City Council Staff Report

Date:
6/3/2026

Applicant:
Mapleton City

Location:
N/A

Prepared By:
Sean Conroy, Community Development Director

Public Hearing:
Yes

Attachments:
1. Draft ordinance.
2. Correspondence.

REQUEST

Consideration of an Ordinance amending Mapleton City Code (MCC) section 18.84.410 regarding requirements for accessory dwelling units and section 18.84.460 regarding the process for land use appeals.

BACKGROUND & DESCRIPTION

Each year the State Legislature meets during the General Legislative Session to review proposed bills. When legislation is adopted, cities often must amend their municipal codes to remain consistent with state law. This year HB 477 updated requirements regarding detached accessory dwelling units (ADUs), and SB 284 made changes to how cities can handle land use appeals. Staff is proposing the following amendments to comply with these legislative changes.

Accessory Dwelling Units (ADUs): The City's current ADU ordinance limits detached ADUs to lots of ½ an acre or larger. According to HB 477, cities must now allow ADUs on any lot of ¼ acre or larger. The proposed amendments make this conforming change (see strikeout and underline in exhibit "A"). Detached ADUs would still be required to comply with all applicable regulations for detached accessory structures, including setbacks, height, and lot coverage.

Two other issues related to ADUs have been raised by members of the public to be discussed by the City Council. These are summarized below:

1) The current ordinance establishes a maximum size limitation of 1,000 square feet for detached ADUs on lots of ½ and acre to one acre, 1,200 square feet for lots of two to three acres, and 1,400 square feet for lots larger than three acres, or 40% of the size of the main dwelling, whichever is smaller.

   A property owner is requesting that the City eliminate the 40% limitation. In their case, their main residence is only 1,500 square feet, so the maximum size of a detached ADU would only be 600 square feet. The 40% requirement was established to help ensure that the ADUs remain ancillary in nature to the main dwelling. However, staff recognizes that the current standard may disproportionately limit ADU sizes for properties with smaller primary dwellings. Other accessory structures are not limited to 40% so it seems logical to remove the limitation on ADUs. Staff can support the elimination of the 40% requirement.

2) State law allows cities to prohibit ADUs in certain zones of the city if the area that is prohibited is less than 25% of the total residential land area of the City. The City has chosen to prohibit ADUs in Harvest Park (SDP-1) and any lots in the R-1-B (high density) zone. The primary reason for the prohibition was the limited parking and small lot sizes and the concern that ADUs could increase congestion problems. A property owner has asked that the City reconsider the ADU ban in Harvest Park.

   The initial ban on ADUs in Harvest Park was supported by the Harvest Park HOA. Staff are reluctant to recommend removing the ban unless the HOA is supportive of the request.

Appeal Authority: The City's appeal process currently includes the following:

- Land use decisions made by staff can be appealed to the Planning Commission.
- Planning Commission decisions can be appealed to the City Council.

SB 284 prohibits the City Council form serving as a land use appeal authority. Therefore, staff is proposing the following (see exhibit "A"):

- Appoint an appeals hearing officer that has a background in land use law.
- Appeals of staff and/or Planning Commission decisions would be reviewed by the hearing officer.

RECOMMENDATION

Adopt the proposed amendments and provide guidance on the following questions:

- Should the City eliminate the 40% size limitation for detached ADUs?
- Should the City eliminate the prohibition of ADUs in the SDP-1 (Harvest Park) and the R-2-B zones?

ORDINANCE NO. 2026-

AN ORDINANCE AMENDING MAPLETON CITY CODE (MCC) SECTION 18.84.410 REGARDING REQUIREMENTS FOR ACCESSORY DWELLING UNITS AND SECTION 18.84.460 REGARDING THE PROCESS FOR LAND USE APPEALS

WHEREAS, Mapleton City Code section 18.84 addresses the requirements for accessory dwelling units and section 18.84.460 addresses land use appeals; and

WHEREAS, the state legislature adopted HB 477 and SB 284 earlier this year addressing changs to ADU requirements and appeals procedures; and

WHEREAS, the proposed amendments are intended to comply with HB 477 and SB 284; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments on May 28, 2026.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend Mapleton City Code sections 18.84.410 and 18.84.460 as described in exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,
this 3rd Day of June, 2026.

_____
Therin Garrett
Mayor

ATTEST:

_____
Camille Brown
City Recorder
Publication Date:
Effective Date:

Exhibit "A"

(changes shown in strikeout and underline)

18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS:

A. Purpose and Intent: This ordinance is intended to implement Utah Code Section 10-21-3 ~~10-9a-511~~ and the goals and policies of the Mapleton City Moderate Income Housing Element of the General Plan, which encourage providing opportunities for a variety of housing options at all income levels including accessory apartments.

B. Exemptions: The provisions of this section do not apply if only family members, as defined under section 18.08.010 of this title, are residing at the residence.

C. Owner occupied: Either the primary dwelling unit or the accessory apartment shall be occupied by a full-time resident property owner as shown on the Utah County tax assessment rolls. No more than one accessory apartment is permitted per lot.

D. Internal accessory apartments (dwelling units), as defined in Utah Code Annotated § 10-21-101 ~~Section 10-9a-511.5~~, are allowed in all residential zones except for the SDP-1 and R-2-B zones, with the following limitations:

1. Lot size: The lot shall be a legal lot of record of six thousand (6,000) square feet in size or larger.

2. Appearance:

a. The creation of an internal accessory dwelling unit shall not be designed in a manner that changes the appearance of the primary building as a single-family dwelling.

b. An entrance or exit to or from the apartment shall be on either the side or rear of the dwelling.

E. Detached Buildings: An accessory apartment, as defined in Utah Code Annotated § 10-21-101, may be permitted in a detached building with the following limitations:

1. The property must be at least eleven thousand ~~twenty one thousand seven hundred and eighty~~ (11,000 ~~21,780~~) square feet in size or larger.

2. The maximum interior floor area of the accessory apartment shall not exceed forty percent (40%) of the square footage of primary dwelling or the following, whichever is less:

a. One thousand (1,000) square feet for lots between eleven thousand ~~twenty one thousand seven hundred and eighty~~ (11,000 ~~21,780~~) square feet and eighty-seven thousand one hundred and nineteen (87,119) square feet.

b. Twelve hundred (1,200) square feet for lots of between eighty-seven thousand one hundred and twenty (87,120) square feet and one hundred and thirty thousand six hundred and seventy nine (130,679) square feet.

c. Fourteen hundred (1,400) square feet for lots of three acres and larger.

3. The front wall of the detached structure shall be located at least ten (10) feet behind the front wall of the primary dwelling on the property.

4. The detached structure shall comply with § 18-84-230 of this title.

F. Parking: Parking shall be provided in accordance with the following standards:

1. A single-family dwelling with an owner-occupied accessory apartment shall provide at least one (1) off-street parking stall designated for use by the accessory apartment in addition to the required off street parking required for the single-family dwelling.

2. The designated parking stall may not be located within a garage unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit. The designated parking stall also may not be located directly behind a required parking stall for the primary dwelling unit.

3. Not more than one of the designated parking stalls may be located within:

a. The front yard setback; or

b. Side yard setback that is adjacent to a street.

4. A parking stall designated for use by the accessory apartment under this section shall be paved with asphalt or concrete, or be a hard surface material that will not generate dust or allow mud to be tracked onto City streets.

G. Application: Prior to construction or occupancy of an accessory apartment, a property owner shall submit an application with the information required on the official "accessory apartment permit" application maintained by the Community Development Department.

H. Application fees: At the time of application, the applicant shall pay the accessory apartment administrative fee as adopted in the official fee schedule of the Community Development Department.

I. Addressing: An owner-occupied accessory apartment will not be given a new address by the City. Single-family dwellings with owner-occupied accessory apartments can refer to mail to its accessory apartment by the same address as the primary dwelling and refer to the main address as “A” and the accessory apartment address as “B.” (Ord. 2008-14, 8-6-2008, eff. 9-24-2008; amd. Ord. 2011-11, 7-19-2011, eff. 8-14-2011; Ord. 2021-20, 8-4-2021; Ord. 2023-03, 4-12-2023; Ord. 2025-03, 3-19-2025)

18.84.460 Appeals

A. Creation. There is hereby created and established by the City Council an Appeals Hearing Officer to act as an Appeal Authority pursuant to Utah Code.

B. Appointment. The Appeals Hearing Officer shall be appointed as follows:

1. The Appeals Hearing Officer shall be appointed by the Mayor with the advice and consent of the City Council.

2. The Appeals Hearing Officer shall be appointed for a term of three (3) years and thereafter may be appointed for succeeding one-year terms.

3. The Appeals Hearing Officer shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use.

4. The Mayor may remove the Appeals Hearing Officer at any time and for any reason with the advice and consent of the City Council.

5. The Mayor may, from time to time and with the advice and consent of the City Council, appoint an Appeals Hearing Officer pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity, conflict of interest or disqualification of the regularly appointed Appeals Hearing Officer. Each Appeals Hearing Officer shall, as a minimum, have qualifications which are similar to the regularly appointed Appeals Hearing Officer.

C. Powers and Duties. The Appeals Hearing Officer is acting as the Appeal Authority for the City to hear and decide appeals of a land use decision by the designated land use authority applying a land use ordinance, or from a fee charged in accordance with Utah Code Annotated § 10-20-904. Appeals may not be filed for the enactments of a land use regulation.

D. Process. Appeals shall follow the process described below.

1. Decisions made by the land use authority may be appealed to the Appeals Hearing Officer by filing a notice of appeal in writing with the City Recorder. All valid appeals shall be filed within ten (10) business days of the date of action and shall include payment of the required filing fees as established by City Council resolution.

2. Within thirty (30) days of receipt of a valid appeal, the Appeals Hearing Officer shall set a date and time for the appeal hearing. The hearing date shall be scheduled no later than one hundred and twenty (120) days from the date the appeal was filed unless agreed to by the appellant.

3. The Appeals Hearing Officer may only allow the following people to speak during the appeal hearing:

a. The appellant or the appellant's representative;

b. The land use applicant or the land use applicant's representative; and

c. The City's representatives.

4. The Appeals Hearing Officer shall act in a quasi-judicial manner and:

a. Determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and

b. Interpret and apply a land use regulation to favor a land use applicant unless the land use regulation plainly restricts the land use application.

5. If the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's decision is illegal or is not supported by substantial evidence. If the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's decision is illegal, or that the factual findings are clearly erroneous.

E. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the Appeals Hearing Officer certifies after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause eminent peril of life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the district court on application and notice and on due cause shown.

F. Judicial Review of the Appeal Hearing Officer's Decision: Any person aggrieved by any decision of the Appeals Hearing Officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) days after the final decision by the Appeals Hearing Officer.

G. Variances: Variance requests shall be reviewed by the Planning Commission in accordance with § 18.84.360 of this title.

~~**18.84.460: APPEALS:**~~

~~A. Appeals To The Planning Commission: Decisions made by the Community Development Director or other official enforcing the provisions of this chapter may be appealed to the Planning Commission by filing a notice of appeal in writing with the Planning Commission Secretary. All valid appeals shall be filed within ten (10) business days of the date of action and shall include payment of the required filing fees as established by City Council resolution.~~

~~1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.~~

2. Within ten (10) business days after receipt of a valid appeal the Planning Commission Secretary shall set a date for public hearing at which the appeal shall be considered by the Planning Commission. All appeals shall be set for the next regular Planning Commission meeting unless insufficient time exists for public notice as established by State Code.

B. Appeals To The City Council: Decisions made by Planning Commission to approve or deny projects or appeals may be appealed to the city council by filing a notice of appeal in writing with the city recorder. All valid appeals shall be filed within ten (10) business days of the date of action and shall include payment of the required filing fees as established by city council resolution.

1. Such notice of appeal shall set forth specifically the ground or grounds upon which such appeal is taken, and the name, address and signature of the appellant.

2. Within ten (10) business days after receipt of a valid appeal the city recorder shall set a date for public hearing at which the appeal shall be considered by the city council. All appeals shall be set for the next regular city council meeting, unless insufficient time exists for public notice as established by state code.

C. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the community development director, planning commission or city council certifies after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause eminent peril of life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the district court on application and notice and on due cause shown.

D. Judicial Review Of City Council's Decision: Any person aggrieved by any decision of the city council may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) days after the final decision by the city council.

Attachment "2"
Correspondence

Lorena Hutchings
2201 West 325 South
Mapleton, Utah
lorenahutchings09@gmail.com
801-368-5714

April 14, 2026

Mapleton City Council
Subject: Request to Amend ADU Zoning Ordinance - Eliminate 40% Size Restriction

Dear Mayor Garrett and Members of the City Council,

I am a resident and property owner in Mapleton and am writing to formally request that the Council amend the current Accessory Dwelling Unit (ADU) ordinance to eliminate the limitation restricting ADUs to 40% of the size of the primary dwelling.

While I support the city's goals of maintaining neighborhood character, this restriction presents unnecessary barriers to creating much-needed housing.

We are planning to build an ADU of approximately 800–1,000 sq. ft. for my mother to reside in, which we feel is necessary for her to live comfortably. However, we have learned that under the current ordinance, the ADU is limited to 600 sq. ft. because our main home is 1,520 sq. ft.

Our home sits on a 0.48-acre lot, which is significantly larger than most in the area. Given this extra space, we have more than enough room to accommodate a larger ADU without impacting the surrounding environment or density.

Many state and regional jurisdictions are moving toward maximum square footage caps (e.g., 800-1000 sq ft) rather than restrictive percentage-of-lot formulas, which disproportionately penalizes owners of smaller, older homes.

I strongly believe that by updating this restriction to a reasonable, fixed square-footage maximum rather than a percentage, we can unlock the potential for responsible density without sacrificing the feel of our neighborhood.

If this ordinance can not be changed I would like to request a reconsideration or an exception based on our specific property.

Thank you for your time, consideration, and service to our community.

Sincerely,
Lorena Hutchings