



Planning Commission Meeting

January 25, 2024
6:00pm

125 West 400 North
Mapleton, UT 84664



PLANNING COMMISSION AGENDA

Thursday, January 25, 2024, at 6:00pm
125 West Community Center Way (400 North), Mapleton, Utah 84664

The order of agenda items is subject to change at the discretion of the Planning Commission Chair.

6:00 p.m. Call to order: Pledge, Invocation, and Introductions/Announcements.

Consent Items

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission may ask that any items be considered individually for purposes of Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Planning Commission Meeting Minutes – December 14, 2023.
2. Consideration of approval for a Home Occupation permit to teach swimming lessons located at approximately 166 East 1700 North. The applicant is Terry Swanson.

Public Hearings

3. Consideration of an amendment to Mapleton City Code Section 18.82.C regarding park and open space requirements in the PRC-3 Zone.
4. Consideration of an ordinance amending Mapleton City Code sections 6.08.130, 18.08, 18.28.030 and 18.32.020 prohibiting roosters and making other modifications to the requirements for animal rights.

PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIR

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting/hearing should notify April Houser at the Community Development Office, at Mapleton City, 125 West 400 North, Mapleton UT 84664, or by phone, (801) 489-6138, giving at least 24 hours notice. Signature on this document certifies that it was posted in the City Office on 1/17/24.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE
(Last Modified January 17, 2024)

April Houser, Executive Secretary

Item:

2

REQUEST

Consideration of a Home Occupation Permit for Swimming Lessons located at 166 E 1700 N.

Date:

1/25/2023

Applicant:

Terryl Swanson

Location:

166 E 1700 N

Prepared By:

David Stuenzi Jr., Planner

Public Hearing:

No

Zone:

RA-2

Attachments

1. Application information.

BACKGROUND & DESCRIPTION

The applicant owns a .52-acre lot in the Maplewood subdivision that is developed with a single-family dwelling. The applicant is requesting approval for a home occupation for a swimming lessons business during the summer months from June to August. The applicant teaches private lessons with the occasional pairing of siblings, anticipating 2-4 children per hour. Each lesson will be 30 minutes and will be between the hours of 10:00 am and 1:30 pm, Monday through Friday.

EVALUATION

Zoning: The subject property is zoned RA-2, which is intended to allow for single-family uses as well as home occupation uses. The applicant's proposal is consistent with the RA-2 zone.

Home Occupations: Mapleton City Code (MCC) section 18.84.380 outlines the requirements for home occupations. The purpose of the ordinance is to allow for a *"modest level of business activity... that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area."* As the Commission reviews this application it must determine whether the proposed business is consistent with this purpose.

MCC Section 18.84.380.F indicates that Planning Commission approval is required for businesses that could have more than two client visits per hour. The following are the main requirements that apply to the applicant's business:

- The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one (1) person, not a member of the residing family, may be engaged in the home occupation.
- Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.

The applicant is not proposing to have non-family members working at the site as the applicant will be the only employee. The applicant does not anticipate to have more than 6 cars at any given time. The driveway on property looks large enough to sustain any vehicles for pick-up and drop-off. It is not anticipated that the application will result in anything more than a modest amount of business activity.

RECOMMENDATION

Approve the home occupation as proposed.

Wide Driveway on Property
Site – Enough to hold 6
Vehicles



Item:

3

Date:

1/25/24

Applicant:

Pheasant View home
owners

Location:

905 S 1350 W

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

Yes

Attachments:

1. Proposed amendments.
2. City Council minutes.

REQUEST

Consideration of an amendment to Mapleton City Code Section 18.82.C regarding park and open space requirements in the PRC-3 Zone.

BACKGROUND & DESCRIPTION

In 2006, the City approved a rezone request from A-2 to Planned Residential Community (PRC-3) with a Transferable Development Right Receiving Site (TDR-R) for 22 acres of land located at approximately 900 South and 1350 West. The PRC zone allowed a maximum of twenty six residential lots. As part of the approval, lot 27 was required to be a private open space park roughly ½ of an acre in size. The PRC-3 zoning text includes the following language:

"18.82C.100: LOT 27:

Lot 27 will be set aside as a park and picnic area that will be fully landscaped, including a pavilion, walking path, and a tot lot. The park improvements shall be completed two (2) years from the date of the recording of the plat. The Pheasant View Homeowners' Association will be responsible for the maintenance and upkeep of lot 27. If the association defaults (as defined in section [18.82C.120](#) of this chapter) ownership of lot 27 shall pass to Mapleton City.

18.82C.120: TRANSFER OF COMMON AREAS TO MAPLETON CITY:

In the event of a default by the homeowners' association, all of the homeowners' association's right, title and interest in and to the common areas, shall pass to Mapleton City. Upon default by the homeowners' association and transfer of ownership of common areas to the city the residents within the development shall pay all costs of maintenance of common areas to the city. In the event of default Mapleton City may assess a monthly maintenance fee to all residences in order to maintain the common areas as they were previously maintained. For purposes of this section, the occurrence of any of the following shall constitute a default by the homeowners' association:

- A. The dissolution or liquidation of the homeowners' association;*
- B. The homeowners' association shall become insolvent, or shall suffer or consent to or apply for the appointment of a receiver, trustee, custodian or liquidator of itself or any of its property, or shall generally fail to pay its debts as they become due, or shall make a general assignment for the benefit of creditors; the homeowners' association shall file a voluntary petition in bankruptcy, or seeking reorganization, in order to effect a plan or other arrangement with creditors or any other relief under the "bankruptcy code"*

(meaning the bankruptcy reform act of 1978 [11 USC section 101-1330] as hereafter amended or recodified), or under any state or federal law granting relief to debtors, whether now or hereafter in effect; or any involuntary petition or proceeding pursuant to the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors is filed or commenced against the homeowners' association or the homeowners' association shall file an answer admitting the jurisdiction of the court and the material allegations of any involuntary petition; or the homeowners' association shall be adjudicated a bankrupt, or an order for relief shall be entered against the homeowners' association by any court of competent jurisdiction under the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors."

The Pheasant View Home Owner's Association (HOA) has recently been dissolved and their hope is to transfer the open space parcel to either one or both adjacent lot owners, and that the PRC-3 zoning text be amended to remove the references to the park.

EVALUATION

The purpose and intent of PRC zones is to allow for imaginative designs and more flexibility in lot layouts and configuration. In many of the PRC zones, some type of park or open space amenity has been provided. The proposal to create a neighborhood park on lot 27 was part of the reason the City Council at the time approved the rezone to PRC for the Pheasant View development. Having said that, the park is essentially a flag lot that provides no real open space visual benefit to the community. The park is tucked between two lots and a large enclosed retention basin. The park has received very little neighborhood use and the HOA would prefer to transfer it to the two neighboring property owners.

The City Council discussed this request on January 3, 2024 and indicated that it was supportive of eliminating the park.

RECOMMENDATION

Recommend that the City Council adopt the proposed amendments to the PRC-3 zoning text.

Attachment "1"

Proposed Amendments Shown in Strikeout (only those sections that are being amended are included)

MCC Section 18.82.C

Pheasant View Subdivision, Planned Residential Community (PRC-3) Zone

18.82C.005: THEME:

The Pheasant View Planned Residential Community carries with it the theme of luxurious country living, ~~but with the park and picnic area in close proximity will give the families a sense of closeness.~~ This twenty (20) acre parcel of country elegance will carry with it a feeling of greatness that will influence all of the residents of Mapleton City.

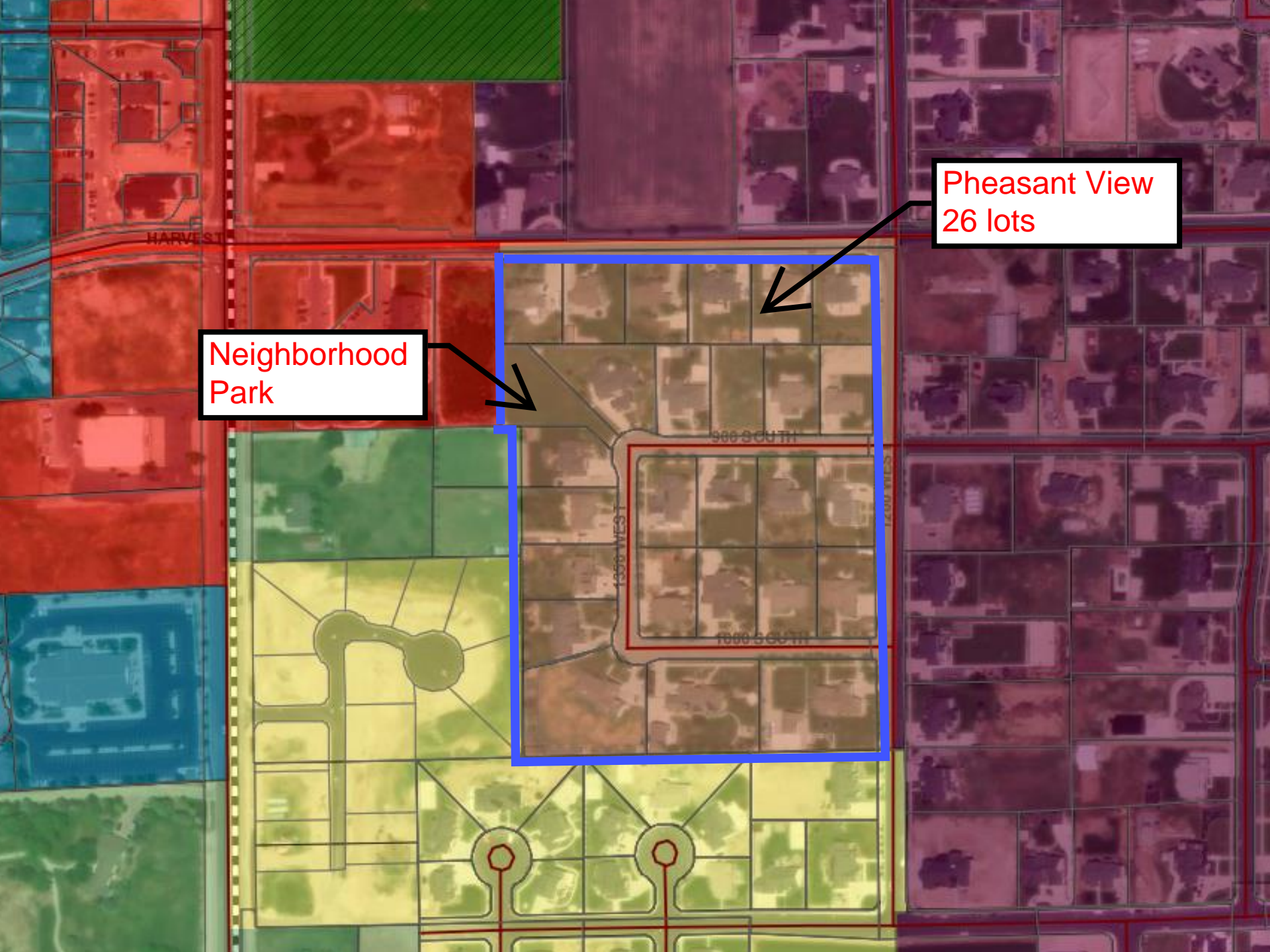
18.82C.100: LOT 27:

Lot 27 will be set aside as a park and picnic area that will be fully landscaped, including a pavilion, walking path, and a tot lot. The park improvements shall be completed two (2) years from the date of the recording of the plat. The Pheasant View Homeowners' Association will be responsible for the maintenance and upkeep of lot 27. If the association defaults (as defined in section [18.82C.120](#) of this chapter) ownership of lot 27 shall pass to Mapleton City.

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- ~~—A. The dissolution or liquidation of the homeowners' association;~~
- ~~—B. The homeowners' association shall become insolvent, or shall suffer or consent to or apply for the appointment of a receiver, trustee, custodian or liquidator of itself or any of its property, or shall generally fail to pay its debts as they become due, or shall make a general assignment for the benefit of creditors; the homeowners' association shall file a voluntary petition in bankruptcy, or seeking reorganization, in order to effect a plan or other arrangement with creditors or any other relief under the "bankruptcy code" (meaning the bankruptcy reform act of 1978 [11 USC section 101-1330] as hereafter amended or recodified), or under any state or federal law granting relief to debtors, whether now or hereafter in effect; or any involuntary petition or proceeding pursuant to the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors is filed or commenced against the homeowners' association or the homeowners' association shall file an answer admitting the jurisdiction of the court and the material allegations of any involuntary petition; or the homeowners' association shall be adjudicated a bankrupt, or an order for relief shall be entered against the homeowners' association by any court of competent jurisdiction under the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors.~~



Neighborhood
Park

Pheasant View
26 lots

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

Park Lot

LOT 27
23,336 sq.ft.
0.54 acres
(Park - Non-Buildable)

LOT 11
30,029 sq.ft.
0.68 acres

LOT 12
21,836 sq.ft.
0.50 acres

10' MAPLETON IRRIGATION COMPANY EASEMENT AND P.U.E.

15' STORM DRAINAGE EASEMENT

10' P.U.E. (TYP)

15' MAPLETON IRRIGATION COMPANY EASEMENT AND P.U.E.

TYPICAL SETBACK LINE

STREET MONUMENT
N 051430.52'
E 1075081.13'

N 45°W 261.34'

EAST 125.71'

EAST 129.22'

EAST 126.00'

N 00°20'13"W 163.57'

N 00°20'13"W 336.00'

EAST 133.55'

N 45°W 70.52'

EAST 145.52'

N 180°65'

C11 C10 C9 C12 C13 C14

35.00'

104.28'

135 W

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]



Item:

3

Date:

1/25/24

Applicant:

Mapleton City

Location:

City-wide

Prepared By:

David Stuenzi Jr,
Planner

Public Hearing:

Yes

Zone:

All

Attachments

1. Draft Ordinance.

REQUEST

Consideration of an ordinance amending Mapleton City Code sections 6.08.130, 18.08, 18.28.030 and 18.32.020 prohibiting roosters and making other modifications to the requirements for animal rights.

BACKGROUND & DESCRIPTION

As Mapleton continues to grow in population and transitions from a traditionally agricultural community to a suburban one, conflicts have arisen between members of the community regarding animal rights and farming practices. Noise from roosters has been one of the primary complaints. Also, the City has not evaluated its animal rights standards for some time.

In response to these issues, staff has reviewed the animal rights standards and is proposing the following code amendments under MCC Title 6 and various sections under Title 18. These proposed changes aim to offer clearer guidelines on animal rights within different zones and to institute regulations pertaining to permissible animals. Below is a summary of the proposed changes followed by a brief staff response:

- *Amend the disturbing the peace ordinance.*

Response: There is some inconsistency in the current ordinance regarding whether unreasonable noises from animals, like roosters, could be considered disturbing the peace. The proposed amendments clarify this inconsistency.

- *Reduce the total number of animals per ½ acre as follows:*
 - Reduction in rabbits and chickens from 36 to 24
 - Reduction of turkeys from 16 to four.

Response: Staff have analyzed the animal unit quantities in our existing ordinance and compared it with nearby municipalities. We have observed that Mapleton currently permits significantly more chickens and other small animals than other communities typically allow. We have amended the ordinance to lower the amount so that the standards of Mapleton align more closely with neighboring communities.

- *Prohibition on the keeping of roosters.*

Response: As Mapleton continues to transition from a predominately agricultural community to a residential one, roosters have become a potential nuisance to some residents. Roosters are not an essential part of agricultural production and are known for causing noise disturbances in residential communities. As the existing City code does not expressly prohibit roosters, the proposed amendments aim to clarify and address this omission.

- *Eliminate inconsistencies regarding the keeping of animals.*

Response: Staff have identified certain discrepancies within the various zoning sections of the current city code pertaining to animal rights. The proposed modifications aim to enhance clarity in the city code by implementing minor language adjustments and ensuring that the city code remains consistent and cohesive.

- *Allow up to four dogs.*

Response: The code currently defines a “kennel” as having three dogs or more. Since kennels are not allowed in residential zones, any resident with three or more dogs would be considered in violation. Staff is recommending to increase the number of dogs allowed per lot to four.

RECOMMENDATION

Recommend approval of the proposed ordinance amendments to the City Council.

Attachment “1”
Proposed Mapleton City Code (MCC) Amendments
(Changes shown in strikeout and underline)

MCC 6.08.130: DISTURBANCE OF THE PEACE PROHIBITED:

No person shall own or harbor an animal in such a manner that the peace and quiet of the public is unreasonably disturbed. The written affirmation by two (2) persons having separate residences that violation of subsections 6.08.090D and E, section 6.08.100, 6.08.110 or 6.08.140 of this chapter disturbs the peace and quiet of said persons shall be prima facie evidence of a violation of this section. The keeping or maintenance, or the permitting to be kept or maintained, on any premises owned, occupied or controlled by any person of any animal or fowl which by any frequent or long continued noise shall cause unreasonable annoyance or discomfort to any person of normal sensitivity in the vicinity shall constitute a violation of this section; provided, however, that nothing contained in this section shall be construed to apply to reasonable noises emanating from legally operated dog or cat hospitals, humane societies, pounds, farm and/or agricultural facilities, or areas where keeping of animals or fowl are permitted provided the animals or fowl are included in the definition of an “animal unit” in section 18.08 of this code. The destruction by any animal of property other than that which belongs to the owner of the animal shall be prima facie evidence of a violation of this section.

MCC 18.08 – DEFINITIONS

ANIMAL UNIT: An "animal unit" shall be one or a proportionate combination of the following:

- A. Two (2) cows, or two (2) horses, or two (2) pigs, or two (2) llamas, or two (2) other similar large animals.
- B. Eight (8) adult sheep or feeder lambs, or four (4) alpacas (similar to llama).
- C. Four (4) goats.
- D. Twenty four ~~Thirty six (2436)~~ chickens, or twenty four ~~thirty six (2436)~~ pigeons, or twenty four ~~thirty six (2436)~~ similar small fowl. Roosters are not permitted. ~~For regulations regarding the keeping of chickens, see section 18.84.240 of this title.~~
- E. Twenty four ~~Thirty six (2436)~~ rabbits, or twenty four ~~thirty six (2436)~~ similar small animals.
- F. Four (4) large birds such as turkeys, ostriches, or emus, or peacocks.
- G. ~~Sixteen (16) turkeys.~~
- H. One deer, or one elk, or one moose, or one bison, or one other such wild animal.

KENNEL: Means any lot or premises on which five (5) ~~three (3)~~ or more dogs over four (4) months old are kept.

MCC Section 18.28.030 (A-2 Zone)

Animal rights.

A. ~~Acreage 5.25 Acres And Over:~~ The raising, care and keeping of livestock, fowl, feed and produce, barns, corrals, pens, coops and other structures, including educational animal laboratories, for the care and keeping of domestic livestock and fowl. Provided, however, that no structure or corral for the housing of the livestock and fowl, with the exception of chickens, or no corral for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') from an existing dwelling on the same lot. Chicken coops may be no closer than thirty feet (30') from any neighboring residential dwelling.

~~B. Acreage Under 5.25 Acres: The raising, care and keeping of livestock and fowl will be limited to one animal unit and their seasonal offspring for each twenty thousand (20,000) square feet.~~

Beehives (must comply with the minimum distances specified for barns, corrals, etc., as stated in this section).

MCC Section 18.32.020 (RA-1 Zone)

The raising, care and keeping of limited numbers of livestock and fowl, excluding swine, for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:

A. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area.

B. No structure for the housing of livestock or fowl, with the exception of chickens, or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') to such a dwelling on the same lot. Chicken coops may be no closer than thirty feet (30') from any neighboring residential dwelling.

MCC Section 18.36.030 (RA-2 Zone)

The following standards only apply to lots greater than twenty thousand (20,000) square feet: The raising, care and keeping of limited numbers of livestock and fowl excluding swine for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:

A. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of a lot. No livestock or fowl shall be kept on any lot containing less than twenty thousand (20,000) square feet except as permitted in section 18.84.240 of this title.

B. No structure for the housing of livestock or fowl, with the exception of chickens, or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') to such a dwelling on the same lot. Chicken coops may be no closer than thirty feet (30') from any neighboring residential dwelling.