be extended by dedication to the boundary of such adjoining property.
10. **Cuts in Pavement.** No cuts shall be made in road pavement for at least five years after hard surfacing without approval by the Mayor with the advice of the Town Engineer, except in cases when public safety is at risk.

#### **10.08.16      SIDEWALKS, CURBS, PLANTER STRIPS, AND GUTTERS**

1. Curbs, and gutters shall be required on both sides of all new roads to be dedicated to the public.
2. Sidewalks, paved trails and planter strips may be required by the Planning Commission or Town Council; to be dedicated to the public.
3. Sidewalks, curbs, planter strips and gutters may be required by the Planning Commission and Town Council on existing roads bordering the new Subdivision lots.





4. Sidewalks shall be included within the dedicated non-pavement Right-of-Way of all roads unless an alternate location has been specifically approved by the Planning Commission.
5. Sidewalks shall be a minimum of sixty (60) inches wide and Americans with Disabilities Act (ADA) compliant for safe and easy passage for pedestrians.
6. Concrete curbs are required where sidewalks are required.

### 10.08.18 RETAINING WALLS

1. No retaining wall shall be greater than six feet (6'-0") tall and no more than two retaining walls may be terraced. If two (2) retaining walls are terraced, each wall shall have a maximum height of five feet (5'-0") and a minimum of five feet (5'-0") horizontal distance between each wall, with such intervening space being planted with native vegetation (or other materials as approved by the Town Planner). A third terraced wall is not permitted on the same parcel and shall not be located closer than 25' to any other wall (or set of two terraced walls), measured horizontally on a topographic survey (plan view).

### 10.08.20 DRAINAGE AND STORM WATER FACILITIES

Storm drainage and erosion control planning submittal requirements are outlined in this chapter. Criteria can also be found in the "Wasatch County - A Guide For Erosion And Sediment Control" (1996).

1. **Planning Submittal Requirements:** Unless provided otherwise, the criteria and methods presented in the following references should be used in planning and design of the drainage system:
  - a) "Urban Drainage Design Manual", hydraulic engineering circular no. 22, November 1996, federal highway administration, FHWA-SA-96-078, <http://www.fhwa.dot.gov/bridge/hydpub.htm>.
  - b) "Urban Storm Drainage Criteria Manual", June 2001, urban drainage and flood control district, <http://www.udfcd.org/>.
  - c) "Design And Construction Of Urban Stormwater Management Systems", ASCE manuals and reports of engineering practice no. 77, 1992, <https://www.asce.org/bookstore/book.cfm?book=2800>.

The drainage plan should provide for control of erosion at the source, noneroding conveyance facilities, and water quality/detention basins.

2. **Control Of Erosion And Contaminants At The Source:** The ability to control erosion and other pollutants at the source is the most important single mitigation factor. Every practical effort should be made to prevent erosion from occurring at the source. The objective should be to prevent erosion during construction and to reestablish vegetation as soon as possible after construction on all areas with exposed topsoil.

Slope soil erosion, after revegetation, should be less than or equal to predevelopment rates and should be less than the topsoil development rate (generally assumed as 0.01 inch per year or 2 tons per acre per year).

3. **Conveyance Facilities:** The initial drainage system (i.e., curb and gutter, storm drains, culverts, ditches, realigned natural channels, etc.) should be designed to convey runoff from a minor storm event (10-year event, the storm event having a 10 percent chance of being equaled or exceeded in any given year) without nuisance flooding and without erosion. If tributary runoff flows (either peak



or volume) are increased to a natural drainage, the drainage should be shown to be noneroding in a ten (10) year event.

The drainage system should be capable of passing the storm runoff from a major storm (100-year event, the storm event having a 1 percent chance of being equaled or exceeded in any given year) without flooding buildings.

4. **Water Quality/Detention Basin:** The criteria for design of the water quality/detention basin should include both water quality mitigation and mitigation for downstream erosion and flooding effects. The effects of development (i.e., increased impervious area and decreased time of concentration) should be mitigated such as to prevent increased flooding of downstream properties (100-year design event) and to prevent increased erosion of downstream conveyance channels (10-year design event). The level of mitigation required is dependent upon the capacity of the downstream drainage system. A common practice is to provide for on site detention, reducing storm runoff peaks from the development to at or below historic (predevelopment) levels. If downstream conveyance capacities are severely limited, it may be necessary to reduce storm runoff peak flow rates from the developed property to much less than historic runoff flow rates to offset the impacts of the increased runoff volume.

- a) The basins should be designed to adequately capture and treat runoff from the water quality design storm. Wasatch County criteria ("A Guide For Erosion And Sediment Control", pages 11 and 18) require capturing and containing the runoff volume from a two (2) year, twenty-four (24) hour storm (minimum). The water quality capture volume should be discharged at a rate such as to allow a minimum residence time of twelve (12) hours (defined as the time from the centroid of the inflowing hydrograph to the centroid of the outflowing hydrograph). The maximum allowable discharge rate for the water quality capture volume discharge orifice may be computed using the simplified equation:

$$Q_{wq} = (WQCV/30) * C$$

Q <sub>wq</sub>	=	Maximum allowable water quality capture volume release rate (cfs)
WQCV	=	Water quality capture volume (acre-feet)
	=	2-year 24-hour runoff volume
C	=	Conversion from acre-feet/hour to cubic feet per second = 12.1

- b) The water quality pond should have sufficient additional storage below the lowest outlet to accommodate sediment accumulation. The minimum volume of provided sediment storage should be either computed from a slope erosion analysis for the three (3) year slope soil loss (revised universal soil loss equation reference: "Design Hydrology And Sedimentology For Small Catchments", C.T. Haan, B.J. Farfield, and J.C. Hayes, 1994, Academic Press, Inc., San Diego, California) or may be taken as equal to twenty percent (20%) of the water quality capture volume. If subsoils are such that water captured in the sediment storage area cannot infiltrate within a reasonable period of time (to avoid mosquitoes, etc.), then a subdrain system should be considered.



- c) The analysis for designing the required detention volume to mitigate downstream flooding and erosion effects should be performed assuming that the pond is full to the water quality capture volume level prior to the start of the design storms (10-year and 100-year).
  - d) An emergency spillway (preferably open channel type) is required with a one hundred (100) year flood event minimum design capacity assuming that the primary outlets are plugged. The elevation of the top of the embankment should be a minimum of one foot (1') above the water surface elevation when the emergency spillway is conveying the maximum design or emergency flow. The design height of the embankment should be increased by roughly five percent (5%) to account for settlement.
5. **Water Quality/Detention Basins Maintenance Requirements:** Key components include nonplugging outlets design, maintenance access design, and pond side slope erosion protection design.
- a) Detention basin outlets should be designed to be nonplugging as much as possible. A possible option for the water quality capture volume discharge orifice is to provide an orifice (set with the orifice invert at the bottom of the water quality capture volume level) with a connected pipe inlet placed a minimum of six inches (6") below the water level at which water begins to discharge. Outlet pipes should be protected by inlet grates which are sized, spaced, and oriented such as to minimize plugging of the outlets.
  - b) Maintenance access to the ponds should be provided. Required access includes access with heavy equipment to the pond floor (generally 15 inches minimum width with 15 percent maximum slope) and all weather access should be provided to the pond outlet facilities.
  - c) Interior pond side slopes should preferably be four horizontal to one vertical (4:1) or flatter and should not be steeper than three horizontal to one vertical (3:1). Pond side slopes (both interior and exterior) should meet the same criteria for slope erosion control stated above (2 tons per acre per year maximum mean annual slope soil erosion rate). Riprap is not permitted unless approved by the Town Planner and only under special circumstances. Steep slopes that might otherwise necessitate riprap should be designed at a reduced slope, one that allows the basin to be landscaped appropriately and in coordination with the Town Planner.
  - d) Provisions for low maintenance landscaping and irrigation must be provided. Landscaping will be maintained by the homeowners' association.
6. **Open Channels:** Wherever possible open channels shall be preserved for all major drainages shown on the Final Drainage Control Plan. No building shall be located within 50 feet of a natural drainage. Culverting of these channels is not permitted.
7. **Landscaping:** A landscape plan must be included with all stormwater plans. This plan shall include flood tolerant species within the basin as well as the appropriate screening of the basin. Slopes should be gradual enough so that fencing is not needed around a basin and native landscape plant materials can be reintroduced after construction in coordination with the Town Planner.
8. **Health and Safety:** Upon recommendation of the Town Engineer or Town Planner, and when necessary to conserve or promote the health, safety, or welfare of the present and future population of the Town and necessary to the conserve or promote water drainage, the Town prohibit the Subdivision of any portion of the property which lies within a floodplain or any stream or drainage course, as identified in the most current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map. Except as approved by the Town Engineer, such areas should be



preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, etc.

#### **10.08.22 WATER SYSTEM**

1. The water distribution system shall deliver water at pressures meeting state requirements, as measured at the main line adjacent to each system connection. Pressure reducing valves shall be placed on the mains to regulate pressures in excess of 120 PSI. Pressure reducing valves shall be installed on service laterals for residential neighborhoods as a back-up to main lines. At no time shall water pressure exceed 120 psi to each system connection. At no time shall services be connected to transmission lines.
2. The water system pumps, storage tanks, transmission and distribution mains, etc. must meet JSSD design standards.
3. The system shall be designed to provide the following fire flows and to meet adopted codes and Fire District standards:
  - a. Residential Connections: 2,000 gpm for 2 hours
  - b. Commercial Connections: 3,500 gpm for 3 hours
4. Fire hydrants are required along public ways or walks or drives which are to be snow-plowed. Fire hydrant spacing shall be in accordance with applicable codes, or a maximum of 500 feet.
5. All water design and construction shall comply with the latest JSSD design requirements.

#### **10.08.24 SEWER SYSTEM**

1. Sanitary Sewers shall be designed in accordance with all applicable State of Utah standards and adopted codes.
2. All sanitary sewer systems shall be designed to exclude all storm water runoff, or water from field drainage systems, foundation drains, underground parking structures, roofs, roads, and other paved areas.
3. Downspout connections, foundation and basement drains, sumps and storm drain Connections shall be prohibited from discharging into the sanitary sewer system.
4. Grease traps or oil separators shall be sized for peak flows and average loading of grease/oil by an engineer and approved by the Town Engineer prior to placement. The grease traps or oil separators shall be placed to allow access for inspection and cleaning. This applies to commercial and institutional facilities, and any building or lot with the potential of introducing substances that would be detrimental to treatment facilities.
5. Sewer systems shall be designed to eliminate possible cross connections with culinary water system.
6. Design Period: The sewer system shall be designed to serve the estimated ultimate tributary area and shall be based on the best information available, including Master Plan Study, current zoning regulations and approved planning and zoning reports when available.
7. Wastewater Pumping Stations: Use of wastewater pumping stations will be avoided whenever possible. Pumping stations are subject to approval and review by the Town Engineer.

#### **10.08.26 UTILITY CONNECTIONS**

1. All utilities, public or privately owned, shall be installed underground wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on the Town of Hideout personnel.



2. Utilities include, but are not limited to, electricity, natural gas, telephone service, high speed internet service, water service, sewer service, storm drains, etc.
3. For utilities and utility sleeves within the proposed road surface improvements; installation shall be completed prior to road surfacing. For utilities outside of proposed road surface improvements; placement of curb and gutter prior to the installation of some utilities may be required to serve as a physical reference but in no case shall placement of sidewalk be initiated prior to the completion of all utilities.
4. It is the Developer's responsibility to coordinate the installation schedule with the utility companies. The standards and specifications for the installation of these utilities shall conform to rules and regulations adopted by the respective companies.
5. Underground service connections for water and sewer shall be installed to the road Property line of each platted lot at the expense of the Applicant, as shall casings or conduits for all other underground utilities as determined by the Town Engineer.
6. All public utilities shall be constructed in the ten (10) foot public utility Easements. Multiple use on given Easements is encouraged. The final recorded plat will note all Easements.
7. Water: As a condition for single home or Subdivision approval, the builder or Applicant shall install or cause to be installed the following improvements:
  - a. A water main in front of each parcel in size, location and with appropriate valves as outlined in this Title.
  - b. Fire hydrants at intervals of not greater than 500 feet with each parcel not more than 250 feet from the nearest hydrant. In the event it is necessary to extend a water main so that the same fronts each parcel or to access fire hydrants within 250 feet of each parcel, then the cost of the water mains and hydrants shall be borne by the Owner who effectuates the Subdivision of his/her Property.
    - i. As a condition of Subdivision approval under this Chapter, the Applicant shall convey to the Town of Hideout water rights that entitle the Owner to an annual quantity and rate of flow which is sufficient in amount to meet the water use requirements of the occupants of the Subdivision.
    - ii. The volume of water required shall be calculated from the latest JSSD water use study.
8. Sewer: As a condition for single home or Subdivision approval, the builder or Applicant shall install or cause to be installed a sewer main in front of each parcel in size, location and with appropriate manholes, as outlined in this Title.

#### **10.08.28 SENSITIVE LANDS**

1. Developments shall minimize impacts to Sensitive Lands. Subdivisions and any development shall be designed to preserve existing waterways (lakes, rivers, streams, and ephemeral streams) and other Sensitive Lands.
2. Slope Protection Regulations shall apply to all slopes in excess of ten (10) percent.
  - a. No development shall be allowed on slopes in excess of thirty (30) percent, lands subject to landslides, regular flooding, soils deemed unsuitable for development, and other high-hazard geological areas.
  - b. Any proposed grading and filling on slopes in excess of ten (10) percent shall be subject to review by the Town Engineer to ensure geotechnical safety. Cut and fill slopes shall be limited to a 3 to 1 slope or less. All graded slopes shall be recontoured and revegetated to the natural, varied contour of the surrounding terrain.



- c. Roads that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the Town Council upon a favorable recommendation of the Town Engineer that such roads will not have significant adverse environmental or safety impacts.
  - d. Where roads are proposed to cross slopes greater than ten (10) percent, the following standards shall apply:
    - i. Such roads must be built with minimum environmental damage and within established public safety parameters;
    - ii. Roads shall, unless approved by the Town Engineer, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation; and
    - iii. Only essential cutting and filling will be allowed and retaining walls must be employed where necessary to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed by road construction.
  - e. Use of retaining walls may be necessary to reduce the steepness of man-made slopes and provide planting pockets conducive for revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the Town Engineer and Town Planner based upon assessment of safety considerations including but not limited to the geotechnical qualities of the local soils, proximity to nearby structures, etc. See Section 10.08.18 for regulations pertaining to retaining walls.
  - f. Slopes exposed in new developments shall be landscaped or revegetated using natural vegetation materials and that is compatible with the surrounding terrain. Where possible, soil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.
  - g. To determine the most appropriate location for development on slopes in excess of ten (10) percent, the Town shall require the Applicant to conduct an environmental analysis considering the location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon the analysis, the Town may require any one or a combination of the following measures:
    - i. Clustering of development
    - ii. Dispersal of development
    - iii. Transfer of development density to non-sensitive or less sensitive portions of the site.
3. For Town of Hideout requirements for ridgeline/viewshed regulations, refer to the latest version of Wasatch County Code Section 16.27.22 Wetlands, Stream Corridors, River Corridors, and Drainages.
- a. No development or use shall be permitted that will disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within stream or river corridors, wetlands, or their respective setbacks unless the proposed development:
    - i. Is required to provide protection against Property loss and/or damage;
    - ii. Will improve the quality of the wetlands, stream or river corridors, and enhance the ecosystem by improving water quality, wildlife habitat, or biodiversity;
    - iii. Will not increase the base flood elevation on the parcel; and



- iv. Will not pollute or interfere with the natural changes of the river, stream, or other tributary, including erosion and sedimentation during construction.
  - b. A wetland and stream corridor delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis using federally approved methods for wetland delineation and ordinary highwater mark identification. The qualified professional shall be approved by the Town Engineer.
  - c. Setbacks from wetlands shall extend a minimum of one hundred (100) feet outward from the delineated wetland edge. Setbacks from stream or river corridors shall extend a minimum of two hundred (200) feet outward from the ordinary highwater mark. Setbacks from irrigation ditches shall extend a minimum of fifty (50) feet from the ordinary highwater mark.
  - d. All projects adjacent to wetlands and stream corridors shall provide appropriate temporary and permanent runoff control and best management practices to minimize sediment and other contaminants to the maximum extent feasible. These control systems and best management practices must be approved by the Town Engineer.
  - e. If development in a setback area causes any disturbance within the setback area, the Applicant shall undertake restoration and mitigation measures within the current planting season such as regarding and revegetation to restore any damaged or lost natural resource. If such disturbance isn't visible within the current season, remediation will still be required within the planting season where such disturbance is discovered.
  - f. All wetland and stream restoration and mitigation must be reviewed by a qualified professional and approved by the appropriate State and Federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.
4. Wildlife Habitat and Fisheries
- a. Reasonable steps shall be taken to minimize impacts to wildlife or fishery habitats, including winter range, migration corridors, bordering areas, and fisheries, which may require the clustering of development in the least-sensitive portions of the development site.
  - b. Development layout shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.
  - c. Fencing should be limited or designed to accommodate wildlife crossings in critical wildlife habitat areas, wildlife corridors, and stream corridors.
  - d. Drainages, with a tributary area greater than 100 acres, regardless of federal status shall be protected from development with minimum setbacks of two hundred (200) feet and shall be preserved throughout development.
5. A 5% Sensitive Lands Impact Bond shall be collected by the Town for any work conducted in a sensitive lands area. The Town Engineer shall review the proposed activity and confirm the estimate proposed by the Applicant for such work.

### **10.08.30 STEEP SLOPE / SIGNIFICANT GRADE CHANGE CRITERIA FOR SUBDIVISION**

To address community health and safety concerns, the provisions of this section apply to steep slopes and areas with significant grade change, as defined below.

For the purpose of measuring slope, the measurement shall include a minimum horizontal distance of twenty-five (25') measured perpendicular to the contour lines on the certified topographic survey. The



measurement shall quantify the steepest slope within any proposed subdivision lot, building envelope, and/or any access driveways.

**1. Steep Slope and/or Significant Grade Change Defined.**

- a. **Steep Slope:** means any land that contains a slope of more than thirty percent (30%) or which, after development, will result in a lot that having a slope of thirty percent (30%) or greater.
- b. **Significant Grade Change:** means any proposed subdivision that results in a significant change of grade – existing grade to proposed grade – that is greater than five feet (5'-0") and encompasses more than 10% of the total subdivision area.

**2. Criteria for Steep Slope and/or Significant Grade Change Subdivision Review and Approval.**

- a. Subdivisions with steep slopes or with significant grade changes shall be subject to the following criteria:
  - i. **LOCATION OF DEVELOPMENT.** Development shall be located and designed to reduce visual and environmental impacts of any structures that will be located on steep slopes or areas with significant grade change. Specifically, the location and massing of structures shall be designed to: reduce the amount of exposed foundation wall on the downslope side, mitigate shadow coverage on adjacent structures at lower elevations, and ensure slope stability via the use of native vegetation in areas where retaining walls are not required or allowed, etc.
  - ii. **VISUAL ANALYSIS.** The Applicant must provide the Planning Commission with a visual analysis of the lot built out to Zoning Standards (height and setbacks) from nearby vantage points including: internal project vantage point (the centerpoint of the proposed subdivision), a vantage point from the edge of the Jordanelle Lake (identified as the point on the edge of the lake measured by a straight line from the closest point of the proposed subdivision to the lake), a vantage point from Route 40 across the lake (measured at a 90 degree angle from the development to a corresponding point along Route 40), and any vantage points from Town-owned lands located within 300' of the boundary of the proposed subdivision) and requested by the Planning Commission. The visual analysis will be used to for the following purposes:
    - To determine potential impacts of the proposed access, and building mass and design; and
    - To identify the need for screening, slope stabilization, erosion mitigation, vegetation protection, and other subdivision design considerations.
  - iii. **ACCESS.** Access points and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale and need for retaining walls.





- iv. **TERRACING.** The proposed subdivision may include terraced retaining structures only if necessary to regain natural grade. Retaining walls are subject to the requirements of Section 10.08.18.
- v. **BUILDING LOCATION.** Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the natural topography of the subdivision or site. The subdivision, proposed lots and building envelope must relate to adjacent properties to maximize opportunities for open areas and preservation of natural vegetation, to minimize driveway and parking areas, and to provide variation of the front yard.
- vi. **BUILDING FORM AND SCALE.** The Planning Commission may lower the otherwise applicable building height by up to ten (10) feet on any lots located on steep slopes or areas with significant grade changes. Low profile buildings that orient with existing contours are strongly encouraged.
- vii. **SETBACKS.** The Planning Commission may require an increase of up to ten (10) feet, in one or more setbacks on any lots located on steep slopes or areas with significant grade changes within a proposed subdivision to minimize the creation of a “wall effect” along any proposed street front and/or the rear lot line. The setback variation will be a function of the site constraints, proposed scale of the building envelopes as modelled for build out and relation to proposed setbacks on adjacent lots.
- viii. **REDUCED DEVELOPMENT MASSING.** The maximum volume of any structure is a function of the lot size, building height, setbacks, and provisions set forth in the Town Code. The Planning Commission may require a decrease of up to twenty-five (25) percent of a lot’s building envelope (and height), on any lots located on steep slopes or areas with significant grade changes within a proposed subdivision to minimize the impact of these structures on adjacent neighbors.
- ix. **ENVIRONMENTAL PROTECTION.** Higher densities result in increased stormwater runoff that may negatively impact the Jordanelle Lake. Steep slopes increase runoff velocity and will necessitate a decrease in density to allow for improved stormwater retention within the proposed subdivision. In areas with steep slopes or significant grade changes, the planning commission may require an additional five percent (5%) of open space beyond what is otherwise required in the applicable zone.

### **10.08.32 PUBLIC TRAILS REQUIREMENTS**

1. Public Trails shall be required within each development (within either Open Space or Public Space).
2. Where trails have been previously constructed or identified or approved, Subdivision plans for adjacent properties with the trail locations shown on the proposed Subdivision plan shall provide for the logical connection to the existing trail.
3. Trails should be located and constructed in such a manner as to minimize maintenance and maximize access. Alignment should utilize the natural topography of the land and should follow



natural contours where possible, and preserve and promote natural elements, including geologic, scenic, wildlife and historic.

4. The trail grade shall not exceed half the grade of the hillside the trail is traversing to limit erosion. For example, if a trail crosses a hillside with a side slope of twenty percent (20%), the trail grade should not exceed ten percent (10%).
5. Trail proposals through Sensitive Lands will be considered on a case by case basis during the application process.
6. The subdivision plat shall show the width of trails, surface material proposed, where located, type of trail, and Open Space.
  - a. Trails connecting a proposed subdivision to the Town's rights-of-way, or adjacent paved multi-use trails, shall match construction materials and paving typology; a minimum of 10'-0" in width and asphalt paving (with a 6" base).
  - b. Trails connecting to or proposed for hiking or single-track mountain biking may be constructed with an armored (as needed) soft surface and no less than 4'-0" in width.
7. Subdivision developments shall meet minimum Open Space requirements of the zone classification in which the subdivision is located as set forth in Title 12.
  - a. Except as otherwise allowed in the Town Code, areas which have been designated as a Sensitive Lands shall remain as Open Space but may be counted toward up to 33% of the Open Space requirement for the development. If any development has a larger amount of Sensitive Lands than is required to meet the Open Space requirement for such development, density allowances for the extra land required to be left in Open Space may be transferred to other areas if requested and if such transfer will not result in an over-crowding of the area to which it is being transferred.
  - b. Open Space shall be designed to be as contiguous as possible.
  - c. Wherever possible lands designated as Open Space should be usable for hiking and biking trails and small parks.
8. Provisions must be made for regular maintenance of all Open Spaces. In the case of Open Space that is left in its native conditions a management plan may be required.
9. The Town Parks Open Space & Trails (POST) Committee shall be responsible for review of all subdivision submittals and shall provide detailed recommendations to the Planning Commission.

#### **10.08.34 PUBLIC SPACE REQUIREMENTS**

1. In each Subdivision, land shall be reserved, and improvements installed for Public Space. Public Space may include parks and playgrounds or other recreation purposes. Such areas shall be shown and marked on the plat as "Reserved for Public Space". Installation of recreational areas shall be constructed at the expense of the Applicant and built to Town Standards.
2. Public Space will be required in each subdivision based on the following formula which has been prepared: providing three (3) acres of Public Space per one hundred (100) residential lots or units; and two (2) acres per one hundred (100) commercial lots. Subdivisions with less than one hundred (100) residential or commercial units (or more) shall provide dedicated public space on a pro rata basis.
3. When the percentages from the above formula would create less than two (2) acres, the Planning Commission may require that the Public Space be located at a suitable place on the edge of the Subdivision so that additional land may be added at such time as the adjacent land is subdivided.
4. The Planning Commission may refer such proposed reservations to the Town Engineer or Town Planner for recommendation.



5. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry. Unless the Town Council approves a variation to the following standards, on a showing of good cause, subdivisions will include the following Public Space amenities (or equivalent):
  - i. Subdivision between two (2) to twenty (20) lots shall include amenities such as a small park with community garden or a plaza with a covered seating area.
  - ii. Subdivisions between twenty-one (21) lots and fifty (50) lots shall provide amenities such as a park with play equipment or a dog walking park or a large community garden space with designated plots for residents.
  - iii. Subdivisions between fifty-one (51) lots and seventy-five (75) lots shall provide amenities such as a park with the equivalent of two (2) tennis courts and a gathering area.
  - iv. Subdivisions with greater than seventy-six (76) lots shall provide amenities such as a park area with seating, a ball field (soccer, base/softball, football or similar), and parking spaces.
  - v. For subdivisions with less than twenty (20) lots or proposed in areas with steep slopes where construction of Public Spaces would be environmentally damaging, the applicant may request a payment in lieu of the on-site construction of Public Space amenities as required in this section. The fee shall be set at 105% of the costs estimated for the required amenities. The applicant shall provide a detailed construction cost analysis that shall be reviewed by the Town Planner and Town Engineer.
6. All land to be reserved for dedication to the Town for park purposes shall have prior approval of the Town Council and shall be shown marked on the plat "Reserved for Public Park."
7. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a Developer from reserving other land for recreation purposes in addition to the requirements of this section.

#### **10.08.36 LANDSCAPING AND IRRIGATION**

1. **Landscape Improvements and Guarantees.** All landscape improvements (landscape materials, irrigation system, landscape buffers, etc.) shall be installed and paid for by the Developer or homeowner on the site in accordance with the approved Final Landscape Plan prior to the issuance of a certificate of occupancy for the building or use. When weather conditions do not permit installation of the landscape improvements prior to the issuance of the certificate of occupancy, and , upon presentation of a cash bond, cash deposit, or assured letter of credit in an amount sufficient to guarantee installation of the landscaping and irrigation system, the Town Engineer may approve a delay in the immediate installation of the required landscape improvements for a period of time not to exceed six (6) months. In those instances where the Town Engineer approves a delay in the installation of the required landscape improvements, a temporary certificate of occupancy shall be issued for the building or use conditioned upon the satisfactory installation of the required landscape improvements within the time period approved by the Town Engineer.
2. **Minimum Size of Plantings.** Unless otherwise specified herein, all required deciduous trees shall be a minimum of two-inch caliper in size. All evergreen trees shall be a minimum of six feet in height. All shrubs shall be a minimum of five gallon in size.
3. **Plant Materials.** Plant shall be well-suited to the soil and climate conditions at the project site. Native plant materials are encouraged. The Applicant shall provide the water requirements for all plant material.
4. **Natural Topping of Landscape Areas.** All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: groundcover, planting,



pavers, or wood mulch. Decorative rock (commonly know as rice gravel, pea gravel or decomposed granite [DG]) may be used as a ground cover for up to 25% of a property's landscape area (exclusive of building footprint and driveway/parking area).

**5. Irrigation Standards**

- a. All landscaped areas shall be supported by an automatic irrigation system which may be a spray, soaker, or drip type system. The irrigation system shall meet all State and Town requirements for potential cross-connections that must be protect against backflow to the culinary water system. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the road, sidewalk, or parking areas.
  - b. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Sod and non-sod areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.
  - c. Separate Connection. Any landscaping that will be owned and maintained by the Town shall have separate irrigation line connection prior to the master meter. A backflow prevention device shall be installed by the Developer or Property Owner as required by the Town Planner or Town Engineer.
6. **Soil Preparation.** Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include ripping, tilling, and/or scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material.
7. **Landscape Buffer.** A minimum fifteen-foot-wide landscape buffer with a minimum of one (1) screening tree spaced at each ten-foot interval (staggered configuration) shall be required along those Property lines of a site developed for multiple-family residential, commercial, or industrial uses when such Property lines are contiguous with any residential development or residential zoning district; except that no such landscape buffers shall be required for multiple-family residential contiguous with other multiple-family development.

**10.10 CONSTRUCTION AND IMPROVEMENTS REQUIRED**

**10.10.02 CONSTRUCTION STANDARDS**

Construction standards, including drawings, tables, charts, references and other regulations adopted by the Town Council by resolution, shall constitute Subdivision Regulations supplementing this Ordinance.

**10.10.04 CONFLICTING PROVISIONS**

Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the Subdivision Regulations supplementing this Ordinance.

**10.10.06 REQUIRED IMPROVEMENTS**

The following improvements shall be constructed at the expense of the Applicant, in accordance with the provisions of this Title and the Zoning Ordinance. A performance bond as described in Section 10.10.08 shall be secured to ensure installation of required improvements. The improvements shall include:

- 1. Roads and road requirements:



- a. The grading and graveling of all roads and the installation of all required culverts in accordance with this Title;
  - b. The hard surfacing of all roads in accordance with Town Standards;
  - c. Sidewalks, curbs, planter strips and gutters in accordance with Section 10.08.16.
2. Drainage and onsite stormwater management infrastructure in accordance with Section 10.08.20.
3. Water, Sewer, Solid Waste:
  - a. A potable water supply in amounts and manner as required under Section 10.06.22 of this Ordinance in accordance with the State Board of Health Standards;
  - b. The installation of water and sewer mains and water and sewer laterals to each lot Property line shall be required in accordance with Town Standards;
  - c. The installation of fire hydrants in accordance with Town Standards;
  - d. Solid waste disposal facilities shall be provided in accordance with Town Standards.
4. Electricity, natural gas, telephone service, high speed internet service (50/50 Mbps or greater), and storm drains, shall be installed in accordance with Section 10.08.26 and other Town Standards. These utilities shall be located underground except when the Applicant demonstrates that underground lines are not feasible.
5. Open Space, Public Trails, and Public Space in accordance with Section 10.08.32 and Section 10.08.34.
6. Landscaping and irrigation systems in accordance with Section 10.08.36.
7. Survey Monuments. The installation of survey monuments in accordance with Town standards and shall be installed on road right-of-way lines, at road intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the road limits. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor.
8. Road lighting shall be installed as per Town Standards.

## 10.12 GENERAL TERMS AND DEFINITIONS

The following definitions are adopted; additionally, the definitions set forth in Utah Code Section 10-9a-103, as amended, are hereby incorporated as additional definitions pertaining to this Title.

### A

**Accessory Structure.** A Building or Structure on the same Lot as the principal building and that is:

1. Clearly incidental to, and customarily found in connection with such principal building, such as detached Garages, Barns, free-standing Solar Energy Systems, and other similar Structures that require a Building Permit;
2. Operated and maintained for the benefit of the principal Use;
3. Not a Dwelling Unit;
4. Structures that do not require a Building Permit, such as sheds or outbuildings.

**Affordable Housing.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

**Affordable Housing Development.** Housing subsidized by the federal or state government, or any housing Development in which at least twenty percent (20%) of the housing units are Affordable Housing Dwelling Units.



**Agriculture.** The act or science of cultivating the ground, the act or science of the production of plants and animals useful to man or beast; and includes gardening or horticultural fruit growing, storage and marketing.

**Alteration.** Any change or rearrangement in the supporting members of an existing Structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change in doors, windows, means of ingress or egress, or any Expansion or diminution of a Building or Structure.

**Altered.** Any change in the construction or addition to a Building that increases the capacity or changes the use.

**Amphitheatre.** A facility where activities, programs, displays or performances, presented for the enjoyment, education or other benefit of the general public, involving art, music, literature, live theater, craft shows, history or humanities. This facility is typically an open-air facility; but could be enclosed.

**Applicant.** The Owner of land proposed to be subdivided or such Owner's duly authorized agent. Any agent must have written authorization from the Owner.

**Auto Repair.** A Building or premises used for the repair of any passenger auto, pick-up truck, semi-tractor or similar vehicles where the repair includes but is not limited to the rebuilding of engines, transmissions or differentials.

**Auto Wrecking, Salvage Yard.** See also Junkyard. Any Lot, portion of Lot or tract of land used for the storage and keeping of salvage, including scrap metals or other scrap material, or for dismantling or demolition of automobiles or equipment, machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

**Average Slope.** The average Slope of a parcel of land or any portion thereof shall be computed by applying the formula:  $S = 0.00229 \text{ ILA}$  to the natural Slope of the land before any grading is commenced, as determined from a topography map having a scale of not less than one inch equaling one hundred (100) feet and a contour interval of not less than five (5) feet, where:

1.  $S$  = Average percent Slope
2.  $0.00229$  = A conversion factor of sq. feet to acres
3.  $I$  = Contour interval, in feet
4.  $L$  = Summation of the length of contour lines, in feet within the subject parcel
5.  $A$  = Area in acres of the parcel or any portion thereof.

## **B**

**Barn / Agricultural Building.** An Accessory Structure upon a Lot customarily used for the housing of animals/livestock, storage of crops or feed, and/or machinery used in bona fide agricultural activities.

**Bed and Breakfast.** A Single-Family Residence Occupied by an owner-operator, with no more than eight (8) bedrooms located in the main residence, providing temporary accommodations (for compensation) on a nightly basis, not to exceed thirty days.



**Big Box Retail.** A large-scale Business engaged primarily in the sale or rental of goods, merchandise, or services. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, Grocery, variety, drug, super stores.

**Block.** An area of land entirely bounded by Streets.

**Bond.** A document that complies with the standards contained in this Title and the state code, and which binds the parties thereto to take certain action if particular conditions are not met.

**Buildable Envelope.** A three-dimensional space on a Lot within which a Structure is permitted to be built. The space does not include any required Yard or Open Space. Buildable areas must be defined on Subdivision plats.

**Building Code.** The applicable standards governing construction of buildings and infrastructure as identified in this Title or adopted by the Building Official or Town Engineer.

**Building.** A freestanding structure that can be occupied or otherwise used consistent with the provisions of the Town Standards including, without limitation, structures used as residences, garages, offices, recreational facilities, etc..

**Building Height.** The vertical distance measured from the corresponding natural Grade point to the highest point of the roof.

**Building Inspector.** The individual(s) appointed by Mayor of the Town of Hideout to inspect construction and other development work within the Town and to enforce the provisions of the Building Code.

**Building, Primary.** The Building or Buildings on a site which house(s) the main use.

**Building Official.** The individual appointed by the Mayor of the Town of Hideout as the Building Official.

## C

**Caliper.** A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six (6) inches above the ground for up to and including five (5) inch caliper size, and twelve (12) inches above the ground for larger trees.

**Carport.** A covered automobile parking space that is not completely enclosed by walls or doors.

**Church or Worship Center.** A Building, together with its Accessory Structures and Uses, where persons regularly assemble for worship, which Building, together with its Accessory Structures and Uses, is maintained and controlled by a religious body.

**Civil Engineer.** A professional engineer registered in the State of Utah to practice in the field of civil engineering.

**Club, Private Residence.** A Building or other Structures constructed in accordance with a properly approved plan and used as an integral part of a park or large scale Development and operated by an organized association of persons for social, Fraternal & Benevolent Society, religious, or patriotic purposes for the benefit of the members and Guests and not for the general public, and may include eating facilities, club administrative Offices, off-Street parking and Retail establishments for the sale of



goods and services consumed on the premises. It may also include auxiliary recreational facilities such as swimming pools, gymnasiums, tennis courts and hunting preserves, but a private residence club shall not include sleeping accommodations nor facilities which are open to use by the general public.

**Cluster Development.** A site-planning technique that concentrates Buildings and Structures in specific areas on a Lot, site, or parcel to allow the remaining land to be used for recreation, Open Space, or preservation of features or Structures with environmental, historical, cultural, or other significance. The resultant Open Space being devoted by a plat or deed restrictions to one or more uses. The total property is used to calculate the total allowed ERUs. Minimum offsets and other Building characteristics must still be maintained.

**Covered Water Storage.** A water storage tank; raised or in ground, that is protected from the elements.

**College.** An independent institution of higher learning offering a course of general study.

**Commission's Authority Representative.** The Planning Commission chairperson or other Town employee or official who has been designated by the Mayor to represent the Town in carrying out the functions of the Commission's Authority Representative as set forth in the Town Code.

**Common Area.** An area of common ownership designed to serve the recreational, Open Space or other similar needs of two or more Lots or Dwelling Units in separate ownership.

**Communication Tower.** A Structure intended for transmitting or receiving television, radio, or telephone communications with antennas and associated equipment that is primarily supported by its own foundation.

**Community Center.** That area, Building or facility which is intended to include recreational and community service uses, and which may include for lease Office(s) and/or Retail space(s).

**Community Use.** The uses that have the primary purpose of serving the educational, recreational, religious or governmental needs of the community in general. Such uses may include Church or Worship Centers, public and private educational institutions, private non-profit recreation grounds, public parks, Public Buildings, public facilities, cemeteries and other similar uses. This definition shall not include such uses as detention facilities, half-way houses, alcohol rehabilitation centers, and other similar uses.

**Conditional Use.** A land use that because of its unique characteristics, or potential impact on the Town of Hideout and/or surrounding neighbors or adjacent land uses, may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this Land Use Ordinance for those uses.

**Condominium.** The Ownership of a single unit in a multi-unit project or structure which may be combined with an undivided interest in the Common Areas and facilities of the Property and meeting all requirements of the Condominium Ownership Act of the State of Utah.

**Condominium Hotel.** A Hotel or Motel comprised of units that are owned by an individual, corporation, or any other legal entity having mandatory membership in an association comprised of all owners within the same Development, and is a Building or Buildings containing individual Guest rooms, units or efficiencies for which daily, weekly or lodging is provided only as transient accommodation.





**Condominium Timeshare.** That unit of Property and time where possession and use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

**Condominium Project.** A project planned in accordance with the Utah Condominium Ownership Act, including, without limitation, all units, limited Common Area, and Common Area within the project.

**Conservation Easements.** An easement voluntarily placed on property to ensure that no future Development will occur. The easement will be held by a third party and maintained in perpetuity.

**Convenience Store.** A Building that is primarily engaged in the provision of frequently needed, day to day Retail goods including gasoline, food and non-food products.

## D

**Day Care Center.** A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children, not related by blood or marriage to the person(s) providing the care, for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

**Density.** The number of Equivalent Residential Units per acre.

**Developable Area.** The portion of a site or Building Lot that is not within any areas considered to be physical constraints or within required setbacks. In the case of raw ground developable would mean areas that can be serviced by required infrastructure including roads, sewer and water.

**Developer.** Depending on the context in which it is used, either:

1. an Applicant for Subdivision approval;
2. an Applicant for a building permit or other land use permit provided for under the Town Code; or
3. the Owner of the Property for which Subdivision or other land use approvals are sought.

**Development.** The total area of the parcel of land on which a Building permit is to be issued, or the total area of property being improved.

**Development Agreement.** The agreement between the Town and the Owner/Developer that outlines the duties, responsibilities, obligations, commitments and promises of the Town and the Owner/Developer.

**Distributed Power Facility.** A wind or solar power facility where electricity is primarily produced for use on site with excess supplied to a power grid.

**Drainage Ditch.** Any system of canal(s) or ditch(es) naturally existing or constructed to carry surface and/or subsurface water to a natural stream, whether or not the ditch(es) or canal(s) carry water filed upon by individual(s) to be used for irrigation purposes.

**Driveway.** A private roadway for access of vehicles to a residence, parking space, Garage or other Structure.

**Dust Control Plan.** A narrative plan that may include map exhibits prepared by the Developer that establishes management practices to be employed and temporary facilities to be installed by Developer



to control fugitive dust that is released into the air or onto public roads during the construction within the Subdivision.

**Dwelling.** A Building or portion thereof designed or used for residential occupancy, including one-family, two-family, multiple family, and apartment Structure; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar Structures designed or used primarily for transient residential uses.

**Dwelling, Multiple Family Unit.** A Building arrangement designed for and/or occupied by three or more families.

**Dwelling, Single Family Attached.** Two or more contiguous Dwelling Units designed to be independently owned and occupied which are connected by a Lot line wall or party wall, each unit having separate water, sewer, electricity, heating and communication supplies.

**Dwelling, Single Family Detached.** A Building designed for and occupied exclusively by one family on a separate Lot and not sharing any common wall.

**Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation.

## E

**Easement.** Authorization by a Property Owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the Owner's Property. An Easement may be for use under, on the surface, or above the Owner's Property.

**Electronic Format.** Drawings, maps, calculations, documents or other data required by the Town are to be provided by the Applicant on digital media (or other means) readable by a compatible computer. Types of electronic files including versions will be as requested by Town Staff.

**Electric Distribution Line.** Those lines carrying between seven (7) kV and thirty-five (35) kV of electricity directly to customers.

**Electric Sub-transmission Line.** All lines forty-six (46) kV, sixty-nine (69) kV, and one hundred thirty-eight (138) kV carrying electricity between two (2) substations.

**Electric Transmission Line.** Those lines carrying from two hundred thirty (230) kV to five hundred (500) kV of electricity from a power facility to a substation.

**Engineering Geologist / Geotechnical Engineer.** A licensed geotechnical or geological engineer concerned with the application of geological knowledge to engineering problems.

**Environment.** The sum-total of the surroundings, which includes both natural and man-made elements.

**Equestrian Facilities.** A detached Accessory Structure for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale. Establishments offering facilities for instruction in horseback riding, including rings, Stables, and exercise areas, and facilities for the care and exercise of horses and related equestrian activities.



**Equivalent Residential Units (ERU).** The number of residential equivalents to determine density-based on sewer, water and square footage of a Structure.

ERU calculations shall be based upon the Unit Equivalent Chart:

Configuration	Notes	ERU's
<b>Motel/Hotel Room, Apartment or Condo</b>	Up to 500 sf including bathroom areas	<b>.25</b>
<b>Motel/Hotel Room, Apartment or Condo</b>	Between 501 and 1000 sf including bathroom areas	.50
<b>Motel/Hotel Room, Apartment or Condo</b>	Between 1001 and 1500 sf including bathroom areas	.75
<b>Motel/Hotel Room, Apartment or Condo</b>	Over 1500 sf; for each part of a 1500 sf interval (rounded up)	1.00
<b>Single Family Residences (attached or detached)</b>	Up to 5000 sf	1.00
<b>Single Family Residences (attached or detached)</b>	For residences over 5000 sf; add this value for each part of a 2000 sf interval (rounded up)	.50
<b>Commercial</b>	For each 2000 sf of gross floor area, or for each part of a 2000 sf interval.	.75

**Excavation.** The mechanical removal of earth material.

**Expansion.** An increase in the size of an existing Structure or use, including physical size of the property, Building, parking and other improvements.

**F**

**Family.** An individual or two or more persons related by law, blood, marriage, or adoption or up to two unrelated persons, living together in a single Dwelling Unit and maintaining a common household.

**Family Care Home.** A Dwelling wherein room, board, care, and supervision are provided by the resident Family in a home setting to Handicapped Persons, mentally ill, or mentally retarded and who are provided with a program of services including training in vocational and recreational activities. To qualify, the Dwelling must be approved or operated by an agency of the Utah State Government.

**Family Day Care Center.** A Dwelling or place of business wherein a resident Family provides ordinary care and supervision during customary daytime periods to non-related persons. To qualify for a Day-Care Center, an agency of Utah State Government must approve the Dwelling or place of business.

**Family Food Production.** The production of food through gardening or horticulture, for the sole use of the Family occupying the premises. The raising of animals or fowl is not included in this definition.

**Farm.** A business enterprise in which land is used for the production of food, feed, or fiber.

**Farm Animals.** Animals and fowl such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for pleasure.



**Farm Industry.** The keeping and raising of Farm animals and/or fowl for domestic or commercial use such as fur Farms, livestock feed yards, pig Farms, dairy farms, stables, ranches, and similar uses, and Accessory Uses thereto.

**Fee Schedule.** The schedule or any appendix of fees adopted periodically by resolution of the Town Council setting forth various fees charged by the Town.

**FEMA.** An acronym for the Federal Emergency Management Agency.

**Fence.** A Structure erected to provide privacy or security that defines a private space or is used to constrain domestic animals.

**Fence, Sight-Obscuring.** A Fence that is three (3) feet or more in height that is constructed or planted in such a fashion that causes fifty (50) percent or more opaqueness at any angle of view through such Fence.

**Fill.** Earth material that has been deposited by artificial means.

**Final Plat.** A map of a Subdivision, required of all Subdivisions, which is prepared for final approval and recordation purposes in accordance with the applicable standards, which has been accurately surveyed, so that roads, lots and other divisions thereof can be identified.

**Fitness / Wellness Center.** An establishment providing facilities for physical Development, exercise, sports, or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

**Flood, Base - 100 Year Flood.** The flood from whatever source having a one (1) percent chance of being equaled or exceeded in any given year, otherwise commonly referred to as the one hundred (100) year flood.

**Flood Channel.** A natural or artificial water course with definite bed and banks to confine and conduct flood water.

**Floodplain.** The one hundred (100) year flood area zone as defined in FEMA's Federal Insurance Rate Map of the Town of Hideout.

**Floor Area.** The sum of the gross horizontal area of the several floors of the Building or Buildings, measured from the exterior faces of the exterior walls.

**Foster Home.** A Dwelling Unit where minor children, not related by blood, marriage or adoption, are cared for and furnished board and room with or without compensation on a continuing basis.

**Fraternal & Benevolent Society.** A chartered, nonprofit social club or lodge with or without dining facilities and cocktail lounges composing a branch of a fraternal order, or society such as Elks, Masons, American Legion, Eagles, Optimists, Odd Fellows, Kiwanis, Rotary, and other similar nonprofit fellowship organizations which are open only to members and their duly authorized Guests.



**French Drain.** A sump or trench Filled with crushed rock or gravel intended to receive storm water discharge.

**Frontage.** The distance between the two side Lot lines of a parcel measured along the Street, or Streets of a corner Lot, which the parcel is allowed to access. For purposes of this Title, temporary turnarounds, dead ends of roadways, or emergency accesses shall not be used as Frontage.

## G

**Garage, Private.** An attached or detached Building accessory to a Dwelling on the premises designed or used for the storage of private passenger automobiles owned and used by the occupants of the Building to which it is accessory.

**Garage, Public.** A Building or portion thereof, other than a private Garage, designed or used for the storing, servicing, repairing, equipping, hiring, or selling of motor-driven vehicles.

**Garage, Yard Sale.** The sale of personal belongings in a residential zone, which sale is conducted by a legal resident of the premises.

**Gasoline, Retail.** A Building or premises used for the sale of gasoline and limited amounts of other oil products. Such premises may also include the sale of food products.

**General Plan.** The current version of the plan which has been prepared and adopted by the Town of Hideout, pursuant to Utah Code Section 10-9a-401 et seq., for the purpose of identifying present and future needs of the Town of Hideout and guiding the growth and Development of land within the Town or any part of the town, including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

**Golf Course and Related Services.** A facility providing private and/or public golf on a tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A Golf Course may include a clubhouse, restrooms, driving range and shelters as Accessory Uses

**Grade, Natural.** A measurement of the degree of Slope on the undisturbed, natural surface of the ground.

**Grade, Finish.** A measurement of the degree of Slope on the disturbed surface of the ground.

**Grading Plan.** A topographic Development plan prepared by a registered Civil Engineer showing contours for before and after grading.

**Grocery.** Retail sales of food and beverages for off site preparation and consumption. Typical uses include groceries, delicatessens, or bakeries, and exclude convenience stores and catering services.

**Gross Floor Area.** The sum of the gross horizontal areas of all floors of a Building measured from the exterior face of exterior walls, but not including interior or exterior parking spaces, or loading space for motor vehicles.

**Guest.** A person or persons staying or receiving services for compensation at a Hotel, Motel, rooming house, Rest Home, timeshares or similar use.



## H

**Handicapped Person.** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**Hard Surface.** An impermeable, dust-free surface such as concrete or asphalt. Road base does not qualify.

**Health Care Facility.** A Building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions including a dental, medical or medical laboratory. Does not include inpatient care or operating rooms for major surgery.

**High Water Table.** A condition where the ground water is less than six (6) feet below the ground surface.

**Highway.** A Street so designated as a state or federal Highway by the state or federal agency responsible therefor.

**Home Occupation.** A nonresidential activity conducted entirely within a Dwelling Unit, which is clearly incidental and secondary to the use of the Dwelling for residential purposes.

**Homeowners Association.** An incorporated non-profit organization operating under recorded land agreements through which: (a) each Lot/home owner is automatically a member; and (b) each Lot is automatically subject to a proportionate share of the expenses for the organization's activities and interest, such as maintaining and operating Open Spaces, Landscaping, Common Areas or facilities.

**Hotel.** A Building containing sleeping rooms for the occupancy of Guests for compensation on a nightly basis that typically includes accessory facilities such as Restaurants, bars, spas, meeting rooms, On-Site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels.

**Household Pets.** Animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a Kennel. Household Pets shall not include chickens or any animals that are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of Household Pets shall be limited to that allowed by the provisions of each respective zone as set forth in this Title.

## I

**Illegal Lot.** An illegal Lot is any Lot or parcel of land which was not created in conformance with the Town of Hideout ordinance in effect at the time the Lot was recorded.



**Interstate.** A Street that is designated as an interstate on the most current Wasatch County long range Highway and Street map as adopted by the community planning association of southwest Idaho.

## J

**JSSD.** Jordanelle Special Service District.

**Junk.** Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. Junk includes but is not limited to, tires, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, Building materials, machinery and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

**Junkyard.** An open area where Junk, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. An automobile wrecking yard or a salvage yard is also considered a Junkyard. The use of Buildings used in conjunction with an operation does not exclude the operation from the definition unless the operation is wholly within the Buildings and there is no outside storage.

## K

**Kenel.** An establishment having three or more dogs, cats or other Household Pets for the purpose of boarding, breeding, buying, letting for hire, training for fee or selling.

**Kiosks and Street Vendors.** The peddling, vending, selling, renting, displaying or offering for sale any item of tangible personal property or other thing of value from a mobile vending cart, trailer, vehicle, temporary Building, or seasonally opened Building; by a vendor to persons on the public rights-of-way, including Streets and sidewalks. Permits will be required.

## L

**Landscaping.** The installation of plant materials (i.e., lawn, ground covers, annuals and perennial flowering plants, vines, shrubs, and trees), planted directly on the property.

**Limits of Disturbance.** The area(s) in which construction and Development activity must be contained, including Development and construction of the principal Building and permitted Accessory Structures, play areas, and On-Site Septic Tanks, utilities, drainage, and other services.

**Livestock Corral.** A place or pen where livestock are kept as part of an agricultural or livestock operation as distinguished from a livestock feed Lot.

**Livestock Feed Lot.** A feeding operation on a parcel of land where livestock are conditioned for market on a year-round basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

**Lot.** A unit of land described in a recorded Subdivision Plat.

**Lot, Area.** The horizontal area within the exterior lines of the Lot, exclusive of any area in a public or private way open to public uses.



**Lot, Building.** A parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located and having Frontage on a public or approved private Street.

**Lot, Coverage.** The percent of a lot covered by buildings, driveways, parking areas, sidewalks, or any other impermeable surface.

**Lot, Double Frontage.** Any Building Lot which has both the front and Rear Yard line bounded by a Street. This does not normally include corner Lots.

**Lot, Corner.** A Building Lot situated within a corner created by the intersecting lines of a Street or Streets that has Frontage on two (2) sides.

**Lot, Flag.** A Lot that does not have the required Frontage on a Town of Hideout Road or Private Road built to the Town of Hideout Standards. Access to the buildable portion of the Lot is through a narrow private access that is contiguous and part of the Lot.

**Lot, Inside Gore-Shaped.** A Lot where side Lot lines converge towards the rear to a point or the rear Lot line width is less than half the required width for the Lot in the applicable zone.

**Lot, Interior.** Any Building Lot other than a corner Lot.

**Lot Line, Front.** Any Street right-of-way line of record or established by use, which forms one or more boundaries of a Lot.

**Lot Line, Rear, For Corner Lots.** The interior Lot line which has been designated as the rear Lot line determined by the direction the house faces.

**Lot Line, Side, For Corner Lot.** All interior Lot lines for multi-Frontage Lots; for other corner Lots, that interior Lot line which the Lot owner has designated as the side Lot line.

**Lot Line, Side, For Interior Lots.** Those interior lines lying opposite each other, running between the front and rear Lot lines, or in the case of a multi-Frontage Lot, those interior lines which run between the two front Lot lines

**Lot, Multi-Frontage.** Any Building Lot, the centerline of which intersects two front Lot lines, and which has no rear Lot line.

**Lot Width, For Corner Lots.** The width of the Lot as measured along both Street Frontages at the required setback.

**Lot Width, For Interior Lots.** The horizontal distance between the side Lot lines measured along a line lying at right angles to the centerline of the Lot at the point of the required setback.

## **M**

**Maintenance Facility.** Any area of land or Building used by a contractor for storage, maintenance, or processing incidental to the business of Building, hauling, Excavation, demolition, or similar activity and including any area of land used for the incidental repair of machinery used for any of the above listed activities.





**Manufactured Home.** A home or other Building of new construction without attached axles or wheels which has been assembled fully, or in part, upon another site, or in a factory, and moved to the site upon which it is to be permanently assembled by truck, timber, dolly or similar conveyance; and which is placed upon a permanent foundation in compliance with the provisions of the International Building Code.

**Manufacturing.** The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product or good.

**Masonry.** Stucco, brick, or rock.

**Mayor.** The individual serving as the mayor of the Town of Hideout.

**Meeting Facilities.** A facility that rents out meeting spaces, such as convention or conference centers (not connected to a Hotel facility).

**Metes and Bounds.** The description of a Lot or parcel of land by courses and distances.

**Mobile Home.** A detached Dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete Dwelling Unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such Dwelling Unit on a foundation shall not remove such unit from classification as a Mobile Home.

**Model Home.** A residential Structure that meets all residential occupancy requirements, used for sales purposes only.

**Motel.** A Building or group of detached or connected Buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a Motel.

## N

**Nonconforming Lot of Record.** A parcel of land that was legally created prior to the adoption of this Title.

**Nuisance Strip.** A parcel of property that does not meet the Lot requirement for the zone where it is located and was created for the purpose of preventing access and utility extension to the adjacent property.

## O

**Office.** Offices of firms or organizations providing professional, executive, management, or administrative services.

**Official Zoning Map.** The map showing the location and application of the various zoning districts within the Town of Hideout. All land within the Town of Hideout will be included withing a zoning district.

**Off-Site.** Pertaining to the territory outside the boundaries of a particular project.



**On-Site.** Pertaining to the territory within the boundaries of a particular project.

**Open Space.** An area of open land, with little or no land disturbance, preserved, enhanced and/or restored in order to maintain the natural, scenic, ecological, cultural, hydrological, geological, or agricultural values of the land. Open Space may include trails and park bench style seating; interpretive signage and kiosks for educational purposes; and agricultural activities.

**Owner.** Any person who alone, jointly or severally with others, has a legal or equitable title to Property.

**Overlooks.** An unobstructed location, position or area that permits an unhindered panoramic vista of interest or pleasure or unique view to a particular point from a public place.

**Over-Size Facilities.** Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of a residential or nonresidential Development site.

## P

**Parking Lot.** An open area, other than a Street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

**Pasture.** An enclosure for animals in which no feed is provided except that which the animals obtain by grazing.

**Personal Services.** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, massage therapy, and similar activities.

**Physical Constraints Inventory.** An inventory and analysis of environmental factors which may affect the potential of land Development along with the identifying of critical and sensitive lands which need to be protected.

**Planning Commission.** The Town of Hideout Planning Commission.

**Planning Commission Chair.** The chairperson of the Planning Commission appointed by the Mayor.

**Planting Plan.** A plan showing the location and dimensions of irrigation equipment and curbs and other protective features around the edge of the planting beds, and the location, dimensions, and species of plants to be planted.

**Plot Plan.** A plat of a Lot, drawn to scale, showing its actual measurements, the size and location of any existing Structures and Structures to be erected in the future, and showing the location of the Lot in relation to abutting Streets, and other such information.

**POST Committee.** The Parks, Open Space, and Trails sub-committee of the Planning Commission.

**Premises Occupation.** An occupation conducted on any premises, outside of the main Dwelling, by persons residing on those premises and subject to Conditional Use approval from the Planning Commission.



**Pre-School, Home.** An educational facility operated on residential premises, which regularly provide an educational program for not more than twelve (12) children (including the operator's natural, adopted, or foster children under six (6) years of age) at any one time.

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

**Public Building.** A Building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah or any of its Subdivisions including county and municipality in connection with a public use.

**Public Improvement.** Any road dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building or structure.

**Public Services Facility.** Buildings, power plants and substations, water treatment plants and pumping stations, sewage disposal and pumping plants, and other Structures, except public utility Structures erected, constructed, altered, operated by municipal or other governmental agency, for the purpose of furnishing electrical, gas, rail transport, communication, public water and sewage services.

**Public Space.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hardscaped plazas, public trails, and public pedestrian amenities; but excluding Buildings.

**Public Transit.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

## R

**Record of Survey Map.** A final plat prepared by a professional land surveyor that re-establishes land survey controls, boundaries, location of improvements or the alignment of right-of-way for recording.

**Recreational Facility.** An establishment engaged in providing amusement, recreation, or entertainment. Indoor amusement or recreation facility shall include, but not be limited to, pool hall, billiard parlor, Theater, or skating rink. Outdoor amusement or recreation facility shall include, but not be limited to, ski or snow sports area, amusement park, miniature golf, golf driving range (that is not accessory to a Golf Course), tennis court, football, soccer, rugby, or hockey field, skatepark, or swimming pool.

**Recreational Facility, Active.** Recreational opportunity involving moderate to high intensity use which may require modification of natural landforms and the provision of service facilities, playing fields or equipment. Examples include, but are not limited to playground equipment, sports fields, surfaced courts, volleyball courts, swimming pools, skateparks, golf courses, multipurpose centers and open play areas, and Structures, streets and parking areas accessory to these uses.

**Recreational Facility, Passive.** Recreational opportunity occurring in a natural setting requiring minimal Development or facilities and providing areas for informal, self-directed activities for individuals or small groups. Examples include, but are not limited to, hiking or biking trails; pathways; picnic shelters; park bench style seating; interpretive Signs and Kiosks for educational purposes; community gardens.



**Recreational Vehicle.** A trailer, camper, or motor home keeping a current registration by a State Division of Motor Vehicles designed or used for sleeping by persons while traveling, but not intended as a permanent Dwelling, and not constructed for permanent attachment to public utilities.

**Residential Facility for Elderly Persons.** A Single Family or Multiple Family Dwelling Unit that is not a business and offers primary care to a limited number of non-related elderly persons.

**Restaurant.** Any eating establishment having kitchen and cooking facilities for the preparation of food and where meals are regularly served to the public for compensation within the establishment. A Restaurant may provide take-out service, provided such service is clearly not the principal business of the Restaurant and the take-out function is totally conducted inside of the Building.

**Restaurant, with drive through support.** A Restaurant, typically with indoor seating, which includes drive-up window service for ordering food to go.

**Rest Home.** A Building for the care and keeping of elderly or infirm people affected with infirmities or chronic illness.

**Retail.** An establishment primarily engaged in the sale, rental or provision of goods, merchandise or services.

**Retail Drive-In.** Any form of merchandising, serving, or dispensing of goods or services in which the customer is serviced while in his automobile.

**Retaining Wall.** A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

**Ridgeline.** A ridge location that is visible from a major arterial, secondary or collector road that is seen as a distinct edge against a backdrop of sky or land.

**Ridgeline, Secondary.** A ridge below the primary ridgeline that may or may not have a backdrop of sky.

**Road, Fire Apparatus (secondary).** A road built to provide fire access to a Subdivision as required by International Fire Code and subject to design standards in Title 10.

**Road, Primary.** The main access road into a Development.

**Road, Private.** A road that is on private property and maintained by the property owners and not a public entity.

**Road, Public.** A road that is dedicated to a public entity and maintained by a public entity.

## S

**Satellite Dish.** An antenna intended to receive signals from satellites and other sources.

**School, Commercial.** An establishment for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.



**School, College, University Private or Quasi-Public.** A school operated by a private or quasi-public organization, or individual, which has a program similar to that provided in any Public School in the State of Utah, except that such curriculum may include religious instruction. A private school may be a for-profit or nonprofit organization. This definition shall not include commercial schools.

**School, Public.** An educational facility operated by the Wasatch County School District or other public agency of the State of Utah.

**Security Agreement.** Agreement to install improvements secured by cash bond, cash escrow, an irrevocable letter of credit, or any combination of the preceding as approved by the Town Council.

**Sensitive Lands.** Lands that comprise or contain drainage facilities and detention basins, areas of geologic concern, watershed and recharge zones, natural or environmentally hazardous areas, slopes greater than 30 percent, ridgelines, areas with unique vegetation cover, stream channels, or wetlands.

**Septic System.** A type of onsite sewage treatment facility used in areas that are not connected to a sewerage system, or where municipal service is unavailable. Waste is gathered in a Septic Tank for treatment and the liquid effluent is disposed in a Septic Drain Field, which provides further treatment. Septic System design and installation is subject to approval of the Wasatch County Wastewater Permit.

**Septic Tank.** A watertight receptacle that receives the discharge of sewage and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited, and the discharge of the liquid portion into a leaching system.

**Septic Tank Drain field.** A specified tract or parcel of land in which the sewage that flows from a Septic Tank is oxidized.

**Setback.** The minimum distance by which any Building or Structure must be separated from a Street right-of-way or Lot line, as measured from the furthest extent of the Structure including overhangs and cantilevers.

**Service Station.** A Building or premises used for the sale of gasoline and oil products including the servicing of motor vehicles and the Retail sale and installation of tires, replacement parts and accessories in and upon such vehicles; but not including paint, body and frame repair, or rebuilding of engines, transmissions, or differentials. Such premises may also include the sale of food products.

**Sign.** Any device for visual communication that is used for the purpose of advertising a product thereof to the attention of the public, but not including a flagpole which is used for the display of the state or national flag.

**Slope.** The ratio of the vertical distance moved to the horizontal distance moved, expressed in percentage or degrees, when traversing along the surface of land.

**Soil Engineer.** A Civil Engineer registered in the State of Utah with training and experience in soil engineering.

**Stable.** A detached Accessory Structure for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.



**Storage Facility.** A Structure or group of Structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles).

**Story.** That portion of a Building, other than a cellar, included between the surface of any floor and the surface of the floor or next ceiling above.

**Street.** A Street, Public Road, thoroughfare, alley, Highway or a right of way that may be open for public use but is not part of a public Highway system nor subject to the jurisdiction of a public Highway agency.

**Street, Alley.** A public means of secondary access to abutting property that is not for general traffic circulation or Street Frontage.

**Street, Stub.** A Street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future Subdivisions or Developments on adjacent lands.

**Street, Through.** Streets that extend continuously between other major Streets in the community.

**Structure.** Anything constructed or erected, except a Fence, that requires location on the ground or is attached to something having location on the ground including, but not limited to, Buildings, platforms, framework, antennas, portable carport or cover, prefabricated metal, or plastic sheds and tents.

**Subdivision.** Any land that is divided or proposed to be divided into two (2) or more Lots, parcels, sites, units, Plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or Development either on the installment plan or upon any and all other plans, terms and conditions.

**Subdivision Ordinance.** The terms and provisions of Title 11 of the Town Code, as the same may be amended from time to time.

**Surface Drainage.** That amount of water run-off caused as a result of precipitation or irrigation.

**Swimming Pool / Bath House.** A permanent Structure above or below Grade, designed to hold water eighteen (18) inches deep or greater and/or two-hundred fifty (250) square feet or greater surface area and intended for therapeutic or recreational purposes. This definition does not include an ornamental reflecting pool, fishpond or other type of pool not used for swimming and/or wading. The pool must be located and designed so as not to create a hazard.

## T

**Theater.** An establishment or enterprise for the purpose of entertaining persons and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium.

**Town or Town of Hideout.** The municipal corporation and political subdivision of the State of Utah known as the Town of Hideout.

**Town Administrator.** The official appointed by the Mayor of the Town of Hideout as the Town Administrator.



**Town Code.** This code of ordinances duly adopted by the Town of Hideout, and any amendments thereto.

**Town Council.** The legislative body of the Town of Hideout, consisting of the elected or appointed council members and the Mayor.

**Town Engineer.** The Town Engineer, a licensed professional engineer in the State of Utah, appointed by the Mayor of the Town of Hideout or the Town Engineer's authorized representative.

**Town Planner.** The individual appointed as the Town Planner by the Mayor of the Town of Hideout.

**Town Staff.** The employees and administrative appointees of the Town of Hideout, including, without limitation, the Town Administrator, Town Clerk, office staff, public works staff, maintenance staff, Town Planner and planning staff, Town Engineer and engineering staff, and Building Official and building staff.

**Town Standards.** The standards, including the Town Code and other applicable standards which have been adopted, created, or approved as authorized under the Town Code, which govern or regulate building, land development, construction and other similar activities.

## U

**Underground Utilities.** Utility, water, sewer and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

## V

**Veterinary Clinic.** Any Structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including boarding incidental to treatment, are limited to short term care.

**Vacation Vehicle Court.** An area or tract of land used to accommodate two or more vacation vehicles or camper units for a period of less than thirty (30) days.

**Variance.** A variation of, or deviation from the regulations or standards adopted by Ordinance, which is approved under the Town Code and is consistent with state law.

**Vocational School.** A school that specifically trains people for a skill or trade to be pursued as a trade.

## W

**Waste, Solid.** Any garbage or refuse not generated from a residence. Including sludge from a wastewater treatment plant, and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial mining, and agricultural operations and from community activities subject to permit under 33 USC 1342.

**Waste, Residential.** Waste generated by a residential customer that fits into and weighs no more than the limits established for an approved residential sanitary container and/or bundled waste that measures and weighs no more than the limits established for approved residential waste. Residential waste excludes bulky and hazardous waste, construction and demolition debris, stable matter in excess of five (5) cubic feet (exceeding 35 pounds), and all other wastes prohibited from disposal at the county's sanitary landfills or other disposal sites.



## Y

**Yard.** A space on a Lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Title.

**Yard, Front.** Any yard between the front Lot line and the Setback line of a main Building and extending for the full width of the Lot.

**Yard, Rear.** A yard between the rear Lot line and the Setback line of a main Building, extending across the full width of inside Lots and for corner Lots a yard between the rear Lot line and the Setback line of the Building and extending between the side Lot line and the Front Yard lying opposite

**Yard, Side.** Any yard between the side Lot line and the Setback line of a main Building, extending from the Front Yard to the Rear Yard.

**Yard, Street Side.** On corner Lots, the yard determined by the owner to be the Side Yard on the Street and running from the front Setback line to the rear property line.

**Youth Group Home.** A Dwelling Unit wherein room, board, ordinary care, and supervision are provided in a Family environment by the resident Family or group home parents to persons who are unrelated to the resident Family or group home parents and who are under the age of eighteen (18) years. To qualify, the Dwelling Unit must be approved by an agency of Utah State Government.

## Z

**Zero Lot Line Development.** Single Family Dwellings arranged on Lots with one common wall of the Building located on the property line.

**Zoning Ordinance.** The terms and provisions of Title 12 of the Town Code, as amended from time to time.

## 10.14 IMPACT FEES (RESERVED)





**EXHIBIT C**  
**(Revisions to Title 11)**

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FINAL



**11 SUBDIVISION REGULATIONS**

**11.02 GENERAL PROVISIONS**

**11.02.02 SHORT TITLE**

These Subdivision Regulations shall be known and cited as the TOWN OF HIDEOUT SUBDIVISION REGULATIONS, hereinafter referred to as the "Subdivision Ordinance".

**11.02.04 STATEMENT OF PURPOSE**

The purposes of this title shall be to:

1. Protect and promote the health, safety, convenience, and general welfare of the present and future inhabitants of the Town of Hideout;
2. Establish reasonable standards of design and procedures for Subdivisions and plat amendments in order to further the orderly layout and use of land; and to insure proper legal descriptions and recordation of subdivided land.
3. Establish the rights, duties, and responsibilities of Applicants and Developers with respect to land Subdivision;
4. Secure the provision of necessary infrastructure and services in an efficient and economical manner for existing and future residents;
5. Guide the future growth and development of the Town of Hideout, in accordance with the General Plan.
6. Prevent the pollution or degradation of air, water, and soil, assure the adequacy of drainage facilities, minimize site disturbance and removal of native vegetation, and reduce the hazards to life and Property from fire, flood, erosion, sedimentation and soil slippage.
7. Provide for Open Space and Public Space through efficient design and layout of the land using Open Space requirements and other provisions of the Town Standards.
8. Encourage the wise use and management of natural resources in order to preserve the integrity, stability and aesthetics of the community.

**11.02.06 AUTHORITY**

1. By authority of ordinance of the Town Council of the Town of Hideout, hereinafter referred to as "Town Council", adopted pursuant to the powers and jurisdictions vested through Title 10, Chapters 3 and 9a of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the Town Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of the Town of Hideout.
2. By the same authority, the Town Council does hereby exercise the power and authority to pass and approve development in Subdivisions and plat amendments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.
3. The Subdivision or plat shall be considered to be void if the Subdivision or plat has been recorded with the County Recorder's office without a prior approval by the Town Council.
4. A Transfer of land pursuant to a void plat is voidable.

**11.02.08 INTERPRETATION AND SEVERABILITY**

1. Greater Restrictions Prevail: In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater



restrictions than any statute, other regulations, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

2. Definitions: Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in the Town Code, such definition is incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive.
3. Severability of Parts: The various sections, subparagraphs, sentences, phrases and clauses of this title are hereby declared to be severable. If any such part of this title is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the Town Council, all remaining parts shall remain valid and in force.
4. Rounding: Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number.
5. Time Computation: Unless otherwise specified herein, a period of time specified in this title shall be calendar days beginning on the day after the act, event or decision to which the time period refers and ending at eleven fifty-nine (11:59) P.M. the last day of the time period.

#### **11.02.10 COORDINATION WITH OTHER DOCUMENTS**

This title, other titles and chapters of the Town Code, the Town Standards, and the most recent version of the Town of Hideout General Plan ("General Plan") adopted by the Town Council shall guide the use of all land within the municipal boundaries of the Town.

#### **11.02.12 SUBDIVISION ORDINANCE AMENDMENTS**

1. The Town Council may, from time to time and in a manner consistent with the General Plan, amend any provision of this title. Amendments shall be approved in accordance with all public notice and public hearing requirements imposed by state law or local ordinance.
2. Any amendment or revision to this title shall supersede any prior provisions or ordinances. Provisions of this title not affected by the amendment or revision shall continue to be valid and shall not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of Town ordinances, which do not conform to provisions of this title, are declared void. Any uses, structures or buildings which were conforming to previous provisions of this title but do not now conform shall be nonconforming uses, structures or building.

#### **11.02.14 ORDERLY DEVELOPMENT REQUIRED**

All Subdivisions, site plans, Condominiums and other developments shall be developed in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the project, and that all of the improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee or lessee of any of the lands developed within the time herein provided or in phases specified. Subdivisions shall be planned and developed to accommodate the continuation of roads,



utilities, drainage and other infrastructure to adjoining properties. Over sizing of lines or infrastructure in the Subdivision may be necessary to accommodate future development outside of the project.

#### **11.02.16 COMPLIANCE REQUIRED**

1. No tract of land shall be divided, subdivided, reconfigured, developed or redeveloped except in conformance with provisions of this title and all other applicable provisions of the Town Code and other Town Standards.
2. No plat, Subdivision amendment or reconfiguring of Property shall be recorded except in accordance with the provisions of this title and all other applicable provisions of the Town Code and other Town Standards.
3. All licenses, permits, agreements and plans issued or approved by the Town shall comply with all requirements and provisions of the Town Code and other Town Standards.
4. All Subdivisions, Condominiums, site plans, construction and infrastructure shall be designed and constructed in conformance with Town Code and other Town Standards.
5. All uses shall be conducted in conformance with Town Code and other Town Standards, all approved plans, and requirements or conditions of approval.
6. Land which is to be subdivided shall not be transferred, sold or offered for sale prior to recording the subject plat and until all requirements of Town Code for Subdivisions, Condominiums or other development have been met.
7. No building permit may be issued for any structure or development on any land that has been divided, subdivided, reconfigured, developed or redeveloped in a manner not in conformance with the provisions of the Town Code and all other applicable ordinances and regulations.

#### **11.02.18 VACATION, ALTERATION OF AMENDMENT OF PLATS**

The Town Council may, on its own motion, or pursuant to a petition or application, consider and approve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any road, lot, alley or public use area contained in a Subdivision plat, as provided in Utah Code Section 10-9a-608 through 10-9a-609.5 as amended. If an amended plat is approved by the Town Council and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. An ordinance, when approved by the Town Council and recorded, shall replace a previously recorded plat described in the vacating ordinance.

#### **11.02.20 VIOLATION, ENFORCEMENT AND PENALTIES**

In addition to denial, suspension, or refusal to act on a Developer or Owner's request, any person who violates the provisions of this title shall be guilty of a class B misdemeanor unless otherwise established by law. Each day of violation of this title exists shall be considered a separate violation and subject to the penalties of this section and any other applicable law, ordinance, or regulation.

#### **11.02.22 APPEALS**

The requirements and procedures for appealing decisions of the Town's land use authority in administering or interpreting the Town land use provisions of the Town Code, including this title, are set forth in Title 3 of the Town Code, and are hereby incorporated herein by this reference.



## 11.04 DEFINITIONS

### 11.04.02 GENERAL

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "shall" is mandatory and not directory; the word "may" is permissive. Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the Town and then its common, ordinary meaning.

### 11.04.04 DEFINITIONS

The definitions set forth in Title 10 of the Town Code are hereby incorporated as definitions pertaining to this title.

## 11.06 SUBDIVISION APPLICATION AND REVIEW PROCEDURES

### 11.06.02 CLASSIFICATION OF SUBDIVISION

1. **Minor Subdivision.** A Subdivision containing not more than five (5) lots fronting on an existing road, not involving any new road or existing road, or the extension of municipal facilities, or the creation of Public Improvements, is not commercial and that is consistent with the General Plan and existing Official Zoning Map.
  - a. A Concept Plan may be approved in accordance with these regulations (preferred, but optional).
  - b. A Preliminary Plan shall be approved in accordance with these regulations (preferred, but optional).
  - c. A Final Plat shall be approved in accordance with these regulations.
2. **Major Subdivision.** A commercial project, Condominium, or a residential Subdivision of land into six (6) or more Lots, or any size Subdivision requiring any new road.
  - a. A Concept Plan shall be approved in accordance with these regulations.
  - b. A Preliminary Plan shall be approved in accordance with these regulations.
  - c. A Final Plat shall be approved in accordance with these regulations.
3. **Plat Amendment.** The combining of existing subdivided Lots into one (1) or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations.
  - a. Plat Amendments shall be reviewed according to the requirements of Section 11.06.24 and Section 11.06.26 Final Plat Application and Procedures and approval shall require a finding of Good Cause and a finding that no Public Road, Right-of-Way, or Easement has been vacated or amended.

### 11.06.04 APPLICATION FORMS AND PERMITS REQUIRED

1. The Mayor or his/her designee shall author application forms and may identify submittal requirements and processing procedures for the acceptance and filing of all applications required by the land use ordinances and building codes, as adopted.
2. The requirements of all land use ordinances and building codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the Town. No use, building or structure shall be commenced or occupied unless and until all necessary approvals, permits and licenses



have been issued in accordance with all requirements of the land use ordinances and building codes, as applicable.

#### **11.06.06 PUBLIC NOTICE REQUIRED**

1. Unless otherwise required under state law, notice of all public hearings held by the Town Council or Planning Commission with respect to subdivision or land use applications shall be provided by the Town at least ten (10) calendar days before the date of the public hearing. Such notice shall be provide as required under Utah Code Section 10-9a-205 as if the application were a land use regulation.
2. If notice given under the authority of this section is not challenged in accordance with applicable appeal procedures thirty (30) days from the date of the hearing for which the notice was given, the notice is considered adequate and proper. The notice provided in this section may be referred to in this title as "required notice". The cost of required notices shall be paid by the Applicant.

#### **11.06.08 BONDS GUARANTEEING CONSTRUCTION IMPROVEMENTS**

##### **11.06.08.01 COMPLETION BOND**

1. **Completion Bond Required.** If the required landscaping and infrastructure improvements have not been completed and accepted by the Town prior to the time a final plat for a subdivision, or portion thereof, has been recorded, a completion bond in a form acceptable to the Town shall be required prior to the recordation of the Final Plat. The completion bond will secure installation of any landscaping or infrastructure improvements required by or promised to the Town of Hideout as part of the development.
2. **Completion Bond Time Period.** The Town will authorize a pro-rata portion of the completion bond to be released as portions of the required infrastructure and improvements are completed and accepted in accordance with all applicable Town Standards.
3. **Completion Bond Amount.** A completion bond shall be posted with the Town of Hideout in a principal amount of one hundred (100) percent of the total estimated cost of any improvement or other performance required by or promised to the Town of Hideout as part of the development. The estimated cost shall be based upon the estimate of the Town Engineer who shall take into account some or all of the following factors when making his estimate:
  - a. The Developer's engineering estimate;
  - b. The estimate of any reviewing engineer;
  - c. Any other relevant information.
4. **Failure of Performance, Extension of Time.** In the event that any performance covered by a completion bond required is not completed within the time period allowed for under the completion bond, the Developer may petition Hideout for an extension of time in which to complete the required performance. A one-year extension of time may be granted by the Town Council upon application by the Developer, upon a showing of good cause and diligent effort by the Developer to complete the performance as provided in this chapter.
5. **Form of Bond.** Guarantee arrangements offered in lieu of simultaneous completion of Buildings and Site or Public Improvements shall be in an amount determined as provided for above, and shall be in one or more of the following forms:





- a. An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming the Town of Hideout as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for eighteen (18) months, or
- b. A deposit of cash with a third-party Escrow, or
- c. A deposit of cash with the Town, or
- d. Some combination of the above as approved by the Town or an approved equal.

#### **11.06.08.02 WARRANTY BOND**

1. **Warranty Bonding.** Upon completion of the required improvements or other performance subject to a completion bond, the Developer shall petition the Town of Hideout for release of the completion bonds, or a portion thereof, as applicable. The Developer, prior to release of the completion bond, shall obtain and provide to the Town a warranty bond as security for the Developer's unconditional warranty that the required improvements or other promised performance comply with all applicable Town Standards and will not fail in any material respect as a result of poor workmanship or materials for a period of one (1) year following the date of acceptance of the improvements by the Town of Hideout. The warranty bond provided for herein shall be required in order to ensure that the improvements are installed pursuant to the approved plans, are structurally sound, and that no further replacements or repairs are required.
2. **Warranty Bond Amount.** Warranty bonds required herein must have a face amount of at least ten percent (10%) of the value of Town Engineer's current estimate of cost of completion of the improvements to be warranted. Developer may not draw against the warranty bond for any purpose during the warranty period.

#### **11.06.10 INSPECTIONS DURING APPLICATION PROCESS**

1. To review information relevant to an application, the Town Planner, Town Engineer, or other Town Staff may enter upon any land at reasonable times to make examinations, investigations, and surveys related to the application.
2. Applicants must show proof that the Property has legal access to their Property when the Property does not abut to a public road as a condition of subdivision approval.

#### **11.06.12 INSPECTIONS DURING CONSTRUCTION**

1. Construction work involving the installation of Public Improvements in Subdivisions and other developments shall be subject to the inspection of the public works director and Town Engineer or their designees.
2. Requests for inspections shall be made to the Town Engineer by the person responsible for the construction. Requests for inspection on work shall be made at least one working day prior to the commencement of the work. Inspections shall be made by the Town Engineer after various phases of the construction work are completed. Any faulty or defective work shall be corrected by the Developer or the Developer's contractor within a period of thirty (30) days from the date of the Town Engineer's written notification to the Developer that correction of the faulty or defective work is required.
3. Work which does not comply with the approved plans and/or does not meet minimum Town Standards will not be accepted.



#### 11.06.14 FEES

1. **Application Fees.** The Town Council shall establish, by resolution, a Fee Schedule for the processing and review of all land use applications required by all land use ordinances and designed to recover the actual or anticipated costs for the processing of the land use application. The Fee Schedule may be included in the Town consolidated Fee Schedule, which Schedule may be amended from time to time by resolution of the Town Council. The Fee Schedule for the processing and review of all land use applications may include a processing fee and an application fee. Fees shall not be required for land use applications initiated by the Town.
2. **Actual Cost Fees.** The Town Council shall establish by resolution, a Fee Schedule identifying the amount of money an applicant must place on deposit with the Town for to pay for the costs incurred by the Town in connection with processing and approving a land use application and inspecting any construction or development work performed in connection therewith.
3. **Impact Fees.** Each subdivision and development and each individual lot contained within each development shall be subject to each applicable Impact Fees adopted by the Town of Hideout, as the same may be amended from time-to-time.

#### 11.06.16 FIRE DISTRICT REVIEW

In connection with the first application delivered to the Town in connection with a subdivision of land (i.e. the Concept Plan, if a Concept Plan application is the first application submitted, the Preliminary Plan, if a Preliminary Plan application is the first application is submitted, or the Final Plan if a Final Plan is the first application submitted), the Applicant must deliver a copy of the Concept Plan, Preliminary Plan, or Final Plan, as applicable, to the Wasatch County Fire District for review and comment.

The plan submitted must contain information about road widths, access points, fire hydrant locations, and other matters reasonably requested by the Fire District. The Fire Chief of the Wasatch County Fire District or his designee shall, within twenty-one (21) days from receipt, provide comment and feedback regarding the in the form of a written report or approval letter which cites to relevant provisions of the International Fire Code or other applicable fire and safety standards as necessary.

If the Fire District does not provide written comment and feedback or approval within that time, the Fire District will be deemed to have waived the opportunity to do so with respect to such application. Any report or approval letter received from the Fire District shall be forwarded to the Planning Commission for consideration. A copy of any report or approval letter received from the Fire District shall also be forwarded to the Applicant. The Applicant will have up to seven (7) calendar days to provide written notice to the Planning Commission of the Applicant's intent to submit any additional information relevant to public safety, including (if desired) a report from an expert of Applicant's choosing, for consideration by the Planning Commission.

The Planning Commission shall consider the Fire District's report along with any information provided by the Applicant in determining whether to approve the Applicant's plan. If the Planning Commission approves the Applicant's plan, the Planning Commission will forward the Fire District's report, together with any information provided by the Applicant to the Town Council along with the Planning Commission's recommendation.

Before any subdivision plat is approved for recording with respect to any subdivision which obtained Preliminary Plan approval prior to the date of this paragraph took effect, or for which the Fire District



review required above has not taken place, the Town shall request that the Fire District, within twenty-one (21) days, approve such plat or provide comments and feedback in the form of written recommendations which cite to relevant provisions of the International Fire Code or other applicable fire and safety standards. If the Fire District does not provide written comments and feedback within that time, the Fire District will be deemed to have waived the opportunity to do so with respect to such plat. If the Fire District approves the plat or fails to provide comment and feedback within the time provided for herein, the plat shall be approved and signed so long as it otherwise complies with the Town Code.

If the Fire District does not approve the plat, then a copy of the Fire District's recommendations, together with any additional information which the applicant chooses to provide, as provided above, will be forwarded to the Town Council. The Town Council shall thereafter hold a public hearing to determine whether to approve the plat or to instruct the applicant to address the Fire District's recommendations prior to approving. At such hearing, the scope of the Town Council's review shall be limited to Fire District's recommendations.

### **11.06.18 CONCEPT PLAN APPLICATION**

1. A Concept Plan application package is required for all proposed major residential or commercial Subdivisions. A Concept Plan application package is preferred but optional for a Minor Subdivision application package.
2. A Concept Plan application package includes a completed Concept Plan application form, Concept Plan, and all required plans, reports and documents described herein that conform to the goals of the General Plan and the Town Code relating to the zone(s) governing the application. The Concept Plan should use the criteria established in the Building Code and other Town Standards.

#### **11.06.18.01 CONCEPT PLAN APPLICATION PACKAGE**

1. **Concept Plan.** The Concept Plan is a preliminarily engineered sketch plan drawn to illustrate the proposed layout for roads, lots, trails, Open Space, Public Space, snow storage areas, and other features in relation to the existing and planned roads within one quarter mile of the new Subdivision. This plan should be prepared using spatial data and shall be prepared by a team that is headed up by a licensed professional engineer or licensed architect/landscape architect. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed development.
2. **Conceptual Level Road Design Plan.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Road Design Plan that includes:
  - a. General Location and Description of Project;
  - b. Township, range, section, 1/4 section, (Subdivision, lot and block);
  - c. Existing roads. Sidewalks and trails in the proposed development and connecting to the proposed development;
  - d. Proposed road (including sidewalks and trails) concept and how it fits existing roads and traffic patterns, sidewalk and trails;
  - e. General discussions of road design problems, including overall area traffic flow, traffic calming, aesthetics, fit to the mountain terrain, snow management, and minimization of



- disturbance, coordinating/accommodating utilities and consideration of anticipated structures that the roads will serve.
- f. General discussion of the rationale for including or excluding sidewalks and the proposed design criteria relative to pedestrian travel.
3. **Conceptual Building Configuration and Design.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Site and Building Layout Plan that includes:
    - a. All proposed residential and commercial buildings within a site layout that includes streets, sidewalks, trails, park/open space, storm water basins, etc.
    - b. A conceptual landscape plan including proposed plant typology.
    - c. Conceptual architectural renderings of building designs proposed.
  4. **Conceptual Level Drainage Control Plan.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Drainage Control Plan that includes:
    - a. Location
      - i. Township, range, section, 1/4 section, (Subdivision, lot and block).
      - ii. Major drainage ways and facilities.
    - b. Description of Property
      - i. Area in acres.
      - ii. Proposed land use and ground cover.
    - c. Drainage Basins and Sub-basins
      - i. Reference to major drainage way planning studies such as flood hazard delineation report, major drainage way planning reports, and flood insurance rate maps.
    - d. Drainage Design Criteria
      - i. Proposed drainage concept, onsite stormwater management infrastructure, and how it fits existing drainage patterns.
      - ii. Brief discussions of drainage problems, including storm water quality, and potential solutions at specific design points.
      - iii. Brief discussion of detention storage and outlet design.
    - e. Identification of Potential Improvements to Public Drainage Systems
      - i. Identification of potential design concepts and impacts to local drainage systems.
  5. **Conceptual Level Snow Management Plan.** As a part of the Concept Plan application package, the Applicant shall prepare a Conceptual Level Snow Management Plan that includes:
    - a. General location of snow storage areas.
    - b. Brief discussion of snow removal methods and snow management.

## **11.06.20 CONCEPT PLAN PROCEDURES**

1. The Applicant shall submit an application in Electronic Format to the Town Hall along with required fees set required under the Town's Fee Schedule. Up to five (5) hard copies of the Concept Plan application package may be requested by the Town Staff.
2. The Town Staff shall ensure all necessary documents and information are included with the application and then submit the application to the following entities:
  - a. Town Clerk for validation of tax compliance;
  - b. Town Engineer for engineering review;
  - c. The Town Planner for planning/design review; and
  - d. Wasatch County Fire District for review as provided for in this Code.



3. The Town Administrator, Town Engineer, Town Planner, or Fire District Representative may request reasonable additional information from the Applicant from time to time.
4. Within thirty (30) days of receiving all reports from the Town Administrator, Town Planner, Town Engineer, and Fire District, the Town Staff will review the application again for completeness and a letter will be sent if additional information is needed. During the Concept Plan review process, the Town Staff may request reasonable additional information from the Applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the Town, it may contribute to a decision in the best interest of the Town.
5. When the Town Staff determines that the Concept Plan is ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing and initial presentation and review of the Concept Plan providing sufficient public notice as required under Section 11.06.06.
6. The Planning Commission shall give guidance to the Applicant to assist in meeting the requirements and constraints for Subdivision development within the Town of Hideout.
7. If the Planning Commission finds that the proposed Concept Plan complies with all applicable requirements, it shall approve the Concept Plan, or approve the Concept Plan with conditions, and the Applicant may apply for Preliminary Plan approval. If the Planning Commission determines that the proposed Subdivision would violate local ordinances and regulations, no further review of the proposed Subdivision shall be made by the Planning Commission, and a new Concept Plan shall be required to re-initiate the Subdivision process.
8. The approval of the Concept Plan shall be effective for a period of six (6) months from the date the Concept Plan is approved by the Planning Commission, at the end of which time the Applicant must have submitted a Preliminary Plan for approval. If a Preliminary Plan is not submitted for approval within the six (6) month period following approval, or as extended by the Planning Commission in writing, the Concept Plan shall be void, and the Applicant shall be required to submit a new Concept Plan for review and approval subject to the existing provisions of this Code. An approved Concept Plan does not authorize the applicant to begin any form of land disturbing activities.

## **11.06.22 PRELIMINARY PLAN APPLICATION**

1. A Preliminary Plan application package is required for all proposed major residential or commercial Subdivisions. A Preliminary Plan application package is preferred but optional for a Minor Subdivision application package
2. A Preliminary Plan application package includes a completed Preliminary Plan application form, Preliminary Plan, and all required plans, reports and documents described herein that conform to the goals of the General Plan and the Town Code relating to the zone(s) governing the application. The Preliminary Plan shall incorporate the criteria and requirements of the Building Code and other Town Standards.

### **11.06.22.01 PRELIMINARY PLAN APPLICATION PACKAGE**

1. **Preliminary Plan.** The Preliminary Plan consists of engineering drawing(s) prepared using spatial data that shall be drawn to a scale not smaller than one-inch equals one hundred feet (1" = 100') and that meet the minimum legal standards for survey as defined in Utah Code Section 17-23-20. The Preliminary Plan shall show the following:
  - a. Project name and address;
  - b. North point, scale, date;



- c. A copy of the closure sheet which shall show the following:
  - i. The courses and distance of the proposed development/Subdivision boundary and the error of closure;
  - ii. The area of each lot in square feet and acres.
- d. All trails, Open Space, Public Space, and roadways
- e. Names, addresses, and telephone numbers of Developer, engineer, and current and prospective Owners;
- f. Nearest section corner tie, Township(s) and range(s);
- g. Acreage, Property dimensions, project perimeter;
- h. All proposed phases of the development, numbered and defined, with approximate timetable for development;
- i. Location of entire development in relation to surrounding neighborhoods and developments (include names of adjacent Subdivisions and developments, adjacent Property Owners' names and addresses, and adjacent land uses and buildings);
- j. Existing topography with a contour interval of two (2) feet;
- k. Landscape plan illustrating cut and fill limits and limits of disturbance and landscaping plans including topographic lines (in conformance with the Hideout Water Quality Plan) and proposed landscape plant materials with botanical name, planting size, and numbers of each included;
- l. Existing and proposed lot lines, Easements, walkways, roads and rights-of-way (public and private), including widths, names, and numbers, on subject and surrounding areas; proposed dedications of public use areas; existing and proposed curb, gutter, and sidewalk.
- m. Existing waterways (including irrigation), significant vegetation, and natural features of the land;
- n. Sensitive lands in the proposed development shall be identified on a plan prepared and stamped by a licensed geotechnical engineer or licensed geologist;
- o. Soils testing and geotechnical analysis as required by the Town of Hideout;
- p. Existing and proposed infrastructure including all fire hydrants, water and sewer lines, storm sewer system, and all utilities, including but not limited to electricity, natural gas, telephone service, and infrastructure to support high speed internet service;
- q. Proposed layout of all public and private roads, if any, including profiles (same scale as site plan) and cross-sections (same as Town standards, at an interval of one hundred (100) feet (or as determined by the Town Engineer));
- r. Location and conceptual elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
- s. Location of onsite drainage and stormwater management features;
- t. Unit configuration footprints and typical architectural elevations;
- u. Tabulation of projected ERUs, as established in accordance with the Town Standards;
- v. Any additional information which the Town Council may reasonably require in a specific instance. Where a Developer owns or controls more land than he or she wishes to develop immediately, the Town of Hideout may require that a Preliminary Plan of the whole area be submitted, in which case the Developer shall indicate the portion to be developed immediately and the portion to be held for future development.
- w. For multi-unit structures, the Preliminary Plan shall show the following additional information:



- i. Firewall construction, as required by the International Fire Code, the adopted Building Code;
  - ii. Additional parking, if required;
  - iii. Additional Open Space, if required;
  - iv. Location of individual utility lines and meters, if required; and
  - v. Additional exits.
- 2. **Cluster Development Plan.** If a Cluster Development is being requested, additional requirements for Cluster Developments required under the Town Standards should be included.
- 3. **Preliminary Road Plan.** As a part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Road Plan, using the criteria approved from the Concept Plan submittal, that includes the following additional information:
  - a. A Preliminary Plan and/or design of the Public Improvement
  - b. References to all criteria, master plans, and technical information used in support of the Preliminary Road Plan.
  - c. Proposed street names within the Subdivision.
- 4. **Preliminary Traffic Impact Study.** As part of the Preliminary Plan application package, the Applicant shall prepare a preliminary Traffic Impact Study (TIS) to estimate site-generated traffic volumes and assess its impact on the public street system. The TIS shall also identifies on-site and off-site improvements that might be needed as a result of the development including but not limited to, analysis of the traffic impacts of the development, the adequacy of the access drives and the suitability of the on-site circulation and parking
- 5. **Preliminary Evacuation Plan.** As part of the Preliminary Plan application package, the Applicant shall prepare a preliminary Evacuation Plan that includes: procedures for the orderly and coordinated evacuation operations for the proposed development in the event of an earthquake, wildfire, flooding, or other natural or manmade disasters. The Plan shall outline warning procedures: to be used for evacuations, to identify primary evacuation routes and shelter resources, to identify procedures for the security of the perimeter during and after the evacuation; and to identify procedures for allowing evacuees to return to their homes.
- 6. **Preliminary Landscape Plan.** As part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Landscape Plan that shall include the following:
  - a. Proposed locations for all landscaping material, organic and inorganic, used on the site.
  - b. Proposed plant materials, including size, species, and condition, and plans for retention of existing vegetation and materials.
  - c. Location and design of all screening elements, berms, landforms, and stormwater management facilities.
- 7. **Preliminary Drainage Control Plan.** As a part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Drainage Control Plan, using the approved Concept Plan submittal, that includes the following additional information:
  - a. Location
    - i. Information as required from Concept Plans.
    - ii. City, County, State Highway and local roads within and adjacent to the site, or the area to be served by the drainage improvements.
    - iii. Names of surrounding developments.
    - iv. Name of receiving water(s).
  - b. Description of Property
    - i. Information as required from Concept Plans.
    - ii. Existing ground cover (type and vegetation).



- iii. Existing major irrigation facilities such as ditches and canals.
  - c. Major Basin Description
    - i. Information as required from Concept Plans.
    - ii. Major basin drainage characteristics, and existing and planned land uses within the basin, as defined by the Town Engineer.
    - iii. Identification of all nearby irrigation facilities that will influence or be influenced by the local drainage.
  - d. Sub-Basin Description
    - i. Describe historic drainage patterns of the Property.
    - ii. Describe offsite drainage flow patterns and impact on development under existing and fully developed basin conditions.
  - e. Drainage Facility Design Criteria
    - i. Information as required from Concept Plans.
    - ii. How offsite runoff will be considered and how expected impacts will be addressed.
    - iii. Anticipated and proposed drainage patterns.
    - iv. Storm water quantity and quality management concept, including onsite stormwater management infrastructure, and how it will be employed. The use of computer-based models for the evaluation of storm water quality and quantity will not be universally required of new developments, although their use is recommended. Under site specific conditions where it is believed by the Town that impacts from the development may unacceptably impact downstream water quality or quantity however, their use may be required. The recommendation to use computer modeling during the evaluation process is made since it is likely that the review process will check the validity of the Developer's conclusions utilizing SEDIMOT or other appropriate computer technology.
    - v. Maintenance and maintenance access.
    - vi. Describe the content of tables, charts, figures, plates, drawings and design calculations presented in the report.
  - f. Specific Details (Optional Information)
    - i. Discussions of drainage problems, including storm water quality, and solutions at specific design points
    - ii. Discussion of detention storage and outlet design.
    - iii. Discussion of impacts of concentrating flow on downstream properties.
  - g. Public Drainage Improvements
    - i. If the project requires that drainage improvements be constructed that will be turned over and owned and maintained by the Town, the following must also be provided, obtained, or completed: a Preliminary Plan and/or design of the Public Improvement.
  - h. References
    - i. Reference all criteria, master plans, and technical information used in support of concept.
- 8. **Preliminary Snow Management Plan.** As a part of the Preliminary Plan application package, the Applicant shall prepare a Preliminary Drainage Snow Management Plan, using the approved Concept Plan submittal, that includes the following additional information:
  - a. Location and size of proposed snow storage areas.





- b. Discussion of snow removal methods (with a list of required equipment) and annual management.
9. **Maps.** As a part of the Preliminary Plan application package, the Applicant shall prepare the following maps according to the following criteria:
- a. General Location Map. The map shall show the following information and conform to the following standards.
    - i. All drawings shall be 22" x 34' in size.
    - ii. Map shall provide sufficient detail to identify drainage flows entering and leaving the development and general drainage patterns.
    - iii. Scale of 1" = 500' to 1" = 4000' and show the path of all drainage from the upper end of any offsite basins to the defined major drainage ways.
    - iv. Identify all major facilities (i.e., irrigation ditches, existing detention facilities, storm water quality facilities, culverts, storm sewers) downstream of the Property along the flow path to the nearest major drainage way.
    - v. Basins, basin identification numbers, drainage divides, and topographic contours are to be included.
  - b. Floodplain Mapping:
    - i. A copy of any published floodplain maps (i.e., flood hazard area delineation, flood insurance rate maps)
    - ii. All major drainage ways shall have the defined floodplain shown on the report drawings.
    - iii. Flood hazards from either shallow overland flow, side channels, or concentrated flows.
    - iv. The location of the Property in relation to the floodplain(s) and/or flood hazards.
  - c. Drainage Plan Mapping:
    - i. Prepare at a scale of 1" = 20' to 1" = 200' on a 22" x 34" size drawing sheet.
    - ii. Existing topographic contours at 2-foot (or less) intervals, in mountainous areas, the maximum interval may be extended to 5 feet. Final plan approval 1-foot contour intervals shall be shown for areas of little relief. The contours shall extend a minimum of 100-feet beyond the Property lines.
    - iii. All existing drainage facilities within map limits including basin boundaries and sub-boundaries.
    - iv. Conceptual major drainage facilities including proposed storm water quality BMPs, snow storage areas, detention basins, storm sewers, swales, bioretention areas, porous pavement, wetland basins, or outlet structures.
    - v. Any offsite feature including drainage that influences the development.
    - vi. Proposed drainage patterns and, if available, proposed contours.
    - vii. Legend to define map symbols.
    - viii. Project name, address, engineering firm and seal, and date the title block in lower right corner.
    - ix. North arrow, scale and available benchmark information and location for each benchmark.
10. **Supporting Documents.** The following documents which shall be prepared in accordance with applicable standards and shall be submitted in accordance with the requirements of this Code, or any amendment thereto, with the required application fees. These documents shall be a draft



copy of each document, which shall be reviewed, and the final copies will be submitted with the final documentation when application is made for Final Approval.

- a. Draft copy of Articles of Incorporation and Bylaws of the Homeowners' Association;
- b. Draft copy of Declaration of covenants, conditions, restrictions and management policies;
- c. A copy of the Record of Survey filed with the County Surveyor's office of the proposed boundary of the overall development and/or phase. In the event that the development has multiple phases, the proposed plat shall show the recorded file number of the Record of Survey and/or paper copy of the survey;
- d. A will-serve letter from any Special Service District and/or other appropriate agency, indicating the availability of water, water service, sewer service, electricity, natural gas, telephone service, high speed internet service, extended fire, extended police, schools, garbage collection and disposal, roads maintenance, trails maintenance, Open Space management, storm water detention, and other municipal type services;
- e. A form of certification for each of the following (these are proposed certifications of what is intended to be placed on the plat:
  - i. Owner's dedications;
  - ii. Surveyor's certificate of accuracy of survey;
  - iii. Surveyor's approval

#### **11.06.24 PRELIMINARY PLAN PROCEDURES**

1. The Applicant shall submit the Preliminary Plan application package in Electronic Format to Town Hall along with required fees set forth in the Town's Fee Schedule. Up to five (5) hard copies of the Preliminary Plan application package may be requested by Town Staff.
2. The Town Staff shall ensure all necessary documents and information are included with the application and then submit the application to the following entities:
  - a. Town Administrator for validation of tax compliance;
  - b. Town Engineer for engineering review;
  - c. The Town Planner for planning/design review; and
  - d. Wasatch County Fire District for review as provided for in this Code; and
  - e. POST Committee for review of planned Parks, Trails, Open Spaces and Public Spaces.
3. The Town Administrator, Town Engineer, Town Planner, Fire District Representative, or POST Committee Representative may request reasonable additional information from the Applicant from time to time.
4. Within thirty (30) days of receiving the reports from the Town Administrator, Town Planner, Town Engineer, and Fire District, the Town Staff will review the application again for completeness and a letter will be sent if additional information is needed. During the Preliminary Plan review process, the Town Staff may request reasonable additional information from the Applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the Town, it may contribute to a decision in the best interest of the Town.
5. When the Town Staff determines that the Preliminary Plan is ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing and initial presentation and review of the Preliminary Plan providing sufficient public notice as required under Section 11.06.06.
6. The Planning Commission shall hold a public hearing on the Preliminary Plan application.



7. After review of the Preliminary Plan at a public hearing, the Planning Commission shall recommend, reject, or recommend the Preliminary Plan with conditions, or may postpone action to allow the Applicant time to provide material or additional information needed by the Planning Commission to then determine appropriate action.
8. At such time that the Planning Commission determines that a complete application has been provided, the Planning Commission will forward the application along with its recommendations to the Town Council.
9. The Mayor will establish a date for a public hearing that provides sufficient public notice as required under Section 11.06.06.
10. The hearing before the Town Council will be held, and comments requested from the public at that time. If, after such hearing the Town Council approves the project, the project may then proceed to apply for Final Plat approval, provided however if any conditions are set forth by the Town Council, all such conditions must be met prior to application for final approval unless otherwise required by the Town Council.
11. The approval of the Preliminary Plan shall be effective for a period of six (6) months from the date the Preliminary Plan is approved by the Planning Commission, at the end of which time the Applicant must have submitted a Final Plat for approval. If a Final Plat is not submitted for approval within the six (6) month period following approval, or as extended by the Planning Commission in writing, the Preliminary Plan shall be void, and the Applicant shall be required to submit a new Preliminary Plan for review and approval subject to the existing provisions of this Code. An approved Preliminary Plan does not authorize the applicant to begin any form of land disturbing activities.

#### **11.06.26 FINAL PLAT APPLICATION**

1. A Final Plat application package is required for all proposed major and minor residential or commercial Subdivisions.
2. A Final Plat application package includes a completed Final Plat application form, Final Plat, and all required plans, reports and supporting documents described herein that conform to the goals of the General Plan and the Town Code relating to the zone(s) governing the application. The Final Plat shall incorporate the criteria and requirements of the Building Code and other Town Standards.

##### **11.06.26.01 FINAL PLAT APPLICATION PACKAGE**

1. **Final Plat.** The Final Plat consists of engineering drawing(s) prepared using spatial data that are drawn to a scale not smaller than one-inch equals one hundred feet (1" = 100') and that meet the minimum legal standards for survey as defined in Utah Code Annotated Section 17-23-20. The Final Plat must first evidence how the Final Plat conform to the Preliminary Plan and any conditions for preliminary approval. Using the criteria approved from the Preliminary Plan submittal, the Final Plat shall include the following additional information:
  - a. Information as required from Preliminary Plan.
  - b. Development phase number, if a phased project;
  - c. Lot lines, dimensions and area; adjacent lots and phases;
  - d. Topography (contours at 2-foot intervals) and site drainage plan which illustrate existing and proposed conditions;
  - e. Existing vegetation to remain on development and natural features of the land;



- f. Soils testing and analysis. A letter of purpose will be prepared and submitted by a licensed geotechnical engineer that shall consider the findings of the sensitive lands study along with the project engineering, that will determine the type, frequency and nature of the geotechnical investigation and subsequent report. The purpose letter will also state what minimum requirements, with respect to geotechnical studies, will be imposed on the subdivided land prior to the issuing of building permits.
  - g. Utah Department of Transportation approval for access off state roads if applicable; approval as required of other state and federal agencies;
  - h. Final grading plans illustrating cut and fill limits and limits of disturbance;
  - i. Temporary construction erosion control plan and Dust Control Plan;
  - j. Final drainage plan illustrating methods of controlling runoff, directing water flow, and detention / retention areas;
  - k. Existing and proposed utilities including, fire hydrants, water and sewer lines, and storm sewer system; including plan and profile.
  - l. Location and elevation drawings of existing and proposed buildings, signs, dumpster and utility enclosures, fences and other structures;
  - m. A complete landscape plan including all plant proposed (number of each, size at time of planting, botanical/scientific name) and all additional landscape features such as retaining walls, stormwater basins, etc. Including all materials and scale noted;
  - n. Parking, access, and loading plan when applicable;
  - o. Lighting plan, including dark sky initiative;
  - p. Architectural concept plans;
  - q. Tabulation of ERUs, as established in accordance with the Town Standards.
  - r. For Condominiums, the Final Plat shall show the following additional information:
    - i. All buildings;
    - ii. Private drives and parking areas;
2. **Cluster Development Plan.** If a Cluster Development is being requested, additional requirements for Cluster Developments required under the Town Standards should be included.
3. **Final Road Plan.** As a part of the Final Plat application package, the Applicant shall prepare a Final Road Plan, using the criteria approved from the Preliminary Plan submittal, that includes:
- a. Street names within Subdivision as proposed by the developer shall be approved by the Planning Commission and must also be approved by Wasatch County.
  - b. Final design of the Public Improvement that includes the location of all roads, curb, gutter, sidewalks, walkways, driveways, off-site parking or other impervious surfaces.
  - c. The conclusions and findings that shall support the Criteria used for the design and the final design.
  - d. A soils report that supports all specified section profiles and specified soil/aggregate materials.
  - e. Information required for the plans shall be in accordance with sound engineering principles, the technical provisions of any Town manuals (where appropriate), these criteria and other applicable Town ordinances, regulations, criteria or design guidelines.
  - f. The plans shall be signed and sealed by a Professional Engineer registered in the state of Utah.
  - g. The plans shall reference all criteria and technical information used.
  - h. Appendices should include all backup and supporting materials
  - i. The plans may be subject to review by outside agencies.



4. **Final Traffic Impact Study.** A final traffic study and or report prepared and signed by a licensed engineer that practices in the field of transportation.
5. **Final Evacuation Plan.** As part of the Final Plan application package, the Applicant shall prepare a final Evacuation Plan that includes: procedures for the orderly and coordinated evacuation operations for the proposed development in the event of an earthquake, wildfire, flooding, or other natural or manmade disasters. The Plan shall outline in detail warning procedures: to be used for evacuations, to identify primary evacuation routes and shelter resources, to identify procedures for the security of the perimeter during and after the evacuation; and to identify procedures for allowing evacuees to return to their homes.
6. **Final Landscape Plan.** As part of the Final Plat application package, the Applicant shall prepare a Final Landscape Plan, including ongoing maintenance plan. Landscaping shall follow guidelines and setback requirements set forth the Town Standards for the designated zone. Using the approved Preliminary Plan submittal, the Final Landscape Plan shall include the following additional information:
  - a. Revised locations, if any, for all landscaping material, organic and inorganic, used on the site.
  - b. Planting plan, including location of all materials, size, and scientific and common name of each material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.
  - c. Grading plan showing berms, landforms, and stormwater management facilities.
  - d. An irrigation plan, irrigation detail plan and corresponding sheet of irrigation construction notes shall be provided indicating the layout and details of the irrigation system including the type and location of all materials utilized.
  - e. A development obligation statement that establishes the responsibility of the Developer to install landscaping and irrigation according to these regulations.
  - f. A maintenance obligation statement, signed by the Applicant, defining responsibility for ongoing maintenance of specific areas, including public rights-of-way, private on-site improvements, and stormwater management facilities.
7. **Final Drainage Control Plan.** As a part of the Final Plat application package, the Applicant shall prepare a Final Drainage Control Plan. The Town Engineer may require use of computer-based models for the evaluation of storm water quality and quantity for new developments. Under site specific conditions where it is believed by the Town that impacts from the development may unacceptably impact downstream water quality or quantity however, their use may be required. The recommendation to use computer modeling during the evaluation process is made since it is likely that the review process will check the validity of the Developer's conclusions utilizing SEDIMOT or other appropriate computer technology. The information required for the plan shall be in accordance with sound engineering principles, the technical provisions of any Town manuals (where appropriate), these criteria, and other applicable Town ordinances, regulations, criteria or design guidelines. The plan may also be subject to review by outside agencies such as JTAC, Federal Emergency Management Agency, U.S. Army Corps of Engineers, Environmental Protection Agency, Utah Water, or other agencies as required. Using the Preliminary Control Plan approval, the Final Drainage Control Plan shall include the following additional information:
  - a. Cover letter presenting the design for review prepared or supervised by a Professional Engineer licensed in the State of Utah with certification that reads as follows:
    - i. "This report for the drainage design of (name of development) was prepared by me (or under my direct supervision) in accordance with the J provisions of the storm drainage design and technical criteria and was designed to comply with



the provisions thereof. I understand that the Town of Hideout does not and will not assume liability for drainage facilities design."

Registered Professional Engineer

State of Utah No. \_\_\_\_\_

(Affix Seal)

- b. General Location and Description.
  - i. Information as required from Preliminary Plans.
  - ii. Local roads within the adjacent to the Subdivision.
  - iii. Easements within and adjacent to the site.
- c. Description of Property
  - i. Information as required from Preliminary Plans.
  - ii. General project description.
  - iii. General soil conditions, topography, and slope.
- d. Major Basin Description
  - i. Information as required from Preliminary Plans.
  - ii. Identification of all irrigation facilities within the basin that will influence or be influenced by proposed site drainage.
- e. Previous Studies and Specific Site Constraints
  - i. Previous drainage studies (i.e., project master plans) for the site that influence or are influenced by the drainage design and how implementation of the plan will affect drainage and storm water quality for the site.
  - ii. Potential impacts identified from adjacent drainage studies.
  - iii. Drainage impacts of site constraints such as roads, utilities, transit ways, existing structures, and development or site plan.
- f. Hydrologic Criteria
  - i. Design storm rainfall and its return period(s).
  - ii. Runoff calculation method(s).
  - iii. Detention discharge and storage calculation method(s).
  - iv. Discussion and justification of other criteria or calculation methods used that are not presented in or referenced by the CRITERIA.
- g. Hydraulic Criteria
  - i. Identify various capacity references.
  - ii. Discussion of other drainage facility design criteria used that are not presented in these criteria.
- h. Storm water Quality Criteria
  - i. BMPs to be used for storm water quality control.
  - ii. Identify, as appropriate, water-quality capture volume and drain time for extended-detention basins, retention ponds and constructed wetland basins.
  - iii. Identify, as appropriate, runoff volume and flow rates for design of water-quality swales, bioretention areas, porous pavement, wetland basins, etc.
  - iv. Discussion of other drainage facility design criteria used that are not presented in these CRITERIA or other manuals referenced by the Town of Hideout.
- i. Waivers from Criteria
  - i. Identify provisions by section number for which a waiver is requested.
  - ii. Provide justification for each waiver requested.
- j. Drainage Facility Design Discuss the following:



- i. Proposed concept, onsite stormwater management infrastructure, and typical drainage patterns
    - ii. Compliance with offsite runoff considerations.
    - iii. Anticipated and proposed drainage patterns.
    - iv. Proposed storm water quality management strategy.
    - v. The content of tables, charts, figures, plates, or drawings presented in the report.
    - vi. Drainage problems encountered and solutions at specific design points.
    - vii. Detention storage and outlet design.
    - viii. Storm water quality BMPs to be used.
    - ix. Maintenance access and aspects of the design.
    - x. Easements and tracts for drainage purposes, including the conditions and limitations for use.
  - k. Stormwater Maintenance Agreement
  - l. Conclusions
  - m. References
    - i. Reference all criteria and technical information used.
  - n. Appendices
    - i. Hydrologic Computations (Including computer model input and output listings.)
    - ii. Land use assumptions regarding adjacent properties.
    - iii. Initial and major storm runoff at specific design points.
    - iv. Historic and fully developed runoff computations at specific design points.
    - v. Hydrographs at critical design points.
    - vi. Time of concentration and runoff coefficients for each basin.
    - vii. Storm water quality BMP sizing calculations including runoff adjustments for minimizing directly connected impervious areas.
    - viii. Hydraulic Computations (Including computer model input and output listings.)
    - ix. Culvert capacities.
    - x. Storm sewer capacity, including energy grade line (EGL) and hydraulic grade line (HGL) elevations.
    - xi. Gutter capacity as compared to allowable capacity.
    - xii. Storm inlet capacity including inlet control rating at connection to storm sewer.
    - xiii. Open channel design.
    - xiv. Check and/or channel drop design.
    - xv. Detention area/volume capacity and outlet capacity calculations for flood detention and water quality basins; depths of detention basins.
    - xvi. Wetland area and area/depth distribution for constructed wetland basins.
    - xvii. Infiltration rates and volumes for porous pavement or release rates where under drains or infiltration is not possible.
    - xviii. Flow rates, velocities, longitudinal slopes and cross-sections for wetland basins and water quality swales.
    - xix. Downstream/outfall system capacity to the Major Drainage way System.
8. **Final Snow Management Plan.** As a part of the Final Plat application package, the Applicant shall prepare a Snow Management Plant, using the criteria approved from the Preliminary Plan submittal, that includes:
- a. Location and capacity of snow storage areas based on 5-year snow average
  - b. Detailed discussion of snow removal methods and annual management.



9. **Maps.** As a part of the Final Plat application package, the Applicant shall prepare the following maps according to the following criteria:
- a. General Location Map – Shall include all items as identified for the Preliminary Plan.
  - b. Floodplain Mapping – Shall include all items as identified for the Preliminary Plan.
  - c. Drainage Plan Mapping – In addition to those items identified for the development of the Preliminary Plan, Drainage mapping shall include the following:
    - i. Property lines, existing Easements, and Easements proposed for dedication, with purposes noted.
    - ii. Roads, indicating ROW width, flow line width, curb or roadside swale type, sidewalk, and approximate slopes.
    - iii. Existing drainage facilities and structures, including irrigation ditches, roadside ditches, cross pans, drainage ways, gutter flow directions, and culverts. Also show pertinent information such as material, size, shape, slope and locations.
    - iv. Proposed type of road drainage (i.e., vertical or combination curb and gutter), roadside ditch or swale, gutter, slope and flow directions, and cross pans.
    - v. Proposed storm sewers and open drainage ways, including inlets, manholes, culverts, and other appurtenances, including riprap or other erosion protection.
    - vi. Proposed structural water-quality BMPs, their location, sizing, and design information.
    - vii. Proposed outfall point(s) for runoff from the developed area and, if required, facilities to convey flows to the final outfall point without damage to downstream properties.
    - viii. Routing and accumulation of flows at various critical points for the initial and water-quality storm runoff events, and major storm runoff events.
    - ix. Volumes and release rates for detention storage and water-quality capture volume for facilities and information on outlet works.
    - x. Location and water surface profiles or elevations of all previously defined floodplains affecting the Property. If floodplains have not been previously published, they shall be defined and shown on the drainage plan.
    - xi. Location, and measured or estimated elevations, of all existing and proposed utilities affected by or affecting the drainage design.
    - xii. Routing of upstream offsite drainage flow through or around the development.
    - xiii. Location of any improvements included in the appropriate or accepted outfall system plan, major drainage plan, and/or storm drainage plan.
    - xiv. Definition of flow path leaving the development through the downstream properties ending at a major drainage way or receiving water.
10. **Final Documentation.** The following official documents prepared in a manner that will fully present information:
- a. Articles of Incorporation and Bylaws of the Association;
  - b. Declaration of covenants, conditions, restrictions, and management policies;
  - c. An information brochure (prepared in accordance with applicable standards) for use in the sales program to inform all home buyers in simple terms about the Homeowners Association and the rights and obligations of lot Owners;
  - d. A final form of certification for each of the following (these are the certifications intended to be placed on the plat):
    - i. Owner's dedications;
    - ii. Surveyor's certificate of accuracy of survey;





- iii. Surveyor's approval;
- iv. Notary Public's acknowledgement
- e. The Design Review Guidelines governing building design within the development
- f. Geotechnical Studies required prior to the issuing of a building permit within the development
- g. For Condominiums to following documentation is required:
  - i. Required assessments;
  - ii. Designation of commonly owned Property;
  - iii. Necessary dedication statement;
  - iv. Statement concerning the formation of a Homeowners Association for the maintenance of the commonly owned Property; and
  - v. Necessary certifications and approvals.
  - vi. A registered architect or engineer shall certify the Final Plat.
- h. Proof of Completion Bond and Warrant Bond required under the Town Standards.
- i. Trails location approval letter by the POST Committee.

#### **11.06.28 FINAL PLAT PROCEDURES**

1. The Applicant shall submit the Final Plat application package in Electronic Format to the Town Hall along with required fees. Up to five (5) hard copies of the Final Plat application package may be requested by the Town Staff.
2. The Town Staff shall ensure all necessary documents and information are included with the application and then submit the application to the following entities:
  - a. Town Administrator for validation of tax compliance;
  - b. Town Engineer for engineering review;
  - c. Town Planner for planning/design review; and
  - d. Fire District for review; and
  - e. POST Committee for review of planned Parks, Trails, Open Spaces and Public Spaces.
3. The Town Administrator, Town Engineer, Town Planner, Fire District Representative or POST Committee Representative may request reasonable additional information from the Applicant from time to time.
4. Within thirty (30) days of receiving the reports from the Town Administrator, Town Planner, Town Engineer, and Fire District, the Town Staff will review the application again for completeness and a letter will be sent if additional information is needed. During the Final Plat review process, the Town Staff may request reasonable additional information from the Applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the Town, it may contribute to a decision in the best interest of the Town.
5. When the Town Staff determines that the Final Plat is ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing and initial presentation and review of the Final Plat providing sufficient public notice as required under Section 11.06.06.
6. The Planning Commission shall hold a public hearing on the Final Plat application.
7. After review of the Final Plat at a public hearing, the Planning Commission shall recommend, reject, or recommend the Final Plat with conditions, or may postpone action to allow the Applicant time to provide material or additional information needed by the Planning Commission to then determine appropriate action.



8. At such time that the Planning Commission determines that a complete application has been provided, the Planning Commission will forward the application along with its recommendations to the Town Council.
9. The Town Council will establish a date for a public hearing that provides sufficient public notice as required under Section 11.06.06.
10. The hearing before the Town Council will be held, and comments requested from the public at that time. After such hearing the Town Council will vote to either approve the projects without conditions, approve the project with conditions or to not approve the project.

### **11.06.30 RECORDING OF THE PLAT**

**Final Plat Recordation.** After gaining final approval, a Final Plat shall be prepared on reproducible Mylar drawn in accordance with the Town Standards at a scale not smaller than one inch equals one hundred feet (1" = 100') that meet the minimum legal standards for survey as defined in Utah Code Annotated section 17-23-20, and shall show the following:

1. Boundaries of the development and location of all required survey monuments; and
2. Location of all lot lines; and
3. Location and extent of all road and other parcels of land to be dedicated to the public and to be retained in private Ownership; and
4. Location and extent of all Easements; and
5. The certifications previously proposed and approved as part of the Final Documentation provided; and
6. The following Signature Blocks:
  - a. Required
    - i. Surveyors Certificate
    - ii. Owner's Dedication, Lien Holder, and Acknowledgement
    - iii. Legislative Body, Mayor, and Planning Commission
    - iv. Town Attorney
    - v. Town Engineer
    - vi. Town Planner
    - vii. Wasatch County Surveyor
    - viii. Wasatch County GIS (required for addressing & 911)
    - ix. Wasatch County Recorder
  - b. Optional (to be included based on the circumstances indicated):
    - i. Jordanelle Special Services District (when services are directly provided to the subdivision by JSSD)
    - ii. Wasatch County Housing Authority (when the subdivision contains an Affordable Housing component)

### **11.06.32 NO SALE OF LOTS UNTIL PLAT RECORDATION**

Lot(s), in a Subdivision may not be sold until after the plat has been recorded.

### **11.06.34 WITHDRAWAL OF APPLICATION**

An Applicant may withdraw a land use application at any time prior to a land use authority decision on the application. Application fees set for the in Section 11.06.14 shall not be refundable. Any unused Actual Cost Fees set forth in Section 11.06.14 will be refunded.



### **11.06.36 EXPIRATION AND REVOCATION OF FINAL PLAT AND PERMITS**

All expirations and revocations are at the discretion of the Town Council. Any exceptions or extensions granted by the Town Council must be in writing. Any remediation of the Property will be paid for from the posted Completion Bond required under the Town Standards. **The Final Plat shall expire and be subject to revocation** if the Final Plat is not recorded within six (6) months from the date of approval. The Town Council may grant a one-time extension to the recording of the Final Plat not exceeding six (6) months; provided, that the Developer submits the request for extension prior to expiration of the Final Plat and satisfies any new Town requirements pertaining to the public health, safety and welfare. Further, and in addition to any remedies available to the Town and any other requirements associated with the grading permits, building permits, or permits for development, the following circumstances shall be grounds for the **expiration and revocation** of any grading permit, building permit, or other permit granted for the development on the Final Plat.

1. **Failure to Timely Complete Grading.** If grading is not completed within one (1) year after the issuance of a grading permit unless an extension (not to exceed six [6] months) is granted by the Town Council.
2. **Failure to Timely Complete Building.** If construction of a building or other improvement is not complete within two (2) years after the issuance of a building permit unless an extension (not to exceed six [6] months) is granted by the Town Council.
3. **Abandonment.** If development, including grading, construction, etc., ceases for a continuous period for more than six (6) months after the start of development activities unless the Town Council approves the cessation of work.
4. **Violations.** If there is a violation of any local, federal, or state regulations, including the Town Code and other Town Standards which the permit holder fails to remedy within thirty (30) days after receiving written notice of the violation.

### **11.06.38 REAPPLICATION FOLLOWING APPLICATION DENIAL**

If a land use application is denied for failure to meet the requirements of the Town Code or other Town Standards, a land use application from the same Applicant for all or any part of the same Property shall not be considered for a period of at least one (1) year from the date of denial, unless the prior denial was based upon a mistake of fact, or on a motion duly passed by the Town Council to act immediately and identifying a valid public purpose.

## **11.08 DEVELOPMENT AGREEMENTS**

### **11.08.02 PURPOSE**

The Developer/ Owner and the Town of Hideout may enter into a Development Agreement that outlines the duties, responsibilities, obligations, commitments and promises of the Developer/ Owner and the commitments of the Town.

### **11.08.04 GENERAL REQUIREMENTS**

1. The Development Agreement may include residential Cluster Development as outlined in the Town Standards.
2. The Development Agreement shall be prepared by the Town Attorney and shall incorporate all agreements between the parties relating to the development which the subject of the Development Agreement.



3. If a Development Agreement is required as a condition of Final Plat approval, the Development Agreement must be approved prior to the Mayor's signature on the Final Plat.
4. If the Developer is including parks, Open Space, clubhouses and/or trail improvements within a development, the Development Agreement shall include proposed phasing and terms of completion of these improvements.
5. Any special agreements, conveyances, restrictions or covenants which govern the use, maintenance and continued protection of common areas shall be included in the Development Agreement.
6. The Development Agreement may provide limitations on the number of building permits issued and/or phases of the project to be approved subject to the completion of the improvements.
7. The Development Agreement for phased Subdivisions shall incorporate the phased Subdivision master plan.
8. The Development Agreement shall include all required improvements and bonds guaranteeing Subdivision construction as outlined in the Town Code, as well as a schedule for implementation.
9. If the development is a phased Subdivision, the Development Agreement shall specify all conditions and requirements that must be met in order to protect and maintain a vested approval for all subsequent phases. For example, the Town may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phases.

#### **11.08.06 DEVELOPMENT AGREEMENT APPROVAL**

The Development Agreement shall be approved by the Town Council and signed by the Mayor.

#### **11.08.08 DEVELOPMENT AGREEMENT RECORDING**

The Development Agreement shall be recorded in the Wasatch County Recorder's office. Recordation by the Town shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The Development Agreement must be recorded prior to the recording of the Final Plat.



**EXHIBIT D**  
**(Revisions to Title 12)**

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**12 ZONING REGULATIONS**

**12.02 GENERAL PROVISIONS**

**12.02.02 SHORT TITLE**

These zoning regulations of the Town Code shall be known and cited as the TOWN OF HIDEOUT ZONING REGULATIONS, hereinafter referred to as the "Zoning Ordinance".

**12.02.04 STATEMENT OF PURPOSE**

The purposes of this title shall be to:

1. Protect and promote the health, safety, convenience, and general welfare of the present and future inhabitants of the Town of Hideout;
2. Guide the future growth and Development of the Town of Hideout, in accordance with the Hideout General Plan;
3. Provide for adequate Open Space, light, air, air quality, privacy, safety from fire, flood, landslides and other geologic hazards, and other dangers and to try to prevent overcrowding of the land, and to lessen traffic congestion;
4. Allow Development in a manner that encourages the preservation of scenic values and minimizes the impact on natural resources in Hideout;
5. Protect and conserve the character of the Town of Hideout and to encourage the orderly Development of the land;
6. Protect and conserve Hideout property values and minimize conflicts among uses of the land and Structures;
7. Provide for well-planned commercial and residential centers, efficient traffic circulation, and efficient use of town services;
8. Establish Zone Districts within which the Town Council may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures and the uses of land; and
9. Provide methods of administration and enforcement of this Title and provide penalties for the violation thereof.

**12.02.06 AUTHORITY**

By authority of ordinance of the Town Council of the Town of Hideout, hereinafter referred to as "Town Council", adopts this Ordinance pursuant to The Municipal Land Use Development and Management Act, and as provided through Title 10, Chapter 9a of the Utah Code, Annotated (1953, as amended), and all other authorities and provisions of Utah and Federal statutory and common law as applicable.

**12.02.08 INTERPRETATION AND SEVERABILITY**

1. Greater Restrictions Prevail: In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulations, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.
2. Definitions: Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in this code, such definition is incorporated herein



and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive.

3. Severability of Parts: The various sections, subparagraphs, sentences, phrases and clauses of this title are hereby declared to be severable. If any such part of this title is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the Town Council, all remaining parts shall remain valid and in force.
4. Effect of CC&Rs: Enforcement of private covenants, conditions and restrictions shall not be the responsibility of the Town of Hideout.
5. Effect of Prior Ordinances: Uses which were commenced legally prior to the adoption of this Title, or for which permits were properly issued and are acted upon in a timely manner, shall, to the extent they do not conform to this Title, be considered as non-conforming uses, and shall not be affected hereby. Uses, which were unlawful prior to the enactment of this Title, shall not become legal by the enactment of this Title.
6. Rounding: Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number.
7. Time Computation: Unless otherwise specified herein, a period of time specified in this title shall be calendar days beginning on the day after the act, event or decision to which the time period refers and ending at eleven fifty nine (11:59) P.M. the last day of the time period.

#### **12.02.10 COORDINATION WITH OTHER DOCUMENTS**

This Title, together with the General Plan, the Subdivision Ordinance, and the other Town Standards shall guide the use of all land within the municipal boundaries of the Town.

#### **12.02.12 EFFECT ON GOVERNMENT ENTITIES**

In accordance with the laws of the state, the provisions of this title shall not apply to the properties owned by the State of Utah, or the United States government; however, any person, firm or corporation who may obtain such properties by purchase, lease or other arrangement with the state shall utilize such properties in accordance with regulations as set forth in Utah Code Annotated.

#### **12.02.14 ESTABLISHMENT OF ZONES**

1. The zoning map for the Town of Hideout as adopted by the Town Council and executed by the Mayor is the Official Zoning Map for the Town of Hideout. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.
2. All property within the Town of Hideout limits will be included a zoning district and shown on the Official Zoning Map, which map and boundaries, notations, references and other information shown thereon shall be as much a part of this Title as if the information and matters set forth by the map were all fully described herein.

#### **12.02.16 ENUMERATED ZONES**

On and after July 1, 2020, any land within the Town for which a rezone is sought and all land newly annexed into the Town shall be included within one of the following zoning districts:



Zone Abbreviation	Zone Name
MR	Mountain Residential
R3	Residential 3
R6	Residential 6
R20	Residential 20
NMU	Neighborhood Mixed Use
C	Commercial
LI	Light Industrial
CR	Community Recreation
NP	Natural Preservation

### 12.02.18 LIMITED FUTURE APPLICATION OF CERTAIN ZONES

On and after July 1, 2020, no new annexed lands can be included within the zones identified below as “Limited Future Application Zones”; and no zone change requests can request that property be included within the Limited Future Application Zones. All property currently zoned under one of the Limited Future Application Zones will continue to be governed by the standards, regulations, and provisions applicable to the Limited Future Application Zones. See Section 12.30 for more information about the Limited Future Application Zones.

Zone Abbreviation	Limited Future Application Zone Name	Most Related Enumerated Zone
RVMD	Resort Village Medium Density	
RVHD	Resort Village High Density	
RSPA	Resort Specially Planned Area	
PPD	Planned Performance Development	
HC	Hospitality Casita	
RF	Resort Feature	
M	Mountain	Mountain Residential
RSPA/RSF	Residential Single Family (within RSPA)	Residential 3
RSPA/RMD	Residential Medium Density (within RSPA)	Residential 6
RSPA/NC	Neighborhood Commercial (within RSPA)	Neighborhood Mixed Use
RSPA/CS	Community Site (within RSPA)	Community Recreation
RSPA/OS	Open Space (within RSPA)	Natural Preservation

### 12.02.20 ZONING CLASSIFICATION OF ANNEXED TERRITORY

All property hereafter annexed to the town shall, with the annexation request, include a map of property identifying the application of the desired zone(s), as enumerated in Section 12.02.16. An ordinance approving the annexation of any property shall designate the applicable zone, which may or may not be the zone requested by the Applicant.



### **12.02.22 ADMINISTRATIVE DETERMINATION FOR USES NOT LISTED**

Determination as to the classification of uses not specifically listed in this title, shall be made by the Planning Commission and shall be subject to appeal to the Board of Adjustment as set forth in Title 3. The procedure shall be as follows:

1. **Request for Determination:** A written request for such a determination shall be filed with the Town Staff. The request shall include a detailed description of the proposed use and such other information as may be required.
2. **Investigation:** The Planning Commission shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title and shall make a determination of its classification based on these investigations.
3. **Determination:** The determination of the Planning Commission shall be rendered in writing within a reasonable time. The determination shall state the zone classification in which the proposed use will be conditional or permitted, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone classification. Upon making this decision, the Planning Commission's Authority Representative shall notify the Applicant in writing of the decision.
4. **Decision:** The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the planning department. Such use shall become a permitted or Conditional Use in the class of district specified in the determination and shall have the same status as a permitted or Conditional Use specifically named in the regulations or the zone classification.

### **12.02.24 AMENDMENTS TO ZONING ORDINANCE (ZONE CHANGE REQUEST)**

Requests for amendments or changes to the Zoning Ordinance or the Official Zoning Map shall be initiated with the Town Staff and Planning Commission. The amendment process shall proceed as follows:

1. A petition shall be submitted to the Town of Hideout along with required fees in amount determined by the Town's Fee Schedule.
2. Within thirty (30) days of submittal, the Town Staff will review the petition for completeness and a letter will be sent if additional information is needed.
3. When the Town Staff determines that the petition is complete and ready for Planning Commission review, Town Staff will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing providing sufficient public notice as required under Section 11.06.06.
4. A public hearing shall be held by the Planning Commission.
5. All proposed amendments shall be first reviewed by the Town Planner and submitted to the Planning Commission for its recommendation as provided in this chapter.
6. The Planning Commission shall review the petition and shall recommend adoption of proposed amendments to the Town Council only where it finds:
  - a) The proposed amendment furthers the purpose of the General Plan, or
  - b) That changed conditions make the proposed amendment necessary to fulfill the purposes of this title.
7. Once a recommendation has been made by the Planning Commission, The Town Council will establish a date for a public hearing that provides sufficient public notice as required under Section 11.06.06.
8. A public hearing shall be held by the Town Council. After the required hearing on the proposed amendment, the Town Council may adopt, modify or reject such amendment.



9. Resubmission of an application for the same amendment shall not be allowed for a period of twelve (12) months. Any such resubmission shall follow the same procedures as the original submission.

#### **12.02.26 AMENDMENTS TO BE CONSISTENT WITH THE GENERAL PLAN**

Any amendment to the Zoning Ordinance or the Official Zoning Map must be consistent with the General Plan.

#### **12.02.28 ENFORCEMENT AND PENALTIES**

1. The provisions of this Title shall be administered by the Town Planner under the supervision of the Town Council. The Town Planner or his/her representative shall investigate alleged violations of this Title, and initiate enforcement actions if violations are found to exist. The failure of the Town of Hideout to enforce the requirements of this Title shall not operate to waive or stop the Town of Hideout from pursuing subsequent enforcement actions. Permits issued in violation of this Title shall have no force or effect.
2. It shall be unlawful for any person to violate any of the provisions of this Title. Any person, firm, partnership, corporation, or other entity, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this Title shall be guilty of a Class "C" Misdemeanor. Each day a violation persists will be deemed a separate violation.

### **12.04 DEFINITIONS**

#### **12.04.02 GENERAL**

For the purposes of this Title, the following terms and words and their derivations shall have the meaning as given herein. When inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. Shall is always mandatory. Words not included herein, but which are defined in Title 10 or another provision of the Town Code shall be construed as defined therein. Words which are not included herein or in Title 10 or another provision of the Town Code shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning. Disputes as to the definition of a term not specifically defined herein shall be referred to the Board of Adjustment for resolution.

#### **12.04.04 DEFINITIONS**

The definitions set forth in Title 10 of the Town Code are hereby incorporated as definitions pertaining to this title.

### **12.06 CLUSTER DEVELOPMENT**

#### **12.06.02 PURPOSE**

It is the purpose of this ordinance to permit residential Cluster Development in order to:

1. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
2. Protect environmentally sensitive areas of a Development site and preserve on a permanent basis Open Space and natural features;
3. Decrease or minimize nonpoint-source pollution impacts by reducing the number of impervious surfaces in site Development;



4. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of Streets; and
5. Further the objectives of the General Plan

#### **12.06.04 APPLICABILITY AND GENERAL PROVISIONS**

1. A residential Cluster Development shall be permitted only in those zoning districts that specifically permit it:
2. Maximum Lot coverage, Floor Area ratios, Building height, and parking requirements for the applicable zoning district shall apply to the Cluster Development. Maximum Lot coverage, Floor Area ratios, and parking requirements, however, shall be applied to the entire site rather than to any individual Lot.
3. The following provisions shall apply to any residential Cluster Development, regardless of the general requirements of the applicable residential zoning district:
  - a. The minimum area of the Cluster Development shall be five (5) acres.
  - b. No minimum width or depth of a Lot shall apply.
  - c. A minimum separation of ten (10) feet shall be provided between all principal Buildings and Structures.
  - d. A minimum Yard or Open Space of at least twenty-five (25) feet in depth shall be provided, as measured from all public Streets and from the side and rear Lot lines of the entire Cluster Development.
  - e. Each Lot shall have a minimum access of twelve (12) feet to a public or private Street. Such access may be shared with other Lots.
  - f. More than one principal Building or Structure may be placed on a Lot.
  - g. An additional twenty percent (20%) beyond what is required per zoning district shall be conveyed as Open Space.
  - h. Where the site contains Floodplains or wetlands, not less than fifty percent (50%) of such Floodplains or wetlands shall be included in calculating the Open Space.

#### **12.06.06 CONTENTS OF SITE PLAN**

In addition to the preliminary plan and final plat application requirements outlined in Title 10, plans for residential Cluster Development shall include the following information:

1. The maximum number and type of Dwelling Units proposed;
2. The areas of the site on which the Dwelling Units are to be constructed or are currently located and their size (this may take the form of the footprint of the Dwelling Unit or a Building envelope showing the general area in which the Dwelling Unit is to be located);
3. The calculations for the permitted number of Dwelling Units, as determined by the Town Standards;
4. The areas of the site on which other proposed principal and Accessory Uses may be located and their size;
5. The areas of the site designated for Open Space and their size;
6. The areas of the site designated for parking and loading and the size of individual spaces;
7. The number and percentage of Dwelling Units, if any, that are proposed to be affordable;
8. The location of sidewalks, trails, and bike paths;
9. The number of acres that are proposed to be conveyed as Open Space; and
10. Demonstrate conformance with the General Plan, this Title, the Subdivision Ordinance, and the Building Code.





### **12.06.08 DENSITY BONUS**

1. Except as provided in paragraph three (3) below, the maximum number of Dwelling Units proposed for a residential Cluster Development shall not exceed the number of Dwelling Units otherwise permitted for the residential zoning district in which the parcel is located.
2. Except as provided in paragraph three (3) below, the number of permitted Dwelling Units on a site shall be calculated in the following manner.
  - a. Measure the gross area of the proposed Cluster Development site in acres and tenths of an acre.
  - b. Subtract from the gross area determined in subparagraph (a) the area of public and private Streets and other publicly dedicated improvements, measured in acres and tenths of an acre, excluding Open Space. The remainder shall be the net buildable area.
  - c. Convert the net buildable area from acres to square feet (SF), using the equivalency of 43,560 SF = 1 acre.
  - d. Divide the net buildable area by the smallest minimum Lot size (in square feet) per unit for a Dwelling Unit permitted in the zoning district. This figure shall be rounded to the nearest lower number to establish the maximum number of Dwelling Units permitted in the Cluster Development.
3. The Planning Commission and Town Council may approve an increase of up to twenty-five percent (25%) of the maximum number of Dwelling Units in the Cluster Development, as calculated in paragraph two (2) above, if:
  - a. The percent of Density bonus is no greater than the percent of Dwelling Units in the Cluster Development that are affordable units; or
  - b. The percent of Density bonus is no greater than the percent of the gross area of the Cluster Development that is both:
    - i. Set aside as and conveyed as Open Space pursuant to Section 10.06.06; and
    - ii. Accessible to the public.

### **12.06.10 PROCEDURES FOR REVIEW**

1. The Town Planner shall review the proposed Cluster Development and make recommendations to the Planning Commission.
2. The Planning Commission and Town Council shall review and approve a residential Cluster Development and any amendments thereto in the manner provided for in the Subdivision Ordinance.
3. The Planning Commission and Town Council may, in its opinion, apply such special conditions or stipulations to its approval of a residential Cluster Development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the General Plan, Zoning Ordinance, and Subdivision Ordinance.

### **12.06.12 AFFORDABLE HOUSING UNITS USED AS BASIS FOR DENSITY BONUS**

1. Affordable Dwelling Units used as the basis for approving a Density bonus in Section 12.06.08, shall be subject to a deed restriction and a mortgage lien to ensure that newly constructed low- and moderate-income sales and rental units remain affordable to low- and moderate-income households for a period of not less than thirty (30) years.
2. The deed restriction and mortgage lien shall be approved by the Town Attorney and shall be enforceable by the Town of Hideout.



## 12.08 MOUNTAIN RESIDENTIAL (MR) ZONE

### 12.08.02 PURPOSE

The (MR) Mountain Residential Zone is established for Development Hideout that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the Mountain Residential Zone is for the following purposes:

1. Provide an appropriate location within the Hideout for the Development of mountain residential Dwellings.
2. Prevent excessive scattering of mountain Dwellings, accompanied by excessively long Streets, and infrastructure.
3. Facilitate payment for services rendered by the municipality for Streets, fire, police, health, sanitation and other services.
4. Prevent soil erosion generated from excessive Streets and soil displacement.
5. Protect the vegetation and aesthetic characteristics of the Hideout canyons and mountains.
6. Encourage the protection of wildlife, plant life and ground water.
7. Protect the health, safety and welfare of the residents of the Town of Hideout by only allowing Development that will have appropriate access to and from the Development and provide appropriate fire and emergency access.

### 12.08.04 LAND USES

1. The Mountain Residential Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All infrastructure uses (outside of right-of-way utilities or infrastructure that is necessary to residential or commercial development) including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use Permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	P
Affordable Housing Development	
Cluster Development	C
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C



Private Residence Clubs	
Public Building	C
Public Services Facility	C
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	C
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	
Storage Facility	
Theater	

**12.08.06 DIMENSIONAL STANDARDS**

1. Development in the Mountain Residential Zone shall comply with the following standards table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	1
Minimum Open Space	70%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	1 Acre



Minimum Lot Frontage	200'
Minimum Lot Width	200'
Minimum Lot Depth	100'
Maximum Lot Coverage (in sq. ft.)	12,000
<b>Setbacks</b>	
Minimum Front Setback from road edge	50'
Minimum Front Setback from road edge (Major Road)	60'
Minimum Setback from Highway	150'
Minimum Rear Setback	30'
Minimum Side Setback	25'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	1
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sqft)	2
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	30'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditional
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete, Asphalt

### **12.08.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Mountain Residential Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

### **12.08.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Mountain Residential Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### **12.08.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Mountain Residential Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.



**12.10 RESIDENTIAL 3 (R3) ZONE**

**12.10.02 PURPOSE**

The Residential 3 (R3) Zone is established to encourage the creation and maintenance of residential areas within the Town of Hideout which are characterized by large Lots on which Single Family Dwellings are situated that responds to the topography and the amenities located near the site. Larger Lots are typically located on steeper Slopes to allow any necessary grading to be integrated back into landform.

**12.10.04 LAND USES**

1. The Residential 3 Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	
Public Building	
Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	



Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	
Storage Facility	
Theater	

**12.10.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Residential 3 Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	3
Minimum Open Space	25%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.33 Acre
Minimum Lot Frontage	85'
Minimum Lot Width	75'
Minimum Lot Depth	80'
Maximum Lot Coverage (in sq. ft.)	8,712
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'



Minimum Rear Setback	20'
Minimum Side Setback	20'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	1
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sqft)	Conditionally
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete

### **12.10.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Residential 3 Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

### **12.10.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Residential 3 Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### **12.10.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Residential 3 Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

## **12.12 RESIDENTIAL 6 (R6) ZONE**

### **12.12.02 PURPOSE**

The Residential 6 Zone is established to provide a residential Environment within the Town of Hideout which is characterized by smaller Lots and somewhat denser residential Environment than is characteristic of the Residential 3 zZone. Nevertheless, this Zone is characterized by Yards and other residential amenities adequate to maintain desirable residential conditions. The principal uses permitted in this Zone shall be Single Family Dwellings, both attached and detached, townhomes, and other public facilities.



#### 12.12.04 LAND USES

1. The Residential 6 Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	C
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	P
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	C
Public Building	C
Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store (no drive-through support)	C
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	





Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	
Restaurant (with drive-through support)	
Restaurant	C
Retail	
Service Station	
Storage Facility	
Theater	

**12.12.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Residential 6 Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Unit Density (ERU)	6 per acre
Minimum Open Space	30%
<b>Frontage / Lot Size</b>	
Minimum Lot Size (single family)	6000 sqft
Minimum Lot Frontage (single family)	55'
Minimum Lot Width (single family)	50'
Maximum Lot Coverage (single family) (percentage)	60%
Minimum Lot Size (attached single family)	4000 sqft
Minimum Lot Frontage (attached single family)	30'
Minimum Lot Width (attached single family)	30'
Maximum Lot Coverage (attached single family percentage)	75%
<b>Building Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	20'
Minimum Side Setback (for single-family units)	10'
Minimum Side Setback (for buildings with attached units)	Conditionally
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	35'



Maximum Units per Building	4
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	2
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	No
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	4
Permitted Driveway Materials	Concrete

**12.12.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Residential 6 Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

**12.12.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Residential 6 Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

**12.12.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Residential 6 Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

**12.14 RESIDENTIAL 20 (R20) ZONE**

**12.14.02 PURPOSE**

The Residential 20 Zone is established to provide medium and High Density Multiple Family residential areas. This Zone allows the Development of a wide range of housing choices for Town residents and amenities and conveniences in a pleasing and attractive residential Environment with adequate light, air, Open Space, and landscaped areas. This Zone is characterized by more compact Development and somewhat higher volumes of traffic than is characteristic of the R3 and R6 Zones.

**12.14.04 LAND USES**

1. The Residential 20 Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
-----------	--



<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	C
Condominiums	C
Condominium Hotel	C
Multiple Family Unit	P
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	C
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	P
Public Building	C
Public Services Facility	
School	C
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	
Convenience Store (no drive-through support)	C
Day Care Centers	C
Equestrian Facilities	
Fitness / Wellness Center	P
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	P
Office	P
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	C
Retail	C
Service Station	



Storage Facility	
Theater	

### 12.14.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Residential 20 Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Unit Density (ERU)	20 per acre
Minimum Open Space	30%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	2 acres
Minimum Lot Frontage	300'
Minimum Lot Width	250'
Maximum Lot Coverage (percentage.)	70%
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	50'
Minimum Side Setback	50'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15' or 5'
<b>Building</b>	
Maximum Building Height	50'
Maximum Units per Building	20
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq. ft)	2
Minimum Garage Parking (residential: per unit)	1.5
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Yes
Conjoined Driveway Allowed (with adjacent property)	Yes
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete



### **12.14.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Residential 20 Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

### **12.14.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Residential 20 Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### **12.14.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Residential 20 Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

## **12.16 NEIGHBORHOOD MIXED USE (NMU) ZONE**

### **12.16.02 PURPOSE**

The Neighborhood Mixed Use Zone is established to provide areas for public, retail and commercial facilities that serve the immediate needs of Town residents and situated within an environment, which is safe and aesthetically pleasing. The intent is to have a mix of building styles and heights, etc.

### **12.16.04 LAND USES**

1. The Neighborhood Mixed Use Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	
Condominiums	P
Condominium Hotel	C
Multiple Family Unit	P
Short-Term Rental (< 30 days)	C
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C



Community Center	P
Private Residence Clubs	P
Public Building	C
Public Services Facility	C
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	C
Convenience Store (no drive-through support)	P
Day Care Centers	P
Equestrian Facilities	C
Fitness / Wellness Center	C
Gasoline, Retail	C
Golf Course and Related Services	
Grocery	P
Health Care Facility	
Hotel	P
Kiosks and Street Vendors	
Maintenance Facility	P
Meeting Facilities	P
Office	C
Personal Services	C
Recreational Facilities	C
Restaurant (with Drive through support)	C
Restaurant	P
Retail	C
Service Station	
Storage Facility	
Theater	C

**12.16.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Neighborhood Mixed Use Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Unit Density (ERU)	20
Minimum Open Space	20%



<b>Frontage / Lot Size</b>	
Minimum Lot Size	.25 Acre
Minimum Lot Frontage	100'
Minimum Lot Width	100'
Minimum Lot Depth	100'
Maximum Lot Coverage (percentage)	70%
<b>Setbacks</b>	
Minimum Front Setback from right of way	0'
Maximum Front Setback from right of way	10'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	30'
Minimum Side Setback	30'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height (Commercial)	45'
Maximum Building Height (Residential)	40'
Maximum Building Height (Mixed Use)	52'
Maximum Units per Building	10
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq. ft)	2
Minimum Garage Parking (residential: per unit)	1.5
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete

### **12.16.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Neighborhood Mixed Use Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

Additional Landscaping requirements within the Neighborhood Mixed Use Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.



### 12.16.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS

Unless otherwise specified, the Open Space and Public Space requirements within the Neighborhood Mixed Use Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### 12.16.12 DESIGN REQUIREMENTS

Unless otherwise specified, the Building Design requirements within the Neighborhood Mixed Use Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

## 12.18 COMMERCIAL (C) ZONE

### 12.18.02 PURPOSE

The Commercial Zone is established to provide Retail and service commercial uses such as stores, restaurants, hotels, and Office Structures and is generally located adjacent to major transportation arteries. The Zone is also intended to serve as the commercial core of the Town.

### 12.18.04 LAND USES

1. The Commercial Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	
Condominiums (primary residential use only)	C
Condominium Hotel	P
Multiple Family Unit	
Short-Term Rental (< 30 days)	P
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	
Church or Worship Center	
Community Center	
Private Residence Clubs	
Public Building	C
Public Services Facility	





School	
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	C
Convenience Store (no drive-through support)	P
Day Care Centers	P
Equestrian Facilities	
Fitness / Wellness Center	P
Gasoline, Retail	P
Golf Course and Related Services	
Grocery	P
Health Care Facility	P
Hotel	C
Kiosks and Street Vendors (lot size does not apply)	P
Maintenance Facility	
Meeting Facilities	P
Office	P
Personal Services	P
Recreational Facilities	C
Restaurant (with Drive through support)	C
Restaurant	P
Retail (including liquor)	P
Service Station	C
Storage Facility	
Theater	P

**12.18.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Commercial Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	15 per acre
Minimum Open Space	25%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.25 acre
Minimum Lot Frontage	100'
Minimum Lot Width	100'



Maximum Lot Coverage (in percent)	75%
<b>Setbacks</b>	
Minimum Front Setback from right of way	0'
Maximum Front Setback from right of way	10'
Minimum Front Setback from road edge (Major Road)	15'
Minimum Setback from Highway	50'
Minimum Rear Setback	50'
Minimum Side Setback	10'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	45'
Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	4
Maximum Parking (non-residential: per 1000 sq ft)	6
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	5'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete

### **12.18.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Commercial Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

Additional Landscaping requirements within the Commercial Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

### **12.18.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Commercial Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### **12.18.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Commercial Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.



Additional Building Design requirements within the Commercial Zone are as follows:

1. In addition to the roof styles outlined, Flat roofs will also be allowed within the Commercial Zone (to include industry practice for roofing materials)

## 12.20 LIGHT INDUSTRIAL (LI) ZONE

### 12.20.02 PURPOSE

The Light Industrial Zone is established to provide appropriate locations where light industrial, and maintenance facilities may be permitted and properly maintained so as to not produce objectionable effects to the surrounding property and zones.

### 12.20.04 LAND USES

1. The Light Industrial Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	
Church or Worship Center	
Community Center	
Private Residence Clubs	
Public Building	
Public Services Facility	P
School	
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	



Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	P
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	P
Storage Facility	
Theater	

**12.20.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Light Industrial Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	NA
Minimum Open Space	40%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	2 acres
Minimum Lot Frontage	200'
Minimum Lot Width	200'
Maximum Lot Coverage (in percent.)	60%
<b>Setbacks</b>	
Minimum Front Setback from road edge	60'
Minimum Front Setback from road edge (Major Road)	70'



Minimum Setback from Highway	80'
Minimum Rear Setback	75'
Minimum Side Setback	60'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	3
Maximum Parking (non-residential: per 1000 sq ft)	4
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	30'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	1
Permitted Driveway/Parking Materials	Concrete, Asphalt, Compacted Aggregate

### **12.20.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Light Industrial Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

Additional Landscaping requirements within the Light Industrial Zone are as follows:

1. Installation of a berm or vegetative hedge to obscure visibility into the area. Such installation should obscure a minimum of 70% of the area.

### **12.20.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Light Industrial Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### **12.20.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Light Industrial Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

## **12.22 COMMUNITY RECREATION (CR) ZONE**

### **12.22.02 PURPOSE**

The Community Recreation Zone is established to provide areas in which the primary use of the land is for gathering places, public parks, and outdoor recreational facilities for residents and visitors.



#### 12.22.04 LAND USES

1. The Community Recreation Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	C
Community Center	
Private Residence Clubs	
Public Building	P
Public Services Facility	
School	
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	P
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	



Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	P
Storage Facility	P
Theater	

**12.22.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Community Recreation Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, and topographical limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	n/a
Minimum Open Space	40%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.5 acre
Minimum Lot Frontage	100'
Minimum Lot Width	100'
Maximum Lot Coverage (in percent.)	60%
<b>Setbacks</b>	
Minimum Front Setback from road edge	50'
Minimum Front Setback from road edge (Major Road)	60'
Minimum Setback from Highway	75'
Minimum Rear Setback	50'
Minimum Side Setback	25'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	3
Maximum Parking (non-residential: per 1000 sq ft)	4
Minimum Garage Parking (residential: per unit)	n/a



Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Concrete, Asphalt, Compacted Aggregate

### **12.22.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Community Recreation Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

Additional Landscaping requirements within the Community Recreation Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

### **12.22.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Community Recreation Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

### **12.22.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Community Recreation Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

## **12.24 NATURAL PRESERVATION (NP) ZONE**

### **12.24.02 PURPOSE**

The Natural Preservation Zone is established to promote contiguous Open Space, preserve natural vegetation and habitat, preserve visual corridors, and provide environmentally sensitive recreational opportunities and Public Spaces.

### **12.24.04 LAND USES**

1. The Natural Preservation Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.





<b>Land Uses</b>	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	
Community Center	
Private Residence Clubs	
Public Building	
Public Services Facility	
School	
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	P
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	



Service Station	
Storage Facility	
Theater	

### 12.24.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Natural Preservation Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	n/a
Minimum Open Space	80%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	n/a
Minimum Lot Frontage	n/a
Minimum Lot Width	n/a
Maximum Lot Coverage (in percent.)	n/a
<b>Setbacks</b>	
Minimum Front Setback from road edge	n/a
Minimum Front Setback from road edge (Major Road)	n/a
Minimum Setback from Highway	n/a
Minimum Rear Setback	n/a
Minimum Side Setback	n/a
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	25'
Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	Conditional
Maximum Parking (non-residential: per 100 sq ft)	Conditional
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	n/a
Conjoined Driveway Allowed (with adjacent property)	n/a
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Concrete, Asphalt, Compacted Aggregate



### **12.24.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Natural Preservation Zone shall adhere to the requirements outlined in Section 10.08.36 in Title 10 of the Town Code.

Additional Landscaping requirements within the Natural Preservation Zone are as follows:

1. If any structure is placed on the land, the landscaping requirements listed above apply within the boundaries of the disturbed soil.
2. The natural state of the soil satisfies the landscaping requirements; except as noted in item #1 above.

### **12.24.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Natural Preservation Zone shall adhere to the requirements outlined in Sections 10.08.32 and 10.08.34 in Title 10 of the Town Code.

Additional Open Space and Public Space requirements within the Natural Preservation Zone are as follows:

1. Public Space is not required in the Natural Preservation Zone.
2. Open Space requirements may include public trails.
3. The property owner(s) shall maintain all Open Space and Public Space areas.

### **12.24.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Natural Preservation Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

## **2.26 CONDITIONAL USES**

### **12.26.02 PURPOSE**

The purpose of this chapter is to allow the proper integration into the Town of uses which may be suitable only in certain locations in the Town, and only if such uses are designed or laid out on the site in a particular manner.

### **12.26.04 CONDITIONAL USE PERMIT**

A conditional use permit shall be required for all uses of property listed as conditional uses in this title. A conditional use permit may be revoked upon failure to comply with or failure to maintain conditions precedent to the original approval of the permit.

1. **Application:** Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Staff.
2. **Considerations Of Conditional Use Procedure:** The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review for those conditional uses which require such a review, and sufficient to demonstrate that the general and specific requirements of this title will be met by the construction and operation of the proposed building, structure or use. In considering an application for a conditional use permit, the planning commission shall give due regard to the nature and condition of adjacent uses and structures. The planning commission may deny a permit; may grant a permit as applied for; or may grant a permit subject to such requirements and conditions which it finds reasonably



necessary to mitigating the anticipated detrimental effects of the proposed use. The granting of a conditional use permit shall not exempt the application from other relevant provisions of this title or any other term, condition, or provision of the Town Standards.

3. **Fee:** The appropriate fee as authorized in the Town's Fee Schedule shall accompany the application for any conditional use permit.

#### **12.26.06 APPROVAL OF CONDITIONAL USE PERMIT**

A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

#### **12.26.08 NOTIFICATION OF A CONDITIONAL USE PERMIT**

At least seven (7) days prior to the planning commission meeting during which the conditional use will be considered by the commission, a designated agent shall publish a notice in a newspaper of general circulation stating the proposed or requested use, and the date, time and location of the planning commission meeting in which the conditional use will be considered.

#### **12.26.10 APPEALS OF DECISION**

Any affected person shall have the right to appeal the decision of the planning commission to the Town Council. Such appeal shall be applied for within thirty (30) days from the date of the decision of the planning commission. Upon receipt of such appeal, the Town Council shall hold a public meeting to hear the appeal within forty-five (45) days. The decision of the Town Council may be appealed to the board of adjustment.

#### **12.26.12 INSPECTION**

Following the issuance of a conditional use permit by the planning commission, the Town Planner and Building Official shall ensure that development is undertaken on the applicable and any building permit or other permit for development is consistent with the terms and condition of approval of the conditional use.

#### **12.26.14 TIME LIMIT**

Unless the uses and conditions prescribed in a conditional use permit are implemented within one year after its issuance, the conditional use permit shall expire. The planning commission may grant an extension of up to six (6) months under exceptional circumstances. If the extension is not approved and the conditional use permit expires, a reapplication shall not be submitted for the same purpose for a minimum period of twelve (12) months.

#### **12.26.16 DETERMINATION AND CONSIDERATIONS**

The Planning Commission may allow a conditional use to be located only in a zoning district in which the particular use is allowed as a Conditional Use by this Title. In authorizing any Conditional Use, the planning commission shall impose such requirements and conditions necessary to mitigate the reasonably anticipated detrimental effects of the proposed use. The Planning Commission shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish that the proposed use:



1. At the specified location, is in harmony with the general intent and purpose of the General Plan; and
2. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and
3. Such use will not, under the circumstances of the particular case, be harmful to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
4. Reasonable conditions can be imposed by the Planning Commission which will mitigate proposed use's detrimental effects.

### **12.26.18 STANDARDS FOR CONDITIONS**

Applicants for Conditional Use Permits shall meet the requirements of the Town Standards. In addition, the planning commission may establish conditions as outlined herein to mitigate the anticipated detrimental effects of the proposed use. More specifically, but without limitation, the Planning Commission may require the following if reasonably necessary to mitigate such detrimental effects:

1. **Compliance:** Conditions relating to compliance with the intent of the General Plan and characteristics of the zoning district:
  - a. The placement of Conditional Uses only in specific areas of a district, e.g., along an arterial or collector street.
  - b. Reduced building mass, bulk, and possible reorientation of structures on the site, including orientation to Buildings on adjoining Lots.
  - c. Physical design and compatibility with surrounding structures relative to mass, scale, style, design, and architectural detailing.
  - d. The removal of structures incompatible with the desired characteristics of the district.
  - e. The screening of yards or other areas as protection from obnoxious land uses and activities.
  - f. Landscaping in addition to that already required under the Town Standards to ensure compatibility with the intended neighboring land uses.
  - g. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - h. Limitations on impervious surfaces including parking and turnaround areas.
  - i. The relocation of proposed or existing structures as necessary to provide for future streets on the master street plan, adequate sight distances for general safety, ground water control, or similar problems.
  - j. Provision for construction of recreational facilities if necessary to satisfy needs of the conditional use.
  - k. Modification to allowed population density and intensity of land use where land capability and/or vicinity relationships make it appropriate to do so.
  - l. Other improvements which serve the property in question and which may mitigate, in part or in whole, possible adverse impacts to the district from the proposed conditional use.
2. **Safety:** Conditions relating to safety for persons and property:
  - a. Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
  - b. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potentially dangerous conditions existing on or adjacent to the property.



- c. Increased setback distances from lot lines to ensure compatibility with the intended characteristics of the district as outlined in this title, or where the lot abuts an arterial or collector street.
  - d. Appropriate design, construction and location of structures, buildings and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including, but not limited to, geologically hazardous areas, floodplains, fault zones, and landslide areas other than may be required by the sensitive lands regulations.
  - e. Limitations and control of the number, location, color, size, height, lighting and landscaping of signs and structures in relation to the creation of traffic hazards.
  - f. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
  - g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
  - h. Traffic Study showing that the Conditional Use has no impact on existing traffic patterns; or a Traffic Study showing how mitigation efforts reduce or eliminate impact on existing traffic patterns.
3. **Health and Sanitation:** Conditions relating to health and sanitation:
- a. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the town.
  - b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the Town Council.
  - c. Stormwater management mitigation measures in addition to the Town Standards to ensure the containment of runoff on site.
  - d. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the Town.
4. **Environment:** Conditions relating to environmental concerns:
- a. Limitations and/or restrictions on the use and/or location of uses in Sensitive Lands due to soils capabilities, wildlife and plant life.
  - b. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise.
  - c. The planting of ground cover or other surfacing to prevent dust and erosion.
  - d. Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land, and where such land would be adversely affected if not restructured.

**12.26.20 (RESERVED)**

**12.28 NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND**

**12.28.02 MAINTENANCE PERMITTED**

Except as otherwise provided in this title, a nonconforming use of land or a structure may be continued.



#### **12.28.04      RESERVED**

#### **12.28.06      ALTERATION OR MODIFICATION TO NONCONFORMING BUILDINGS AND STRUCTURES**

Additions, enlargements, or structural alterations to nonconforming use of land may be made to the extent that such additions, enlargements or structural alterations comply with all requirements of the Town Standards. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such noncomplying building is removed, every future use of the land on which the building was located shall conform to the provisions of this title.

#### **12.28.08      NONCONFORMING USE OF LAND**

A nonconforming use of land lawfully existing may be continued, provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this chapter. If the nonconforming use is discontinued for a continuous period of more than one (1) year, or if the building or buildings associated with the nonconforming use are vacant for a period of one (1) year, it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

#### **12.28.10      NONCONFORMING USE OF BUILDINGS AND NONCOMPLYING STRUCTURES**

The nonconforming use of a building lawfully existing may be continued and may be expanded or extended throughout such building or structure, provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one (1) year, or if the building or buildings associated with the nonconforming use are vacant for a period of one (1) year, it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provisions of the zone in which it is located.

#### **12.28.12      CHANGE IN STATUS OF NONCONFORMING USE**

If a nonconforming use changes or is abandoned, the use may not thereafter be resumed.

#### **12.28.14      ALTERATIONS OR MODIFICATIONS TO NONCONFORMING USES**

A use, which has been declared nonconforming, shall not be enlarged or moved except as provided in this section. The board, may allow an enlargement or modification, provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this title. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

#### **12.28.16      RECONSTRUCTION OF PARTIALLY DESTROYED NONCOMPLYING BUILDINGS OR STRUCTURES**

A nonconforming building or noncomplying structure destroyed in whole or in part, due to fire or other calamity, may be restored unless the structure or use has been abandoned. A nonconforming building or noncomplying structure may not be restored if:



- a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
- b) The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

### **12.28.18 AMORTIZATION OF NONCONFORMING USES**

The board, to the extent allowed under state law, may adopt a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or structure, if any.

## **12.30 LIMITED FUTURE APPLICATION ZONES**

### **12.30.02 MOUNTAIN ZONE**

#### **12.30.02.01 PURPOSE**

The (M) Mountain Zone is established for development Hideout that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the Mountain Zone is for the following purposes:

- A. Provide an appropriate location within the Hideout for the development of mountain residential dwellings.
- B. Prevent excessive scattering of mountain dwellings, accompanied by excessively long streets, and infrastructure.
- C. Facilitate payment for services rendered by the municipality for streets, fire, police, health, sanitation and other services.
- D. Prevent soil erosion generated from excessive streets and soil displacement.
- E. Protect the vegetation and aesthetic characteristics of the Hideout canyons and mountains.
- F. Encourage the protection of wildlife, plant life and ground water.
- G. Protect the health, safety and welfare of the residents of the Town of Hideout by only allowing development that will have appropriate access to and from the development and provide appropriate fire and emergency access.

#### **12.30.02.02 PERMITTED PRINCIPAL USES**

Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted use in the (M) Mountain Zone.

- A. Permitted principal uses in the (M) Mountain Zone:
- B. Single family dwellings (detached)
- C. Highway and street right-of-way
- D. Underground gas pipeline right-of-way
- E. Underground water pipeline right-of-way
- F. Water pressure control stations and pumping plants
- G. Underground sewage pipeline right-of-way
- H. Underground power and communication lines.





### **12.30.02.03 PERMITTED ACCESSORY USES**

Accessory uses and structures are permitted in the (M) Mountain Zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

Accessory buildings such as garages, gardening sheds, recreation rooms, and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.

Storage of materials used for the construction of a building including a temporary contractor's office and/or tool shed, provided that such uses are on the building site, and provided further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.

### **12.30.02.04 CONDITIONAL USES**

The following shows the uses and structures that are permitted in the (M) Mountain Zone only after a conditional use permit has been approved, and subject to the terms and conditions thereof.

Conditional Uses in the (M) Mountain Zone:

- A. Single family (attached) as part of a Planned Performance Development
- B. Single Family clustering as part of a Planned Performance Development
- C. Golf Courses as part of a Planned Performance Development
- D. Green Houses
- E. Hotels / Lodges as part of a Planned Performance Development, equestrian facilities
- F. Telephone Relay Towers, Microwave or Other
- G. Electric Utility
- H. Gas Pressure Control Stations
- I. Water Treatment Plant
- J. Water storage
- K. Water storage covered
- L. Swimming pools and incidental bath houses
- M. Underground pipeline right-of way and pressure control stations
- N. Electrical transmission lines

### **12.30.02.05 LOT AREA**

Unless approved as part of a Planned Performance Development, the minimum lot size shall be one 1 acre per dwelling unit. If approved as part of a Planned Performance Development, lot sizes and density shall be in accordance with the approval thereof. Any development with a proposed density greater than one (1) unit per one acre shall be submitted as a Planned Performance Development.

### **12.30.02.06 LOT WIDTH**

Each lot or parcel of land in the (M) Mountain Zone shall have a lot width of at least one hundred and twenty-five (125) feet on a straight-line lot and one hundred (100) feet on a cul-de-sac lot at the required setback unless approved as part of a Planned Performance Development.



#### **12.30.02.07 LOT FRONTAGE**

Each lot or parcel of land in the (M) Mountain Zone shall abut a Hideout or road built to Hideout standards for a minimum distance of three hundred (300) feet. Corner lots shall have a minimum of three hundred (300) feet on both roads. Deviation of this standard may be allowed, if the proposed development is a Planned Performance Development.

#### **12.30.02.08 PRIOR CREATED LOTS**

Lots or parcels of land which were legally created prior to the enactment of the requirements of the (M) Mountain Zone shall not be denied a building permit solely for reasons of nonconformance with the parcel requirements of this chapter.

#### **12.30.02.09 LOT AREA PER DWELLING**

Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (M) Mountain Zone unless approved as a Planned Performance Development. If a conditional use is obtained, an accessory residential unit may be built within the lot.

#### **12.30.02.10 SETBACK REQUIREMENTS**

The setback requirements for this zone shall be as follows:

- A. Front Setback. The front setbacks for dwellings shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setbacks shall be a minimum of one hundred and fifty (150) feet from the right-of way. For buildings abutting upon a Hideout street that is designated as a major collector road the setback shall be eighty-five (85) feet from the center line of any street, or fifty (50) feet from the right-of-way, whichever is greater.
- B. Corner Lots. For corner lots, the side setback on the street side shall be the same setback as that required for the front.
- C. Rear Setbacks. All permitted structures shall be set back from the rear property line a minimum of thirty (30) feet.
- D. Planned Performance Developments. Setbacks shall be approved by the Legislative body on a case-by-case basis during the plan approval process.

#### **12.30.02.11 BUILDING HEIGHT**

Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade. For purposes of identifying the natural ground surface, small localized depressions or mounds should be excluded from the surface data. To determine the maximum building height the natural grade surface shall be raised 35'. This shall be called the Height Restriction surface. No elements of the house shall project above the Height Restriction Surface.

Exceptions: Chimneys and vents that are required to extend above the roof line by code may penetrate the Height Restriction Surface.

#### **12.30.02.12 DISTANCE BETWEEN BUILDINGS**

The distance between any accessory building and the main building shall be twenty (20) feet.



### **12.30.02.13 SITE PLAN PROVISIONS**

To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted showing existing conditions, structures, topography or any sensitive lands located on the lot. Dwellings shall be designed and constructed in accordance with recommendations from a licensed Geotechnical engineer such recommendations shall be stamped and submitted to the Building department with the building permit application.

### **12.30.02.14 PERMISSIBLE LOT COVERAGE**

For lots or parcels one acre in size or greater, the Limited of Disturbance (LOD) for an individual single family use and any accessory structure shall not exceed twelve thousand (12,000) square feet, or as approved by the Town of Hideout.

### **12.30.02.15 OFF-STREET PARKING REQUIRED**

There shall be provided at the time of the establishment of any use or at the time any main building is enlarged or constructed minimum off-street parking, permanently maintained, with adequate provisions for ingress or egress by standard sized automobiles.

### **12.30.02.16 RESIDENTIAL REQUIREMENTS**

- A. There shall be provided in a private garage, sufficient space for the parking of two (2) automobiles for each unit
- B. No portion of a required front yard, other than driveways leading to a garage or properly located parking area, shall be paved or improved to encourage or make possible the parking of vehicles thereon. Parking of vehicles shall not be allowed except in such designated improved parking areas, and shall not be permitted in areas intended to be landscaped.
- C. Access to parking spaces and private garages used in conjunction with dwellings of two (2) or less units shall be limited as follows:
  1. Driveways shall be located a minimum of forty (40) feet from any street intersection;
  2. No driveway approach shall be located closer than ten (10) feet from a side lot line, excepting an approved shared driveway with the adjoining property. No driveway may interfere with any recorded easement;
  3. If approved by the legislative body an approved shared driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with a recorded easement or the surface drainage of the lot or adjacent lots where drainage easements are provided. The drainage from the driveway must be kept within the property.
- D. Driveways shall be paved with a hard surfaced material such as concrete, asphalt, brick, or stone pavers face.
- E. Lots shall be limited to one driveway approach per frontage except where a second driveway approach is specifically approved by the Planning Department to increase safety. Lots that are double-fronted with one (1) frontage on a major collector street, or corner lots with frontage on a major collector street, shall not be permitted to have a drive approach on the major collector street. (7) Driveways shall be a minimum of sixteen (16) feet wide unless International Fire Codes requires a greater width and a maximum of twenty six (26) feet wide.
- F. Driveways widths shall have a minimum width of twelve (12) feet with the property owner bearing the burden of showing public safety unless the Utah Building Code requires a greater width. The maximum width shall be twenty-six (26) feet.
- G. The maximum driveway shall be twelve (12) percent.



#### **12.30.02.17 MINIMUM OPEN SPACE REQUIREMENTS**

The (M) Mountain Zone shall have a minimum amount of Twenty (20) percent open space.

Intended Uses for Open Space.

- A. Open space should preserve environmentally sensitive areas, including slopes, unstable soils, geologic hazard areas, wetlands, desirable vegetation areas, wildlife habitat, view corridors, flood plains, culinary water sources, aquifer recharge areas, streams, seeps, springs and drainage corridors, ridge-lines, or other environmentally sensitive areas or important features.
- B. Roadways, parking, storage areas, residential, and any land within a building lot, whether single family or multi-family, and any area within twenty (20) feet of any building shall be excluded in calculating the required area for open space.
- C. Open Space to Remain in Perpetuity. As assurance that the designated open space will remain open and unobstructed from the ground upward, the developers shall execute an open space preservation agreement with Hideout, which agreement shall run with the land and shall be binding upon the developer, heirs, successors, and assigns. The open space agreement shall preclude building on or development of the designated open space areas throughout the life of the development, unless approved by the Legislative Body. The land shall either be dedicated to Hideout for a public use, if acceptable to Hideout, or to the homeowners association to hold as dedicated open space. If deemed appropriate by the Planning Department, for smaller subdivisions, the open space may be contained within the lots owned by separate ownership, but must be deed restricted to prevent building of any structures, including fences thereon.

#### **12.30.02.18 OWNERSHIP**

Open space shall remain under the ownership of the homeowners association. In the event that Hideout accepts dedication of the open space, Hideout shall then assume the responsibility of maintaining the property.

#### **12.30.02.19 CONSTRUCTION AND MAINTENANCE**

The developer shall construct and landscape all areas and build all facilities, as per the approved plan. The Homeowners Association shall maintain all common areas and facilities. Hideout may place a lien upon each property contained within the development for the costs of such maintenance. Such lien may be foreclosed in the same fashion as a lien placed for property taxes.

### **12.30.04 PLANNED PERFORMANCE DEVELOPMENT (PPD)**

#### **12.30.04.01 PURPOSE**

The purpose of the Planned Performance Developments Chapter is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within Hideout to encourage the following:

- A. Allow creative use of the land and encourage the preservation of permanent open space and sensitive areas;
- B. Permit developers to vary density, architectural styles and building forms on a project-by-project basis, rather than on the basis of traditional zoning concepts, in a manner that will



permit developers to create recreational/resort housing styles and amenities, in response to changing markets;

- C. Permit developers to situate the various features of their developments in harmony with the natural features of the land more than would otherwise be possible under a lot-by-lot development;
- D. Preserve to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities and to utilize such features in a harmonious and aesthetically pleasing manner;

#### **12.30.04.02 SCOPE**

Planned Performance Developments are applicable to the (M) Mountain Zone.

#### **12.30.04.03 PERMITTED USES**

Uses permitted in the Planned Performance Development shall be limited to those uses listed by the provision of the underlying zone, except as follows:

- A. Permitted Accessory Uses in common areas or buildings may be used only by the residents of the development, and shall not at any time become commercial for the use of the general public, except for required trails which shall be open to the public.
- B. Single family attached
- C. Single family clustering

#### **12.30.04.04 CONDITIONAL USES**

Accessory uses shall include recreational facilities and structures, day care centers, personal services.

#### **12.30.04.05 DESIGN**

The design of the development shall be guided by the Physical Constraints Analysis, the suitability of soils, slopes, geologic hazards, traffic safety and travel efficiency, enhancement of aesthetic and scenic values, convenience of vehicular access to the development and to the dwellings within the development, un-crowded appearance around buildings, quality of landscaping and other amenities, the preservation of bodies of water, and other significant features. The development should incorporate a compact clustered lot layout that minimizes large amounts of infrastructure.

#### **12.30.04.06 COMPLIANCE WITH THIS TITLE**

The development will comply with the regulations set forth in this Title, including, but not limited to landscaping, preservation of sensitive lands, lighting, signs, and all other pertinent sections contained therein.

#### **12.30.04.07 MINIMUM OPEN SPACE**

At least twenty (20) percent of the gross land area contained within the development will be preserved for dedicated open space and not part of the platted lots. A density bonus may be provided to compensate for additional open space, as outlined in the Performance Chart attached hereto.

#### **12.30.04.08 CONTENT OF DEVELOPMENT**

The development may mix the uses contained within the development between single-family lots and attached housing.

#### **12.30.04.09 DENSITY**

Density bonus may be awarded by the legislative body based on the criteria established by the Performance Chart. The maximum density bonus will be 150% of the base density. The cumulative



Equivalent Residential Unit (ERU) total of all phases within a development can not exceed the Maximum density approved by the Legislative body.

Density of individual phases or portions of phases with in a Planned Performance development can not exceed a maximum of 5 ERU’s per acre.

**12.30.04.10 PERFORMANCE CHART**

<b>Amenity</b>	
Base Density	1 ERU per acre
20 % open space preserved	required
Preserves sensitive areas in Open Space	required
Extra unusable Open Space	0% - 15%
Extra usable Open Space for public use	0% - 15%
Improving public open space with public amenities	0% - 15%
Private recreational amenities for development	0% - 15%
Positive Fiscal Analysis	0% - 15%
Use of environmental devices or enhancements	0% - 15%
Design consistent with neighborhood	0% - 15%
Mixture of Housing Types	0% - 15%
Quality and Quantity of landscaping	0% - 15%
Good clustered design	0% - 15%
Good architectural design	0% - 15%
Good streetscape design	0% - 15%
Total Maximum Increase	150%

**12.30.04.11 SETBACK**

The setback requirements for this zone shall be determined by the legislative body as part of the Preliminary plan approval.

**12.30.06 RESORT SPECIALLY PLANNED AREA (RSPA)**

**12.30.06.01 VISION AND PURPOSE**

The Vision and Purpose for the RSPA is as follows:

- A. To create a nationally recognized resort.



- B. To Preserve and Enhance the Beauty and Environmental Integrity of the RSPA.
- C. To Provide Amenities Supporting Year Round Activities including:
  1. Density Pods, designed in a manner to support recreational activities of the area;
  2. Hotels;
  3. Golf courses and golf club;
  4. Fitness and wellness centers,
  5. Meeting facilities;
  6. Amphitheatre;
  7. Trail system
  8. The potential for enhanced lakeside recreation;
  9. High-end retail, dining and entertainment; transit and people-moving systems to access all major Density Pods and Resort Features and amenities;
  10. Adequate and accessible parking;
  11. A wide range of well segmented, upscale real estate products; and
  12. Immediate access to local recreational activities

#### **12.30.06.02 DESIGN OBJECTIVES**

This title has been created to guide the development of the RSPA, to achieve the "Vision," and to encourage a consistent and unified high-level quality of land planning, architecture and public spaces.

#### **12.30.06.03 LONG DEVELOPMENT PERIODS**

This Title contemplate that the development of the RSPA, because of its size, design, quality and consideration of market factors, will occur in multiple phases and will take several years to complete. Market circumstances are likely to change many times over the life of the development. Consequently, there are certain flexibilities built into the approval and development process to allow developers to be responsive to the changing expectations and requirements of the buyers and visitors.

##### A. Specific Objectives:

1. Encourage responsible land use practices based on central and compact growth centers rather than scattered development;
2. Respect the natural topography of the land and existing vegetation;
3. Respect the architectural heritage of the region and the quality design precedents set by Hideout Canyon;
4. Create inspired themes, complete with pedestrian oriented streets and public spaces, humanly scaled buildings, appropriate landscaping, and rustic detailing;
5. Create a long term operationally sound resort that encourages walking;
6. Foster the development of year-round amenities and activities that are complementary of each other and consistent with the "Vision;"
7. Design the RSPA to meet the transportation and parking needs of the entire community, both public and private, properly address snow removal, and provide required services;
8. Where possible, create a community that is "wired," where visitors and residents will have access to high bandwidth services to experience voice, data and video feeds to every room of every hotel, multi-unit and single family residence in the area.

#### **12.30.06.04 DENSITY GUIDELINES AND PROCEDURES**

The property contained with-in the RSPA shall be granted 1.5 ERU's per acre as its base density. The development will establish its base density ERU totals (Maximum ERU's for the property included in the RSPA) by multiplying its total acreage contained in the RSPA by 1.5. The development will provide a



table with each application that clearly shows its base density total, the total number of ERU's used in each previous phase, the total ERU's of the proposed phase and net ERU's remaining.

This Title creates RSPA density pods (as defined below) that will establish the maximum density that a particular area can be designed for. Resort specially Planned Area.

- A. In the event of any inconsistency between the terms of the Other Titles in the Hideout Code, Ordinances and Regulations and this Title, the terms and provisions of this Title shall control.

#### **12.30.06.05 BUILDING CODES**

The Implementation Guidelines are to be interpreted in a manner which is consistent with the Adopted building regulations and codes of Hideout.

#### **12.30.06.06 MODIFICATION OF THIS TITLE**

These guidelines and standards are intended to guide development within the RSPA throughout the long-term development of the property contained therein. It is crucial to the long-term success of the RSPA that modifications to this Title are permitted in order to respond to changes in circumstances and market conditions that will inevitably occur over time. The developer may submit changes to this Title for review and approval by the legislative body.

- A. The boundaries of the RSPA Area may be modified from time to time by submission of a request for modification by the owner of the property to be added or deleted, and with the approval of a majority of the other owners of property within the RSPA (based on number of approved ERU's for each parcel) and approval of the Legislative Body.

#### **12.30.06.07 ERU CALCULATIONS**

Calculations of ERUs will be made pursuant to the procedures described and the ERU/Equivalent Residential Units found in Appendix 6.

#### **12.30.06.08 DEFINITIONS PERTAINING TO THE RSPA**

For purposes of the RSPA, the following definitions shall apply:

**SETBACKS:** The distance from the right-of-way line or the property lines before any structure can be built. Chimneys or protrusions in a building may be located within the setback to the edge of the building eaves.

**STORY:** Is defined residential floors should range from 8-12 feet, commercial use floors in Resort Villages should range from 12-18 feet, and in hotels where meeting space is found it can range up to 30 feet.

**DENSITY PODS:** Areas of development. Each Density Pod has associated with it a specified number of Target Equivalent Residential Units (TERU's). Hideout, and the participating landowners understand that these Density Pods are subject to change in size and location as the RSPA master plan actually develops from the concept stage to actual buildable site.

**FSR (Floor Space Ratio):** The ratio or percentage computed by the floor surface area (or floor plate) of the main floor of a building, as the numerator, and the size of the building parcel, as the denominator.

**GROSS DENSITY:** The total Units in a Property, Density Pod or Zone, divided by the acreage in that Density Pod or Zone.





NET DENSITY OF A PROPERTY, DENSITY POD OR ZONE: Is a measure of density determined by computing the total number of Units of the Property, Density Pod or Zone and dividing it by the total acreage in that Property, Density Pod or Zone less the area of any public rights-of-ways or private roads.

RESORT VILLAGE: A center or hub for the RSPA. Resort Villages, and the reason they are important to the success of the RSPA, are described further in HMC 12.14.340 Paragraph C. In order to qualify as a Resort Village, the area or Zone must have the attributes listed below. A Resort Village can be located in more than one property:

- A. A minimum of four of the following planned uses:
  1. LAND USE PLAN
    - a. Condominiums;
    - b. Hotels;
    - c. Timeshares or other shared-ownership products;
    - d. Private residence clubs;
    - e. Town homes;
    - f. Single-family homes;
    - g. Seasonal Community Housing or other Affordable Housing
    - h. Meeting facilities.
  2. Other required components;
    - a. Retail, dining and entertainment facilities;
    - b. A minimum of 150 Units (not ERU's) in the Resort Village Zone;

#### **12.30.06.09 RESIDENTIAL SINGLE FAMILY (RSF)**

Residential Single Family (RSF) is a Classification of a single family housing element in the land use plan is for larger lot development and shall contain detached housing. Housing in the RSF Zone should respond to the topography and the amenities located near the site. Larger lots are typically located on steeper slopes to allow any necessary grading to be integrated back into land form.

- A. Permitted Uses. Permitted uses within this RSF Zone include single family detached housing, recreational, trails, golf, and parks.
- B. Density per Acre. Gross Density shall not exceed 6 Units per acre.
- C. Building Heights. Building heights are limited to thirty five (35) feet or 2 1/2 Stories, whichever is greater.
- D. Setback. Front setbacks shall be taken from the back of curb or edge of road asphalt (if there is no curb). All other setbacks shall be taken from property lines. The side yard minimum setback shall be 10 feet, the rear yard minimum shall be 20 and front yard minimum setback shall be 20 feet. Larger houses should be located further from roads to avoid dominating the streetscape. and to provide room for sensitive grading transitions into existing slopes. Small units should typically be set closer to the front setback line to provide a more urban pedestrian environment.

#### **12.30.06.10 RESIDENTIAL MEDIUM DENSITY (RMD)**

The RMD Classification is provided to allow for greater density near recreational facilities such as the golf course and near the Resort Villages.

- A. Permitted Uses. Permitted uses within this Zone include residential attached, town homes, timeshares and other shared ownership facilities, condominiums, apartments, flats, seasonal employee housing, recreational, trails, parks and other Resort Features.



- B. Density per Acre. The maximum Gross Density for the RMD Zone is 6 to 20 Units per acre.
- C. Building Height. Building heights are limited to forty two (42) feet or 3½ Stories, whichever is greater.
- D. Setback. Front setbacks shall be taken from the back of curb or edge of road asphalt if there is no curb. All other setbacks shall be taken from property lines. Minimum setback shall be 10 feet; the rear yard minimum shall be 20 feet and front yard minimum setback shall be 20 feet. Larger houses should be located further from roads to avoid dominating the streetscape and to provide room of sensitive grading transitions into existing slopes. Multi-unit structures should be set at the setback line to provide a more urban pedestrian environment.

**12.30.06.11 HOSPITALITY CASITA (HC)**

The HC Classification is provided to allow for small casitas or bungalows as an additional room type for a hotel, other lodging or timeshare or other shared use facility in the RSPA. The HC Classification is available only if it is designed as an additional product to such a facility.

- A. Permitted Uses. Permitted uses within the HC Classification include hospitality and short-term rental, timeshare or other shared use facilities, recreational, hospitality support and Resort Features.
- B. Density per Acre. The maximum Gross Density allowable for this Zone is 20 to 40 Units per acre.
- C. Building Height. The maximum allowable building height is the greater of 25 feet or 2 stories.
- D. Setbacks. Property line setbacks for the HC Classification are 15 feet for the rear yard and 12 feet for the front yard. There are no side yard setback requirements.

**12.30.06.12 RESORT VILLAGE MEDIUM DENSITY (RVMD)**

Classification contemplates a mixed use Resort Village, as described in HMC 11.07.134 and in HMC 11.07.141, with a maximum six (6) Story height limit.

- A. Permitted Uses. Permitted uses include convention facilities, hotels, condominium hotels, condominiums, town homes, timeshare and other shared ownership, office, retail, dining, service, community uses, affordable housing, single family residences, entertainment, kiosks and street vendors, equestrian facilities, service, storage, support and Resort Features.
- B. Density Per Acre. The maximum Net Density allowable for the RVMD Classification is a range from 6 to 70 Units per acre. Commercial uses will be limited to the amount of floor area on the street level Story and to a maximum of fifty percent (50%) of the second Story. Meeting or convention space shall not be deemed to be commercial space for purposes of this limitation.
- C. Building Height. The maximum allowable building height is 6 Stories above ground.
- D. Setbacks. Not applicable.
- E. Density Exclusions. The following items will not be counted as a commercial use, within the meaning of the regulations of the Development Code, for purposes of calculating ERUs for hotels, condominium hotels, other lodging facilities, timeshare, other shared ownership facilities, convention or entertainment facilities, ski and ski support facilities, golf and golf support facilities and restaurants:
  1. Back of house, support, storage, and service areas as a part of the above mentioned facilities;
  2. Public space, lobby, restrooms and circulation areas as a part of the above mentioned facilities;
  3. Stairwells and elevator shafts as a part of the above mentioned facilities;
  4. Pools, fitness centers, spas and exercise facilities as a part of the above mentioned facilities;



- 5. Parking, Porte cochere and entry areas as a part of the above mentioned facilities;
- F. Meeting, conference, convention, function and pre-function areas as a part of or adjunct to the above mentioned facilities;
- G. Kitchens, warming kitchens, food storage and preparation areas as a part of the above mentioned facilities; and
- H. Outdoor seating areas for restaurants and banquet areas as the above mentioned facilities.

**12.30.06.13 RESORT VILLAGE HIGH DENSITY (RVHD)**

This Classification contemplates a mixed use Resort Village.

- A. Permitted Uses. Permitted uses include convention facilities, hotels, condominium hotels, condominiums, town homes, timeshare and other shared ownership, office, retail, dining, service, community uses, affordable housing, single family residences, entertainment, kiosks and street vendors, equestrian facilities, service, storage, support and Resort Features.
- B. Density per Acre. Maximum Net Density allowable is 6 to 80 Units per acre. Commercial uses will be limited to the amount of floor area on the street level Story and to a maximum of fifty percent (50%) of the second Story. Meeting or convention space shall not be deemed to be commercial space for purposes of this limitation.
- C. Building Height. The maximum allowable height shall be 8 Stories. Basement and below grade structures will not be counted as a Story.
- D. Setbacks. Not applicable.
- E. Density Exclusions. The following items will not be counted as a commercial use, within the meaning of the regulations of the Town of Hideout Land Use and Development Code, for purposes of calculating ERUs for hotels, condominium hotels, other lodging facilities, timeshare, other shared ownership facilities, convention or entertainment facilities, ski and ski support facilities, golf and golf support facilities and restaurants:
  - 1. Back of house, support, storage, and service areas as a part of the above mentioned facilities;
  - 2. Public space, lobby, restrooms and circulation areas as a part of the above mentioned facilities;
  - 3. Stairwells and elevator shafts as a part of the above mentioned facilities;
  - 4. Pools, fitness centers, spas and exercise facilities as a part of the above mentioned facilities;
  - 5. Parking, porte cochere and entry areas as a part of the above mentioned facilities; meeting, conference, convention, function and pre-function areas as a part of or adjunct to the above mentioned facilities;
  - 6. Kitchens, warming kitchens, food storage and preparation areas as a part of the above mentioned facilities; and Outdoor seating areas for restaurants and banquet areas as the above mentioned facilities.

**12.30.06.14 NEIGHBORHOOD COMMERCIAL (NC)**

- A. Permitted Uses. Permitted uses include convenience stores, restaurants, neighborhood services, offices, parks and Resort Features (as defined in HMC 12.14.500).
- B. Building Height. The maximum allowable height is 45 feet.
- C. Setbacks. Property line setbacks for the NC Classification are 20 feet for the rear, 18 feet for the front and 10 feet for the side.



#### **12.30.06.15 COMMUNITY SITE (CS)**

The CS Classification contemplates areas and facilities that are gathering places for residents and visitors.

- A. Permitted Uses. Permitted uses within areas of the CS Classification include convention/conference centers, equestrian centers, amphitheaters, community centers, parks, trails, overlooks, and other gathering places as determined suitable by the Legislative Body.
- B. Density. Not applicable.
- C. Height. Not applicable.
- D. Setbacks. Not applicable.

#### **12.30.06.16 OPEN SPACE (OP)**

The OS Classification has as objectives to preserve visual corridors, to provide recreational opportunities, and enhance the "open" feeling of the RSPA.

- A. Permitted Uses. Permitted uses include ski areas, golf courses and ancillary uses, trails including equestrian/pedestrian/bicycle/cross-country uses, parks, overlooks, amphitheaters, developed and natural parks, ancillary park facilities, and natural terrain.
- B. Density. Not applicable.
- C. Height. Not applicable.
- D. Setbacks. Not applicable.
- E. Roof Slopes. Not applicable.

#### **12.30.06.17 RESORT FEATURE (RF)**

A Resort Feature is a facility or area which serves as a major attraction. In other words, it provides activities or reasons for visitors to travel to the RSPA.

- A. Permitted uses include, but are not limited to, cross country ski trails, golf, lake/water activities, tubing hills, convention facilities, amphitheaters, distinctive pedestrian walks or plazas, skating ponds or rinks, health or spa facilities, water sport areas, swimming pools, trail heads, rock climbing walls and hot springs.

#### **12.30.06.18 MAXIMUM DENSITY**

Maximum Density means the sum of the Target Densities of all of the Zones in a Property which is the Maximum Density or maximum ERU's allowable for such Property.

#### **12.30.06.19 PERMITTED USE CATEGORIES**

Specific permitted uses within each category are indicated in HMC 12.14.420 through HMC 12.14.500:

- RSF - Residential Single Family
- MD - Residential Medium Density
- HC - Hospitality Casita
- RVMD- Resort Village Medium Density
- RVHD - Resort Village High Density
- NC - Neighborhood Commercial
- CS - Community Site
- OS - Open Space
- RF - Resort Feature



#### **12.30.06.20 APPLICATION PROCESS**

The application process for the approval of phases within the RSPA shall be the same as that found in HMC 11.06 except for the following:

In order to achieve the goals set by Hideout for the RSPA. The property owner(s) shall endeavor to develop an overall programming plan that identifies uses and proposed density pod locations throughout the planning area. Since this process is likely to be highly influenced by market forces it is anticipated that the programming plan will focus on resort attractions and amenities and not on the required infrastructure and that the plan will be subject to frequent changes. As portions of the plan are complete they may be submitted to Hideout for comment and approval. If approved the plan will then serve as the guiding design and marketing document for the resort.

F E N N A L

