

**ORDINANCE NO. O-       -2016**

**AN ORDINANCE OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH  
AMENDING CHAPTERS 16 AND 17 OF THE EAGLE MOUNTAIN MUNICIPAL  
CODE FOR SIDEWALKS, TRAILS AND PATHWAYS; DEFINITIONS; RESIDENTIAL  
ZONE; PROJECTION INTO SETBACKS; AND ACCESSORY APARTMENTS**

WHEREAS, the Eagle Mountain City Council (the “Council”) met in regular meeting on June 21, 2016, to consider, among other things, amending sections of the Eagle Mountain Municipal Code;

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 section of the Municipal Code which are attached to this Ordinance as Exhibit A.
2. Chapter 16.35.100 Sidewalks, Trails and Pathways; Chapter 17.10 Definitions; Chapter 17.25 Residential Zone; Chapter 17.25.180 Projection into Setbacks; Chapter 17.30 Residential Zone Bonus Density Entitlements; and Chapter 17.70 Accessory Apartments 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 21<sup>st</sup> day of June, 2016.

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 this 21<sup>st</sup> day of June, 2016.

Those voting aye:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

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Fionnuala B. Kofoed, MMC  
City Recorder

# EXHIBIT A



**EAGLE MOUNTAIN CITY**  
 City Council Staff Report  
**JUNE 21<sup>ST</sup>, 2016**

Project: Development Code Amendments:  
 Applicant: City Staff  
 Type of Action: Action Item

**Background**

Staff has been reviewing the Eagle Mountain Municipal Code (EMMC) and making changes to ensure it is consistent, easy to understand, and useful. During this review staff found a number of items that require attention

**Proposed Amendments**

Staff recommends that the following miscellaneous change to the EMMC. Among the change is the removal of a reference to a chapter of the code that no longer exists, and the increase of the Local Road Right-of-Way (ROW) to 53', the increase of 2' will facilitate 5' sidewalks, the proposed code changes are provided below:

**16.35.100 Sidewalks, trails, and pathways.**

C. Street Lighting. Street lighting shall be installed where necessary to ensure the safety of pedestrians, but may not be required in agricultural, base density, or Tier I residential developments (see [EMMC-16.30.090](#) and Chapter [17.25](#) EMMC), except at subdivision entryways. [Ord. O-27-2006 § 2 (Exh. A § 7.10); Ord. O-07-2006 § 2 (Exh. 1 § 7.10); Ord. O-23-2005 § 3 (Exh. 1(2) § 7.10)].

Table 16.35.130(b) Right-of-Way Classifications	
	Local Street
Right-of-Way	5± <del>50</del> 53
Cross Slope	3%
Minimum Street Grade	0.50%
Maximum Street Grade	10%
Curb and Gutter Width (inches)	30
Swale Width (Feet)	N/A
Turn Pocket Width	0
Acceleration/Deceleration Lane	0
Median Width	0
Planter Strip Width	5
Curb	Mod Curb
Sidewalk Width/Multiuse Path	<del>4</del> 5
Minimum Distance Between Intersections (feet)	200
Minimum Horizontal Curve Centerline Radius	125
Number of Emergency Lanes	1
Emergency/Parking Lane Width	8
Number of Lanes	2
Lane Width	10
Signed Speed (MPH)	25
Parking	allowed
Average Daily Traffic	up to 3,000

This code amendment increases the right-of-way to 53' for local roads to require 5' sidewalks.



**EAGLE MOUNTAIN CITY**  
City Council Staff Report  
**JUNE 21<sup>ST</sup>, 2016**

*Project:* Development Code Amendments: Chapter 17.10 (Definitions)  
Chapter 17.25 Residential Zone  
*Applicant:* City Staff  
*Type of Action:* Action Item

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***Background***

Staff has been reviewing the Eagle Mountain Municipal Code (EMMC) and making changes to ensure it is consistent, easy to understand, and useful. During this review staff found a need to clarify the definition of Manufactured Home or Dwelling, and where they are permitted within the City

***Proposed Amendments***

Staff recommends that the following codes be amended to clarify the definition of Manufactured homes or dwellings, and the addition of minimum design standards in the residential zone. The proposed code changes are provided below.

**Chapter 17.10  
DEFINITIONS**

“Manufactured home or dwelling” means a single-family dwelling complying with the National Manufactured Home Construction and Safety Standards Act (4 USC 5401), the International Building Code or the International Residential Code. Mobile homes, travel trailers, houses mounted on self-propelled or drawn vehicles, shipping containers and tents or other forms of temporary housing or portable housing are not included within this definition.

**17.25.080 Generally applicable residential zone provisions.**

C. Minimum Design Standards. All residential dwellings shall incorporate elements of masonry, siding, windows and main entry doors on front elevation.



**EAGLE MOUNTAIN CITY**  
City Council Staff Report

**JUNE 21<sup>ST</sup>, 2016**

Project: Development Code Amendments:  
Applicant: City Staff  
Type of Action: Action Item

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**Background**

Staff previously brought a code amendment to the Planning Commission defining minimum design standards for residential properties; during review the Planning Commission asked staff to prepare a code regarding Tiny Homes. Currently there is no minimum home size in the city, just a requirement that homes be attached to foundations and utility services. Staff research determined that the majority of tiny homes are actually tiny homes on wheels, and are commonly used as Accessory Dwelling Units (ADUs). The Planning commission recommended approval of the Tiny Homes on Wheels codes as presented by staff.

**Proposed Amendments**

Staff recommends that the following code changes be made adopting a definition for Tiny Homes on wheels, and allowing tiny homes on wheels to serve as accessory apartments in Base and Tier I Residential Developments. The proposed code changes are provided below.

**Chapter 17.10**  
**DEFINITIONS**

*“Tiny Home on Wheels means a detached self-contained unit which shall include permanent provisions for living, sleeping, eating, cooking and sanitation. A Tiny Home on wheels must have at least 140 square feet of first floor interior living space.*

**Chapter 17.70**  
**Accessory Apartments**

**17.70.010 What this chapter does.**

**17.70.020 Purpose.**

**17.70.030 Accessory apartment approval required.**

**17.70.040 Application.**

**17.70.050 Approval process.**

**17.70.060 Approval criteria.**

**17.70.070 Renewal of conditional use permit.**

**17.70.080 Tiny Homes on wheels**

**17.70.0890 Noncompliance.**

**17.70.80 Tiny Homes on wheels**

**A. Permitted as Accessory Apartments in Base and Tier I Residential**

- B. A Tiny Homes on Wheels is not allowed in addition to any other approved Accessory Apartment
- C. Requirements
  - a. Must be licensed and registered with the State Department of Motor Vehicles
  - b. Must meet ANSI 119.2 or 119.5 (NFPA 1192) Requirements
  - c. Must be towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection.
  - d. Cannot (and is designed not to) move under its own power
  - e. Is no larger than allowed by State Law for movement on Public Highways
  - f. When sited on a parcel the wheels and undercarriage shall be skirted
  - g. Must contain at least 140 square feet of first floor interior living space
  - h. Must be designed and built to look like the conventional primary building structure

**17.70.0890 Noncompliance.**



**EAGLE MOUNTAIN CITY**  
City Council Staff Report

**JUNE 21<sup>ST</sup>, 2016**

Project: Development Code Amendment: Chapter 17.25.180 (Residential Zone)  
 Applicant: Scot Hazard  
 Request: Development Code Amendment  
 Type of Action: Action Item

**Background**

The applicant has proposed to reduce the front and rear setback requirements from 50' to 35' in Base and Tier I Residential Developments on both sides of a road when a road has been constructed with curb, gutter, and a trailway.

**Planning Commission Recommendation**

The Planning Commission held a public hearing, and ultimately voted (4-0) 1 Commissioner was absent, to recommend approval of the code amendment drafted by staff which went beyond what was proposed by the applicant (Below)

<b>Setbacks</b>				
<b>Tier Level</b>	<b>Minimum Front Yard</b>	<b>Minimum Rear Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Street Side Yard</b>
<b>Base</b>	<del>50'</del> * 25'	50' 25'	25' 12' Min 30' Total	25' 20'
<b>Tier I</b>	<del>50'</del> * 25'	50' 25'	25' 12' Min 30' Total	25' 20'
<b>Tier II</b>	15'/22' **	20'	5' Min 15' Total	15'
<b>Tier III (Single Family)</b>	15'/22' **	20'	5' Min 15' Total	15'
<b>Distance between Multi-Family Housing Structures</b>				
<b>Tier III (Multi-Family)</b>	20' Council may approve a standard that differs			
<b>Tier IV</b>	20' Council may approve a standard that differs			
<i>*Front setback may be reduced to 35' on lots that range from .5 AC to .75 AC if road is constructed with curb, gutter, and a trailway</i>				
<i>** If accessed from the front, garage shall have a minimum front setback of 22'</i>				

**17.25.110 Base Density Residential Development Standards**

C. Setbacks – Primary Structures. Lots ~~that are one half to three quarters of an acre~~ shall have a front and rear setback of no less than ~~50 25~~ feet and a side yard setback no less than ~~25 12~~ feet, ~~with the combined side yards being no less than 30 feet. If the road is constructed with curb and gutter and/or a trailway, then the front setback may be reduced to 35 feet. Lots in excess of three quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet.~~ Setbacks shall only

apply to structures that require a city building permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Home design is not considered a unique circumstance.

**17.25.120 Tier I Residential Development Status**

D. Setbacks – Primary Structures. Primary structures shall maintain setbacks in accordance with the following lot sizes. Setbacks shall only apply to structures that require a city permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Home design is not considered a unique circumstance.

1. Lots ~~that are one-half to three-quarters of an acre~~ shall have a front and rear setback of no less than ~~50~~ 25 feet and a side yard setback no less than ~~25~~ 12 feet, ~~with combined side yards being no less than 30 feet. If the road is constructed with curb and gutter and/or a trailway, then the front setback may be reduced to 35 feet.~~

2. ~~Lots in excess of three-quarters of an acre shall have a front and rear setback of no less than 50 feet and a side yard setback no less than 25 feet.~~

**Proposed Amendments**

The Proposed Amendment as drafted by the applicant is provided below:

<b>Setbacks</b>				
<b>Tier Level</b>	<b>Minimum Front Yard</b>	<b>Minimum Rear Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Street Side Yard</b>
<b>Base</b>	<b>50'*</b>	<b>50'</b>	<b>25'</b>	<b>25'</b>
<b>Tier I</b>	<b>50' *</b>	<b>50'</b>	<b>25'</b>	<b>25'</b>
<b>Tier II</b>	<b>15'/22' **</b>	<b>20'</b>	<b>5' Min 15' Total</b>	<b>15'</b>
<b>Tier III (Single Family)</b>	<b>15'/22' **</b>	<b>20'</b>	<b>5' Min 15' Total</b>	<b>15'</b>
<b>Distance between Multi-Family Housing Structures</b>				
<b>Tier III (Multi-Family)</b>	<b>20' Council may approve a standard that differs</b>			
<b>Tier IV</b>	<b>20' Council may approve a standard that differs</b>			
*Front setback may be reduced to 35' on lots that range from .5 AC to .75 AC if road is constructed with curb, gutter, and a trailway, <del>regardless of whether the trailway is located on the same side of the street as the lot. Rear setbacks may also be reduced to 35'</del>				
** If accessed from the front, garage shall have a minimum front setback of 22'				

**Staff Findings**

Staff has reviewed the minimum setbacks for large residential lots (over 20,000 Square Feet minimum) in surrounding cities, and found Eagle Mountain’s setbacks are more restrictive than those of other cities in

the area, where 25' or 30' is the standard for both Front and Rear Setbacks, while side yard setbacks vary from 8' to 12' as shown below:

Minimum Setbacks				
City	Front	Rear	Corner	Side
Lehi	25'	30'	20'	10'
Alpine	30'	30'	30'	12' Minimum 30' Combined
American Fork	30'	30'	20'	8'
Bluffdale	30'	30'	20'	12'
Cedar Hills	30'	25'	30'	10' Minimum 24' Combined
Bountiful	25'	20'	20'	8'
Cottonwood Heights	30'	30'	20'	10'
Draper	30'	20'	20'	12'
<b>Eagle Mountain</b>	<b>50'</b>	<b>50'</b>	<b>25'</b>	<b>25'</b>
Herriman	25'	25'	20'	10'
Highland	30'	30'	30'	10' Minimum 25' Combined
Logan	25'	10'	20'	8'
Pleasant Grove	25'	25'	25'	10'
Riverton	25'	25'	25'	8' Minimum 18' Combined
Sandy	30'	30'		10' Minimum 24' Combined

Staff has also pulled examples of homes on large lots (lots over 20,000 Square Feet) from surrounding communities and has compared them with large lots within Eagle Mountain as seen below:



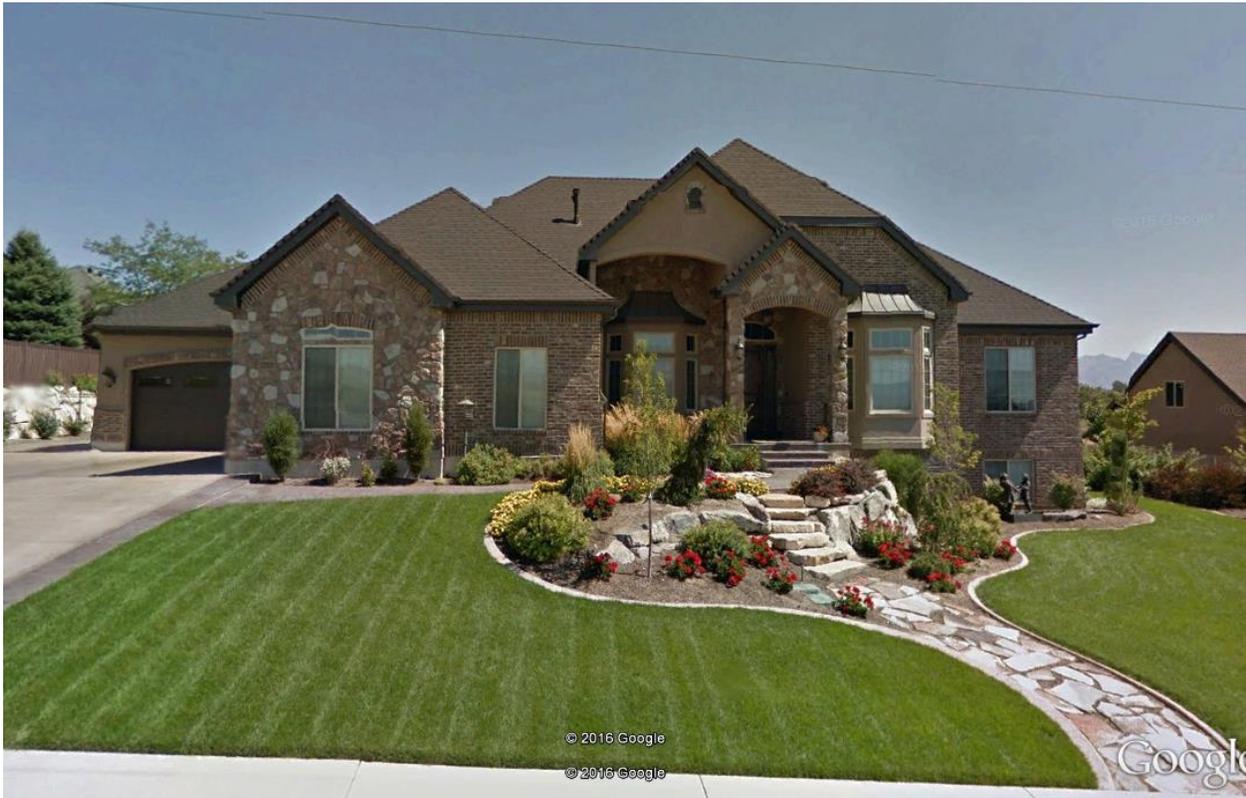
30' Setback – Alpine



30' Setback - Highland



25' Setback - Bountiful

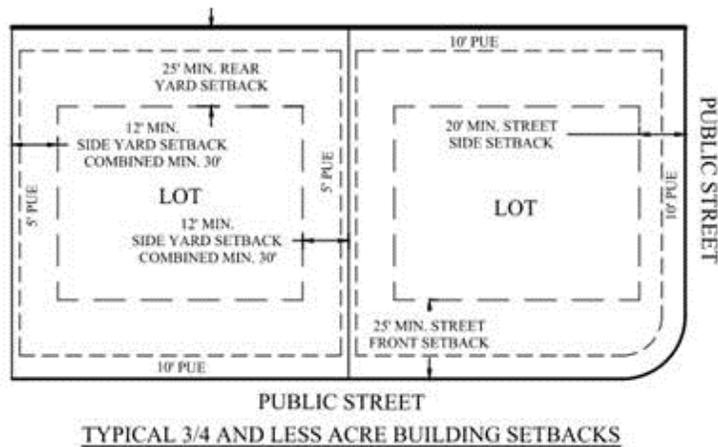


35' Setback – Lehi



50' Setback – Eagle Mountain

Setbacks in the Valley View Subdivision have been changed for lots between .5 and .75 acres per the development agreement to require front and rear setbacks of 25' and side yard setbacks of 12' minimum 30' combined. Staff feels the setbacks adopted for the Valley View Subdivision are more in line with the setback requirements of surrounding cities, and that they have by and large been developed positively within the Valley View subdivision. The Valley View Setback Exhibit is provided below:





Valley View 25' Setback



Valley View 25' Setback from Trail



# EAGLE MOUNTAIN CITY

## City Council Staff Report

**JUNE 21<sup>ST</sup>, 2016**

*Project:* Development Code Amendments: 17.30 Residential Zone Bonus  
Density Entitlements

*Applicant:* City Staff

*Type of Action:* Action Item

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### ***Background***

Staff has been reviewing the Eagle Mountain Municipal Code (EMMC) and making changes to ensure it is consistent, easy to understand, and useful.

### ***Proposed Amendments***

Staff recommends that the Community Improvement fee of \$2,000 per buildable acre be removed from the Tier I Bonus Density requirements to coincide with recent changes to city impact fees which will take effect on July 1<sup>st</sup>, 2016 the proposed code changes are provided below:

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

~~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.~~

Table 17.30.110(a) Tier I Residential Bonus Density Entitlements (Required)		
Bonus Density	Improvement	Required/Optional
0.8	Base Density Improvements	<i>Required</i>
0.8	Improved Open Space: 1,00 Square feet improved open space per lot (fee in lieu encouraged)	<i>Required</i>
	<del>Fund or construct community improvements/amenities</del>	<del><i>Required</i></del>
	Entryways and monuments	<i>Required</i>
	Professional land planning	<i>Required</i>
1.6	<b>Total density granted required to do all improvements noted above</b>	