

## Chapter 36

### Utah Lake Shoreline Protection Overlay Zone *(New 06/12/12; Amended 11/13/18)*

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#### Section 36.010. Purpose and Intent.

The Utah Lake Shoreline Protection Overlay Zone creates a buffer between the lake shore and adjacent residential and non-residential development for recreational access, safety, flood protection, invasive species management, and resource protection. The specific purposes and intent of this chapter include:

- A. protecting the shoreline of Utah Lake;
- B. protecting natural and cultural resources and features adjacent to the lake;
- C. providing for and protecting public ownership and access to the lake;
- D. providing a corridor for a non-motorized trail around Utah Lake; and
- E. preserving and improving the use and water quality of Utah Lake.

#### Section 36.020. Applicability.

The Utah Lake Protection Overlay Zone applies to all lands within 1,320 linear feet (1/4 mile) inland from the settlement boundary of Utah Lake. The Overlay Zone buffer area extends 50 feet inland from the settlement boundary line.

#### Section 36.030. Relationship to Other Regulations.

A. The requirements of this Overlay Zone shall apply in addition to the applicable regulations for each underlying zoning district. In the event that regulations imposed by this chapter conflict with

regulations of an underlying zoning district, the most restrictive shall apply.

B. All development within the Utah Lake Shoreline Protection Overlay Zone shall comply with all applicable state and federal regulations. Documentation of compliance with applicable state and federal regulations shall be required prior to approval of subdivision plats or other development approvals.

#### Section 36.040. Permitted Uses.

The permitted uses are those uses allowed by the underlying zoning district. All uses within the Utah Lake Shoreline Protection Overlay Zone shall also comply with the standards set forth in this section.

#### Section 36.050. Definitions.

As used in this chapter:

A. Cultural and Historical Resources means human artifacts and remains older than 50 years that are identified by the State Historic Preservation Office (SHPO) as cultural and historic resources under State law.

B. Habitat means the place or environment where a plant or animal naturally or normally lives and grows.

C. Natural Resources means fresh water, air, wildlife, and wildlife habitat areas that are supplied by nature.

D. Overlay Zone Buffer means a strip of land at least 50 feet in width between Utah Lake and adjacent development, measured from the settlement boundary line to the edge of a lot or development parcel of property. The buffer area may not be included within any yard or setback of a lot or other development parcel of property.

E. Riparian Area means an area adjacent to surface water bodies such as streams and lakes that is characterized by periodic inundation and hydrophilic (water-loving) vegetative types.

F. Settlement Boundary means the Utah Division of Forestry, Fire, and State Lands boundary between sovereign lands adjoining property. Also referred to as the “lakeshore” in this chapter.

G. Wetland means land that has been determined by the Army Corps of Engineers to be regulated under the federal Clean Air Act.

**Section 36.060. Lake Buffer.**

Within the Utah Lake Shoreline Protection Overlay Zone, all developments that abut on the sovereign lands of Utah Lake shall provide a buffer, a minimum of 50 feet in width, between the settlement boundary or compromise elevation (only if the settlement boundary is not available), whichever is higher above sea level, and the property lines of the nearest lots and development parcels. No permanent structures shall be allowed in the buffer area except recreational, flood control, and lake-related facilities. Ownership and management of the buffer area shall be determined on a case-by-case basis, but all required buffer areas shall be open for public access.

**Section 36.070. Site Features Mapping.**

A. Site Features Map Required. Concurrent with the submission of a Concept Plan application, the applicant shall prepare and submit a site features map. The purpose of the site features map is to identify and locate site features to facilitate creation of a site development design that mitigates impacts to the natural and cultural features of the development area, and reduce risks associated with flooding, high ground water, unstable soils, wave, and lake ice action. The site features map shall identify and locate the following features in and immediately adjacent to the development area:

1. property boundaries;
2. compromise elevation and settlement boundary;
3. streams, rivers, lakes, tributaries, wetlands, and other hydrologic features;
4. riparian areas;
5. known habitat of endangered, threatened, or State sensitive species;
6. topographic contours at five feet or closer intervals;
7. limits of all floodplains;
8. water supply source protection areas;
9. general vegetation characteristics, including significant stands of trees and significant individual trees;
10. general soil types;
11. existing and planned public and recreational access and uses;
12. cultural and historical resources;
13. existing road structures; and
14. potential connections with existing trails and public open space areas.

**Section 36.080. Concept Plan.**

A. Concept Plan of Proposed Development. Prior to submission of a Preliminary Plat, a Concept Plan is required for all development within the Utah Lake Shoreline Protection Overlay Zone. The Concept Plan gives the applicant, staff, Planning Commission, and City Council an opportunity to discuss the project in the conceptual stage. The applicant can use the Concept Plan meetings to receive direction on project layout as well as discuss the procedure for approval, the specifications and requirements that may be required for layout of streets, drainage, water, sewerage, fire protection, and similar matters prior to the preparation of a more detailed preliminary subdivision plat. Sections 11.010 through 11.030 of the Development Code identifies the requirements for Concept Plan. The concept plan shall be prepared at the same scale as the site features map.

B. Development Design Approach. Applicants shall demonstrate that their Concept Plan is consistent with the following approach and principles for designing a development project in sensitive areas:

1. Avoid Undue Impacts. Development on the subject parcel shall be configured so as to avoid undue impacts to site features identified in the site features map, including riparian areas, known habitat of threatened, endangered, and sensitive species, the 100-year floodplain, wetlands, public access locations, existing or planned trails and trail corridors, significant stands of trees or significant individual trees, cultural and historic resources, high ground water areas, secondary stream corridors, and water supply protection areas.
2. Identify Site Features. Identify those areas of the development parcel containing or supporting important natural resources, features, and functions as described in Section 36.070.
3. Locate Building Envelopes. Building envelopes shall be located to protect important site features. The location of building envelopes shall also reflect the design objectives identified in this chapter.
4. Align Streets and Trails. The minimum length and network of streets necessary to access each lot shall be identified with consideration given to conforming the street to the natural landscape. Proposed trails shall be identified

where access to designated public trails and open space is appropriate, to provide for pedestrian circulation within the development and to provide for pedestrian access to areas outside the development.

5. Identify Lot Lines. Lot lines for building parcels shall be identified. The placement of the lot lines shall give consideration to the important site features, and shall conform to the natural features of the landscape to the greatest extent possible, e.g., lines of boundary trees, streams, habitat areas, etc. The delineation of lots shall also consider opportunity for future owners to reasonably expand the structures on the lot.

C. Phasing Plan.

1. When a development will not utilize the entire parcel and there is potential for future development of the parcel or any of the lots being created, the application for concept review shall include a phasing plan showing the potential future utilization and interim management plans for the balance of the parcel not being developed.

2. The phasing plan is a sketch plan with no engineering details, intended to be conceptual in nature, and to demonstrate that the current development proposal will not compromise important conservation values or the long term development of the parcel.

3. The phasing plan shall show the relationship of the proposed development area to the balance of the parcel and to adjacent land. This plan shall analyze the conservation and development potential of the remaining area of the parcel and shall show, in general terms, the potential street network, open space areas, and development areas in a manner that demonstrates that both the proposed development and the future development can occur so that it conforms to the requirements of this chapter and preserves the significant natural resource values of the entire parcel.

**Section 36.090. Design Standards.**

The design standards in this section are intended to improve the character and aesthetic qualities of developments in the Utah Lake Shoreline Protection Overlay Zone, and to minimize impacts on important natural and other site features. Variations from these standards may be granted by the Planning

Commission or City Council provided that the overall intent of this section is achieved by the alternative design.

A. General Standards.

1. All development shall, whenever possible, preserve important site features in their natural condition. The Planning Commission or City Council may request an advisory opinion from the Utah Lake Commission to assist in determining the value of the natural features on a site, the boundaries of those natural systems, and the relative importance of preserving the integrity and function of the natural resources present on the site.

2. To the extent practical, the boundaries of site features identified in Section 36.070 shall be contiguous within the parcel and adjacent to existing undeveloped land on adjoining parcels to form a continuous, integrated natural system. Particular attention shall be paid to maintaining and expanding existing or planned natural resource areas and trail networks.

3. Access points to designated public trails and open areas shall be clearly identified on plans and posted with permanent signage approved by the Planning Commission or City Council.

4. Site features shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to allow for a preferred development scheme.

5. Significant trees, boundary trees, wetlands, streams and other important site features shall be incorporated along the edges of individual lots or along a path or roadway, rather than transected by lot lines or a roadway.

6. The Planning Commission or City Council may require a setback from the edge of the designated natural features depending on the type of natural resource and its characteristics.

7. The Planning Commission or City Council shall determine if fencing is necessary to protect the functions and values of the site features.

## B. Lots and Building Envelopes.

1. The location and orientation of individual lots, building envelopes, and building sites shall be designed to maintain the natural topography and drainage patterns, to preserve important natural features in their natural condition, to minimize disturbance on natural vegetated cover, and to minimize grading, cut-and-fill, and soil removal to minimize negative impacts on the natural resources of the site as identified by the site features map and site inventory.

2. All building construction shall comply with the floodplain regulations of Lehi City.

3. All building envelopes shall be identified for each lot, where appropriate. Future construction shall be limited to the identified building envelopes. Building envelopes on individual or common lots shall be set back from significant site features, consistent with other design parameters of this section, to augment and protect the integrity of natural site features.

4. Lots and buildings shall be grouped into clusters, located to minimize negative impacts on the natural resources of the site and conflicts between incompatible uses.

5. If agricultural uses are being maintained, lots and buildings shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

C. Streets. Streets shall be designed and constructed in compliance with Lehi City Street Standards.

## D. Disturbance/Alterations.

1. Alterations to identified significant natural site features shall only be permitted to address public safety issues as determined by the Planning Commission or City Council.

2. No topsoil or vegetation shall be removed from designated open spaces unless needed to address a public safety issue as determined by the Planning Commission or City Council.

3. Stream and wetland crossings shall be eliminated wherever possible.

4. All ground cover areas disturbed in the construction process shall be re-vegetated with appropriate native species.

E. Lighting. Exterior lighting shall be directed downward and fitted with an opaque shield. Light levels shall not exceed one foot-candle at the property line.

**Section 36.100. Ownership of Open Lands.**

The ownership and responsibility for maintenance of required buffer areas and other areas left undeveloped to protect natural resources and avoid hazards shall be decided on a case-by-case basis. In general, areas planned to be open for use by the general public shall be in public ownership, but other arrangements may be appropriate. Options for ownership and maintenance include:

A. Public Ownership. Lehi City may, but is not required to, accept any portion of a buffer or open land, provided that:

1. the land shall be freely accessible to the public;

2. Lehi City agrees to and has access to maintain such lands;

3. the land is in an acceptable condition to Lehi City at the time of transfer with regard to size, shape, location, and improvement; and

4. the developer or property owner provides funding for at least one year of maintenance as identified in the maintenance plan.

B. Undivided Ownership. Unless otherwise approved by Lehi City, the underlying fee ownership of the land may remain in single ownership and may be owned and maintained by a homeowners' association, land trust, conservation organization, governmental entity, or private individual.

C. Owners' Association. Land may be held in common ownership by a homeowners' association or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and Lehi City's subdivision regulations. In addition, the following requirements shall be met:

1. A description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for natural

resource land, including restrictive covenants for the subdivision, shall be submitted by the developer with the Final Plat application.

2. The proposed association shall be established and operating with financial subsidization, if necessary, prior to or concurrent with the recording of the final plat for the subdivision.

3. Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.

4. The association shall be responsible for maintenance and insurance of the natural resource land.

5. The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

6. Written notice of any proposed transfer of natural resource land by the association or the assumption of maintenance for the natural resource land must be given to all members of the association and to Lehi City no less than 30 days prior to such event.

7. The association shall have adequate staff to administer, maintain, and operate such natural resource land.

8. At the discretion of the Planning Commission or City Council, an applicant may be required to prepare a brochure detailing the location and use restrictions of the designated open space and provide the same to all purchasers of property within the subdivision.

### **Section 36.110. Maintenance of Open Lands.**

In general, the responsibility for maintenance of required buffer areas and lands left open to protect natural resources and avoid hazards should lie with the owners of the land. The following provisions shall be addressed in a Maintenance Plan Agreement that accompanies the final development approval that results in the creation of open lands:

#### **A. Area Boundaries.**

1. Area boundaries of designated open lands shall be clearly delineated on plans including plats.

2. Boundaries shall be clearly marked and identified as “No Disturbance” areas, except in areas identified for permitted uses, prior to commencing construction activities, including tree cutting, site clearing, and grading. Temporary markings are acceptable.

3. Boundaries shall be clearly and permanently marked in the field with signage approved by the Planning Commission and City Council to identify the area as protected open land.

B. Maintenance Costs. Unless otherwise agreed to by Lehi City, the cost and responsibility of maintaining open land shall be borne by the owner of the underlying land.

C. Maintenance Plan. The developer shall submit a maintenance plan providing for and addressing the means for permanent maintenance of the open land with the final application for the subdivision or other development approval, as follows:

1. The plan shall identify land ownership.

2. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of resources present on the land.

3. The plan shall estimate staffing needs, insurance requirements, and associated costs; and define the means for funding the maintenance of the land, and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long term capital improvements as well as regular yearly operating and maintenance costs.

4. At Lehi City’s discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

D. Approval. The maintenance plan must be approved by Lehi City concurrent with final development approval. The maintenance plan shall be recorded against the property and shall include provisions for Lehi City’s corrective action right, as set forth in this chapter. Any changes or amendments to the maintenance plan shall be approved by Lehi City.

E. Failure to Maintain. In the event that the organization established to maintain the open land, or any successor organization thereto, fails to maintain

all or any portion thereof in reasonable order and condition, Lehi City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

F. Corrective Action. Lehi City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on the land. Notice of such lien shall be filed by Lehi City in the County Recorder's office. The maintenance plan and all other documents creating or establishing any association or conservation organization for the property shall reference Lehi City's corrective action authority set forth in this chapter and shall be recorded against the land.

2. Whether constructed by a developer or by Lehi City, the Utah Lake Shoreline Trail shall be in the ownership of Lehi City or Utah County as a public facility. Maintenance of the Utah Lake Shoreline Trail shall be performed by Utah County or pursuant to a contract or development agreement.

3. As development occurs in the vicinity of existing trail segments, the trail shall be brought up to current standards.

C. Trail Standards. Lehi City adopts the current trail design standards developed by the Mountainland Association of Governments (MAG) for the Utah Lake Shoreline Trail for use in Lehi City.

**Section 36.120. Utah Lake Shoreline Trail.**

A. Trail Corridor.

1. The Utah Lake Master Plan identifies development and maintenance of the Utah Lake Shoreline Trail as a high priority goal. The trail will provide a non-motorized route that circumnavigates Utah Lake and provides access to lakeshore recreation facilities, as well as connectivity among the communities that abut the lake.

2. Lehi City has identified the Utah Lake Shoreline Trail as a component of its trails master plan and has identified a preferred alignment on its General Plan Land Use Map. The preferred location of the trail is as close to the lakeshore as possible; however, the exact location of the Utah Lake Shoreline Trail through Lehi City is flexible, and its ultimate location will depend on topography, natural features, the location of recreational and educational features, and land ownership.

B. Trail Construction and Dedication.

1. The location of the Utah Lake Shoreline Trail and responsibility for constructing the trail will be determined as a part of the review process as applications for development are submitted to Lehi City. In the alternative, Lehi City may independently decide to acquire land for construction and maintenance of the Utah Lake Shoreline Trail in advance of receiving development applications.