

Mapleton City Council Staff Report

Meeting Date: May 9, 2013

Item: 7

Applicant: Mapleton City

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: All

Description: Consideration of an Ordinance amending various sections of the Mapleton City Code (MCC) including 15.32.030, 17.18.090, & 18.08.115 (building code references); 17.02.020 (exemptions from plat requirements); 18.08.170 (height definition); 18.08.160 (grade definitions); 18.28.050, 18.30.040, 18.32.050, 18.36.060, 18.44.050, 18.48.050, 18.52.050, 18.54.030, 18.56.100, 18.58.070, 18.60.050, 18.64.050 and 18.72.040; 18.74.030; 18.80.045; and 18.82.080 (height measurements); 18.08.145 (definition of family); 18.64.035 and 18.60.045 (conditional uses); 18.82E (Whisper Rock PRC-5 Zone); 18.84.060 (accessory buildings); 18.84.395 (ranch development); 17.02.030, 18.84.390 (metes and bounds lots); 18.08.372, 18.86.040, and 18.86.090 (signs); 19.02.010, 19.06.020, 19.06.030, 19.06.050, 19.08.040; and 19.08.100 (removal of site plan from impact fees).

BACKGROUND AND PROJECT DESCRIPTION

This ordinance is part of an ongoing effort by staff to clarify and simplify the municipal code. The proposed amendments are described in more detail below. The numbers listed below correspond to the proposed amendment language found in attachment "1".

1. *Building Code References:* The City has adopted the International Building Code. The proposed amendments delete old references to the Uniform Building Code and replace them with the International Building Code.
2. *Exemptions from plat requirements:* Utah state code allows subdivisions that are for agricultural purposes only to be exempt for typical plat requirements. MCC Chapter 17.02.020 also allows for an exemption from plat requirements for agricultural subdivisions. However, the City's requirements are currently not consistent with state code. The proposed amendment would be consistent with state code and requires that all lots included in an agricultural subdivision comply with the minimum lot size and width requirements of the applicable zone and the filing of a record of survey map with the City.

State code also exempts parcel boundary line adjustment for parcels that are not part of a recorded subdivision plat. The proposed amendments mimic the language found in state code.

3. *Height Standards:* There are a variety of definitions in the Municipal Code describing how height is measured for buildings in various zones. The most common definition states the following:

"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 thirty feet (30') measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, top of the curb (if present), or the middle point of the street directly in front of the home. If the home is located more than thirty feet (30') from a city street, then the measurement shall be taken off of the established grade ten feet (10') from the home. Finished grade shall be established two feet (2') above the top of the curb or sidewalk if present, otherwise, established grade will be the existing street in front of the lot or two feet (2') above the grade or whatever is less." (emphasis added)

This is an overly complicated definition for measuring height and can be difficult to determine both on plans and in the field. This definition also addresses mass and bulk primarily as viewed from the street, and not from adjacent parcels. A recent subdivision was approved that is proposing to raise the level of the street and back of curb by approximately seven feet. The existing height definition would allow a building to be 30' (to the midpoint) above the new curb elevation, rather than the existing grade. The City Council expressed concern with this and directed staff to amend the height requirements.

The proposed amendment would create a uniform definition for measuring height in all zones. The definition would measure the height of a building from the natural or finished grade, whichever is more restrictive, to the top of the roof. This is a simpler definition and addresses the true mass and bulk of a building by measuring the height from all sides. Staff has also added new definitions for "natural grade" and "finished grade". This would also preclude projects from bringing in fill to raise the height of a building, as directed by the City Council.

Currently there are varying height limitations depending on zone. Most zones have a height limitation of 30 feet (to the midpoint of the roof), but some zones allow for 20 feet (PO-1) and 35 feet (CE-1, SDP, NC-1, CC-1, OS-P). Since the proposed definition would measure to the ridge rather than the midpoint of the roof, staff has also amended to height limitations as follows:

A-2, CE-1, RA-1, RA-2, R-1-B, R-2, R-3, GC-1, SDP, NC-1, CC-1, I&M-1, M&HM-1 & PRC
= 40 feet
PO-1 = 30 feet

If the Commission is concerned with the mass and scale of new construction, the proposed maximum height restrictions could be reduced.

4. *Definition of Family:* City code currently allows no more than three unrelated individuals to occupy a single-family dwelling. However, recent state code amendments require the City to allow at least four. The proposed amendment would allow up to four unrelated individuals as required by State Code.
5. *Conditional uses:* There currently are some inconsistencies in the code regarding the review of conditional use permits (CUPs). Most sections indicate that the Planning Commission is the final decision making body for CUPs, however MCC Chapters 18.64.035 and 045 indicate that City Council review is required. The proposed amendments revise these sections to be consistent with the rest of the Municipal Code and authorize the Planning Commission to issue all CUPs.
6. *Whisper Rock PRC-5 Zone:* The City originally approved a PRC-5 Zone for the Whisper Rock development. However, it was later replaced with the PRD-1 Zone. This amendment eliminates MCC Chapter 18.82E as it is no longer applicable.
7. *Accessory buildings:* This chapter indicates that accessory buildings can encroach up to four feet into a required setback. This limitation conflicts with the accessory building requirements found in most zones, which allow accessory buildings up to three feet from a property line. The proposed amendment eliminates this inconsistency.
8. *Ranch Development:* The intent of the Ranch Development ordinance was that it would only apply to properties of 5 acres or more. However, the text states that a property "**must not be at least five acres in size**" (*emphasis added*). The proposed amendment clarifies that the ordinance applies to sites of five acres or more.

9. *Metes & Bounds Lots:* A metes and bounds lot is one that is not part of a platted subdivision and is described by metes and bounds. There are many metes and bounds lots in the City that are considered legal lots of record. However, before they can be built on they are required to install a minimum level of improvements (water, sewer, road access, etc.). For many years, the City has required metes and bounds lots to prepare a subdivision plat, have it approved by the Planning Commission and recorded with the County, prior to issuing any building permits. However, the code currently does not state that a plat is required. The code also does not speak to curb, gutter and sidewalk improvements.

The proposed amendments indicate that a plat is required to be approved by the Community Development Director. This streamlines the process by not requiring a hearing with the Planning Commission. The amendments also indicate that except under certain circumstances, the installation of curb, gutter and sidewalk is also required.

10. *Sign Amendments.* The Planning Commission recently reviewed a sign application for the Harvest Park commercial project. The Commission directed staff to amend the sign ordinance related to front setbacks and roof top signs. The proposed amendments do the following:

- Define a monument sign and establish a three foot setback from the property line or back of curb, whichever is more restrictive.
- Establish the review process and standards for rooftop signs.

11. *Impacts Fees:* The ordinance sections addressing impacts fees make several references to “final site plans”. Impact fees are only charged for subdivision projects. This amendment eliminates final site plans from the text.

RECOMMENDATION

Recommend adoption of the attached amendments to the Mapleton City Code to the City Council.

ATTACHMENTS

1. Draft amendments (changes shown in strikeout and underline).

Attachment “1”

**The proposed amendments are shown in ~~strikeout~~ and underline.
The numbers preceding each amendment correspond to the
numbers in the “Evaluation” section of the staff report**

1. Building Code References

15.32.030: CONSTRUCTION:

A. A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the ~~uniform~~ international building code.

17.18.090: SLOPE MANAGEMENT GUIDELINES:

A. Permanent Slope Stabilization:

1. Retaining Walls: Permanent slope stabilization includes native stacked rock or wood retaining walls, rock filled gabions, wire baskets, wattling, planting or placing plant materials, and slope serration.

Where necessary for safety, retaining walls should be installed to prevent erosion of cut or fill slopes, to reduce cut and fill slopes or to minimize disturbance on environmentally or aesthetically sensitive sites. Retaining walls should be constructed of indigenous or natural materials. Walls located on visually sensitive sites should be designed to blend with the natural surroundings. Materials, texture, color, and height all affect the visual prominence of a retaining wall. Walls exceeding a height of four feet (4') must conform to the requirements set forth in the ~~uniform~~ international building code.

B. Temporary Slope Stabilization:

13. Stairways: Trails in excess of the slopes indicated on the trails matrix should consider stairways. Stairways may be required to conform to the requirements set forth in the ~~uniform~~ international building code. Stairs should not be used on trails that are used by horses, road bikes or the disabled.

18.08.115: CONVENTIONAL CONSTRUCTION:

"Conventional construction" means a structure which is constructed in compliance with the provisions of the international residential and commercial code, ~~uniform~~ international mechanical code, ~~national~~ international electrical code, and ~~state~~ international plumbing code as adopted by the city.

2. Exemption from Plat Requirements

17.02.020: EXEMPTION FROM PLAT REQUIREMENTS FOR AGRICULTURAL LANDS:

A. Agricultural lots splits that comply with the following requirements are exempt from plat requirements:

1. The property qualifies as land in agricultural use under Section 59-2-502 of the Utah Code; and
2. Each lot will comply with the minimum lot size requirement of the applicable zone in which the property is located; and
3. The property does not contain any existing residential units and will not be used for nonagricultural purposes; and
4. The boundaries of each lot or parcel shall be graphically illustrated on a record of survey map that is presented to the city. Upon approval by the Community Development Director or his/her designee the record of survey map shall be recorded with the Utah County Recorder.

~~Agricultural lot splits wherein there is not a lot less than three (3) acres in size created for the purpose of agriculture. No building permits for a home or dwelling unit will be issued to an agricultural lot split until an application for a subdivision, pursuant to the requirements of this chapter, has been approved. A quit claim deed shall be presented to the planning and zoning director for the purpose of verifying that the conditions of this chapter have been met prior to being recorded.~~

B. Parcel boundary adjustments. A “parcel boundary adjustment” means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

- (1) no additional parcel is created; and
- (2) each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

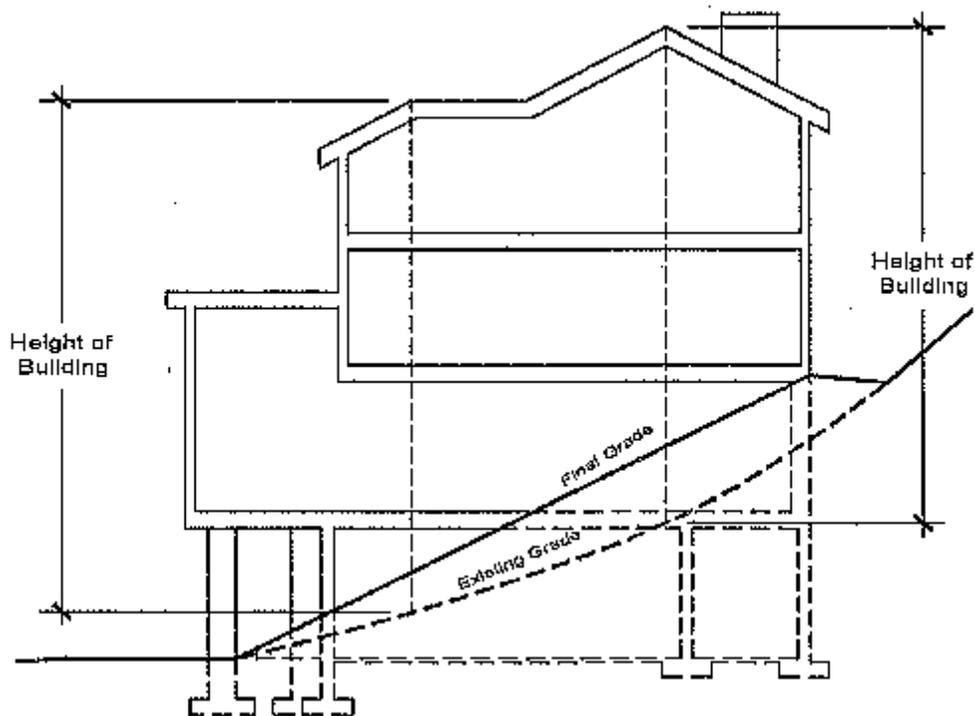
~~Lot line adjustments between two (2) legally created "metes and bounds" lots. Said adjustments shall not include lots that have previously been created by means of a platted subdivision. Said lot line adjustment shall leave all lots in conformance to the lot requirements in the underlying zone, including lot size and frontage requirements. If existing homes or structures are present, then the lot line adjustment shall not cause any such structure to violate the setback standards in the underlying zone.~~

3. Height

18.08.170 – Height of a Building

"Height of building" means the vertical distance from the grade to the peak of the roof."

The height of a building shall be measured as the plumb vertical distance from any point on the roof directly below to the natural or finished grade, whichever is more restrictive.

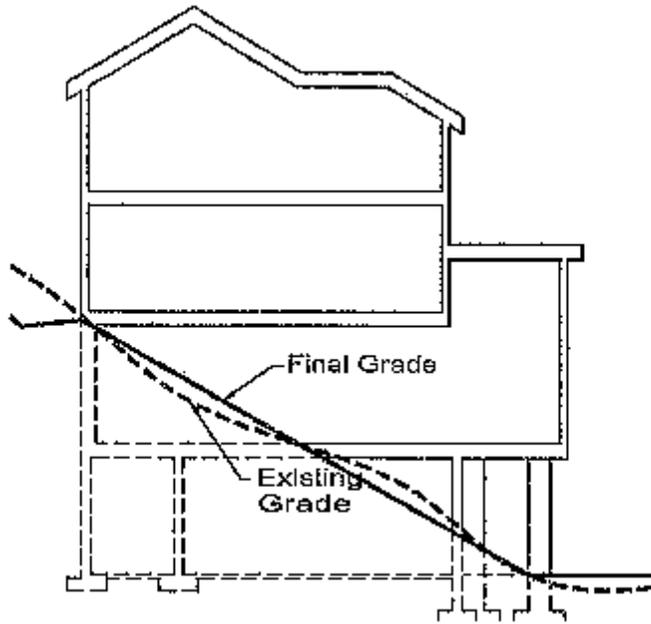


18.08.160: GRADE, FINISHED AND NATURAL

"Grade" means the average of the finished ground level at the center of exterior walls of a building.

"Finished grade" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms.

"Natural grade" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls prior survey maps, etc. may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence by the Community Development Director.



18.28.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (A-2):

H. Building Height: No lot or parcel of land in the A-2 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170 of this code. ~~measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, top of the curb (if present), or the middle point of the street directly in front of the home. If the home is located more than thirty feet (30') from a city street, then the measurement shall be taken off of the established grade ten feet (10') from the home. Finished grade shall be established two feet (2') above the top of the curb or sidewalk if present, otherwise, established grade will be the existing street in front of the lot or two feet (2') above the grade or whatever is less.~~

CE-1 Zone 18.30.040: LOT REQUIREMENTS:

A. Density, Area, ~~And~~ Width and Height Requirements: The maximum project density, and minimum lot area and width requirements of a zoning lot shall be set forth as follows:

3. Building Height: No lot or parcel of land in the CE-1 zone 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 Chapter 18.08.170 of this code.

18.32.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (RA-1)

J. Building Height: No lot or parcel of land in the RA-1 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.0170 of this code. ~~measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, or from top of the curb (if present) or the middle point of the street directly in front of the home. If the home is located further than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.~~

18.36.060: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (RA-2)

H. Building Height: No lot or parcel of land in the RA-2 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170 of this code. ~~measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, top of the curb (if present), or the middle point of the street directly in front of the home. If the home is located more than thirty feet (30') from a city street, then the measurement shall be taken off of the established grade ten feet (10') from the home. Finished grade shall be established two feet (2') above the top of the curb or sidewalk if present, otherwise, established grade will be the existing street in front of the lot or two feet (2') above the grade or whatever is less.~~

18.44.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (R-1-B):

F. Building Height: No lot or parcel of land in the R-1-B zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170. ~~A of this code. measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, top of the curb (if present), or the middle point of the street directly in front of the home. If the home is located more than thirty feet (30') from a city street, then the measurement shall be taken off of the established grade ten feet (10') from the home. Finished grade shall be established two feet (2') above the top of the curb or sidewalk if present, otherwise, established grade will be the existing street in front of the lot or two feet (2') above the grade or whatever is less.~~

18.48.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (R-2):

G. Building Height: No lot or parcel of land in the R-2 zone 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 Chapter 18.08.170 of this code.

18.52.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (R-3):

G. Building Height: No lot or parcel of land in the R-2 zone 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 Chapter 18.08.065.A of this code.

18.54.030: PERMITTED CONDITIONAL USES (PO-1):

J. No building within the project shall exceed two (2) stories or ~~twenty feet (20')~~ thirty feet (30') in height as defined in Chapter 18.08.170 of this code. ~~measured to the square of the building.~~

18.56.100: BUILDING HEIGHT (SDP):

No lot or parcel of land in the SDP zone 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 Chapter 18.08.170 of this code. ~~In no case shall any building height exceed thirty five feet (35') from the natural grade to the tallest point of the building, excluding steeples.~~

18.58.070: OTHER REQUIREMENTS (NC-1):

H. Building Height: No lot or parcel of land in the NC-1 zone 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 Chapter 18.08.170 of this code.

18.60.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (CC-1)

There is no minimum lot area requirement in the CC-1 zone except as may be dictated by off street parking requirements, adequate circulation, and property site utilization. There will be a minimum of a seventy five foot (75') frontage on a public street. The maximum building height (including mechanical equipment) is ~~thirty five feet (35')~~ forty feet (40') as defined in Chapter 18.08.170 of this code.

18.64.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (GC-1)

B. Buildings: The following standards apply to all structures within the GC-1 zone:

1. a. Except as provided under subsection B1b of this section, the building height for the main structure may not exceed ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170 of this code. ~~to the midpoint of the structure.~~

b. If the entire main structure is equipped with an automatic fire sprinkler system, a main structure may be a maximum height of forty five feet (45') ~~measured to the highest point of the roof.~~ as defined in Chapter 18.08.170 of this code.

c. ~~For measurement purposes:~~

~~(1) The height of a structure is measured from the top of the established natural grade of the highest point of the lot;~~

~~(2) If the natural grade is lower than the established elevation of the street directly in front of the proposed structure, the grade elevation is established from the highest point of the curb or if a curb is not present six inches (6") above the existing asphalt of the road;~~

~~(3) The midpoint of the structure is established by measuring from the lowest roof eave to the highest portion of the roofline, then calculating the average of the two (2) points; and~~

~~c4) Decorative elements of the structure, including a clock tower, weather vane, steeple, or uninhabitable penthouse structure for the housing of an elevator shaft, is not counted in the overall height of a structure~~

18.72.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES (I&M-1):

There is no minimum lot area requirement in the I&M-1 zone except as may be dictated by off street parking requirements, adequate circulation, and property site utilization. There will be a minimum of a seventy five foot (75') frontage on a public street. The maximum building height (including mechanical equipment) is ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170 of this code.

18.74.030: AREA AND WIDTH REQUIREMENTS (M&HM-1):

E. The maximum building height (including mechanical equipment) is ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170 of this code.

18.80.045: BUILDING HEIGHT, SIZE AND SETBACK REQUIREMENTS (OS-P):

All buildings within one hundred feet (100') of a property line must meet the required front and side yard setbacks that are required in the adjacent zone district. Otherwise, the setbacks shall be determined by the planning commission. Unless otherwise approved by conditional use permit, building height shall be limited to ~~thirty five feet (35')~~ forty feet (40') as defined in Chapter 18.08.170 of this code. There shall be no minimum building size.

18.82.080: BUILDING HEIGHT (PRC):

No lot or parcel of land in the PRC zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of ~~thirty feet (30')~~ forty feet (40') as defined in Chapter 18.08.170 of this code unless otherwise stated in a Development Agreement. ~~measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, or from top of the curb (if present) or the middle point of the street directly in front of the home. If the home is located further than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.~~

4. Definition of Family

18.08.145: FAMILY:

A. "Family" means one of the following groups of individuals, but not more than one group at the same time:

1. An individual living alone; or
 2. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two (2) other unrelated persons who do not pay rent; or
 3. Up to ~~four~~ ~~three~~ (3 4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
 4. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.
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5. Conditional Use Permits

18.64.035 CONDITIONAL USES

B. Conditional Uses: The following uses and structures are permitted in the GC-1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof. Prior to the planning commission's ~~city council's~~ review of a conditional use permit, the applicant must have the plan reviewed by the development review committee ~~plan review committee and the planning commission.~~

18.60.045: CONDITIONALLY PERMITTED USES:

Prior to the planning commission's ~~city council's~~ review of a conditional use permit, the applicant must have the plan reviewed by the development review committee ~~plan review committee and the planning commission.~~

6. Whisper Rock

Chapter 18.82E

~~WHISPER ROCK SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-5) ZONE~~

~~18.82E.010: NAME AND PURPOSE:~~

~~18.82E.020: PERMITTED LAND USES:~~

~~18.82E.030: PERMITTED ACCESSORY USES:~~

~~18.82E.040: LOT STANDARDS:~~

~~18.82E.050: BUILDING SETBACKS:~~

~~18.82E.060: PARKING REQUIREMENTS:~~

~~18.82E.070: DESIGN STANDARDS:~~

~~18.82E.080: BUILDING HEIGHT:~~

~~18.82E.090: DENSITY:~~

~~18.82E.100: OPEN SPACE AND LANDSCAPING:~~

~~18.82E.110: ARCHITECTURAL AND LANDSCAPING APPROVAL:~~

~~18.82E.120: PLANNED OPEN SPACE:~~

~~18.82E.010: NAME AND PURPOSE:~~

~~The Whisper Rock planned residential community zone is established to provide a more attractive and desirable planned residential community set in the central area of Mapleton City. Animal rights shall not be allowed in this subdivision, except as outlined in customary, residential household pets, section 18.82E.030 of this chapter. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)~~

~~18.82E.020: PERMITTED LAND USES:~~

~~Detached single family residential dwelling unit, subject to the approvals outlined in section 18.82E.110 of this chapter.~~

~~Private and public parks, subject to the approvals outlined in section 18.82E.110 of this chapter. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)~~

~~18.82E.030: PERMITTED ACCESSORY USES:~~

~~Accessory uses are permitted in the Whisper Rock planned 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 subject to any required approvals or requirements. Such permitted accessory uses and structures include the following:~~

~~Accessory buildings, in conjunction with and incidental to the main use of the property, such as a shed or detached garage, subject to the approvals and requirements outlined in subsection 18.82E.050B and section 18.82E.110 of this chapter.~~

~~Customary, residential household pets, as defined by section 18.08.345 of this title.~~

Fencing standards, as defined by section 18.84.130 of this title.

Home occupations, subject to the approvals and requirements outlined in sections 18.82E.110 of this chapter and 18.84.380 of this title.

Owner occupied accessory apartments, subject to the approvals and requirements outlined in sections 18.82E.110 of this chapter and 18.84.410 of this title.

Swimming pools, subject to the approvals and requirements outlined in section 18.82E.110 of this chapter. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.040: LOT STANDARDS:

The minimum area of any lot or parcel of land in the Whisper Rock planned residential community zone is twenty thousand (20,000) square feet. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.050: BUILDING SETBACKS:

A. Main Buildings:

1. Front yard setback shall be no less than thirty feet (30') measured from the edge of the street right of way to the foundation of the home.
2. Corner lot side yards shall be measured the same as the front yard for any side that is adjacent to the street right of way.
3. Rear yard setback shall be no less than twenty five feet (25') measured from the rear property line to the foundation of the home.
4. Side yard setbacks shall be no less than ten feet (10') measured from the property line to the foundation of the home.

B. Accessory Buildings:

1. Accessory buildings up to twelve feet (12') in height will have a minimum setback of three feet (3') from the rear and side property lines, except that corner lots will have the same setback required by subsection A2 of this section. The front yard setback required by subsection A1 of this section will also apply and in no instance will the accessory building be closer to the front property line than the main building.
2. Accessory buildings that are greater than twelve feet (12') in height will have a minimum setback of ten feet (10') from the rear and side property lines, except that corner lots will have the same setback required by subsection A2 of this section. The front yard setback required by subsection A1 of this section will also apply and in no instance will the accessory building be closer to the front property line than the main building. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.060: PARKING REQUIREMENTS:

All dwelling units shall have an attached or detached two (2) car garage that is fully enclosed. All dwelling units shall have a concrete driveway no less than thirty feet (30') in length and sixteen feet (16') in width, from the street right of way to the required garage. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.070: DESIGN STANDARDS:

The design standards and approvals set forth in sections 17.12.090 of this code and 18.82E.110 of this chapter will apply to the Whisper Rock planned residential community zone. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.080: BUILDING HEIGHT:

No lot or parcel will have a building or structure which exceeds a height of two (2) stories with a maximum of thirty feet (30') measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the building or structure. Finished grade shall be established thirty feet (30') away from the front of the building or structure, or from the top of the curb (if present) or the middle point of the street directly in front of the building or structure. If the building or structure is located farther than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the building or structure. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.090: DENSITY:

The total density allowed in the Whisper Rock planned residential community zone is twenty four (24) individual building lots. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing this density. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

18.82E.100: OPEN SPACE AND LANDSCAPING:

- A. Street Trees Required: Street trees shall be required in the park strip area between a sidewalk and the curb and gutter of every street. Said trees shall be of a minimum size of no less than two inch (2") caliper, and one tree shall be placed every twenty (20) to thirty feet (30') depending on the canopy spread of the tree. Tree species shall be as required in the adopted Mapleton City tree list as per chapter 17.15 of this code.
- B. Landscaping Requirements: Seventy five percent (75%) of front yards must be lawn or other appropriate landscaping. That area not kept in landscaping must be hard surfaced areas, such as driveways, pathways, or other recognized landscape materials as mentioned in chapter 17.15 of this code. All landscaping is subject to the approvals outlined in section 18.82E.110 of this chapter.
- C. Completion Of Landscaping: No occupancy permit will be issued unless the property owner provides a letter signed by the president of the Whisper Rock Homeowners' Association

stating that the property owner has complied with the association's landscaping requirements. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)

~~18.82E.110: ARCHITECTURAL AND LANDSCAPING APPROVAL:~~

~~A. For all property located in the Whisper Rock planned residential community zone, the architectural and landscaping committee of the Whisper Rock Homeowners' Association will review the proposed design of all building and landscape plans and any of the following proposed accessory uses:~~

~~Accessory buildings.~~

~~Owner occupied accessory apartments.~~

~~Swimming pools.~~

~~B. Upon approval of any architectural or landscaping plans, or upon the approval of any accessory uses, the Whisper Rock Homeowners' Association will provide a letter, signed by the president of the Whisper Rock Homeowners' Association, stating that the property owner has obtained all the necessary approvals. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)~~

~~18.82E.120: PLANNED OPEN SPACE:~~

~~Lot 25 will be set aside as a park area that will be fully landscaped, including the required retention basin. The area will also include a pavilion, a walking path, and a tot lot. The Whisper Rock Homeowners' Association will be responsible for the maintenance and upkeep of lot 25. If the association defaults lot 25 will go to the ownership of Mapleton City. (Ord. 2007-13, 6-13-2007, eff. 7-5-2007)~~

7. Accessory Buildings

18.84.060: YARDS TO BE UNOBSTRUCTED:

Except for landscaping, every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings as outlined in the regulations for each applicable zone which may project up to four feet (4') into a required yard.

8. Ranch Development

18.84.395: RANCH DEVELOPMENT:

Upon approval by the planning commission with the issuance of a conditional use permit, an exemption to section 18.84.390 of this chapter for a building permit may be issued for one single-family dwelling unit provided that it meets the following criteria and requirements:

- A. The property, or a simple majority of the property, must be located in the A-2 zone.
 - B. The property must ~~not~~ be at least five (5) acres in size.
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9. Metes and Bounds lots

17.02.030: LOTS CREATED BY METES AND BOUNDS DESCRIPTION

In order to ensure the accurate location of property lines and the location of future construction and land uses within those property lines; and in order to ensure the orderly dedication of rights of way for public thoroughfares; and in order to facilitate the orderly transfer of ownership of buildable lots, no property created by a “metes and bounds” description and recorded with the Utah County Recorder shall be considered eligible for the issuance of a building permit unless:

- A. The property is recognized as a legal lot of record by the Community Development Director or his or her designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the Community Development Director or his or her designee and recorded with the Utah County Recorder; or
- B. The property has been recognized by the Community Development Director or his or her designee as a legal nonconforming lot of record, a plat describing such parcel of land is approved by the Community Development Director or his or her designee and the plat is recorded with the Utah County Recorder.

A plat authorized by this section shall be prepared in accordance with Mapleton City Code Chapter 17.08.030.

18.84.390: MINIMUM LEVEL OF IMPROVEMENTS TO BE INSTALLED BEFORE BUILDING PERMITS MAY BE ISSUED:

No building permit for the construction of a dwelling or other structure intended for human occupancy shall be issued unless and until the lot is served by the following minimum level of improvements:

- A. A culinary water main and pressurized irrigation, which conform to city standards and extends to and across the lot. (See chapter 13.20 of this code for requirements regarding the extension of water lines to unserved lots.)
- B. A ~~permanent~~ water service line including the service tap, pipe and meter housing and assembly, constructed in accordance with city standards.
- C. A hard surfaced access road (city street) having a right of way width which conforms to the minimum city standard and extends to and across the lot (see chapter 13.20 of this code for requirements regarding the extension of city streets to unserved lots). In the case of a road which is part of an approved subdivision plat or road extension, a building permit may be issued with only the subbase and gravel base installed, provided that the city holds a

performance guarantee for the completion of the road improvements. Paving will be required from the existing edge of pavement to any required or existing curb and gutter.

D. A sewer main, which conforms to city standards and extends to and across the lot. (See chapter 13.20 of this code for requirements regarding the extension of sewer lines to unserviced lots.)

E. A permanent sewer service line constructed according to city standards.

F. Curb, gutter and sidewalk will be required. A lot may be exempt from curb, gutter and/or sidewalk in the following situations:

- 1) If no curb, gutter or sidewalk have been installed on adjacent properties within 500 feet; or
- 2) If the property is zoned A-2 or CE-1; or
- 3) If the property frontage exceeds 125 feet for a non-corner lot, or 250 feet for a corner lot. If a property meets this exemption and does not qualify under exemptions 1 or 2, curb, gutter and sidewalk may be required for up to 125 feet for a non-corner lot, or 250 feet for a corner lot; or
- 4) If exemptions 1-3 do not apply, the city council may waive or modify the requirements to more effectively achieve the policies, goals, and objectives of Mapleton City. The modifications shall be consistent with appropriate engineering measures to protect public safety and shall be made after the recommendation of the city engineer, the city staff, and the planning commission.

If curb, gutter and/or sidewalk are not required, the property owner(s) shall sign a Waiver of Protest waiving the right of the property owner to protest any possible future special improvement district established for the purpose of installing curb, gutter and sidewalk.

G. A plat map has been recorded with the Utah County Recorder (see chapter 17.02.030 of this code).

10. Sign Amendments

18.08.372: SIGN, MONUMENT:

A “Monument Sign” means a free standing sign that is supported by a solid base (other than poles) such that the bottom of the sign face is three (3) feet or less above grade and does not exceed eight (8) feet in height and ten (10) feet in width.

18.86.040: COMMERCIAL AND INDUSTRIAL ZONES:

- A. 1. In commercial or industrial zones, permanent signage may be placed in accordance with the greater of the following setback limitations:
 - a. Signage may be placed on a lot in accordance with the front, side, and rear yard setback limitations of the applicable zone, if there be such; or
 - b. Monument signs may be placed no closer than three (3) feet from the property line facing a street or three feet from the back of sidewalk, whichever is more restrictive. All other signage may be placed no closer than fifteen (15) linear feet from the back of the sidewalk, fifteen (15) linear feet from the edge of the street, fifteen (15) linear feet from the edge of the lot, and fifteen (15) linear feet from a neighboring lot, whichever is more restrictive.
2. A temporary sign has no setback requirements in a commercial and industrial zone.
3. A sign may not be placed in a "clear vision triangle", defined as follows: at intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of fifteen feet (15') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of thirty feet (30') from the intersection along the property lines.
4. Roof signs that are not prohibited by Chapter 18.86.090 of this code shall require review and approval by the planning commission. The following standards shall apply to roof signs:
 - a. Informative of the business name and use. The business name shall be the primary design feature on the sign, and all logos and other graphics shall be subordinate to the business name;
 - b. Simple in design. Any creative graphic depictions should be related to the business use and in scale with sign text;
 - c. Compatible in design, color, size and scale to the business storefront, adjoining structures and surroundings;
 - d. Made of permanent and durable materials (i.e. wood, wrought iron, metal, slate, etc.) otherwise approved by the planning commission. Plastic or vinyl signs will not be permitted; and
 - e. Consistent with the size limitations as outlines in Chapter 18.86.040.C of this code.

18.86.090: PROHIBITED SIGNS:

ROOF SIGN: A sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof or which ~~does not~~ lies flat on the roof.

11. Removal of Site Plan from Impact Fee language

19.02.010: IMPACT FEE DEFINITIONS:

APPLICANT: A person, company or corporation who has filed an application for subdivision approval, ~~site plan approval~~, or building permit approval.

DEVELOPMENT APPROVAL: Final written authorization provided by the city permitting the commencement of a development activity including, but not limited to, final subdivision plat approval, ~~final site plan approval~~, development approval letter, and issuance of a valid building permit.

19.06.020: CALCULATION:

F. The calculation of impact fees due from a phased impact producing development shall be based upon the demand generated by each use for which a separate final subdivision plat, ~~final site plan~~, or building permit application is received.

G. All impact fees shall be calculated based on the impact fee per demand unit in effect at the time of final subdivision plat approval, ~~final site plan approval~~, or building permit issuance.

19.06.030: CREDITS:

B. Applications for credit shall be made to the planning and zoning director and shall be submitted at or before the time of final subdivision plat, ~~final site plan~~ or building permit application. The application for a credit shall be accompanied by relevant documentary evidence indicating the eligibility of the applicant for the credit. When an application for a credit accompanies an application for development approval, the planning and zoning director shall calculate the applicable impact fee without the credit and shall then determine whether a credit is due and, if so, the amount of the credit. The credit shall be applied against the impact fee calculated to be due; provided, however, that in no event shall a credit be granted in an amount exceeding the impact fee due.

19.06.050: INDIVIDUAL IMPACT ANALYSIS:

C. All costs for the preparation, submittal and review of an individual impact analysis shall be borne by the applicant. The costs incurred shall be charged to the applicant regardless of whether the applicant proceeds to final subdivision ~~or final site plan approval~~, or building

permit issuance, or whether the demand as calculated in the individual impact analysis is accepted or rejected by the city.

19.08.040: ELIGIBILITY FOR REFUND:

- A. Expiration Or Revocation Of Development Permit: An applicant who has paid an impact fee for a proposed impact producing development activity for which the applicable ~~final site plan~~, final plat, or building permit has been revoked shall be eligible to apply for a refund of impact fees paid.

- C. Reduction In Density Or Intensity Of Development: The applicant of an area included in a final subdivision plat or final site plan, may apply for a refund of impact fees paid if the development is reduced after approval of the final subdivision plat or ~~final site plan~~ and the fees have not been appropriated in accordance with the procedures set forth in sections 19.07.020 and 19.07.030 of this title.

19.08.100: APPROVAL OF REFUND:

No refund shall be approved unless and until:

- A. The final subdivision plat ~~or final site plan~~ is amended, or

 - B. The original final subdivision plat ~~or final site plan~~ has been withdrawn by the applicant and a new final subdivision plat or final site plan has been approved, or
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