



**EAGLE MOUNTAIN CITY**  
City Council Staff Report

**MAY 5, 2015**

**Project:** Development Code Amendment: Chapters 16.30, 16.35, 17.10, 17.30 (Parks & Open Space Requirements)

**Applicant:** City Staff

**Type of Action:** Ordinance; Public Hearing

**PC Recommendation:** Approval 4-0 (1 absent) on April 14, 2015

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**Background**

The parks and open space standards are in need of an update for several reasons:

1. The standards are too complicated for the developers to easily figure out, thus creating frustration, time delays, and additional staff time spent helping them understand.
2. Parks are lacking in the desired number or quality of amenities and improvements.
3. Park acreage is currently based on "buildable acreage" rather than population or number of residential lots/units, resulting in varied park requirements for projects with the same number of lots.

**Proposed Amendments**

Some of the staff, Planning Commission, and City Council thoughts/goals for Eagle Mountain parks have been the following:

- Creative, unique, destination parks
- Better improvements & amenities (not just the bare minimum or the basics)
- More quality and less quantity
- Parks improved earlier in the process
- Finished parks
- Parks to be designed as a key feature in the development, not just the unbuildable or left-over pieces
- Encourage larger parks, combined with other projects
- Simplify the process

In order to accomplish many of these goals, we are proposing the following key code changes:

- Park Classification
  - Removing the pocket, neighborhood, community, and regional park classifications and simply requiring improved open space and encouraging consolidation of park areas into larger parks
- Requiring park acreage per unit rather than per buildable acre – 1,000 sq ft per unit/lot
- Modifications to the park improvements points table based upon cost of improvements
- Require all parks in a preliminary plat to be improved with the first plat, or a cash deposit/bond for 200% of the pro-rata cost to be paid with each plat
- Full park design, including irrigation design, to be required at preliminary plat for any parks that the developer is relying on for their point values
- Fee-in-lieu is charged at 50% due with 1<sup>st</sup> plat, 50% due with 2<sup>nd</sup> plat
- Allow a swap or "buy-down" of required acreage (at 100 points/acre) by putting in extra points (amenities), at the discretion of the PC and CC, resulting in better, slightly smaller parks in those cases
- Not including grading, excavation, clearing, grubbing, or utility costs into the point values or cost estimates for determining points

These proposed changes don't accomplish all of the goals, but make a significant stride forward. We will likely return in the not-too-distant future with additional changes. We will also be looking at revisions to the parks section of the Impact Fee Facilities Plan.

Please see the attached proposals, and be prepared to discuss these amendments at the meeting. All additions are shown in red, and deletions are shown with a strikethrough. All language in black is the current code. I've also included a "park examples 2015" document that shows how many points would be required under the 100 points/acre system for existing parks in the city (or approved parks), and where these parks stack up with their point values. Please contact us with any clarifying questions prior to the meeting, and be prepared to make a motion (Approval, Approval with Changes, or Table with specific requested changes) at the meeting.

Park Examples  
100 points required per acre

**Eagle's Gate Park A**

1 Acre      100 Points  
Required

Pavilion - 500 sq ft	20
Playground	20?
4 Benches	8
1 Barbeque	0
5 Trees	2
2 Picnic Tables	4
Bike Rack	2
1 Garbage	0
Trails/Sidewalk (320 ft)	19
<b>Total</b>	<b>75</b>

(75 points/acre)



**Rush Valley Park**

0.368 Acres      37 Points Required

Playground	30?
6 Trees	3
<b>Total</b>	<b>33</b>

(90 points/acre)



**Eagle's Gate Park B**

1.11 Acres      111 Points  
Required

Playground	20?
2 Benches	4
BBQ	0
2 Picnic Tables	4
Grass Volleyball	0
1 Garbage	0
4 Trees	2
Bike Rack	2
Trails/Sidewalk (120 ft)	7
<b>Total</b>	<b>39</b>

(35 points/acre)



Park Examples  
100 points required per acre

**Saddleback Park**

1.07 Acres 107 Points  
Required

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Playground	30?	
Bench	2	
25 Trees	6	
2 BBQ	0	
1 Garbage	0	
Trails/Sidewalk	30	(500 ft)
4 Picnic Tables	8	
<b>Total</b>	<b>76</b>	

(71 points/acre)



**Porters Crossing Park**

1.42 Acres 142 Points  
Required

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Playground	30?	
3 Benches	6	
11 Trees	5	
Trails/Sidewalk	27	(450 L Ft)
Bike Rack	2	
Pavilion 480sq ft	19	
Grass Volleyball	0	
2 Garbages	0	
2 BBQ	0	
<b>Total</b>	<b>89</b>	

(63 points/acre)



**Liberty Farm Park**

0.365 Acres 36.5 Points  
Required

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Playground	15?	
13 Trees	5	
2 Benches	4	
3 Picnic Tables	6	
2 Garbage	0	
Bike Rack	2	
<b>Total</b>	<b>32</b>	

(88 points/acre)



Park Examples  
100 points required per acre

**Stonebridge Park**

0.70 Acres 70 Points  
Required

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Sports Court	100
4 Picnic Tables	8
9 Benches	18
Swingset	6
2 Garbages	0
Bike Rack	2
Hill/Tunnels	8?
Trails/Sidewalk (620 ft)	37
<b>Total</b>	<b>179</b>

(255 points/acre)



**Eagle Park**

1.56 Acres 156 Points  
Required

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Swingset	6
Playground	10?
22 Trees	9
Pavilion	16
1 BBQ	0
Tetherball	2
Garbage	10
<b>Total</b>	<b>53</b>

(34 points/acre)



**Overland Trails Park**

2.17 Acres 217 Points  
Required

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Playground	25?
Pavilion (500sq ft)	20
2 Benches	4
13 Trees	5
Horseshoes	2
Trail	65 (1080 ft)
Bike Rack	2
3 BBQs	0
<b>Total</b>	<b>123</b>



Park Examples  
100 points required per acre

(56.68 points/acre)

**Sunset Ridge Park**

2.2 Acres 220 Points Required

Rope Tower	46
Pavilions	32
4 Benches	8
45 Trees	17.6
Basketball Courts	40
Trail	19.5
Parking Lot	8.4
Pavilions	32
Swing Sets	12
<b>Total</b>	<b>183.5</b>

(83.4 points/acre)

\$138,105 amenities; 95927 sq ft park; \$62,775/acre

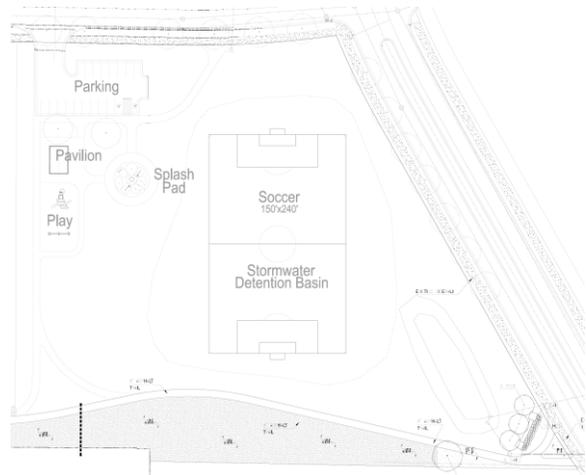


**Spring Run Park**

3.82 Acres 382 Points Required

Splash Pad	150
Play Structure	40
Swings	6
5 Trees	2
Pavilion	20
Trails	30
Parking Lot	22.8
<b>Total</b>	<b>270.8</b>

(70.89 points/acre)



**ORDINANCE NO. O- -2015**

**AN ORDINANCE OF THE CITY COUNCIL OF  
EAGLE MOUNTAIN CITY, UTAH  
AMENDING CHAPTERS 16 AND 17 OF  
THE EAGLE MOUNTAIN CITY MUNICIPAL CODE**

**WHEREAS**, the Eagle Mountain City Council (the “Council”) met in regular meeting on May 5, 2015, to consider, among other things, amending sections of the Eagle Mountain Municipal Code, as set forth more specifically on Exhibit A;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required public hearings have been held and all legal requirements have been met to amend the sections of the Municipal Code which are attached to this Ordinance as Exhibit A.
2. Chapter 16, Sections 16.30 and 16.35, and Chapter 17, Sections 17.10 and 17.30 of the Eagle Mountain Municipal Code are hereby amended as set forth more specifically on Exhibit A.
3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 5<sup>th</sup> day of May, 2015.

EAGLE MOUNTAIN CITY, UTAH

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Chris Pengra, Mayor

**ATTEST:**

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Fionnuala B. Kofoed, MMC  
City Recorder

## CERTIFICATION

The above ordinance was adopted by the City Council of Eagle Mountain City on the 5<sup>th</sup> day of May, 2015.

Those voting aye:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

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Fionnuala B. Kofoed, MMC  
City Recorder

# EXHIBIT A

## Proposed Amendments to Park & Open Space Standards

### 16.35.105 ~~Pocket park~~Park and improved open space requirements.

~~Pocket parks shall be a required improvement for subdivisions that have an average lot size less than one-half acre.~~The amount of land required for ~~pocket~~ parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone Bonus Density Entitlements. The ~~pocket~~ park requirements are intended to be flexible in order to best meet the recreation needs of a neighborhood. ~~provide relief, interest, and a gathering place for a neighborhood.~~

A. All ~~pocket parks~~improved open space must meet the following requirements:

1. Improved open space shall enhance the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, recreational amenities, or a general appearance of openness. Improved open space shall not include driveways, parking lots, sidewalks (adjacent to roads), any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. In order to count towards required improved open space, landscaped areas must be at least 2,000 square feet in size, no less than 20 feet in any dimension, and shall not exceed 15% slope.

2. Developers are encouraged, whenever possible, to consolidate improved open space into larger parks that may be used by more than one neighborhood, or improve existing nearby parks. Collocation with schools or other institutions is also encouraged. If the neighborhood is within 1,320 feet of an existing park, the developer may be required to improve the existing park rather than create additional park space within the development, at the discretion of the Planning Commission and City Council.

3. ~~They are to~~Parks shall be integrated as key features into the design of the street and residential lot pattern, and not simply be added as afterthoughts on less-buildable land. They shall be connected with homes and other neighborhood parks and open space areas via sidewalks or trails.

~~2. Pocket parks will generally be at least one-half acre each; however, they can be any configuration that adds amenity and identity to the neighborhood.~~

~~4. Pocket parks should provide the greatest accessibility by pedestrians, and nNo unit/lot should be located more than one-quarter mile from a park, wherever possible.~~pocket park, if possible.

~~5. Each pocket park must have access along a roadway.~~public road.

Proposed Amendments (Parks and Open Space Standards) to Ch 16.35

6. Parks shall be designed with a mixture of shrubs, trees, ornamental plantings, and grass areas. The landscape treatments shall be designed to enhance the sense of place while remaining water-wise.

7. Parks smaller than two (2) acres will generally be maintained by the community association or local homeowners' association. If no HOA exists or will exist for the project, a fee-in-lieu or improvement of an existing public park may be required.

8. Stormwater detention or retention basins may only be considered towards meeting the required improved open space if the useable portion of the pond is improved with sod and the basin is designed to be an amenity, including trails around the pond, boardwalks, bridges, or other features. The 10-year flood area generally will not be counted.

9. Natural open space areas shall be left in their natural state. These areas may be improved with paved trails and necessary improvements to establish trails and any associated viewing areas. Any disturbed open space caused by construction activities shall be restored to its natural state and the required revegetation shall not be counted towards improved open space requirements. Improvements within the open space shall be counted toward the minimum amenity requirement for a project. Only the amenity and not the adjacent area containing the amenity may be counted toward the required element points, at the approval authority's discretion.

10. Pocket parks Open space shall be fully constructed improved prior to recording the first plat in a project, or a separate cash bond/deposit must be put in place with the City with each plat to cover 200% of the pro-rata anticipated cost of park improvements. For example: Preliminary Plat = 100 lots; All parks & trails in preliminary plat = \$250,000 (200% = \$500,000); Final Plat = 20 lots; Cash bond/deposit for final plat = \$100,000 (\$500,000/100 x 20). according to a schedule set in the development agreement for the project, but shall be completed no later than after issuing 50 percent of the building permits in the development phase including the park, or 50 percent of the permits in the project, whichever comes first.

11. If the applicant elects, or the City Council requires the applicant, to pay a fee in lieu of park construction, 50 percent of the fee is due with the recordation of the first plat, and the second 50 percent is due with the second plat. In the case of only one plat, 100 percent is due with the plat's recordation. The fee-in-lieu is calculated at \$5.75 per square foot of required park space and shall be escrowed for the specific park. The required land shall either be dedicated to the city or a fee-in-lieu shall be provided for land purchase based on a third-party appraisal. If less than one acre of park space is required, a fee-in-lieu may be required instead of improved open space. If a fee-in-lieu is collected, the City shall determine the timing and location of park improvements, but the improvements should be made on a park to be used by the future residents of the development. If the developer is required to improve an existing park, the improvements shall be made prior to recording the first plat, or according to a timeline approved by the City Council. money shall be used to construct the park according to the timing in the development agreement.

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12. Required land shall be dedicated free and clear of all taxes and encumbrances at recordation of the first subdivision plat or approval of the first site plan.

B. The design of the ~~poCKET~~ parks and open space shall be proposed by the developer and reviewed and/or revised by the City. The City will use the parks and open space master plan, community desires and needs, and existing amenities in other parks to help determine appropriate elements for a specific park or open space area, largely at the discretion of the builder/developer. At least ~~seven-ten~~ points per 0.1 acre or ~~70-100~~ points per acre are required in the design of ~~a poCKET park~~ improved open space, according to Table 16.35.130(c), ~~Pocket and Neighborhood Park Elements~~. The following minimum programming is generally required for each ~~poCKET~~ park or open space area:

1. Grass area large enough for children's play or multi-use fields.
2. Shady seating areas s with benches or tables provided by a shade structure, pavilion, or grove of trees.

~~3. Parking on adjacent street.~~

~~34.~~ Additional uses, such as tot lots or other play structures, depending on the needs of the surrounding neighborhood and proximity to other play structures. Creative play structures are encouraged and may be given additional points.

~~45.~~ Must be connected to the neighborhood by sidewalks or trails, and should have internal trails.

~~56.~~ A variety of landscaping, including trees, shrubs, ornamental grasses, and water-wise landscaping etc.

~~6.~~ A basketball court, sports court, or other recreational element, depending on the size of the development and needs of the area.

~~77.~~ An appropriate number of garbage receptacles ~~and barbeques~~ with park elements, including pavilions, picnic tables, playground equipment, splash pad, benches, etc. [Ord. O-16-2011 § 2 (Exh. A)].

~~**16.35.110 Neighborhood park requirements.**~~

~~Neighborhood parks shall be a required improvement for subdivisions that have an average lot size less than one-half acre. The amount of land required for neighborhood parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone Bonus Density Entitlements.~~

~~A. Neighborhood parks shall comply with the following standards:~~

- ~~1. Neighborhood parks shall ideally be between three and five acres in size.~~

Proposed Amendments (Parks and Open Space Standards) to Ch 16.35

- ~~2. No lot/unit should be more than one-half mile from a neighborhood park, if possible.~~
- ~~3. Each neighborhood park must have access along a public road.~~
- ~~4. Neighborhood parks shall be effectively integrated into residential developments and connected with homes, other neighborhood parks, and open space areas via sidewalks or trails.~~
- ~~5. Parks shall be designed with a mixture of enhanced native plantings, ornamental plantings, and grass areas. The landscape treatments shall be designed to enhance the sense of place while remaining water-wise.~~
- ~~6. Parks shall be located as close as possible to the recommended neighborhood park distribution location in the parks and open space master plan.~~
- ~~7. Developers are encouraged to, whenever possible, consolidate neighborhood parks into larger parks that may be used by more than one neighborhood. Collocation with schools or other institutions is also encouraged.~~
- ~~8. Parks shall be constructed according to a schedule set in the development agreement for the project, but shall be completed no later than after issuing 50 percent of the building permits in the development phase including the park, or 50 percent of the permits in the project, whichever comes first.~~
- ~~9. If the applicant elects to pay a fee in lieu of park construction, 50 percent of the fee is due with the recordation of the first plat, and the second 50 percent is due with the second plat. In the case of only one plat, 100 percent is due with the plat's recordation. The fee-in-lieu is calculated at \$5.75 per square foot of park space and shall be escrowed for the specific park. The required land shall either be dedicated to the city or a fee-in-lieu shall be provided for land purchase based on a third-party appraisal. If a fee-in-lieu is collected, the money shall be used to construct the park according to the timing in the development agreement.~~

~~B. The design of neighborhood parks is largely to be determined by the builder/developer and the city based on the needs of the neighborhood. At least seven points per 0.1 acre or 70 points per acre are required in the design of a neighborhood park, according to Table 16.35.130(c), Pocket and Neighborhood Park Elements. The following elements are generally included in a neighborhood park:~~

- ~~1. Play structures (creative play structures are recommended).~~
- ~~2. Multi-use play field.~~
- ~~3. Internal trails.~~
- ~~4. Picnic tables.~~

~~5. Seating areas (benches).~~

~~6. Basketball court.~~

~~7. Enhanced open space.~~

~~8. Off-street parking.~~

~~9. Shelters (pavilions, etc.).~~

~~10. An appropriate number of garbage receptacles and barbeques with park elements, including pavilions, picnic tables, playground equipment, splash pad, benches, etc. [Ord. O-16-2011 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.11); Ord. O-07-2006 § 2 (Exh. 1 § 7.11); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.11)].~~

**~~16.35.120 Community parks.~~**

~~In addition to the pocket and neighborhood park requirements, all development projects are required to dedicate land or pay a fee in lieu for a community park. The amount of land required for community parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone Bonus Density Entitlements. The park will be improved through impact fees and/or other sources at the city's timing and discretion. Required land shall be dedicated free and clear of all taxes and encumbrances at recordation of the first subdivision or approval of the first site plan. Development applicants may decide to improve a portion of a community park up front and receive reimbursements at a later date, if agreed upon with the city. If the developer elects to pay a fee in lieu, the amount shall be determined through a third-party appraisal. Fee in lieu payments are required at recordation.~~

~~The focus of a community park is to meet community-based recreation needs, as well as preserve unique landscapes and open spaces. A community park may include any combination of the following: areas suited for intense recreational facilities, such as athletic complexes and large swimming pools; areas of natural quality for outdoor recreation, such as walking, viewing, sitting, and picnicking; community gardens; areas for tot lots or other playground equipment; pavilions; restrooms; and other elements depending upon site suitability and community need. The city will use the parks and open space master plan, as well as existing amenities in nearby parks, to help determine appropriate elements for a specific park. Collocation with schools or other institutions will be pursued, where possible. [Ord. O-16-2011 § 2 (Exh. A); Ord. O-27-2006 § 2 (Exh. A § 7.12); Ord. O-07-2006 § 2 (Exh. 1 § 7.12); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.12)].~~

**~~16.35.125 Regional parks.~~**

~~All development projects are required to dedicate land or pay a fee in lieu for a regional park. The amount of land required for regional parks shall be calculated during the master development plan, preliminary plat and/or site plan approval process, according to the requirements in Chapter 17.30 EMMC, Residential Zone Bonus Density Entitlements. Required land shall be dedicated free and clear of all taxes~~

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~~and encumbrances at recordation of the first subdivision or approval of the first site plan. The park will be improved through impact fees and/or other sources at the city's timing and discretion. If the developer elects to pay a fee-in-lieu, the amount shall be determined through a third-party appraisal. Fee-in-lieu payments are required at recordation.~~

~~The focus of a regional park is to meet community-based recreation needs, as well as preserve unique landscapes and open spaces. It also provides a location for larger community-wide amenities, such as a recreation center, a large swimming pool, a sports complex, an amphitheater, a rodeo arena, and other elements depending upon site suitability and community need. The city will use the parks and open space master plan, community desires and needs, and existing amenities in other parks to help determine appropriate elements for a specific regional park. [Ord. O-16-2011 § 2 (Exh. A)].~~

**16.35.130 Tables.**

All park or open space areas require sod with an improved irrigation system, flower/planter beds with irrigation, or similar improvements. In addition to grass and ~~other~~ irrigated landscaping, the following elements may be used to achieve the ~~seven-ten~~ points that are required per 0.1 acre (or ~~70-100~~ points per acre) of ~~park property required improved open space~~. Park features or elements that are not included in this table may be proposed by an applicant and are assigned points by the ~~P~~lanning ~~C~~ommission and ~~C~~eity ~~C~~ouncil. Applicant may propose a “buy down” of open space acreage by including additional amenities at a ratio of 150 points per acre, to be approved at the discretion of the Planning Commission and City Council.

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**Table 16.35.130(c) ~~Pocket and Neighborhood~~ Park & Improved Open Space Elements**

<u>Park Feature / Improvement</u>	<u>Points</u>
<u>Bench / Picnic Table (w/ shade structure or trees)</u>	<u>2</u>
<u>Bicycle Rack (4+ bikes)</u>	<u>2</u>
<u>Trees (5)</u>	<u>2</u>
<u>Shade Structure</u>	<u>4</u>
<u>Drinking Fountain</u>	<u>5</u>
<u>Asphalt or Concrete Trails – 8 ft wide, excluding sidewalks along streets (per 100 linear feet)</u>	<u>6</u>
<u>Parking* (5 stalls)</u>	<u>6</u>
<u>Swings (4+ swings)</u>	<u>7</u>
<u>Concrete Basketball Court (1/2)</u>	<u>20</u>
<u>Pavilion w/ tables, garbage receptacles, barbeques (per 100 square feet)</u>	<u>4</u>
<u>Playground Equipment* per \$1,000</u>	<u>2</u>
<u>Splash Pad* per \$1,000</u>	<u>2</u>

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<u>Tennis Court (6,600 sq ft or 55'x120')</u>	<u>100</u>
<u>Sports Court (6,600 sq ft or 55'x120')</u>	<u>100</u>
<u>Restroom (600+ sq ft)</u>	<u>100</u>
<u>Restroom (1200+ sq ft)</u>	<u>200</u>
<u>Public Art</u>	<u>Varies</u>
<u>Other Developer-Proposed Improvement</u>	<u>Varies</u>

<b>Park Feature/Improvement</b>	<b>Points</b>
<del>Bench/picnic table (w/ shade structure or trees)</del>	<del>2</del>
<del>Bicycle rack (4+ bikes)</del>	<del>2</del>
<del>Extra irrigated/improved space (per 1,000 square feet)</del>	<del>2</del>
<del>Trees (5)</del>	<del>3</del>
<del>Drinking fountain</del>	<del>4</del>
<del>Trails (per 100 linear feet)</del>	<del>4</del>
<del>Shade structure</del>	<del>4</del>
<del>Identifying signage (rock/stone)</del>	<del>5</del>
<del>Swings (4+ swings)</del>	<del>8</del>
<del>Public art*</del>	<del>5—15</del>
<del>Concrete basketball court (1/2)</del>	<del>15</del>
<del>Pavilion (400+ sq. ft.) w/ tables, garbage receptacle, barbeques</del>	<del>15</del>
<del>Pavilion (900+ sq. ft.) w/ tables, garbage receptacles, barbeques</del>	<del>20</del>
<del>Pavilion (greater than 2,000 sq. ft.) w/ tables, garbage receptacles, barbeques</del>	<del>30</del>
<del>Parking (5 stalls)</del>	<del>30</del>
<del>Playground equipment*</del>	<del>10—40</del>
<del>Splash pad*</del>	<del>20—40</del>
<del>Tennis court (6,600 sq. ft. or 55' x 120')</del>	<del>40</del>
<del>Sports court (6,600 sq. ft. or 55' x 120')</del>	<del>40</del>
<del>Restroom (600+ sq. ft.)</del>	<del>35</del>
<del>Restroom (1,200+ sq. ft.)</del>	<del>50</del>

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- \* ~~Public art, playground equipment, and splash pad points are determined based on size, cost, style, elements/features, and creativity.~~ Public art should reflect the neighborhood or community identity or culture. Creativity is encouraged in playground equipment and splash pads, and may be awarded more points than standard equipment. Costs for playground equipment and splash pads reflect equipment costs only. Parking must be adjacent to improved open space, and must be in addition to any required parking for the development. ~~Examples of playground equipment and splash pads and their associated point values are provided in the planning department.~~

## Chapter 17.10 DEFINITIONS

Sections:

- 17.10.010** What this chapter does.
- 17.10.020** General purpose.
- 17.10.030** Definitions.

“Improved open space” means park area that is improved as part of a residential development. Improved open space may include, but need not be limited to lawns, landscape areas, paved trails, active recreation areas, children’s playgrounds, swimming pools, ball fields, multi-purpose courts, tennis courts, and other approved park improvements. The design and included elements in required improved open space are approved at the discretion of the Planning Commission and City Council in accordance with EMMC 16.35. ~~means area that has been improved and landscaped as approved by the city. This area may include trails, parks, and other amenities. In Tiers I and II of the residential zone, improved open space is calculated as a percentage of a project’s buildable land. In Tiers III and IV it is calculated as a percentage of a project’s development density area acreage.~~

### Division III. Generally Applicable Requirements/Standards Chapter 16.30 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

Sections:

- 16.30.010 What this chapter does.
- 16.30.020 Purpose.
- 16.30.030 Eagle Mountain City construction specifications and standards.
- 16.30.040 Required improvements defined.
- 16.30.050 Installation at developer’s expense.
- 16.30.060 Guarantees.
- 16.30.070 Warranty of improvements.
- 16.30.080 Rural residential subdivisions.

#### **16.30.010 What this chapter does.**

This chapter requires the installation, contribution and dedication, at no cost to the city, of required improvements in developments at the developer’s expense, sets improvement standards or refers to other standards, permits the phased installation of improvements, and requires the perpetual maintenance of required improvements which are not dedicated to the city. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.1); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.1)].

**16.30.020 Purpose.**

The purpose of this chapter is to set forth the general requirements for all subdivisions in Eagle Mountain City. This chapter identifies required improvements, provides for a method of constructing required improvements, and provides for the construction bonding and warranty of public facilities. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.2); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.2)].

**16.30.030 Eagle Mountain City construction specifications and standards.<sup>1</sup>**

The city has adopted a publication titled, "Eagle Mountain City Construction Specifications and Standards." The provisions, standards and specifications found in this manual (and as amended in the future) are hereby incorporated herein by reference. The city engineer shall use this manual in the review of proposed construction plans for public facilities. Developers and subdividers shall also use this manual in the preparation of their construction plans. In addition, required improvements shall be installed in compliance with this title and any capital facilities plans, designs, and engineering standards separately adopted by the city or other agencies responsible for providing services to the development. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.3); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.3)].

**16.30.040 Required improvements defined.**

A "required improvement" is any legal entitlement such as water rights or other legal or tangible physical improvements required for compliance with state or local statutes and ordinances. Required improvements include, but are not limited to:

- A. Drainage System. A drainage system that addresses the impacts of the project on both off-site and on-site surface runoff water and that meets the requirements of Chapter [16.40EMMC](#);
- B. Buffers and Screens. Landscaped buffers, screening fences or walls, and similar improvements required to mitigate potential nuisances;
- C. Culinary Water and Wastewater Facilities. Water and sewer mains and related improvements, water storage, lift stations, and other utilities;
- D. Water Rights and Sources. Sufficient water, including sources if necessary, and water rights conveyed to the city and usable by the city for municipal purposes acceptable to the city attorney, and to meet all applicable city and other government regulatory standards for the uses proposed;
- E. Off-Street Parking Areas. Off-street parking and loading areas, including any required landscaping;
- F. Transportation Improvements. Roads and related improvements, including bridges, culverts, traffic control signs, and street trees (when applicable);
- G. Sidewalk and Trail Systems. Sidewalks and trail systems, including signage;

H. Parks and Open Space. Parks and open space as required in the preliminary approval of the project, including improvements to be made on property to be owned or maintained by a Home Owners' Association;

I. Restoration of Native Plants. Restoration of native plant materials and species in natural open space areas when they are disturbed (a temporary irrigation system may be required by the city engineer to stabilize plant material);

J. Utilities. Utilities such as telecommunications, electric power, natural gas, and any required conduit;

K. Street lighting;

L. Fire hydrants. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.4); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.4)].

**16.30.050 Installation at developer's expense.**

The installation of required improvements shall be at the developer's expense except that the city may choose to participate in the cost of certain improvements in order to correct deficiencies in areas outside the development, or to provide capacity for future development in accordance with the capital facilities plan or general plan. Where off-site improvements, such as utility extensions, are constructed at the developer's expense, provisions may be included in an agreement for reimbursement by landowners whose property subsequently benefits from the improvements. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.5); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.5)].

**16.30.060 Guarantees.**

Completion of the improvements identified in a notice of decision and approved plans shall be guaranteed by one of the methods listed below. A separate guarantee shall be required for each phase of the development.

A. Bond. The developer may place an amount equal to 110 percent of the estimated cost of the required infrastructure improvements in escrow or improvement bond, with that amount and the accumulated interest (for a cash escrow bond) being released only after the city has inspected and accepted the required improvements. The city council may approve a phased release of portions of the funds of the bond as work proceeds, but at least 10 percent of the total shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed, the city shall use as much as necessary of the escrow account or improvement bond to complete those improvements, then return any remaining balance to the developer or bonding agency.

1. Parks, Trails, and Open Space Improvements. ~~All required parks, trails, and open space improvements require a separate cash bond for each phase of the development.~~ All required parks, trails, and open space improvements in the preliminary plat or overall project are required to be improved prior to recording the first plat, or a separate cash bond must be put in place with the City with each plat to cover 200% of the pro-rata anticipated cost of park improvements. For example:

Preliminary Plat = 100 lots; All parks & trails in preliminary plat = \$250,000 (200% = \$500,000);  
Final Plat = 20 lots; Cash bond for final plat = \$100,000 (\$500,000/100 x 20).

B. City Attorney's Approval. Each escrow agreement, improvement bond or other security shall be in a form approved by the city attorney.

C. **Engineering** Inspections. Required improvements shall be inspected by the city engineer before acceptance. Such acceptance of required improvements shall be by approval of a bond release by the city council, following submission of the developer's written request for acceptance and receipt of the city engineer's report that all improvements have been inspected and are in compliance with this title and EMMC Title 17. Fees for the inspection of required improvements shall be remitted prior to the recordation of any final plats or prior to the construction of any public improvements in the case of construction not related to subdivision plats.

D. Parks and Open Space Inspections. Required parks, trails, and open space improvements shall be inspected by the Parks and Recreation Director (or designee) before acceptance. Such acceptance of these improvements shall be by approval of a bond release by the City Council, following submission of the developer's written request for acceptance and receipt of the Parks and Recreation Director's report that all these improvements have been inspected and are in compliance with this title and EMMC Title 17. Fees for the inspection of these improvements shall be remitted prior to the recordation of any final plats or prior to the pre-construction meeting for parks and open space, if improved prior to recording.

D. As-Built Drawings. The applicant shall pay the costs associated with the city preparing the as-built drawings of the public improvements prior to the release of any bonding amounts. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.7); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.7). Formerly 16.30.070].

#### **16.30.070 Warranty of improvements.**

A. Each required improvement shall be warranted by the developer for both materials and workmanship for two years after their acceptance. Enforcement of the warranty shall be assured by one of the following:

1. Ten Percent Retention – Escrow. Retention of 10 percent of an escrow account established to comply with this title; or
2. Ten Percent Retention – New Account. Establishment of a new escrow account, in which an amount no less than 10 percent of the cost of the required improvements is deposited, and which shall be released, with accumulated interest, upon expiration of the warranty.

B. Other construction, warranty and maintenance issues include:

1. Maintenance until Final Acceptance. The developer shall be responsible for the maintenance of improvements until there has been a final acceptance of the improvement.

2. Maintenance by Homeowners' Association. Any development that is subject to continuing maintenance requirements – such as multifamily residential developments or condominiums – shall create a homeowners' association. The developer shall submit the proposed declaration of covenants, conditions and restrictions, condominium declarations, articles of incorporation, and bylaws for the community association for review and approval by the city attorney.

3. Maintenance as Required by Title. The maintenance of any developed and/or landscaped open space required for compliance with this title or other city ordinances shall include, but not be limited to, upkeep of landscaping, parks, trails, and fencing, where required; control of noxious weeds; litter removal; and wildfire suppression. Maintenance activities shall not diminish the protected open space values (wetlands, slopes, etc.).

4. Landscape Maintenance. Maintenance of landscaped areas includes the installation and maintenance of an irrigation system, timely irrigation, weed and pest control, and all other activities required to maintain the function of the landscaped area. Sufficient water rights for the maintenance of landscaped areas shall be dedicated to the city.

5. Two-Year Completion. Improvements must be completed within two years of recording the final plat, unless a shorter period is otherwise provided in an agreement.

6. Improvements before Building Permits. Road access must be provided as approved by the city engineer, and fire hydrants must be operational with adequate fire flow as specified in the International Fire Code before any construction within the subdivision will be allowed to proceed above foundation level. Other restrictions contained in the International Building Code or the International Residential Code may also apply.

7. Infrastructure Completed before Certificates of Occupancy. Residential occupancy of structures within a subdivision shall not be allowed until all roads are asphalted, street signs installed, utilities (except telephone) and other required public infrastructure are installed and operable (see EMMC [16.05.100\(D\)](#)). The completion of required public parks may be governed by a notice of decision and shall not necessarily restrict residential occupancy. The city may allow residents to occupy a home when the weather precludes the streets from being asphalted so long as there is a guarantee that the streets will be asphalted when the weather permits.

8. Excavation Permits. Subdivisions that have received final plat approval may obtain an excavation permit to begin construction prior to recordation of final plats. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.8); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.8). Formerly 16.30.080].

**16.30.080 Rural residential subdivisions.**

Subdivisions that are to be reviewed under agricultural, base density, or Tier I residential zone development standards (see Chapters [17.20](#), [17.25](#) and [17.30](#) EMMC) may not be required to install the same public improvements as subdivisions developed in other zones. Requirements to install curbs, gutters, sidewalks, water and sewer utilities, and street lights may be waived by the city council after a

recommendation from the planning commission, upon condition that the developer provides for pedestrian circulation and accommodates water and sewer utilities and surface drainage throughout the subdivision. Necessary facilities may include, but not be limited to, trails and pathways, storm drainage detention ponds or secondary water facilities. [Ord. O-07-2014 (Exh. A); Ord. O-07-2006 § 2 (Exh. 1 § 6.9); Ord. O-23-2005 § 3 (Exh. 1(2) § 6.9). Formerly 16.30.090].

## **Chapter 17.30 RESIDENTIAL ZONE BONUS DENSITY ENTITLEMENTS**

Sections:

- [17.30.010](#) What this chapter does.
- [17.30.020](#) Purpose and objective.
- [17.30.030](#) Structure of bonus density entitlements.
- [17.30.040](#) Optional detailed bonus density vesting arrangements.
- [17.30.050](#) Application.
- [17.30.060](#) Bonus density criteria.
- [17.30.070](#) Tier I residential bonus density entitlements (required).
- [17.30.080](#) Tier II residential bonus density entitlements (optional).
- [17.30.090](#) Tier III residential bonus density entitlements (required).
- [17.30.100](#) Tier IV residential bonus density entitlements (optional).
- [17.30.110](#) Tables.
- [17.30.120](#) Improved open space calculations.

**17.30.010 What this chapter does.**

This chapter establishes the provisions and processes for the granting of bonus density to subdivisions and master development plans. [Ord. O-24-2008 § 2 (Exh. A § 6.1); Ord. O-27-2006 § 2 (Exh. A § 6.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.1)].

**17.30.020 Purpose and objective.**

The purpose and objective of this chapter is to identify the improvements, facilities, and amenities necessary to accommodate the demands of a higher density development and to provide developers with incentives to contribute necessary amenities and development upgrades that benefit city residents. This chapter is intended to allow maximum flexibility so as to foster creativity and innovation in development and to allow developers to respond to market demands. It is also the objective of this chapter to facilitate projects that will have a variety of housing types and attractive neighborhoods. [Ord. O-24-2008 § 2 (Exh. A § 6.2); Ord. O-27-2006 § 2 (Exh. A § 6.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.2)].

**17.30.030 Structure of bonus density entitlements.**

Bonus density entitlements, or increases in the number of residential units a developer is entitled to build on an acre (above the 0.8 residential dwelling units per acre base density of the residential zone), shall be permitted when a project provides additional improvements and amenities as outlined in this chapter. Bonus density entitlements are structured in tiers and are cumulative. The requirements of each tier must be met before bonus density from the next tier may be awarded. All bonus density entitlements granted by the city council are density maximums. It is the responsibility of the developer to demonstrate that a parcel designated for higher densities can accommodate the requested densities in compliance with all of the generally applicable requirements of this title and EMMC Title [16](#). All bonus density entitlements are subject to the applicable standards and limitations of this code, including EMMC [16.40.090](#), restricting construction and impermeable surfaces on sloped land. Bonus density will not be granted when the proposed improvement, facility, or amenity is an otherwise required improvement for a land use as found in this title and EMMC Title [16](#).

A. Density for Master Development Plans. Master development plans will be approved with bonus density ceilings in compliance with Tables 17.30.110(a) through (d), and will be formalized in a master development agreement. The specific improvements, facilities, and amenities shall be identified and agreed to during the master development plan approval process. The master development agreement will specify the improvements, facilities, and amenities to be funded and/or constructed within the development density areas throughout the development, in exchange for increased density entitlements. All development projects of 160 acres or more or those which propose any Tier III or Tier IV residential project shall have an approved master development plan. Smaller development projects may also participate in the master development plan process. Once a master development plan is approved, additional bonus densities are no longer available for the project.

B. Density for Preliminary Plats. Tier I and Tier II projects less than 160 acres may be developed through the preliminary plat process. Preliminary plats will be approved with bonus density ceilings in compliance with Tables 17.30.110(a) through (d), and will be formalized in a development agreement. The specific improvements, facilities, and amenities shall be identified and agreed to during the preliminary plat approval process. The development agreement will specify the improvements, facilities, and amenities to be funded and/or constructed within the development density areas throughout the development, in exchange for increased density entitlements. Once a preliminary plat is approved, additional bonus densities are no longer available for the project.

C. Density for Tier I and Tier II Residential Developments. All developments that have project densities greater than the base density residential 0.8 dwelling units per acre shall be developed with the improvements and amenities required to comply with the increased density entitlements. Table 17.30.110(a), Tier I Residential Bonus Density Entitlements (Required), and Table 17.30.110(b), Tier II Residential Bonus Density Entitlements (Optional), summarize the amenities for which bonus densities will be granted in Tier I and Tier II residential developments, respectively. The developer shall identify the specific improvements and amenities for the development project and the bonus density entitlement thereby earned with submission of a master development plan, and again with the submission of a preliminary plat application if the area's density exceeds the overall master development plan density. Approval is granted by the city council upon recommendation by the planning commission. Improvements and amenities shall be enumerated in a development agreement, which provides for bonding of all improvements and shall be approved by the city council.

D. Density for Tier III and Tier IV Residential Developments. All multifamily dwellings and other developments that have project densities between 5.21 and 22.7 dwelling units per acre shall be proposed in a master development plan. Table 17.30.110(c), Tier III Residential Bonus Density Entitlements (Required), and Table 17.30.110(d), Tier IV Residential Bonus Density Entitlements (Optional), summarize the amenities for which bonus densities will be granted in Tier III and Tier IV residential developments, respectively. All improvements and amenities listed on Tables 17.30.110(c) and (d) shall be developed within the boundaries of the project. The developer shall identify the specific improvements and amenities for the development project and the bonus density entitlement thereby earned with submission of a master development plan, and again with the submission of a preliminary plat application if the area's density exceeds the overall master development plan density. Approval is granted by the city council upon recommendation by the planning commission. Improvements and amenities shall be enumerated in a development agreement, which provides for bonding of all improvements and shall be approved by the city council. [Ord. O-24-2008 § 2 (Exh. A § 6.3); Ord. O-27-2006 § 2 (Exh. A § 6.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.3)].

**17.30.040 Optional detailed bonus density vesting arrangements.**

A developer or master developer may submit a plan specifying a bonus density arrangement within development density area(s), which indicates where more and less dense development will be located and demonstrating how the various densities average out to comply with the overall density entitlement within a development density area. Such a plan shall be submitted graphically with a map showing the outlines of the land to be built with various densities. If this option is exercised, and the bonus density arrangement is approved, then the developer and the city become bound by the terms of the arrangement and density within the development area is vested according to the approved arrangement. Any subsequent change in the density arrangement would require an amendment to the master development plan. Once a master development plan is approved, additional bonus densities are no longer available for the project. [Ord. O-24-2008 § 2 (Exh. A § 6.4); Ord. O-27-2006 § 2 (Exh. A § 6.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.4)].

**17.30.050 Application.**

The property owner or an authorized agent shall make application for bonus density on forms created by the planning director. Completed bonus density application forms shall be submitted as part of a master development plan application or preliminary plat application (when not processed previously as part of a master development plan). No bonus density application shall be processed without the submission of the completed application and supporting materials as required by this chapter. The fee to process the bonus density application is included in the preliminary plat or master development plan processes. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. Bonus density applications shall be submitted with supporting materials outlined in EMMC [17.30.060](#), Bonus density criteria. The supporting materials shall be as clear and concise as feasible when explaining future improvements. The supporting materials explaining the improvements and amenities that are being proposed for bonus density shall include, but not be limited to, plans, drawings, and cost estimates. An appropriate licensed professional shall prepare supporting materials when required by this chapter. [Ord. O-24-2008 § 2 (Exh. A § 6.5); Ord. O-27-2006 § 2 (Exh. A § 6.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.5)].

#### **17.30.060 Bonus density criteria.**

The improvements, facilities, and amenities listed in this section are available as improvements for which bonus density shall be granted by the planning commission and city council. Accordingly, the granting of bonus density for projects shall not be done in an arbitrary manner; projects that propose improvements that are consistent with the criteria set forth in this chapter shall be eligible for bonus density. The burden to demonstrate compliance with the criteria is upon the applicant. It shall be the role of the staff, planning commission, and city council to determine substantial compliance with the criteria. Notwithstanding these provisions the applicant may propose, and the planning commission may recommend to the city council, awarding density when a proposal diverges from the general criteria but an equivalent value to the city and its residents can be demonstrated. Upon receipt of this recommendation, the city council may exercise its discretionary powers associated with entering into agreements and award density once it has been determined that the proposed improvement, facility, amenity, or payment is within the public's interest. [Ord. O-24-2008 § 2 (Exh. A § 6.6); Ord. O-27-2006 § 2 (Exh. A § 6.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.6)].

#### **17.30.070 Tier I residential bonus density entitlements (required).**

Participation in Tier I entitles a developer to a bonus density increase of 0.8 units per acre in addition to the 0.8 base density within the development density area. Developers desiring this bonus density entitlement are required to fulfill the following obligations: (1) fund, construct or otherwise give value equaling \$2,000 per acre of buildable land, covered by the bonus density entitlement, toward completion of amenities with a community-wide benefit, described in this chapter and identified on Table 17.30.110(a) as Tier I amenities; (2) dedicate to the city as open space, and improve into parks or trails, four percent of the buildable land covered by the bonus density entitlement; (3) provide landscaped entryways and monument signage; (4) provide a professionally developed and stamped land plan, which provides for compatibility and buffering between uses and densities, creates and shows central features (including parks and open space), arranges lots around central features, and incorporates curvilinear

streets into the development layout; and (5) enter into a development agreement with the city setting forth the obligations and vesting that flow between the city and the developer relating to the proposed development on land covered by the bonus density entitlement.

A. Fund or Construct Community Improvement. The developer may contribute the value toward community amenities by constructing the amenity or providing an element toward the completion of an amenity, by dedicating land or water rights to the city for such amenities at fair market value or by contributing a fee of \$2,000 per acre of buildable land by paying a fee in lieu of dedicating or constructing, or by a combination of these methods. This fee is due at recordation of the plat with which it is associated. Amenities in Tier I include regional parks and public buildings. The city will determine the Tier I amenities that will be created with the developer contribution based on the priority of the community's needs and the suitability of each development to accommodate such an amenity. All Tier I amenities shall be constructed in a location that will serve the residents of the proposed development.

1. Regional Park Description and Purpose. Completed regional parks are improved tracts of land that are 30 to 50 acres in size. The purpose of regional parks is to provide recreational benefits sufficient to meet the needs of 20,500 residents or 5,000 dwelling units. Regional parks are intended to provide adequate facilities for organized sports and recreational activities as outlined in the city's capital facilities and parks plans. Regional parks are to be centrally located with good automobile and pedestrian access.

2. Improvements. Regional parks shall comply with the adopted standards of the park and recreational plan. Regional parks will include at a minimum the following: land, water rights, baseball and/or softball diamonds, soccer/football fields, concession areas, restroom facilities, parking areas, pedestrian walkways and trails, lighting, landscaping with irrigation systems, turf, trees, shrubs, and landscaping.

3. Public Buildings Description and Purpose. Public buildings include all improvements associated with the construction of the following types of buildings: fire stations, public works buildings, libraries, city administration offices, amphitheaters, stadiums, and community/recreation centers. These buildings will improve the level of services to residents in and around the development project. Providing a completed, builder-constructed amenity to the city requires that the amenity be completed in compliance with all published and approved standards and schedules for the type of improvement or construction and in accordance with a completion schedule as set forth in the development agreement.

4. Completion. A completion schedule for amenities to be improved by the developer, or for transfers of land, or any other timing of contributions toward community amenities shall be defined in each development agreement.

B. Open Space. The developer shall ~~configure four percent of the project's buildable land~~ provide 1,000 square feet per lot to be dedicated as improved open space. The planning commission may recommend

and the city council may ~~require approve~~ that open space requirements are satisfied by the developer paying a fee in lieu according to EMMC 16.35.105(A11). ~~The city engineer will recommend the fee for the city council to approve.~~ Parks and trails must be improved as required by the standards set forth in Chapter 16.35 EMMC.

C. Landscaped Entryways and Monument Signage. Entryways to projects and subdivisions shall be landscaped and shall include a monument entry sign as part of the Tier I required improvements. The purpose of these improvements is to create a unique identity for subdivisions through signage or a notable landmark, to help people find subdivisions, and to create a gateway into the subdivision or project. Landscaped entryways shall not be counted towards the improved open space requirement.

1. Improvements. A landscaped entryway with a monument sign shall be located at each entry to the development or subdivision. There shall be a prominent monument at the principal entry to the development that may consist of a water feature, sculpture, or monument sign that bears the name of the project. Entryway landscaping shall be designed and stamped by a licensed landscape architect. The approved plan shall have an irrigation system adequate to support the plantings selected, which may include drought-tolerant plants and native rock. The landscape architect shall select a variety of species that have color, blossoms, and foliage throughout the seasons. The ongoing maintenance of the landscaped entryway shall be by a homeowners' association organized and authorized to conduct such maintenance.

2. Completion. The construction of the landscaped entryway and monument shall be completed before the first certificate of occupancy is issued in the subdivision. The landscaped entryway and monument shall be bonded for with the subdivision improvements.

3. Supporting Materials. Landscaped entryway and monument plans (including elevations).

4. Evaluation. Monument signage shall not be governed by Chapter 17.80 EMMC but shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed.

D. Valuation of Land Involved in Tier I Transactions. In the event the city and developer agree that value toward community amenities will be contributed in the form of a land dedication to the city, the value of the land for purposes of bonus density entitlements is the appraised value at the time of bonus density vesting. In the event of a land sale to the city for a community amenity, the city will pay that appraised amount at vesting for the desired acreage. In the event of a dedication of land to the city, the developer will receive credit towards the per acre contribution up to that appraised amount. The city and the developer may agree to satisfy all or part of the Tier I contribution of value with dedication of land. Land offered to the city by developers for the purposes of this section may be located outside the land proposed for development, but community amenities constructed on the land must serve the development in which bonus density is vested. For example, a developer might purchase land for a fire station not within the proposed development benefiting from the bonus density entitlement, but the fire station would

have to be within a service area that would service the vested land. [Ord. O-24-2008 § 2 (Exh. A § 6.7); Ord. O-27-2006 § 2 (Exh. A § 6.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.7)].

**17.30.080 Tier II residential bonus density entitlements (optional).**

Developers who have participated in the Tier I bonus density entitlement, and thereby achieved an overall density of 1.6 units per acre, may participate in Tier II to earn additional density entitlements. Tier II consists of development improvements that are designed to offer an upgraded residential product to city residents. Developers may choose from one or more of these options to increase the overall density of the proposed subdivision or master plan. Tier II density requires eight percent of the project's buildable land to be dedicated to the city as improved open space. The planning commission may recommend and the city council may approve that open space requirements are satisfied by the developer paying a fee in lieu. The city engineer will recommend the fee for the city council to approve. Parks and trails shall be improved as required by the standards set forth in Chapter [16.35](#) EMMC.

A. Architectural and Landscape Design Guidelines, Covenants, Conditions and Restrictions, and Design Review Committee. Development density areas participating in the professionally prepared architectural design guidelines option shall be eligible for a bonus density of an additional one-half dwelling unit per acre.

1. Description and Purpose. Professionally prepared architectural and landscape design guidelines shall identify elements of design, construction, layout or premium features that enhance the residential experience. Professionally prepared design guidelines are expected to establish a coherent design concept and standards to be consistently applied throughout a project. The developer shall record covenants, conditions and restrictions (CC&Rs) reciting the architectural and landscape design guidelines and requiring compliance with the guidelines by future property owners. The CC&Rs shall also establish a private regulatory board such as an architectural review committee that reviews and approves site plans, building plans, landscaping plans, and subdivision plans prior to approval by the city. The private regulatory board shall be responsible for compliance with their architectural and landscape design guidelines.

2. Requirements and Standards. A licensed architect and landscape architect shall prepare and stamp the architectural and landscape design guidelines. Architectural and landscape design guidelines shall establish a design concept and specific elements that are explicit and binding upon the project. The text of the guidelines shall have regulatory language such as "shall" for requirements. The design guidelines shall have diagrams and typical standards that illustrate the design theme. Bonus density entitlements are subject to review and recommendation by the planning commission and final approval by the city council. Each body may negotiate changes in architectural and landscape guidelines with the developer before granting this bonus density entitlement.

3. Completion. Professionally prepared design guidelines shall be prepared and approved prior to bonus density entitlement vesting in a master development plan agreement or a preliminary plat approval.

4. Supporting Materials. Professionally prepared design guidelines (prepared by a licensed architect and landscape architect) and a template of the covenants, conditions, and restrictions to be recorded with future subdivisions shall be submitted with the bonus density application.

5. Evaluation. Professionally prepared design guidelines shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed. Upon review and approval, these guidelines shall be made an exhibit to the development agreement granting a bonus density entitlement. The bonus density offered for architectural and landscape design guidelines, covenants, conditions and restrictions, and design review committee is set to require an additional cost of roughly \$40,000 to \$60,000.

B. Street Trees, Enlarged Park Strips, Fencing, and Street Signposts. Development density areas participating in the street trees, enlarged park strips, fencing, and street signposts option shall be eligible for an additional 0.7 dwelling unit per acre bonus density entitlement.

1. Description and Purpose. Developers may participate in Eagle Mountain City's effort to plant trees in residential areas. A significant component of this effort is the planting of street trees in park strips along road rights-of-way (ROW). The purposes of street trees are to mitigate winds, create shade, and improve the streetscapes of neighborhoods. Participation in this bonus density entitlement requires the developer to install enlarged park strips along roads that require curb and gutter and are within the development density area covered by the bonus density entitlement. Any fees associated with this option shall be made when 50 percent of building permits in the development project or phase have been issued. Decorative open space fencing and street signposts may be installed throughout a development. The purpose of such fencing is to create a consistent design concept throughout the development. The decorative fencing is intended to create an improved streetscape and to create a visual and limited physical barrier that directs ingress and egress from parks, trails, open space and other community features to safe entry and exit points. Signposts are to be constructed with upgraded materials (not typical metal posts) and are intended to create an improved streetscape.

2. Improvements. In all development density areas participating in the street tree bonus density entitlement, the park strip width shall be increased from the city's standard of five feet to a minimum width of six feet along all rights-of-way that require curb, gutter and sidewalk. This is required to accommodate trees' roots at maturity and thereby protect curb, gutter, sidewalk and road from root damage. The developer shall also install a sleeve large enough to accommodate one one-inch irrigation pipe under the sidewalk in front of each residential lot at a location that will allow for irrigation pipe to be easily run from the water meter into the park strip. The location of the sleeve

shall be indicated by mark in the concrete on each side of the sidewalk. The sidewalk, curb, and gutter will be under warranty with the subdivision improvements.

Decorative fencing shall include, but not be limited to, materials such as cedar (or other durable or treated wood), vinyl, and masonry, and should be of consistent type and color throughout the development or subdivision. The surrounding uses and building materials may indicate, in part, the type of fencing materials. Decorative fencing (not privacy fencing) shall be installed around all dedicated and nondedicated open spaces, unbuildable lands, and parks, with periodic breaks in the fence to allow convenient and safe public access to these spaces. Decorative fencing shall be of such design as to not interfere with the view into or out of the open space it serves. Maintenance of decorative fencing shall be the responsibility of the homeowners' association organized and empowered for such a purpose. Street signposts shall be constructed from upgraded materials (not metal posts).

3. Completion. Enlarged park strips shall be constructed with the subdivision improvements. The city will determine the species of trees suited for planting and the appropriate location for planting of trees. The city will arrange for purchase and planting of the trees (and for the installation of irrigation when necessary). The city, at its discretion, shall install trees. Park strip tree planting may be done at the time a lot is landscaped or at any time when adequate irrigation is assured and when seasonal considerations permit. There is no guarantee or suggestion that any particular lot will or will not have a street tree or trees.

Street signs and decorative fencing shall be installed with the subdivision improvements, unless such fencing would interfere with completion of other construction, in which case decorative fencing shall be installed at the earliest time it would not so interfere.

4. Supporting Materials. Developers participating in this bonus density entitlement opportunity will show the required widened park strips on all plat submissions, for planning commission review and recommendation and for city council approval, and shall thereby be made part of the development agreement.

Fencing and street post typical drawings prepared and stamped by the appropriate professionals, along with an improvement estimate, shall be submitted with the bonus density application.

A template of the covenants, conditions, and restrictions to be recorded on the property shall also be submitted. The CC&Rs shall provide for a homeowners' association that can perform entryway maintenance, shall specify decorative fencing types and shall set forth a schedule for installation of street signposts.

5. Evaluation. Street trees, enlarged park strips, decorative fencing and upgraded street signposts shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed. Developers shall pay a fee to cover the purchase and planting of the trees in the amount of \$600.00 per residential unit contained

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within the development density area covered by this bonus density option. Upon review and approval, these guidelines shall be made an exhibit to the development agreement documents granting bonus density entitlements.

C. Masonry Materials. Use of masonry material on building exteriors shall make a project eligible for an additional one unit per acre bonus density entitlement increase.

1. Description and Purpose. Masonry materials include rock, stucco, and brick, and are intended to add an upgraded architectural feature to buildings within the project.

2. Improvements. To qualify for masonry materials bonus density, 75 percent of the exterior materials for residential structures shall be masonry materials, including accessory buildings such as garages. For the purposes of this section, masonry materials are rock, stucco, and brick.

3. Completion. The use of masonry materials shall occur with the construction of each phase of the development.

4. Submittal. This requirement shall be defined in the project's development agreement and CC&Rs.

5. Evaluation. The planning commission and city council shall review and approve the masonry materials during the preliminary plat review process.

D. Residential Lot Landscaping. Development density areas participating in the residential lot landscaping option shall be eligible for up to an additional one and one-half dwelling units per acre bonus density entitlement within the area.

1. Description and Purpose. Residential lot landscaping includes sod or successful hydroseed, irrigation, and planting of required trees on residential lots. The intent of residential lot landscaping is to improve the streetscape and reduce storm water runoff and erosion onto adjacent properties or into the storm drainage system.

2. Improvements. Residential full lot landscaping includes landscape improvements on the lot area (with priority being given to landscaping in the front yard first, then side yards, and then rear yards) that is not developed with a structure, driveway, and/or sidewalk. Front and side yard landscaping vests the project with a bonus density entitlement of one unit per acre. Rear yard landscaping vests the project with an additional one-half unit per acre bonus density entitlement. Specifically, these landscape improvements shall include, but are not limited to, sod (or successful hydroseed), required trees, and irrigation systems. Xeriscaping shall not be allowed unless a licensed landscape architect designs the landscape plan to prevent harmful runoff and erosion. Xeriscaping shall in no case cover more than 75 percent of landscaped area.

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3. Completion. Lot landscaping improvements shall be constructed prior to occupancy of each home within the subdivision. The builder shall post a \$4,000 bond per unit for lot landscaping. In cases of inclement weather, landscaping shall be completed no later than six months after the issuance of a certificate of occupancy.

4. Supporting Materials. Typical landscaping plans shall be prepared and stamped by a landscape architect along with an improvement estimate which shall also be submitted. The final landscape plan shall be submitted with the building permit.

5. Evaluation. Typical landscaping plans shall be approved by the city council upon receiving a recommendation from the planning commission prior to the development agreement being executed.

E. Recreational Amenities. Development density areas participating in the recreational amenities option are entitled to an additional 0.1 to 0.6 dwelling unit per acre bonus density entitlement within the development density area, depending upon the amenity chosen.

1. Description and Purpose. Recreational amenities may include volleyball courts, tennis courts, baseball or softball backstops and fields, skate parks, pavilions or other recreational amenities, and restroom facilities at the location of such amenities in public parks, dedicated open spaces or on unbuildable lands.

The purpose of these amenities is to improve the residential experience by providing accessible recreational facilities, thereby increasing recreational opportunities for residents, and to enhance the value of homes within the development density area covered by this bonus density entitlement.

2. Improvements. Developer-installed recreational amenities may include basketball courts, volleyball courts, tennis courts, baseball or softball backstops and fields, skate parks, pavilions, fitness trails, etc., along with supporting restroom facilities or other necessary service facilities above and beyond those amenities otherwise required for improved parks and trails. Recreational amenities may be constructed in improved or landscaped areas such as along trailways, open spaces, or neighborhood parks. Recreational amenities may also be placed on unbuildable lands. Amenities on unbuildable lands shall include adequate pedestrian access. All recreational amenities shall include facilities to fully utilize the amenity (including restrooms and drinking fountains) and shall be designed to minimize overall maintenance and operation costs. The developer may dedicate unbuildable lands containing amenities to the city or may retain ownership. If a developer desires to dedicate unbuildable land containing developer-installed recreational amenities to the city, the city will accept the land but the developer will receive credit towards this bonus density entitlement only for the value of the improvements that make up the amenity, not the value of the unbuildable land dedicated to the city.

3. Completion. Recreational amenities construction shall commence upon 50 percent of the building permits being issued in the project or the phase containing the amenity and shall be

completed upon 75 percent of building permits being issued for the project or phase. Notwithstanding this schedule, the city may require the improvements to be constructed at an earlier time based on the size of the development if specified in the development agreement.

4. Supporting Materials. The site plan and elevations, as applicable, of the improvements shall be prepared by the appropriate licensed professional along with an improvement estimate which shall also be submitted with the bonus density application. Large construction plans prepared by the appropriate licensed professional shall be prepared prior to the construction of these improvements.

5. Evaluation. Recreational amenities shall be approved by the city council upon receiving a recommendation from the planning commission, prior to the development agreement being executed. Upon review and approval, the site plan and improvement estimates shall be made an exhibit to the development agreement granting bonus density. Recreational amenities are estimated to constitute an additional \$10,000 to \$100,000. [Ord. O-24-2008 § 2 (Exh. A § 6.8); Ord. O-27-2006 § 2 (Exh. A § 6.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.8)].

**17.30.090 Tier III residential bonus density entitlements (required).**

A development is designated Tier III residential when the project density is between 5.2 and 12.2 dwelling units per acre. Participants in Tier III residential bonus density entitlements shall receive an additional seven units per acre. All Tier III residential developments are required to provide the Tier III clubhouse. Tier III residential developments of more than 150 per pod shall include a swimming pool in addition to the clubhouse facility. The maximum number of units in a single Tier III development is 250.

A. Improved Open Space. One thousand square feet improved open space is required per lot or residential unit. Common open space areas within multi-family projects shall not count towards this requirement, unless a large area is planned that meets the criteria found in EMMC 16.35.105.~~In addition to the required Tier II improved open space of eight percent of the total buildable land, 10 percent of the Tier III development area is required as improved open space. This open space (10 percent) is to be located within walking distance of all Tier III dwelling units. See EMMC 17.30.120 for example open space calculations.~~

B. Clubhouse.

1. Description and Purpose. A clubhouse that is centrally located in the development is intended to provide a recreational and social amenity to residents. No clubhouse shall serve more than 250 residential units. Multifamily developments may therefore require multiple clubhouses.

2. Improvements. A clubhouse shall be constructed at a minimum of 1,200 square feet in size. The clubhouse shall include food serving facilities, large gathering areas suited to community meetings and events and restroom facilities. The clubhouse shall be constructed from upgraded materials as compared to those typically used for residential structures in the development. The clubhouse shall be adjacent to the pool. To fulfill the required Tier III amenity assessment, developers may include

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and install in the clubhouse any amenities they determine will be of greatest use to the residents and will add greatest value to their development. These amenities may include exercise equipment, facilities to accommodate the arts, multimedia equipment, upgraded food preparation or service facilities, outdoor facilities including sport courts and tot lots adjacent to the clubhouse.

3. Completion. The construction of the clubhouse shall commence no later than upon the sale of 10 percent of number of units at project buildout. The clubhouse shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. Clubhouse elevations and a floor plan stamped by a licensed architect along with an improvement estimate shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve the clubhouse structure during the site plan review process. Tier III amenity improvements shall constitute no less than an additional \$1,000 dollars per unit cost.

C. Swimming Pool.

1. Description and Purpose. An in-ground swimming pool that is centrally located in the development is intended to provide a recreational and social amenity to residents. No pool shall serve more than 250 units; multifamily developments may therefore require multiple pools.

2. Improvements. An in-ground swimming pool that is a minimum of 1,000 square feet in size, as well as other approved water recreation facilities. Depending upon the number of units in the project, the planning commission may recommend that the size requirement of the pool be adjusted so that it accommodates 35 percent of the residents in the pool at any given time. A non-sight-obscuring fence shall surround the pool and other provisions contained in the supplementary land use regulations of this title. A concrete patio and patio furniture shall surround the swimming pool.

3. Completion. The construction of the pool shall commence no later than upon the sale of 10 percent of number of units at project buildout. The swimming pool shall be completed by the time 50 percent of units in project or phase have been sold. The swimming pool shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. The swimming pool facility plans stamped by the appropriate professionals along with an improvement estimate shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve the swimming pool facility during the site plan review process. Tier III amenity improvements shall constitute no less than an additional \$1,000 per unit cost. [Ord. O-24-2008 § 2 (Exh. A § 6.9); Ord. O-27-2006 § 2 (Exh. A § 6.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.9)].

**17.30.100 Tier IV residential bonus density entitlements (optional).**

Tier IV residential developments may choose to qualify for additional bonus density entitlements for the following improvements, features and upgrades. Tier IV options (listed in Table 17.30.110(d)) are available only to developments that have fulfilled required Tier I, II and III project amenity improvements for bonus density entitlement. Tier IV projects may be developed in pods of no more than 250 units served by one clubhouse and buffered from other residential or commercial uses, including other multifamily pods, as required by this title.

A. Improved Open Space. ~~In addition to the required Tier II improved open space of eight percent of the total buildable land, 10 percent of the Tier III and IV development area is required as improved open space. This open space (10 percent) is to be located not greater than 1,320 feet (one-fourth mile) from all Tier III and IV dwelling units. See EMMC 17.30.120 for example open space calculations. One thousand square feet improved open space is required per lot or residential unit. Common open space areas within multi-family projects shall not count towards this requirement, unless a large area is planned that meets the criteria found in EMMC 16.35.105.~~

B. Covered Parking. Covered parking shall be eligible for a one and one-half unit bonus density increase above the base density.

1. Description and Purpose. An assigned covered parking stall per unit shall be located in close proximity to the dwelling. Covered parking stalls are meant to provide convenient off-street parking stalls for the residents.

2. Improvements. One covered parking stall shall be required for each unit. The parking structure shall completely cover the city's standard parking stall dimension of nine feet by 20 feet. The parking structure shall be constructed of colors that are of similar quality to the residential structures in the project.

3. Completion. The construction of covered parking for each unit shall occur with the construction of each phase of the development. The covered parking shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.

4. Submittal. The covered parking stall structure, including elevations, improvement estimates, and construction plans stamped by a licensed engineer, shall be submitted.

5. Evaluation. The planning commission and city council shall review and approve covered parking structures during the site plan review process.

C. Garages. Garages providing space for parking one car per residential unit shall be eligible for an additional three and one-half units per acre bonus density entitlement increase.

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1. Description and Purpose. One garage parking space per unit shall be located in close proximity to the dwelling and is intended to provide convenient and secure off-street parking for the residents.
2. Improvements. One parking stall per unit shall be in an enclosed garage. A separate single garage may be constructed for each unit or a common enclosed garage to accommodate all units in a building may be constructed. The garage doors shall be automated. Other entrances shall be accessed by key. Enclosed garages may be either detached or attached to the residential structure. Garage doors on separate, single-car garages serving one unit shall have a minimum garage door opening width of 10 feet and seven feet in height. The depth of single-car garages shall be 20 feet. Common enclosed garages provided to accommodate multiple units shall offer stalls that comply with other city-wide parking standards.
3. Completion. The construction of garage parking for each unit shall occur with the construction of each phase of the development. The garage parking shall be bonded for with the subdivision improvements. Applicants shall submit a building permit application prior to constructing this improvement.
4. Submittal. The garage elevations, improvement estimates, and construction plans stamped by a licensed engineer shall be submitted.
5. Evaluation. The planning commission and city council shall review and approve garage parking structures during the site plan review process.

D. Masonry Materials. Use of masonry material on building exteriors shall make a project eligible for an additional three and one-half units per acre bonus density entitlement increase.

1. Description and Purpose. Masonry materials include rock, stucco, and brick and are intended to add an upgraded architectural feature to buildings within the project.
2. Improvements. To qualify for masonry materials bonus density, 75 percent of the exterior materials for multifamily structures shall be masonry materials, including all accessory buildings such as garages and a clubhouse. For the purposes of this section, masonry materials are rock, stucco, and brick.
3. Completion. The use of masonry materials shall occur with the construction of each phase of the development.
4. Submittal. All building elevations, showing the masonry materials and stamped by a licensed architect, shall be submitted.
5. Evaluation. The planning commission and city council shall review and approve the masonry materials and elevations during the site plan review process.

E. Storage Units. Provision of individual storage units for each residential unit in a multifamily development shall be eligible for an additional three and one-half units per acre bonus density entitlement increase.

1. Description and Purpose. Secured storage units are intended to provide residents with a space to secure personal items.
2. Improvements. A secured storage unit with no less than 100 square feet of contiguous floor area shall be provided for each unit. The storage units may be incorporated into garages or covered parking; provided, that it meets the requirement of 100 square feet of contiguous floor area.
3. Completion. The construction of the storage space for each unit shall occur with the construction of each phase of the development.
4. Submittal. Floor plans showing the storage areas, stamped by a licensed engineer, shall be submitted.
5. Evaluation. The planning commission and city council shall review and approve the storage units during the site plan review process. [Ord. O-24-2008 § 2 (Exh. A § 6.10); Ord. O-27-2006 § 2 (Exh. A § 6.10); Ord. O-23-2005 § 3 (Exh. 1(1) § 6.10)].

**17.30.110 Tables.**

**Table 17.30.110(a) Tier I Residential Bonus Density Entitlements (Required)**

Bonus Density	Improvement	Required/Optional
0.8	Base Density Improvements	Required
0.8	Improved open space: <del>1,000 square feet improved open space per lot (fee-in-lieu encouraged)</del> 4% improved open space (total buildable acres)	Required
	Fund or construct community improvements/amenities	Required
	Entryways and monuments	Required
	Professional land planning	Required
1.6	<b>Total density granted required to do all improvements noted above</b>	

0.81 to 1.6 dwelling units per acre: Tier I.

**Table 17.30.110(b) Tier II Residential Bonus Density Entitlements (Optional)**

Bonus Density	Improvement	Required/Optional
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0.8	<i>Base Density Improvements</i>	<i>Required</i>
0.8	<i>Tier I Improvements</i>	<i>Required</i>
	Improved open space: <del>8%1,000 square feet</del> improved open space <u>per lot/unit (total buildable acres)</u>	
0.5	Architectural and landscape guidelines/CC&Rs/design review committee	Optional
0.7	Street trees, enlarged park strips, fencing, and street signposts	Optional
1.0	Masonry materials (75% of the exterior)	Optional
Up to 1.5	Residential lot landscaping (1 front and sides, 0.5 rear)	Optional
0.1 – 0.6	Recreational amenities	Optional
<b>5.9</b>	<b>Total available (cannot exceed 5.2 dwelling units per acre)</b>	

1.61 to 5.2 dwelling units per acre: Tier II.

**Table 17.30.110(c) Tier III Residential Bonus Density Entitlements (Required)**

<b>Bonus Density</b>	<b>Improvement</b>	<b>Required/Optional</b>
0.8	<i>Base Density Improvements</i>	<i>Required</i>
0.8	<i>Tier I Improvements</i>	<i>Required</i>
3.6	<i>Tier II Improvements</i>	<i>Required</i>
7.0	Improved open space: <del>8% improved open space (total buildable acres)</del> <u>plus 10% of Tier III development acreage 1,000 square feet improved open space per lot/unit</u>	Required
	Clubhouse (all multifamily development)	Required
	Swimming pool	Required
<b>12.2</b>	<b>Total density granted required to do all improvements noted above</b>	

5.21 to 12.2 dwelling units per acre: Tier III.

**Table 17.30.110(d) Tier IV Residential Bonus Density Entitlements (Optional)**

<b>Bonus Density</b>	<b>Improvement</b>	<b>Required/Optional</b>
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0.8	Base Density Improvements	Required
0.8	Tier I Improvements	Required
3.6	Tier II Improvements	Required
7.0	Tier III Improvements	Required
	<del>Improved open space: 8% improved open space (total buildable acres) plus 10% of Tier III and Tier IV development acreage</del> <u>1,000 square feet improved open space per lot/unit</u>	
1.5	Covered parking	Optional
3.5	Garages	Optional
3.5	Masonry materials (75%)	Optional
3.5	Storage units (100 square feet)	Optional
<b>24.2</b>	<b>Total available (cannot exceed 22.7 dwelling units per acre)</b>	

12.21 to 22.7 dwelling units per acre: Tier IV.

[Ord. O-24-2008 § 2 (Exh. A Tables 6.1 – 6.4); Ord. O-27-2006 § 2 (Exh. A Tables 6.1 – 6.4); Ord. O-23-2005 § 3 (Exh. 1(1) Tables 6.1 – 6.4)].

**17.30.120 Improved open space calculations.**

**Example 1**

~~Total Land Area: 160 Acres~~

~~Total Buildable Land: 100 Acres~~

~~Tier I and II: 80 Acres~~

~~Tier III and IV: 20 Acres~~

~~8% x 100 = 8 Acres~~

~~10% x 20 = 2 Acres (to be built within Tier III and IV areas)~~

~~Total Improved Open Space Required = 10 Acres (10% of buildable land)~~

**Example 2**

~~Total Land Area: 160 Acres~~

~~Total Buildable Land: 100 Acres~~

Tier I and II: 50 Acres

Tier III and IV: 50 Acres

$8\% \times 100 = 8$  Acres

$10\% \times 50 = 5$  Acres (to be built within Tier III and IV areas)

Total Improved Open Space Required = 13 Acres ( $\pm 13\%$  of buildable land)

**Example 3**

Total Land Area: 30 Acres

Total Buildable Land: 30 Acres

Tier I and II: 25 Acres

Tier III and IV: 5 Acres

$8\% \times 30 = 2.4$  Acres

$10\% \times 5 = 0.5$  Acres (to be built within Tier III and IV areas)

Total Improved Open Space Required = 2.9 Acres ( $\pm 10\%$  of buildable land)

**Example 4**

Total Land Area: 30 Acres

Total Buildable Land: 30 Acres

Tier I and II: 0 Acres

Tier III and IV: 30 Acres

$8\% \times 30 = 2.4$  Acres

$10\% \times 30 = 3.0$  Acres (to be built within Tier III and IV areas)

Total Improved Open Space Required = 5.4 Acres ( $\pm 18\%$  of buildable land)

[Ord. O-24-2008 § 2 (Exh. A, Exh. 6.5)].