REQUEST
Consideration of an ordinance amending Mapleton City Code Chapter 18.82D (Preserve at Mapleton Subdivision, Planned Residential Community PRC-4 Zone) addressing changes to the subdivision concept plan as presented to the City Council on June 7, 2017.

BACKGROUND AND PROJECT DESCRIPTION
On April 13, 2017, the Planning Commission reviewed a request to apply a Transferable Development Rights (TDR-R) overlay zone to approximately 190 acres of the property known as the Preserve. The Commission recommended approval of the request to the City Council with several suggested conditions.

On June 7, 2017 the City Council approved the request for a TDR-R for the 140 acres of property that had not yet been platted, with the following conditions:

1) The project shall include a maximum of 169 lots, including the lots already developed in plats “A”, “D”, “F” & “G”. One TDR certificate shall be surrendered for every lot over 92 lots.
2) The applicant shall provide a trail system through the development connecting the Mapleton Parkway Trail with the Bonneville Shoreline Trail. There shall be at least one connection to the Bonneville Shoreline Trail and the applicant shall be responsible for the on and off-site costs associated with these connections. The trail system should be generally consistent with the concept plan presented to the Council.
3) The applicant shall provide approximately 13 acres of dedicated open space as part of the development generally consistent with the concept plan presented to the Council on June 7, 2017. The open space shall be privately owned but made available to the general public. A minimum of eight off-street parking spaces shall be provided near the pond. These spaces may be shared with the proposed clubhouse.
4) As an acceptable alternative to the requirement for 10 acres for a cemetery outlined in the 2007 MOU, the applicant shall provide the amenities described in 2 and 3 above in addition to the following monetary contributions:
   - $100,000 payment due upon recording of the first plat or amended plat associated with the project; and
   - A development fee of $2,500 shall be added to the building permit cost for every lot with the exception of lots 67 and 73 in Plat “A” and any lot in plats “F” and “G”.

Attachments:
1. Draft PRC-4 amended text.
2. Concept Plan.
5) The applicant shall apply for a zoning text amendment for the PRC-4 zone and preliminary and final plats for each phase.

The applicant has now submitted an application to amend the PRC-4 zoning text in compliance with condition #5. The proposed amendments are included as attachment “1”. The changes to the text are shown in strikeout and underline. If text is not either struck out or underlined, then it is not changing from what is currently adopted.

EVALUATION

PRC Zone: When a PRC zone is adopted, the zoning text is written specifically for the development. When the PRC-4 zone was adopted, the standards were written based on the 92 lot concept that was associated with the approval. Now that the Council has approved a TDR-R for a portion of the property, and an increase in density from 92 lots to 169 lots, the PRC-4 zone text must be amended to reflect the new project concept. The proposed amendments address the following:

- The previous approval divided the project into what were referred to as “estate lots” and “ranch lots” and had varying standards for each type of lot. The proposed amendment removes this distinction and has one common standard for all lots.
- The building setback, height and parking standards have been updated to be more consistent with other similar residential zones (A-2, RA-1, etc.).
- Removes the requirement for a design review committee. This committee has never been formed and none of the homes that have been built in the Preserve have complied with this requirement.
- The allowed density has been increased from 92 lots to 169 lots with the requirement of one TDR certificate for every lot above 92.

Mapleton City Code Chapter 18.12.010.B indicates that the Planning Commission shall determine whether the proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Mapleton City general plan. The following guidelines shall be used to determine consistency with the general plan (staff has included a response for each item):

1. Public purpose for the amendment in question.

Response: The City Council has approved a TDR-R for a portion of the site and an increase in density of up to 169 units. The proposed amendment implements the Council’s decision. Public purposes for the proposed amendments include, but are not limited to, the following:

- To provide pedestrian access through the property and to the Bonneville Shoreline Trail and Mapleton Parkway Trail;
- To protect important open space features; and
- To provide additional housing options for current and future residents of the City.

2. Confirmation that the public purpose is best served by the amendment in question.
Response: See response to #1 above.

3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.

Response: The proposed amendments are compatible with, and or implement, at least the following policies, goals and objectives of the general plan:

- Policy 4B indicates that Mapleton City shall vigorously support its TDR ordinance. MCC Chapter 18.76.070.A indicates that the PRC zones are eligible to become a TDR-R.
- Policies 7B and 7C encourage the protection of open space and open view amenities. The proposed amendments will protect a prominent open space feature on the site and will protect views of this feature and other open space from adjacent areas.
- Goal 8 encourages a pedestrian friendly environment. The proposed trail amenities implement with goal.
- Goal 9 encourages the clustered concept of city planning and development. The proposed project implements this goal.

4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.

Response: N/A

5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.

Response: Staff does not believe the project obstructs or hinders the attainment of the general plan’s articulated policies. See response #3 above.

6. Adverse impacts on adjacent landowners.

Response: Numerous concerns were raised to both the Planning Commission and City Council during the review of the TDR-R request. The Council determined that the TDR-R and the increase in density was appropriate for the site. Potential adverse impacts such as traffic, storm water, geologic hazards, etc. will be addressed during the subdivision plat review process.

7. Verification of correctness in the original zoning or general plan for the area in question.

Response: The property’s general plan designation is appropriately identified as Rural Residential. The RR designation allows for PRC zones as well as the use of TDRs. The proposed amendments are consistent with the RR designation.

8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.
Response: N/A

Referendum & Lawsuit: The Council’s June 7, 2017 decision is the subject of a possible referendum and/or lawsuit. Any decision made on the current application to amend the PRC-4 zoning text would be contingent upon the results of either or both of those possible actions.

STAFF RECOMMENDATION
Recommend approval of the proposed amendments to the City Council.
Chapter 18.82D
PRESERVE AT MAPLETON SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-4) ZONE

18.82D.005: THEME:

The Preserve at Mapleton planned residential community carries with it the theme of luxurious country living. Residents of the Preserve at Mapleton will enjoy walking trails, water features, welcome houses, horse riding trails, access to the Bonneville Shoreline Trail and Maple Mountain, large ranch and estate lots, and acres of landscaped open space. This two hundred forty (240) acre drop of country elegance will carry with it a feeling of greatness that will influence all of the great city of Mapleton City.

18.82D.010: NAME AND PURPOSE:

The name of this zone shall be the Preserve at Mapleton PRC-4 zone. The purpose of this zone is to protect the integrity of the Preserve at Mapleton and keep the theme consistent throughout the entire planned residential community. Compliance with the set forth zone will ensure a more attractive and desirable environment within this residential community in Mapleton City. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.020: PERMITTED USES:

One single-family dwelling unit per legally created lot and subject to section 18.82D.090 of this chapter.

Public utility facilities.

Temporary office building used as an office in connection with the sale of property within a subdivision under construction, provided that the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, at the expiration of which time the use shall be discontinued. This use is subject to subsection 18.84.200B of this title (temporary building construction).

Water reservoirs and water facilities.

18.82D.030: PERMITTED ACCESSORY USES:

Accessory uses are permitted in the Preserve at Mapleton residential community zone, provided that they are incidental to the main residential dwelling unit, they do not alter the character of the permitted principal use, and are subject to any required approvals or requirements. Such permitted accessory uses and structures include the following:

Animal rights; estate lots (lots 1 through 7 and 17 through 48): The raising, care and keeping of livestock and fowl will be limited to one animal unit and their seasonal offspring for each twenty
thousand (20,000) square feet; and barns, corrals, pens, coops and other structures associated with animals as approved by section 18.82D.090 of this chapter.

Animal rights; ranch lots (lots 56 through 92): The raising, care and keeping of livestock, fowl, feed and produce, barns, corrals, pens, coops and other structures associated with animals approved by section 18.82D.090 of this chapter. One animal unit and their seasonal offspring for each thirty thousand (30,000) square feet shall be allowed.

Customary residential household pets as defined in section 18.08.345 of this title.

Fences, walls subject to section 18.84.130 18.82D.090 of this title.

Home occupations are subject to section 18.84.380 of this title.

Noncommercial plant nurseries and private greenhouses subject to section 18.82D.090 of this chapter.

Owner occupied accessory apartments, subject to approvals outlined in sections 18.82D.090 of this chapter and 18.84.410 of this title.

Pools, tennis courts and other recreational site amenities shall be permitted subject to section 18.82D.090 of this chapter.

Up to one common clubhouse/community facility may be constructed on a private, commonly held parcel. Such facility shall be limited to the same restrictions and standards as residential lots as a ranch lot (lots 56 through 92) described herein and in accordance with section 18.82D.090 of this chapter.

Uses permitted for the clubhouse/common facility may include the following:

Accessory structures.

Dressing and locker rooms.

Exercise and entertainment facilities.

Food and retail sales limited to the support of the facility and its users.

Meeting and gathering areas.

Outdoor amenities such as tennis, pool, play areas, gardens and other landscape features.

Service structures and yards for maintenance of the common facilities of the PRC-4 zone.

Any structures allowed as accessory uses shall be approved by section 18.82D.090 of this chapter whether a building permit is required or not. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.040: LAND USE STANDARDS:
There shall be no land use standards except as set forth in section 18.82D.090 of this chapter.

The minimum lot size for the ranch lots (lots 56 through 92) shall be 2.4 acres (104,544 square feet).

The minimum lot size for the estate lots (lots 1 through 55) shall be 0.7 acres (30,492 square feet).

18.82D.050: BUILDING SETBACKS FOR RANCH LOTS (56 THROUGH 92):

A. Main Buildings: Building setbacks are governed by established building envelopes that far exceed requirements for PRC zones. These envelopes are set forth by the homeowners' association and are approved under section 18.82D.090 of this chapter. In the case of conflict with setback requirements for a PRC zone, the greater setback will govern.

B. Accessory Buildings: Accessory building setbacks are governed by established accessory building envelopes that far exceed requirements for PRC zones. These envelopes are set forth by the homeowners' association and are approved under section 18.82D.090 of this chapter. In the case of conflict with setback requirements for a PRC zone, the greater setback will govern. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

The minimum setbacks for structures constructed in the PRC-4 zone are as follows:

A. Front Yard/Garage Requirements: No home shall have a front yard setback of less than thirty feet (30') measured from the front property line to the foundation of the home. For homes that have garage doors that face the street, the garage shall be set back a minimum of twenty five feet (25') from the back of sidewalk.

B. Rear Yard Requirements: No home shall have a rear yard of less than twenty five feet (25') measured from the rear property line to the foundation of the home.

C. Side Yard: Each lot or parcel of land shall have a side yard of not less than ten feet (10').

D. Side Yard: Corner Lots: When a side yard on a corner lot faces a street, the same setbacks as described in subsection A, "Front Yard/Garage Requirements", of this section shall apply.


F. Projections Into Yards: The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this code and approval by the planning and zoning director. Other city codes or ordinances also apply.

2. Landscape elements including trees, shrubs, agricultural crops, and other plants.
3. Necessary appurtenances for utility service.

4. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):
   a. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
   b. Fireplace structures and bays, provided that they are not wider than eight feet (8') measured generally parallel to the wall of which they are a part.
   c. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty four inches (24") in height.
   d. Porte-cochere over a driveway in a side yard, providing such structure is not more than one story in height and twenty four feet (24') in length, and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.

18.82.D.060: PERMISSIBLE LOT COVERAGE:
All buildings, including accessory buildings and structures, shall cover not more than thirty percent (30%) of the area of the lot or parcel of land.

18.82D.060: BUILDING SETBACKS FOR LOTS 1 THROUGH 55:

A. Main Buildings: Main buildings shall have the following setback requirements. In the case of conflict with setback requirements for a PRC zone, the greater setback will govern. All setbacks are measured from property line. These setback requirements may be reduced under section 18.82D.090 of this chapter, provided no setbacks are reduced to less than requirements for a PRC zone.

Front yard setback: Thirty feet (30').

Side yard setback: Ten feet (10') on one side and twenty feet (20') on the other. A twenty foot (20') side yard is required at an existing adjacent ten foot (10') side yard resulting in a minimum of thirty feet (30') from adjacent structure, unless the lots on either side of the subject lot have begun construction and used their ten foot (10') setback on the subject lot's sides. In this case the subject lot shall choose which side they shall use their ten foot (10') setback and which side they shall use their twenty foot (20') setback. In this case a lot must still meet the requirement of a ten foot (10') setback on one side and a twenty foot (20') setback on the other side totaling a minimum of twenty feet (20') between structures on one side and thirty feet (30') on the other side. However, lots 50 through 53 may have a ten foot (10') side yard setback on both sides.

Corner side yard setback: Thirty feet (30').
Rear yard setback: Forty feet (40'). However, lots 8 through 16 and 49 through 55 have a twenty-five foot (25') rear yard setback.

B. Accessory Buildings: See section 18.82D.070 of this chapter for setback increases for accessory buildings over twelve feet (12') in height.

Accessory buildings shall be located thirty feet (30') behind the nearest front portion of a main building.

Accessory building side yard setback: Three feet (3') but no less than thirteen feet (13') from an existing accessory building on the adjacent property and forty feet (40') from an existing residence on the adjacent property.

Accessory building rear yard setback: Three feet (3') but no less than thirteen feet (13') from an existing accessory building on the adjacent property and forty feet (40') from an existing residence on the adjacent property. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.070: BUILDING HEIGHT STANDARDS:

A. Main Buildings: Building height of residences shall not exceed two (2) stories above the basement level with a maximum of thirty five feet (35') measured from finished grade of the lot to the midpoint of the main roof pitch, excluding dormers, chimneys, mechanical and other equipment. Measurement shall be taken on any three (3) sides of the structure (not necessarily from a walk-out basement). Finished grade shall be established ten feet (10') away from the structure based on average elevation of each measured side. Dormers shall not be allowed above thirty five feet (35') measured from the finished grade to the bottom of the windowsill.

B. Accessory Buildings: Accessory buildings shall be limited to a maximum of thirty five feet (35') with no increases in height for setbacks, provided structures over twelve feet (12') have a ten foot (10') minimum setback. Building height for an accessory building shall be measured from finished grade of the lot to the highest point of the roof. Measurement shall be taken on any three (3) sides of the structure (not necessarily from a walk-out basement). Finished grade shall be established ten feet (10') away from the structure based on average elevation of each measured side. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

No lot or parcel of land shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of forty feet (40') as defined in section 18.08.170 of this title.

18.82D.080: GARAGE AND PARKING STANDARDS:

A. Each home located on a lot or parcel shall have on the same lot or parcel two (2) off street enclosed parking spaces.
B. Each home shall also have a driveway that leads from a public street to the required enclosed parking spaces. Said driveway shall have a width of at least twelve feet (12’) and be constructed with a hard surface material.

Shall be calculated as follows:

<table>
<thead>
<tr>
<th>Square Foot Area Of Residence (Based On Applicable CC&amp;Rs)</th>
<th>Number Of Garage-Spaces</th>
<th>Total Off Street Spaces (Including Garage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 4,500</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>4,500 – 7,999</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>8,000 – 14,990</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Over 15,999</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

(Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.090: DESIGN REVIEW COMMITTEE APPROVAL AND STAMP:
A design review committee (DRC) has been established for the applicable CC&Rs to verify and enforce design. No building permit or fence application will be accepted by the city without the applicable DRC approval and stamp. All building guidelines will meet applicable Mapleton City and building code standards as well as the standards in the CC&Rs and design guidelines.

18.82D.1090: COMMON AREAS AND BUILDINGS:
Up to two (2) welcome houses may be constructed on common right of way areas. One located at the intersection of 1600 S and Preserve Drive and one located at the intersection of Maple Canyon Drive and Preserve Drive. Such structures shall be limited to four hundred (400) square feet of area (excluding basements) and one story/sixteen feet (16’) in height measured from finished grade of the lot to the highest point of the roof. The welcome house structures shall not be located closer than six feet (6’) from a roadway curb and eighteen feet (18’) from the boundary of the PRC-4 zone.

Bridge structures and water features may be constructed in a common right of way area or other easement. Such structures shall allow for minimum road widths and construction requirements and shall not exceed eight feet (8’) in height.

Approximately thirteen (13) acres of dedicated open space shall be provided, generally consistent with the concept plan presented to the City Council on June 7, 2017.

Up to one common clubhouse/community facility may be constructed on a private, commonly held parcel. Such facility shall be limited to the same restrictions and standards as all other residential lots a ranch lot (lots 56 through 92) described herein and in accordance with section 18.82D.090 of this chapter.
Uses permitted for the clubhouse/common facility may include the following:

Accessory structures.

Dressing and locker rooms.

Exercise and entertainment facilities.

Food and retail sales limited to the support of the facility and its users.

Meeting and gathering areas.

Outdoor amenities such as tennis, pool, play areas, gardens and other landscape features.

Service structures and yards for maintenance of the common facilities of the PRC-4 zone.

At least two access points to the Bonneville Shoreline Trail and one connection to the Mapleton Parkway Trail shall be provided, generally consistent with the concept plan presented to the City Council on June 7, 2017. Open space and trails shall be used for the enjoyment of the community. The trails shall be used for walking, jogging, bicycling, horseback riding and other nonmotorized activities. With the exception of service vehicles owned and operated by the homeowners' association, no motorized vehicles shall be allowed in the common areas. All trails and open space will be maintained and improved by the homeowners' association.

18.82D.1100: DENSITY:

The total density allowed in the Preserve at Mapleton PRC-4 zone is ninety two (92) one hundred and sixty nine (169) individual building lots and common area buildings. One Transferable Development Right (TDR) certificate shall be surrendered for every lot above 92. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing this density.

18.82D.1210: EMERGENCY ACCESS:

In the event of a natural disaster or other emergency, the residents of the Preserve at Mapleton must provide reasonable emergency access to areas of concern or danger for the proper authorities. An example of this would be the need to have access to the debris basin, or an injury on one of the common trails.

18.82D.1320: TRANSFER OF COMMON AREAS TO MAPLETON CITY IN THE EVENT OF DEFAULT BY THE HOMEOWNERS' ASSOCIATION:

In the event of a default by the homeowners' association, all of the homeowners' association's right, title and interest in and to the common areas, including, but not limited to, the debris basin, shall pass to Mapleton City. Upon default by the homeowners' association and transfer of ownership of common areas to the city, the residents within the development shall pay all costs of maintenance of common areas to the city. In the event of default, Mapleton City may assess a
monthly maintenance fee to all residents in order to maintain the common areas as they were
previously maintained. For purposes of this section, the occurrence of any of the following shall
constitute a default by the homeowners' association:

A. The dissolution or liquidation of the homeowners' association;

B. The homeowners' association shall become insolvent, or shall suffer or consent to or apply for
   the appointment of a receiver, trustee, custodian or liquidator of itself or any of its property,
   or shall generally fail to pay its debts as they become due, or shall make a general assignment
   for the benefit of creditors; the homeowners' association shall file a voluntary petition in
   bankruptcy, or seeking reorganization, in order to effect a plan or other arrangement with
   creditors or any other relief under the bankruptcy code (meaning the bankruptcy reform act
   of 1978 [11 USC section 101-1330] as hereafter amended or recodified), or under any state
   or federal law granting relief to debtors, whether now or hereafter in effect; or any
   involuntary petition or proceeding pursuant to the bankruptcy code or any other applicable
   state or federal law relating to bankruptcy, reorganization or other relief for debtors is filed or
   commenced against the homeowners' association or the homeowners' association shall file an
   answer admitting the jurisdiction of the court and the material allegations of any involuntary
   petition; or the homeowners' association shall be adjudicated as bankrupt, or an order for
   relief shall be entered against the homeowners' association by any court of competent
   jurisdiction under the bankruptcy code or any other applicable state or federal law relating to
   bankruptcy, reorganization or other relief for debtors.
OPEN SPACE = 13 ACRES
TOTAL NUMBER OF LOTS = 137
DESIGNATED PARK AREA = 13 ACRES
POND
CONNECTED TRAIL SYSTEM = 2+ MILES

±64 Acres
City Open Space

PROJECT NOTES:

OPEN SPACE = 13 ACRES
TOTAL NUMBER OF LOTS = 137
DESIGNATED PARK AREA = 13 ACRES
POND
CONNECTED TRAIL SYSTEM = 2+ MILES